



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

MCPB No. 09-37
Preliminary Plan No. 11999100A
Chevy Chase Bank at Cloverly
Date of Hearing: March 19, 2009

JUN - 1 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on March 13, 2008, Chevy Chase Bank ("Applicant"), filed an application for approval of an amendment to a preliminary plan of subdivision of property that would create 1 lot on 0.78 acres of land located on New Hampshire Avenue (MD 650) ("Property" or "Subject Property"), approximately 220 feet northeast of the intersection with Cloverly Street within the Cloverly master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 11999100A, Chevy Chase Bank at Cloverly ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated March 5, 2009, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on March 19, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 19, 2009, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Robinson; seconded by

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
 Legal Sufficiency:

Christina Sorrento 5/15/2009

8787 Georgia Avenue, N.C. Planning Board, Legal Department, 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

Commissioner Presley; with a vote of 5-0, Commissioners Alfandre, Cryor, Hanson, Presley and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 11999100A to create 1 lot on 0.78 acres of land located on New Hampshire Avenue (MD 650) ("Property" or "Subject Property"), approximately 220 feet northeast of the intersection with Cloverly Street within the Cloverly master plan area ("Master Plan"), 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 as shown on the Preliminary Plan.
- 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 as shown on the Preliminary Plan.
- 5) The Applicant must relocate and reconstruct a five-foot-wide sidewalk with variable width 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 as shown on the Preliminary Plan.
- 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.
- 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 MDSA 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.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Subject Property is located within the Cloverly Master Plan area. The Property is part of the Cloverly Commercial Area identified on pages 24 through 27 of the Cloverly Master Plan. The Master Plan recommends locating parking areas to the side or rear of buildings to minimize views of parking lots; provide vehicular and pedestrian connections with adjacent properties to minimize driveway entrances and congestion along New Hampshire Avenue, or design parking, access, and pedestrian connections to allow future interconnection; provide access to the land-locked property "(Church Property)"; achieve a street-oriented form of development with entrances facing New Hampshire Avenue; provide extensive landscaping to create an attractive commercial area and reduce the impacts of any large paved areas; and avoid tall, highway-oriented pole mounted signs.

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 will provide adequate landscaping to effectively screen the parking from New Hampshire Avenue. The Applicant is providing an ingress/egress and utilities easement across the Subject Property to the land-locked property "(Church Property)", which abuts the Subject Property to the west. The Applicant will also significantly improve the pedestrian environment and provide more orderly access to the Cloverly Commercial Area by relocating 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 will be installed along New Hampshire Avenue between the curb and the new sidewalk, and the Applicant will plant street trees along the frontage of the Property. The Applicant will construct a 6.5 foot high internally illuminated

monument sign accented with landscaping, rather than a tall, highway-oriented, pole mounted sign. The proposed sign with appropriate landscaping will visually enhance the improved pedestrian environment. The proposed layout balances the challenges of the site and is similar in character to the other existing commercial development in the Cloverly area. Therefore, the Planning Board finds that the Preliminary Plan substantially conforms to the Master Plan.

- 2. Public facilities will be adequate to support and service the area of the proposed subdivision.*

Roads and Transportation Facilities

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, under Total (Build) traffic conditions, critical lane volume (CLV) at the study intersections will be below the applicable congestion standard of 1,450 CLV for the Cloverly Policy Area during morning and evening peak periods. 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. Therefore, the Planning Board finds that the proposed use satisfies LATR and PAMR requirements of the APF test.

Other Public Facilities and Services

The Planning Board finds that 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.

- 3. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

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. The Board finds that it is appropriate to meet afforestation requirements with onsite tree cover (i.e., native, landscape trees) instead of forest cover for to the following reasons:

The site is zoned C-1 in the Cloverly Commercial Area with a proposal to develop almost the entirety of the site, and adjoins C-1 properties to the north and south; and the site lacks existing forest stands, environmental buffers, or other environmentally-sensitive features on or adjacent to the site.

Therefore, the Planning Board finds the Preliminary Plan meets all applicable requirements of the county Forest Conservation Law.

- 4. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the bank site on November 21, 2007. The stormwater management concept consists of on-site water quality control via installation of a 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 cubic feet per second.

BE IT FURTHER RESOLVED, that the date of this Resolution is JUN - 1 2009 (which is the date that this Resolution is mailed to all parties of record); and

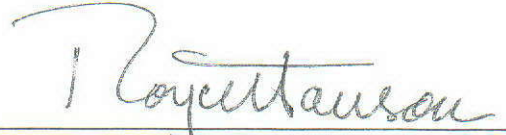
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and

Planning Commission on motion of Commissioner Cryor, seconded by Commissioner Presley, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley voting in favor of the motion, at its regular meeting held on Thursday, May 21, 2009, in Silver Spring, Maryland.

A handwritten signature in cursive script, reading "Royce Hanson", written in black ink. The signature is positioned above a horizontal line.

Royce Hanson, Chairman
Montgomery County Planning Board