




MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Item #
MCPB 5-17-07

MEMORANDUM

DATE: May 4, 2007
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Development Review Division
FROM: Robert A. Kronenberg, Acting *RAK*
Supervisor
Development Review Division
(301) 495-2187



REVIEW TYPE: **Site Plan Review**
CASE #: **820070120**
PROJECT NAME: **Commerce Bank-Germantown**
APPLYING FOR: Approval of a 3,719 square foot bank with a maximum of four drive-thru windows, on 1.15 acres of property.
REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance
ZONE: C-1
LOCATION: In the northeast quadrant of the intersection Frederick Road (MD 355) and Scenery Drive in Germantown, Maryland
MASTER PLAN: Germantown Master Plan
APPLICANT: Commerce Bank
FILING DATE: January 9, 2007
HEARING DATE: May 17, 2007

STAFF RECOMMENDATION: Approval of a 3,719 square foot bank with a maximum of four drive-thru windows, on 1.15 acres. All site development elements as shown on the site and landscape plans stamped by the M-NCPPC on April 16, 2007 shall be required, except as modified by the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 120060840 as listed in the Planning Board opinion dated July 18, 2006 [Attachment A].
2. Landscaping
Relocate the shrubs adjacent to the parking areas and the retaining wall outside the public utility easement.



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The proposed development shall comply with the conditions of approval for Preliminary Plan 120060840 as listed in the Planning Board opinion dated July 18, 2006 [Attachment A].
2. Landscaping
Relocate the shrubs adjacent to the parking areas and the retaining wall outside the public utility easement.

3. Lighting

- a. Provide a revised lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for commercial development.
- b. All light fixtures shall be cut-off fixtures and able to be equipped with deflectors, refractors or shields.
- c. Deflectors, reflectors or refractors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent commercial properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- e. The height of the light poles on the eastern boundary shall not exceed 12 feet including the mounting base, and shall not exceed 14 feet throughout the remainder of the site, including the mounting base.
- f. Relocate light fixtures outside of the public utility easement.

4. Pedestrian Circulation

The applicant shall record a covenant in the land records ensuring that the applicant or successor will fund and construct a missing segment of the 5' sidewalk to be ADA compliant along the Scenery Drive frontage, from the proposed driveway entrance to the eastern boundary, when and if the adjoining property is developed.

5. State Highway Administration

The proposed development is subject to State Highway Administration conditions in letters dated December 22, 2006 and April 3, 2007 to the extent applicable. Access to MD 355 is subject to access permit issuance. The property may be developed as depicted on the site plan with or without access to MD 355. Building permits may be issued prior to access permit approval [Attachment B].

6. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated March 27, 2006, unless otherwise amended by DPS [Attachment B].

7. Development Program

Applicant shall construct the proposed development in accordance with a Development Program. The 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. Street tree planting and the sidewalks for Frederick and Scenery Roads shall progress as site construction is completed, but no later than six months after completion of the building.
- b. Landscaping associated with the parking lot and building shall be completed as construction of each facility is completed, but no later than six months after completion of the building.
- c. Pedestrian pathways, including the 5-foot-wide lead-walks to the existing sidewalk on Frederick Road and Scenery Drive, shall be completed as construction of the building is completed.
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- e. Phasing of dedications, parking, stormwater management, sediment/erosion control, or other features.

8. Clearing and Grading

Clearing and grading activities shall be permitted prior to M-NCPPC approval of the certified site plans and immediately following the public hearing, subject to approval of a Sediment and Erosion Control Plan and Tree Save Plan. A pre-construction meeting shall be conducted on site with the Department of Permitting Services and the M-NCPPC prior to commencement of clearing and grading activities.

9. Certified Site Plan

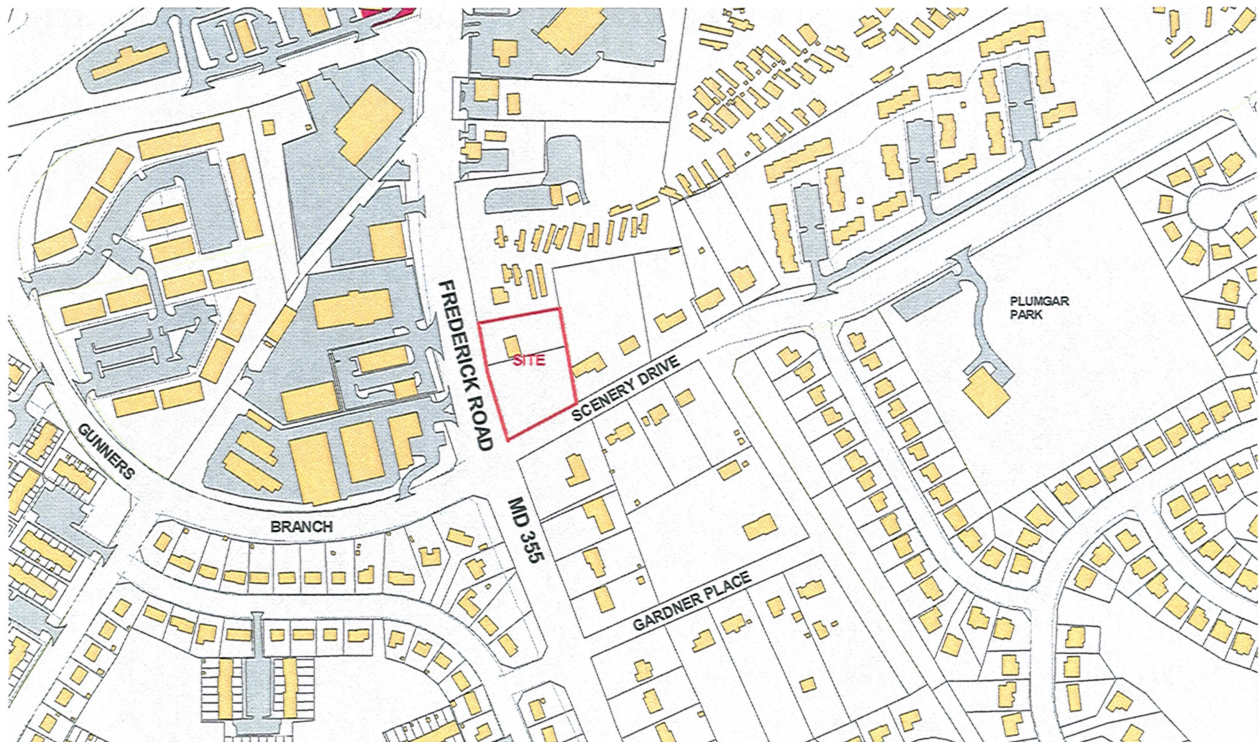
Prior to approval of the certified site plan the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Resolution.
- b. Revised data table deleting the +/- from the proposed distances.
- c. Detail of the proposed light fixtures.
- d. Note stating the M-NCPPC staff must inspect protection devices prior to clearing and grading.
- e. All other items for landscaping, lighting and pedestrian circulation in the conditions of approval above.

PROJECT DESCRIPTION: Site Vicinity

The subject property is located in the northeastern quadrant of the intersection of Frederick Road (MD 355) and Scenery Drive in Germantown, Maryland. The entire intersection of Frederick Road (MD 355) and Scenery Drive is zoned C-1, as well as the commercial properties on the west side of Frederick Road, spanning north toward Middlebrook Road. The surrounding commercial properties consist of one to two-story buildings. The uses range from auto related businesses to storage buildings and strip shopping centers to the north. Directly to the south and east are one-family detached homes. Further east along Scenery Drive is the HOC housing complex of townhouses and apartments and Plumgar Park, comprised of a community center, ball field and play area.

The southwest side of the intersection of the two major roads is comprised of the one-family residential properties. The intersection is not signalized, but contains a pedestrian crosswalk on the south side of Frederick Road.



PROJECT DESCRIPTION: Site Description

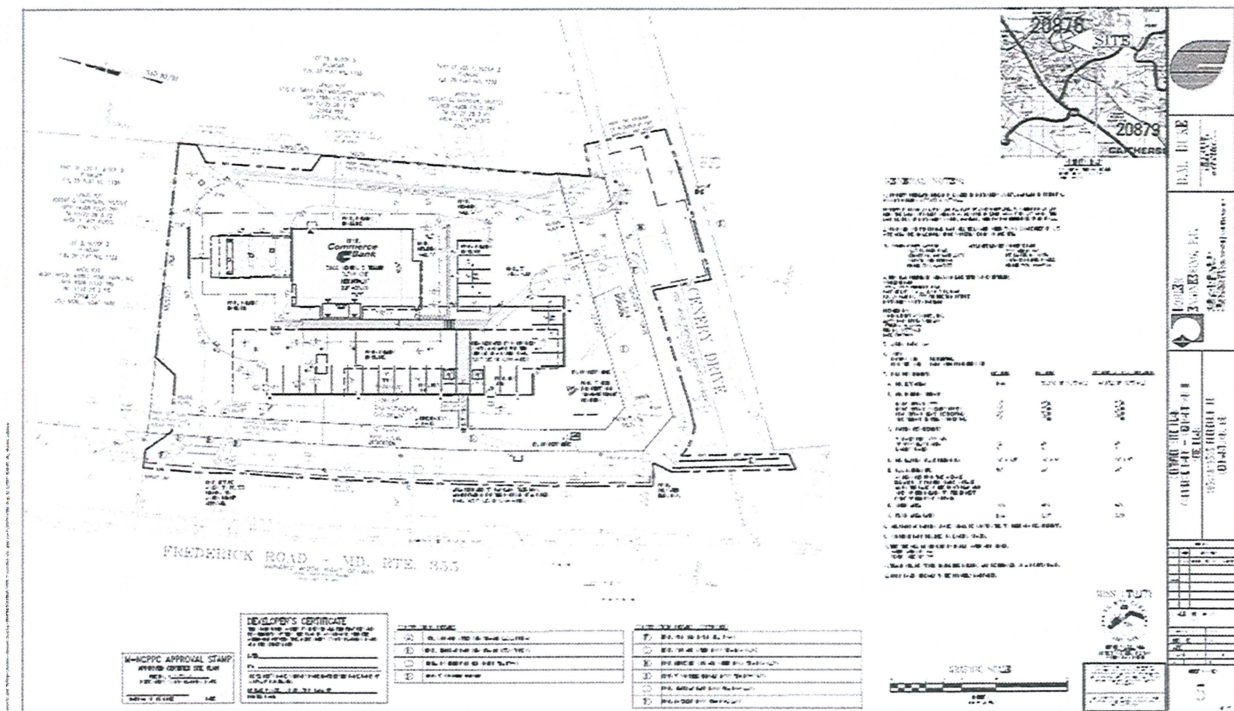
The subject property is approximately 1.15 acres in size and located at the northeastern intersection of Frederick Road and Scenery Drive. The subject property, identified as Lot 1 and 2, was approved as part of the subdivision entitled Block 1, 2 and 3 Plumgar, and recorded in 1949. The site is zoned C-1. The site contains an existing one-story house on the northern portion of the site that has been boarded up. The existing house contains an existing driveway directly from Frederick Road. The southern portion of the site contains an apron and partial driveway from Scenery Drive near the eastern perimeter of the property. A five-foot-wide sidewalk currently exists on Frederick Road along the property frontage.

The site is elevated from both roadways by approximately 3-10 feet, with the greater elevation nearest the intersection. The slope is planted with Juniper and grass. The grades fall by 10-15 feet from the south toward the northern property line through an open field. The site contains numerous large shade trees along the Frederick Road frontage and in the northeastern quadrant of the site. Many of the trees are listed as being in poor condition. Utility poles exist along the entire southern and western property frontage.



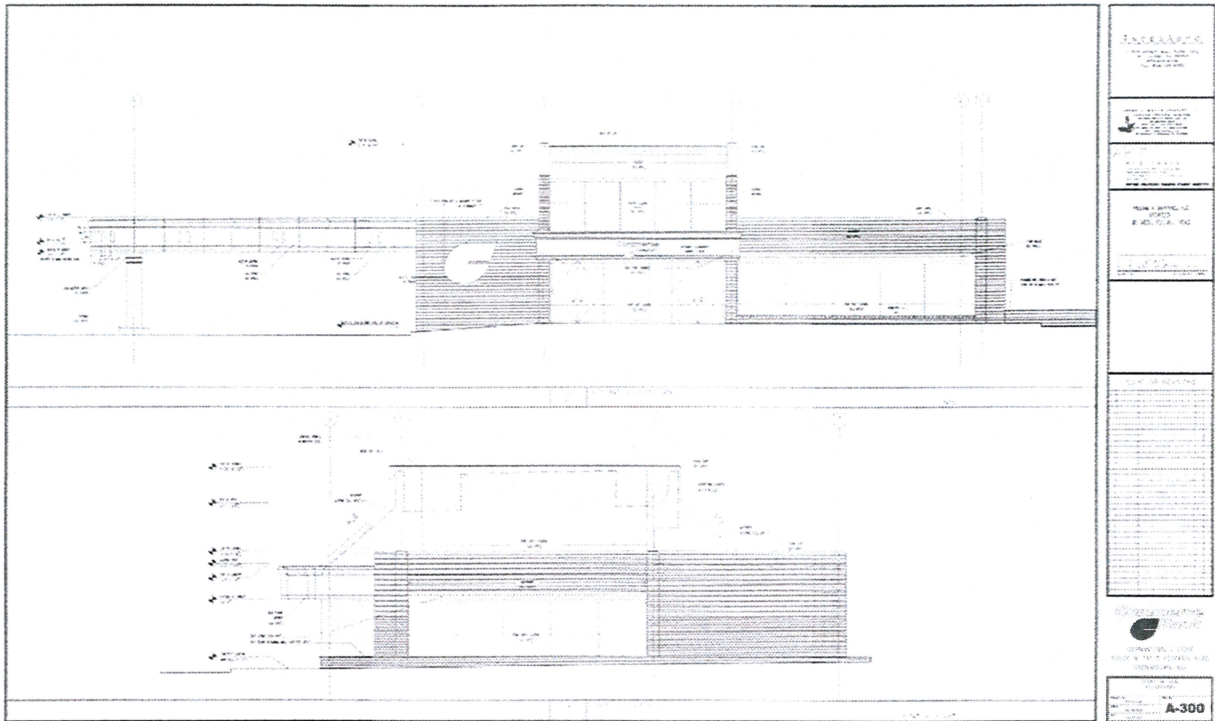
PROJECT DESCRIPTION: Proposal

The applicant requests approval for a drive-thru bank facility, in the C-1 Zone, on approximately 1.15 acres of property. The site plan is requesting less square footage than approved by the preliminary plan (#120060840). A site plan was required after the preliminary plan was approved and during the building permit process, due to the provision in the C-1 Zone for contiguous property.



The building design is a one-story structure with the drive-thru feature on the north side of the building and head-in parking parallel to Frederick Road and Scenery Drive.

Primary access to the proposed building and parking lot is from Scenery Drive at the southeastern corner of the site. The parking wraps around the southern and western perimeters of the proposed building and provides a separation between the existing residential uses to the east. A future access is shown on the site plan as an alternate design for a right-out only onto MD 355, if acceptable by SHA.



Landscaping consists of shade trees within the parking lot and within the rights-of-way for Frederick Road and Scenery Drive. Evergreen screening is provided for the perimeter parking adjacent to public roads. The primary area of concern is the eastern boundary and the treatment provided to the adjacent homeowner, with respect to screening and lighting. The plan proposes three light fixtures on the entire site, consisting of 12 and 14-foot-tall full cut-off fixtures primarily to illuminate the parking area.

Recreation is not required for commercial properties. The proposed development is proposing 44 percent green space on the perimeter of the parking area and within the parking islands, which greatly exceeds the 10 percent required by the C-1 Zone. The stormwater management concept was approved on March 27, 2006.

PROJECT DESCRIPTION: Prior Approvals

Preliminary Plan

Preliminary Plan 120060840 was approved on June 8, 2006 (Planning Board resolution mailed July 18, 2006) for subdivision of 1 lot on 1.16 acres of land. The approval of the preliminary plan is limited to a 4,100 square foot bank with four drive-thru aisles.

ANALYSIS: Conformance to Development Standards

Proposed Use: Bank with four drive-thru lanes

PROJECT DATA TABLE (C-1 Zone)

Zoning Ordinance Development Standard	Permitted/ Required	Proposed for Approval
Min. Tract Area (ac.):	less than 15	1.15
Max. Square Footage of Development (sf.)	4,100	3,719
Min. Building Setbacks (ft.) ¹		
From street	0	
(Frederick Road)		58.2
Scenery Drive		77.6
Other lot lines ²	0	14
Northern Boundary (Commercial)		22.7
Eastern Boundary (Residential)		37.3
Min. Green Area (%)	10	42
Max. Building Height (ft.):	30	28 ³
Parking Spaces		
Bank @ 3/1000	12	26
(3,719 sf x 5 =25,480/1000)		

ANALYSIS:

Conformance to Master Plan

The Germantown Master Plan does not specifically identify the subject property, although the site is included in the Middlebrook Village analysis area. This analysis area is a combination of C-1 and C-3 zoning with predominately convenience retail and some auto-related uses. The Master Plan recommends retaining the existing zoning. The proposed drive-thru bank complies with the recommendations adopted in the Master Plan for convenience commercial.

In addition to the Master Plan, the subject site must comply with the Germantown Streetscape Concept Plan (March 1984). The Concept Plan includes streetscape guidelines to encourage

¹ Building setbacks shown are provided by establishing a building envelope.

² Setback 0' but not less than 10' if a setback is provide

³ Building height is measured from the average elevation of finished grade surface along the base of the front, rear and side of the building to the highest point of the roof surface, but no greater than 28 feet.

pedestrian circulation and landscape and lighting treatments that are feasible within the available streetscape area.

Local Area Transportation Review

A traffic study was submitted to satisfy Local Area Transportation Review and to determine the impact of the proposed development on the area transportation system. The subject property is projected to generate 41 and 108 new trips, and 37 and 96 pass-by trips during typical peak hours in the morning and evening peak periods, respectively. A total of five intersections were identified in the study area for analysis with this development. Trips from the subject property were added to the existing and background traffic (trips from the approved but un-built developments) to form the total future traffic condition. Traffic was assigned to the five intersections and the results show all traffic intersections will operate within the congestion standard of 1,450 Critical Lane Volume (CLV) for the Germantown-Clarksburg Policy Area, therefore, the application passes the LATR.

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*

An approved development plan or a project plan is not required for the subject development.

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

The Site Plan meets all of the requirements of the C-1 Zone as demonstrated in the project Data Table on page 7.

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

- a. Location of the Building and Structures

The location of the building and parking facilities are safe, adequate and efficient.

The proposed building is located in an optimal area of the site to provide visibility from MD 355, and to physically separate the parking and drive-thru functions from the adjoining residential properties. The location of retaining walls is placed to accommodate grading and provide a physical separation to the adjoining uses, along with planting for visual appearance.

- b. Open Spaces

The applicant is exceeding the required 10 percent of green space for the C-1 Zone. The plan proposes 0.44 acres of green space, or 42 percent of the property, on the perimeters of the site and within the planting islands that separate the parking spaces. The green space, as well as the proposed trees along Frederick Road and Scenery Drive will visually enhance the streetscape and provide a buffer to the adjacent properties. The green space adjacent to the existing residence to the east is being enhanced with plantings for screening of the property.

- c. Landscaping and Lighting

The proposed landscaping on the site consists of foundation planting to accentuate the entrance to the building and evergreen hedges along the perimeter of the parking lot adjacent to both public roads. Shade trees are proposed within the planting islands of the parking lot. The perimeter of the drive aisle from Scenery Drive, adjacent to the existing residential use, contains evergreen trees, providing a visual buffer as well as a physical separation with the retaining wall.

The streetscape for both roadways include shade trees along the frontage of the property behind the proposed sidewalks. The application is providing 6.4 percent of the parking lot area toward green area, satisfying the minimum internal green space requirement of 5 percent.

The lighting plan consists of shoebox style fixtures, two of which are located on the east side of the proposed bank building. Staff has recommended that the lights be removed to negate potential glare caused on the adjacent residential property. Staff also recommends revisions to the lighting plan to reduce the height of the fixtures and better placement of the poles on the site. The light fixtures will be mounted on 12 and 14-foot-tall poles and equipped with shields to avoid spillover to county roads and the adjacent residential property.

d. Recreation

Recreation facilities are not required for commercial properties.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian access is safe, adequate and efficient.

The site proposes a full movement access point from Scenery Drive. An egress only (driveway), from the site to Frederick Road, is proposed as an alternate design, if approved by the State Highway Administration. The internal circulation is efficient, with or without the alternate egress point; however, the site is more accommodating with the secondary access point. The primary access point is a safe distance from the intersection of Frederick Road and provides full turning movements in and out of the subject site onto Scenery Drive. Frederick Road is classified as a Major Highway with a right-of-way of 150 feet and a shared-use path on the opposite side of the street, and sidewalks on both sides.

The site plan proposes improved pedestrian access on both roadways and from the proposed parking and building to the street. Six-foot-wide internal sidewalks will also be provided to facilitate pedestrian circulation around the perimeter of the building and to the sidewalks on Frederick Road and Scenery Drive.

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

The proposed building and parking is compatible with the surrounding commercial establishments and residential properties.

The proposed development encourages revitalization of C-1 zoned properties along a major roadway. The development has minimized impacts to the adjacent property located directly east of the site through retaining walls to mitigate the grading and landscaping to

assist in buffering the building from the one-story residence. The location of the proposed building responds to the surrounding one-family homes, with respect to distance from the boundary and size of the structure. The location of the parking is physically separated from the adjoining residential property and the drive-thru is located on the northern perimeter to mitigate noise, traffic and activity from the eastern boundary. The planned parking area becomes more compatible with the adjacent parking facilities and buildings on the adjacent commercial and residential properties to the north and east of the site, respectively. Additionally, the height of the building compliments the surrounding residences and commercial buildings represented on Frederick Road.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The subject property contains no significant environmental features and is exempt (4-06154E) from forest conservation requirements; however, a tree save plan is required to ensure survivability of all trees on the adjoining properties to the north and west. The limits of disturbance have been carefully calculated and retaining walls have been proposed on the property lines to limit disturbance to the critical root zones of the trees on the adjoining properties. Tree protection fencing and root pruning is also shown to protect the trees.

The proposed stormwater management concept consists of on-site water quality control through the use of a Stormfilter, and pretreatment is provided in a Hydrodynamic device. Recharge is provided through the use of drywells. Channel protection is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

ATTACHMENTS

- A. Planning Board opinion for Preliminary Plan 1-02056.
- B. Memoranda from agencies

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

Date Mailed: JUL 18 2006

Hearing Date: June 8, 2006

Action: Approved Staff

Recommendation

Motion of Commissioner Wellington,
seconded by Commissioner Bryant,
with a vote of 4-0;
Chairman Berlage and Commissioners
Bryant, Wellington, and Robinson voting
in favor. Commissioner Perdue absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan No. 120060840

NAME OF PLAN: Commerce Bank Germantown II

*The date of this written opinion is **JUL 18 2006** (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).*

INTRODUCTION

On 2/17/06, Robert G. Garrison, Trustee ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the C-1 zone. The application proposed to create 1 lot on 1.16 acres of land located at the northeast quadrant of the intersection of Frederick Road (MD 355) and Scenery Drive, in the Germantown Master Plan area ("Subject Property"). The application was designated Preliminary Plan 120060840 ("Preliminary Plan"). On 6/8/06, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the

application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION

The Subject Property, identified as Lot 1 and Lot 2, was approved as part of the subdivision entitled Block 1, 2, and 3 Plumgar which was recorded in 1949. The Subject Property is located at the northeast quadrant of the intersection of Frederick Road (MD 355) and Scenery Drive. The Subject Property contains 1.16 acres and is zoned C-1.

PROJECT DESCRIPTION

This is a preliminary plan application to create one (1) lot for the construction of a 4,100 square foot bank with four (4) drive-thru aisles. Access to the site will be from Scenery Drive with an exit only on Frederick Road (MD 355), unless otherwise amended by the State Highway Administration (SHA). The Subject Property contains no environmental features and is exempt from forest conservation.

MASTER PLAN COMPLIANCE

The Germantown Master Plan ("Master Plan") does not specifically identify the Subject Property, but includes it within the Middlebrook Village analysis area. The Middlebrook Village analysis area is a combination of C-1 and C-3 zoning with predominantly convenience retail and some auto-related uses. The Master Plan recommends retaining the existing zoning. The Preliminary Plan complies with the recommendations adopted in the Master Plan in that it proposes the convenience commercial drive-thru bank.

In addition to the Master Plan, the proposed development must comply with the Germantown Streetscape Concept Plan (March 1984) ("Concept Plan"). The Concept Plan includes streetscape guidelines that encourage pedestrian, landscaping and lighting treatments that are feasible within available space. The Preliminary Plan proposes a sidewalk along MD 355, with appropriate lawn strip and street trees, to provide pedestrian access to the residential projects along Scenery Drive and the Fox Chapel retail center.

TRANSPORTATION

Site Location and Pedestrian/Vehicular Access

The Subject Property is located east side of Frederick Road and north of Scenery Drive with vehicular access from both roadways. The site will gain a right in and right out only access from Scenery Road and an egress from Frederick Road. The Applicant will provide 5-foot wide sidewalks on both Frederick Road and Scenery Drive with appropriate lead-in sidewalks connecting to the internal walkways.

Roadway Classifications

Frederick Road is classified as a Major Highway (M-6) with a recommended right-of-way of 150 feet with a shared-used path on the opposite side of the street and sidewalks on both sides. Scenery Drive is classified as an Arterial Roadway with a recommended right-of-way of 100 feet with sidewalks on both sides.

Local Area Transportation Review (LATR)

A traffic study was submitted to satisfy Local Area Transportation Review and to determine the impact of the proposed development on the area transportation system. The Subject Property is projected to generate 41 and 108 new trips, and 37 and 96 pass-by trips during typical peak hours in the morning and evening peak periods, respectively. A total of five intersections were identified in the study area for analysis with this development. Trips from the Subject Property were added to the existing and background traffic (trips from approved but un-built developments) to form the total future traffic condition. Traffic was assigned to the five intersections and the results show all intersections will operate within the congestion standard of 1,450 Critical Lane Volume for the Germantown-Clarksburg Policy Area, therefore, the application passes LATR.

ENVIRONMENTAL

There are no environmentally sensitive features on the Subject Property. The site was granted an exemption from forest conservation on January 4, 2006 with a condition requiring a tree save plan.

There are 13 trees which are 24 inches and greater in diameter at breast height (DBH) on the Subject Property. Only five (5) of these trees are in good condition. Based on the location of the trees on the Subject Property, it is impossible to save any of the specimen trees. However, the Applicant has submitted a tree save plan that ensures survival of all trees on the adjoining properties. This will be accomplished by pulling the limits of disturbance away from the property line and using retaining walls to limit disturbance to the critical root zones of the trees on the adjoining properties. Tree protection fencing and root-pruning is also shown to protect the trees.

STAFF RECOMMENDATION

Staff found that the Preliminary Plan conforms to the Germantown Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommended approval of the Preliminary Plan, subject to conditions.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies¹; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, based on the uncontested evidence of record and with the conditions of approval, that:

- a) The Preliminary Plan No. 120060840 substantially conforms to the Germantown Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) 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.
- e) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060840 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060840, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a 4,100 square foot bank with a maximum of four (4) drive-thru windows.
- 2) Compliance with the conditions of the tree save plan dated May 24, 2006.
- 3) Submit a plan that demonstrates compliance with the Germantown Streetscape Concept Plan and provides appropriate plantings which buffers the neighboring properties for staff review and approval prior to issuance of building permit.
- 4) The plat shall reflect dedication of 50 feet of right-of-way from the centerline of Scenery Drive for a total of a 100-foot right-of-way width required for this arterial roadway.
- 5) The Applicant shall design and construct the access point from Frederick Road to allow for egress only as required by Maryland State Highway Administration, unless otherwise amended by SHA.
- 6) The Applicant shall provide:
 - a) Lead-in sidewalks from Frederick Road and Scenery Drive into the site's internal walkways.
 - b) A 5-foot sidewalk along the frontage of the property on Scenery Drive.
 - c) Handicapped ramps at all curbs surrounding the site.
 - d) Two inverted "U" bike racks for four bike parking spaces in front of the bank.
- 7) Compliance with conditions of MCDPWT letter dated, May 1, 2006, unless otherwise amended.
- 8) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated March 27, 2006.
- 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) Other necessary easements.

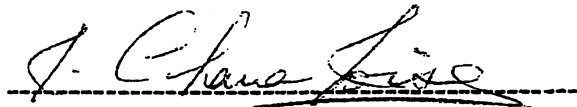
This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on **Thursday July 13, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commission Bryant seconded by Chairman Berlage by a vote of 4-0, with Commissioner Perdue not eligible to vote, and Commissioners Berlage, Bryant, Wellington, and Robinson present, **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 120060840, Commerce Bank Germantown II.**

A handwritten signature in cursive script, reading "M. Clara Moise", is written over a horizontal line.

Certification As To Vote of Adoption
M. Clara Moise, Technical Writer



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

March 27, 2006

Robert C. Hubbard
Director

Mr. Mark Hoffman
Bohler Engineering, P.C.
22630 Davis Drive, Suite 200
Sterling, VA 20164

Re: Stormwater Management **CONCEPT** Request
for Commerce Bank Germantown
Preliminary Plan #: 120060840
SM File #: 223897
Tract Size/Zone: 1.01ac.
Total Concept Area: 1.01ac.
Lots/Block: 1/3
Parcel(s): P1&P2
Watershed: Great Seneca Creek

Dear Mr. Hoffman:

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 Stormfilter and pretreatment provided in a Hydrodynamic device. Recharge will be provided in drywells. 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 conditions 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.

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.

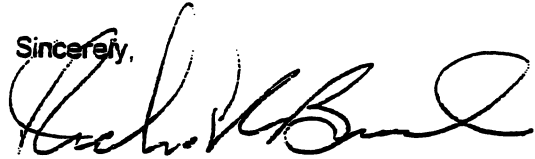
This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically 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 Blair Lough at 240-777-6335.

Sincerely,



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

RRB:dm bli

cc: C. Conlon
S. Federline
SM File # 223897

QN -on-site; Acres: 1.0
QL - on-site; Acres: 1.0
Recharge is provided

M-NCPCC



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

October 17, 2006

Stephen K. Cook
Bohler Engineering, P.C.
22630 Davis Drive
Suite 200
Sterling, VA

Re: Tree Save Plan
19501 and 19505 Frederick Road Germantown, MD
Plan Number: 12006084

Dear Mr. Cook:

Based on the review by Environmental Planning staff of the Maryland National Capital Park and Planning Commission, the Final Forest Conservation Plan submitted to M-NCPCC on October 12, 2006 for the plan identified above, is approved.

Any changes from the approved Tree Save Plan may constitute grounds to rescind or amend any approval actions taken, and to re-evaluate the site for additional or amended plantings. If there are any subsequent additions or modification planned for this development, a separate amendment must be submitted to M-NCPCC for review and approval prior to those changes occurring. If you have any questions regarding these actions, please feel free to contact me at 301-495-4730, or mark.pfefferle@mncppc-mc.org.

Sincerely,

Mark Pfefferle, Planner Coordinator
Environmental Planning, Countywide Planning

File 12006084



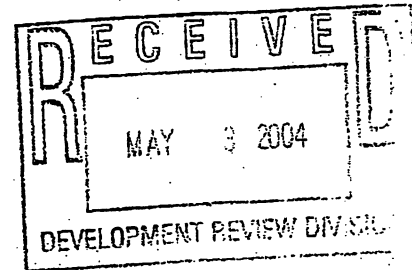
DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

May 1, 2006

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 #1-20060840
Commerce Bank Germantown II

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 4/11/06. An older version of this plan was reviewed by the Development Review Committee at its meeting on 3/13/06. 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 Scenery Drive and Frederick Road in accordance with the Master Plan and standard truncation at the corner of the aforementioned streets intersection.
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 **not** been accepted. Prior to approval of the record plat by DPS, the applicant's engineer will need to verify if by moving the driveway a higher than minimum site distance can be achieved.
4. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided along the site frontage.
5. 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.



Division of Operations

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

Ms. Catherine Conlon
Preliminary Plan No. 1-20060840
Date May 1, 2006
Page 2

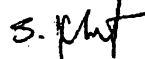
6. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
7. The parking lot travel lanes are to be designed to allow a WB-50 truck to circulate without crossing the centerline nor the curbline.
8. The 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.
9. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy.
10. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
11. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
12. 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.
13. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Scenery Drive, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
14. Access and improvements along Frederick Road (MD 355) as well as intersection of Frederick Road and Scenery Drive as required by the Maryland State Highway Administration.
15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
16. 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.
17. 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.

Ms. Catherine Conlon
Preliminary Plan No. 1-20060840
Date May 1, 2006
Page 3

18. Please coordinate with DPWT division of Transit Services about their requirements and project impacts on their network.
19. 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. On Scenery Road, construct five (5) foot wide concrete sidewalk along the site frontage.
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - C. ~~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.
 - D. 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., Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section
Division Of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20060840, Commerce Bank Germantown II.doc

cc: Robert Garrison
Jason LaVeglia, Commerce Bank
Daniel Duke, Bohler Engineering
Jody Kline, Miller, Miller & Canby
Joseph Y. Cheung, DPS RWPPR
Christina Contreras, DPS RWPPR
Sarah Navid, DPS RWPPR
Shahriar Etemadi, M-NCPPC TP
Gregory Leck, DPWT TEOS
Raymond Burns, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book