



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

Staff Report:

**Preliminary Plan 11988271A The Cracked Claw, Inc.
 Site Plan 820080170 Chevy Chase Bank at Fox Chapel**

ITEM #: _____

MCPB HEARING

DATE: July 17, 2008

REPORT DATE: July 3, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
 Cathy Conlon, Supervisor *CC*
 Robert Kronenberg, Supervisor *RK*
 Development Review Division



FROM: Neil Braunstein, Coordinator *NB* Michele Oaks, Coordinator *MO*
 Development Review Division Development Review Division
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APPLICATION DESCRIPTION: Preliminary Plan Amendment and site plan for one lot on which a 3,172 square foot bank with a maximum of three drive-through lanes will be constructed on 0.93 acres of property in the C-3 Zone; located in the southeast quadrant of the intersection of Frederick Road (MD 355) and Middlebrook Road within the Germantown Master Plan.

APPLICANT: Chevy Chase Bank, FSB

FILING DATE: January 14, 2008

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY: The proposed development will replace an abandoned gas station with a free-standing, one-story, brick, bank building with three drive-through bays. The two existing access points leading onto Middlebrook Road and Frederick Road (MD 355) via a shared driveway within the shopping center will remain, with some minor improvements. The principal façade of the building will be oriented towards Frederick Road and has been designed and landscaped to conform to the recommendations of the Master Plan. The project is reducing the amount of impermeable surface that currently exists on the site. The parking spaces for the new building are dispersed along the front and side of the proposed bank building. Stormwater management is being provided with an underground stormwater filter to be constructed on site. The current proposal increases the pervious area of the site to 46 % by providing additional planting and landscaping areas.

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SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Vicinity

The subject property consists of one platted lot – Lot 1 of the Middlebrook Center Subdivision (Plat 19119). The property is 40,539 square feet (0.93 acre) in area and is located in the southeast quadrant of the intersection of Frederick Road (MD 355) and Middlebrook Road. The property is located adjacent to an existing shopping center consisting primarily of commercial uses in the C-1 and C-3 zones. Uses to the north of the subject property include commercial uses in the C-3 zone and townhouses in the RT-12.5 zone. One-family residences in the R-60 zone are located further to the east of the shopping center. Uses to the west of the subject property include commercial uses in the C-3 zone and the Germantown East Local Park in the R-60 zone.

The subject property is located within the Gunners Branch watershed, a tributary of Great Seneca Creek. The site is entirely developed and contains no forest, environmental buffers, or other sensitive features.



Site Analysis

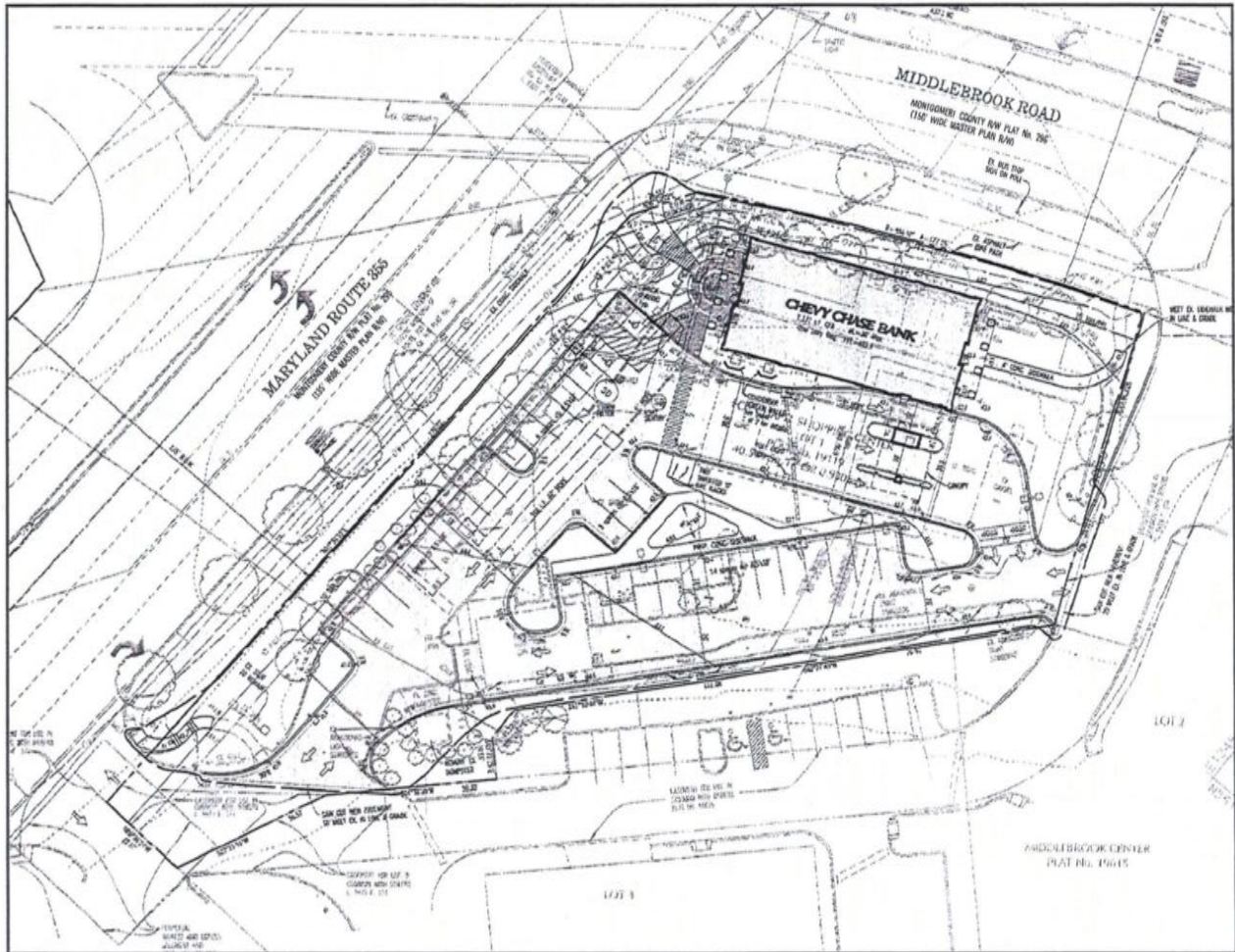
The current applications are an amendment to the previously approved Cracked Claw Preliminary Plan, 119882710, and a new site plan application, as the Applicant is proposing a change in use for the subject site. The Planning Board approved the original Preliminary Plan application in 1991, which entitled the applicant to create four commercial lots. The subject lot was specifically approved for a filling station with a retail convenience shop to be no more than 600 square feet in size. This gas station is now closed. The existing building, canopy, and car wash will all be removed to accommodate the proposed development. The gas pumps and underground tanks have been removed.



Existing conditions

PROJECT DESCRIPTION

The site exists as a closed Exxon gas station. The proposal is for a preliminary plan amendment and site plan to allow construction of a 3,172-square-foot bank with three drive-through lanes and associated parking. Access to the site is provided from both MD 355 (Frederick Road) and Middlebrook Road, both which serve the Fox Chapel Shopping center. The existing driveway entrances on Frederick Road (MD 355) and Middlebrook Road will be retained. All existing improvements on the property will be removed to accommodate the proposed bank.



Proposal

COMMUNITY OUTREACH

A notice and copy of the proposed Preliminary Plan Amendment and Site Plan were sent to the Adjacent and Confronting Property Owners and the Germantown Area Community and Citizen Associations of record by the Applicant on January 24, 2008. The File of Record has been supplied with a copy of the Notice of Application.

Signage required by the Montgomery County Planning Board was posted on or about January 24, 2008. The Applicant has supplied the File of Record with an Affidavit of Posting and photo documentation.

A pre-submittal meeting was held by the Applicant on November 12, 2007 at Gaithersburg-Germantown Chamber of Commerce. All Adjacent and Confronting Owners and Germantown

Area Community and Citizen Associations were sent a Notice on October 26, 2007, inviting them to attend a Public meeting to review and discuss proposed plans. A copy of the notice, the sign-in sheet and the meeting minutes have been supplied for the File of Record.

As of the date of this report, no citizen letters have been received.

SECTION 2: PRELIMINARY PLAN REVIEW

Master Plan

The Germantown Master Plan does not specifically address the subject property. However, the Master Plan recommends retention of existing zoning throughout the master plan area in the absence of a specific recommendation for change on a particular property. In the case of the subject property, the Master Plan calls for retention of the existing C-3 zoning. The proposed subdivision amendment complies with the recommendations adopted in the Master Plan in that it proposes commercial development consistent with surrounding development patterns and the current zoning designation.

Public Facilities

Roads and Transportation Facilities

Under FY 2007-2009 Growth Policy, no policy area mobility review (PAMR) trip mitigation is required because the change from the previous land use (gas station) to the proposed land use (bank) generates fewer than four new peak-hour trips within the weekday morning and evening peak periods. Local area traffic review (LATR) is not required because the proposed land use will generate fewer trips within the weekday morning and evening peak periods than the previous use. Further, the previous use was evaluated for adequate public facilities, and any required improvements were constructed pursuant to the original approval of this subdivision.

Proposed access to the lot is via existing driveways on Frederick Road (MD 355) and Middlebrook Road. Pedestrian access will be from walkways that will connect the proposed bank to public sidewalks on Frederick Road and Middlebrook Road. Proposed vehicle and pedestrian access for the site will be safe and adequate.

Master Plan Highway Recommendations

The Germantown Master Plan recommends that the right-of-way for Frederick Road (MD 355) be widened to 150 feet from the current 135 feet. The staffs of the Maryland State Highway Administration (MDSHA) and M-NCPPC Transportation Planning, however, recommend that the right-of-way not be widened beyond the existing width. This recommendation is based on a concern that additional widening, which would consist of a new right-turn lane for northbound Frederick Road, would reduce safety for pedestrians crossing Frederick Road between the southeast and southwest corners of the intersection. In addition, a new right-turn lane may become unnecessary if the yet-to-be-adopted Germantown Master Plan update recommends that Blunt Road be connected between Frederick Road and Middlebrook Road, because northbound Frederick Road traffic would use the Blunt Road connection to make the right turn onto eastbound Middlebrook Road. Therefore, staff recommends that the Planning Board find that the master plan recommendation for additional right-of-way for Frederick Road (MD 355) is no longer appropriate. This finding can be made in accordance with Section 50-35(l) of the Subdivision Regulations, which permits the Planning Board to find that events have occurred to render the relevant master plan recommendation no longer appropriate.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations and firehouses are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. Electrical, gas, and telecommunications services are also available to serve the Property.

Environment

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property. There is also no forest on-site, but a forest conservation plan has been submitted in order to meet the 0.14-acre afforestation requirement. This requirement is proposed to be met entirely on-site through the use of landscape credit. It is staff's recommendation that alternative options be pursued to fulfill the afforestation requirement for this project. Such options may include purchasing into an approved forest land bank or submitting a fee-in-lieu payment to meet the afforestation requirement. These methods provide permanent forest protection that is not otherwise afforded through the use of landscape credit. How this requirement will be met will be determined at time of final forest conservation plan approval. The preliminary forest conservation plan meets the requirements of the county Forest Conservation Law.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on November 21, 2007. The stormwater management concept consists of flow

splitting the water quality volume to a storm filter. Pretreatment of water quality will be provided via a vortsentry device. Recharge is not required because the project is considered to be redevelopment. Channel protection is not required because the one-year post-development peak discharge is less than 2 cubic feet per second.

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. 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-3 zone as specified in the Zoning Ordinance. The lot 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.

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Germantown Master Plan. Access and public facilities will be adequate to serve the proposed lot, 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 below is recommended.

Table 1: Preliminary Plan Data Table and Checklist

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	Not specified	40,539 sq. ft. minimum	NB	7/3/08
Lot Width	Not specified	175 ft. minimum	NB	7/3/08
Lot Frontage	Not specified	160 ft. minimum	NB	7/3/08
Setbacks				
Front	10 ft. Min.	Must meet minimum ¹	NB	7/3/08
Side	0 ft. Min.	Must meet minimum ¹	NB	7/3/08
Rear	0 ft. Min.	Must meet minimum ¹	NB	7/3/08
Height	42 ft. Max.	May not exceed maximum ¹	NB	7/3/08
Max Comm'l s.f. per Zoning	Not specified	3,172 s.f.	NB	7/3/08
Green Area	10% Min.	46%	NB	7/3/08
Building Coverage	35% Max.	8%	NB	7/3/08
Site Plan Req'd?	Yes		NB	7/3/08
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	NB	7/3/08
Road dedication and frontage improvements		Yes	Agency letter	6/9/08
Environmental Guidelines		N/a	Staff memo	6/18/08
Forest Conservation		Yes	Staff memo	6/18/08
Master Plan Compliance		Yes	NB	7/3/08
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	11/21/07
Water and Sewer (WSSC)		Yes	Agency comments	2/19/08
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	2/19/08
Well and Septic		N/a	Agency comments	2/19/08
Local Area Traffic Review		N/a	Staff memo	5/13/08
Policy Area Mobility Review		N/a	Staff memo	5/13/08
Transportation Management Agreement		No	Staff memo	5/13/08
Fire and Rescue		Yes	Agency letter	4/29/08

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

PRELIMINARY PLAN AMENDMENT RECOMMENDATION:

Approval, subject to the following conditions:

1. Approval under this preliminary plan is limited to one lot for a 3,172 square foot bank with a maximum of three drive-through lanes.
2. The applicant must comply with the conditions for the preliminary forest conservation plan. The applicant must meet all conditions prior to the recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit(s). Conditions include but are not limited to the following
 - a. Prior to certified site plan approval, the applicant must submit a final forest conservation plan consistent with Section 109.B of the Forest Conservation Law.
 - b. All trees considered for landscape credit must be outside any existing or proposed utility easements and/or at least 5 feet off of the centerline of any utility line.
 - c. If a landscape credit is claimed for the afforestation requirement it must be shown and annotated on the certified site plan.
 - d. The applicant must consider other options for meeting the afforestation requirement such as off-site planting or fee-in-lieu.
 - e. The applicant must meet all conditions for final forest conservation plan approval prior to the time of certified site plan approval.
3. The applicant must dedicate right-of-way truncation as shown on the approved preliminary plan (Appendix A).
4. The applicant must comply with the conditions of the MCDPS stormwater management approval dated November 21, 2007 (Appendix G).
5. The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated June 9, 2008 (Appendix I), unless otherwise amended.
6. The applicant must comply with the conditions of the Maryland State Highway Administration (MDSHA) letter dated February 15, 2008 (Appendix H).
7. The applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of plat(s).
8. The applicant must satisfy provisions for access and improvements as required by MDSHA prior to issuance of access permits.
9. No clearing, grading or recording of plats prior to certified site plan approval.

10. Final approval of the location of buildings, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
11. Site Plan #820080170 must be approved by the Board and the certified site plan approved prior to the approval of the record plat.
12. The record plat must show necessary easements.
13. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.

SECTION 3: SITE PLAN REVIEW

Environment

Environmental Planning staff approved the NRI/FSD on April 5, 1993. The approved NRI/FSD shows that there are no environmental buffers located on the subject property.

There is no existing forest on this property. A Final Forest Conservation Plan (FFCP) numbered 819920120 was submitted for the subject site. Environmental Planning staff approved the site's original FFCP on August 16, 1993. At that time there was an afforestation requirement of 0.14-acres which was met entirely on-site with landscape credit.

The currently submitted FFCP has an afforestation requirement of 0.14-acres as well. This requirement is proposed to be met entirely on-site through the use of landscape credit. It is staff's recommendation that alternative options be pursued to fulfill the afforestation requirement for this project. Such options may include purchasing into an approved forest land bank or submitting a fee-in-lieu payment to meet the afforestation requirement. These methods provide permanent forest protection that is not otherwise afforded through the use of landscape credit. How this requirement will be met will be determined at time of FFCP approval.

Development Standards

The proposed development is designated within the C-3 zone, which was created to identify locations adjacent to existing heavily traveled major highways. The development standards focus on providing commercial uses and activities sites that are designed for the traveler and highway user. The intent is to control access points by utilizing service roads to minimize interference with traffic movements.

The data table below indicates the proposed development's compliance with the Zoning Ordinance.

Project Data Table for the C-3 Zone

Development Standard	Permitted/ Required	Proposed for Approval
Min. Gross Tract Area (square feet) – prior to dedication	n/a	44,692
Max. Building Height (feet)	42	32
Building Setbacks		
From Street Right-of-Way (min) ¹	10	10
From other Lot Lines (min) ²	0	40
Parking Setbacks		
From MD-355 Right-of-Way (min)	10	14
From Middlebrook Road Right-of-Way (min)	10	45
From South Property Line (min)	4	4
From East Property Line (min)	4	50
Parking Facility Internal Landscaping (% min)	5	15
Parking Space Requirements (3,172 sf GFA @ 3 spaces per 1,000 sf)	10 Spaces	33 Spaces
Min. Green Area (%)	10	46

FINDINGS

- The site plan conforms to all non-illustrative elements of the development plan certified by the Hearing Examiner under Section 59-D-1.64 and all binding elements of the approved Zoning Application.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan was required for the subject site.

- The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the C-3 Zone as demonstrated in the project

¹ 59-C-4.362(a)(1) – Middlebrook Road: From any street right of way – if the right- of- way line is established on a Master Plan – 10 feet

² 59-C-4.362(b)(2) – In all other cases, no setback is required.

Data Table on page 11. In particular, the proposed development has more than the minimum required percentage of Green Area; less than the maximum height restriction for the proposed building and; more than the required amount of parking spaces.

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

a. Locations of buildings and structures

The proposed building provides a commercial bank use on an optimal site for accessibility for local and traveler users, as the bank is being sited at the intersection of Middlebrook Road and Frederick Road (Route 355), with the entry façade of the building facing Frederick Road. The design and layout of the building is compatible with the surrounding buildings in terms of massing, detailing, and height. The existing street entrances are being retained and will not be altered and the drive-thru will be sited towards the rear of the building. The Applicant is utilizing the existing sign structure to mount the new business “identifier” sign along MD 355. The additional signage to be installed will be way finding signage for drive-thru/ATM directional purposes. No additional signs are shown on the site plan. Both the use and the architecture’s design elements provide an adequate, safe, and efficient building on the subject site.

b. Open Spaces

The plan proposes 46 percent green area, which is primarily located along the frontages of Middlebrook Road and Frederick Road. This area provides visual interest with plantings and lighting integrated into retaining walls and landscape beds.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of evergreen and flowering shrubs and deciduous and evergreen trees along the streetscape and in planting beds in the interior of the site. The street trees along Frederick and Middlebrook Roads will be installed per the details specified for trees by the State and County transportation agencies for trees within lawn panels. The shade of these trees in addition to the landscape and lighting design features provide an adequate, safe, and efficient environment for residents and passers-by.

The lighting plan consists of a collection of 20’ high, 400 Watt, Gardco Luminaires distributed throughout the site. This lighting technique will provide a safe pedestrian environment.

d. Pedestrian and Vehicular Circulation Systems

The existing sidewalks along Frederick and Middlebrook Road were evaluated and are adequate, safe, and efficient.

Pedestrian access to the site is enhanced by sidewalks and staircases leading up from the existing sidewalks along Frederick and Middlebrook Roads. These new sidewalks and staircases are to be located at the three corners of the site. This design will provide more access to the site for pedestrians. Given the constraints of vehicular access to and from MD

355 and Middlebrook Road, as the site is accessed by a secondary driveway, the design efficiently directs traffic through the site with minimal impacts to pedestrian circulation. As proposed, the paved area for both pedestrians and vehicles reduces imperviousness on site from the existing conditions.

Handicap access to the site is being provided through the use of two handicap parking spaces and accessible ramps throughout the site.

The vehicular circulation of the site is remaining mostly unaltered. The access to the site is being retained from both MD 355 (Frederick Road) and Middlebrook Road, both which serve the Fox Chapel Shopping center. The existing driveway entrances on Frederick Road (MD 355) and Middlebrook Road will also be retained.

The proposed design provides an efficient and a safe atmosphere for pedestrians, handicapped patrons, cyclists, and vehicles.

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

The proposed bank is compatible in scale and massing with the adjacent and confronting retail. Additionally, the proposed site plan will help transform this segment of Middlebrook Village into a more inviting and walkable, community. As proposed, this plan will provide a service to meet local resident's day-to-day needs.

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.*

There is no existing forest on this property. A Final Forest Conservation Plan (FFCP) numbered 819920120 was submitted for the subject site. Environmental Planning staff approved the FFCP on August 16, 1993. At that time there was an afforestation requirement of 0.14-acres which was met entirely on-site with landscape credit.

The proposed storm water management concept consists of flow splitting the water quality to a storm filter. Pretreatment of the water quality will be provided via a Vortsentry device. Recharge is not required because the project is considered redevelopment. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

RECOMMENDATION AND CONDITIONS

Approval of a single lot with the construction of a 3,172 square foot bank with a maximum of three drive-thru windows, on 1.03 acres of property in the C-3 Zone. All site development elements as shown on the site, landscape, and lighting plans stamped by the M-NCPPC on May 6, 2008 are required except as modified by the following conditions:

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan 11998271A.

2. Lighting

The Applicant must ensure that each of the following conditions is met and is reflected on the site plan:

- a. Lighting distribution must conform to IESNA standards for commercial development.
- b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent commercial properties.
- c. Illumination levels, excluding streetscape light fixtures, shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
- d. The height of any on-site light poles shall not exceed 20 feet including the mounting base.

3. Environment

The Applicant must comply with the conditions of approval from M-NCPPC Environmental Planning in the memorandum dated June 18, 2008 (Attachment D.)

4. Transportation

The Applicant must comply with the conditions of approval from Maryland State Highway Administration in the memorandum dated February 15, 2008 (Attachment G.)

5. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions, as outlined in the memorandum dated November 21, 2007 (Attachment F) unless amended and approved by the Montgomery County Department of Permitting Services.

6. Development Program

The Applicant must construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Street tree planting must be completed within six months of the issuance of any use and occupancy permits.
- b. All on-site landscaping, lighting, parking, and special paving must be completed within six months of the issuance of the first use and occupancy permit.
- c. Phasing of pre-construction meetings, dedications, stormwater management, sediment/erosion control, trip mitigation or other features.

7. Clearing and Grading

Applicant must ensure that there is no clearing or grading of the subject site prior to M-NCPPC approval of the Certified Site Plan.

8. Certified Site Plan

Prior to the Certified Site Plan approval the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Detail of the proposed bike rack will be provided on the Certified Site Plan.
- b. Development Program, Inspection Schedule, Forest Conservation Exemption Letter, and Site Plan Resolution.

APPENDICES

- A. Proposed Preliminary Plan Amendment
- B. Proposed Site Plan
- C. June 18, 2008 Memorandum from Environmental Planning
- D. June 18, 2008 Letter from Environmental Planning
- E. July 7, 2008 Memorandum from Transportation Planning
- F. February 26, 2008 Letter from Lerch, Early and Brewer; Re: ROW Dedications
- G. November 21, 2007 Letter from MCDPS; Stormwater Management Concept
- H. February 15, 2008 Letter from MDSHA
- I. June 9, 2008 Letter from MCDPWT



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Planning Department, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Cathy Conlon, Supervisor, Development Review

VIA: Stephen D. Federline, Supervisor, Environmental Planning *MPJ SDF*

FROM: Doug Johnsen, RLA; Planner Coordinator, Environmental Planning Division

DATE: June 18, 2008

SUBJECT: Preliminary Plan 11988271A
Site Plan 820080170
Chevy Chase Bank at Fox Chapel

The Environmental Planning staff has reviewed the amendment to the preliminary plan and site plan referenced above. Staff recommends approval of the preliminary plan of subdivision, the site plan and the forest conservation plan with the following conditions:

1. The applicant must comply with the conditions of approval for the preliminary forest conservation plan per letter dated June 18, 2008 (Attachment A). The applicant must satisfy all conditions prior to plat recordation, or MCDPS issuance of sediment and erosion control permits, as applicable.

BACKGROUND

The 0.93-acre property is located at 19825 Frederick Road (MD 355), at the southeast corner of the intersection of MD 355 and Middlebrook Road. This site has no existing forest nor is it located within any Special Protection Areas (SPA). Currently, there is an existing commercial Exxon Tiger Mart gasoline station on the site. The applicant is seeking to remove the existing Exxon gas station and replace that structure with a bank.

Environmental Buffers

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) numbered 419930330 was submitted for the subject site. Environmental Planning staff approved the NRI/FSD on April 5, 1993. The approved NRI/FSD shows there are no environmental buffers located on the subject property.

Forest Conservation

There is no existing forest on this property. A Final Forest Conservation Plan (FFCP) numbered 819920120 was submitted for the subject site. Environmental Planning staff approved the FFCP on August 16, 1993. At that time there was an afforestation requirement of 0.14-acres which was met entirely on-site with landscape credit.

The currently submitted FFCP has an afforestation requirement of 0.14-acres as well. This requirement is proposed to be met entirely on-site through the use of landscape credit. It is staff's recommendation that alternative options be pursued to fulfill the afforestation requirement for this project. Such options may include purchasing into an approved forest land bank or submitting a fee-in-lieu payment to meet the afforestation requirement. These methods provide permanent forest protection that is not otherwise afforded through the use of landscape credit. How this requirement will be met will be determined at time of FFCP approval.

RECOMMENDATION

Environmental Planning recommends approval of the Preliminary Plan of Subdivision, Site Plan and the Forest Conservation Plan with the conditions stated above.



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

June 18, 2008

Mr. Joseph Pearson, Jr.
Chevy Chase Bank, FSB
7501 Wisconsin Ave., 9th Floor
Bethesda, MD 20814

Re: Final Forest Conservation Plan
Chevy Chase Bank at Fox Chapel
Plan Number 11988271A and 820080170
Tract size - 0.93 acres
Zone/Land Use Category – C3/CIA

SENT VIA FAX TO: 240-497-7611

Dear Mr. Pearson:

This letter supersedes all previous forest conservation plan recommendations. Environmental Planning recommends the Montgomery County Planning Board approve the forest conservation plan submitted to M-NCPPC on May 7, 2008 with the following conditions:

1. Applicant must submit a final forest conservation plan consistent with Section 109.B of the Forest Conservation Regulations.
2. All trees considered for landscape credit must be outside any existing or proposed utility easements and/or at least 5 feet off of the centerline of any utility line.
3. If landscape credit is claimed for the afforestation requirement it must be shown and annotated on the site plan signature set.
4. Applicant to consider other options for meeting the afforestation requirement such as off-site planting or fee-in-lieu.
5. Approval of the final forest conservation plan by Environmental Planning will occur prior to the time of site plan signature set site approval.

If you have any questions regarding these actions, please feel free to contact me at 301-495-4712.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Johnsen", with a long horizontal line extending to the right.

Doug Johnsen, RLA; Planner Coordinator

Cc: FCP File 11988271A & 820080170
Ms. Kim Currano (Greenhorne & O'Mara)



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

Attachment E

July 7, 2008

MEMORANDUM

TO: Michele Oaks, Planner/Coordinator
Neil Braunstein, Planner/Coordinator
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ki H. Kim, Planner/Coordinator
Transportation Planning

SUBJECT: Preliminary Plan No.11988271A
Site Plan No. 820080170
Chevy Chase Bank at Fox Chapel
Germantown

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject preliminary plan amendment and site plan. The application is for a proposed bank with three drive-through windows on the site currently occupied by the Exxon Automobile Filling Station. The site is located in the southeastern quadrant of the MD 355 and Middlebrook Road intersection in Germantown East Policy Area.

RECOMMENDATIONS

Based on our review of the submitted traffic statement, Transportation Planning staff recommends the following condition as part of the APF test for transportation requirements related to approval of this preliminary plan and site plan application.

1. Development under this preliminary plan amendment and site plan applications is limited to 3,172 square feet of bank with three drive-through windows.

DISCUSSION

Local Area Transportation Review (LATR)

Based on information submitted by the applicant's traffic consultant, no LATR traffic study is required because the change from the existing land use to the proposed land use generates fewer peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods.

Policy Area Mobility Review (PAMR)

Under FY 2007-2009 Growth Policy, no Policy Area Mobility Review (PAMR) trip mitigation is required because the change from the existing land use to the proposed land use generates fewer than 4 new peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods.

Site Access and Vehicular/Pedestrian Circulation

The subject site has currently two (2) access points via easement; one (1) on Middlebrook Road and one (1) on MD 355, both as "right-in and right-out" only.

Staff finds the existing access points and the ingress/egress proposal shown on the site plan to be safe and adequate. Staff also finds that the internal pedestrian circulation, using existing sidewalks along MD 355 and Middlebrook Road and internal walkways as shown on the site plan, is safe and adequate.

Right-of-way Dedication along MD 355 and Middlebrook Road

This preliminary plan required dedication of both Frederick Road (MD 355) and Middlebrook Road for 150' right-of-way. The Germantown Master Plan, Approved and Adopted in July 1989 established additional right of way to accommodate turn lanes where a major highway or divided arterial meets a major highway or divided arterial (pages 100 and 110).

This issue was considered during the April 2, 2008 DRC meeting. Following the DRC, the applicant met with State Highway Administration, and the MNCPPC transportation and community planners seeking a waiver of the additional right of way.

State Highway and MNCPPC support this waiver in order to assure no further turn lanes are constructed and to protect pedestrian crossing of these major roadways. The update to the Germantown Master Plan underway includes this area and will recommend a mix of uses for the Fox Chapel Shopping Center and immediate area. New right of way recommendations for MD 355 will be contemplated in this master plan revision which may impact development on this property in the future.

Staff has reviewed the May 2008 traffic counts at this intersection and found that the existing turn lanes provide adequate capacity to accommodate turning volumes and therefore, no additional right-of-way is needed for turn lanes.

The Midcounty Highway Extended (M-833) facility planning study is currently underway. If the study does not select the master planned M-83 alignment and chooses MD355 widening option, the Public Hearing Draft of the Germantown Master Plan recommends a 250' right-of-way for Frederick Road (MD 355). This requires widening of the right-of-way to 250' for the entire length of MD 335.

Although we recommended approval of this application without requiring an additional right-of-way, we are concerned that if the option to increase the right-of-way for MD 355 is chosen and adopted in the updated Master Plan, then we are faced with the possibility of purchasing this property in the future in case of widening MD 355.

CONCLUSION

Staff concludes that the subject preliminary plan and site plan amendments satisfy the Transportation Adequate Public Facilities (APF) requirements as described in this memorandum.

KK:tc

February 26, 2008

BY E-MAIL

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

Re: Chevy Chase Bank at Fox Chapel
Preliminary Plan No. 1-1988271A; Site Plan No. 820080170
Frederick Road and Middlebrook Road Right-of-Way Dedications

Dear Ms. Conlon:

This letter responds to the Transportation Planning Staff's comments for the Chevy Chase Bank at Fox Chapel project (the "Property"), Preliminary Plan No. 1-1988271A and Site Plan No. 820080170, which was considered at the February 19, 2008 Development Review Committee meeting. Specifically, this letter addresses the Transportation Planning Staff's recommendation that the Applicant, Chevy Chase Bank, provide right-of-way dedications along Frederick Road and Middlebrook Road consistent with the recommendations contained in the 1989 *Germantown Master Plan*.

The additional dedications requested by Transportation Planning Staff contradict right-of-way dedications approved by the Planning Board for the Property in preliminary and site plan approvals made subsequent to the 1989 adoption of the *Germantown Master Plan* and as shown on Subdivision Record Plat No. 19119. In addition, the proposed dedications do not comport with the factors set forth in Chapter 50 of the Montgomery County Code (the "Subdivision Regulations") to determine dedication of rights-of-way, and are disconnected from and disproportional to the impact of the Applicant's proposed development. Accordingly, we request that the Staff adhere to the previously approved right-of-way dedications for Frederick Road and Middlebrook Road as illustrated on the Applicant's Preliminary Plan submitted on January 8, 2008 and as shown on the approved Record Plat, rather than compel the Applicant to dedicate almost one-third more of its Property to satisfy a 19-year old master plan recommendation.

- I. *The additional dedications requested by Transportation Planning Staff contradict right-of-way dedications approved by the Planning Board for the Property in preliminary and site plan approvals made subsequent to the 1989 adoption of the Germantown Master Plan and as shown on the approved Record Plat.*

The Transportation Planning Staff's additional right-of-way dedication recommendation fails to correspond with right-of-way dedications approved by the Planning Board in preliminary and site plan approvals made subsequent to the 1989 adoption of the *Germantown Master Plan*. In the May 25, 1993 Preliminary Plan Opinion for the Property, the Planning Board approved the Preliminary Plan subject to conditions, including the Applicant's "dedication of both Frederick Road (Route 355) and Middlebrook Road for 150' right-of-way." Later, the Planning Board approved a site plan and record plat for the Property, without any additional dedication requirements. The Planning Board made these approvals after the Montgomery County Council approved the 1989 *Germantown Master Plan*, yet the Planning Board did not place additional dedication constraints onto the prior applicants similar to the additional dedications proposed by Transportation Planning Staff in its current review of the Applicant's site plan. Despite the Planning Board's opportunities to compel former applicants of the Property to satisfy the recommendations of the *Germantown Master Plan*, the Planning Board has not implemented these recommendations during the Property's previous preliminary plan or site plan review.

In addition, since the Planning Board already approved preliminary plans for the Property without the additional dedications requested now, the Staff should be estopped from compelling the Applicant to dedicate additional land for rights-of-way. Section 50-35(f) of the Subdivision Regulations governs the approval procedure for preliminary subdivision plans. It states that "[f]ollowing approval of a preliminary plan by the Board, no agency shall require a substantial change in the plan, other than those which may be required by conditions of approval specified by the Board...". The additional dedications are a substantial change from the dedications approved by the Planning Board in prior preliminary and site plans, and there is no condition of approval in a prior preliminary plan that either authorizes or mandates these additional dedications. Therefore, the Staff should adhere to the dedications previously approved for the Property and not recommend to the Planning Board that the Applicant dedicate additional right-of-way.

- II. *The additional dedications do not comport with the factors set forth in the Subdivision Regulations to determine dedication of rights-of-way, and are disconnected from and disproportional to the impact of the proposed development.*

A. Additional Dedications' Departure from the Subdivision Regulations

The additional dedications requested by Transportation Planning Staff along Frederick Road and Middlebrook Road do not comport with the factors set forth in the Subdivision Regulations to determine dedication of rights-of-way. Section 50-30(c) of the Subdivision Regulations states that "in determining the rights-of-way to be dedicated, the [Planning] Board shall relate the area of dedication to (a) the total size of the subdivision... [and] (c) the increased traffic, lane and right-of-way requirements which would be created by maximum utilization and development of the subject property in its present zoned classification or that higher use shown on any adopted or approved master plan of the applicable jurisdictions."

The Chevy Chase Bank at Fox Chapel application proposes to construct a bank branch with drive-thru lanes, which totals approximately 3,172 square feet. Critically, the Property is already a recorded lot and the approved preliminary plan for the Property already permits 1,904 square feet of automobile filling station use. The Applicant is simply requesting an amendment to the preliminary plan to change the use for Adequate Public Facilities purposes. The October 5, 2007 traffic statement submitted with the application concludes that the "proposed Chevy Chase Bank use will result in fewer trips during both the morning and evening peak hours when compared with the Exxon station that previously occupied the site."

Despite the Property's small size and the fact that the new bank use would result in fewer peak hour trips, the additional dedications requested by Transportation Planning Staff along Frederick Road and Middlebrook Road would consume almost one-third (32%) of the Property. Thus, the requested dedications do not comply with the factors set forth in 50-30(c) of the Subdivision Regulations concerning the "the total size of the subdivision" or the "increased traffic... created by the maximum utilization and development of the subject property."

B. Additional Dedications' Failure to Satisfy the Rough Proportionality Test

Transportation Planning's request for the Applicant to dedicate additional rights-of-way along Frederick Road and Middlebrook Road is not roughly proportional with the demand on public services created by the Applicant's proposal. In *Dolan v. City of Tigard*, the Supreme Court construed the term "rough proportionality" to mean a requirement that government make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development. *Dolan v. City of Tigard*, 512 U.S. 374, 391 (1994). In that case, the City of Tigard ("City") required that, as a condition of redevelopment, a commercial property

owner dedicate a 15-foot strip of land for a pedestrian/bicycle pathway. The Supreme Court found that a nexus existed between the required dedication and the City's attempt to relieve traffic congestion. However, the City failed to demonstrate that the additional number of vehicle and bicycle trips (estimated to be 435 trips) generated by the property owner's development was reasonably related to the City's dedication requirement. The City simply determined that the creation of the pathway "could offset some of the traffic demand... and lessen the increase in traffic congestion." This vague statement failed to provide a rough proportionality between the required dedication and the laudable improvement. While precise mathematical calculations were not required, the City was required to make some effort to quantify its findings in support of the dedication.

The additional dedications requested by the Transportation Planning Staff are analogous to the dedication required by the City of Tigard in *Dolan*. In this case, Transportation Planning Staff has requested additional dedications along Frederick Road and Middlebrook Road to "satisfy the Germantown Master Plan (refer to pages 100 & 110)." Similar to the City of Tigard's determination that the creation of the pathway "could offset some of the traffic demand... and lessen the increase in traffic congestion," the *Germantown Master Plan* pages referenced by Transportation Planning in its DRC comments loosely justify the recommended additional dedications by their accommodation of turn lanes, which will improve traffic capacity at intersections. In addition, Transportation Planning has not quantified its findings in support of the additional dedications, which the *Dolan* decision indicated to be a requirement of satisfying the rough proportionality test. Therefore, like the City of Tigard's failure to demonstrate that the additional number of vehicle and bicycle trips generated by the property owner's development was reasonably related to the City's dedication requirement, here, Transportation Planning Staff's recommendation fails to provide a rough proportionality between the additional dedications requested by Transportation Planning and their improvement of traffic capacity due to the Property's development.

III. *The 1989 Germantown Master Plan is outdated and contains competing recommendations.*

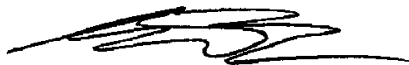
Transportation Planning Staff's request for additional right-of-way dedication aims to satisfy almost twenty-year old recommendations from the *Germantown Master Plan*. Yet, the additional dedications requested also conflict with other aspirations of the Master Plan. Page 100 of the *Germantown Master Plan* notes that the "wider right-of-way recommended here will enable additional turning movements to be added in the future *without negatively affecting adjacent private property*" (emphasis added). Chevy Chase Bank at Fox Chapel, an adjacent private property owner, is negatively affected by the proposed dedications. Accordingly, the additional dedications requested by Transportation Planning Staff also fail to carry out the intent of the current *Germantown Master Plan*.

IV. *Conclusion*

In its Comments, the Transportation Planning Staff advises the Applicant to “satisfy the *Germantown Master Plan* in the southeast corner of the Frederick Road/Middlebrook Road intersection that requires additional dedication of 24 more feet of ROW along Frederick Road and 12 more feet of ROW along Middlebrook Road.” However, there is no justification for this recommendation within the scope of the Applicant’s proposed development. For these reasons, we respectfully request that the Staff adhere to the right-of-way widths for Frederick Road and Middlebrook Road as previously approved and as illustrated on the Applicant’s Preliminary Plan submitted on January 8, 2008.

We look forward to discussing this matter with you, and thank you very much for your consideration of our position.

Very truly yours,

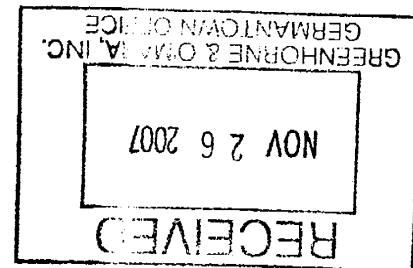


Stuart R. Barr
April Birnbaum

cc: Mr. Shahriar Etemadi
Mr. Neil Braunstein
Ms. Sue Edwards
Mr. Ki Kim
Mr. Robert Kronenberg
Ms. Michelle Oaks
Mr. Joseph Pearson
Mr. John Sekerak



DEPARTMENT OF PERMITTING SERVICES



Isiah Leggett
County Executive

Carla Reid Joyner
Director

November 21, 2007

Ms. Kim Currano
Greenhorne & O'Mara, Inc.
20410 Century Boulevard, Suite 200
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for Chevy Chase Bank (Fox Chapel)
Preliminary Plan #: N/A
SM File #: 232396
Tract Size/Zone: .93 ac./Comm.
Total Concept Area: .7ac.
Lots/Block: 1
Parcel(s): N479
Watershed: Great Seneca Creek

Dear Ms. Currano:

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 flow splitting the water quality volume to a Storm Filter. Pretreatment of water quality will be provided via a Vortsentry device. Recharge is not required because the project is considered 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 **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.
5. Provide details for the safe disposal of all the contents of the existing oil-grit separator and the structures abandonment on the design plans. Also, Termination of the existing stormwater management easement and covenant documents will be submitted for approval at the design stage.


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 # 232396

QN -not required; Acres: .7
QL - on-site; Acres: .7
Recharge is not provided



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

February 15, 2008

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

Re: Montgomery County
Chevy Chase Bank at Fox Chapel
File #'s: 1-1998271A &
8-20080170
MD 355 (Frederick Road)
Mile Post: 18.02

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the preliminary plan and site plan applications for the Chevy Chase Bank at Fox Chapel development (also known as Cracked Claw). We offer the following comments:

- Access to the site is provided from both MD 355 (Frederick Road) and Middlebrook Road, both which serve the Fox Chapel Shopping Center. Sidewalk improvements within the SHA right-of-way along MD 355 will require a permit from the District 3 Office. Please contact Augustine Rebish, Assistant District Engineer – Utilities, at 301-513-7350 for permitting requirements.
- We have reviewed the initial sight distance evaluation and find it generally acceptable. Please resubmit the sight distance form with a signature and seal by a licensed professional engineer for our files.
- Truncations (right of way flares) and right-of-way dedications/donations along MD 1355 need to be in accordance with the Master Plan of Highways. SHA will require that right-of-way dedications/donations be platted to SHA standards. These plats must be submitted in hard copy format for review, checking and final issuance. Please contact Mr. Daniel Andrews of the Plats and Surveys Division @ 410-545-8860 for additional information. For questions regarding the plat review process, please E-mail Mr. Andrews at dandrews@sha.state.md.us. Additionally, please contact Mr. Paul Lednak, District 3 Right of Way Chief at 310-513-7470 for information regarding the deed process.
- Clearly identify and label the existing and dedicated right-of-way lines along MD 355.
- If a traffic study is prepared for this development, SHA will require five (5) copies to distribute and review.

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com

Ms. Catherine Conlon
Page 2

If you have any questions or require additional information, please contact John Borkowski at 410-545-5595 or by using our toll free number in Maryland only at 1-800-876-4742.

Sincerely,



for Steven D. Foster, Chief
Engineering Access Permits Division

SDF/jab

cc: Mr. Joseph Pearson, Jr. / Chevy Chase Bank, FSB / 7501 Wisconsin Avenue, 9th Floor,
Bethesda, MD 20814
Ms. Afsi Nikoo / Greenhorne & O'Mara / 20410 Century Boulevard, Suite 200, Germantown,
MD 20874
Mr. Shahriar Etemadi / M-NCPPC
Ms. Michele Oaks / M-NCPPC
Mr. Sam Farhadi / Montgomery County DPW&T
Mr. Jeff Wentz *sent via e-mail*
Ms. Kate Mazzara *sent via e-mail*
Mr. Augustine Rebish *sent via e-mail*
Mr. Daniel Andrews *sent via e-mail*
Mr. Paul Lednak *sent via e-mail*

Attachment I



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Junc 9, 2008

Arthur Holmes, Jr.
Director

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 #1-1988271A
Chevy Chase Bank at Fox Chapel

Dear Ms. Conlon:

We have completed our review of the preliminary plan signed on 05/02/08. This plan was reviewed by the Development Review Committee at its meeting on February 19, 2008. 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 Middlebrook Road and Frederick Road in accordance with the Master Plan and truncation at their 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 been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
4. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
5. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan. Also homeowners' documents to establish each driveway user's (property owner's) rights & responsibilities with respect to use, maintenance, & liability of the common driveway.
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.

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. 1-1988271A
June 9, 2008
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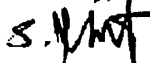
8. The parking lot travel lanes are to be designed to allow a WB-50 truck to circulate without crossing the centerline nor the curbline.
9. The applicant needs to submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations and the proposed dumpsters. The truck circulation pattern 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. Also coordinate with David Wagaman at 240-777-6400 Division of Solid Waste about their requirements for recycle/trash truck access and movement.
10. On the site plan, delineate the location and dimensions of the proposed dumpster spaces.
11. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
12. 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.
13. The owner will be required to submit a recorded covenant for the operation and maintenance of private 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.
14. Access and improvements along Frederick Road (MD 355) 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. 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.
18. 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.
19. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
20. Provide driveway access for the stormwater management facilities per associated DPS guidelines.
21. 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. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Ms. Catherine Conlon
Preliminary Plan No. 1-1988271A
June 9, 2008
Page 3

- B. 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 houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- C. 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/ 1-1988271A. Chevy Chase Bank at Fox Chapel.doc

Enclosures (1)

cc: Joseph Pearson, Jr., Chevy Chase Bank
Joe Hines/Afsi Nikoo, Greenhome & O'Mara
Stuart Barr/Harry Lerch, Lerch, Early & Brewer
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Henry Emery; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Corren Giles, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book

MONTGOMERY COUNTY
SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Chevy Chase Bank at Fox Chapel Preliminary Plan #: 1-1988271A

Street Name: Middlebrook Road Master Plan Classification: Major

Posted Speed Limit: 30 mph

Street/Drwy. 1 (Existing entrance) Street/Drwy 2 (_____)

Sight Distance (feet) OK?
Right 490 yes
Left 520 yes

Sight Distance (feet) OK?
Right _____
Left _____

Comments: Existing right-in/right-out entrance
servng subject property provides adequate site
distance.

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance In Each Direction #
Tertiary - 25	150
Secondary - 30	200
Business - 30	200
Primary - 35	250
Arterial - 40	325
(45)	400
→ Major - 50	475
(55)	550

Source AASHTO

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

ENGINEER/SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with _____ lines.

Signature A. S. Nikoo
18659



Accepted By: SF
10/10