



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

MCPB
Item #
7/24/08



MEMORANDUM

DATE: July 11, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *rk*
Catherine Conlon, Subdivision Supervisor *cc*
Development Review Division

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

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: 1 lot for an existing institutional use and 1 lot for a 3,170 square foot bank

PROJECT NAME: Chevy Chase Bank – Hillandale
CASE #: 120080090
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-90, O-M
LOCATION: located in the southwest quadrant of the intersection of New Hampshire Ave (MD 650) and Powder Mill Road
MASTER PLAN: White Oak

APPLICANT: National Labor College
ENGINEER: Bohler Engineering
ATTORNEY: Linowes and Blocher

FILING DATE: September 18, 2007
HEARING DATE: July 24, 2008

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one lot for a bank, not to exceed 3,170 square feet, with three drive-through lanes
- 2) The Applicant must dedicate and show on the record plat the following rights-of-way (consistent with the 1997 Approved and Adopted White Oak Master Plan) as applicable:
 - a. New Hampshire Avenue – minimum of 60 feet from the roadway right-of-way centerline.
 - b. Powder Mill Road – minimum of 40 feet from the roadway right-of-way centerline.
 - c. Powder Mill Road cul-de-sac – as shown on the preliminary plan and required by Montgomery County Department of Transportation (DOT).
- 3) The final record plat must also reflect necessary corner truncation/dedication at public street intersections.
- 4) The Applicant must implement trip mitigation measures required under Policy Area Mobility Review (PAMR) to reduce twenty-three (23) weekday peak-hour trips prior to the release of building occupancy permits for the proposed development. These measures include:
 - a. Construction of approximately 420 linear-feet of off-site sidewalk (260 feet of sidewalk to the south of the site from New Hampshire Avenue to Holly Hall and 160 feet of sidewalk to the northwest of the site along the reconstructed Powder Mill Road cul-de-sac).
 - b. Construction of three sets of handicapped ramps at locations adjacent to the site.
 - c. Dedication of additional right-of-way and construction of roadway improvements to facilitate future installation of a transit facility by DOT along Powder Mill Road to the west of New Hampshire Avenue.
- 5) The Applicant must implement all frontage and access improvements along Powder Mill Road (as required in DOT letter dated June 18, 2008; see Appendix B) prior to the release of building occupancy permits for the proposed development.
- 6) The Applicant must implement Maryland State Highway Administration (SHA) required frontage and access improvements along New Hampshire Avenue prior to the release of building occupancy permits for the proposed development.
- 7) 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), as applicable. Conditions include but are not limited to the following:
 - a. The applicant must revise the forest conservation worksheet for the bank property on the preliminary forest conservation plan to reflect acreage within the limits of disturbance for the bank as measured on the June 20, 2008 plan submission.
 - b. The preliminary forest conservation plan must be revised to show all forest retention areas to be outside of the proposed limits of disturbance.
 - c. The preliminary forest conservation plan must be revised to show all trees 24" DBH and greater located outside of the proposed limits of disturbance as saved.
 - d. The preliminary forest conservation plan must be revised so that all of the calculations of proposed forest clearing, forest retention, and forest planting are accurately portrayed throughout the plan.

- 7) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated June 18, 2008, unless otherwise amended.
- 8) The applicant must comply with the conditions of the Maryland State Highway Administration (MDSHA) letter dated November 12, 2007.
- 9) The applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of plat(s).
- 10) The applicant must satisfy provisions for access and improvements as required by MDSHA prior to issuance of access permits.
- 11) No clearing, grading or recording of plats prior to certified site plan approval.
- 12) Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
- 13) Site Plan #820080060 must be approved by the Board and signed by the Development Review Staff prior to the approval of the record plat.
- 14) The record plat must show necessary easements.
- 15) 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.

BACKGROUND (Attachment A – March 18, 2008 Re-zoning Opinion)

The National Labor College site originally consisted of 46.97 acres. On April 18, 2007 the District Council approved a Resolution to Modify a Special Exception (S-180-B) for the National Labor College property. A formal resolution was issued on June 7, 2007. The Special Exception authorized the modification of the National Labor College Special Exception “to reflect exclusion from the subject property a 1.0269-acre portion of the property...the reduction in acreage from 46.9689 acres to 45.9420 acres.”

On March 18, 2008, the District Council approved a Resolution to amend the Zoning Ordinance (G-866) for the 1.0269 acres removed from the National Labor College property. The request was to reclassify the property from the R-90 zone to the O-M zone. This application was submitted under the Optional Method authorized by Code 59-H-2.5, which permits binding limitations to land-use, development standards and staging. The binding elements shown in the Schematic Development Plan submitted includes limiting the use of the site to a bank branch with a maximum of 3,650 square feet; drive-up ATMs and teller service; associated signage as well as parking, landscaping, lighting and infrastructure improvements.

SITE DESCRIPTION

The National Labor College site, pictured below, is located on the west side of New Hampshire Avenue (MD 650), north of Interstate 495, within the White Oak Master Plan area. The property contains institutional buildings and associated parking lots. The parcel that was created by the June 7, 2007 resolution to be excluded from the National Labor College Property (1.02 acres, also pictured below) is currently vacant. This vacant site currently has no direct vehicle access; however, a sidewalk diagonally crosses the property.

The National Labor College property is zoned R-90. Per the March 18, 2008 resolution to re-zone the excluded parcel, this 1.03-acre site is now zoned O-M. The Holly Hall apartment complex that provides 96 subsidized rental units for the elderly is located to the south of the vacant parcel in the R-20 zone. The Hillandale Shopping Center is located directly across from the proposed bank site to the east in the C-1 zone and several retail, commercial, and office uses are located to the north of the proposed bank, north of Powder Mill Road, also zoned C-1.

The National Labor College property and newly created parcel are located within the Northwest Branch of the Anacostia River, a Use IV waterway.



PROJECT DESCRIPTION (Attachment B – Proposed Development Plan)

The preliminary plan proposes to create 1 lot, 45.8 acres in size, for the existing institutional use and 1 lot, 1.02 acres in size, to accommodate a 3,170 square foot bank with three drive-through aisles. The site that contains the National Labor College is zoned R-90 while the site for the proposed bank use is zoned O-M. All access points for the existing institutional use are to remain and no new construction or other changes are occurring at this time for this use. For the bank site, in addition to the one existing point of access from Powder Mill Road, a new drive will be constructed at the northern boundary of the site. Pedestrians may access the site via the proposed sidewalk extensions around the Powder Mill Road cul-de-sac and other external sidewalks and staircases surrounding the site.

While the National Labor College site is zoned R-90, conformance with Section 50-29(b)(2) for resubdivision is not applicable because the recorded parcel contains an institutional use.

ANALYSIS AND FINDINGS

Master Plan Compliance

The Property for which the preliminary plan has been submitted is located within the White Oak Master Plan area. The land use plan included in the Master Plan recommends R-90 zoning, but endorses the public/institutional uses for the National Labor College site. As previously mentioned, 1.02 acres of this site were approved for rezoning to the OM zone, which stands for office building, moderate intensity. The purpose of the OM zone is to provide locations for moderate-intensity office buildings outside of central business districts where these office buildings will not have an adverse impact on the adjoining neighborhood. Banks are an approved use in this zone. The proposed preliminary plan complies with the White Oak Master Plan in that commercial development of moderate intensity is proposed, providing a reasonable transition from Holly Hall on the south side of the Property to property zoned C-1 on the north. The public/institutional uses associated with the National Labor College will not be changed.

Environment

This 46.97-acre property includes 8.94 acres of existing forest. A stream traverses the southwest corner of the Property and another stream flows along the southern property line, within the I-495 right-of-way. A floodplain is present in the approximate center of the Property where, historically, a stream once existed. Three stormwater management ponds are also located in this area. There are 4.43 acres of environmental buffer area, 3.09 acres of which is forested. The proposed lot for Chevy Chase Bank does not include any streams, floodplains, environmental buffers or highly erodible soils.

The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for the 46.97-acre site was approved by Environmental Planning Staff on September 14, 2007. The streams and floodplain are protected by an environmental buffer. The plan meets all applicable requirements for protection of environmentally sensitive areas as specified in the Environmental Guidelines.

There are 8.94-acres of existing forest on the property. All forest exists on the western portion of the National Labor College site where development is not proposed. The preliminary forest conservation plan includes future removal of approximately 4.10 acres of forest and retention of approximately 4.84 acres of forest. Forest removal will not take place concurrent with the Chevy Chase Bank construction; rather, it is intended to allow for any National Labor College future development. The forest conservation plan maximizes the amount of forest planting within the environmental buffer. Retained and planted forest within the environmental buffer will be protected in a Category I forest conservation easement in all areas except where it is precluded by other types of existing easements. The forest conservation requirements for the proposed bank lot are fully met within the lot containing the existing Labor College. The plan meets all applicable requirements of the county Forest Conservation Law.

Since there is no new construction occurring at this time on the National Labor College lot, the stormwater management concept for this application covers only the bank lot. The MCDPS Stormwater Management Section approved this concept on June 20, 2007. The stormwater

management concept consists of on-site water quality control via installation of a proprietary filtration facility with hydrodynamic pretreatment and onsite recharge via construction of two recharge trenches. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second.

Public Facilities

Roads and Transportation Facilities

The analysis of roads and transportation applies only to the proposed 1.02-acre lot proposed to accommodate new development of a 3,170 square foot bank.

Along the site frontage, New Hampshire Avenue is a six-lane divided major highway with sidewalks on both sides. Powder Mill Road is a master-planned arterial road to the east of New Hampshire Avenue with a sidewalk along its south side that intersects New Hampshire Avenue at a signalized intersection.

Vehicular access to the proposed bank will be from the Powder Mill Road cul-de-sac (to the west of New Hampshire Avenue) and from an existing driveway that connects Holly Hall to the cul-de-sac. The proposed use could also be accessed from New Hampshire Avenue via a right-turn in/right-turn out driveway that leads to Holly Hall. Pedestrian access to the bank will be provided via lead-in sidewalks to the building from New Hampshire Avenue, Powder Mill Road, and Holly Hall.

Metrobus routes K6, Z19, and C8, and RideOn routes 10, 20, 22, and 24 service New Hampshire Avenue in the area and serve a bus shelter and stop in front of the proposed bank. The Hillendale Transit Center is located along the Powder Mill Road site frontage, and functions as a layover area for RideOn Routes 10, 22, and 24. A bus shelter is provided at this location as well, but there is no connecting sidewalk to the bus shelter from New Hampshire Avenue.

SHA is currently planning pedestrian improvements along New Hampshire Avenue at its intersections with Powder Mill Road and Elton Road. Improvements will include audible pedestrian signals and countdown pedestrian signals at both intersections. The developer for 10001 New Hampshire Avenue (located at the southeast corner of New Hampshire Avenue and Elton Road) has committed \$50,000 towards these improvements as part of the site plan approval for that development.

As part of the APF review, both Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) tests were required for the bank project per the *2007 LATR/PAMR Guidelines* since the development was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

Transportation Planning Staff reviewed the traffic study submitted by the Applicant in June 2007 (Revised August 2007) and found that the project complies with requirements in the *LATR/PAMR Guidelines*, as discussed below.

The proposed 3,170 square-foot bank is estimated to generate approximately 39 total trips during weekday morning peak-hour and 146 total trips during the weekday evening peak-hour. All of the morning peak-hour trips were considered “new trips”. For the evening, approximately 21 percent of the peak-hour trips (31 trips) were considered as “new” and 79 percent of peak-hour trips (115 trips) were considered as either “diverted” or “pass-by”. Both “diverted” trips and “pass-by” trips represent site-generated trips already on adjacent roadways. CLV values for intersections included in the study are below the Fairland/White Oak Policy Area congestion standard of 1,475 CLV. Transportation Planning Staff concludes, therefore, that the proposed use satisfies LATR requirements of the APF test.

Under the Growth Policy requirements in effect at the time the preliminary plan was filed, to satisfy PAMR, a development within the Fairland/White Oak Policy Area was required to mitigate 45% of the “new” site-generated peak-hour trips. Thus, as part of the APF test, the consultant for the Applicant submitted a PAMR statement dated January 17, 2008, as a supplement to the Revised August 2007 traffic study to mitigate “new” peak-hour trips generated by the proposed use.

The initial PAMR mitigation proposal for the subject application included construction of approximately 260 feet of off-site sidewalk, three sets of handicapped ramps, and a transit facility with two bus shelters on Powder Mill Road adjacent to the proposed bank for a total trip mitigation credit of 22 trips. The above assumed a 3,650 square-foot bank that generated 45 “new” morning peak-hour trips. The size of the bank has since been reduced to 3,170 square-feet, and as summarized above, the bank now is estimated to generate 39 and 31 “new” peak-hour trips during the morning and evening peak periods, respectively. The trip mitigation requirement for the proposed use was thus recalculated to be 18 trips (i.e., 39 “new” morning peak-hour trips x 0.45). Final PAMR trip mitigation measures proposed by the Applicant for the project includes the following:

1. Construction of approximately 420 linear-feet of off-site sidewalk (260 feet of sidewalk to the south of the site from New Hampshire Avenue to Holly Hall and 160 feet of sidewalk to the northwest of the site along the reconstructed Powder Mill Road cul-de-sac; for a mitigation credit of 2 peak-hour trips).
2. Construction of three sets of handicapped ramps at locations adjacent to the site (for a mitigation credit of 6 peak-hour trips).
3. Dedication of additional right-of-way and construction of roadway improvements to facilitate future installation of a transit facility with 2 bus shelters (to be installed by DOT) along Powder Mill Road to the west of New Hampshire Avenue (for a mitigation credit of 15 peak-hour trips). Note: Though a “transit facility” is not in the *LATR/PAMR Guidelines* as a mitigation measure, we believe that dedication of additional right-of-way and construction of necessary improvements to facilitate future installation of a transit facility at this location qualifies for a total mitigation credit of at least 15 peak-hour trips.

The above measures were approved by the Department of Transportation (DOT) and will provide a total mitigation credit of 23 peak-hour trips, well above the mitigation requirement of

18 peak-hour trips. Staff therefore concludes that the proposed use satisfies PAMR requirements of the APF test.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the existing institutional use and proposed development. New development on the 1.02-acre lot 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 site has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services 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 bank use.

Compliance with the Subdivision Regulations and Zoning Ordinance (Attachment C – Agency Correspondence)

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 size, width, shape and orientation of the lots are appropriate for the location of the subdivision.

The National Labor College lot, now at 45.8 acres, continues to comply with the Zoning Ordinance requirements for an institutional use in the R-90 zone. The 1.02-acre lot for the bank was reviewed for compliance with the dimensional requirements for the O-M 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 the bank lot 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.

Citizen Correspondence and Issues

A notice and copy of the proposed Preliminary Plan and Site Plan were sent to the adjacent and confronting property owners, and to the Hillandale Area Community and other Citizen Associations of record by the Applicant on September 21, 2007. 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 September 25, 2007. 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 June 27, 2007 at the National Labor College. All Adjacent and Confronting Owners and the Hillandale Community and other Citizen Associations were sent a Notice on June 11, 2007, inviting them to attend the 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.

Staff has been in contact with Eileen Finnegan, representing the Hillandale Civic Association, who raised the following issues: county maintenance of Powder Mill Road; a bus driver layover facility north of the Powder Mill cul-de-sac; and potential adverse impacts on the surrounding residential and business community. According to Ms. Finnegan, the island in the Powder Mill cul-de-sac bulb has been poorly maintained and ignored by DOT. This island will be sodded and relocated following improvements to the shape of the bulb. Maintenance will be the responsibility of DOT. Staff referred Ms. Finnegan to DOT officials for more information on maintenance and future capital improvement projects with regards to a Powder Mill bus driver layover facility.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the White Oak Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified on pages 2 and 3 of this report is recommended.

Attachments

Attachment A – March 18, 2008 Re-zoning Opinion
Attachment B – Proposed Development Plan
Attachment C – Agency Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Chevy Chase Bank - Hillandale				
Plan Number: 120080090				
Zoning: O-M				
# of Lots: 2 (existing lot for National Labor College zoned R-90, not analyzed below)				
# of Outlots: 0				
Dev. Type: Standard				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	Not specified	43,560 sq. ft. minimum	EG	7/11/08
Lot Width	Not specified	115 ft. minimum	EG	7/11/08
Lot Frontage	Not specified	170 ft. minimum	EG	7/11/08
Setbacks				
Front	15 ft. Min.	Must meet minimum ¹	EG	7/11/08
Side	1 ft. for each 3 ft. of building height	Must meet minimum ¹	EG	7/11/08
Rear	1 ft. for each 3 ft. of building height	Must meet minimum ¹	EG	7/11/08
Height	60 ft. Max.	May not exceed maximum ¹	EG	7/11/08
Max Resid'l d.u. or Comm'l s.f. per Zoning	Not Specified	3,170 sq. ft.	EG	7/11/08
Green Area	10% Min.	32%	EG	7/11/08
Floor Area Ratio	1.5 FAR Max.	0.07 FAR	EG	7/11/08
Site Plan Req'd?	Yes		EG	7/11/08
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	EG	7/11/08
Road dedication and frontage improvements		Yes	Agency letter	6/18/08, 11/12/07
Environmental Guidelines		Yes	Staff memo	6/24/08
Forest Conservation		Yes	Staff memo	6/24/08
Master Plan Compliance		Yes	EG	7/11/08
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	6/20/07
Water and Sewer (WSSC)		Yes	Agency comments	11/12/07
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	11/12/07
Local Area Traffic Review		Yes	Staff memo	7/2/08
Policy Area Mobility Review		Yes	Staff memo	7/2/08
Transportation Management Agreement		No	Staff memo	7/2/08
School Cluster in Moratorium?		No	EG	7/11/08
School Facilities Payment		No	EG	7/11/08
Fire and Rescue		Yes	Agency letter	6/11/08

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

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DEVELOPMENT REVIEW

Resolution No. 16-486
 Introduced: March 18, 2008
 Adopted: March 18, 2008

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
 SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
 OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
 IN MONTGOMERY COUNTY**

By: County Council

SUBJECT: APPLICATION NO. G-866 FOR AMENDMENT TO THE ZONING ORDINANCE MAP.
Todd D. Brown, Esquire, Attorney for Applicant National Labor College, OPINION AND
RESOLUTION ON APPLICATION
 Tax Account No. 03381871

OPINION

Application No. G-866, filed on June 21, 2007 by Applicant National Labor College (the "College"), requests reclassification from the R-90 Zone to the O-M Zone of one acre of land located at 10000 New Hampshire Avenue, at the southwest corner of the intersection of Powder Mill Road and New Hampshire Avenue in Silver Spring, on property identified as a portion of Parcel A of the George Meany Center for Labor Studies Plat (P.B. 22279), in the 5th Election District. The application was submitted under the Optional Method authorized by Code §59-H-2.5, which permits binding limitations with respect to land use, development standards and staging. Such limitations are shown on a Schematic Development Plan that is submitted with the application, and must be repeated in covenants to be filed in the county land records.

The Hearing Examiner recommended approval of the application on the basis that the O-M Zone at the proposed location would satisfy the requirements of the purpose clause; that the proposed reclassification and development would be compatible with existing and planned land uses in the surrounding area; and that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The Montgomery County Planning Board ("Planning Board") and its Technical Staff provided similar recommendations. The District Council agrees with the Hearing Examiner's conclusions and incorporates herein the Hearing Examiner's Report and Recommendation dated February 27, 2008.

The subject property is located at the southwest corner of New Hampshire Avenue and Powder Mill Road, in an R-90 Zone, a few blocks from the Prince George's County Line. It has approximately 115 feet of frontage along New Hampshire Avenue to the east, and 275 feet of frontage along Powder Mill Road to the north, which is, at this location, a stub road ending in a cul de sac at the western edge of the subject property. The site is currently vacant, except for a sidewalk that traverses the property diagonally and an access drive from Powder Mill Road to the adjacent Holly Hall Apartments, which is governed by an easement. The property is gently sloped and clear of vegetation, except for grass and a single tree that is in poor health. It contains no wetlands, floodplains, rare or endangered species or critical habitats.

The surrounding area for this application has been designated as the area generally bound by I-495 to the south, the R-90 residential area along New Hampshire to the north and northeast, the boundary of the National Labor College campus to the west and northwest, and the eastern edge of the Hillandale Shopping Center property to the east. The surrounding area contains a mix of commercial uses, a church, a multi-family apartment building and the National Labor College. Abutting the subject site to the west is the remainder of the 47-acre College property, classified in the R-90 Zone. Abutting to the south is the Holly Hall Apartments, an apartment building for low-income seniors in the R-20 Zone. The subject site confronts property in the C-1 Zone to the north and east, and diagonally to the northeast: a gas station across Powder Mill Road to the north, a church diagonally across the intersection, and the Hillandale Shopping Center across New Hampshire Avenue. The surrounding area also contains an office building and a small retail center at its northern edges, and a property just south of the Hillandale Shopping Center that was recently reclassified to the same zone sought here, the O-M Zone. Beyond the surrounding area to the north and west are single-family homes in the R-90 Zone. East of the Hillandale Shopping Center are a small amount of additional retail and office, a multi-family residential building, and additional single-family homes.

The subject property was classified under the R-90 Zone in the 1958 County-wide comprehensive rezoning. In 1964, the owner of a filling station on the north side of the stub end of

Powder Mill Road, west of New Hampshire Avenue, sought to expand the station using the subject property. Rezoning application E-86 was granted to facilitate the expansion, rezoning the subject property to the C-1 Zone. A master plan was later adopted recommending C-1 zoning for part of the subject property. In 1974, the filling station arranged a land swap with the owners of the College property, allowing the gas station to expand to the west rather than onto the subject site. This was carried out with the help of two additional rezonings, one reclassifying land behind the filling station to the C-1 Zone and another reclassifying the subject site back to the R-90 Zone. The justification given for the latter was that the property was surrounded by R-90 zoning on three sides. As Mr. Perrine pointed out, however, none of the adjacent R-90 property could be used for single-family housing; it consisted of the College, New Hampshire Avenue right-of-way and a narrow strip to the south. Subsequent master plans carried forward the R-90 zoning classification in their recommendations.

The Applicant has a contract to sell the subject site to Chevy Chase Bank, if the rezoning is approved, for the construction of a bank branch with drive-through windows. Pursuant to Code § 59-H-2.52, the Applicant in this case has chosen to follow the "optional method" of application. The optional method requires submission of a schematic development plan that specifies which elements of the plan are illustrative and which are binding, i.e. elements to which the Applicant consents to be legally bound. Those elements designated by the Applicant as binding must be set forth in a Declaration of Covenants to be filed in the county land records if the rezoning is approved. The legal effect of the covenants is to obligate any future owner of the property to comply with the binding elements specified on the SDP. Thus, the optional method allows an applicant to specify elements of its proposal that the community, reviewing agencies and the District Council can rely on as legally binding commitments. Illustrative elements of the SDP may be changed during site plan review, but the binding elements cannot be changed without a separate application to the District Council for a development plan amendment.

The binding elements shown on the SDP limit the use of the site to a bank branch with a maximum of 3,650 square feet, drive-up ATMs and teller service, associated signage, parking, landscaping, lighting and infrastructure improvements. They also specify that the building will be no

more than one story or 25 feet in height, will have a floor area ratio no greater than 0.5 and will be built in a single phase.

The SDP shows primary vehicular access from the existing roadway that extends from Powder Mill Drive to the Holly Hall Apartments. Access would also be available via the existing driveway along the site's southern border, which leads from the Holly Hall Apartments to a right-in/right-out access on New Hampshire Avenue. Pedestrian access is shown via new sidewalks and lead-in walkways.

As shown on page 14 of the Hearing Examiner's Report and Recommendation, the proposed development would be consistent with applicable development standards for the O-M Zone and applicable parking requirements.

The District Council turns next to the purpose clause of the O-M Zone, and concludes that the proposed rezoning would satisfy its provisions. The purpose of the O-M Zone as stated in Code §59-C-4.31 is set forth below.

59-C-4.310. Purpose.

It is the purpose of the O-M zone to provide locations for moderate-intensity office buildings in areas outside of central business districts. It is intended that the O-M zone be located in areas where high-intensity uses are not appropriate, but where moderate intensity office buildings will not have an adverse impact on the adjoining neighborhood. This zone is not intended for use in areas which are predominantly one-family residential in character.

The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

The subject site is outside a central business district, in a mixed-use area that is not predominantly one-family residential in character. The surrounding area has a mix of commercial, institutional and multi-family uses, and the subject property is adjacent to or confronts each of these use types – a multi-family building, a large institutional use, a gas station and a shopping center. The subject site is in a small commercial area where the proximity of residential neighborhoods would make high-intensity uses inappropriate. The District Council finds that the proposed rezoning and development would not adversely impact the adjoining neighborhood. The proposed bank branch would be a

moderate-intensity use in keeping with the character of the surrounding commercial center. At this location, adjacent to New Hampshire Avenue and I-495 and surrounded by commercial and institutional uses, the activity level at the proposed bank would be very unlikely to have an adverse effect on the Holly Hall Apartments. Moreover, the proposed building would be much smaller than the Holly Hall building and other buildings nearby, and therefore would not be obtrusive. The Zoning Ordinance requires screening of parking lots, and landscaping will be designed in detail at a later stage, if the zoning is approved. Moreover, the traffic study established that the proposed project would not adversely affect local traffic conditions.

The traffic study established that the proposed project would not adversely affect local traffic conditions. Both of the intersections examined in the traffic study currently operate with critical lane volumes ("CLVs") below the applicable 1,500-CLV congestion standard for the Fairland/White Oak Policy area, and would continue to do so with the additional of background traffic (from development that is approved but not yet built) and the proposed development.

Accordingly, the District Council concludes that based on the preponderance of the evidence, the Applicant has demonstrated that its proposal would not have an adverse impact on the adjoining neighborhood. For all of these reasons, the District Council concludes that the proposed rezoning and development would be consistent with the purpose clause for the O-M Zone.

An application for a floating zone reclassification must be evaluated for compatibility with existing and planned uses in the surrounding area. For the reasons stated with regard to the purpose clause, the District Council concludes that the proposed rezoning and development would be compatible with existing and planned uses in the surrounding area. A small bank building at this location would blend in well with the mixed character of the surrounding area and, with the limitations on size and activity established in the binding elements of the SDP, would be compatible with the adjacent Holly Hall Apartments, the only residential use that would not be buffered by substantial distances and intervening development. As Technical Staff noted, higher-density residential uses are often located near lower-intensity commercial uses. See Ex. 35. The view from the Holly Hall Apartments in the direction of the

subject site is already dominated by roadways and commercial uses, so exchanging a bare piece of grass in the forefront of that view for a small building and parking with surrounding landscaping is unlikely to have a negative effect. Traffic impacts would be minor, resulting in no appreciable adverse impact, and pedestrian connections would be improved by the planned sidewalks and walkways. For all of these reasons, the Hearing Examiner concludes that the proposed development would be compatible with Holly Hall. The evidence amply demonstrates that the proposed development would be compatible with the remaining surrounding uses, which are of similar or greater scale and intensity.

The District Council further determines that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The District Council agrees with the findings made by the Hearing Examiner, the Planning Board and Technical Staff that the proposed development would comply with the Master Plan. Although the Master Plan recommended continued R-90 zoning for the subject site, it included the site in the Hillandale Commercial Center, suggesting that commercial use of the site would be consistent with the Master Plan's recommendations.

The evidence indicates that the proposed rezoning and development would be adequately supported by and would have no adverse effect on local roadways or public utilities.

Both Technical Staff and the Applicant's land planner opined that the subject site would be put to a higher use under the O-M Zone than under its current zoning. The current R-90 classification would permit the construction of about four single-family homes on the site, but the site is not attractive for single-family use, surrounded as it is by busy roadways, commercial and institutional uses and a multi-family apartment building. This supports a conclusion that the requested rezoning would serve the public interest by allowing a property that currently has neither function nor natural beauty to be put to productive use.

Accordingly, the District Council concludes, based on the preponderance of the evidence, that the proposed reclassification bears sufficient relationship to the public interest to warrant its approval.

For these reasons and because to grant the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-866, seeking reclassification from the R-90 Zone to the O-M Zone of 1.03 acres of land located at 10000 New Hampshire Avenue, Silver Spring, Maryland, in the 5th Election District, is hereby approved in the amount requested, subject to the specifications and requirements of the approved schematic development plan, Exhibit 30(c); provided that, within 10 days of receipt of the District Council's approval resolution, the Applicant must submit to the Hearing Examiner for certification a reproducible original and three copies of the approved schematic development plan, in accordance with §59-D-1.64, and provided that the Declaration of Covenants is filed in the county land records in accordance with § 59-H-2.54 of the Zoning Ordinance.

This is a correct copy of Council action.


Linda M. Lauer
Linda M. Lauer, Clerk of the Council

LEGEND

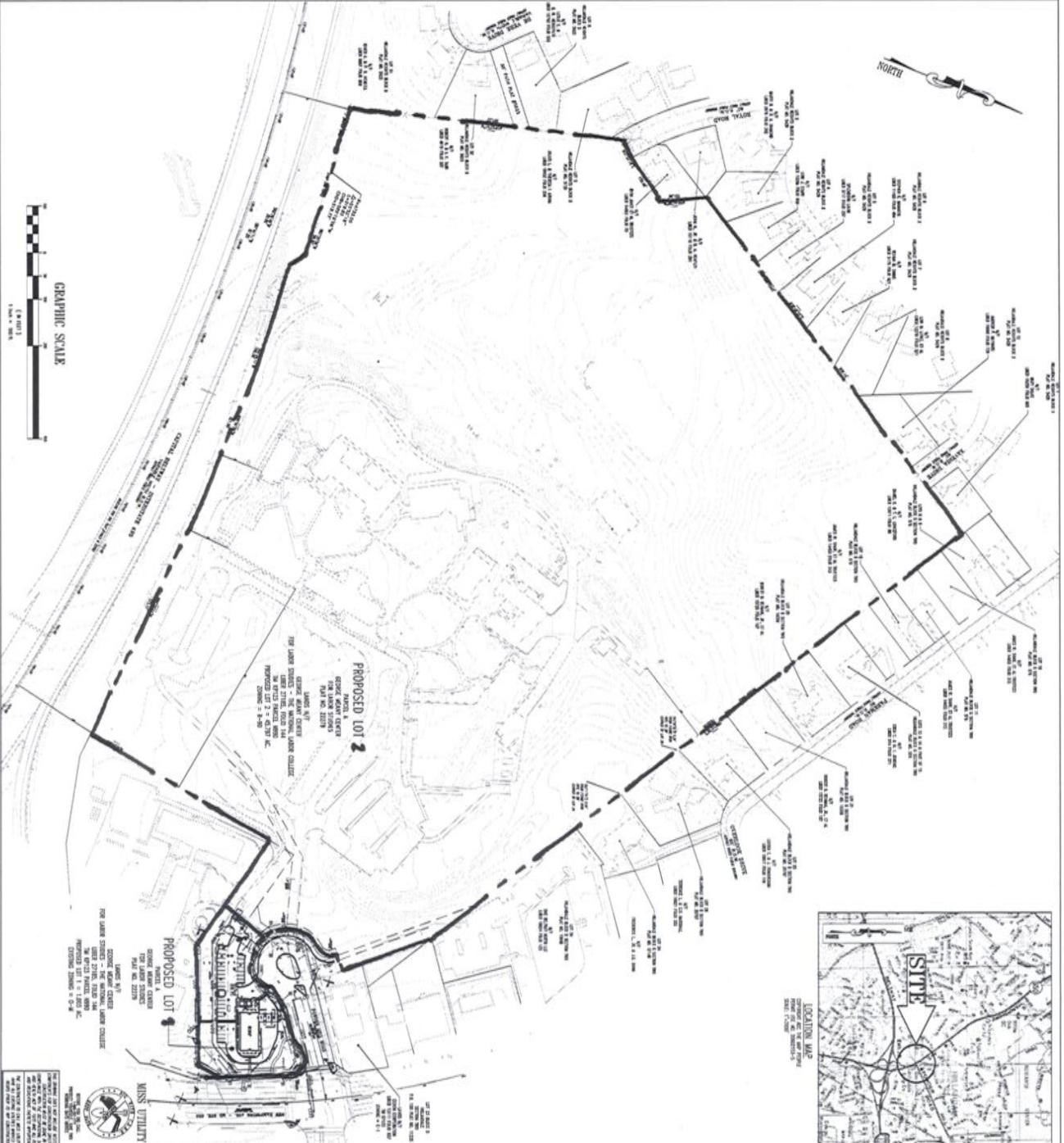
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BOHLER ENGINEERING

CIVIL & CONSULTING ENGINEERS

SURVEYORS

PROJECT MANAGERS

ENVIRONMENTAL ENGINEERS

LANDSCAPE ARCHITECTS

OFFICES:

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BOHLER ENGINEERING

1800 SOUTH BENT

PHOENIX, AZ 85024

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FAX: (602) 998-4001

WWW.BE-PA.COM

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D.M. DUKE

1800 SOUTH BENT

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CHEVY CHASE BANK

HILLMANOLE

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DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid Joyner
Director

June 20, 2007

Mr. Matt Jones
Bohler Engineering, P.C.
16900 Science Drive, Suite 104
Bowie, MD 20715

Re: Stormwater Management **CONCEPT** Request
for Chevy Chase Bank Hillandale
Preliminary Plan #: Pending
SM File #: 231249
Tract Size/Zone: 1.0269 acres / R-90
Total Concept Area: 1.0269 acres
Lots/Block: N/A
Parcel(s): N990
Watershed: Northwest Branch

Dear Mr. Jones:

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 installation of a proprietary filtration facility with hydrodynamic pretreatment; and onsite recharge via construction of two recharge trenches. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Due to downstream conveyance concerns, the 10-year storm runoff will be attenuated to pre developed conditions via construction of an underground detention facility.

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 Mark Etheridge at 240-777-6338.

Sincerely,



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

RRB:dm mce

cc: C. Conlon
S. Federline
SM File # 231249

QN -ON; Acres: 1 acre
QL - ON; Acres: 1 acre
Recharge is provided



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

June 18, 2008

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 #1-20080090
Chevy Chase Bank at Hillandale

Dear Ms. Conlon:

We have completed our review of the preliminary plan revised on 06/12/08. This plan was reviewed by the Development Review Committee at its meeting on November 11, 2007. 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. Right of way dedication for New Hampshire Ave in accordance with the Master Plan and Powder Mill Road as necessary. Also provide a standard right of way truncation at the intersection of aforementioned streets.
 2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
 3. A Public Improvements Easement will be necessary along Powder Mill Road, in order to accommodate the required bus stops and sidewalk construction as shown on the preliminary plan. The applicant will need to execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat.
 4. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
 5. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Eight (8) feet wide sidewalks are to be provided along the site frontage on Powder Mill Road by the curb to facilitate passengers getting on and off the buses.
 6. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.

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. 1-20080090
Date June 18, 2008
Page 2

7. 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.
8. 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.
9. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
10. The parking lot travel lanes are to be designed to allow a WB-50 truck to circulate without crossing the centerline nor the curbline.
11. 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 and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules. Also coordinate with David Wagaman at 240-777-6400 Division of Solid Waste about their requirements for recycle/trash truck access and movement.
12. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
13. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
14. 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.
15. 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.
16. Access and improvements along New Hampshire Ave (MD 650) as required by the Maryland State Highway Administration.
17. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

Ms. Catherine Conlon
Preliminary Plan No. 1-20080090
Date June 18, 2008
Page 3

18. 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.
19. 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.
20. 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.
21. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
22. Discussion is currently in progress between National Labor College and MCDPWT to work out the possible location and configuration of a bus transit facility within the NLC property.
23. Due to the safety issues which will be caused by the proposed location of site access on Powder Mill Road (which will create conflict of vehicular movements) the median islands are to be modified as shown on the above mentioned preliminary plan. The driveway directly adjacent to the gas station also is to be channelized as shown.
24. MCDPWT recommends road improvements described in item 25A below to be accepted as the intent of PAMR requirements for this site.
25. 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. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Powder Mill Road. This includes widening and channelization of the street to accommodate bus stops as shown on the above mentioned preliminary plan and widening the cul-de-sac to commercial roadway standards (STD MC-222.01).
 - B. Additional road improvements may be required as a result of a review of a traffic study if such study is required by the Planning Board staff.
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - D. 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

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TRAFFIC

PAGE 05/06

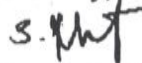
Ms. Catherine Conlon
Preliminary Plan No. 1-20080090
Date June 18, 2008
Page 4

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.

- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.
- F. As a result of bus lay-by and cul-de-sac widenings (see item 25A above) all dry utilities should be relocated outside of the travel lanes as shown on the aforementioned preliminary plan.

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/ 1-20080090, Chevy Chase Bank at Hillandale.doc

Enclosures (1)

cc: James Gentile, National Labor College
Joseph B. Pearson, Jr., Chevy Chase Bank
Daniel Duke / Matt Jones, Bohler Engineering
Todd Brown, Linowes & Blocher
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Henry Emery; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Edgar Gonzalez, DPWT
Phil McLaphlin, DPWT
Howard Benn, DPWT
Jeff Dunckel, DPWT
Deanna Archey, DPWT
Gregory Leck, DPWT
Corren Giles, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book



State Highway Administration

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

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

Maryland Department of Transportation

November 12, 2007

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 - Hillendale
File Nos: 1-20080090
& 8-20080060
MD 650 (New Hampshire Avenue)
Mile Post: 3.46

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 - Hillendale development. We offer the following comments:

- Direct access to the site is from a County or municipality-maintained road (Powder Mill Road) and is subject to the permit process and requirements of the Montgomery County Department of Public Works and Transportation.
• A permit will be required from this office for all proposed signing, pavement marking, sidewalk ramp work, and any other work proposed within the State right-of-way associated with the crosswalk and stop bar along MD 650 at the access road from the overall site (George Meany Center for Labor Studies). This access provides a right-out only onto MD 650.
• The access permit plan will need to show appropriate sidewalk ramps and details for the right-out access point along MD 650.
• Right-of-way dedications need to be in accordance with the Master Plan of Highways along MD 650. SHA will require that right-of-way dedications and changes to access controls 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.

My telephone number toll-free number is _____


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

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,



Steven D. Foster, Chief
Engineering Access Permits Division

SDF/gfc/jab

cc: Mr. James Gentile / National Labor College / 10000 New Hampshire Avenue, Silver Spring, MD 20903
Mr. Daniel Duke / Bohler Engineering, P.C. / 16900 Science Drive, Suite 104, Bowie, MD 20715
Mr. Richard Weaver / M-NCPPC
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*