



ESFCU Germantown: Preliminary Plan No. 120160020 and Site Plan No. 820160170

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Calvin Nelson, Jr., Planner Coordinator, Area 3, Calvin.Nelson@Montgomeryplanning.org 301-495-4619

Jonathan Casey, Senior Planner, Area 3, Jonathan.Casey@Montgomeryplanning.org 301-495-2162

Sandra Pereira, Acting Supervisor, Area 3, Sandra.Pereira@Montgomeryplanning.org 301-495-2186

Richard Weaver, Acting Chief, Area 3, Richard.Weaver@Montgomeryplanning.org 301-495-4544

Completed: 05/12/17

Description

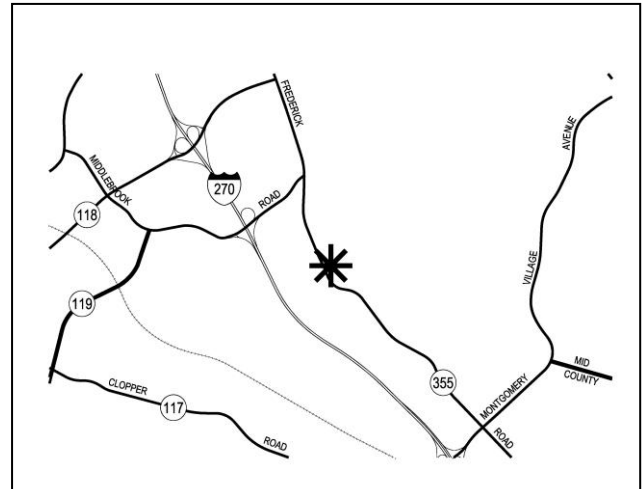
A. ESFCU Germantown: Preliminary Plan No. 120160020:

Request to create one lot for up to 9,990 square feet of total development including office and bank uses located at 19215 Frederick Road, approximately 367 feet southeast of the intersection of Plummer Drive and Frederick Road, 1.81 Acres, Neighborhood Retail Zone, 2009 Germantown Employment Area Sector Plan
Recommendation – Approval with conditions

B. ESFCU Germantown: Site Plan No. 820160170:

Request to construct a three-story, up to 9,900 square-foot bank and drive-thru located at 19215 Frederick Road, approximately 367 feet southeast of the intersection of Plummer Drive and Frederick Road, 1.81 Acres, Neighborhood Retail Zone, 2009 Germantown Employment Area Sector Plan

Recommendation – Approval with conditions



Applicant: Education Systems Federal Credit Union (ESFCU)

Acceptance Date Preliminary Plan: November 15, 2016

Acceptance Date Site Plan: November 15, 2016

Review Basis: Chapter 50, Chapter 22A, Chapter 59

Summary

- Staff recommends **approval** of Preliminary Plan 120160020 and Site Plan 820160170 with conditions.
- The Application meets the requirements of the NR Zone under the standard method of development.
- The Application satisfies the requirements of Chapter 22A, Forest Conservation Law.
- Site Plan review is required because a drive-thru facility is a limited use in the NR Zone.
- Staff has not received any citizen correspondence on the Application.

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SECTION 1 – RECOMMENDATIONS AND CONDITIONS

Preliminary Plan No. 120160020: Staff recommends approval of the Preliminary Plan subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to one lot with up to 5,900 square feet of office and 4,000 square feet of bank use with no more than two drive-thru automated teller machines (ATMs).
- 2) The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120160020, approved as part of this Preliminary Plan, except as modified by an approved Final Forest Conservation Plan (“FFCP”):
 - a. A Final Forest Conservation Plan must be approved by M-NCPPC Staff prior to recordation of the plat and address the following conditions:
 - i. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan (“PFCP”).
 - b. Mitigation for the removal of three trees subject to the variance provision must be provided in the form of planting five native canopy trees with a minimum planting stock size of three caliper inches. The trees must be planted within one year or two growing seasons following the completion of the parking lot and stormwater management facilities #1, #3, and #4. The trees must be planted on the Property, in locations to be shown on the Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.
 - c. The limits of disturbance (“LOD”) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
 - d. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
- 3) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 20, 2017 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 4) Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
- 5) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated May 2, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

- 6) The Applicant must dedicate a total of 125 feet of right-of-way (ROW) from the centerline of Frederick Road along the Property frontage.
- 7) Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the reconstruction of a five-foot wide sidewalk along the property frontage on Frederick Road.
- 8) The Planning Board accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated May 10, 2017 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
- 9) The Record Plat must show necessary easements.
- 10) Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and open spaces will be determined at Site Plan.
- 11) 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.
- 12) The certified Preliminary Plan must contain the following note:

“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
- 13) No clearing, grading or recording of plats prior to Certified Site Plan approval.

Site Plan No. 820160170: Staff recommends approval of the Site Plan for up to 5,990 square feet of office use and 4,000 square feet of bank use on approximately 1.81 acres in the NR 0.75, H 45 zone. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹

Conformance with Previous Approvals & Agreements

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120160020.

Environment

2. Forest Conservation & Tree Save

The Applicant must comply with the following conditions of approval for Final Forest Conservation Plan No. 820160170 approved as part of the Site Plan:

- a. Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b. Prior to any clearing, grading or construction on the Property the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the afforestation requirement for a total of 0.27 acres.
- c. Mitigation for the removal of three trees subject to the variance provision must be provided in the form of planting five native canopy trees with a minimum planting stock size of three caliper inches. The trees must be planted within one year or two growing seasons following the completion of the parking lot and stormwater management facilities #1, #3, and #4. The trees must be planted on the Property, in locations to be shown on the Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.
- d. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
- e. Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the afforestation requirement for a total of 0.27 acres prior to any clearing, grading or construction on the project site.
- f. Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspector.

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

- g. The limits of disturbance on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Preliminary/Final Forest Conservation Plan.

Public Use Space, Facilities and Amenities

- 3. Public Open Space, Facilities, and Amenities
 - a) The Applicant must provide a minimum of 19,367 square feet of public open space on-site.
 - b) Prior to the issuance of the final Use and Occupancy Certificate, all improvements within the public open space areas must be completed.
- 4. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to: benches, trash receptacles, parking and area lighting, landscaping, fencing, sidewalks, and-public use space.

Transportation & Circulation

- 5. Transportation
 - a) The Applicant must show on the Certified Site Plan that the reconstructed sidewalk along Frederick Road satisfies the Americans with Disabilities Act (ADA) along the Property frontage.
 - b) Prior to Certified Site Plan, the Applicant must provide one inverted-U bike rack (or equivalent approved by Staff that conforms to American Pedestrian and Bicycle Professionals Guidelines) for short-term bike parking near the main entrance and at least two long-term bike parking spaces within a bike locker near the main entrance.

Site Plan

- 6. Building Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the illustrative elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
- 7. Landscaping
 - a) Prior to issuance of the final Use and Occupancy Certificate, all on-site amenities including, but not limited to sidewalks, benches, trash receptacles, bicycle facilities, and public open space must be installed.
 - b) The Applicant must install landscaping in the quantities, locations and species types substantially similar to that shown on the Certified Site Plan.
 - c) The Applicant must install landscaping no later than the next growing season after completion of the work.
- 8. Lighting
 - a) Prior to Certified Site Plan, the Applicant must provide certification to MNCPPC Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) standards for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor recommendations.

- b) All onsite down-lights must have full cut-off fixtures.
- c) Prior to Certified Site Plan, the Applicant must provide a photometric analysis to show that illumination levels do not exceed 0.5 footcandles (fc) at any Property line abutting county roads and residential properties.
- d) The light pole height, including the mounting base, must not exceed the height illustrated on the Certified Site Plan.

9. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment and erosion control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, exterior site furniture, fences, railings, curbs, gutters, sidewalks and associated improvements; and
- c) The bond or surety must be tied to the development program, and completion of all plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

10. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

11. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) Modify data table to reflect development standards approved by the Planning Board
- d) Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 2 – SITE LOCATION AND DESCRIPTION

Site Location

The property is located on the east side of Frederick Road (MD 355), approximately 367 feet southeast of the intersection of Plummer Drive, and is zoned Neighborhood Retail (NR) (“Property” or “Subject Property”). The Subject Property is within the “Fox Chapel District” of the 2009 Germantown Forward Sector Plan (“Sector Plan”) and the Germantown East Policy Area.

The Subject Property is bound by Frederick Road on the west, undeveloped land in the NR Zone to the north and by a restaurant (currently closed) in the NR Zone to the south. The land across Frederick Road is developed with single-family detached homes in the R-200 Zone. To the east, the Property abuts single-family detached homes located on Wheatfield Drive in the R-90 Zone (Figure 1).



Figure 1 – Vicinity Map

Site Description

The Property consists of 1.81 acres of land, identified as P397 on Tax Map FU11. The Property is triangular in shape, and has frontage on Frederick Road. The Property is accessed via an existing driveway from MD 355 that served a single-family house that was on the Property until it was recently demolished. The

Subject Property is located within the Great Seneca Creek watershed; this portion of the watershed is classified by the State of Maryland as Use Class I-P waters. The Property is relatively flat and does not contain any forest. There are no streams, wetlands, 100-year floodplains, or environmental buffers located on or adjacent to the Property, nor are there any steep slopes, or highly erodible soils.



Figure 2 – Existing Conditions (house has been demolished)

SECTION 3 – PROJECT DESCRIPTION

Preliminary Plan 120160020

The Application includes Preliminary Plan No. 120160020, which proposes to create one lot for a maximum of 9,900 square feet of bank/office and two drive-thru ATMs (Attachment A).

Site Plan 820160170

The Application includes Site Plan No. 820160170, which proposes the construction of a three-story building comprising of approximately 5,990 square feet of office use and 4,000 square feet of bank use on 1.81 acres (Attachment B).

Proposal

Collectively, the Preliminary Plan and the Site Plan applications are referred to as the Application (“Application”). The Application proposes a single, three-story building for a service branch and office location for ESFCU. In addition to walk-in branch services, the site will feature two drive-up ATMs. The Property has frontage on Frederick Road, a public road, which will serve as access to the lot. The approximately 9,990 square-foot credit union building will have a height of 45 feet, featuring a brick and limestone exterior with aluminum panels between the upper floor windows. There are slight variations in the roofline and along the building elevations to create visual interest, and an aluminum sunshade on the ground floor provides an architectural accent on the south elevation of the building. The Applicant is planting a 35-foot-wide landscaped strip and 6-foot-tall privacy fence along the eastern Property line. Together, the fence and thick row of vegetation will provide ample screening between the proposed parking lot and adjacent single-family homes to the east.



Figure 3 – Perspective (facing south)

The Property will have a single access point from Frederick Road, a divided six-lane major highway located within an existing right-of-way that varies between 105 and 140 feet in width, and located on the western boundary of the site. The Application will dedicate a portion of the Property to ensure at least 125 feet of right-of-way from the centerline across the Property frontage. The proposed access to the Property will be limited to right-turn-in and right-turn-out access only because of the median within MD 355. The Applicant will replace the existing four-foot-wide sidewalk along the east side of Frederick Road with a five-foot wide sidewalk. A lead-in sidewalk will be provided from this sidewalk to the building's entrance. Vehicle parking is being accommodated by 54 surface spaces. Although a minimum of only 23 total parking spaces are required by code, the 54-parking space lot is based on ESFCU's experience at their other sites and will accommodate parking for off-site employees visiting this office for company meetings, training, and conferences. A bike locker for two bikes, and a bike rack are being provided along the sidewalk near the main entrance to the building. An outdoor seating area for staff and visitors is provided near the southeast corner of the building. Stormwater quantity and quality will be managed via microbio retention facilities.



Figure 4 – Illustrative Plan

SECTION 4 – PRELIMINARY PLAN NO. 120160020

Analysis and Findings

1. *The Preliminary Plan substantially conforms to the Master Plan.*

Land Use

The Preliminary Plan substantially conforms to the *2009 Germantown Forward Area Sector Plan*, and the specific recommendations for the Fox Chapel District, which is described as a “commercial hub at the intersection of MD 355 and Middlebrook Road.” This District is anchored by a neighborhood shopping center on MD 355, which serves the surrounding residential districts.

Although the Sector Plan does not make specific recommendation for this Property, there are general recommendations for development of properties that front on MD 355. The relevant recommendations include:

- If non-assembled properties redevelop, sites along MD 355 should have street-oriented commercial development and place parking and service areas towards the rear of the Property, screened from adjacent residential areas;
- Building heights should not exceed 60 feet along MD 355, stepping down to 50 feet along the eastern edge near residential properties, and;
- Establish a consistent building setback along MD 355 and provide an eight-foot wide sidewalk along commercial development.

The proposed building height, setback, and orientation are consistent with the Sector Plan recommendations. Although the building is not shown as oriented directly towards MD 355 because of constraints created by the irregular shape of the lot, the main building entrance (located on the southern elevation) is highly visible from the street. Street-oriented development is also hampered by the Sector Plan’s recommended 250-foot-wide right-of-way for MD 355, which creates an expanse of unbuildable land between the current curb line and the building location. Parking and service areas are required to be located behind the front building line in the eastern half of the lot. The maximum proposed building height of the building is 45 feet, less than the maximum height of 50 to 60 feet recommended in the Sector Plan.

The Application also provides for a building setback and sidewalk consistent with the prevailing development patterns along MD 355. Although the Sector Plan recommends an eight-foot wide sidewalk along commercial development, the lot has limited frontage that is primarily being used to provide the commercial access, therefore continuing the existing sidewalk alignment, as an upgraded five-foot wide section is reasonable and adequate to provide pedestrian connectivity. The space is available to widen the sidewalk to an eight-foot sidewalk in its ultimate location as part of a larger project when the proposed Bus Rapid Transit (BRT) is designed and developed.

Master-Planned Roadways, Bikeways, and Transitway

In accordance with the Sector Plan, Frederick Road between Great Seneca Creek and Little Seneca Creek is designated as a six-lane controlled major highway, CM-6, with a recommended 250-foot wide ROW and a Class I shared use path, SP-72. The 2013 adopted *Countywide Transit Corridor Function*

Plan recommends the BRT Corridor No. 3, MD 355 North Corridor, between the Rockville Metrorail Station and the Clarksburg Town Center/Frederick Road-Redgrave Place intersection. The MD 355 North Corridor segment between Game Preserve Road and Middlebrook Road is recommended to operate buses in dedicated lanes within the master-planned 250-foot wide right-of-way with a maximum of one additional dedicated transit lane. The 2005 *Countywide Bikeways Functional Master Plan* also recommends a shared use path, SP-72, however internal records note that the shared use path is planned on the west/opposite side. Therefore, this Applicant is not required to provide a shared use path.

Frederick Road is an existing six-lane road with median has a ROW width that varies between 105 and 140 feet, depending on the referenced documents. As conditioned, the Applicant must dedicate a total of 125 feet of ROW from the centerline of Frederick Road along the Property frontage to provide the room to make future improvements in accordance with the 2009 *Germantown Employment Area Sector Plan* and the 2013 *Countywide Transit Corridors Functional Master Plan*.

The proposed project would be located between the BRT stops at Middlebrook Road to the north and Game Preserve Road to the south. The Applicant must work with MCDOT regarding the BRT corridor along Frederick Road.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

Roads and Transportation Facilities

Vehicle, Pedestrian, and Bicycle Access

The Applicant proposes a single right-in/right-out vehicular access point from Frederick Road. The existing four-foot-wide sidewalk along Frederick Road will be upgraded to five feet as part of this development, consistent with the Montgomery County Standard No. 2008.09 for suburban controlled major highways. The frontage will ultimately be upgraded to include an eight-foot wide sidewalk when BRT improvements are implemented. A lead-in sidewalk will be provided along the north side of the vehicular access drive connecting the bank building to Frederick Road.

Adequate Public Facilities (APF) Review

The transportation Adequate Public Facilities test is satisfied under the 2012-2016 Subdivision Staging Policy since the Application was submitted prior to January 1, 2017. The Property is in the Germantown East Policy Area. The Preliminary Plan for the proposed 5,990 SF of office space and 4,000 SF of bank space with drive-thru satisfies the Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR) requirements of the APF review as discussed below.

Local Area Transportation Review (LATR), including Trip Generation

The peak-hour trip generation estimated for the proposed development was based on trip generation rates included in the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th edition* and the *Local Area Transportation Review and Transportation Policy Area Review Guidelines*. A site trip generation summary is presented in Table 1 below, which shows that the proposed development would generate a total of 42 peak-hour trips during the weekday morning peak hour (within the 6:30 to 9:30 am period) and 76 peak-hour trips during the weekday evening peak hour (within the 4:00 to

7:00 pm period) after the pass-by trip reduction is considered. A pass-by trip reduction is assumed for the drive-in bank because its traffic is already using the adjacent roadway and enters the site as an intermediate stop on the way to, or from, another destination.

Development	Source	Size & Unit	AM Peak Hour			PM Peak Hour		
			IN	OUT	TOTAL	IN	OUT	TOTAL
Office	LATR	5,990 SF	7	1	8	2	11	13
Drive-In Bank	ITE (912)	4,000 SF	27	21	48	49	48	97
<i>Pass-by Trip Reduction</i>	<i>29% AM / 35% PM</i>		-8	-6	-14	-17	-17	-34
			19	15	34	32	31	63
Total Proposed Trips			26	16	42	34	42	76

Table 1 – Trip Generation

Nearby Intersection Congestion Levels

A traffic study was submitted to satisfy the LATR test and determine the impact of the proposed development traffic on the nearby local area transportation system because the total number of site-generated peak-hour trips would be 30 or more. Four local intersections were identified for analysis to determine whether they meet the applicable congestion standard. All four signalized intersections are located within the Germantown East Policy Area where the capacity/Critical Lane Volume (CLV) standard is 1,425.

The capacity/Critical Lane Volume (CLV) values at the studied intersections are shown in the table below for the following traffic conditions:

1. Existing: The current traffic condition.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the additional site-generated trips based on proposed office/bank development, including pass-by trip reduction.

Studied Intersections	Traffic Condition					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Frederick Road (MD 355) & Middlebrook Road	1,232	1,210	1,286	1,261	1,292	1,268
Frederick Road (MD 355) & Gunners Branch Road	898	1,053	932	1,110	937	1,117
Frederick Road (MD 355) & Plummer Drive	961	900	997	951	1,016	958
Frederick Road (MD 355) & Professional Drive	1,075	941	1,111	991	1,114	998
Frederick Road (MD 355) & Site Driveway	n/a	n/a	n/a	n/a	233	942

Table 2 – CLV at Studied Intersections

As indicated in Table 2, all intersections analyzed would operate under all traffic conditions with acceptable CLV congestion standards of less than 1,425, the CLV congestion threshold for the Germantown East Policy Area. Therefore, the proposed site passes the APF LATR test.

Transportation Policy Area Review (TPAR)

Having filed the Preliminary Plan and Site Plan applications prior to January 1, 2017, the Applicant must satisfy the TPAR test under the 2012-2016 Subdivision Staging Policy. Thus, being located within the Germantown East Policy Area, the roadway test is adequate but the transit test is inadequate. Therefore, the Applicant would be required to make a TPAR mitigation payment equal to 25 percent of the General District Transportation Impact Tax. However, any building permit filed after March 1, 2017 is no longer required to make TPAR payments and will instead be paying the updated and higher General District Transportation Impact Tax in lieu of the TPAR payment.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lot. The use of public water and sewer is consistent with the existing W-1 and S-3 service categories designated for the Property. An existing 8-inch sewer line on the east side of Frederick Road will be extended approximately 280 feet to the south to serve the proposed building. In addition, the Applicant has agreed with WSSC to extend the sewer line to provide a future connection point for the restaurant to the south. The Applicant will also install a new 8-inch water line which will tie into an existing 24-inch main that runs along the Property's frontage. Electric and telecommunications are also available and adequate to service for the proposed restaurant. The Application has been reviewed by the MCDPS, Fire Department Access and Water Supply Section, which determined that the building has adequate access for fire and rescue vehicles as shown on the approved Fire Department Access Plan dated May 10, 2017 (Attachment C). The Application is not subject to a School Facilities Payment because the proposal does not include residential development. All other public facilities and services, such as, police stations, firehouses and health services are currently operating within the standards set by the 2012-2016 Subdivision Staging Policy Resolution.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections of the Subdivision Regulations. The size, width, shape, and orientation of the proposed lot is appropriate for the proposed commercial use, and takes into account creating an established building line along Frederick Road, locating parking in the rear half of the site, and the necessary dedication for the future BRT corridor.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

Natural Resource Inventory/Forest Stand Delineation

A Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) #420150990 was approved on January 2, 2015. The NRI/FSD identified no environmentally sensitive elements or items on this site. The project site contains no existing forest, specimen trees, streams, wetlands or steep slopes.

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required by the County Forest Conservation Law (Chapter 22A of the County Code), a combined Preliminary/Final Forest Conservation Plan (FCP) for the project was submitted with the Preliminary Plan. The Property contains no forest, streams, wetlands, 100-year floodplain, stream buffers, highly erodible soils, or slopes greater than 25 percent. According to the PFCP, the total net tract area for forest conservation purposes is 1.94 acres, which includes 0.11 for off-site disturbance. The PFCP generated a total afforestation requirement for this site is 0.27 acres and will be satisfied by the Applicant purchasing off-site forest bank credits.

Forest Conservation Violation

On Wednesday March 29, 2017 Staff became aware of a potential Forest Conservation Law violation on the Property after reviewing aerial images of the Property. It became apparent that a house and driveway that was shown on the NRI/FSD had been removed and replaced with a storage yard for construction material after approval of the NRI/FSD. M-NCPPC Inspection Staff performed a site visit on March 31, 2017 and verified that the house had been removed and replaced with the storage yard. These actions were undertaken after the NRI/FSD approval and prior to the submittal of the FCP. At the time of the removal of the structures, the Property had no approved FCP.

In addition to proceeding with work on the Property without an approved FCP, the Applicant also impacted the CRZ of the 52” American Elm tree with the demolition of the house and installation of the storage yard. These impacts were done without M-NCPPC permission and without a tree variance or appropriate tree protection measures being in place.

On April 7, 2017, the Applicant was issued a civil citation for both the FCP violation and for impacting a specimen tree prior to obtaining a variance. The citation set a penalty of \$500 which the Applicant paid on April 7, 2017. This violation is now considered resolved and has been closed.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Property requires impact to trees identified as high priority for retention and protection, therefore, the Applicant has submitted a variance request for these impacts.

Variance Request

This Property contains no specimen sized trees, but there is one 52" American Elm (*Ulmus americana*) located adjacent to the southern Property line on an adjoining property with the associated CRZ extending onto the Subject Property, which was impacted as part of the forest conservation violation mentioned earlier. The Applicant submitted a variance request in a letter dated March 22, 2017 (Attachment D). The adjacent property owner has granted the Applicant permission to remove the off-site specimen tree.

Unwarranted Hardship Basis

Per Section 22A-21(a), an applicant may request a variance from Chapter 22A if the applicant can demonstrate that enforcement of Chapter 22A would result in an unwarranted hardship. In this case, the Applicant cannot reasonably develop the site with an office building without impacting approximately 50% of the CRZ of a tree adjacent to the southern Property line, but on the adjoining Property.

Staff has determined that the impacts to this tree for the construction on this Property are unavoidable. The available building envelope is constrained by the mandated building restriction lines (BRL), substantial right-of-way dedication for Frederick Road, a rear building setback line from adjacent residential properties, a WSSC right-of-way along the front of the Property and required parking for this structure. These restrictions limit the buildable area to approximately the middle 1/3 of the Property.

The arboriculture industry standard for construction impacts to trees is to limit those impacts to no more than approximately 30 percent of the CRZ. More than 30 percent impact to the CRZ and the overall healthy viability of the tree comes into question. The 52" American Elm tree is proposed to have approximately 50 percent of its respective CRZ impacted. In addition, the condition of this tree is listed as poor to very poor and has been verified by Staff during a field investigation on April 5, 2017. As a result, given the amount of impact to this tree's CRZ and its current condition Staff agrees with the Applicant's consultant that this tree will continue to decline in health and become a hazard tree to the proposed building and parking areas.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. M-NCPPC Staff has made the following determinations based upon the required findings in the review of the variance request and the Forest Conservation Plan:

Variance Findings

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the removal of the one tree is due to the location of the tree, the health of the tree and necessary site design requirements. The Applicant proposes removal of the one tree with mitigation. Therefore, Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this preliminary plan application. The request is based on the fact that the building envelope for the proposed structure and parking is constrained with little room to shift the parking area without removing a significant amount of necessary parking stalls.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring Property.*

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring Property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen tree being removed is not located within a stream buffer. The Application proposes mitigation for the removal of this one tree by planting five larger caliper trees on-site. The five mitigation trees will eventually provide more shade and more groundwater uptake than what the existing tree currently provide. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision

There is one tree proposed for removal in this variance request resulting in a total of 52 inches of DBH being removed. For removal of specimen trees associated with a variance request, Staff recommends mitigation for the tree loss by replacing the total number of DBH removed with $\frac{1}{4}$ of the amount of inches replanted. This results in a total mitigation of 13 inches of replanted trees. In this case, the Applicant proposes to plant five (5) 3" caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on March 24, 2017. The County Arborist responded with a recommendation to approve the Applicant's tree variance request on March 28, 2017 (Attachment E).

Variance Recommendation

Staff recommends approval of the variance request.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on May 2, 2016 (Attachment F). The Application will meet stormwater management goals using microbioretention.

SECTION 5 – SITE PLAN NO. 820160170

Analysis and Findings

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*

- a. *satisfies any previous approval that applies to the site;*

The Site Plan conditions do not conflict with the conditions of the Preliminary Plan approval.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This finding is not applicable since there is no development plan or schematic development plan in effect on October 29, 2014 associated with this property.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a Property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This finding is not applicable as the Property’s zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

Division 4.6. Employment Zones

Use and Development Standards

The Subject Property is approximately 1.81 acres zoned NR-0.75 H-45. The following table, Table 3, shows the Application’s conformance to the development standards of the zone.

Table 3 - Site Plan Project Data Table – Standard Method NR Zone

Section	Development Standard	Permitted/Required	Proposed
59-4	Gross Tract Area (acres)	n/a	1.81
4.6.2.A.2	Building Height (feet)	45	45
	Density (FAR/GFA) NR 0.75 H-45	0.75	0.14/9,990
4.6.3.C.3	Placement		
	Building Setbacks (minimum)		
	Front	0 feet	73.4
	Side	0 feet	13
	Rear - adjacent to R-90 Zone (Section 4.4.8.B.2)	25 feet	153 feet

Section	Development Standard	Permitted/Required	Proposed
4.1.8.A.2	Compatibility Requirement		
	Rear Setback (1.5 x rear requirement for R-90 Zone= 1.5 x 25 feet = 37.5 ft.)	37.5 feet	37.5 feet
4.6.3.C.1	Open Space Area (% of lot)	10% (7,363 sf)	26.3% (19,367 sf)
	Floor Area Ratio (FAR)	0.75 (maximum)	0.14
	Building Area (square feet)	59,132 SF. max	9,990 SF
6.2.9.C.1	Parking Facility Internal Landscaping	5% (821 sf)	16% (2,721 sf)
6.2.9.C.2	Tree Canopy (Coverage@ 20 years of growth)	25% (4,647 sf)	31% (5,819 sf)
6.2.4.B.	Parking Spaces (total)	23 (minimum)	54
6.2.9.C.3	Parking Lot Landscaping		
	Parking Perimeter Planting		
	Facing residential uses	10 feet	37.5 feet
	All other sides	6 feet	6 feet
6.2.7.A.2	Queuing Design Standards		
	Minimum number of queuing spaces	3	3

Standards for Approval of a Drive-thru

In addition to the development standards noted above, there are use standards for a drive-thru use. Staff finds that the Drive-Thru use meets the limited use standards as shown below:

2. Use Standards - *Section 59-3.5.14.E Drive-Thru*

a. Where a Drive-Thru is allowed as a limited use, it must satisfy the following standards:

- i. *A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any Property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.*

The drive-thru ATM's and queuing area are located 100 feet from the single-family detached properties in the R-90 zone, which abut the eastern property line.

- ii. *For a Restaurant with a Drive-Thru, access to the site from a street with a residential classification is prohibited.*

This is not a restaurant use, and the Subject Property does not access as residential street, therefore, this standard is not applicable.

- iii. *A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.*

The two drive-thru ATM kiosks, drive aisle and queuing area are not located between the street and main wall of the building, they are located within the parking area on the south side of the building.

- iv. *A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum three-foot-high wall or fence.*

The Subject Property is not a corner lot. As noted above, the ATM kiosk locations and drive aisles are not located between the street and main wall of the building, but within the parking area on the south side of the building.

- v. *Site plan approval is required under Section 7.3.4*

Approval of this Site Plan application by the Planning Board will satisfy this requirement.

Division 6 - General Requirements

i. Division 6.1. Site Access

The proposed site access is adequate to serve the Site Plan. There will be one point of vehicular access to the site from Frederick Road, designed as a right-in, right-out only, which is adequate given the existing median on MD355 and the APF analysis performed with the Preliminary Plan.

ii. Division 6.2. Parking, Queuing, and Loading

Parking, queuing and loading as provided is adequate. Sufficient off-street parking will be provided with a total of 54 on-site parking spaces for vehicles. A bike rack and a bike locker for two bikes will also be provided. Each of the lanes for the two ATMs will have queuing spaces for three vehicles plus a bypass lane in conformance with Section 6.2.7.A.2. and are located at least 100 feet away from adjacent residential uses.

iii. Division 6.3. Open Space and Recreation

The provided open space is adequate for the Site Plan. The Zoning Ordinance requires that 10 percent or 7,362 square-foot of open space for this Property and the project proposes 26.3 percent or 19,367 square feet of open space. Included as part of the open space amenity is a seating area, located near the building entrance at the southeast corner of the building. There are no recreation requirements to be met on-site because it is a commercial use.

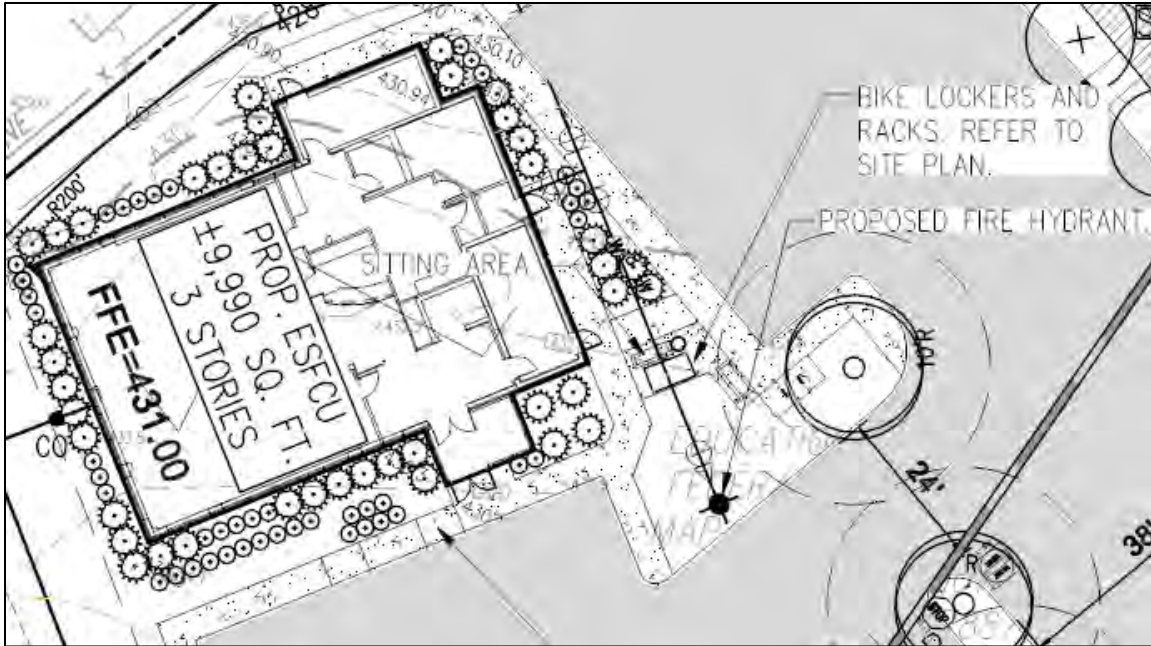


Figure 5 – Open space, bike parking and sitting area

iv. *Division 6.4. General Landscaping and Outdoor Lighting*

The proposed landscaping and lighting is adequate for the proposed use. The site has no existing landscaping and no tree save areas. The proposed landscaping will provide shade throughout the site, provide screening, and be aesthetically pleasing. The site will be well-landscaped with 83 shade and ornamental trees, as well as over 140 shrubs and a variety of plantings in the bioretention areas. Once the trees in the parking area have reached maturity, approximately 31% of the parking area will be shaded, exceeding the 25% shading requirement of the Zoning Ordinance.

As conditioned, all on-site down-lights must have full cut-off fixtures and a Photometric Plan must be provided for Staff review prior to approval of the Certified Site Plan to ensure that the illumination levels do not exceed 0.5 footcandles at the lot line.

v. *Division 6.5. Screening Requirements*

The proposed screening is adequate for the proposed use. The Applicant is providing a 35-foot-wide landscaped strip and 6-foot-tall privacy fence along the eastern Property line. Together, the fence and thick row of vegetation will provide ample screening between the proposed parking lot and adjacent single-family homes to the east, consistent with the screening requirements of Section 59.6.5 of the Zoning Ordinance.



Figure 6 – Landscaping Plan

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The MCDPS has found the Combined Stormwater Management Concept/Site Development Stormwater Management Plan to be conditionally acceptable (Attachment F). The plan proposes to meet required stormwater management goals via the use of micro-bioretention facilities.

ii. Chapter 22A, Forest Conservation.

The Application meets the requirements of Chapter 22A of the Montgomery County code. A FFCP was submitted with the Site Plan and makes no changes to the PFCP worksheet, the LOD or tree variance request reviewed with the Preliminary Plan (see pages 16-18) and should be approved with the Site Plan.

f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

i. Parking and circulation

The proposed parking is not located between the building and the street, but rather in front of the side facing building, located behind the front building line. Parking has been configured into several smaller parking areas instead of one large parking lot which provides a more efficient circulation pattern and spaces for landscaping. The dual drive-thru lanes for the two ATMs are also located behind the front building line, on the south side of the building. The site is designed so that the actual ATMs are near the rear of the site, while still meeting the required 100-foot distance from residential properties. Vehicles entering the site that do not wish to use the ATMS can use the ATM bypass lane to access the remainder of the parking lot. The one-way circulation from the entrance around the ATM queueing area, and two-way circulation closer to the building, allows vehicles to efficiently circulate within the proposed parking lot, by minimizing vehicle conflict points and keeping the queuing area isolated from the rest of the parking drive isles.

ii. Building Massing

The building is located as close to the new property frontage line as possible, and is oriented to face south, toward northbound Frederick Road traffic, rather than directly west toward the road. The building orientation was necessary to allow a full building edge to have presence along the street and still accommodate the necessary access and front door visibility. The building location also meets all necessary setbacks from adjacent undeveloped and residential properties. The west building elevation, fronting on Frederick Road, avoids a blank wall appearance, and incorporates an attractive row of windows on all three levels of the building, as seen in Figure 7 below.

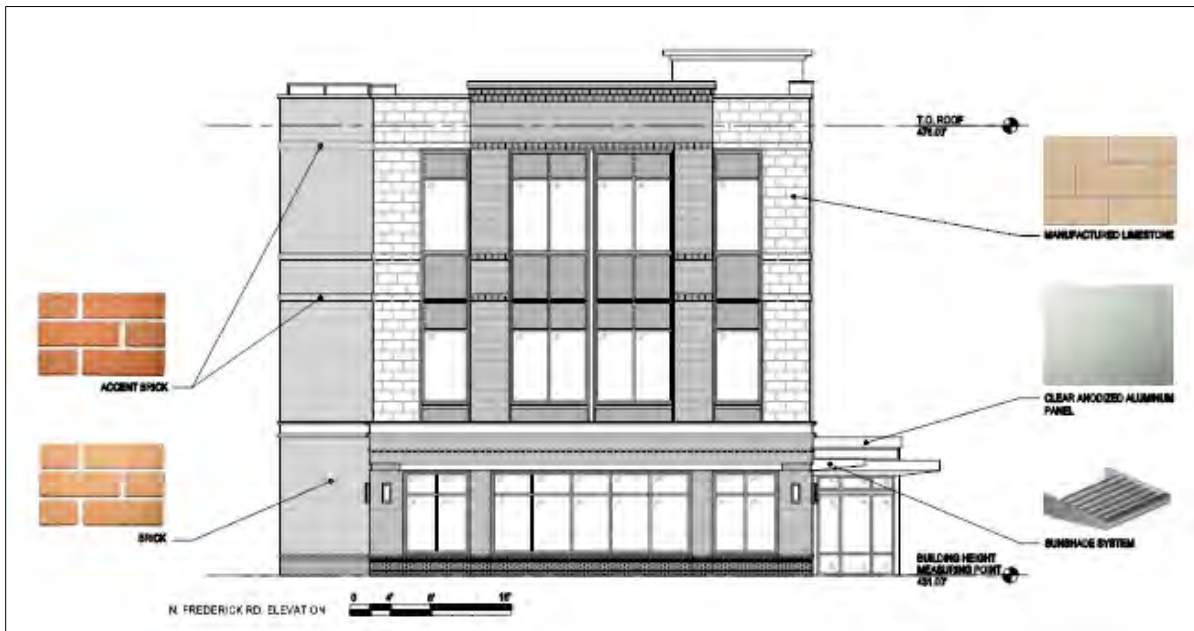


Figure 7 - Frederick Road Elevation

iii. Open Space and Site Amenities

The primary Amenity Open Space areas are located along the eastern portion of the site to act as a buffer to the residential properties further east. The minimum requirement for open space is 10% of the Property, and this Application provides over 26% open space. To provide amenities near the building entrance, benches are provided along the sidewalk near the main entrance. Open space and site amenities are adequately addressed.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The proposed development substantially conforms with the 2009 Germantown Employment Area Sector Plan. As described in more detail in the Preliminary Plan section of this staff report, on pages 11-12, the proposed building height, setback, and orientation are consistent with the Sector Plan's recommendations. Parking and service areas are located to the rear and side of the building; building height is only 45 feet, and the side of the building facing Frederick Road is activated by design and creates an established building edge.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

The Application will be adequately served by public facilities, as determined in the accompanying Preliminary Plan, with the findings described on page 13-15 of this report.

- i. on a Property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Property is not located in a Rural Residential or Residential zone.

- j. on a Property in all other zones, is compatible with existing and approved or pending adjacent development.*

The proposed development is compatible with the adjacent single-family detached homes located to the east. The building and parking lot are located approximately 153 feet and 37.5 feet respectively, from the abutting residential properties. The Site Plan also maintains the minimum 100-foot setback of any vehicle queuing area front a residential use. A six-foot high privacy fence and a mix of trees and other landscaping is along this boundary, consistent with the screening requirements under Section 59.6.5.3.c.7. Landscaping will also be provided along the boundaries with the undeveloped Property to the north, and along the Property to the south.

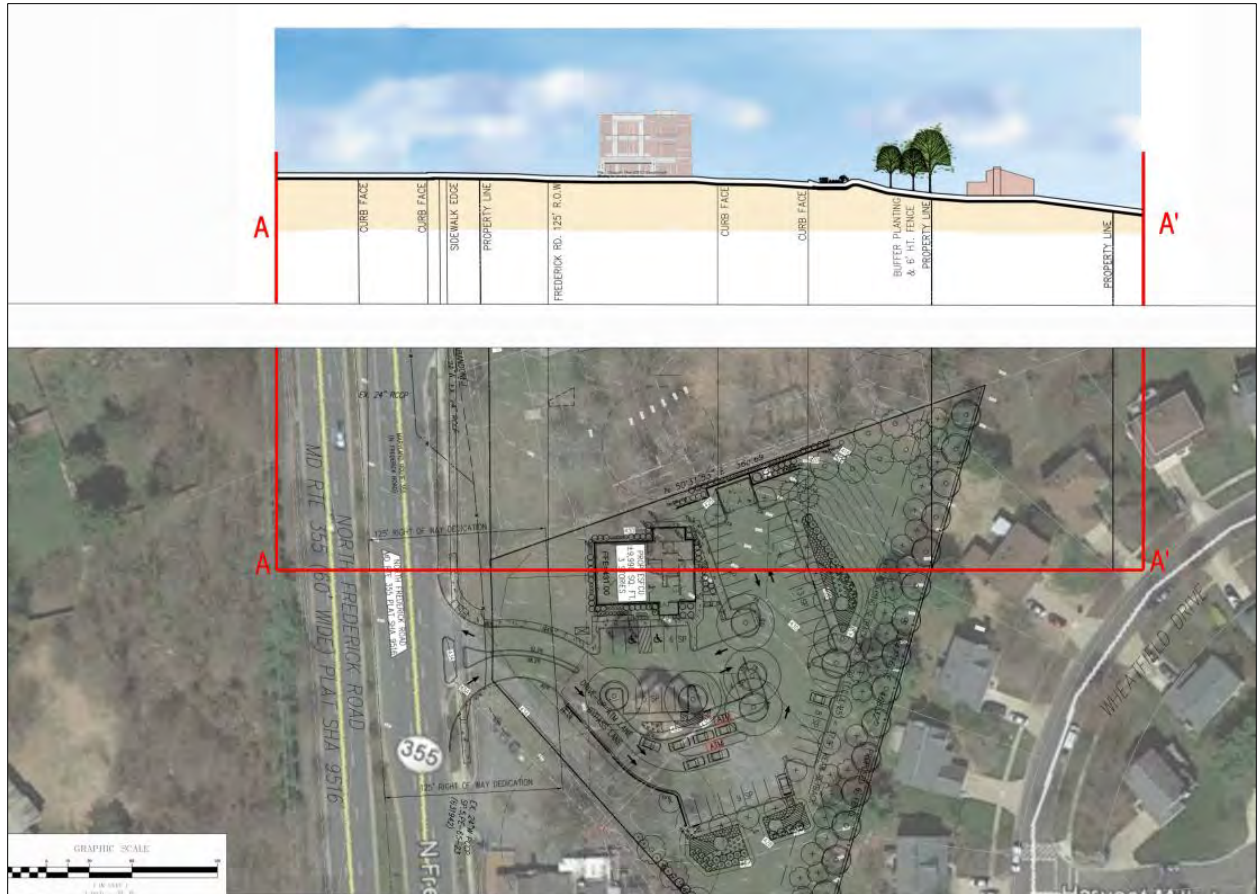


Figure 8 - Cross Section of Site

SECTION 6 – COMMUNITY OUTREACH

A pre-submission meeting was held for both the Preliminary and Site Plans on March 30th, 2016 and notice was sent to all appropriate adjacent property owners and HOA and civic groups in the vicinity. As of the writing of this report, Staff has not received correspondence from any of the adjacent property owners except for Mr. Mori Fallahian, who owns the abutting property to the south that is improved with a vacant restaurant structure. Staff met with Mr. Fallahian, who inquired about the Application and asked if it was possible to have the Applicant extend sewer to his property. Mr. Fallahian said that the restaurant is currently served by private well and septic which restricts the use of the property as a viable restaurant and limits redevelopment of the site. Staff recommended that he contact the Applicant to discuss a mutually agreeable extension of the sewer line south of the proposed driveway, as part of the Application. As a result, Staff was made aware that the Applicant and Mr. Fallahian have reached an agreement whereby the Applicant will extend the sewer line to also serve Mr. Fallahian’s property.

SECTION 7 – CONCLUSION

The project complies with the general requirements and development standards of Section 4.6 and the general development requirements of Article 59-6 of the Zoning Ordinance. The project substantially

conforms with the recommendations of the 2009 Germantown Employment Area Sector Plan, and has been recommended for approval by all the necessary government agencies. Therefore, Staff recommends approval of Preliminary Plan No. 120160020 and Site Plan No. 820160170 with the conditions specified in the staff report.

Attachments

Attachment A – Preliminary Plan

Attachment B – Site Plan

Attachment C – MCDPS - Fire Department Access and Water Supply Section

Attachment D – Tree Variance Request

Attachment E – County Arborist Letter

Attachment F – MCDPS - Stormwater Management

Attachment G – MCDOT Letter

PROJECT DATA TABLE (NR-0.75 H-45)			
DEVELOPMENT STANDARD	EXISTING LOT AREA	1.81 ACRES	1.81 ACRES
	MINUS PROPOSED DEDICATION		1.69 ACRES
DENSITY OF DEVELOPMENT	BASE DENSITY OF DEVELOPMENT	0.75 FAR	0.14 FAR
	PARKING SPACES	21 SPACES	52 SPACES
PARKING	HANDICAPPED ACCESSIBLE SPACES	2 SPACES	2 SPACES
	TOTAL NUMBER OF SPACES	23 SPACES	54 SPACES
	BUILDING HEIGHT	MAX BUILDING HEIGHT	45 FEET
BUILDING SIZE	SQUARE FOOTAGE OF BUILDING		9,990 SF (0.23AC)
BUILDING SETBACK	FRONT-0 FEET SIDE-0 FEET *REAR-37.5 FEET		FRONT-73.4 FEET SIDE-13 FEET *REAR-37.5 FEET
	* REAR SETBACK IS 1.5 x THE SETBACK FOR THE ADJACENT R-90 ZONE BEING 1.5 X 25 FEET = 37.5 FEET		
OPEN SPACE	**((10% OF SITE AREA)-(R/W+ BUILDING+PARKING))=-0.386		LESS THAN ZERO
			**((10% X 1.81AC)-(0.12 AC + 0.229 AC + 0.218 AC) = LESS THAN ZERO
AMENITY	EMPLOYEES & VISITORS	6.3.7.B	BENCHES IN GREEN SPACE WITH SHADE TREE AS FOCAL POINT

DEVELOPMENT SEQUENCE:

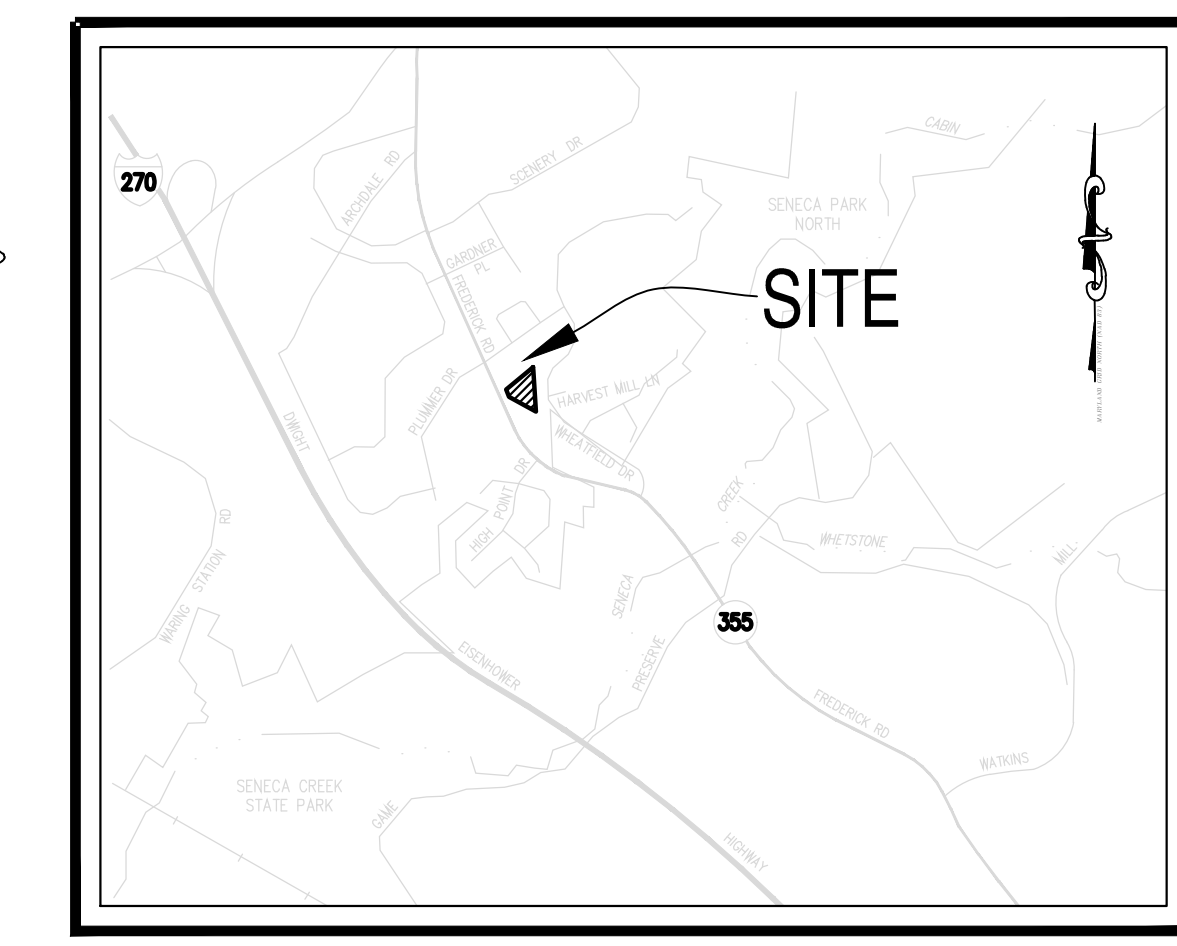
PHASE 1: THIS PHASE INCLUDES INSTALLATION OF SEDIMENT AND EROSION CONTROL PERIMETER DEVICES. THEN SITE GRADING, INSTALLATION OF THE PROPOSED UTILITIES AND RELATED STRUCTURES. THEN INSTALLATION OF SEDIMENT AND EROSION CONTROL INLET PROTECTION DEVICES.

PHASE 2: THIS PHASE INCLUDES THE PROPOSED STRUCTURES, AS WELL AS ASSOCIATED PARKING, CURB AND GUTTER, PAVEMENT, SIDEWALK, STORMWATER MANAGEMENT FACILITIES, AND FINE GRADING. TREE PROTECTION IS SHOWN ON THE FOREST CONSERVATION PLAN FOR THE OFF-SITE TREES AND SHALL BE INSTALLED PER MONTGOMERY COUNTY & MNCPPC REQUIREMENTS IN CONFORMANCE WITH THE STANDARD SEQUENCE OF EVENTS. IN ACCORDANCE WITH THE MNCPPC STANDARD SEQUENCE OF EVENTS, AN ON-SITE PRECONSTRUCTION MEETING SHALL BE HELD AFTER THE LIMITS OF DISTURBANCE HAVE BEEN STAKED AND FLAGGED AND PRIOR TO THE COMMENCEMENT OF ANY CLEARING OR GRADING. DURING CONSTRUCTION AND POST CONSTRUCTION PROCEDURES PER THE STANDARD SEQUENCE OF EVENTS SHALL BE FOLLOWED.

UTILITY COMPANIES:
 WASHINGTON GAS: 301-662-2151
 PEPCO: 202-833-7500
 WSSC: 301-206-4001

EXISTING PARCEL INFORMATION

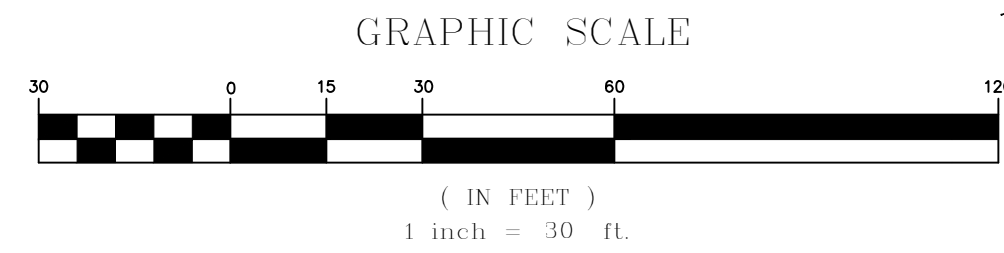
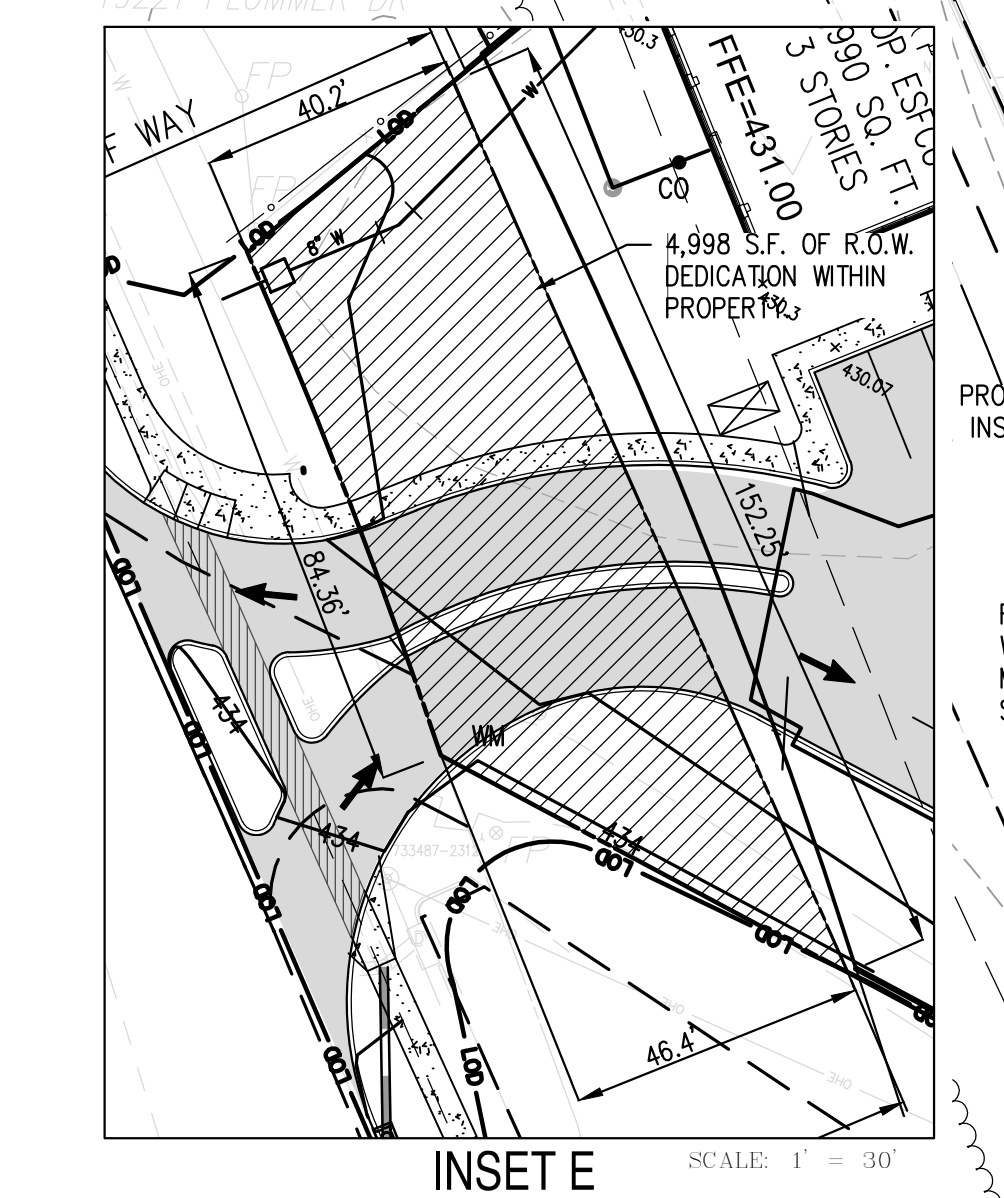
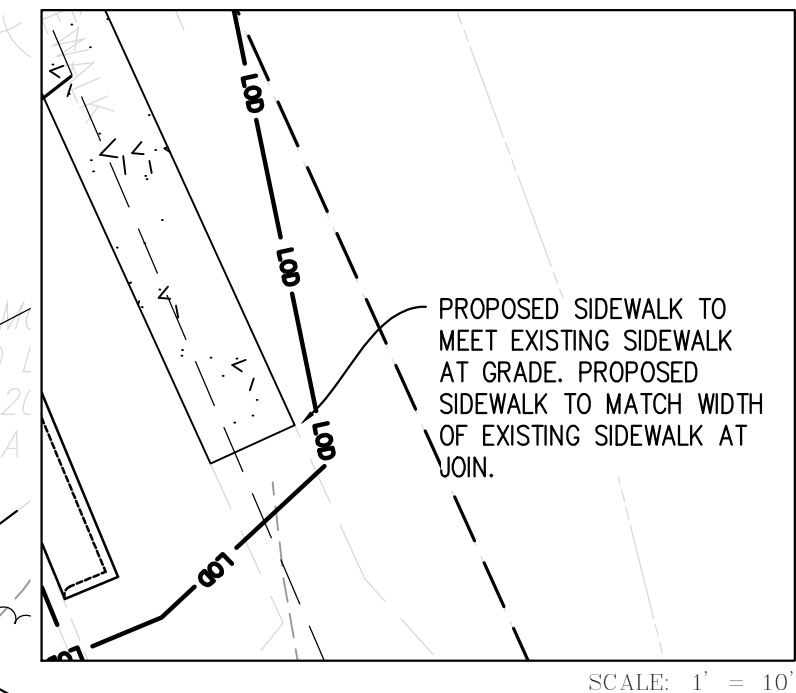
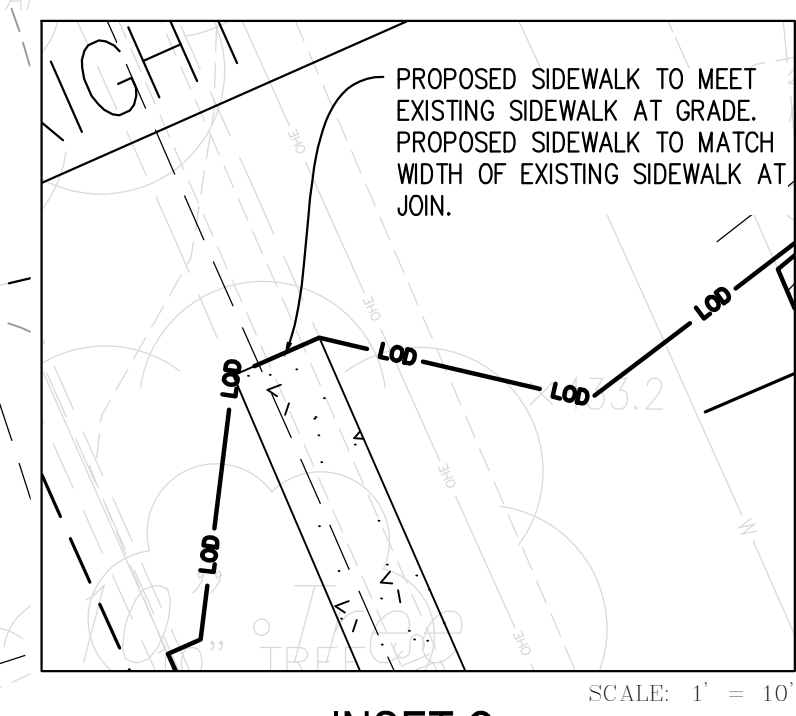
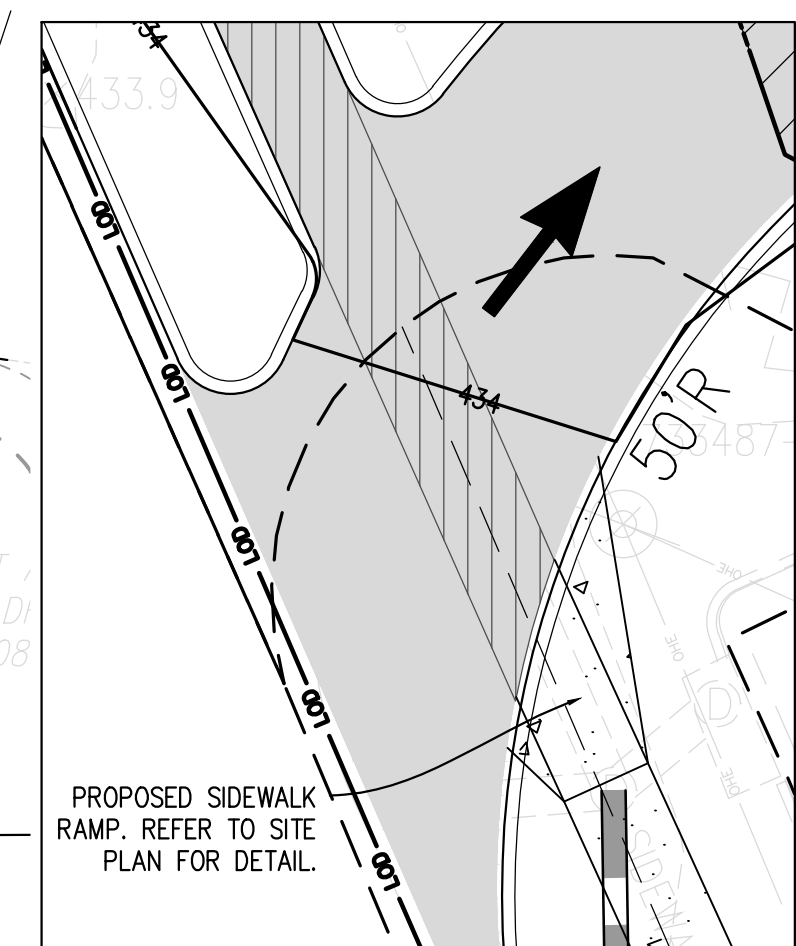
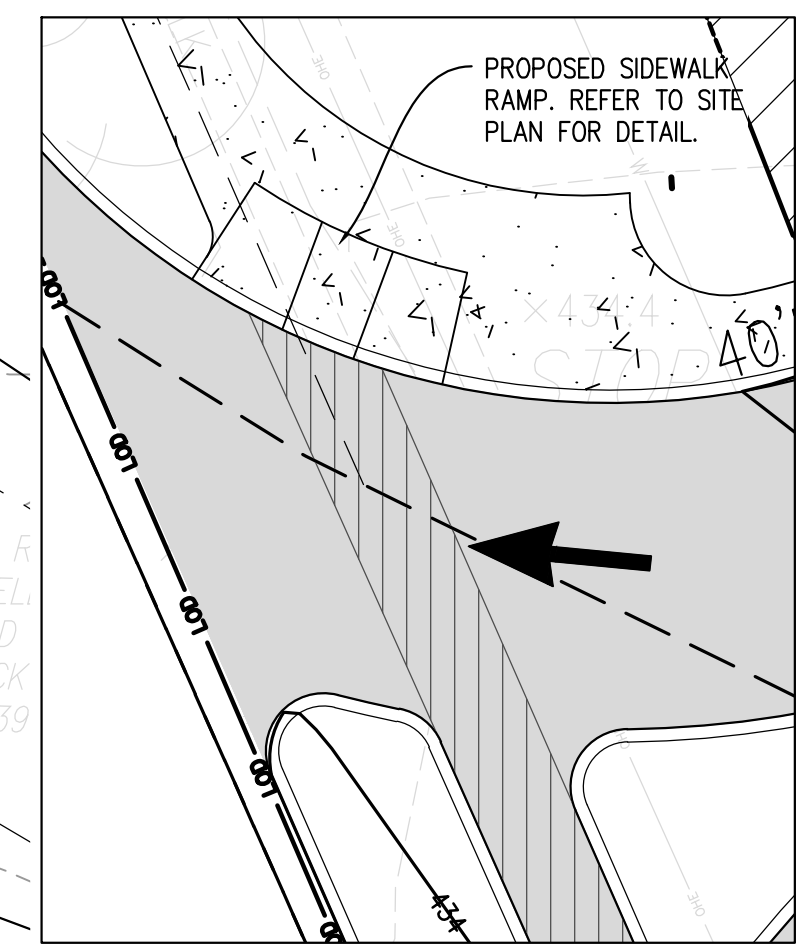
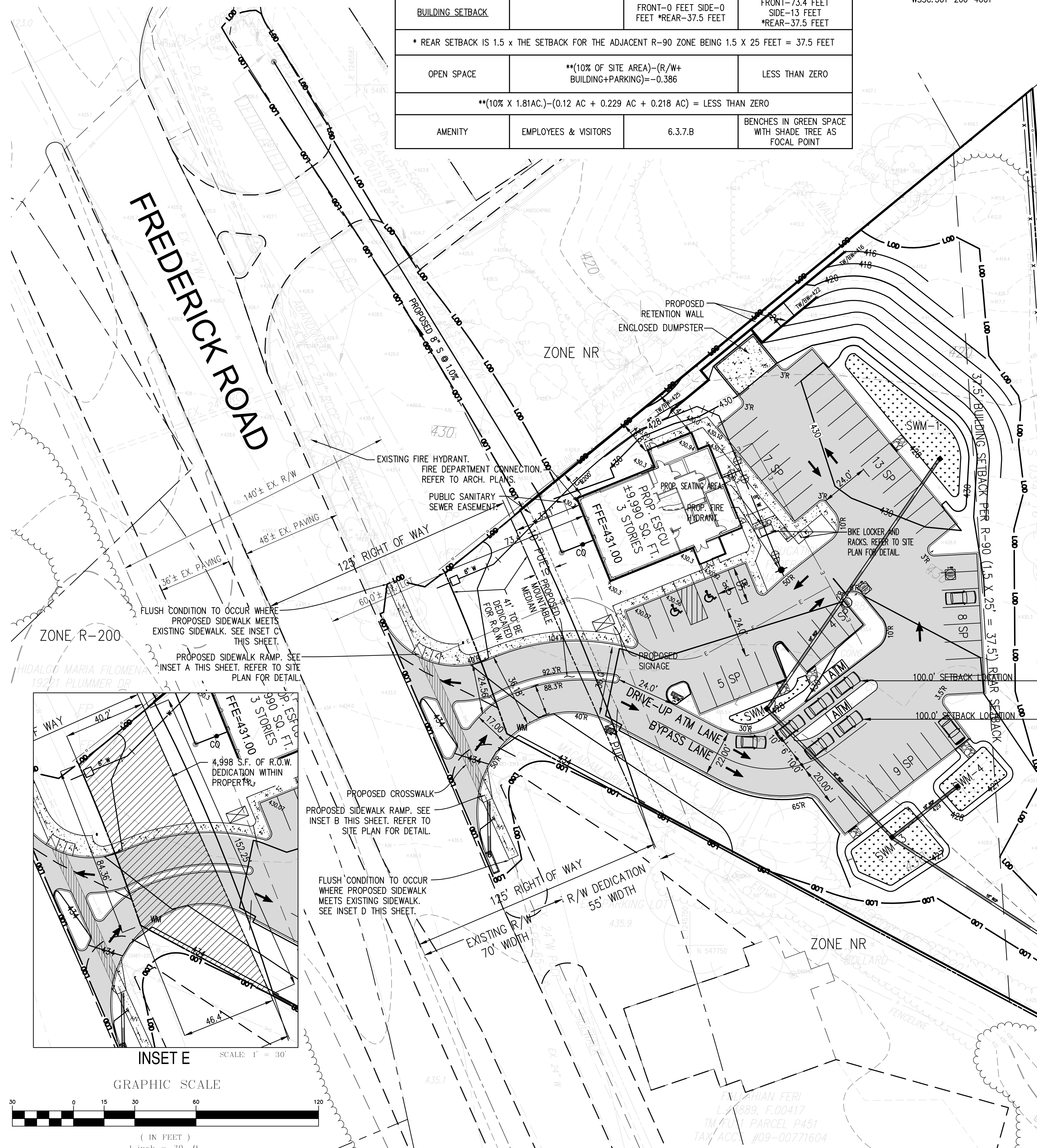
EDUCATIONAL SYSTEMS
 FEDERAL CREDIT UNION
 MAP FU11, PARCEL 397
 L. 49137, F. 00101
 ACCT. NO. 00778877



VICINITY MAP
 SCALE: 1" = 2,000'

GENERAL NOTES:

- THE TOPOGRAPHIC INFORMATION LOT SIZE: 1.81 AC./78,692 SQ. FT. (BASED ON ALTA/ACSM LAND TITLE SURVEY, PREPARED JANUARY, 2015 BY BOWMAN CONSULTING GROUP, LTD.)
- ZONING: NR NEIGHBORHOOD RETAIL (NR-0.75 H-45)
- USE:
 CURRENT USE: RESIDENTIAL (HOUSE DEMOLISHED)
 PROPOSED USE: BANK (RETAIL SALES AND SERVICE) ±9,990 SQ. FT. BUILDING AND 2 LANE DRIVE-UP ATM'S
- SETBACKS:
 NR ZONING (SECTION 4.1.8 OF THE ZONING ORDINANCE)
 - ABUTTING RESIDENTIAL USES: 37.5 FEET
 (1.5 X THE REAR SETBACK REQUIREMENTS FOR ADJACENT R-90 ZONE (1.5 X 25 FEET)).
 - ALL OTHER BOUNDARIES: 0 FEET
- PARKING:
 NR ZONING (SECTION 6.2.4 OF THE ZONING ORDINANCE)
 - 2.25 P.S. PER 1000 S.F. OF GROSS FLOOR AREA
 - REQUIRED PARKING = 9,990 SQ. FT. X 2.25/1,000 = 23 SPACES
 - PARKING PROVIDED = 54 SPACES
- PARKING LOT LANDSCAPING:
 NR ZONING (SECTION 6.2.9.C OF THE ZONING ORDINANCE)
 PERIMETER BUFFER (MIN.)
 - 10' FACING RESIDENTIAL USES
 - 5' ON ALL OTHER SIDES
 INTERIOR
 - 5% OF THE PAVED SURFACE AREA
- EXISTING FEATURES SHOWN ON THIS PLAN ARE FROM BEST AVAILABLE INFORMATION.
- THE PROPOSED DAYS/HOURS ARE: 7 DAYS/WEEK, 24 HRS/DAY FOR THE ATMS IN THE AUTOMOBILE DRIVE-THRU LANES, AND THE ATM IN THE BUILDING LOBBY VESTIBULE.
- THE HORIZONTAL AND VERTICAL DATUM AS REFERENCE HERON WAS ESTABLISHED BY RTK GPS CONTROL METHODS UTILIZING THE CARON EAST NETWORK. THE HORIZONTAL DATUM IS REFERENCED TO THE MARYLAND COORDINATE SYSTEM, AD 83/91 AND IS REFERENCE IN U.S. SURVEY FEET AND THE VERTICAL DATUM IS REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM OF 1929 (NGVD29)
- THE SUBJECT PROPERTY LIES IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% CHANCE ANNUAL FLOODPLAIN) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO. 24031C0186D, FOR MONTGOMERY COUNTY, MARYLAND, AND INCORPORATED AREAS, EFFECTIVE SEPTEMBER 29, 2006.
- THE SUBJECT PROPERTY IS LOCATED ON TAX ASSESSMENT MAP NOS. FU11. THE PROPERTY FALLS ON WSSC TITLE NUMBERS 226N11.
- THIS SITE IS LOCATED IN THE MIDDLE GREAT SENECA CREEK WATERSHED.
- THERE ARE NO WATERS OF THE US, WETLANDS OR 100-YEAR FLOOD PLAIN LIMITS ON THE SUBJECT PROPERTY.
- THERE ARE NO HISTORIC STRUCTURES LOCATED ON THE SITE BASED ON THE "LOCATIONAL ATLAS AND INDEX OF HISTORIC SITES IN MONTGOMERY COUNTY, MARYLAND" (MNCPC).
- THE PROJECT IS PROPOSED TO BE SERVED BY PUBLIC WATER & SEWER SYSTEMS, AND IS CURRENTLY IN SERVICE CATEGORIES W-1 AND S-3, RESPECTIVELY.
- PUBLIC UTILITY EASEMENTS AND RIGHT-OF-WAYS WILL BE PROVIDED WHERE NEEDED ON SITE TO ALLOW FOR WATER, SEWER, GAS, ELECTRIC, TELEPHONE AND CABLE SERVICE TO THE PROPOSED BUILDING. LOCATIONS ARE TO BE DETERMINED AT PERMIT.
- STORMWATER QUALITY FACILITIES ARE LOCATED ON-SITE. THE PROPERTY IS SUBJECT TO STORMWATER CONCEPT APPROVAL FILE NO.: 277976.
- PUBLIC UTILITY EASEMENTS AND RIGHT-OF-WAY TO BE DEDICATED WHERE NEEDED AND WILL BE PROVIDED AT TIME OF PERMIT.
- FINAL LOCATIONS OF BUILDING ENTRANCES AND OTHER SITE FEATURES TO BE DETERMINED AT THE TIME OF CERTIFIED SITE PLAN.
- THIS PLAN IS SUBJECT TO A NATURAL RESOURCES INVENTORY NRI #420150990 AND NRI #420151000, APPROVED JANUARY 2, 2015.
- ALL FOREST CONSERVATION AND LANDSCAPING INFORMATION CAN BE FOUND ON THEIR CORRESPONDING PAGES.
- LANDSCAPING SHOWN ON THE APPROVED LANDSCAPE PLAN AS PART OF THE APPROVED SITE PLAN ARE ILLUSTRATIVE PURPOSE ONLY AND MAY BE CHANGED AT THE TIME OF DETAILED PLAN REVIEW OF THE SEDIMENT CONTROL/STORM WATER MANAGEMENT PLANS BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES, WATER RESOURCES SECTION.



PROFESSIONAL CERTIFICATION
 I, BRYAN J. BURKE, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 17001, EXPIRATION DATE: 07/23/2018.

Bowman CONSULTING
 Bowman Consulting Group, Ltd.
 185 Admiral Cochrane Drive, Suite 215
 Annapolis, Maryland 21401
 Phone: 410.224.7500
 www.bowmanconsulting.com

PRELIMINARY PLAN, SITE DATA, NOTES & TABLES
ESFCU GERMANTOWN
 MAP FU11 PARCEL 397 REMAINDER FROM L. 49137, F. 00101 - ACCT. NO. 00778877
 ELECTION DISTRICT 09, GERMANTOWN
 MONTGOMERY COUNTY, MD

DATE	DESCRIPTION
04/06/16	1ST SUBMISSION
12/24/16	1ST REVISIONS
01/20/17	2ND SUBMISSION
04/21/17	1ST REVISIONS

DATE	DESCRIPTION
	DESIGN
	DRAWN
	CHKD

JOB No. **8198-01-001**
 DATE: **APRIL 2017**
 FILE No. **8198-D-CP-001**

SHEET **3 OF 3**

PROJECT DATA TABLE (NR-0.75 H-45)			
DEVELOPMENT STANDARD		REQUIRED	PROPOSED FOR PRELIMINARY PLAN
LOT AREA	EXISTING LOT AREA	1.81 ACRES	1.81 ACRES
	MINUS PROPOSED DEDICATION		1.69 ACRES
DENSITY OF DEVELOPMENT	BASE DENSITY OF DEVELOPMENT	0.75 FAR	0.14 FAR
	PARKING SPACES	21 SPACES	50 SPACES
PARKING	HANDICAPPED ACCESSIBLE SPACES	2 SPACES	2 SPACES
	TOTAL NUMBER OF SPACES	23 SPACES	52 SPACES
BICYCLE PARKING	1 BICYCLE PARKING SPACE PR 5,000 GFA	9,990 S.F. / 5000 = 1.99 OR 2 SPACES 1.9 * .85 = 1.7 OR 2 SPACES	2 SHORT TERM 2 LONG TERM
BUILDING HEIGHT	MAX BUILDING HEIGHT	45 FEET	45 FEET
BUILDING SIZE	SQUARE FOOTAGE OF BUILDING		9,990 SF (0.23AC)
BUILDING SETBACK		FRONT-0 FEET SIDE-0 FEET *REAR-37.5 FEET	FRONT-73.4 FEET SIDE-13 FEET *REAR-37.5 FEET
* REAR SETBACK IS 1.5 x THE SETBACK FOR THE ADJACENT R-90 ZONE BEING 1.5 X 25 FEET = 37.5 FEET			
OPEN SPACE	10% OF (SITE AREA 1.81 AC) - (0.12 AC R/W) = 0.169 AC = 7,362 S.F.		19,367 S.F.
**(1.69 AC. SITE NET) - (0.229 AC BUILDING) - (0.55 AC PARKING AREA) = 0.911 AC OR 39,683 S.F.			
AMENITY	EMPLOYEES & VISITORS	6.3.7.B	BENCHES IN GREEN SPACE WITH SHADE TREE AS FOCAL POINT

DEVELOPMENT SEQUENCE:

PHASE 1: THIS PHASE INCLUDES INSTALLATION OF SEDIMENT AND EROSION CONTROL PERIMETER DEVICES, THEN SITE GRADING, INSTALLATION OF THE PROPOSED UTILITIES AND RELATED STRUCTURES, THEN INSTALLATION OF SEDIMENT AND EROSION CONTROL INLET PROTECTION DEVICES.

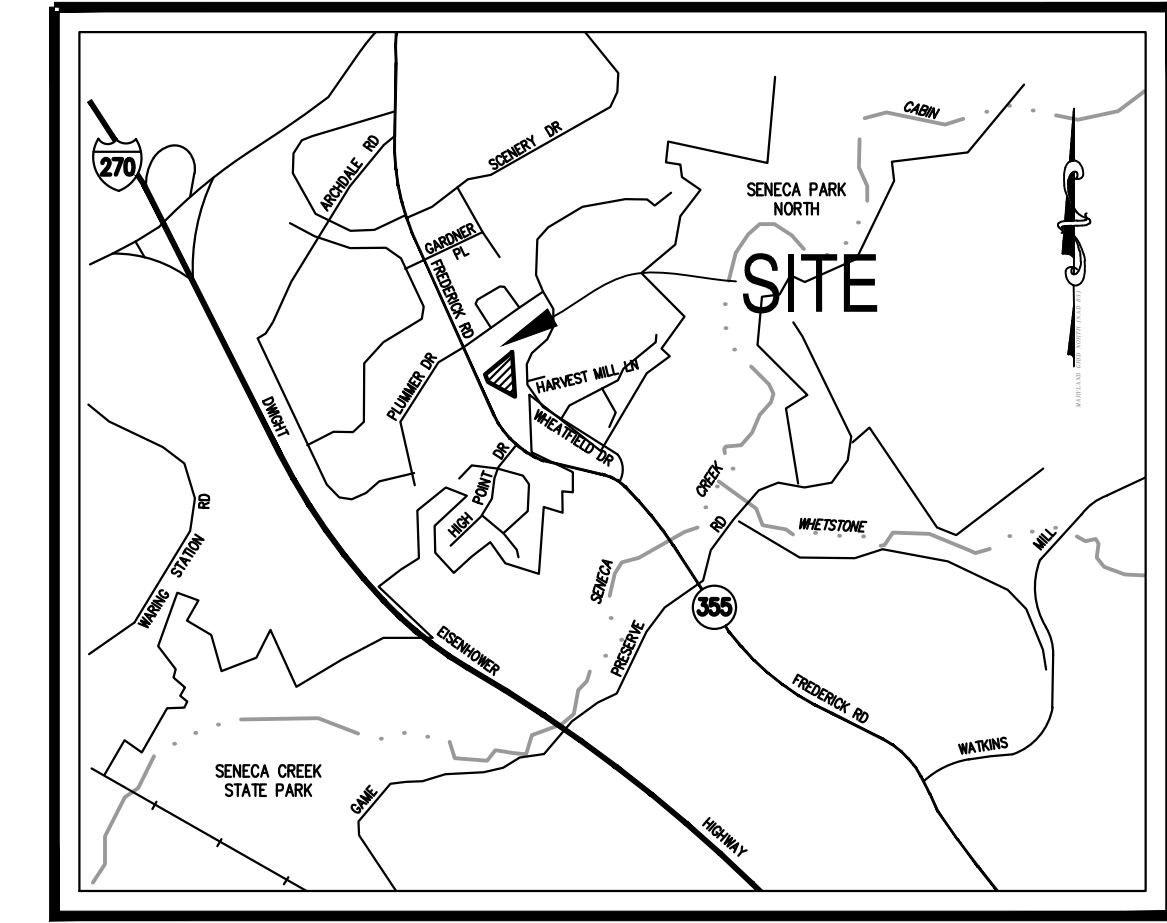
PHASE 2: THIS PHASE INCLUDES THE PROPOSED STRUCTURES, AS WELL AS ASSOCIATED PARKING, CURB AND GUTTER, PAVEMENT, SIDEWALK, STORMWATER MANAGEMENT FACILITIES, AND FINE GRADING. TREE PROTECTION IS SHOWN ON THE FOREST CONSERVATION PLAN FOR THE OFF-SITE TREES AND SHALL BE INSTALLED PER MONTGOMERY COUNTY & MNCPPC REQUIREMENTS IN CONFORMANCE WITH THE STANDARD SEQUENCE OF EVENTS. IN ACCORDANCE WITH THE MNCPPC STANDARD SEQUENCE OF EVENTS, AN ON-SITE PRECONSTRUCTION MEETING SHALL BE HELD AFTER THE LIMITS OF DISTURBANCE HAVE BEEN STAKED AND FLAGGED PRIOR TO THE COMMENCEMENT OF ANY CLEARING OR GRADING. DURING CONSTRUCTION AND POST CONSTRUCTION PROCEDURES PER THE STANDARD SEQUENCE OF EVENTS SHALL BE FOLLOWED.

UTILITY COMPANIES:

WASHINGTON GAS: 301-662-2151
PEPCO: 202-833-7500
WSSC: 301-206-4001

EXISTING PARCEL INFORMATION

EDUCATIONAL SYSTEMS
FEDERAL CREDIT UNION
MAP FU11, PARCEL 397
L. 49137, F. 00101
ACCT. NO. 00778877



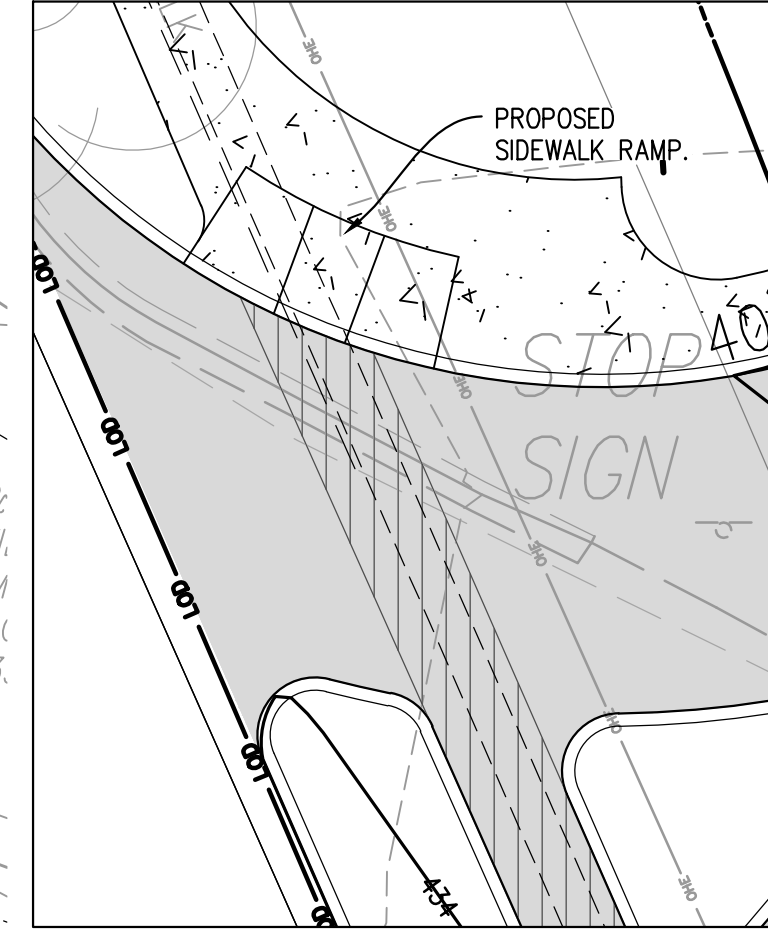
VICINITY MAP

SCALE: 1" = 2,000'

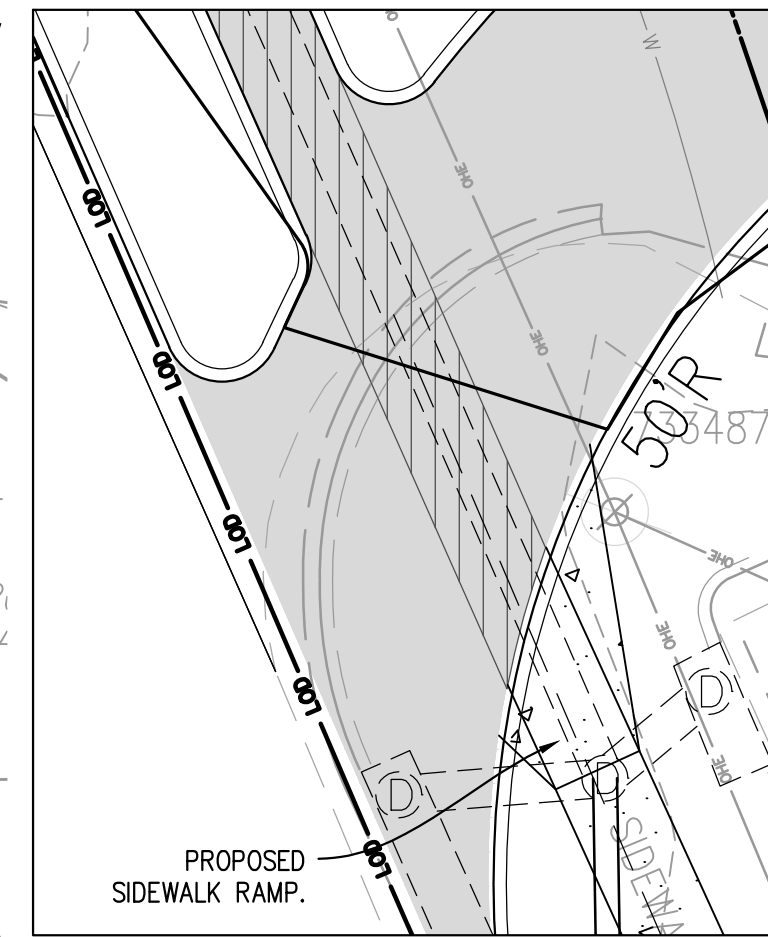
GENERAL NOTES:

- LOT SIZE: 1.81 AC./78,692 SQ. FT. (BASED ON ALTA/ACSM LAND TITLE SURVEY, PREPARED JANUARY, 2015 BY BOWMAN CONSULTING GROUP, LTD.)
- ZONING: NR NEIGHBORHOOD RETAIL - NR-0.75 H-45
- USE: CURRENT USE: RESIDENTIAL (HOUSE DEMOLISHED)
PROPOSED USE: BANK (RETAIL SALES AND SERVICE) ±9,990 SQ. FT. BUILDING AND 2 LANE DRIVE-UP ATM'S
- SETBACKS: NR ZONING (SECTION 4.1.8 OF THE ZONING ORDINANCE)
- ABUTTING RESIDENTIAL USES: 37.5 FEET
(1.5 X THE REAR SETBACK REQUIREMENTS FOR ADJACENT R-90 ZONE (1.5 X 25 FEET)).
- ALL OTHER BOUNDARIES: 0 FEET
- PARKING: NR ZONING (SECTION 6.2.4 OF THE ZONING ORDINANCE)
- 2.25 P.S. PER 1000 S.F. OF GROSS FLOOR AREA
- REQUIRED PARKING = 9,990 SQ. FT. X 2.25/1,000 = 23 SPACES
- PARKING PROVIDED = 52 SPACES
- PARKING LOT LANDSCAPING: NR ZONING (SECTION 6.2.9.C OF THE ZONING ORDINANCE)
PERIMETER BUFFER (MIN.)
- 10' FACING RESIDENTIAL USES
- 6' ON ALL OTHER SIDES
INTERIOR
5% OF THE PAVED SURFACE AREA
- BICYCLE PARKING: (SECTION 59.6.2.4.C OF THE ZONING ORDINANCE)
1 BICYCLE SPACE PER 5,000 GFA
85% OF SPACES TO BE CONSIDERED LONG TERM BICYCLE PERKING
9,990 / 5,000 = 1.99 OR 2 SPACES
2 * .85 = 1.77 OR 2 SPACES
- EXISTING FEATURES SHOWN ON THIS PLAN ARE FROM BEST AVAILABLE INFORMATION.
- THE PROPOSED DAYS/HOURS ARE: 7 DAYS/WEEK, 24 HRS/DAY FOR THE ATMS IN THE AUTOMOBILE DRIVE-THRU LANES, AND THE ATM IN THE BUILDING LOBBY VESTIBULE.
- THE HORIZONTAL AND VERTICAL DATUM AS REFERENCE HERON WAS ESTABLISHED BY RTK GPS CONTROL METHODS UTILIZING HE CARON EAST NETWORK. THE HORIZONTAL DATUM IS REFERENCED TO THE MARYLAND COORDINATE SYSTEM, AD 83/91 AND IS REFERENCE IN U.S. SURVEY FEET AND THE VERTICAL DATUM IS REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM OF 1929 (NGVD29)
- THE SUBJECT PROPERTY LIES IN ZONE "X"(AREAS DETERMINED TO BE OUTSIDE THE 0.2% CHANCE ANNUAL FLOODPLAIN) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NO. 24031C0186D, FOR MONTGOMERY COUNTY, MARYLAND, AND INCORPORATED AREAS, EFFECTIVE SEPTEMBER 29, 2006.
- THE SUBJECT PROPERTY IS LOCATED ON TAX ASSESSMENT MAP NOS. FU11. THE PROPERTY FALLS ON WSSC TILE NUMBERS 226WH11.
- THIS SITE IS LOCATED IN THE MIDDLE GREAT SENECA CREEK WATERSHED.
- THERE ARE NO WATERS OF THE U.S., WETLANDS OR 100-YEAR FLOOD PLAIN LIMITS ON THE SUBJECT PROPERTY.
- THERE ARE NO HISTORIC STRUCTURES LOCATED ON THE SITE BASED ON THE "LOCALATIONAL ATLAS AND INDEX OF HISTORIC SITES IN MONTGOMERY COUNTY, MARYLAND" (MNCPC).
- THE PROJECT IS PROPOSED TO BE SERVED BY PUBLIC WATER & SEWER SYSTEMS, AND IS CURRENTLY IN SERVICE CATEGORIES W-1 AND S-3, RESPECTIVELY.
- PUBLIC UTILITY EASEMENTS AND RIGHT-OF-WAYS WILL BE PROVIDED WHERE NEEDED ON SITE TO ALLOW FOR WATER, SEWER, GAS, ELECTRIC, TELEPHONE AND CABLE SERVICE TO THE PROPOSED BUILDING. LOCATIONS ARE TO BE DETERMINED AT PERMIT.
- STORMWATER QUALITY FACILITIES ARE LOCATED ON-SITE. THE PROPERTY IS SUBJECT TO STORMWATER CONCEPT APPROVAL FILE NO. 277976.
- PUBLIC UTILITY EASEMENTS AND RIGHT-OF-WAY TO BE DEDICATED WHERE NEEDED AND WILL BE PROVIDED AT TIME OF PERMIT.
- FINAL LOCATIONS OF BUILDING ENTRANCES AND OTHER SITE FEATURES TO BE DETERMINED AT THE TIME OF CERTIFIED SITE PLAN.
- THIS PLAN IS SUBJECT TO A NATURAL RESOURCES INVENTORY NRI #420150990 AND NRI #420151000, APPROVED JANUARY 2, 2015.
- ALL FOREST CONSERVATION AND LANDSCAPING INFORMATION CAN BE FOUND ON THEIR CORRESPONDING PAGES.
- LANDSCAPING SHOWN ON THE APPROVED LANDSCAPE PLAN AS PART OF THE APPROVED SITE PLAN ARE ILLUSTRATIVE PURPOSE ONLY AND MAY BE CHANGED AT THE TIME OF DETAILED PLAN REVIEW OF THE SEDIMENT CONTROL/STORM WATER MANAGEMENT PLANS BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES, WATER RESOURCES SECTION.
- INSTALL 12" WIDE THERMOPLASTIC MARKING - WHITE FOR CROSS WALK AND WHITE FOR CROSS WALK HATCH AREA @ 3' O.C.

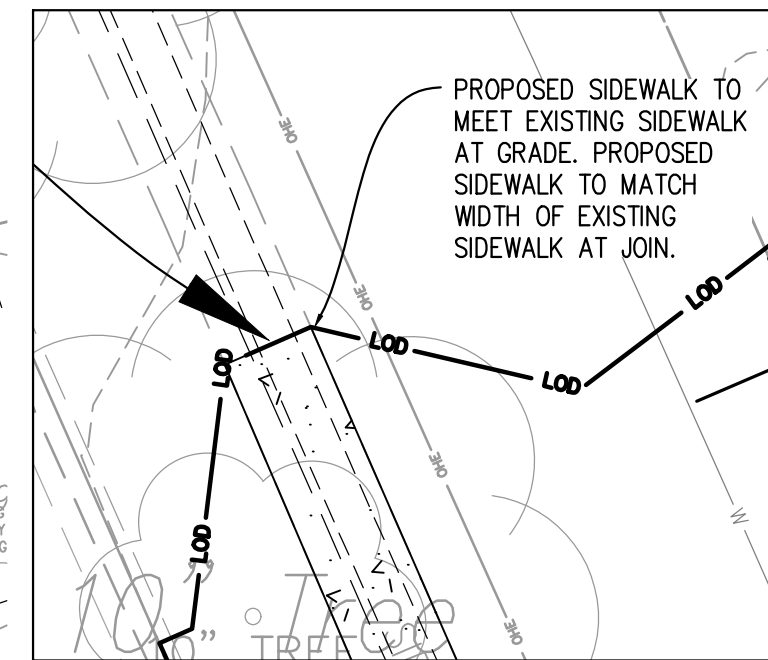
INSET A



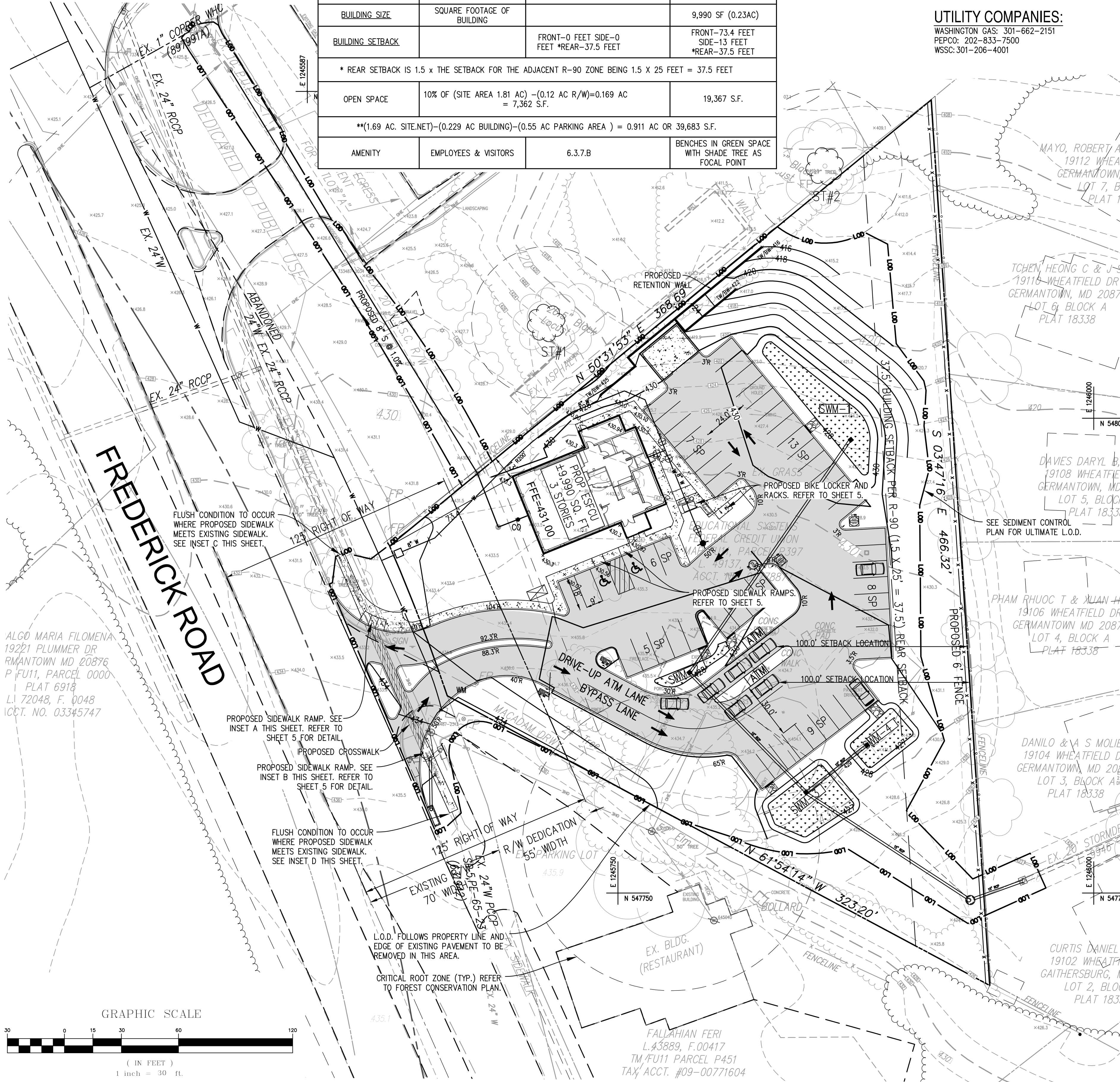
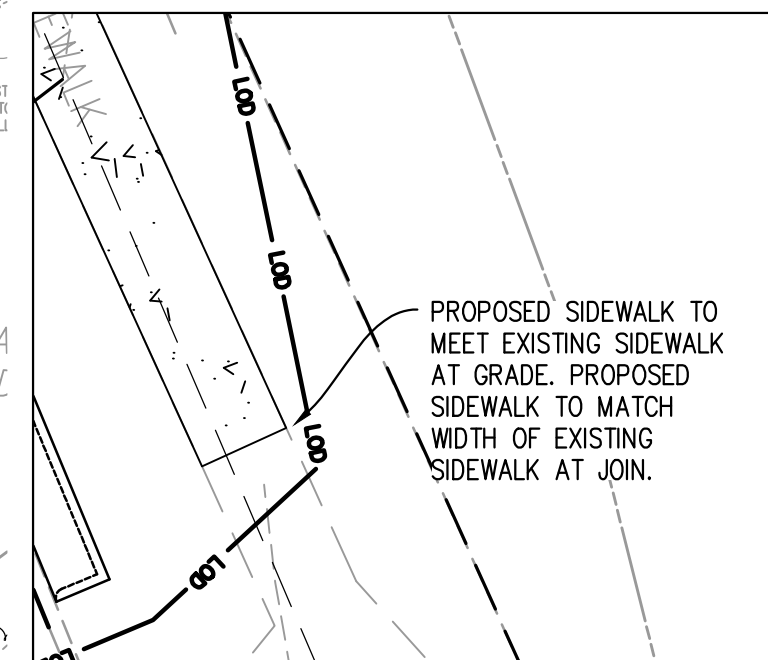
INSET B



INSET C



INSET D



DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE SITE PLAN APPROVAL NO. 820160170 INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM AND CERTIFIED SITE.

DEVELOPER: MORGAN-KELLER INC COMPANY ANTHONY DEL NUNZIO CONTACT PERSON

ADDRESS: 70 THOMAS JOHNSON DRIVE SUITE 200, FREDERICK, MD 21702

PHONE: 301-663-0626

SIGNATURE:

PROFESSIONAL CERTIFICATION

I, BRYAN J. BURKE, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 17001, EXPIRATION DATE: 07/23/2018.

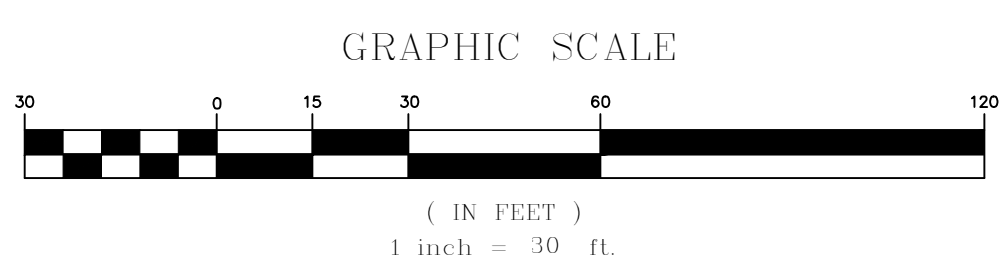


Bowman CONSULTING
Bowman Consulting Group, Ltd.
Phone: 410.224.7500
185 Admiral Cochrane Drive, Suite 215
Annapolis, Maryland 21401
www.bowmanconsulting.com

SITE PLAN, SITE DATA, NOTES & TABLES
ESFCU GERMANTOWN

MAP FU11 PARCEL 397 REMAINDER FROM L. 49137, F. 00101 - ACCT. NO. 00778877
ELECTION DISTRICT 09, GERMANTOWN
MONTGOMERY COUNTY, MD

PLAN STATUS	
04/06/16	1ST SUBMISSION
12/24/16	DRC REVISIONS
01/20/17	2ND SUBMISSION
04/21/17	DRC REVISIONS
DATE	DESCRIPTION
KK/MWT	JC DC/BJB
DESIGN	DRAWN CHKD
SCALE	H: V AS SHOWN
JOB No.	8198-01-001
DATE :	APRIL 2017
FILE No.	8198-D-CP-001
SHEET	3 OF 5





Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 10-May-17
TO: Bryan Burke
Bowman Consulting
FROM: Marie LaBaw
RE: ESFCU Germantown
120160020 820160170

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **10-May-17**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

January 23, 2017

Revision: February 10 and 23, 2017

Revision: March 20, 2017

addressing Staff Comments

Mr. Doug Johnsen
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

**Re: Educational Systems Federal Credit Union (ESFCU)
Preliminary Plan Application #120160020
Site Plan Application #820160170**

Dear Mr. Johnsen:

On behalf of Educational Systems Federal Credit Union (“The Applicant”) we are respectfully requesting approval of the variance to allow the removal of the following off-site specimen tree located on the existing restaurant property known as 19201 Frederick Rd, Germantown, MD 20876:

Tree	DBH in Inches	Tree Condition	Proposed % CRZ Impact On-site	% of existing Impervious Area w/in CRZ	Comments	Reason for Removal
Elm	52”	Poor	39.8%	57.0%	Main trunk lateral removed (See below for detail listing)	ROW dedication, utilities, SWM ESD, drive to allow for adequate emergency vehicle movement.

The offsite 52” Elm Tree (see Exhibit A) is located adjacent to the Southern property line on the existing restaurant property. We request approval of a variance to allow the removal under the provisions of Section 22A-21(b) of the Montgomery County Code in connection with the referenced preliminary plan and site applications, in order to be able to accommodate on the subject property the required dedication for MD Rte. 355/ North Frederick Road, needed utility extension and associated stormwater management environmental site design criteria, as well as safe and sufficient emergency vehicle movements. The Applicant is in discussions with the adjacent owner regarding removal of the three, due to potential hazardous conditions that are manifesting with the existing impacts to the tree over the years. Attached is a signed document indicating that the adjacent owner desires and agrees to removal of the subject tree.

Given these parameters, we are providing to you an explanation and supporting information to justify the approval of the variance in connection with these preliminary and site plan applications. While there are numerous specific reasons for the request to remove the individual tree, we believe it is important

for you to consider the request in light of the current site conditions and the condition of the tree itself. In accordance with Section 22A-21(d) of the Code, this request does not create or provide the applicant a special privilege that would be denied to other applicants as outlined later in this letter. As discussed in detail below, it is not possible for the site improvements to satisfy County Code and Zoning Ordinance requirements, as well as M-NCPPC Staff and neighbor concerns, without further impacting the critical root zone of the subject tree, due to the site's irregular shape, topographic conditions, required buffer requirements for the existing residential dwellings, MD Rte. 355 / North Frederick Road right-of-way dedication, existing entrance upgrades, and size of the subject property. The poor condition of the tree further supports the requested variance.

The variance request is for the removal of the Elm Tree as shown on the Forest Conservation Plan located on the adjacent property. The application requirements of Section 22A-21(b)(1) through 22A-21(b)(4) are addressed below.

1) *Describe the special conditions peculiar to the property which would cause the unwarranted hardship.*

The proposed project consists of removal of the existing impervious area (asphalt drive and parking area) and the construction of a new corporate office with bank and ATM services, upgrading the existing access, associated parking, stormwater management environmental design elements, grading and associated site infrastructure.

The preliminary and site plan for the ESFCU property was the result of several years of work. The plan was developed with input from staff members during the beginning stages. Our first meeting with Staff occurred in June, 2014 with Ron Cashion, including follow up meetings once the 2014 Zoning Ordinance took effect. Multiple layouts, constraints, and zoning requirements were discussed. The following five items ultimately dictated the final layout design:

1. Ingress and egress improvements to the existing access point;
2. The ultimate dedication for MD Rte. 355 / North Frederick Road;
3. Site layout alternatives;
4. Buffer of the residential homes to the east; and
5. Orientation of the building towards MD Rte. 355 / North Frederick Road.

Input was also solicited from the community and incorporated into the plan through two public meetings.

The above design process, revised through staff and community meetings, along with the site's irregular shape almost forming a triangle, significantly limits the area on the property in which building and parking spaces can be feasibly located and dictates the current proposed design. The building placement fronts MD Rte. 355 / North Frederick Road to provide the greatest setback from the adjacent residential dwellings to the east and the most prominent visual view sheds while traveling both north and south bound. The layout factored in requirements of the entrance improvements to meet current regulations, Development Review Committee (DRC) comments, circulation throughout the site, required dedication for MD Rte. 355 / North Frederick Road with Public Utility Easements (PUEs), and the fact that the property is located adjacent to single family residential homes which must be adequately buffered and protected. In order to potentially preserve the two off-site significant trees to the north as shown on the Forest Conservation Plan we have included two sets of retaining walls, along the northern property line in order to preserve the critical root zone of the 26.5" Black Locust and the 27" Black Locust. The retaining walls were not required to make the site grading work, but rather are proposed simply to protect these two trees. In turn,

the Applicant located the building and parking as close to the northern property line to give the greatest distance from the adjacent residential dwellings and to allow for the required upgrades to the existing entrance in order to satisfy Code requirements.

Additionally, the existing access and entrance upgrades dictate the circulation of the required fire and safety equipment vehicles due to the turning movements as shown on the plan set. The required minimum turning radii of the fire truck determined the shown circulation pattern and parking design.

The subject tree is located under the existing overhead power utility line that runs just offsite adjacent to the southern property line. Over the years, the main trunk lateral and half of the tree's canopy has been cut away (Exhibit B). The removal of the main trunk lateral and canopy trimming is a result in typical power company trimming technics. The irregular canopy depends upon the stability of the tree's two existing "V" forks or unions. The attached photographs show how deep the bottom "V" fork intrudes into the main trunk. Typically, these types of "V" forks/unions become susceptible to disease, fungus and rot. The impacts to the subject tree are starting to manifest with the existing conditions:

- Tree appears to have girdled/kinked roots. As the girdling root and the trunk of the tree grow in diameter, the girdling root slowly chokes off the flow of water and nutrients to the tree. This can cause a tree to become unstable and a potential hazard to life and/or property.
- The tree's critical root zone/soil area looks to be severely compacted by adjacent existing roadway and restaurant improvements (Exhibit C). Soil compaction is one of those major problems causing significant tree stress and strain. Soil compaction prevents roots from growing due to lack of oxygen, decreased soil pore size and increased soil strength. Nutrient and water sources are limited and tree growth above ground is stunted. Stress from soil compaction can also result in branch and root dieback which could cause tree to become unstable and a potential hazard to life and/or property.
- Tree has codominant stems or leaders. Codominant stems tend to fail much more often than trees that have one main central leader. The tree demonstrates a V union which is much more likely to fail than a U union. Stems with a V union compress bark between them as they grow, leaving little physical connection, increasing the chances of failure.
- Tree has a leaning and irregular crown habit/distribution which presents a much greater hazard than those growing vertically. Factors like (not limited to) soil saturation during excessive rainfall and/or strong winds could lead to potential failure.
- This tree is a hazard to adjacent life and/or property and will only to continue to decline/become more of an issue during and after proposed construction. In our opinion, this tree is in poor to very poor condition using the ISA Council of Tree & Landscape Appraisers Guide for Plant Appraisal methodology and should in fact be removed.

The variance is justified due to the peculiar on-site conditions as described above. Further, it would be an unwarranted hardship to deny the variance on this site. The site size and shape, public improvements, buffering of existing residential dwelling requirements, right-of-way dedication and required entrance improvements significantly constrain the design and layout of the site. It would be an unwarranted hardship to be required to preserve a tree that is in such poor condition, and in fact will soon (if it does not already) pose a public safety hazard, given that preservation of this tree

would call into question whether all of the requirements and constraints outlined above could actually be accommodated on-site.

- (2) *Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas.*

The inability to remove the 52” Elm Tree would prevent the Applicant from developing the property as permitted by its zoning and the associated development standards, while also satisfying all of the related Code requirements and constraints posed by the site and its location (e.g., residential homes to the east from which an adequate buffer must be provided). The project has many encumbrances including honoring the location of an existing access point, the required residential and code setbacks, size and irregularity of the parcel, and required fire and rescue circulation movement which limits the design options for the site. The Neighborhood Retail (NR) employment zone was established to supply necessities usually requiring convenient automobile access. The site already has a reduced achievable gross floor area below what is permitted under the zoning, due to the site’s small compact size and irregular shape. The current proposed Preliminary and Site Plan reflects a reduction in the achievable density that otherwise would be permitted in the NR zone (the proposed FAR of 0.14 is less than the 0.75 FAR as allowed by the Zoning Ordinance). With the reduced FAR and adjustments of the layout to address DRC comments, the Applicant is requesting the variance to remove the Elm Tree, while preserving the CRZ zones for the 26.5” and 27” Black Locus trees that are located just off-site along the northern edge of the property.

- (3) *Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of granting of the variance;*

The current Maryland Department of the Environment (MDE) Stormwater Management regulations that Montgomery County has adopted require the use of environmental site design (ESD) techniques to treat the runoff from 1 inch of rainfall on all new developments, where stormwater management is required. Per MDE’s 2000 Maryland Stormwater Design Manual, “[t]he criteria for sizing ESD practices are based on capturing and retaining enough rainfall so that the runoff leaving the site is reduced to a level equivalent to a wooded site in good condition[.]” The proposed stormwater management plans for the site meet the State and County standards. The conceptual stormwater management plans have been approved. During the DRC meeting the only comment pertaining to stormwater management was confirmation of the three segments of pipe capacity downstream. No ESD design adjustments were requested. The minor grading and improvements including the removal of the subject tree does not impact the provided ESD facilities. Therefore, the variance will not affect water quality standards and no measurable degradation in water quality will be experienced because effective mitigation measures are being provided.

- (4) *Provide any other information appropriate to support the request.*

We believe the foregoing, as well as the information contained in the Preliminary Forest Conservation Plan and Application materials, clearly demonstrate that the grant of the variance pursuant to Section 22A-21(b) of the Code is appropriate in this case. If you have any questions or require additional information for your review of this request, please contact us.

As further basis for the variance request, The Applicant can demonstrate that it meets the Section 22A-21(d) Minimum criteria, is addressed below.

- (1) *The requested variance will not confer on the applicant a special privilege that would be denied to other applicants.*

The proposed use for the ESFCU corporate offices and associated banking facilities are permitted in the NR zone and will be operated in a manner consistent with that of other credit union and banking properties in the County. The proposed preliminary and site plan design meet zoning requirements for building height, setbacks, FAR, etc. The removal of the subject tree is justified by evidence of the poor to very poor health of the tree including required right-of-way dedication and associated improvements to the existing access. The existing conditions and impervious areas currently impact 57.0% of the overall CRZ (see Exhibit D). This percentage exceeds the 30% threshold for recommendation for preserving as discussed in the approved Technical Manual for Trees under 2. Critical Root Zone Analysis. As in this case, the section allows highly impacted trees, such as this one, to be removed by selective clearing. By granting this variance request no special privilege will be conferred on the applicant that would be denied to other applicants. The variance is requested solely to allow the Applicant to redevelop the site while meeting all Zoning Ordinance and other Code requirements, and accommodating all of the constraints that present themselves at this site.

- (2) *The requested variance is not based on conditions or circumstances which are the result of the actions by the applicant.*

The Applicant has taken no actions leading to the conditions or circumstances that are the subject of this variance request. As described above, due to the poor to very poor health of the tree, the power company trimming that has been done on the tree over the years, and existing impervious area within the CRZ, coupled with the need to satisfy all Zoning Ordinance and Code requirements and site constraints, the need for the variance is based upon circumstances that have presented themselves to the Applicant.

- (3) *The requested variance is not based on a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.*

The surrounding land and building uses (commercial, residential, vacant proposed commercial) do not have any inherent characteristics that have created this particular need for a variance.

- (4) *The requested variance will not violate State water quality standards or cause measurable degradation in water quality.*

This criteria was previously addressed above (22A-21(b)(3)), and we restate that granting this variance request will not violate State water quality standards or cause measurable degradation in water quality.

For the above reasons, the Applicant respectfully requests that the Planning Board approve the request for a variance from the provisions of Section 22A of the Montgomery County Forest Conservation Ordinance and MD. Code Ann., in order to permit removal of the Elm Tree in order to allow construction of this project.

Sincerely,



Donavon Corum – Applicant’s Representative
MD RLA # 3434
Bowman Consulting Group

Agreed and Approved

By: _____

Date: _____

M-NCPPC



Existing Power Lines

52" Elm Tree with "V"
Notches and no central
leader

Existing Restaurant Property



Existing Power Lines and Pole

52" Elm Tree with "V"
Notches and no central
leader



Existing Power Pole


Existing Restaurant Property

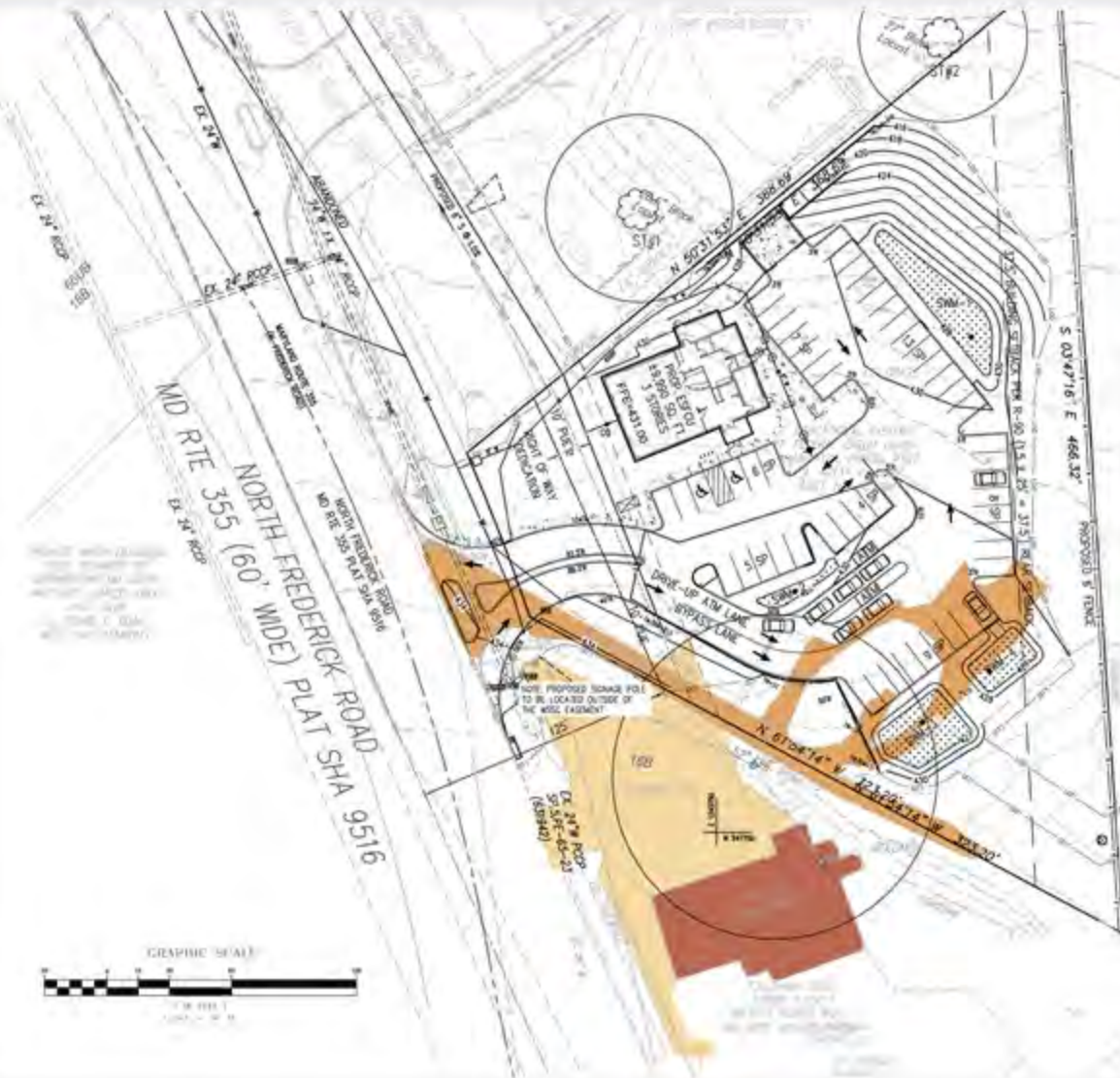
52" Elm Tree with "V"
Notches and no central
leader

Existing Asphalt Drive to be
removed

EXISTING IMPACTS

LEGEND:

-  Existing Pavement
-  Existing Off-site Pavement and MD Rte. 355 ROW
-  Existing Restaurant





DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

March 28, 2017

Casey Anderson, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: EFSCU - Germantown, ePlan 120160170/820160170, NRI/FSD application accepted on 12/2/2014

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

255 Rockville Pike, Suite 120 • Rockville, Maryland 20850 • 240-777-0311 • 240-777-7715 FAX
www.montgomerycountymd.gov/dep

Casey Anderson
March 28, 2017
Page 2

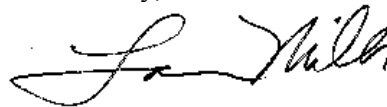
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon meeting 'conditions of approval' pertaining to variance trees recommended by Planning staff, as well as the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Doug Johnsen, Senior Planner



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

May 2, 2016

Mr. Michael Freer, P.E.
Bowman Consulting
2530 Riva Road, Suite 200
Annapolis, MD 21401

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN**
Request for ESFCU Germantown
Preliminary Plan #: N/A
SM File #: 277976
Tract Size/Zone: 1.81/NR
Total Concept Area: 1.81ac
Lots/Block: N/A
Parcel(s): 397
Watershed: Great Seneca Creek

Dear Mr. Freer:

Based on a review by the Department of Permitting Services Review Staff, the Combined Stormwater Management Concept/Site Development Stormwater Management Plan for the above mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of micro bioretention.

The following **items** will need to be addressed **during** the final stormwater management design plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Have a geotechnical engineer evaluate SWM # 1 for potential slope stability concerns with the facility being located in fill with the first submission of detailed plan review.

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 final stormwater management design plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the

Mr. Michael Freer, P.E.
May 2, 2016
Page 2 of 2

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 Thomas Weadon at 240-777-6309.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: TEW

cc: C. Conlon
SM File # 277976

ESD Acres: 1.81ac
STRUCTURAL Acres: N/A
WAIVED Acres: N/A



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Director

February 3, 2017

Mr. Edward Axler, Master Planner
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan # 120160020
ESFCU Germantown
Traffic Impact Study Review

ed
Dear Mr. Axler:

We have completed our review of the Local Area Transportation Review and Transportation Policy Area Review dated June 3, 2016 (received on December 29, 2016), and prepared by Wells & Associates, for the Educational Systems Federal Credit Union (ESFCU) development. The analysis addresses the impact of:

- 5,900 SF of Office space and a 4,000 SF Bank in this traffic study.

Based on the review of the Local Area Transportation Review and Transportation Policy Area Review report we offer the following comments:

Local Area Transportation Review (LATR)

1. We accept the consultant's conclusions that the post-development traffic will not exceed the congestion threshold at the studied intersections.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Mr. Edward Axler
Preliminary Plan # 120160020
February 3, 2017
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Pedestrian and Bicycle Impact Statement (PBIS)

1. We concur with the applicant finding of the pedestrian and bicycle infrastructure adequacy at the studied intersections.

Transportation Policy Area Review (TPAR)

2. The applicant must pay the TPAR mitigation payment that is equivalent to 25% of the Transportation Impact Tax prior to issuance of the building permit.

SUMMARY

1. We concur with the vehicular-related findings and the pedestrian infrastructure adequacy included in the report.
2. We concur with the applicant finding of the pedestrian and bicycle infrastructure adequacy at the studied intersections.
3. We concur with the applicant's proposal to pay 25 percent of the Impact Tax to satisfy TPAR requirements.

Thank you for the opportunity to review this report. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Area Engineer for this project, at deepak.somarajan@montgomerycountymd.gov or (240) 777-2194.

Sincerely,



Gregory M. Leck, Manager
Development Review
Office of Transportation Policy

Mr. Edward Axler
Preliminary Plan # 120160020
February 3, 2017
Page 3

cc: Tony Del Nunzio Morgan-Keller
Matthew Tippet Bowman Consulting
Chris Kabatt, P.E. Wells and Associates, Inc.
Kwesi Woodroffe MDSHA District 3
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Jonathan Casey MNCPPC-Area 2
Seifu Kerse MCDOT DTEO
Kamal Hamud MCDOT DTEO
Deepak Somarajan MCDOT OTP