



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

MCPB
Item #
10/18/07



MEMORANDUM

DATE: September 25, 2007

TO: Montgomery County Planning Board

VIA: Rose Krašnow, Chief *RK*
Catherine Conlon, Subdivision Supervisor *CC*
Development Review Division

FROM: Erin Grayson (301-495-4598) *EG*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Approval of a bank of up to 3,400 square feet with three drive-through aisles

PROJECT NAME: Commerce Bank – Nicholson Lane
CASE #: 120070620
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: C-2
LOCATION: North
MASTER PLAN: North Bethesda/Garrett Park

APPLICANT: Commerce Bank
ENGINEER: Patton Harris Rust & Associates
ATTORNEY: Miller, Miller & Canby

FILING DATE: January 30, 2006
HEARING DATE: October 18, 2007

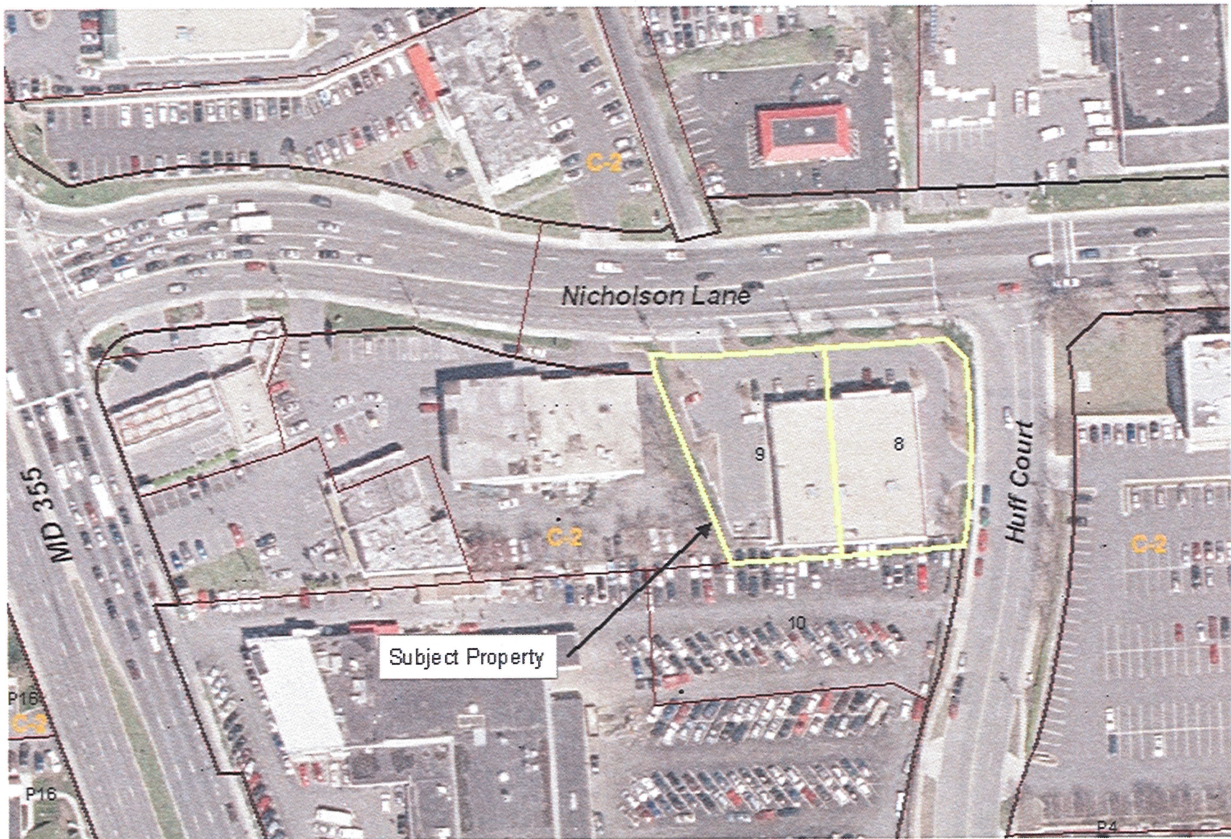
RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a bank, not to exceed 3,400 square feet in size, with up to three drive-through aisles.
- 2) Access to the site is limited to a right-in/right-out on Nicholson Lane as shown on the preliminary plan.
- 3) Compliance with the conditions of approval of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated July 9, 2007.
- 4) Compliance with conditions of Montgomery County Department of Public Works and Transportation (DPWT) letter dated September 24, 2007, unless otherwise amended.
- 5) Access and improvements as required to be approved by DPWT prior to recordation of plat(s).
- 6) The applicant must dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 7) The applicant must coordinate with DPWT regarding the site design along the future Citadel Avenue frontage and at the Nicholson Lane/Huff Court/ Citadel Avenue intersection related to DPWT's Capital Improvements Program (CIP) Project No. 500310, Citadel Avenue Extended.
- 8) The applicant must install one inverted-U bike rack at a location near the bank's main entrance as agreed upon prior to release of any building permits, by the Transportation Planning staff.
- 9) A landscape and lighting plan must be submitted prior to record plat application for review and approval by technical staff.
- 10) 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.
- 11) The record plat must show other necessary easements.

SITE DESCRIPTION

The subject property "Subject Property" or "Property", pictured on the following page and in Attachment A (Vicinity Map), is located at the intersection of Nicholson Lane and Huff Court, 600 feet east of Rockville Pike (MD 355). The White Flint Metro Station is one block north of the Property. The site is located in the *North Bethesda/Garrett Park Master Plan* area. The Subject Property is zoned C-2 and is surrounded by property also zoned C-2. The Property currently consists of part of Lot 8 and part of Lot 9. These two parts of lots total 0.75 acres in size. A one-story commercial structure is currently located on the Property.

The Property is located in the Rock Creek watershed. There are no streams, wetlands, existing forest or specimen trees on-site.



PROJECT DESCRIPTION

The applicant proposes to remove the existing structure on the Property and construct a 3,327 square foot bank with three drive-through aisles. The two parts of lots will be combined into one lot. Vehicular access points are proposed from Nicholson Lane and Huff Court. Parking spaces are proposed along the northern, eastern and western boundary lines. The three drive-through aisles are located at the rear of the proposed structure. The applicant proposes to dedicate additional right-of-way at the northeast corner of the property. Sidewalks along Nicholson Lane and Huff Court will be reconstructed by the applicant so that an 8 foot-wide lawn panel buffers pedestrians from vehicular traffic along Nicholson Lane and Huff Court.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Master Plan Compliance

The *North Bethesda/Garrett Park Master Plan*, approved and adopted in 1992, confirms that the Subject Property is part of the White Flint Sector Plan area, zoned C-2. More

specifically, the Master Plan recommends that C-2 be the base zone for the Property and the site be included in a TS-M floating zone. In 1993, C-2 was established as the base zone as part of a Sectional Map Amendment. To utilize the floating TS-M zone, the owners of the subject property would need to apply for rezoning. The current application proposes a standard method plan under the existing C-2 zoning.

The major objectives for the White Flint Sector Plan area are listed on page 51 of the Master Plan and include the following:

- 1) Develop White Flint as the main urban center of North Bethesda.
- 2) Capitalize on the public investment in the Metro system and encourage its use rather than continued reliance on the automobile.
- 3) Promote mixed-use development near the Metro station to ensure the 24-hour vitality of the area.
- 4) Include a significant transit serviceable residential component within the Sector plan area.
- 5) Develop policies to ensure a lively pedestrian environment.

The proposed bank use does not provide the level of development envisioned by the Sector Plan for this site using TS-M zoning, but it is a permitted use in the base C-2 zone, and so conforms to the Sector Plan recommendation. As currently configured the preliminary plan layout also does not reflect the urban character that is desired by the Sector Plan, however, the C-2 base zone does not require Section 59-D-3 site plan review, so staff's ability to control site design is limited. Rather than create a typically suburban "island" effect, where the building is surrounded by asphalt, staff would prefer that the bank structure be located at the northeast front corner of the property adjoining the sidewalks fronting Nicholson Lane and Huff Court. Additionally, staff would like the applicant to screen and shade the parking areas, plant street trees, design lighting that does not trespass onto adjacent properties, and coordinate with the forthcoming White Flint streetscape plan for tree species and details in pavement to create an urban environment and improve pedestrian "friendliness".

Staff discussed the desired layout with the applicant, but the applicant does not wish to commit to a building location in the northeast corner of the site because it would necessitate reengineering to connect their stormwater management facility to the storm drain system, and could possibly result in the need to construct retaining walls at the intersection of Nicholson Lane and Huff Court. Although these reasons for adhering to the proposed layout don't seem insurmountable to staff, we acknowledge that site design and building location are not specific requirements of a preliminary plan. Since the Sector Plan recommends a base zone that does not require a site plan review at which design details are established, staff does not find the preliminary plan to be out of compliance with the Sector Plan.

Staff believes that a landscaping and lighting plan should be required to meet a primary objective of the White Flint Sector Plan—a lively pedestrian environment. Condition #10 on page 2 of this report states the applicant must submit a landscape and lighting plan prior to record plat. Such a plan will allow for screening of the parking area, street trees and lighting that will enhance safety.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed bank. The Property will be served by public sewer and water. 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. Other public facilities and services, such as police stations and firehouses, are currently operating within the standards set by the Growth Policy Resolution currently in effect. Gas, electrical and telecommunications services are also available to serve the Property.

Transportation

As aforementioned, the subject bank site is located in the southwest corner of the intersection of Nicholson Lane and Huff Court, with vehicular access points from Nicholson Lane and Huff Court.

On-Going Transportation Project

Huff Court is part of an on-going transportation project (DPWT CIP Project No. 509337, Citadel Avenue Extended), which has construction funding for a two-lane business district street from its current terminus 600 feet south of Marinelli Road to Nicholson Lane. Construction is anticipated to start in August 2007 and to be completed within a year.

Available Transit Service

Ride-On route 38 and Metrobus routes C-8 and J-5 operate along the Nicholson Lane frontage of the site. The White Flint Metrorail Station is located approximately 1,000 feet north of the Subject Property.

Pedestrian Facilities

Sidewalks exist along Nicholson Lane and Huff Court with no lawn/tree panel between the sidewalks and the travelway. The applicant is required to reconstruct these sidewalks along Nicholson Lane and Huff Court so that an 8 foot-wide lawn panel buffers pedestrians from vehicular traffic along Nicholson Lane and Huff Court. The pedestrian crosswalk nearest the site is located along the eastern leg of the intersection. Currently, there are no pedestrian signals at this intersection. Pedestrian crosswalks with handicapped ramps and pedestrian signals are included in the DPWT CIP Project for Citadel Avenue Extended at all intersection legs.

Master-Planned Roadways and Bikeway

In accordance with the *North Bethesda/Garrett Park Master Plan* and the *Countywide Bikeways Functional Master Plan*, the nearby master-planned roadways and bikeway facility are designated as follows:

1. Nicholson Lane is designated as an undivided, four-lane arterial, A-69, with a recommended 80-foot minimum right-of-way and a shared signed roadway (on-street bike lane), SR-37.
2. Huff Court and Citadel Avenue are designated as an undivided, four-lane, business district streets, B-4, with a recommended 60-foot minimum right-of-ways.

Transportation Demand Management

The proposed bank with three drive-through aisles is located within the boundary of the North Bethesda Transportation Management District (TMD). The structure will contain less than 25 employees, therefore, the applicant is not required to enter into a Traffic Mitigation Agreement (TMAg) to participate in the North Bethesda Transportation Management Organization (TMO).

Local Area Transportation Review (LATR)

The proposed bank generates the following peak-hour trips within the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

Type of Land Use	Square Feet	Weekday Peak Hour			
		Morning		Evening	
		New	Total	New	Total
Proposed Bank with 3 Drive-Through Windows	3,327 sq. ft.	31	58	81	153
Existing General Retail Store	11,340 sq. ft.	-11	-20	-42	-80
Net Increase in Peak-Hour Trips		+20	+38	+39	+73

Total trips include new, diverted, and pass-by trips. New trips occur when the bank is the primary trip origin or destination. Diverted, and pass-by trips are those where the driver is already on the road but stops at the bank on the way along the travel route.

A traffic study was required to satisfy LATR, because the proposed bank generates at least 30 total peak-hour trips during the weekday morning and evening peak hours. The traffic study submitted by the applicant was based on a 3,560 square foot bank. The table below shows the Critical Lane Volume (CLV) values at the studied intersections:

Traffic Condition	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total
Nicholson Lane and Rockville Pike	Morning	1,050	1,119	1,121
	Evening	1,406	1,604	1,618
Nicholson Lane and Site Access Point	Morning	632	701	710
	Evening	721	820	837
Nicholson Lane and Huff Court/Future Citadel Avenue	Morning	660	985	996
	Evening	805	1,120	1,150
Nicholson Lane and Nebel Street/Nicholson Court	Morning	808	907	911
	Evening	1,051	1,104	1,109
Huff Court and Site Access Point	Morning	110	133	148
	Evening	105	117	143

The CLV values at all intersections are less than the 1,800 congestion standard for the White Flint (Metrorail Station) Policy Area; and, therefore, satisfy the LATR test. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Environment

The Subject Property does not contain any environmentally sensitive areas or environmental buffers. As a result, the Environmental Guidelines are not applicable. A Natural Resource Inventory/Forest Stand Delineation was submitted for the site, which was approved on January 12, 2007.

There is no forest on the Property. There are, however, five trees on-site and three trees immediately adjacent to the property that are marked to be saved as part of the Tree Save Plan. Four of these trees are approximately 14" in diameter at breast height (DBH) and one is 28" DBH. These trees will be protected with tree protection fencing and other necessary stress reduction measures deemed appropriate in the field.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on July 9, 2007. The concept includes on-site water quality control via a volume-based, proprietary, structural filter (Contech Stormfilter or approved equivalent). On-site recharge is not required since redevelopment is proposed. Channel protection volume is not

required because the one-year post development peak discharge is less than or equal to 2.0 cubic square feet.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the C-2 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (see Attachment D for Agency Correspondence).

Citizen Correspondence and Issues

The applicant notified adjacent and confronting property owners and civic associations of the preliminary plan submission made to MNCPPC and provided copies of the plan, as required. Staff sent notice of the public hearing to these parties. No citizen concerns have been brought to the attention of MNCPPC staff as of the date of this report.

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the *North Bethesda/Garrett Park Master Plan*. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

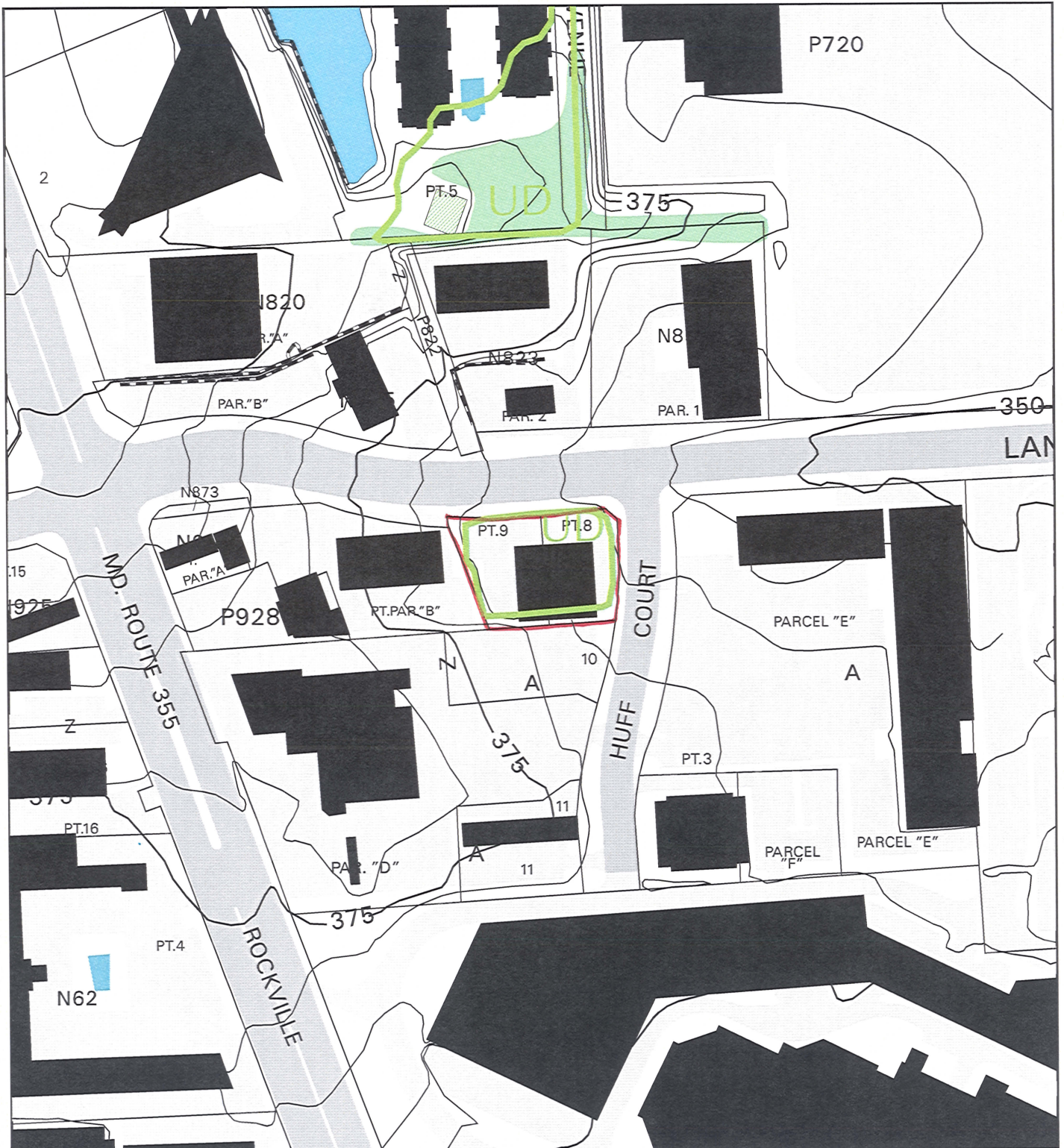
- Attachment A – Vicinity Development Map
- Attachment B – Proposed Development Plan
- Attachment C – Community Based Planning Memorandum
- Attachment D – Agency Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Commerce Bank – Nicholson Lane				
Plan Number: 120070620				
Zoning: C-2				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Standard				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	None	32,223 sq. ft.	EG	9/25/07
Lot Width	None	160 ft.	EG	9/25/07
Lot Frontage	None	160 ft.	EG	9/25/07
Setbacks				
Front	10 ft. Min.	Must meet minimum ¹	EG	9/25/07
Side/Rear	No yard may be less than 3 ft. in width	Must meet minimum ¹	EG	9/25/07
Height	42 ft. Max.	May not exceed maximum ¹	EG	9/25/07
Max Resid'l d.u. or Comm'l s.f. per Zoning	1.5 FAR	0.1 FAR	EG	9/25/07
Green Area	10% of gross tract	Must meet minimum ¹	EG	9/25/07
TDRs	No		EG	9/25/07
MPDUs	No		EG	9/25/07
Site Plan Req'd?	No		EG	9/25/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	EG	9/25/07
Road dedication and frontage improvements		Yes	Agency letter	9/24/07
Environmental Guidelines		N/a	Staff memo	9/20/07
Forest Conservation		Exempt	Staff memo	9/20/07
Master Plan Compliance		No	Staff memo	9/21/07
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency letter	7/9/07
Water and Sewer (WSSC)		Yes	Agency comments	4/16/07
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	4/16/07
Well and Septic		N/a	EG	9/25/07
Local Area Traffic Review		Yes	Staff memo	7/19/07
Fire and Rescue		Yes	Agency letter	6/22/07

¹ As determined by MCDPS at the time of building permit.

COMMERCE BANK-NICHOLSON LANE (120070620)



Map compiled on March 23, 2007 at 11:45 AM | Site located on base sheet no - 215NW05

NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998



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

September 21, 2007

MEMORANDUM

TO: Cathy Conlon, Development Review Division

FROM: Judy Daniel, Team Leader, Bethesda-Chevy Chase, North Bethesda Team *JDB*

SUBJECT: Community-Based Planning Comments for Preliminary Plan No. 1-20070620: Commerce Bank - Nicholson Lane

ZONE: C-2

MASTER PLAN: 1992 North Bethesda/Garrett Park Master Plan
 White Flint Sector Plan

Staff Recommendation

To meet Master Plan major objectives, change the location of the bank building on the site to sit at the corner of Nicholson Lane at Huff Court. Locate parking to the side and rear of the site.

Background

The site is located in 1992 North Bethesda-Garrett Master Plan in Sub-Area 7 of the White Flint Sector Plan area. The site is bounded by Nicholson Lane and Huff Court and is located one block south of the White Flint Metro Station. This proposal is for a one-story bank building with a drive-through surrounded by associated parking on a .75 acre site. The site currently contains a one story commercial building that is to be replaced.

Master Plan Guidance

The Master Plan confirms the C-2 zoning, although the site is recommended for TS-M zoning. The developers have chosen to develop under the C-2 Zone. The primary stated major objectives of the Master Plan for this area are:

1. Develop White Flint as the main urban center of North Bethesda.
2. Capitalize on the public investment in the Metro system and encourage its use rather than continued reliance on the automobile.

3. Promote mixed-use development near the Metro station to ensure the 24-hour vitality of the area.
4. Include a significant transit serviceable residential component within the Sector Plan area.
5. Develop policies to ensure a lively pedestrian environment.

Further, in the "Green Corridors" section of the Environmental Resources chapter, the Master Plan recommends maintaining and enhancing vegetation along roadsides and in medians of major highway corridors. The design guidelines include; *"placing a landscape buffer between the curb and relocated sidewalks, placing trees in medians and along curbs, screening of front yard parking, and relocating utility poles to allow for optimum tree planting and sidewalks"*. (p. 251.)

Compatibility

Three sides of the project are bounded by non-residential commercial properties. Surrounding uses include a portion of a car dealership parking lot, a gas station, a fast food restaurant, and another commercial building. The mixed-use, residential high-rise "White Flint View" building, a rezoning recently recommended for approval by the Planning Board, is proposed to the north (across Nicholson Lane) on the Nolan Plumbing site. The nature of the proposed use here is compatible with the existing uses.

Recommendation

The proposed layout of this site is very suburban in character, and contrary to the urban character envisioned for this area by the Master Plan. The proposal locates the building in the middle of the lot, surrounded by parking. This creates a land use pattern wholly out of character with the urban vision in the Master Plan.

The staff finds that the proposed plan complies with the 1992 Master Plan in terms of zoning, but the placement of the building on the lot is not in the character or spirit of the Master Plan intent. The submitted configuration creates a typically suburban "island" effect, surrounded by asphalt.

In order to comply with the Master Plan intent, the bank structure should be located at the northeast front corner of the property, adjoining the sidewalks fronting Nicholson Lane and Huff Court. The drive through would still parallel the Huff Court access. The recommended change in the location of the building would make the development less in conflict with the current Master Plan intent, although the one-story single use structure is not the use of the property envisioned in the Master Plan. The update to the White Flint Sector Plan currently underway is considering even stronger tools to build a mixed-use, pedestrian oriented area.

To improve meet Master Plan objectives for sites that are within walking distance of the Metro station, including creating an urban environment and improving the pedestrian “friendliness” of this proposal, the following is recommended:

1. Move the building to the northeast corner of the property, placing the majority of the parking behind and to the rear of the bank structure. Provide entrances from Nicholson Lane (for pedestrians) and the parking area.
2. Screen and shade the parking areas.
3. Relocate the sidewalk along Nicholson Lane and Huff Court. Per Master Plan guidance, street trees should be located 30' on center in a 6-foot grass panel.
4. Design lighting so that it does not trespass onto adjacent properties.
5. Coordinate with the forthcoming White Flint streetscape (under design) for tree species and details in pavement.



FIRE MARSHAL COMMENTS

DATE: JUNE 22, 2007
TO: SCOTT STROUP, PATTON HARRIS RUST & ASSOCIATES
FROM: MARIE LABAW
RE: COMMERCE BANK, NICHOLSEN LANE 1-20070620

PLAN APPROVED.

1. Review based only upon information contained on the plan submitted 06-22-07. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

MNCPPC-MC

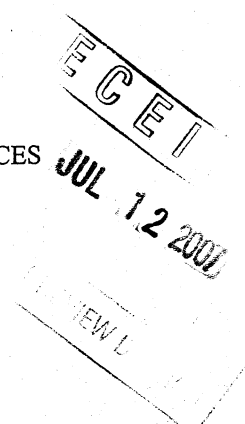


DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

July 9, 2007

Carla Reid Joyner
Director



Ms. Christina Contreras
Patton Harris Rust & Associates
12850 Middlebrook Road, Suite 200
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for Commerce Bank Nicholson Lane
Preliminary Plan #: 120070620
SM File #: 230491
Tract Size/Zone: 0.75 Ac./C-2
Total Concept Area: 0.75 Ac.
Lots/Block: Part of 8 & 9 /A
Parcel(s):
Watershed: Lower Rock Creek

Dear Ms. Contreras:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via a volume-based, proprietary, structural filter (Contech Stormfilter or approved equivalent). Onsite recharge is not required since this is redevelopment. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. A VortSentry (Model VS-40) hydrodynamic structure will be used for pretreatment of the StormFilter.
6. Pipes in and out of the StormFilter box must be at right angles. A rubber boot must be installed when using any type of pipe other than RCP.

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

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

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



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

RRB:dm CN230491 Commerce Bank Nicholson lane.DWK

cc: C. Conlon
S. Federline
SM File # 230491

QN -Onsite; Acres: 0.75
QL - Onsite; Acres: 0.69
Recharge is not provided

09/24/07 MON 08:53 FAX 2407772080

TRAFFIC ENGR

002



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

September 24, 2007

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

RE: Preliminary Plan #1-20070620
Commerce Bank - Nicholson Lane

Dear Ms. Conlon:

We have completed our review of the preliminary plan revised on 09/20/07. This plan was reviewed by the Development Review Committee at its meeting on 04/16/07. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for Nicholson Lane and Huff Court in accordance with the Master Plan and standard truncation at the intersection of the aforementioned streets.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
4. A Public Improvements Easement may be necessary along the site frontage, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX
www.montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20070620
Date September 24, 2007
Page 2

5. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be reconstructed along the site frontage according to the associated DPWT standard street sections unless the applicant is able to obtain a waiver from the appropriate government agency. Also the proposed sidewalk should be connected to the existing sidewalk on Nicholson lane.
6. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6320 to discuss the parking lot design.
7. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. However Driveways curb returns should not encroach adjacent properties frontages. Also provide proper spacing between the driveways curb returns and public utilities features.
8. In order to ensure adequate driveway capacity, particularly egress volume, we recommend providing a minimum fifty (50) foot tangent section before encountering cross traffic on-site, for all driveways.
9. The parking lot travel lanes are to be designed to allow a WB-50 truck to circulate without crossing the centerline nor the curbline.
10. The applicant needs to submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules. Also coordinate with David Wagaman at 240-777-6400 Division of Solid Waste about their requirements for recycle/trash truck access and movement.
11. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
12. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
13. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
14. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

Ms. Catherine Conlon
Preliminary Plan No. 1-20070620
Date September 24, 2007
Page 3

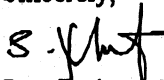
15. Geometrics for the intersection of proposed driveways with Nicholson Lane and Huff Court will be reviewed by the Department of Permitting Services as part of their review of the building permit application. Included in that review will be the design of any necessary left turn storage lanes and/or acceleration/deceleration lanes. We advise the applicant to submit their traffic volume data to the DPS Right-of-Way Permitting and Plan Review Section (in advance of their building permit applications) to verify their intersection improvement requirements and the acceptability of their design.
Also please note, that we will monitor traffic movements along Nicholson Ave and Huff Court. If problems are detected, we may need to limit certain movements into and/or out of the driveways, to improve traffic operations and safety.
16. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
17. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
18. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Traffic Management Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
19. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
20. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
21. Provide driveway access for the stormwater management facilities per associated DPS guidelines.
22. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Reconstruct the sidewalk along the site frontage as per items 4 and 5 above.
 - B. Additional road improvements may be required as a result of a review of a traffic study if such study is required by the Planning Board staff.
 - C. Improvements to the existing public storm drainage system as proposed on the preliminary plan. At the permit stage the applicant will coordinate with DPWT Division of Capital Development to seek DPWT participation in those improvements. If the participation deemed not possible, the applicant solely will bear the responsibility to perform above improvements in accordance with the DPWT Storm Drain Design Criteria.

Ms. Catherine Conlon
Preliminary Plan No. 1-20070620
Date September 24, 2007
Page 4

- D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- E. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E.
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20070620, Commerce Bank-Nicholson Lane.doc

Enclosures (2)

cc: Michael Powell, Commerce Bank
Chritina Contreras, PHR&A
Jody Kline, Miller, Miller & Canby
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Henry Emery; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book



MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: North Bethesda Office Center East Preliminary Plan Number: 1-20070620

Street Name: HUFF COURT Master Plan Road Classification: Commercial Business District

Posted Speed Limit: 25 mph

Street/Driveway #1 () Street/Driveway #2 ()

Table with 4 columns: Sight Distance (feet), OK?, Sight Distance (feet), OK?. Rows for Right and Left for both Street/Driveway #1 and #2.

Comments: MEASUREMENTS BOTH END AT INTERSECTIONS AT EITHER END OF HUFF COURT.

GUIDELINES

Table with 2 columns: Classification or Posted Speed (use higher value), Required Sight Distance in Each Direction*. Rows include Tertiary, Secondary, Business, Primary, Arterial, and Major.

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

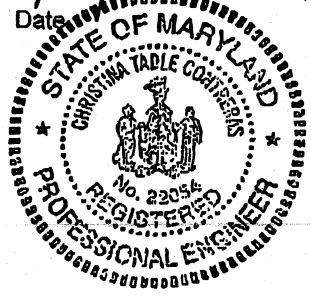
*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature: Christina T. Centura Date: 9/26/07

Signature: 22054 PLS/P.E. MD Reg. No.



Montgomery County Review: [X] Approved [] Disapproved. By: SF Date: 9/24/07



MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: North Bethesda Office Center East Preliminary Plan Number: 1-20070620

Street Name: Nicholson Lane Master Plan Road Classification: Arterial

Posted Speed Limit: 30 mph

Street/Driveway #1 () Street/Driveway #2 ()

Table with columns: Sight Distance (feet), OK?, Right, Left. Values: Right 150', Left 430', OK? checked.

Comments: (Two blank lines for notes)

GUIDELINES

Table with columns: Classification or Posted Speed (use higher value), Required Sight Distance in Each Direction*. Rows include Tertiary, Secondary, Business, Primary, Arterial, Major.

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature: Christina Contursi

Signature: 22054 PLS/P.E. MD Reg. No.



Montgomery County Review: [X] Approved, [] Disapproved. By: SF, Date: 9/24/07