



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

APR 30 2008

MCPB No. 08-53
Preliminary Plan No. 120070580
Chevy Chase Bank at Ashton
Date of Hearing: April 10, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on January 17, 2007, Chevy Chase Bank ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 1.28 acres of land located in the southeast quadrant of the intersection of Porter Road and Olney Sandy Spring Road (MD 108) ("Property" or "Subject Property"), in the Sandy Spring/Ashton Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120070580, Chevy Chase Bank at Ashton ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated March 28, 2008, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on April 10, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
 Legal Sufficiency: *[Signature]* 7/18/08

WHEREAS, on April 10, 2008, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Cryor; with a vote of 4-0, Commissioners Bryant, Cryor, Hanson, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070580 to create one lot on 1.28 acres of land located in the southeast quadrant of the intersection of Porter Road and Olney Sandy Spring Road (MD 108) ("Property" or "Subject Property"), in the Sandy Spring/Ashton Master Plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to one lot for a 3,172-square-foot bank with three drive-up lanes.
- 2) The Applicant must comply with the conditions of the Final Forest Conservation Plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services ("DPS") issuance of sediment and erosion control permits. Conditions include, but are not limited to:
 - a. A certified arborist must be present at the pre-construction meeting and at times during and after construction, as specified in a schedule recommended by the arborist and approved by Staff, to implement specific tree protection measures as identified in the "Tree Preservation Report" prepared by Christopher Erb of Bartlett Tree Experts.
 - b. The specific location of tree protection fencing may be adjusted in the field by a M-NCPPC inspector, in coordination with the certified arborist, at the pre-construction meeting.
 - c. The Applicant must revise the forest conservation worksheet on the Preliminary and Final Forest Conservation Plans to show the afforestation and conservation thresholds. The afforestation requirement is 0.17 acre.
 - d. The Applicant must revise the Landscape Plan and Preliminary and Final Forest Conservation Plans to include native shade trees as landscape trees that will create a total of 7,405 square feet (0.17 acre) of tree canopy coverage at 20 years. These trees must be located outside of the stormwater management easement.
- 3) The record plat must provide for dedication of 80 feet of right-of-way, as measured from the opposite right-of-way line, for Olney Sandy Spring Road (MD 108). The record plat must also provide for dedication of necessary truncation at public street intersection corners.
- 4) The Applicant must construct all road and sidewalk improvements within the rights-of-way shown on the approved Preliminary Plan to the full width

- mandated by the Master Plan and to the design standards imposed by all applicable road codes.
- 5) Prior to the release of building permits for the proposed development, the Applicant must construct or participate on a pro-rata share in providing, with approval from Maryland State Highway Administration ("SHA"), required frontage and access improvements along MD 108 and New Hampshire Avenue (MD 650), as well as capacity improvements at the MD 108 intersections with MD 650 and with Porter Road. If any of the road improvements identified in this condition either are now, or become, obligations of other development projects, applicants of other development projects may participate on a pro rata basis in the joint funding of such improvements. Basis of participation on a pro rata share is the sum of total peak hour trips generated by the subject development relevant to the particular improvement over the sum of total peak hour trips generated by all developments required by the Planning Board to participate in the construction of the particular improvement. The improvements must be consistent with currently unfunded improvements or future SHA design for the above intersection and its approaches under design Contract No. MO3175187, and must include:
 - a. Widening of the west leg of MD 108 to provide separate eastbound left, through, and right turn lanes, including a center left-turn lane along MD 108 between MD 650 and Porter Road.
 - b. Widening of the east leg of MD 108 to provide separate westbound left, through, and right turn lanes.
 - c. Lengthening of the northbound MD 650 left and right turn lanes.
 - d. Construction of a five-foot wide sidewalk along the south side of MD 108 (between MD 650 and 150 feet west of Porter Road) and along the east side of MD 650 (along both Ashton Meeting Place and Derrick's Addition to Ashton site frontage).
 - e. Construction of an eight-foot wide shared-use path along the north side of MD 108 (along Derrick's Addition to Ashton site frontage to just west of Ashton Club Way) and along the west side of MD 650 between MD 108 and Crystal Spring Drive.
 - 6) The Applicant must mitigate one peak-hour trip under the requirements of Policy Area Mobility Review ("PAMR"). Prior to approval of the Certified Site Plan, the Applicant must submit to M-NCPPC documentation of Montgomery County Department of Public Works and Transportation ("DPWT") concurrence with the applicant's proposal to mitigate one peak-hour trip by providing two bus pads with benches or other mitigation in the project vicinity approved by M-NCPPC staff with DPWT concurrence.
 - 7) Prior to the release of building permits for the proposed development, the Applicant must fully implement the PAMR requirement(s) by providing two

- bus pads with benches or other mitigation as approved by Staff with DPWT concurrence.
- 8) The Applicant must comply with the conditions of the DPS stormwater management approval dated November 9, 2006.
 - 9) The Applicant must comply with the conditions of the DPWT letter dated February 4, 2008, unless otherwise amended.
 - 10) The Applicant must comply with the conditions of the Maryland State Highway Administration ("SHA") letters dated September 26, 2007, and December 12, 2007.
 - 11) The Applicant must satisfy provisions for access and improvements as required by DPWT prior to recordation of plat(s) and by SHA prior to issuance of access permits.
 - 12) No clearing, grading or recording of plats prior to Certified Site Plan approval.
 - 13) Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at Site Plan.
 - 14) The record plat must show other necessary easements.
 - 15) The Adequate Public Facility ("APF") review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The Sandy Spring/Ashton Master Plan recommends that development in the Ashton village center conform to the following guidelines:

- Encourage use of traditional village design with buildings facing the main road.
- Create pedestrian traffic with uses and designs that invite frequent visits.
- Encourage stores and other uses that provide services to local residents.
- Place most off-street parking out of view of common space and active fronts, rather than between buildings and the street.

In addition, the Master Plan specifically recommends that the southern portion of the two properties that comprise the site be rezoned from R-90 to C-1. This was accomplished by a sectional map amendment in 1998.

The Application complies with the recommendations adopted in the Master Plan in that the proposed building fronts the main road (Olney Sandy

Spring Road – MD 108), the site will generate pedestrian traffic due to the provision of pedestrian access directly from the sidewalk on MD 108, the bank use will provide a service to local residents, and the parking has been placed at the rear of building, away from the main street.

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

The traffic analysis estimated that the use proposed on the site – a 3,172 square-foot bank with three drive-through windows – would generate approximately 39 total peak-hour trips during the weekday morning and 146 total peak-hour trips during the weekday evening peak-periods. After accounting for uses that currently exist or previously existed on the site, the total net trip generation for the proposed use was estimated to be 15 and 114 trips for the morning and evening peak-hours, respectively.

A summary of the Critical Lane Volume (“CLV”) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak-periods from the traffic study shows that the weekday morning and evening peak-hour capacity analysis presented in the traffic study indicated that under Total (or Build) Traffic Conditions, with the roadway and intersection improvements, CLV values at the study intersections would be below the applicable congestion standards. Therefore, the application satisfies the Local Area Transportation Review (“LATR”) requirements of the APF test.

As part of the APF test, this preliminary plan was required to meet the Policy Area Mobility Review (PAMR) test under the 2007-2009 Growth Policy and mitigate 5% of its new peak-hour trips. With a net of 15 and 16 new peak-hour trips during the morning and evening peak-periods, respectively, the trip mitigation requirement for the proposed use was calculated to be 1 trip (i.e., 16 new evening peak hour trips x 0.05).

Since final approval of the PAMR mitigation proposal was still pending at the time of the Hearing, the Planning Board is requiring the Applicant to submit documentation of concurrence by DPWT on the proposal to provide two bus pads with benches under PAMR to mitigate one peak-hour trip, prior to the submission of a Certified Site Plan. The Applicant is also required to fully implement the PAMR requirements prior to release of building permits for the proposed development.

Public facilities and services are available and will be safe and adequate to serve the proposed development. The Property will be served by public water and public sewer systems. The Application has been reviewed by the

Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services, are operating according to the Growth Policy resolution currently in effect and will be safe and adequate to serve the Property. Electrical and telecommunications services are also available to serve the Property.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the C-1 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

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

Under the Montgomery County Forest Conservation Law, the proposed project is required to afforest 0.17 acre. The Final Forest Conservation Plan proposes to meet the afforestation requirement by planting nine red maples as credit for tree cover although only five of these maples will be given afforestation credit. Four maples will not be given afforestation credit because these maples will be planted within the proposed stormwater management (SWM) facility. Trees and any other vegetation planted in SWM facilities are subject to a SWM easement, which allows for the removal and replacement of vegetation within the SWM facility for the purposes of any maintenance measures required by the County. The total afforestation credit that is required for the site is 7,405 square feet. Based on the current Forest Conservation Plan, the project has 4,535 square feet of afforestation credit for native, landscaped trees that are outside the SWM facility. An additional 2,870 square feet of afforestation credit is required by Condition No. 2d of this Resolution. As conditioned, the plan meets all applicable requirements of the Forest Conservation Law.

- 5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting*

Services ("DPS") that the Stormwater Management Concept Plan meets DPS' standards.

The DPS Stormwater Management Section approved the stormwater management concept for the project on November 9, 2006. The stormwater management concept includes on-site water quality control through construction of a bio-filter. On-site recharge is not required because this is a redevelopment project. Channel protection is not required because the one-year post-development peak discharge is less than two cubic feet per second.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be; and

JUL 30 2008 BE IT FURTHER RESOLVED, that the date of this Resolution is _____ (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Robinson, seconded by Commissioner Hanson, with Commissioners Hanson, Robinson, and Cryor voting in favor of the motion, and Commissioners Alfandre and Presley abstaining, at its regular meeting held on Thursday, July 24, 2008, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board