



OCT 1 2014

MCPB No. 14-84
 Site Plan No. 820140080
 TD Bank (Bethesda)
 Date of Hearing: September 18, 2014

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on January 1, 2014, TD Bank ("Applicant"), filed an application for approval of a site plan for a 2,787 square foot bank building with associated parking and remote drive-thru on 0.41 acres of CBD-1 & CT zoned-land, located at the southwestern quadrant of the intersection with Old Georgetown Road and Woodmont Avenue ("Subject Property") in the Bethesda CBD Policy Area and Master Plan ("Master Plan") area; and

WHEREAS, the site plan application was designated Site Plan No. 820140080 TD Bank, ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated September 5, 2014 setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 18, 2014, the Planning Board held a public hearing at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below;

Approved as to
 Legal Sufficiency:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820140080 for a 2,787 square foot bank building with associated parking and remote drive-thru on the Subject Property, subject to the following conditions:¹

Public Use Space, Facilities and Amenities

1.
 - a. The Applicant must provide a minimum of 1,199 sf square feet of public use space (16.7% of net lot area) on-site.
 - b. As a public amenity, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the property's frontage on Old Georgetown Road, Woodmont Avenue and Moorland Lane, consistent with the Bethesda Streetscape Standards.
 - c. Prior to issuance of use and occupancy certificates for the commercial development, all public open space areas on the Subject Property must be completed.
2. The Applicant is responsible for maintaining and ensuring the long term maintenance of all publicly accessible amenities including, but not limited to, benches, bike racks and landscaping.

Transportation & Circulation/ Adequate Public Facilities (APF)

3. The Applicant must limit future development on the Site to a 2,837 square foot bank with two drive-thru lanes.
4. The Applicant must dedicate and show on the record plat(s) the following:
 - a. Moorland Lane: 10 feet along the Subject Property frontage to achieve an ultimate right-of-way of 35 feet from the existing right-of-way centerline.
 - b. Old Georgetown Road (MD 187): Truncation of 25 feet at the intersection of Moorland Lane following dedication along Moorland Lane.
5. The Applicant must provide 3 inverted "U" racks (short term public bicycle parking) for six bikes along the site frontage as shown on the Site Plan.
6. The Planning Board has accepted the recommendations of the Maryland State Highway Administration ("MD SHA") in its March 28, 2014 letter and subsequent e-mail dated August 7, 2014, and hereby incorporates them as conditions of

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MD SHA, provided that the amendments do not conflict with other conditions of the Site Plan approval.

7. The Adequate Public Facility Review (APF) will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution for the Site Plan.

DPS Right-of-Way Section

8. Prior to certified Site Plan approval the applicant must complete the following to the satisfaction of the DPS Right-of-Way Section:
 - a. Show that all movements for all access points for SU-30 truck can be satisfactorily accommodated. Otherwise movement restriction should be provided via traffic control devices.
 - b. Show right-of-way clearly along Woodmont Avenue Provide a five foot free and clear ADA compliant sidewalk along the frontages. Include labeling and also provide the proper Public Improvement Easement (PIE) accordingly.
 - c. Provide Bethesda streetscaping along the site frontage. Any modification to the standards should be clearly specified on the certified site plan.
 - d. Provide complete sight distance analysis for all the existing/proposed driveways.
 - e. Provide written correspondence from the County bikeway coordinator that the design and installation specifications of the proposed private bike racks are acceptable.
 - f. Provide written correspondence from the MCDOT-Traffic Engineering and Operation Section that the proposed CIP lighting project along Old Georgetown Road does not conflict with proposed right-of-way improvements.
 - g. Provide written correspondence from the MCDOT--Transportation Systems Management Team that the proposed streetscape improvements do not conflict with the controller box at the intersection of Old Georgetown Road and Woodmont Avenue.

Environment

9. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated November 15, 2013 and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of Site Plan approval.

Site Plan

10. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A-202 of the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) Provide Architectural drawings for the remote teller and revise plans to reflect the associated height, coverage, and FAR.

11. Landscaping

- a. Provide red maples (instead of zelkovas) along the Moorland Lane frontage per the Sector Plan recommendations on street trees (p.194).

12. Private Lighting

- a) Prior to issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for commercial development.
- b) All onsite down-light fixtures must be full cut-off fixtures.
- c) Deflectors will be installed on all proposed fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.

13. Site Plan Surety and Maintenance Agreement

Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.

- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, paving trash receptacles, and associated improvements associated with the Site Plans. Surety to be posted prior to issuance of the building permit.
- c) The bond or surety shall be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.

14. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the forest conservation exemption approval letter, stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- 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) Modify data table to reflect development standards enumerated in the Staff Report.
- d) Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED, that all site development elements as shown on TD Bank drawings shown on the most recent ePlans submission to M-NCPPC as of the date of the Staff Report are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the 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 Site Plan is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located*

The development meets all development standards of both zones as shown on the data table below. Regarding density, height, green area, and parking, the proposed development exceeds minimum requirements and is less than any allowed maximum restrictions. Regarding setbacks, the proposed structure and parking areas meet or exceed the minimum setbacks of the Zones.

Requirements of the CBD-1 & CT Zone

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the CBD-1 & CT Zones.

Data Tables

Project Data Table for the **CBD-1 Zone**, Standard Method of Development

Development Standard Section 59-C-6.23.	Permitted/Required CBD-1	Proposed for Approval and Binding on Applicant
Gross Tract Area		
Existing lot area	N/A	8,296
Previously dedicated area	N/A	3,415
Total Gross Tract Area	N/A	11,711 sf
Net Lot Area		
Existing lot area	N/A	8,296
Proposed dedicated area	N/A	1,103
Net Lot Area	N/A	7,193
Max. Building Coverage Section 59-C-6.232.	75 % 5,394 sf	39% 2,787 sf
Min. Public Use Space Section 59-C-6.233 (% of net lot area)	10 719 sf	16.7 1,199 sf
Max. Floor Area Ratio (FAR)	1.0 Maximum	0.24
Max. Building Height (feet)	60	24'
Min. Parking /Building Setbacks (feet)		

Front	N/A	0
Rear	15'	54.0'
Side (Woodmont Ave)	N/A	1.0'
Side(Moorland Lane)	N/A	0
Green Area (% of lot)	N/A	10
Parking Spaces	6* (2.1 per 1000 GSF)	6* (2.1 per 1000 GSF)

*The site is located within a Parking Lot District; figures are based on standard requirement
 7 spaces are provided in the CB-1 zone (2 other spaces are provided in the C-T zone)

Project Data Table for the **C-T Zone**, Standard Method of Development

Development Standard Sec 59-C-4.30.	Permitted/Required C-T	Proposed for Approval and Binding on Applicant
Gross Tract Area		
Existing lot area	N/A	4,664
Previously dedicated area	N/A	1,452
Total Gross Tract Area	N/A	6,116 sf
Net Lot Area		
Existing lot area	N/A	4,664
Proposed dedicated area	N/A	609
Net Lot Area	N/A	4,055
Max. Building Coverage Sec 59-C-4.303.	30 % 1,216 sf	14.5% 589 sf
Max. Floor Area Ratio (FAR) Sec 59-C-4.304.	0.5 Maximum	0.10
Max. Building Height (feet) Sec 59-C-4.303.	24' Maximum	15.3'
Min. Parking /Building Setbacks (feet) Sec 59-C-4.305.		
Front	N/A	3.0'
Rear	15'	31.0'
Side (Woodmont Ave)	15'	20.0'

Side (Moorland Lane)	10'	19.0'
Green Area (% of lot) Sec 59-C-4.306.	10	10
Parking Spaces		2 within C-T zone

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 buildings and structures of the proposed development are located in a readily accessible configuration. The bank building is located near the street frontage of a major roadway. The location near the street and the associated major pedestrian corridor will facilitate pedestrian access to the Site. Furthermore bike racks are located near the ATM vestibule entrance. The parking is located near the rear entry of the building. These locations provide easy access to the building from adjoining sidewalks and parking. Furthermore the design also features a remote teller with two drive lanes. Staff finds the locations of the buildings and structures to be adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

b. Open Spaces

The green space, open space, public use spaces are adequate and as demonstrated in the preceding tables exceed the requirements of the respective zones associated with the project.

c. Landscaping and Lighting

The landscaping provides a streetscape per the Bethesda standards on three sides of the Site and includes canopy trees and shrubs along the southern property line adjacent to the existing condominium building. The landscaping provides an appropriate buffer from the surrounding uses and includes a number of native plantings that will be aesthetically pleasing and also provides benefits for local wildlife in addition to providing shading cooling and water uptake.

d. Recreation Facilities

Recreation facilities are not required since the project is an office use and not subject to residential recreational requirements.

e. Vehicular and Pedestrian Circulation

Pedestrian circulation access adequately and efficiently integrates this Site into the surrounding area. Safety is enhanced by several improvements such as eliminating the existing vehicular access from Old Georgetown Road (a major pedestrian corridor) and providing streetscape per the Bethesda standards. The distinctive brick paving associated with the Bethesda streetscape will distinguish the pedestrian corridors from the vehicular access areas on three sides of the site and also includes street trees that will provide pedestrians a buffer from the roadway. The building itself is readily accessible from the site and the general vicinity. The entrance to the building is approximately 850 feet away from the escalator of the nearby metro/transit station.

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

The proposed use is compatible with the adjacent and confronting roadways and residential uses as well as pending development plans. The immediate vicinity has been built out in recent decades and is not likely to redevelop in the foreseeable future. The proposed structures are compatible with the nearby buildings and existing features. The bank is sited near the busiest roadway frontage which both activates the adjacent streetscape areas while maximizing the buffer for the existing condominium.

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.*

The proposed development is subject to the forest conservation law and exemption 42014016E was confirmed on August 1, 2013. The project qualifies for a small property exemption under section 22A-5(s)(1) of the Montgomery County Forest Conservation Law an activity occurring on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

The proposed development is subject to Chapter 19 and meets all applicable requirements for water resources protection. The SWM concept was

approved by the DPS Water Resources Section on November 15, 2013. The concept includes a green roof over the entire bank building, and roof drains connected to planter boxes along with structural treatments and filters. Additional bio-retention areas are also located onsite.

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

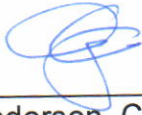
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 1 2014 (which is the date that this resolution is mailed to all parties of record); and

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).

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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 Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor at its regular meeting held on Thursday, September 18, 2014, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board