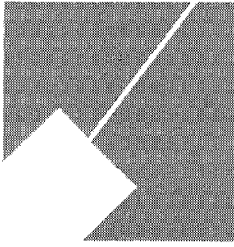


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
Item # 4
March 23, 2006
May 11, 2006



MEMORANDUM

DATE: April 21, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CAC*
Development Review Division

FROM: Dolores Kinney, Senior Planner (301) 495-1321 *DK*
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Adequate Public Facilities Approval for Redevelopment of Parcel 4

PROJECT NAME: Bank of America - Woodmoor

CASE #: 120060460 (Formerly 1-06046)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: C-4

LOCATION: Located at the northwest quadrant of the intersection of Lexington Drive and University Boulevard (MD 193)

MASTER PLAN: Four Corners

APPLICANT: Bank of America

ENGINEER: Bohler Engineering

ATTORNEY: Linowes and Blocher, LLP

HEARING DATE: March 23, 2006, May 11, 2006

STAFF RECOMMENDATION: Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a 3,000 square foot bank with three drive-through windows.
- 2) Applicant shall widen the southbound approach of Lexington Drive to provide a separate right-turn lane at the intersection with the westbound lanes of University Boulevard (MD 193). Coordinate the design details with the Montgomery County Department of Public Works and Transportation (DPWT) for the county road and the Maryland State Highway Administration (SHA) for the curb areas within the University Boulevard right-of-way.
- 3) The applicant shall provide the following traffic control measures for internal vehicular and pedestrian circulation:
 - a. Provide five-foot wide sidewalks along Lexington Drive, upgraded sidewalks along westbound University Boulevard, lead-in sidewalks, and crosswalks at the intersection of Lexington Drive and westbound University Boulevard.
 - b. Provide signs and pavement markings at the Subject Property to minimize conflicts between motorists and pedestrians. Traffic control measures at the shopping center to be coordinated with Park and Planning Staff and the Montgomery County Department of Permitting Services (DPS).
 - c. ~~Remove from the plan the proposed "no left turn" sign that would have prohibited northbound Lexington Drive traffic from turning left into the Woodmoor Shopping Center's east west drive aisle.~~
 - d. ~~Remove the combination of the painted pork chop, the stop bar, and the marking "STOP" sign from the western side of the Subject Property.~~
- 4) The applicant shall build radii of curvature for the right turns in and out from westbound University Boulevard according to the requirements of the Maryland State Highway Administration (SHA).
- 5) All improvements stated in Conditions #1 – 4 above must be in place prior to issuance of the occupancy permit for the bank.
- 6) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 7) Compliance with conditions of MCDPWT letter dated, February 6, 2006, in coordination with the Department of Permitting Services (DPS), unless otherwise amended.
- 8) Compliance with the conditions of approval of the MCDPS stormwater management approval dated March 25, 2005.
- 9) 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 opinion.
- 10) Other necessary easements.
- 11) The applicant shall work with the DPWT to provide the combination of traffic controls signs and pavement markings to prevent the vehicles queuing on

southbound Lexington Drive from blocking the intersection with the shopping center's access point.

SITE DESCRIPTION:

The property, identified as Part of Parcel 4 (Subject Property), is located at the northwest quadrant of the intersection of Lexington Drive and University Boulevard (MD 193). The Subject Property contains an existing commercial building, has a total tract area of approximately 0.52 acres and is zoned C-4. The Subject Property is part of the Woodmoor Shopping Center.

PROJECT DESCRIPTION:

This is a preliminary plan application for one (1) recorded parcel for the construction of a 3,000 square foot bank. The Subject Property is part of the Woodmoor Shopping Center property, which was recorded in 1937. It contains 0.52 acres and is zoned C-4. This subdivision application is being reviewed as part of the Adequate Public Facilities test for the site. The existing parcel will not be re-recorded.

A two-story building, which currently exists on the site, will be removed. Access to the site is through the existing parking lot of the Woodmoor Shopping Center, which has access drives from Lexington Drive and University Boulevard. The property is exempt from forest conservation requirements but is subject to Local Area Transportation Review (LATR). The C-4 zone requires a minimum open space area of ten percent (10%). The plan proposes an open space area of 2,305 square feet, which is equivalent to 10.25% of the Subject Property.

DISCUSSION:

Recent Activity

The preliminary plan was presented to the Planning Board on March 23, 2006, at which time the plan was deferred. The Board requested clarification of issues pertaining to traffic volumes and circulation. The Board's decision was deferred to allow the applicant adequate time to prepare a documented response to the concerns. Attachment 1 is the applicant's written response to the Board's concerns regarding the traffic volumes. Also attached (Attachment 2) is a matrix of the applicant's response to the citizens' requested alternatives per the Board's request.

On April 20, 2006, the applicant submitted a revised preliminary plan reflecting changes based on community and Staff suggestions as a result of Staff's April 18, 2006 meeting with community members. These changes reflected on the revised preliminary plan are:

- Removal of the drive-thru by-pass lane to lessen potential conflicts at this point in the parking lot

- Addition of a stop bar and stop sign at the end of the aisle nearest the retail building to increase visibility by slowing speeds at this point in the parking lot
- Addition of proposed directional signage within the shopping center parking lot, in conformance with Condition #3b, to improve internal circulation
- Re-orientation of the internal sidewalk from the proposed bank building to the main retail building, shifting it northward to provide greater distance from the MD 193 access point
- Addition of a proposed “Do Not Block Intersection” sign and striping at the Lexington Drive entrance, subject to DPWT approval in conformance with Condition #11, to prevent the vehicles queuing on southbound Lexington Drive from blocking the intersection with the shopping center’s access point
- Removal of the proposed “no left turn” sign from northbound Lexington Drive into the shopping center, per prior Staff recommended Condition #3c
- Removal of the combination painted “pork chop”, the stop bar and the marking “STOP” sign from the western side of the Subject Property, per prior Staff recommended Condition #3d

Clarification of LATR Review for APF Test

A Critical Lane Volume exceeding 1,600 is the congestion standard for the intersection of University Boulevard and US 29 during the weekday morning peak hour. As discussed in the staff memo prepared for the first hearing (Attachment 3), the bank proposal was reviewed per the LATR guidelines. The Board raised concerns and asked for clarification of this project’s affects on the already congested University Boulevard and US 29 intersection.

Both intersections of US 29 with University Boulevard westbound and Timberwood Avenue currently operate with a critical lane volume (CLV) that exceeds the congestion standard of 1,600 CLV. Calculation of the total future CLV condition (including the trips generated by the bank) results in zero CLV increase for the intersection of US 29 and Timberwood Avenue and results in a fraction of a CLV increase by 0.3 for the intersection of westbound University Boulevard and US 29. The *LATR Guidelines* procedures used by the Transportation Planning staff have always included rounding the CLV values down if less than 0.5 and up if it is more than 0.5. This has been the established practice of Transportation Planning staff for many years. The practice assumes that we cannot have a fraction of a vehicle traveling through an intersection. Point three CLV was rounded down to equal to no change in CLV and therefore, the LATR requirement for this intersection was satisfied.

Even if the CLV value in the total traffic condition for University Boulevard and US 29 is increased by one, the applicant would not be required to improve the intersection of US 29/westbound University Boulevard because both the *LATR Guidelines* and *FY03-05 Annual Growth Policy – Policy Element* specify that if the applicant has improved traffic operation and/or safety at one intersection and no more than 5 CLVs are being added to other intersections, he or she has satisfied the requirements of LATR. The following are from those publications:

- a. On the bottom of page 17 of the *LATR Guidelines*:

“If an applicant is participating in a traffic mitigation program and/or one or more intersection improvements to satisfy Local Area Transportation Review requirements, that applicant shall be considered to have met Local Area Transportation Review for any other intersection where the volume of trips generated by the site under consideration is less than five Critical Lane Movements.”

- b. On the bottom of page 8 of the *FY 2003-5 Annual Growth Policy – Policy Element*:

“If an applicant is participating in a traffic mitigation program or one or more intersection improvements to meet Local Area Transportation Review requirements, that applicant must be considered to have met Local Area Transportation Review for any other intersection where the volume of trips generated is less than five Critical Lane Movements.”

In this case the applicant will have improved traffic operation along Lexington Drive at its intersection with University Boulevard and, therefore, meets the LATR requirements.

Summary of Transportation Planning Staff Response to Other Traffic Issues from the March 23rd Hearing

1. **Cut-through Traffic** within Woodmoor community from westbound University Boulevard to northbound US 29 or in the opposite direction.

Applicant has conducted a license plate study (origin-destination study) that indicates the cut-through traffic is an existing condition. A total of 327 vehicles (which represents 55% of the total traffic) in the **three hours of morning peak period** and 430 vehicles (which represents 44% of the total traffic) in the **three hours of evening peak period** were observed to cut through the community east and north of the shopping center.

There is no indication that relocation of the bank within the shopping center will make the existing situation any worse. Vehicles entering and exiting the bank site are provided with easy access and therefore traveling through the community seems unnecessary in order to avoid congestion.

The bank is a permitted use in the C-4 zone. Moreover, the bank is not a new land use within the Woodmoor Shopping Center. It is being relocated to a new pad site within the same shopping center. The difference is the proposed drive-through windows that can be conveniently accessed **outside** the shopping center's parking area. By using the drive-through windows, the traffic circulation will be

improved within the parking area. The bank customers no longer need to circulate within the center in search of parking spaces.

The proposed drive-through windows would increase the number of pass-by and diverted trips for customers coming from the Woodmoor community or from outside. The outside pass-by trips would enter and exit along the same travel route on the westbound University Boulevard. The outside customers would probably modify their travel routes to use the bank's drive-through windows and are mostly expected to continue traveling along westbound University Boulevard and northbound US 29.

2. **Existing southbound queuing problem on Lexington Drive:** The queuing vehicles stack up from the intersection with westbound University Boulevard, past the Woodmoor Shopping Center access point, and into the Woodmoor community.

The applicant is providing as a condition of LATR, an additional lane on the southbound approach of Lexington Drive to reduce the length of the queuing by approximately one-third resulting in increased safety and efficiency of traffic operations at the intersection of westbound University Boulevard and Lexington Drive.

The applicant had proposed at one time, but has since removed a sign to prohibit left turns from northbound Lexington Drive into the shopping center. This proposal was rejected by Planning and DPWT staff because any prohibition of left turns at this location will aggravate the traffic circulation in this area and may actually cause additional cut-through traffic within the residential neighborhood.

3. **Concerns regarding queuing on northbound Lexington Drive** caused by vehicles waiting to turn left into the shopping center while southbound traffic on Lexington is moving towards University Boulevard.

The segment of Lexington Drive between University Boulevard and the access road to the shopping center is approximately 150 feet in length and can store five vehicles. On average, approximately one car every two minutes makes the left turn from Lexington Drive into the shopping center. Staff believes there will be a sufficient gap in southbound traffic to allow for a vehicle to turn left every two minutes. The possibility of traffic spill over from Lexington Drive into University Boulevard is minimal.

On the revised Preliminary Plan submitted April 20, 2006, the Applicant proposed a "Do Not Block Intersection" sign at the Lexington Drive entrance. Working with DPWT and subject to SDPWT approval, the applicant will be required to provide a combination of traffic control signs and pavement markings to discourage southbound traffic on Lexington Drive from blocking its intersection with the driveway into the shopping center. This could help facilitate the left turning movement into the shopping center.

4. **On-site circulation** as it relates to traffic exiting the bank and making left or right turns to reach University Boulevard or US 29 respectively.

The applicant's prior proposal for a "pork chop" at University Boulevard and the western access point to the shopping center was rejected by State Highway Administration. Staff does not support construction of a "pork chop" at this location either. Staff believes that this control measure will not make a qualitative difference in safety of the traffic operation.

On the revised preliminary plan submitted April 20, 2006, the applicant has removed the previously proposed pork chop. In addition, the applicant has proposed several measures designed to improve internal traffic circulation and reduce any potential conflicts. Specifically, the revised preliminary plan shows (1) removal of the bank drive-thru "by-pass" lane in order to simplify circulation and lessen potential conflict points, (2) addition of a stop bar and stop sign at the end of the drive aisle nearest the retail building in order to increase visibility by slowing speeds at this point, and (3) addition of directional signage to facilitate safe and efficient internal circulation.

The bank is not a new land use within the Woodmoor Shopping Center. It is being relocated to a new pad site within the same shopping center. The difference is the proposed drive-through windows that can be conveniently accessed. By using the drive-through windows, the traffic circulation will be improved within the parking area. The bank customers no longer need to circulate within the center in search of parking spaces.

5. **Inadequate sidewalks along the shopping center driveway connecting to Lexington Drive.**

The existing grades along this driveway and its narrow width preclude any sidewalk that would provide the minimum width and slope requirements to satisfy Americans for Disabilities Act. Adequate sidewalks are provided within the pad site to connect Lexington Drive with the shopping center.

In addition, the revised preliminary plan submitted on April 20, 2006, shows a re-orientation of the sidewalk internal to the shopping center by shifting it northward between the proposed bank and the main retail building to move it away from the MD 193 access point and thereby reduce the potential for conflict and increase safety and convenience.

6. **Adequacy of parking within Woodmoor Shopping Center.**

The Montgomery County Department of Permitting Services (DPS) approved a parking waiver on October 6, 2004 for the entire Woodmoor Shopping Center, after a public hearing on June 30, 2004, where public testimony was taken. The

record was held open for ten more days for additional public comments until July 10, 2004.

DPS provided the following information contained in the public records:

The proposed bank will replace the existing two-story office building for a net increase of 111 square feet. In accordance with Montgomery County Zoning Code Section 59-E-3.7, this increase in square footage would require an additional eight parking spaces that is equal to only four percent of the total parking spaces contained within the shopping center area.

The applicant submitted a parking waiver request that included a plan and parking survey. There were a total of 209 existing parking spaces in the shopping center at that time. The parking survey results were as follows:

- a. The maximum number of 149 parking spaces was occupied on Friday, May 7, 2004, in the highest 15-minute interval (between 4:30 and 4:45 p.m.) within the three hours of 4:00 and 7:00 p.m.
- b. The maximum number of 203 parking spaces was occupied on Saturday, May 8, 2004, in the highest 15-minute interval (between 12:15 and 12:30 p.m.) within the three hours of 10:00 a.m. to 2:00 p.m.

As shown in the parking survey above, the highest number of vehicles parking at one time (203 parking spaces occupied) in the shopping center was just below the 209 parking spaces available. We believe that the proposed number of parking spaces, pursuant to the approved Parking Waiver will accommodate the demand for parking accommodate the demand for parking.

Community Outreach

Subsequent to the March 23, 2006, Planning Board hearing, the staff of MNCPPC and DPS met with members of the Woodmoor-Pinecrest Citizens Association to discuss the traffic concerns relevant to the site. It was a consensus among all attendees at the meeting that there are traffic issues within the Woodmoor Community, which would exist with or without the proposed bank project. In Staff's opinion, with the proposed mitigation measures, the bank would not exacerbate the existing traffic problems. The citizens disagreed.

The applicant has met with the citizens several times over the years and had numerous conversations with citizen leaders (see chart attached to applicant's letter dated March 3, 2006 attached hereto as Attachment 1). Further, several changes have been made to the plan based on citizens' concerns and comments as well as those of Staff of various agencies.

Citizen Correspondence

The Development Review Division (DRD) has received a number of letters from citizens of the surrounding community expressing concerns pertaining to increased traffic and insufficient parking. These issues have been addressed in this staff report.

Conclusion

Staff finds that the proposed preliminary plan #120060310, Bank of America – Woodmoor, with the proposed mitigation measures, satisfies the Adequate Public Facilities Test (APF), and continues to recommend approval.

Attachments

Attachment 1	Applicant's Response to Citizen's Concerns
Attachment 2	Matrix
Attachment 3	Transportation Planning Memorandum
Attachment 4	Citizen Correspondence
Attachment 5	March 23, 2006 Staff Report



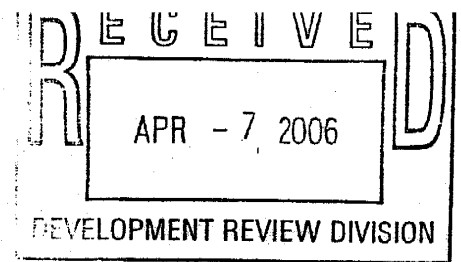
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April 7, 2006

Shahriar Etemadi
Supervisor of Transportation Planning
Montgomery County
Department of Park and Planning
8787 Georgia Avenue
Silver Spring, MD 20910



ATTACHMENT I

Re: Bank of America – Woodmoor
Montgomery County, Maryland
Our Job No.: 2005-0928

Dear Mr. Etemadi:

At the Montgomery County Planning Board Meeting on March 23, 2006 several Commissioners and citizens requested additional information relating to traffic in conjunction with the proposed development of a 3,000 square foot Bank of America in the Woodmoor Shopping Center. The subject site is a recorded parcel in the southeast corner of the Woodmoor Shopping Center. Currently, a vacant office building is situated on this property.

A. Local Area Transportation Review Discussion

The proposed bank is projected to generate more than 30 peak hour driveway trips so a study in accordance with Montgomery County's Local Area Transportation Review (LATR) was completed. In a memorandum dated March 3, 2006 Transportation Planning staff recommended approval with the following conditions:

1. Limit redevelopment to a bank up to 3,000 square feet with three drive-thru windows;
2. Widen the southbound approach of Lexington Drive to provide a separate right-turn lane at the intersection with the westbound lanes of University Boulevard (MD 193);
3. Provide the following traffic control measures for internal vehicular and pedestrian circulation:
 - Provide 5-foot sidewalks on Lexington Drive, upgraded sidewalks along westbound University Boulevard, lead-in sidewalks, and crosswalks at the intersection of Lexington Drive and westbound University Boulevard.
 - Provide signs and pavement markings within the site to minimize conflict between motorists and pedestrians and between the motorists using the drive-thru windows and parking to walk into the bank.
 - Remove from the plan, the proposed "no left turn" sign to prohibit northbound Lexington Drive traffic from turning left into the

- Remove from the plan, the proposed "no left turn" sign to prohibit northbound Lexington Drive traffic from turning left into the Woodmoor Shopping Center's east/west drive aisle and the painted pork chop with a stop bar and the marking "stop" to direct exiting bank trips away from the close-by shopping center exit to University Boulevard.
 - Provide traffic control measures as directed above to be determined by Park and Planning staff in cooperation with the Montgomery County Department of Permitting Services.
4. Build radii of curvature for the right turns in and out of westbound University Boulevard according to the approved requirements of SHA.
 5. All improvements stated above must be in place prior to issuance of an occupancy permit.

Supplemental exhibits have been prepared to show additional turning movement count data for the Lexington Drive/site access point, and are attached as Exhibits 1 through 8. In addition, we have included Exhibit 7A quantifying cut-through traffic in the Woodmoor neighborhood.

The proposed Bank of America falls in the Kensington/Wheaton Policy Area. As a result, the CLV congestion standard for all intersections in the study area is 1600. As shown in the LATR report, two intersections currently operate with traffic conditions that exceed the congestion standard of 1600 during the morning peak hour: US 29 at Timberwood Avenue and US 29 at westbound University Boulevard (MD 193).

➤ **US 29 at Timberwood Avenue**

The morning CLV for this intersection is currently 1973. The distribution of new trips for the bank adds one southbound left turn and one westbound right turn to this intersection. As a result of the heavy southbound thru movement along US 29, the critical movements at this intersection are identified as the southbound thru movement and the northbound left turn movement. The southbound left turn is not considered critical. Furthermore, the westbound right turn is considered a complimentary movement to the southbound left turn, (because these movements occur at the same time) and therefore is not considered critical.

Since no additional southbound thru traffic (the critical movement) is being added to the intersection, the CLV at this location does not increase at all with the full build-out of the bank.

➤ **US 29 at Westbound University Boulevard**

The existing morning CLV at this intersection was calculated to be 1917. Since there are no left turning movements at this intersection, the critical movements during the morning peak hour

consist of the southbound thru traffic and westbound thru traffic. As a result of the pass-by trips generated by the bank and the appropriate trip distribution for new trips, one additional vehicle is being added to this intersection during the morning peak hour. The westbound University Boulevard approach contains four thru lanes. Therefore, pursuant to LATR guidelines this one trip is multiplied by a factor of 0.30 when determining CLV for this 4-lane roadway. As is convention, numbers of less than 0.5 are rounded to zero while a numbers between 0.5 and 0.99 are rounded to 1. Therefore, there is no increase to the CLV at the intersection of University Boulevard and US 29 with the full build-out of the bank during the morning peak hour.

As previously stated, one of the conditions of LATR approval includes the construction of an additional southbound right-turn lane along Lexington Drive at westbound University Boulevard. The LATR guidelines state "if an applicant is participating in a traffic mitigation program and/or one or more intersection improvements to satisfy Local Area Transportation Review requirements, that applicant shall be considered to have met Local Area Transportation Review for any intersection where the volume of trips generated by the site under consideration is less than five critical lane movements."

In the case of US 29 at westbound University Boulevard the increase in critical lane movements is zero, as described above, and in any case is clearly less than five. Therefore, this intersection would satisfy LATR requirements.

B. Site Access Distribution

In response to questions raised over existing access points to the Woodmoor Shopping Center, turning movement counts were collected at the shopping center site access point at Lexington Drive. These volumes were compared to the existing count obtained at the site access points along University Boulevard. The data shows that 13 trips enter the shopping center from University Boulevard during the morning peak hour and 15 enter from the Lexington Drive site access point from the south. In the evening a total of 30 trips enter the site along University Boulevard while 16 enter from the south along Lexington. Therefore, the original trip distribution prepared for the proposed bank and the supplemental Exhibit 5B showing a total of 7 morning and 22 evening trips entering the site from northbound Lexington Drive, and 8 morning and 29 evening trips accessing the site from MD 193 is valid. Consequently, the counts show that even with perceived queuing along westbound MD 193 during the morning peak hour, the same number of cars will use both access points. In the evening, significantly more customers will use the University Boulevard access. Because the bank will be adding very little regional traffic to the roadway network, if drivers are able to utilize both points under existing conditions they will be able to utilize both access points with the full build-out of the bank.

In terms of on-site circulation, drivers will be able to access the bank from two points within the existing shopping center. No additional access points are proposed. The two driveways to the bank will more effectively permit access to the site by not over-burdening any access point.

C. Cut-Through Traffic

Cut-through traffic through the Woodmoor neighborhood was also raised as a concern. License plate data was obtained at Lexington Drive and Timberwood Avenue during both the morning and evening 3-hour peak periods. A review of the data collected shows that approximately 50% of the traffic in both directions is cut-through traffic. Cut-through traffic is defined as a vehicle that was observed at one location being observed several minutes later at the other location. Presumably, these drivers did not access the shopping center or travel to any of the homes in the neighborhood as a result of the short time period.

The proposed bank will have access to University Boulevard, Lexington Drive, and Timberwood Avenue via the Woodmoor Shopping Center. Therefore, the cut-through issue will not be exacerbated by the construction, as vehicles will be able to enter the bank at their most convenient access point and then exit at either the same point or at a more convenient egress point for their final destination.

D. On-Site Circulation

Within the bank pad, turning movements from the drive-thru and parking maneuvers will happen at extremely slow speeds. This will allow bank customers to safely navigate the site by vehicle or on foot. Additionally, signs will be added to most effectively direct customers on site.

E. Lexington Drive Queuing

One of the LATR requirements is to construct a separate right-turn lane from the site access point to University Boulevard along Lexington Drive. This additional capacity at the intersection will greatly relieve the existing situation by doubling storage capacity.

In conclusion, the proposed Bank of America in the Woodmoor Shopping Center meets all LATR requirements. A significant portion of the Bank's customers will be drivers already on the roadway network 'passing-by' during the peak hours. The access point to University Boulevard will be upgraded, and a separate right-turn lane along Lexington Drive from the site access point to University Boulevard will be constructed. Pedestrian enhancements are also included in the site design. With the construction of these improvements and adherence to other previously stated conditions, the proposed Bank of America is in full compliance with LATR requirements.

If you have any questions regarding this information please do not hesitate to contact us.

Sincerely,



Carl R. Wilson, Jr., P.E., P.T.O.E.
Project Manager

Cc: Matt Allen
Ed Axler
Cathy Conlon
Wes Guckert
Dolores Kinney
Joe Lapan
Sarah Navid
Lloyd Nurkiewicz
Joe O'Connor
John Thrower
Joe Ucciferro
Emily Vaias
Ron Welke

CRW:bfm

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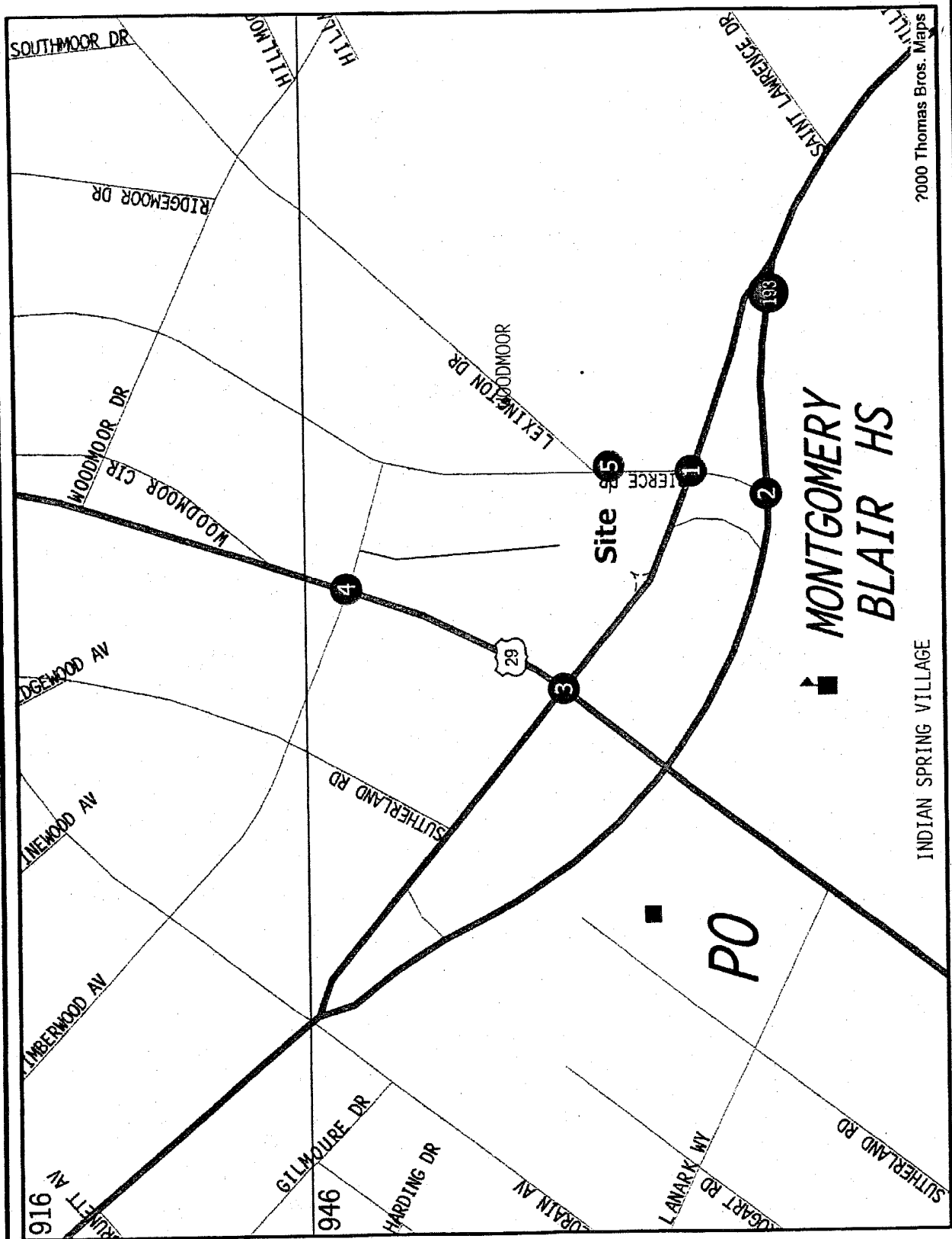
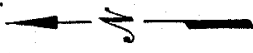


EXHIBIT 1
SITE LOCATION MAP



Study Intersection



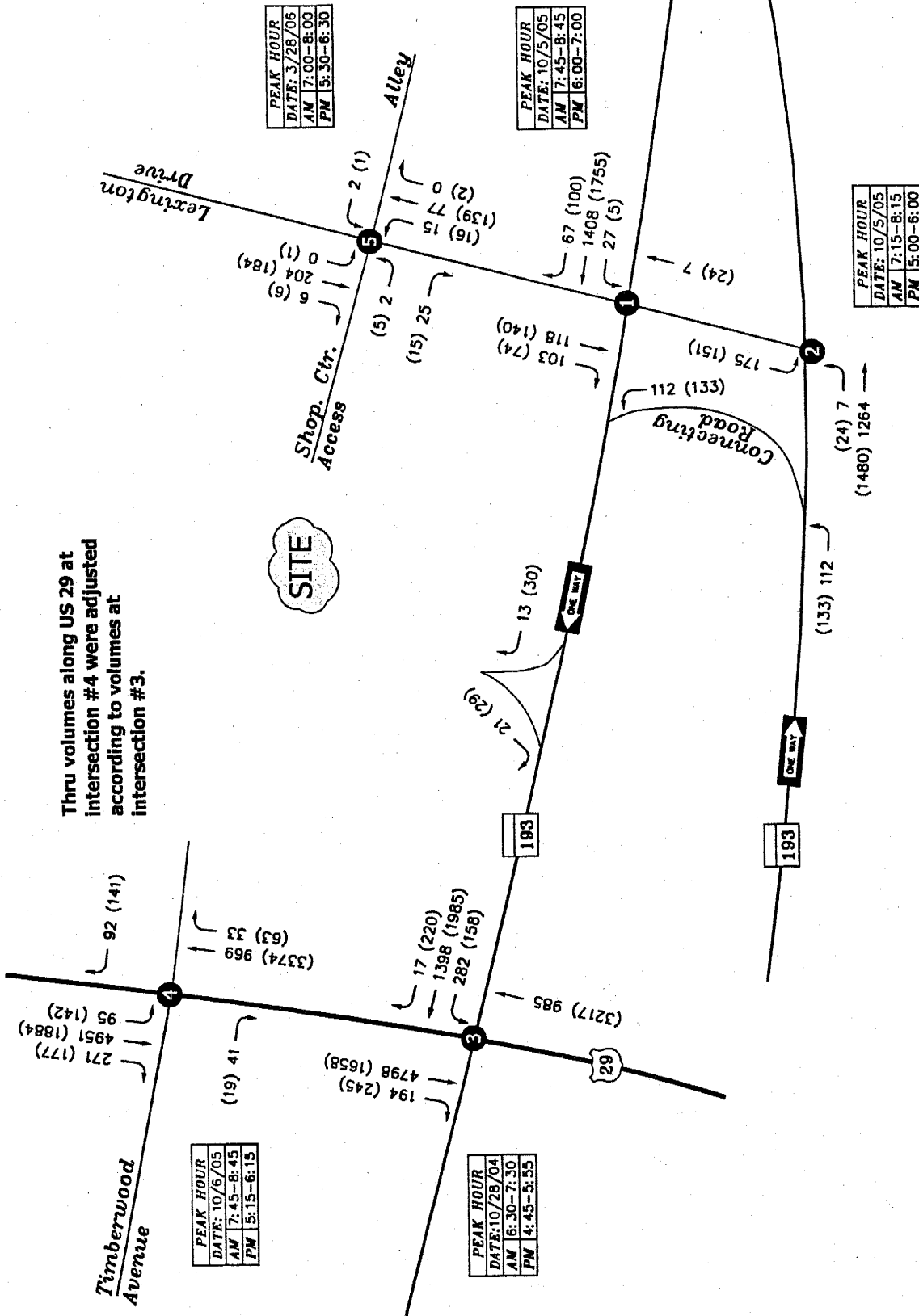
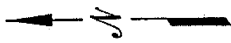


EXHIBIT 3
EXISTING PEAK
HOUR TRAFFIC VOLUMES

NOTE:
 All intersections may not have common peak hours.

NOT TO SCALE
 00 - MORNING PEAK HOUR
 (00) - EVENING PEAK HOUR



TRIP GENERATION RATES

DISTRIBUTION

LAND USE FORMULA

Drive-in Bank (ksf, ITE-912) 56/44
 Morning Trips = 12.34 x ksf
 Evening Trips = 45.74 x ksf 50/50

TRIP GENERATION TOTALS

MORNING PEAK HOUR		EVENING PEAK HOUR	
IN	OUT	IN	OUT

Bank of America - Woodmoor

3,000 sq.ft. Drive-in Bank 21 16 37 68 69 137
 Less pass-by / diverted linked trips (78.6%) -16 -13 -29 -53 -54 -107

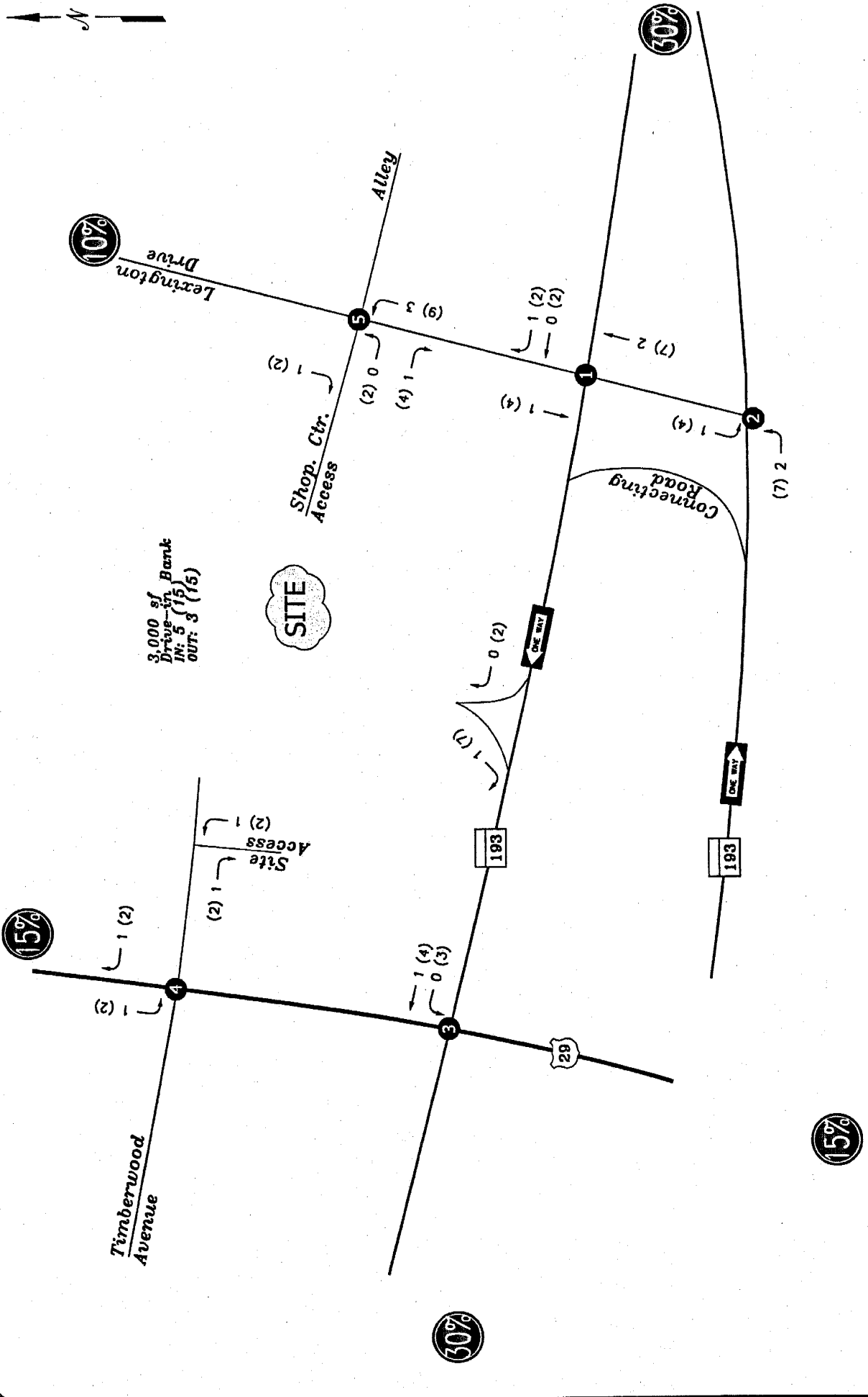
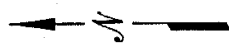
Net New Trips

5 3 8 15 15 30

Note: Trip generation rates derived from ITE Trip Generation, 7th Ed., 2003.



EXHIBIT 4
 TRIP GENERATION RATES AND TOTALS
 FOR SUBJECT SITE



3,000 sq. Bank
 Drive - W. Bank
 IN: 5 (15)
 OUT: 3 (15)

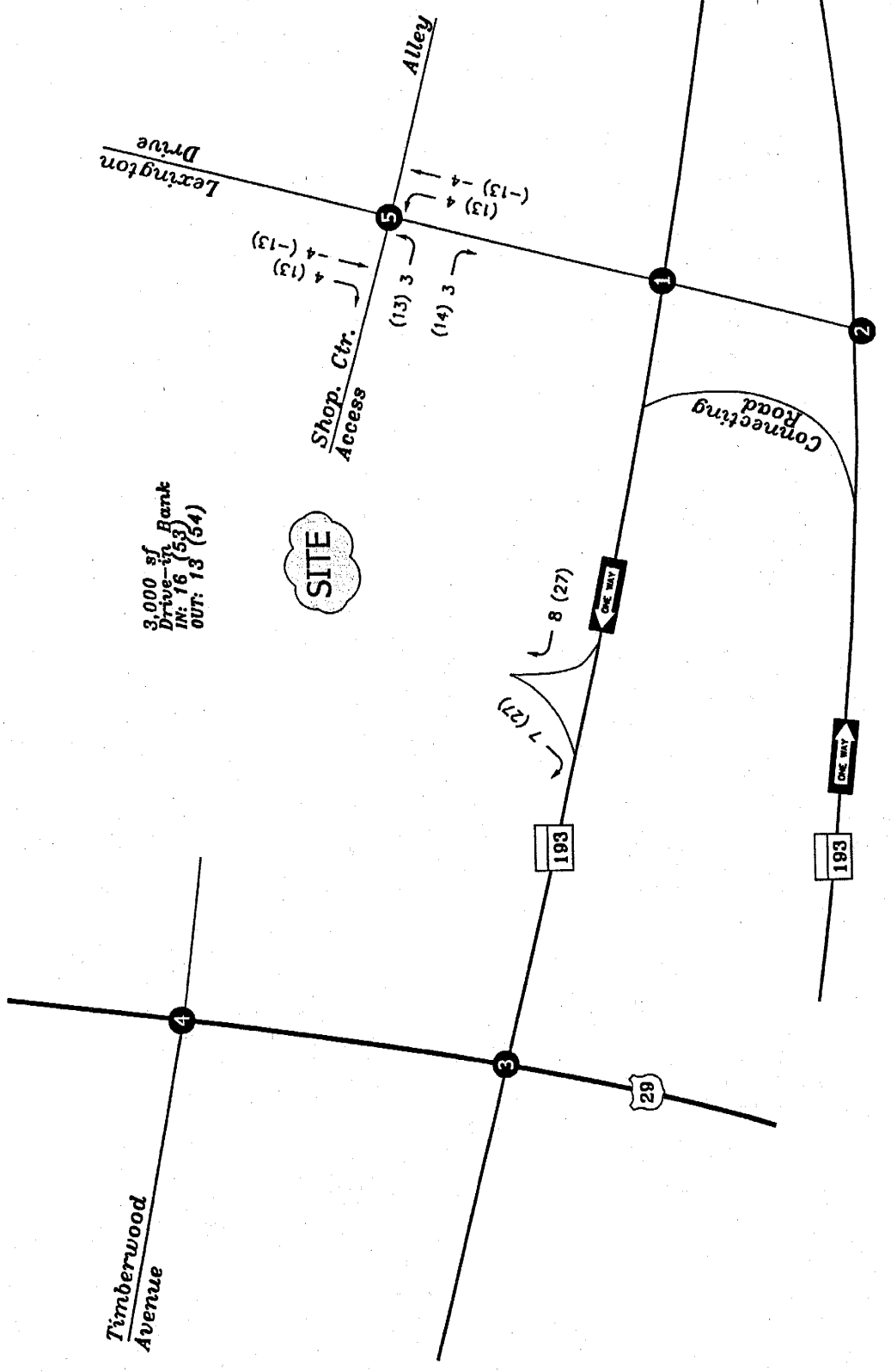
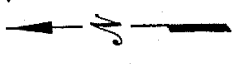
SITE

EXHIBIT 5
 NEW TRIP ASSIGNMENT
 FOR SUBJECT SITE

NOT TO SCALE

00 - MORNING PEAK HOUR
 (00) - EVENING PEAK HOUR





3,000 sf
Drive-in Bank
IN: 16 (53)
OUT: 13 (54)

SITE

EXHIBIT 5A
PASS-BY TRIP ASSIGNMENT
FOR SUBJECT SITE

NOT TO SCALE

00 - MORNING PEAK HOUR
(00) - EVENING PEAK HOUR



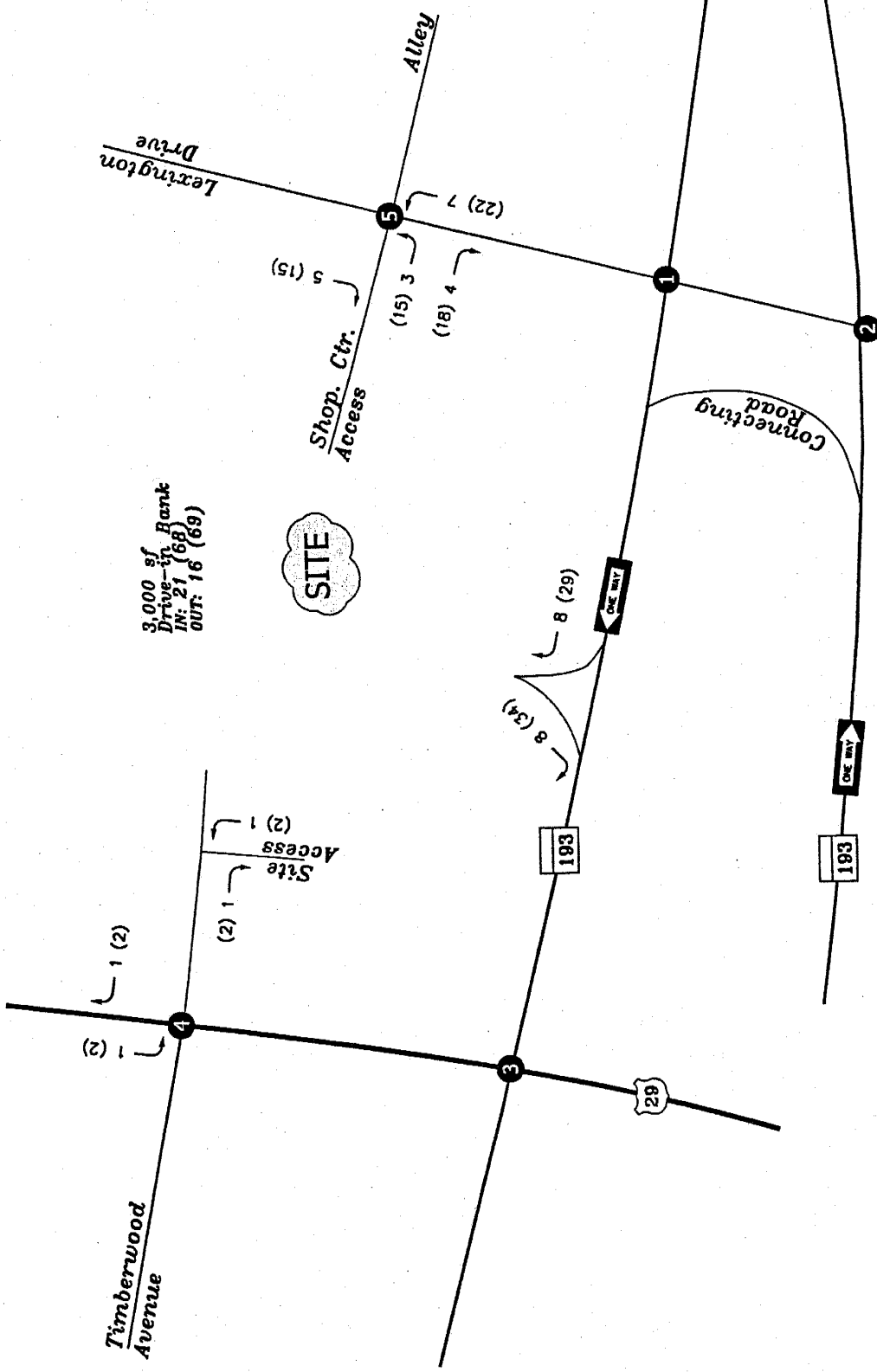
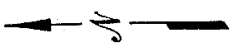


EXHIBIT 5B
TOTAL NEW / PASS-BY
DRIVEWAY VOLUMES

NOT TO SCALE

00 - MORNING PEAK HOUR
(00) - EVENING PEAK HOUR



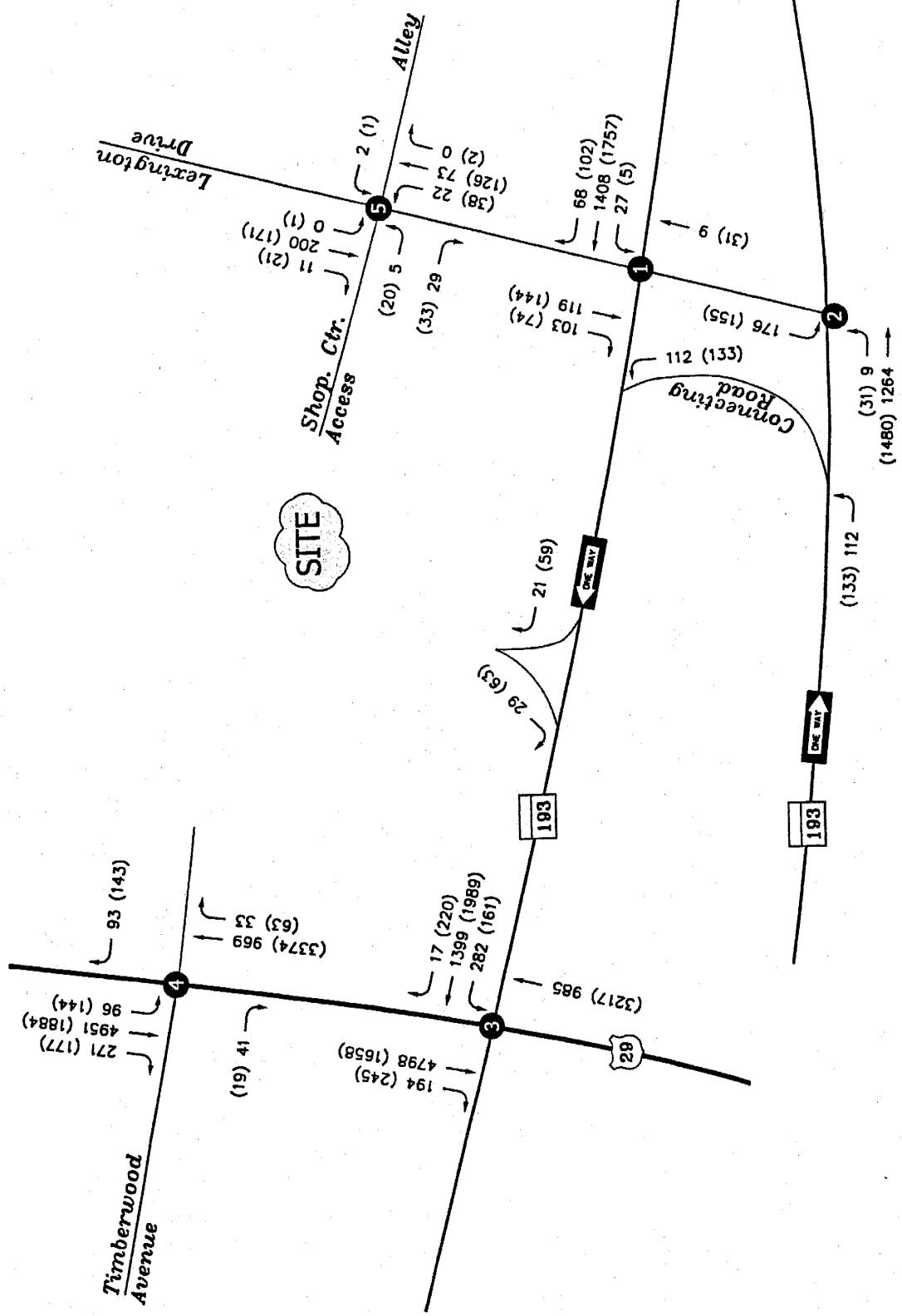
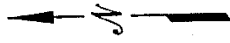


EXHIBIT 6
TOTAL PEAK
HOUR TRAFFIC VOLUMES

NOT TO SCALE
00 - MORNING PEAK HOUR
(00) - EVENING PEAK HOUR



<i>CLV Methodology</i>	Existing Traffic	Total Traffic
Morning Peak Hour Traffic	CLV	CLV
1. Lexington Drive & MD 193 WB	777	778
<i>adding a SB right turn lane</i>	---	675
2. Lexington Drive & MD 193 EB	643	644
3. US 29 & MD 193 WB	1917	1917
4. US 29 & Timberwood Avenue	1973	1973
5. Lexington Drive & Site Access	254	269
Evening Peak Hour Traffic		
1. Lexington Drive & MD 193 WB	902	908
<i>adding a SB right turn lane</i>	---	834
2. Lexington Drive & MD 193 EB	699	703
3. US 29 & MD 193 WB	1560	1561
4. US 29 & Timberwood Avenue	1192	1194
5. Lexington Drive & Site Access	228	285

CLV methodology is based on Montgomery County standards.

NOTES:

1. 1600 CLV is the standard: for Kensington/Wheaton policy area.
2. Total Traffic is derived from combining Existing Traffic and traffic to be generated by site.



**EXHIBIT 7
RESULTS OF INTERSECTION
CAPACITY ANALYSES (CLV)**

License Plate Study

	Entering NB Lexington Drive ⁽¹⁾	Exiting WB Timberwood Avenue ⁽²⁾	Percentage of cut-thru traffic
Northbound	(vehicles)	(vehicles)	(2) / (1)
Morning Hours (6:30 - 9:30 AM)	235	133	56.6%
Evening Hours (4:00 - 7:00 PM)	423	162	38.3%

License Plate Study

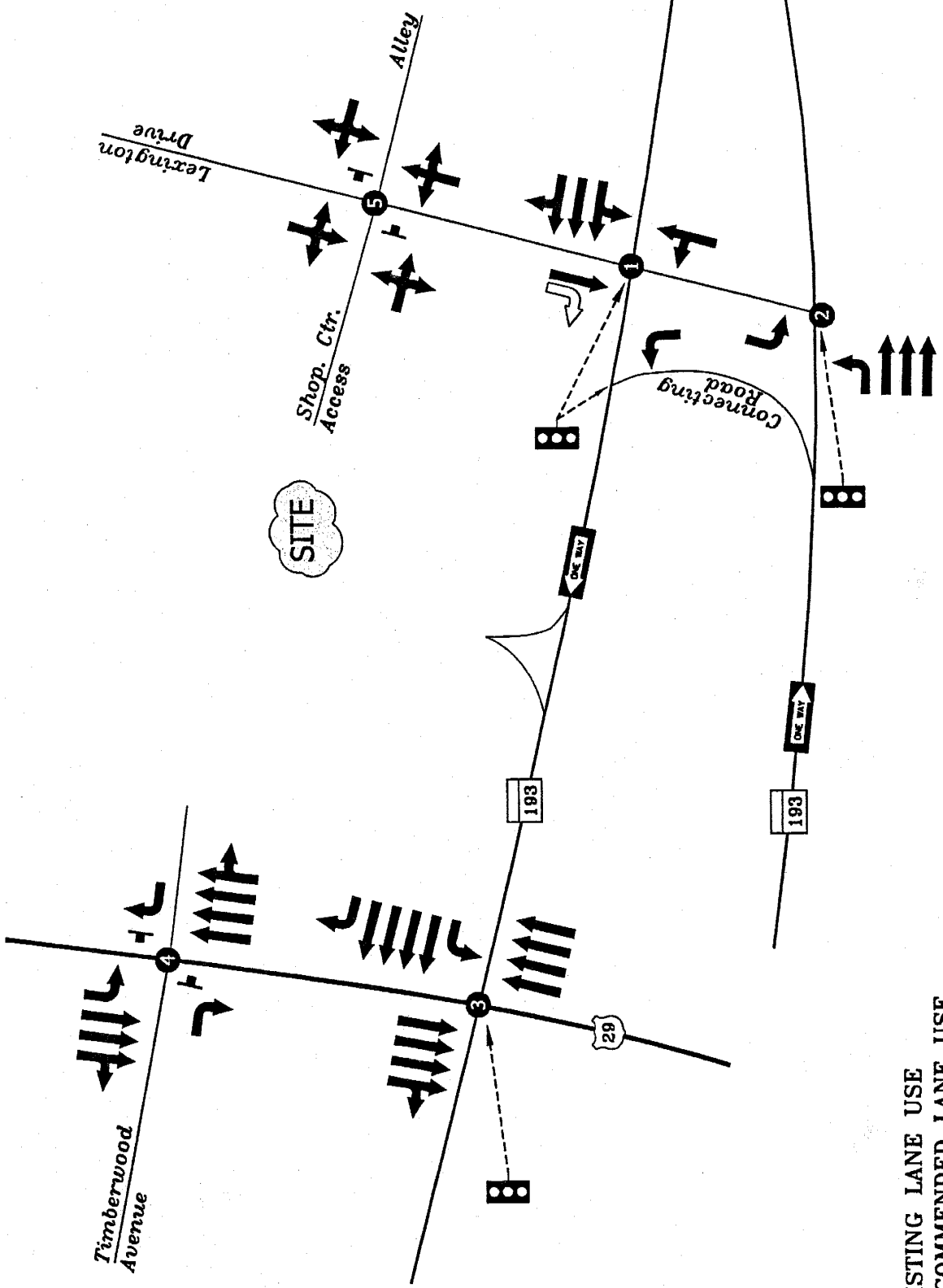
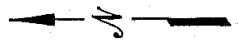
	Entering EB Timberwood Avenue ⁽¹⁾	Exiting SB Lexington Drive ⁽²⁾	Percentage of cut-thru traffic
Eastbound	(vehicles)	(vehicles)	(2) / (1)
Morning Hours (6:30 - 9:30 AM)	361	194	53.7%
Evening Hours (4:00 - 7:00 PM)	540	268	49.6%

Based on TGI License Plate Study conducted on March 28, 2006



**EXHIBIT 7A
SUMMARY OF LICENSE
PLATE STUDY**

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 EXISTING LANE USE
 RECOMMENDED LANE USE

NOT TO SCALE


 SIGNALIZED INTERSECTION

EXHIBIT 8
 RECOMMENDED
 FUTURE LANE USE



LINOWES
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March 3, 2006

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Via Hand Delivery

Ms. Dolores Kinney
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Bank of America at Woodmoor: Response to comments of Ms. Eileen Emmet dated January 16, 2006 and comments of Woodmoor-Pinecrest Citizens Association dated January 29, 2006 for Preliminary Plan 1-20060460 (the "Preliminary Plan"), as well as Response to Agency Comments

Dear Ms. Conlon and Ms. Kinney:

On behalf of Bank of America (the "Applicant"), we offer the following responses to comments presented to you by Ms. Eileen Emmet by letter and electronic correspondence dated January 16, 2006, and by the Woodmoor-Pinecrest Citizens Association by letter dated January 29, 2006, along with a revised Preliminary Plan. We also offer responses to State Highway Administration ("SHA") comments dated January 27, 2006 and Department of Public Works & Transportation ("DPWT") comments dated February 6, 2006.

At the outset, we note that the Applicant has taken great measures to study all possible options for development of the site and to design the Preliminary Plan with sensitivity to existing site conditions and concerns of the nearby residents and businesses. We also must emphasize that the Preliminary Plan is not intended to be, nor is it submitted in the context of, a comprehensive redevelopment of the Woodmoor Shopping Center. The Preliminary Plan proposes development as permitted by current zoning standards and existing site conditions and seeks to implement all possible site design measures to maximize the compatibility, efficiency and safety of the Preliminary Plan within this context. In fact, we are only submitting this Plan for purposes of receiving APF approval and allowing more public comment on the plans than might otherwise arise from just a building permit review. Furthermore, we have worked with the neighboring

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citizens for several years now (see attached case timeline), beginning in April 2004 when we filed for the parking waiver, to develop a reasonable plan. We appreciate Ms. Emmet's and Woodmoor-Pinecrest Citizens Association's comments and have addressed them below, concluding that the plan as submitted to you herein, dated March 3, 2006 will allow for an improved and long-awaited positive development of Parcel 4.

With respect to specific comments made by Ms. Emmet by letter and electronic correspondence dated January 16, 2006 (*comment italicized*):

There should be a "lead-in" sidewalk along the edge of the residential retaining wall along the north property line, preferable five feet wide. This will provide access for residents to walk along a protected location to reach the back of the shopping center.

The Applicant and its design team have extensively studied the provision of a lead-in sidewalk along the north property line of the site. Given the topography of this portion of the site, and the need to provide adequate driveway width to ensure safe and efficient vehicular movement (24' entrance width requested by DPWT), the Applicant has determined that provision of a lead-in sidewalk at this location is not feasible. M-NCPPC Transportation Planning Staff agreed with this assessment in their February 17, 2006 memorandum (p. 4). However, the Applicant is proposing to provide a lead-in sidewalk to the site at the corner of Lexington Drive and MD 193 that will connect to the shopping center's internal pedestrian connection system. The Applicant believes that this is a significant improvement to existing pedestrian access to the site and will be a safe and efficient pedestrian connection.

Parking spaces just inside the University Avenue curb cut will interfere with vehicles entering and exiting the lot and cause traffic tie-ups. Either the spaces should be relocated, or the curb cut should be moved to a more visible location. There should be a queuing area at least 3-4 car lengths long, where there will not be conflicts getting into and out of the lot onto busy University Boulevard. (Note that this curb cut location is on a hill and provides very poor visibility for vehicles leaving the lot to see oncoming University traffic, and for the oncoming cars to see the existing cars, or to observe the curb cut on the approach from University. While State Highway may accept the revised proposal, this is a very poor functional solution that can currently be observed to be deficient, particularly when traffic on University is heavy.)

Per SHA comments, the Preliminary Plan has proposed to widen the access drive off of MD 193 to 25 feet. SHA and DPWT have accepted this proposal, subject to the provision of a 20' radii commercial entrance, per SHA's January 27, 2006 letter, which the Applicant has been provided. In addition, the enlarged radii will eliminate 2-3 parking spaces at this location, thus further reducing vehicular movements in this area. The Applicant had also proposed a drive aisle channelization measure that would direct traffic exiting the bank drive-thru lanes away from the

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MD 193 access point and, instead, towards the Lexington Drive access point. However, M-NCPPC Transportation Planning has advised against this measure in their February 17, 2006 memorandum. If approved by the Planning Board, this proposal would be subject to DPWT approval. The Applicant will defer to agency and Planning Board determination of the effectiveness and desirability of this proposed internal channelization measure.

The locations of four existing dumpsters are not shown on the plan. When they are shown, at least four more parking spaces in the entire lot will be eliminated, reducing the count below the DPWT waivers already received to the surprise of many. Long-term, the shopping center will need and want additional parking spaces; therefore, the proposal should reduce site circulation in order to increase the number of spaces. Reducing the amount of drive lanes around the bank building is one way to fit in more parking and make the site more efficient. Another way is to locate the building footprint on the University Avenue sidewalk.

The Applicant's revised Preliminary Plan herein shows the locations of all existing and proposed dumpsters. These dumpsters, along with all screening devices, fit at the locations shown without eliminating any parking spaces. Generally, parking spaces are provided in accordance with the parking waiver granted by DPWT for this site. Further, the drive-thru lanes are a convenience to customers and will likely help eliminate some of the parking congestion at the northern end of the Center where the bank currently exists.

If the requirement for bank parking spaces is low, it does not make sense that the required spaces for the rest of the shopping center are isolated within the bank's parking footprint, across bank drive aisles. This solution is an unsafe path for pedestrians who will be shopping in the main shopping center building.

Required parking for the shopping center has been studied and analyzed on a center-wide basis during review of the Preliminary Plan and the granting of the parking waiver for the site by the Department of Permitting Service ("DPS"). Neither DPS nor Park & Planning Staff has identified the location of parking spaces as an issue. However, the Preliminary Plan does propose pedestrian connections to the rest of the shopping center as a means of integrating the proposed bank with the rest of the shopping center from a pedestrian perspective.

Delivery truck access and necessary turning radiuses should be shown on the plan to illustrate the truck size(s) and showing that they have sufficient space to navigate inside the lot and around turns. Their path of travel should be discouraged on Lexington Drive by improving the University Avenue curb cut.

The Applicant notes that the Preliminary Plan does not propose any changes that would have an adverse impact on the existing situation with respect to delivery truck access and circulation. In fact, the Preliminary Plan proposes to provide adequate drive aisle and access widths as

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requested by agency reviewers. Further, the proposed bank does not receive deliveries from large delivery trucks, and instead only needs to accommodate deliveries from armored money vehicles, which have turning radii comparable to typical cars and trucks.

The new proposed no-left turn into the shopping center lot from Lexington may not be sufficient to prevent illegal turns because additional signage may not be readily visible or aesthetically desirable.

The proposed "no left-turn" into the shopping center from Lexington Drive, which is subject to DPWT approval, has been proposed in response to previous comments from Ms. Emmet and other neighbors that vehicles making this left-turn cause difficulties and delay for vehicles lining up on Lexington to exit the adjacent neighborhood. It should be noted that M-NCPPC Transportation Planning has advised against this measure in their February 17, 2006 memorandum. The Applicant will defer to agency and Planning Board determination of the effectiveness and desirability of this proposed measure.

Separate correspondence with DPWT and State Highway has stated that widening Lexington Drive will not benefit residents who use it as the primary access to the neighborhood. Instead, the widening will benefit and absorb cut-through traffic and commercial access to the shopping center. The need to install adequate sidewalks on adjacent streets for access and connection to the shopping center will also be addressed.

The Applicant is not aware of any DPWT or SHA position that the proposed widening of Lexington Drive will not be a beneficial road network improvement for this area. In fact, this major off-site roadway improvement was initially proposed in response to a condition imposed by DPWT during the course of granting a parking waiver for the site. The Applicant's traffic consultant has demonstrated how this improvement to Lexington Drive will increase queuing capacity at Lexington Drive and MD 193, thereby benefiting both residents using Lexington Drive for access to MD 193 and shoppers exiting the Woodmoor Shopping Center onto Lexington Drive. Further M-NCPPC Transportation Planning supports this improvement and has included it as a proposed condition in their February 17, 2006 memorandum.

The existing office building at the corner of University and Lexington is not well maintained, appears unused, and is dark at night. Presumably, the new bank building will be more attractive. However, the amount of paving proposed and waivers on landscaping will mitigate any beneficial affect to have a new building on the site.

The Applicant believes that the proposed bank building and use will activate this area and increase the safety and attractiveness of this portion of the site. The Applicant will provide building and site landscaping in accordance with the Zoning Ordinance and parking waiver granted by DPS on October 6, 2004, which will enhance the attractiveness of the proposed

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building and the site in general. Once completed, the bank site will provide more green space and landscaping than currently exists at this corner, thus improving the overall aesthetics of the Center.

Since I did not find building elevations in your files, nor have we received them in the neighborhood, it is not clear whether their building design is in keeping with the appearance of the existing art deco shopping center. In reality, the new development at the rear parking lot will become an additional University Avenue "front" to the shopping center. It would be advantageous if the new building could imitate the site lighting, landscaping, scale, material, character and aesthetics of the existing shopping center building because it will assure that the overall shopping center, front and back, will remain a good example of cohesive, and aesthetically appealing "small town" commercial development.

Although not technically part of the Preliminary Plan application, we have included herewith for informational purposes only a conceptual sketch of the proposed bank building will conceptually look similar to the building elevation sketch attached hereto. The Applicant believes that from a color and design perspective, this building will be keeping with the character of the existing shopping center and will otherwise provide an aesthetically pleasing and appropriate look for this site.

Provide reductions in light levels at night so they don't spill onto the neighborhood street or homes.

The Applicant has designed the proposed bank building with sensitivity to impacts on the adjacent neighborhood and will continue to explore ways to do so. Specifically, the Applicant will work with the neighborhood to design lighting that minimizes "spill" during evening hours. This is part of the reason for locating the drive-thru lanes on the western side of the building.

With respect to specific comments made by the Woodmoor-Pinecrest Citizens Association by letter dated January 29, 2006 (*comment italicized*):

1. Impacts of the internal routing of traffic, especially around proposed bank location (p. 1 of the Woodmoor-Pinecrest Citizens Association letter)

The Applicant has had extensive dialogue with the community and agency staff regarding site circulation issues. The Applicant points out that it has studied site layout and circulation issues in detail and believes it is offering the best possible internal circulation concept. The Applicant has attempted to balance the use of the MD 193 and Lexington Drive access points so that each can be used to its potential without overburdening or creating additional conflicts. Again, this is not a redesign of the entire shopping center and is limited, with minor exceptions, to the bank's

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parcel only. Consequently, the Applicant believes it has improved the existing situation and certainly not made it any worse, as is concurred in by Transportation Staff.

2. Additional traffic impacts on an already stressed Lexington Drive and MD 193 (p. 1)

The Applicant notes that it already has an established bank use at the Woodmoor Shopping Center, and therefore, will not be increasing traffic impacts as a result of this proposal. Further, the Applicant has submitted a Traffic Impact Analysis, dated October 11, 2005 prepared by the Traffic Group and reviewed by Transportation Staff, showing the relatively minor impact of this proposal. Nonetheless, as part of the proposal, the Applicant has proposed to make a major improvement to Lexington Drive (creation of an additional lane), which will increase the capacity and functionality of the Lexington Drive/ MD 193 intersection.

3. Aggravation of already-existing off-site impacts (p. 1)

The Applicant has studied this site extensively and as mentioned above is already proposing to make improvements to Lexington Drive and the access point at University Boulevard. However, the site and its surroundings contain conditions and constraints that are typical of older, successful shopping centers in the down-county area.

4. Circulate traffic in a counterclockwise pattern only around the bank structure (p. 2)

The Applicant and all involved agencies have studied site circulation extensively and believe that the proposed circulation pattern is the most effective and appropriate. Two-way circulation ensures the most efficient use of the bank and bank drive-thru aisles on the site and allows site ingress and egress to be appropriately balanced between MD 193 and Lexington Drive.

5. Internal shopping-center way-finding signs should guide drivers to exit paths that will lead them to eastbound, southbound, westbound and northbound traffic directions in a safe, non-disruptive manner (p. 2)

The Applicant agrees with the proposed condition contained in the Transportation Planning memorandum dated February 17, 2006 to provide signs and pavement markings within the pad site to minimize conflicts between motorists and pedestrians. The Applicant will continue to examine, along with Staff, the most effective manner to utilize signs and markings.

6. The additional lane on Lexington Drive will not solve and may exacerbate an eastbound traffic weave exiting the shopping center (p. 2)

The provision of an additional lane on Lexington Drive was recommended and approved by DPS in their review of the Applicant's parking waiver. The Applicant's traffic study shows how this

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improvement will improve road network conditions and address specific concerns of the neighborhood regarding efficient egress from both the shopping center and the neighborhood streets. The Applicant has no indication that this improvement will cause the specific traffic problem referred to by the Association. Further, M-NCPPC Transportation Planning supports this improvement and has included it as a proposed condition in their February 17, 2006 memorandum.

7. Proposed no left-turn restriction from Lexington Drive will shift turning movement from MD 193 to curb cut direction off MD 193, increasing the importance of this access point into the shopping center (p. 2)

The Applicant proposed the no left-turn restriction into the shopping center from Lexington Drive in response to neighborhood concerns regarding "cut-through" traffic and efficient neighborhood egress using Lexington Drive. The Applicant agrees that MD 193 will consequently become the primary shopping center access point and will work with the County and SHA to provide a safe and adequate MD 193 access. The Applicant notes that the revised plan submitted herewith reflects the implementation of the latest SHA comments with respect to the MD 193 access point, discussed in more detail below.

8. Traffic exiting the shopping center onto MD 193 must contend with limited sight distance (p. 2)

The Applicant has submitted and is working towards approval of its sight distance study, per SHA requirements. The Applicant will demonstrate that sight distance is adequate at this existing location.

9. Consideration of a small sidewalk median separating right-in and right-out movements at the MD 193 access point to discourage cross travel lane movements and increase pedestrian safety (p. 2)

The Applicant has studied this proposal and discussed it with DPS, and has determined that this location is not large enough to accommodate the requested "pedestrian refuge" median and that there would be no significant benefits gained by such a measure in terms of increased safety.

10. There is no good sidewalk access to the shopping center from Lexington Drive (p. 3)

The Applicant proposes to provide pedestrian access to the site via a sidewalk connection at the corner of Lexington Drive and MD 193. This sidewalk connects to the site's internal pedestrian connection system in a safe and adequate manner and provides that best possible pedestrian access solution from Lexington Drive given the constraints of the site.

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11. We recommend consolidation of the two Metrobus stops into one, located on University Boulevard between Lexington Drive and the shopping center curb cut (p. 3)

The Applicant notes that this community recommendation is not within its control. The Applicant, however, supports any recommendation to improve pedestrian and transit safety and efficiency and is willing to work with the Association and the County to implement any such recommendations.

Responses SHA letter dated January 27, 2006

The Applicant agrees with and will comply with all points offered in the SHA letter. Specifically, the Applicant notes that the Preliminary Plan has been revised, as shown on the plan submitted to you electronically on March 1, 2006, to comply with SHA requirements that the MD 193 access point to the center be reconstructed to 25' wide with a 20' radii commercial entrance. The SHA letter states that a parking waiver from DPS may be needed to implement this revision, however it is DPS' position that implementation of this SHA mandated entrance improvement will not require an amendment to the parking waiver for the shopping center approved by DPS on October 6, 2004.

Response to DPWT letter dated February 6, 2006

The Applicant met with DPS on February 17, 2006 to discuss all comments made by DPWT. It was determined that many of the DPWT comments were not applicable to the Preliminary Plan or that certain DPWT comments had already been complied with and shown on the Preliminary Plan. No revisions to the Preliminary Plan are required as a result of DPWT comments and we understand that the items raised in the DPWT letter will be coordinated and resolved at the time of permitting with DPS.

Community Outreach

As has been the custom between the Shopping Center owners and the Woodmoor Community for many years, the Applicant has met with and provided information to the citizens as each step of this process. The Applicant believes it has acted in good faith in dealing with citizen concerns and appreciates their input into the process. Attached hereto is a chart summarizing the Applicant's citizen outreach efforts.

The Applicant would like to further refer Staff to previous correspondence in response to both agency and neighborhood concerns regarding the Preliminary Plan, specifically the December 9, 2005 letter to Staff in response to DRC comments. The Applicant emphasizes (1) the extensive efforts it has made to study the site and to respond to the concerns and issues of the community regarding its development and (2) the fact that the Applicant is not proposing, nor is the County


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contemplating, a comprehensive redevelopment of this site as part of the Preliminary Plan. The Applicant looks forward to continuing to work with Staff to achieve the best possible development of this site within the realistic context and limits of the current Preliminary Plan proposal.

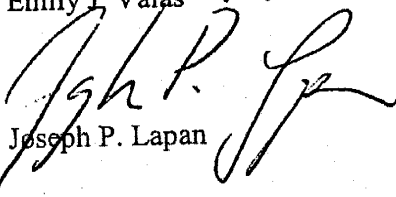
Thank you and please contact us if there are any questions regarding information contained in this letter.

Sincerely yours,

LINOWES AND BLOCHER LLP



Emily I. Vaias



Joseph P. Lapan

cc: Mr. John Thrower
Mr. Lloyd Nurkiewicz
Mr. Joseph Ucciferro
Mr. Carl Wilson
Mr. Paul Manchester (3 copies)

**WOODMOOR- BANK OF AMERICA
CASE TIMELINE INCLUDING COMMUNICATIONS WITH NEIGHBORHOOD AND
LIST OF NEIGHBORHOOD CONCERNS**

CASE TIMELINE

April 28, 2004	Meeting with Woodmoor community group
May 27, 2004	Parking waiver filed with Department of Permitting Services
June 30, 2004	Parking waiver hearing
October 6, 2004	Parking waiver granted by DPS
September 28, 2005	Meeting with Woodmoor community group
October 12, 2005	Bank of America Preliminary Plan #1-20060460 filed
November 1, 2005	Additional sets of Preliminary Plan send to community members on request
November 7, 2005	Development Review Committee (DRC) meeting; citizen's memo to DRC included with DRC comments
November 30, 2005	Scheduled appearance at Woodmoor community meeting cancelled by community group
December 9, 2005	Date of Linowes and Blocher LLP point by point response to all DRC comments and submission of revised Preliminary Plan dated 11/28 in response to DRC comments
December 16, 2005	Meeting with Park & Planning Staff and Woodmoor community members Paul Manchester, Byrne Peak, Eileen Emmet
December 22, 2005	Revised Preliminary Plan submitted in response to comments made at 12/16 meeting
January 3, 2006	Additional sets of revised Preliminary Plan send to community members on request