



JUN 01 2009

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

MCPB No. 09-39  
Site Plan No. 820080200  
Project Name: Chevy Chase Bank at Cloverly  
Date of Hearing: March 19, 2009

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on March 13, 2008, Chevy Chase Bank, FSB ("Applicant"), filed an application for approval of a site plan for a 3,172 square foot bank with drive-thru ("Site Plan" or "Plan") on 0.78 acres of C-1-zoned land, located on New Hampshire Avenue (MD 650), south of Bryant's Nursery Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820080200, Chevy Chase Bank at Cloverly (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated March 5, 2009, setting forth its analysis of, 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 conditions on the motion of Commissioner Robinson; seconded by 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 59, the Montgomery County Planning Board

Approved as to  
Legal Sufficiency:

*Christina Sorensen* 5/14/09

8787 Georgia Avenue, Manassas, VA 20108-1110 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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APPROVES Site Plan No. 820080200 for a 3,172 square foot bank with drive-thru, on 0.78 gross acres in the C-1 zone, subject to the following conditions:

1. Preliminary Plan Conformance  
The development must comply with the conditions of approval for Preliminary Plan No. 119991000 as listed in the Planning Board Resolution dated October 4, 1999, or as amended by Preliminary Plan No. 11999100A.
2. Approval of this Site Plan voids approval of Site Plan No.820030100.
3. Pedestrian Circulation  
The sidewalk along New Hampshire Ave, on both sides of the entrance to the site, must be relocated to provide a green panel of approximately 15-foot width between the curb and the sidewalk with a row of shade trees on both sides of the relocated sidewalk, and it must be extended south to the adjacent shopping center driveway, as shown on the plans, and subject to the final approval by the Maryland State Highway Administration (SHA).
4. Landscaping  
The Applicant must provide street trees on both sides of the relocated sidewalk along the New Hampshire Avenue on the section that extends in front of the Cloverly Village Center's property after consultation with the adjoining property owners. The Applicant must provide evidence to Staff in writing, of their good faith efforts to meet with the adjoining property owners regarding the species, placement and quantity of trees proposed within the state right-of-way by certified site plan.
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 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. Show on the plans 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 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.

9. Development Program

The Applicant must construct the 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. Final paving and striping must be completed within six months of the occupancy of the building;
- b. 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;
- c. 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 Property prior to M-NCPPC approval of the Final Forest Conservation 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.

BE IT FURTHER RESOLVED that all site development elements as shown on Chevy Chase Bank at Cloverly drawings stamped by M-NCPPC on February 6, 2009, shall be required, except as modified by the above conditions of approval; and

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

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 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 C-1 zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

#### **Requirements of the C-1 zone**

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the development standards proposed for approval. The Board finds, based on the aforementioned data table, and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the C-1 Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

**Data Table**

<b>Development Standards</b>	<b>Development Standards Approved by the Planning Board and Binding on the Applicant</b>
<b>Gross Tract Area (GTA)</b>	34,104 SF/ 0.78 acres
<b>Max. Building Height (feet)</b> (Section 59-C-4.342)	25
<b>Min. Building Setbacks (feet)</b> (Section 59-C-4.343)	
New Hampshire Ave. Right-of-Way	60
NW property line (Lot 3, Block D)	38
NE property line (vacant lot)	90
NE property line (SHA)	70
SW property line (Lot 1, Block D)	7
<b>Min. Parking Setbacks (feet)</b> (Section 59-E-2.81)	
New Hampshire Ave. Right-of-Way	14
NW property line (Lot 3, Block D)	17
NE property line (vacant lot)	25
NE property line (SHA)	23
SW property line (Lot 1, Block D)	4
<b>Green Area (% of lot)</b> (Section 59-C-4.344)	50
<b>Floor Area Ratio (FAR)</b>	0.093
<b>Building Area (square feet)</b>	3,172
<b>Parking Facility Internal Landscaping (%)</b> (Section 59-E-2.73)	5
<b>Parking Spaces</b>	24

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

a. 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 Site 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 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 since this is not a residential project.

e. Vehicular and Pedestrian Circulation

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 entrance to the site, is being relocated to provide a green panel with a width of approximately 15 feet between the curb and the sidewalk with a row of shade trees on both sides of the relocated sidewalk, and is being extended south to the adjacent shopping center driveway. Given that there will be no vehicular or pedestrian connections between the Subject Property 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 Property to the Church property in the rear. The Church has agreed to this alignment. 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 encourage shared access to New Hampshire Avenue and promote a more 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 are compatible with other uses and site plans, and with existing adjacent development. The main structure approved 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 will 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 including the existence of a specimen tree. The Final Forest Conservation Plan will clear and grade the entire site, and the 0.15 acre of required afforestation will be met through onsite landscaping with overstory, native trees outside the public right-of-way.

The 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.



BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is JUN 01 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.



Royce Hanson, Chairman  
Montgomery County Planning Board