



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

Staff Report: Site Plan 8200800060 Chevy Chase Bank — Hillandale

ITEM #: _____

MCPB HEARING

DATE: July 24, 2008

REPORT DATE: June 26, 2008

TO: Montgomery County Planning Board

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

FROM: Michele Oaks, Coordinator
Development Review Division
301.495.4573
michele.oaks@mncppc-mc.org



APPLICATION DESCRIPTION: For the construction of a 3,170 square foot bank with a maximum of three drive-thru windows, on 1.02 acres of property in the OM Zone; located in the southwest quadrant of the intersection of New Hampshire Ave (MD 650) and Powder Mill Road within the White Oak Master Plan.

APPLICANT: National Labor College

FILING DATE: September 18, 2007

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY: The proposed development was approved per Rezoning Case No. S-180-B by the Board of Appeals for Montgomery County effective June 7, 2007. The property, now zoned O-M and currently vacant, will be recorded to accommodate a free-standing, one-story, brick bank building with three, drive-through bays. In addition to one existing point of access from Powder Mill Road, a new drive is being proposed at the northern boundary of the site. The Powder Mill Road terminus must be improved to accommodate the new use as well as a transit area within the right-of-way. The principal façade of the building will be oriented towards the Powder Mill Road terminus, and has been designed and landscaped to conform to the recommendations of the Master Plan. The building's secondary entry façade will be oriented to face New Hampshire Avenue, with parking spaces for the new building dispersed along the front and south side of the proposed bank building.

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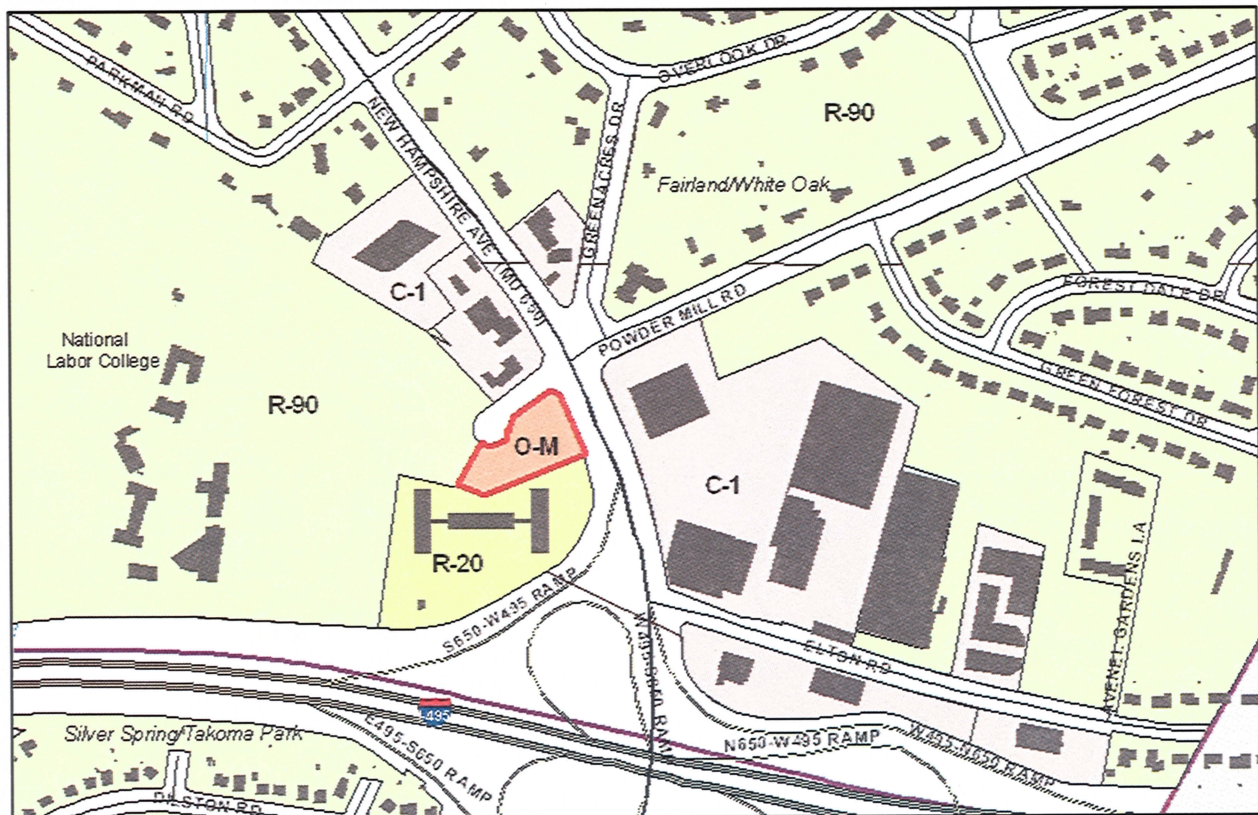
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SITE DESCRIPTION

Vicinity

The site is located in the southwest quadrant of the intersection of New Hampshire Avenue (MD 650) and Powder Mill Road. This vacant site currently has no direct vehicle access; however, a sidewalk diagonally crosses the property. The George Meany Center for Labor Studies/National Labor College is located to the west (R-90 zone) and the Holly Hall apartment complex that provides 96 subsidized rental units for the elderly is located to the south (R-20 zone). The Hillandale Shopping Center is located directly across from the site to the east (C-1 zone) and several retail, commercial, and office uses are located to the north of the proposed bank, north of Powder Mill Road (C-1 zone).

The subject property is located within the Northwest Branch of the Anacostia River, a Use IV waterway. The entirety of the property from which the proposed lot originated is subject to a forest conservation plan.



Site Analysis

The current applications are a Preliminary Plan, 120080060 and Site Plan 8200800060, since the Applicant is proposing to create a new lot and use for the subject site. The site is currently associated with the National Labor College.

PROJECT DESCRIPTION

Background/Previous Approvals

The National Labor College property is located in the southwest quadrant of the intersection between New Hampshire Avenue and Powder Mill Road. The college was designed with its buildings sited away from the public road system to provide a campus environment. This design intent has left a significant amount of green space along the property frontages with New Hampshire Avenue and Powder Mill Road.

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 of 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 change the zoning (G-866) for the subject 1.0269-acre of land on 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 include 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
- Parking, landscaping, lighting and infrastructure improvements

Proposal

The proposal is to allow construction of a 3,170-square-foot free-standing bank with three drive-through lanes and associated parking on 1.03 acres of property in the OM Zone; located in the southwest quadrant of the intersection with New Hampshire Ave (MD 650) and Powder Mill Road within the White Oak Master Plan. The property is currently vacant and will be recorded to accommodate the development. 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.

PROJECT ANALYSIS

Master Plan

The subject site is located within the White Oak Master Plan. The 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 this particular site. In the case of the streets surrounding the property, the Master Plan

provides general guidance for increasing the sidewalk circulation network linking the community facilities, transit and neighborhoods. Additionally, the Master Plan recommends enhancing transit coverage along New Hampshire Avenue to allow people to reach destinations around the region without vehicular transport. The proposed Site Plan complies with the recommendations adopted in the Master Plan, and the commercial development is consistent with surrounding development patterns and the current zoning designation.

Transportation

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, and 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 services New Hampshire Avenue in the area and serve a bus shelter and stop in front of the proposed bank. The Hillandale 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, which currently has no connecting sidewalk.

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) had committed \$50,000 towards these improvements as part of the site plan approval for that development.

The Applicant is providing pedestrian improvements at the bus stop location along New Hampshire Avenue. This staircase improvement will lead down grade onto the property providing direct access onto the site for the bank's customers who are transit riders.

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*.

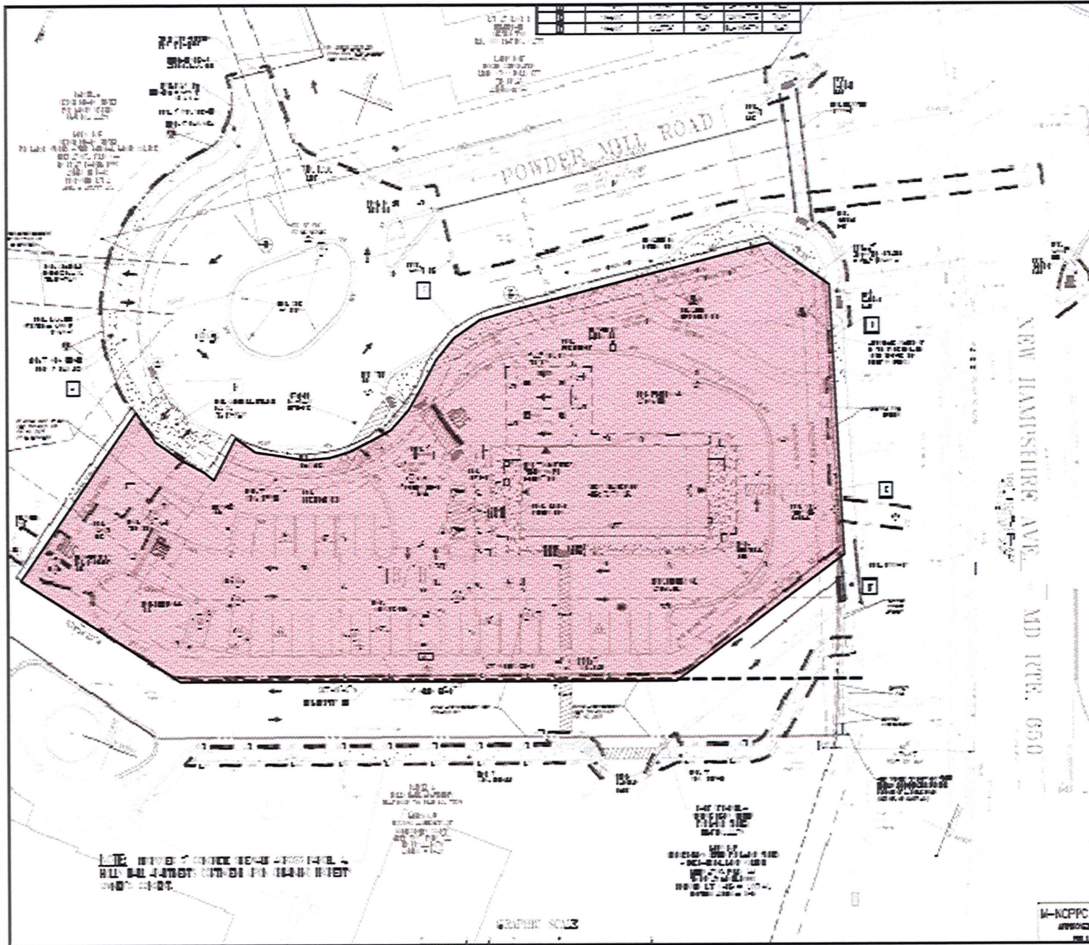
Environment

The proposed lot for Chevy Chase Bank does not include any streams, floodplains, environmental buffers or highly erodible soils, however, as previously stated, the entire National Labor College (NLC) site from which the Subject Property originated, is subject to a forest conservation plan.

The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for the 46.97-acre, NLC, 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 National Labor College property. All forest exists on the western portion site where development is not proposed. The Forest Conservation requirements for Chevy Chase Bank's newly-created, one-acre lot are being met by the National Labor College's Forest Conservation Plan.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project 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 cfs.



Site Plan

Development Standards

The proposed development is designated within the OM zone, which is created to provide locations for moderate-intensity office buildings in areas outside of central business districts. It is intended that the O-M district 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 predominately one-family residential in character. The proposed development satisfies the intent of this zone. As proposed, the bank-use is a moderate-intensity use that is compatible with its surrounding commercial and residential uses. Additionally, the design and scale of the building and the proposed construction materials will provide a structure which is sympathetic to the building material vocabulary and streetscape patterns of the adjacent buildings.

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

Project Data Table for the OM Zone

Development Standard	Permitted/ Required	Proposed for Approval
Min. Gross Tract Area (Acres)	n/a	1.02
Max. Building Height (Feet)	60	25
Min. Building Setbacks (Feet)¹		
North Setback (Front/Powder Mill Road)	8.33	26
East Setback (Front/New Hampshire Ave)	15	41.9
South Setback (Side/Private Drive R-90)	8.33	53.6
West Setback (Side/R-90)	8.33	112.7
Landscape Buffer Setbacks (Feet)		
North Setback (Front)	10	15.4
East Setback (Front)	10	26.9
South Setback (Side)	8	8
West Setback (Side)	8	8
Parking Space Dimensions	18' x 8.5'	18' x 8.5'
Parking Space Requirements (3,170 sf GFA @ 5 spaces per 1,000 sf)	16 Spaces	31 Spaces ²
Green Area (%)	10	32 +/-
Floor Area Ratio	1.5	0.07
Minimum Drive Aisles (Feet)		
Two-Way	20	24
One-Way	10	14
Lot Coverage (%)	60	7.2

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 Hillandale Area Community and 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.

¹ 59-C-4.313 All buildings shall be set back from lot lines at least as follows:

- (a) From any street right-of-way as shown on a master plan – 15 feet.
- (b) From any other lot line:
 - (1) If the building has windows or aperture providing light, access or ventilation to a space intended to be occupied for commercial or residential a purpose that faces that lot line – One foot for each 3 feet of building height.
 - (2) If the adjoining lot is in a residential zone and is not recommended for commercial or industrial zoning on a master plan – one foot for each 3 feet of building height.

Building Measurements taken from established building envelope

² Includes two (2) Handicapped Spaces (8.5' x 18' with 5' accessible striped aisle)

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 Hillandale Community and Citizen Associations were sent a Notice on June 11, 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.

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 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.

FINDINGS

1. *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, nor a project plan were required for the subject site.

2. *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 O-M zone as demonstrated in the project Data Table on page 8. 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, free-standing, bank use and drive-thru on an optimal site for accessibility for traveler and highway users, as it is immediately adjacent to the on-ramp for the Capital Beltway (I-495). The design and layout of the building is compatible with the surrounding buildings in terms of massing, detailing, and height. The minimal visual and circulation impact of the parking lot is in-keeping with the recommendations of the zone and the Sector Plan through placement of the building on the site close to the road frontage, and providing adequate parking on site for the building's use.

b. Open Spaces

The plan proposes 32 percent green area, which is primarily focused along the frontages of Powder Mill Road and New Hampshire Avenue. This area provides visual interest with plantings and lighting integrated into landscape beds.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of evergreen shrubs and deciduous trees with perennials and ornamental grasses along the streetscape and in planting beds in the interior of the site. The street trees along Powder Mill Road and New Hampshire Avenue 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 provides an adequate, safe, and efficient environment for residents and passers-by.

The lighting plan consists of a collection of 20' high, 400 Watt, and 14'9" high 250 Watt Gardco Luminaires distributed throughout the site. This lighting technique will provide a safe environment for patrons of the proposed bank and for its pedestrians.

d. Pedestrian and Vehicular Circulation Systems

Pedestrian access to the site is enhanced by sidewalks and staircases added around the reconfigured Powder Mill cul-de-sac. These new sidewalks will provide greater pedestrian accessibility around the southwestern half of the cul-de-sac.

The Applicant is also providing a transit area along the northern property line, to satisfy PAMR requirements, which will provide more available bus options for the community.

The design of site provides an adequate and safe atmosphere for pedestrians, 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. 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.*

The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for the entire 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 there is no proposed 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 plan meets all applicable requirements of the county Forest Conservation Law.

The proposed storm water 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.

RECOMMENDATION AND CONDITIONS

Approval of a single lot with the construction of a 3,170 square foot bank with a maximum of three drive-thru windows, on 1.03 acres of property in the OM Zone; located in the southwest quadrant of the intersection of New Hampshire Ave (MD 650) and Powder Mill Road within the White Oak Master Plan. All site development elements as shown on the site, landscape, and lighting plans stamped by the M-NCPPC on June 27, 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 120080090.

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 residential 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 24, 20008 (Appendix A.)

4. Transportation
 - a. The Applicant must comply with the conditions of approval from Maryland State Highway Administration in the memorandum dated November 12, 2007 (Appendix C.)
5. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions, as outlined in the memorandum dated June 20, 2007 (Appendix B) 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. The 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 and lighting, 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.
 - d. All off-site improvements, including the proposed 5' wide sidewalk and handicapped ramps shall be completed within six-months of the issuance of the use and occupancy permits.
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. Development Program, Inspection Schedule, Forest Conservation Exemption Letter, and Site Plan Resolution.
 - b. The Applicant must make all reasonable efforts to achieve a LEED certified rating.

APPENDICES

- A. June 24, 2008 Environmental Planning Memorandum
- B. June 20, 2007 Letter from DPS; Stormwater Management Concept
- C. November 12, 2007 Letter from SHA



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

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

MEMORANDUM

TO: Erin Grayson and Michele Oaks, Development Review Division

VIA: Mark Pfefferle, Master Planner, Environmental Planning Division *MP*

FROM: Mary Jo Kishter, Senior Planner, Environmental Planning Division *MJK*

DATE: June 24, 2008

SUBJECT: Preliminary Plan 120080090
Site Plan 820080060
Chevy Chase Bank Hillandale

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

1. Applicant must revise the preliminary forest conservation plan to reflect the existing forest acreage as shown on the approved Natural Resource Inventory/Forest Stand Delineation prior to the submission of record plats.
2. Compliance with the conditions of approval of the preliminary forest conservation plan (PFCP).
3. Applicant must revised the forest conservation worksheet for the bank property on the preliminary forest conservation plan to reflect the acreage within the limits of disturbance for the bank as measured on the June 20, 2008 plan submission.
4. The forest conservation worksheet for the remainder of the George Meany Center property will be revised to accurately reflect the existing and proposed conditions on the property.
5. The forest conservation data table will be revised to accurately portray the existing and proposed conditions on the property.
6. The preliminary forest conservation plan must be revised to show all forest retention areas to be outside of the proposed limits of disturbance.
7. 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.
8. 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.
9. The preliminary forest conservation plan must be revised to clearly portray all items on the plan.
10. The areas within the environmental buffer on the property will be reforested and

- protected in a category I forest conservation easement to the maximum extent possible.
11. All retained forests and planted forests outside of the environmental/stream buffers must be protected by a category I conservation easement.
 12. Applicant must obtain approval of a final forest conservation plan for the Chevy Chase Bank site prior to any clearing or grading occurring for the construction of the bank.

BACKGROUND

The 46.97-acre property is located west of the intersection of New Hampshire Avenue (MD Route 650) and Powder Mill Road. The property is bordered by New Hampshire Avenue to the east, the Capitol Beltway (Interstate 495) to the south and the Hillandale Heights residential subdivision to the north. The property is located within the Northwest Branch of the Anacostia River, a Use IV waterway. The property includes 8.94 acres of existing forest. There is an existing stream that flows along the southwest corner of the property. An additional 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. The hydrology in this area has been altered to the point that it no longer functions or is classified as a stream. Instead, three stormwater management ponds exist in this area, within the floodplain. There are 4.43-acres of environmental buffer area on the property, of which 3.09 acres is forested. Currently the site is used as the campus for the George Meany Center for Labor Studies. There are several existing buildings and associated driveways and parking areas that serve the college on the property.

The applicant is seeking to subdivide and sell approximately 1.02 acres of the property along New Hampshire Avenue to Chevy Chase Bank. There are no improvements proposed on the remainder of the property at this time.

Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the entire property. Environmental Planning staff approved the NRI/FSD on September 14, 2007. The project site is located within the Northwest Branch of the Anacostia River (Use IV). There is one stream that flows through the southwestern corner of the property. An additional stream flows along the southern property line, within the I-495 right-of-way. A floodplain exists near the center of the property, essentially bisecting the property. This floodplain exists where historically a stream once flowed. Three stormwater management ponds now exist within the floodplain. The streams and the floodplain are protected by an environmental buffer. In total, the property contains approximately 4.43-acres of environmental buffer area. The property contains steep slopes ($\geq 5\%$) but they are generally located adjacent to the existing stormwater management ponds and along the I-495 right-of-way. There are no highly erodible soils on the property. The Chevy Chase Bank site does not contain any streams, floodplains or environmental buffer areas. However, the preliminary forest conservation plan depicts two areas of encroachment in the floodplain and environmental buffer that bisects the property to allow for access from one side of the property to the other.

Forest Conservation

There are 8.94-acres of existing forest on the property. All of the forest exists in the western portion of the property and where no development is proposed with this preliminary plan and site plan. There are two forest stands on the property. One stand is characterized as mature mixed hardwoods dominated by tuliptree (*Liriodendron tulipifera*) and red maple (*Acer rubrum*). This forest stand has an average diameter at breast height (DBH) of 17 inches. The understory shrub and herbaceous layers in this stand are dominated by multiflora rose (*Rosa multiflora*), ground ivy (*Glechoma hederacea*) and Japanese honeysuckle (*Lonicera japonica*). The second forest stand is described as an early successional forest dominated by tuliptree with an average DBH of 12 inches. The understory layers are dominated by wisteria (*Wisteria sp.*), multiflora rose, and ground ivy. There are 101 trees 24" DBH or greater in size on the property. Approximately half of these trees are located within the forest and the other half are located throughout the existing campus. There is no forest located on the proposed Chevy Chase Bank site.

The preliminary forest conservation plan indicates the removal of approximately 4.10-acres of forest and the preservation of approximately 4.84-acres of forest. All retained forest will be protected in a category I forest conservation easement. One of the goals of the preliminary forest conservation plan is to provide reforestation/afforestation within the currently unforested portions of the environmental buffer. The areas within the environmental buffer on the property include numerous existing easements (sewer, stormwater management, water main, pump station, ingress/egress) that prohibit some of the forest planting within the environmental buffer. The preliminary forest conservation plan appears to maximize the amount of forest planting within the environmental buffer but during the final forest conservation plan stage staff will coordinate with the applicant to determine which existing storm drain and WSSC easements can be forested. The 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 existing easements.

RECOMMENDATION

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



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

June 20, 2007

Carla Reid Joyner
Director

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,

A handwritten signature in black ink, appearing to read "Richard R. Brush". The signature is fluid and cursive, with a large initial "R" and "B".

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



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

State Highway
Administration

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 _____

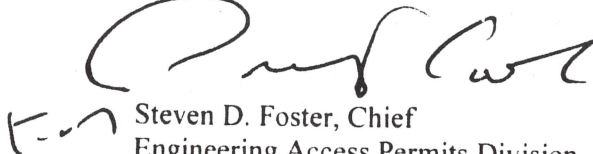
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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,



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*

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

www.montgomerycountymd.gov/mc/council/board.html

Case No. S-180-B

PETITION OF THE GEORGE MEANY CENTER FOR LABOR STUDIES

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted April 18, 2007)

(Effective Date of Resolution: June 7, 2007)

The Board of Appeals has received a letter, dated March 30, 2007, from Todd D. Brown, Esquire, on behalf of the National Labor College, Inc. Mr. Brown requests modification of the special exception to reflect exclusion from the subject property of a 1.0269-acre portion of the property which is described on the metes and bounds description and sketch entered into the record as Exhibit No. 51(a). Mr. Brown explains that "The portion of the Property to be removed from the limits of the special exception is vacant and to our knowledge has not been used in connection with the special exception since its inception." Mr. Brown notes that the private driveway which provides access to the subject property is outside the area to be excluded, and that the requested modification will remove another driveway, which provides access to the adjacent Holly Hall Apartments, from the limits of the special exception. Finally Mr. Brown points out that with an approved enrollment for the Labor College of 250 students, the reduction in acreage from 46.9689 acres to 45.9420 acres will change student density from 5.32 students per acre to 5.44 students per acre, which is well below the limitation of 87 students per acre contained in Section 59-G-2.19(a)(4)a.5. Mr. Brown's letter and supporting documents are entered into the record as Exhibit Nos. 51-51(f).

The Board of Appeals granted Case No. S-180 to the American Federation of Labor and Congress of Industrial Organizations on January 9, 1973, to permit a private educational institution. The Board has granted modifications of the special exception effective October 24, 1984, April 28, 1988, June 13, 2002 and December 1, 2005.

The subject property, is Part of Parcel A, Plat Number 22279, Liber 27185, Folio 144, located at 10000 New Hampshire Avenue, Silver Spring, Maryland in the R-90 Zone.

The Board of Appeals considered the modification request at its Worksession on April 18, 2007. Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides, pertaining to modification of special exceptions:

If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the Board, without convening a public hearing to consider the proposed change, may modify the term or condition.

The Board finds that the request to reduce the area of the special exception by just over an acre will not change the nature or intensity of the special exception or its effect on traffic or on the immediate neighborhood. Therefore, on a motion by Donna L. Barron, Vice-Chair, seconded by Caryn L. Hines, with Wendell M. Holloway, Catherine G. Titus and Allison Ishihara Fultz, Chair in agreement:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. S-180-B, Petition of George Meany Center for Labor Studies, is re-opened to receive Todd D. Brown's letter dated March 30, 2007, with attachments as Exhibit Nos. 51-51(f); and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to modify the special exception is granted; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception, together with any modifications granted by the Board of Appeals, remain in effect.



Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 7th day of June, 2007.

A handwritten signature in cursive script that reads "Katherine Freeman". The signature is written in dark ink and is positioned above a horizontal line.

Katherine Freeman
Executive Director

NOTE:

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision and conduct a public hearing to consider the action taken.

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.

RECEIVED

MAY 19 2008

APPENDIX E

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.

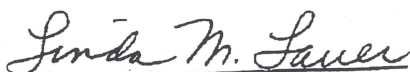
For these reasons and because to grant the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

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, Clerk of the Council