



**Staff Report: Limited Preliminary Plan Amendment 12006121A: Henderson
Corner (7-Eleven)
Limited Site Plan Amendment 82007004B, Henderson Corner
(7-Eleven)**

ITEM #: _____

MCPB HEARING DATE: July 23, 2009

REPORT DATE: July 13, 2009



TO: Montgomery County Planning Board

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

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**APPLICATION
DESCRIPTION:**

Proposal for a Limited Preliminary Plan and Limited Site Plan Amendment for a 3,188 square foot convenience store with a self-service automobile filling station (twelve covered gasoline dispensers) on a recorded parcel approximately 55,476 square feet (1.27 acres) in size located in the C-3 Zone. The subject property is located on Henderson Corner Road at the southwest quadrant of the intersection with Ridge Road; Germantown Master Plan.

APPLICANT: Henderson Corner at 355, LLC

ENGINEER: Huron Consulting

FILING DATE: Preliminary Plan: March 23, 2009
Site Plan: March 23, 2009

RECOMMENDATION: Approval with conditions

**EXECUTIVE
SUMMARY:**

The proposed development would consist of one lot for the purpose of constructing a 3,188 square foot convenience store with a self-service automobile filling station. The Applicant filed a special exception (February 12, 2009), which was approved to replace the bank with a convenience store and filling station as described above. The proposed application requires a preliminary plan amendment, and site plan amendment due to the change in use, square footage, and configuration of the proposed building and accessory structures.

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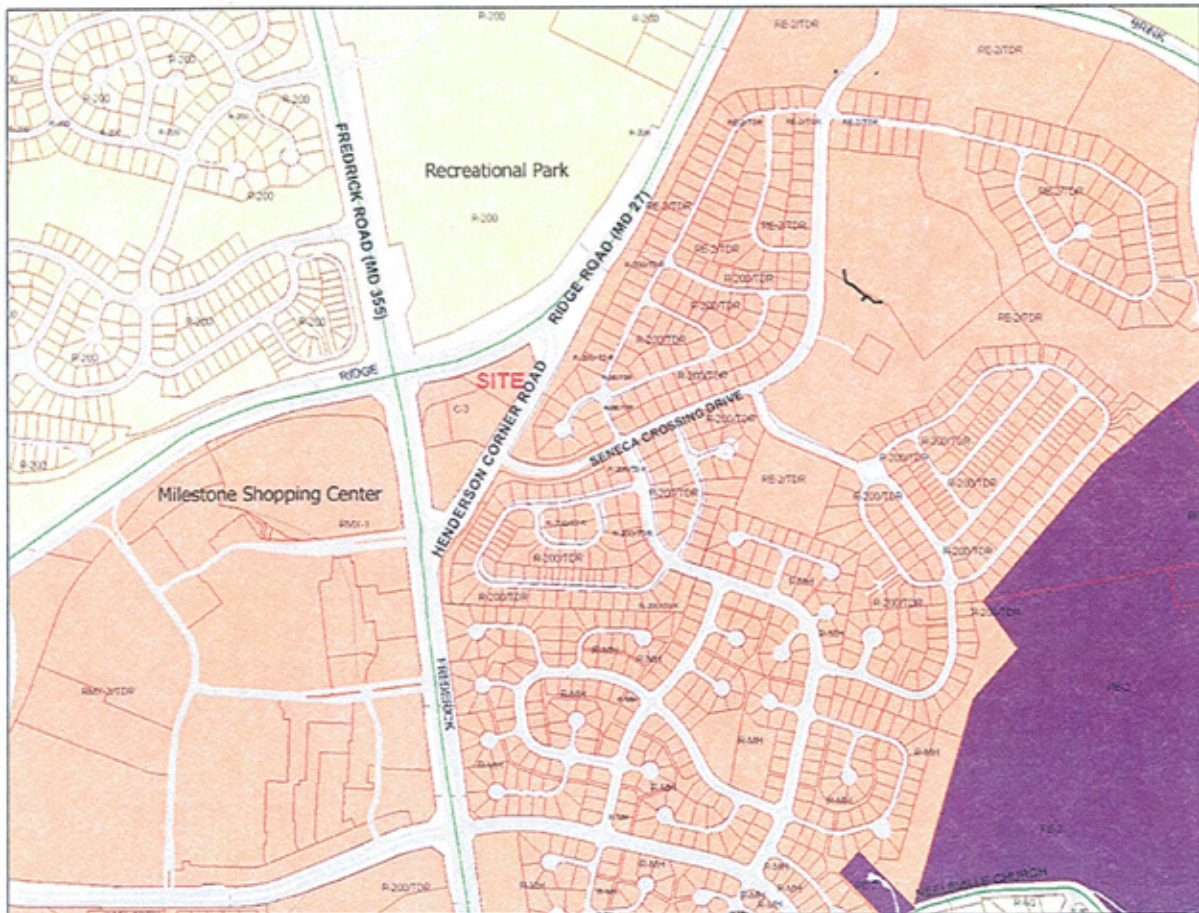
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SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Vicinity

The subject property is located on the west side of Henderson Corner Road at the intersection with Ridge Road (MD 27), within the Germantown Master Plan Area. There are five parcels zoned C-3 that make up a triangle of parcels located between Frederick Road (MD 355), Ridge Road, and Henderson Corner Road. The proposed convenience store is on the remaining vacant parcel. The other four parcels are comprised of a Chevy Chase Bank, Mc Donald's, PNC Bank, and an Exxon filling station to the southwest of the subject property. The triangular shaped wedge is located at the center of the Neelsville Village community in Germantown. Seneca Crossing Drive creates a four-way intersection midway along Henderson Corner Road, which separates the C-3 zoned properties, and connects to Fredrick Road. The Milestone Shopping Center (zoned RMX-1) is located along Frederick Road to the southwest. One-family detached residential neighborhoods are located to the northwest (zoned R200) and southeast (zoned R200/TDR), and the Ridge Road Recreational Park (zoned R-200) confronts the subject property on the north side of Ridge Road.



Vicinity Map

Site Analysis

The subject site was rezoned in 1999 from R-200/TDR to the C-3 zone. The residential properties are significantly lower in elevation than the subject site. The lots are situated such that the existing roadway is at a higher elevation than the second floor windows, and the roof line is slightly higher than the existing sidewalk along Henderson Corner Road. In addition, the units are buffered by a landscaped berm along Henderson Corner Road. Within the site, an existing retaining wall separates the adjacent lots (to the west) due to the existing topography.



Aerial Photo

Currently the site is undeveloped and heavily wooded (0.99 acres of forest, 30 to 40 foot tree canopy). There are no specimen trees or environmentally sensitive features on the site. The natural topography of the site is the dominant natural feature that has influenced the new construction of the subject property. Steep slopes exist along Ridge Road and Henderson Corner Road, thereby naturally creating hierarchy for major views into the site. The subject site is highly visible to automobiles leaving from Clarksburg (to the north) and traveling southwest on Ridge Road towards Germantown.

PROJECT DESCRIPTION

Previous Approvals

On January 25, 2007, the Planning Board approved Preliminary Plan No. 120061210 (Resolution dated January 25, 2007) for the creation of one lot for a 4,100 square foot bank with a maximum of three drive-through windows (Appendix A). The record plat was recorded in April, 2008.

A Preliminary Plan amendment is required because the original APF (Adequate Public Facilities) review and Planning Board approval limited the use to a 4,100 square foot bank with drive-through windows.

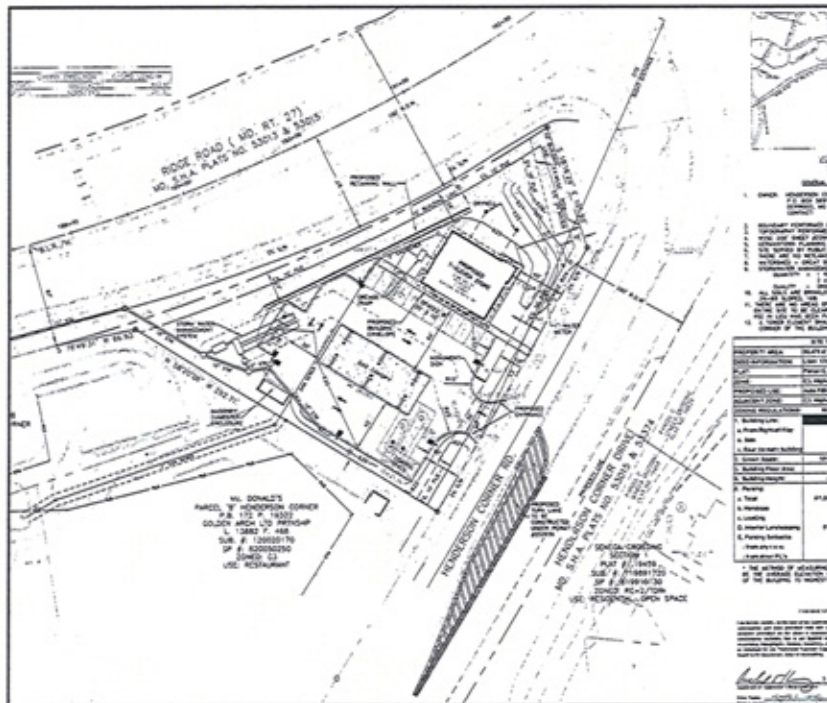
Site plan 820070040 was approved on March 1, 2007 for a 4,100 square foot bank (Appendix B).

A Special Exception Petition (S-2743) was approved February 12, 2009 for a 3,188 square foot convenience store and 12 covered pumping stations.

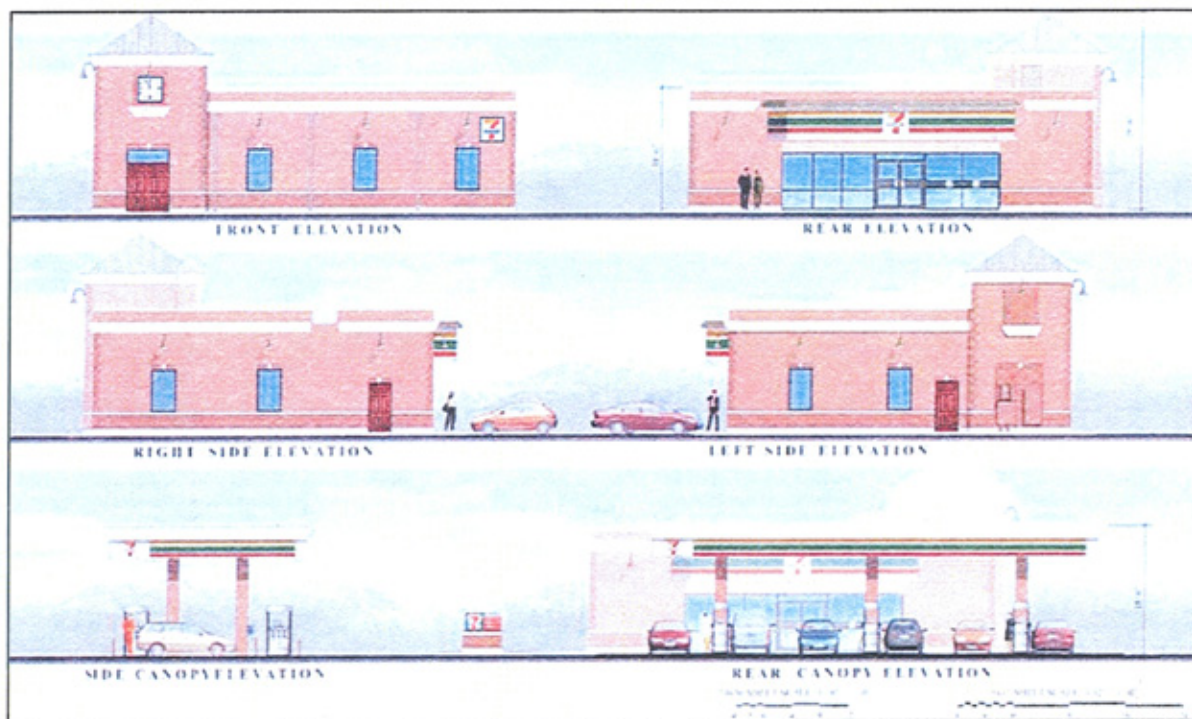
Proposal

The Applicant requests the following modifications:

- Revisions made to the original preliminary and site plan (per the approval of the special exception);
- Construction of a 3,188 square foot convenience store;
- Installation of 2 underground gasoline storage tanks;
- Provide 12 covered pumping stations;
- Modification to the site amenities (parking facilities, lighting, landscape and signage).



Illustrative Plan



Illustrative Elevations

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on this matter.

SECTION 2: PRELIMINARY PLAN REVIEW

ANAYSIS AND FINDINGS

Master Plan Compliance

The Subject Property is located within the NE-8 Analysis Area (Neelsville Village) of the Germantown Master Plan. The Master Plan specifically identifies the triangular parcels described above, and recommends limited retail use under the C-3 Zone for those parcels. The uses identified include a convenience food and beverage store, a gas station, a car wash, and a bank. The master plan further states that development of this property should consider placement of the buildings, landscaping and berming, and building design in relation to the natural features of the site. The development of the property should be compatible with the existing residential development near MD-27, and particular care should be taken in the design, height, and location of exterior lighting fixtures.

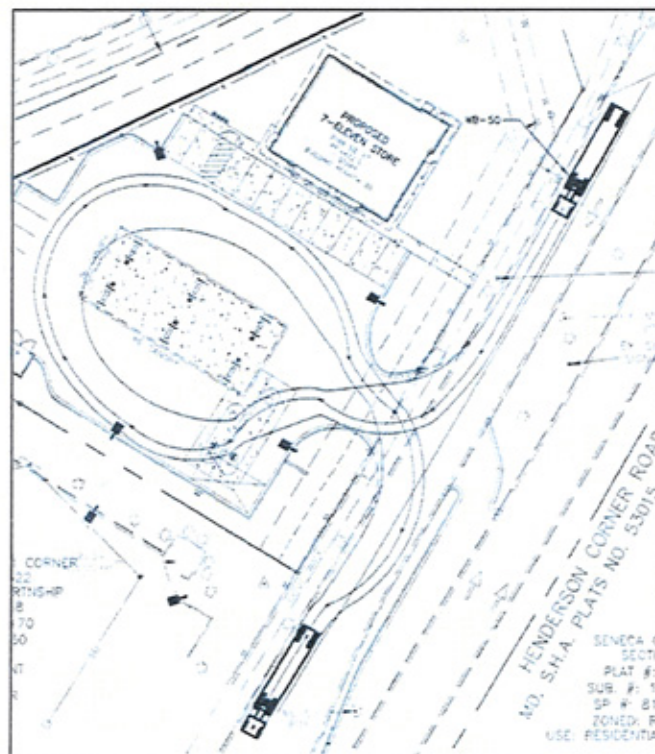
The Applicant is proposing to construct a convenience store and gas station (7-Eleven), which is consistent with the uses identified specifically in the master plan for this site. The Applicant is

also proposing to incorporate design features that recognize the need for a “civic gesture” at this location (due to the existing elevation of the site) by using brick materials for the building, and constructing a clock tower at the northeast corner of the building, which faces the intersection of Henderson Corner Drive and Ridge Road. The application provides adequate landscaping to effectively screen the parking lot from Henderson Corner Road and Ridge Road, and landscaping is also proposed to shield the retaining wall located along Ridge Road. Lastly, the Applicant has worked with staff to lower, shade, and relocate exterior lighting fixtures with respect to the nearby residential development (to the southeast). The proposed amendment continues to substantially conform to the recommendations of the Germantown Master Plan.

Adequate Public Facilities Review (AFP)

Roads and Transportation Facilities

Adequate vehicular access to the commercial facility is provided by a driveway connection to Henderson Corner Road (See Circulation Plan below). A left turn lane through the median is proposed on Henderson Corner Road, and the exit is designed as a right turn only. Pedestrian access is provided via sidewalks that connect to Henderson Corner Road.



Circulation Plan

The trips generated by the proposed amendment for the 3,188 square-foot convenience store are fewer than the number tested in the original APF approval. Therefore, the APF traffic test is satisfied for the proposed amendment. Based on the traffic study conducted for the previous use,

the weekday morning and evening peak-hour capacity analysis indicated that under Total (Build) traffic conditions, Critical Lane Volume (CLV) at the study intersections would be below the applicable congestion standard of 1,450 CLV for the Policy Area. The application continues to satisfy the LATR requirements of the APF test. The Policy Area Mobility Review (PAMR) test was not required because the original Preliminary Plan was approved prior to January 1, 2008. The proposed vehicle and pedestrian access and circulation for the proposed amendment will be safe, adequate, and efficient.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Electrical, gas, and telecommunications services are also available to serve the Property.

Environment

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved as part of a Forest Conservation Plan Exemption (#42008079E) on June 16, 2006. As previously stated, there are no regulated environmental features onsite such as streams, wetlands, 100-year floodplain, environmental buffers, steep slopes, or highly erodible soils.

The Preliminary Forest Conservation Plan was previously approved by the Planning Board with the original application, and is still applicable. The plan continues to remove the 0.99 acres of on-site forest and meet reforestation requirements with a combination of landscape plantings and fee-in-lieu payment. The Final Forest Conservation Plan was approved in February 8, 2007 and the Applicant has already met the 0.67 acre forest planting requirement through a fee-in-lieu payment.

The proposed amendment continues to satisfy the requirements of the Forest Conservation Law.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations, and Chapter 59, the Zoning Ordinance. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed use. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the amendment (Appendix C).

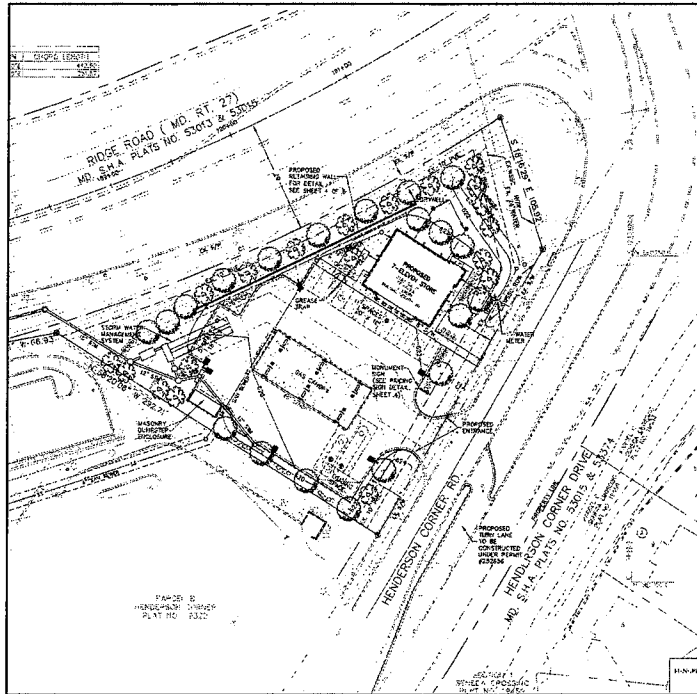
PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

The application meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Germantown Master Plan. Therefore, Staff recommends approval of the proposed amendment for Preliminary Plan No.

12006121A, subject to the following conditions, which supersede those of the previous Opinion dated January 25, 2007:

- 1) Approval under this preliminary plan amendment is limited to a 3,188 square foot convenience store and gas station with twelve (12) covered pumping stations.
- 2) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated June 26, 2008. These conditions may be amended by MCDPS, provided the amendments do not conflict with any other condition of the preliminary plan approval.
- 3) No clearing or grading is allowed prior to certified site plan approval.
- 4) The proposed development must comply with the conditions of the Final Forest Conservation Plan approved on February 8, 2007.
- 5) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated June 21, 2006. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 6) The Applicant must comply with the conditions of the Maryland State Highway Administration (MDSHA) letter dated May 11, 2009. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 7) The Applicant must satisfy provisions for access and improvements as required by MDSHA prior to issuance of access permits.
- 8) The Adequate Public Facility (APF) review for the preliminary plan will remain valid until February 25, 2014.

SECTION 3: SITE PLAN REVIEW



Landscape Plan/ Site Plan

Site Design

The proposed development has a 30-foot wide access point from Henderson Corner Road. This entrance was design to safely accommodate the two-way circulation of large and standard size vehicles within the site. As demonstrated in the Circulation Plan (page 8), large vehicles may complete full turning maneuvers without any substantial impact to the normal (internal) flow of traffic. The modifications proposed for the existing median on Henderson Corner Road will also permit a left-in, in addition to the right-in and right-out. A secondary access point was determined unfeasible due to the natural topography.

The proposed lighting and landscape plans are designed to be sensitive to the natural topography and the existing character along Ridge Road and Henderson Corner Road. Currently the site is elevated approximately 25-feet above the existing roadway intersections and the residential community to the east. Considering the major views from Ridge Road (traveling westbound) and Henderson Corner Road (traveling northbound, at the three-way intersection); a large clock on the northeast tower of the building was designed to acknowledge the “civic gesture” as recommended by the master plan. Due to its location on site, the proposed building has active facades on all four sides (see site plan and illustrative elevations above). The proposed landscaping provides screening to the north (within the property line) and along the street edges. The LED light fixtures are designed to minimize the energy being used, provide adequate lighting levels internally, and decrease the spread of light pollution onto adjacent properties.

Development Standards

The subject site is zoned C-3. The purpose of the C-3 Zone is to provide a method for the orderly grouping and spacing of commercial development on properties which abut or front on, and have access to, heavily traveled major highways with a planned or existing pavement of at least 6 lanes, or on properties which are recommended for such zoning on approved and adopted master plans or which are adjacent to properties previously or concurrently zoned C-3. This zone is intended to provide sites for commercial activities that may require large land areas and do not depend upon adjoining uses for reasons of comparison shopping and allow pedestrian trade; and sites for commercial facilities which are related to the traveler and highway users. By these standards, the proposed development meets the purpose and requirements of the zone.

The following data table indicates the proposed development’s compliance with the Zoning Ordinance. Only the standards that are affected by the proposed amendment are listed; a comprehensive modified data table will be included on the certified site plan.

Project Data Table for the C-3 Zone

Development Standard	Permitted/Required	Proposed for Approval
Max. Building Height (feet)	42'	32'
Max. Building Setbacks (feet)		
Route 27 (Ridge Road)	10'	29'
Henderson Corner	10'	40'
Side	N/A	29'
Rear	N/A	57'
Parking Setbacks (feet)		
From Other Property Lines	10'	27'
Right-of-Way	4'	10' min.
Min. Green Area (% of lot)	10% (5,548 SF)	52% (28,800SF)
Max. Building Floor Area	N/A	3,188 SF ¹
Max. Building Coverage	35%	6% ²
Parking Facility Internal Landscaping (%)	5% (650 SF)	5.2% (675 SF)
Parking Spaces	16	16 (including 1 HC + 1 Loading)

¹ The Special Exception (S-2743) approved the proposed convenience store for 3,188 square feet.

² Building Floor Area (3,188 SF) divided by the total Property Area (55,476SF).

FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

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

2. *The site plan meets all the requirements of the Overlay Zone as well as the applicable requirements of the underlying zone.*

The proposed use is allowed in the C-3 Zone, and the site plan fulfills the purpose of the zone by providing a convenience store and gas station. As indicated within the data table (page 11), the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density the proposed development is under all the maximum standards allowed (reference the Montgomery County Zoning Ordinance page 59C-4.36). The proposed development provides landscape buffering (evergreen and shade trees) along Ridge Road (MD 27) and close to the three-way intersection at Ridge Road and Henderson Corner Road, in addition to the interior landscaping provided within the parking facilities.

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

The convenience store is located (to the northeast of the site) close to the intersection at Ridge Road (MD 27) and Henderson Corner Road. The location of the proposed building establishes street presence; activating the frontal view that welcomes the oncoming traffic from the north. The tower with the clock establishes a focal point that naturally orients the driver. The covered canopy structure (pumping station) is located at the center of the site, providing adequate spacing (on both sides) for a complete turnaround onsite. The normal traffic and/or occasional deliveries (at peak hours of the day) can be made with little intrusion on the pedestrian circulation. These locations are appropriate for the character envisioned by the Master Plan. The proposed uses provide easy access to commercial sites within walking distance of the existing residential communities; while offering regional commuters convenient destination landmarks (Reference the Germantown Mater Plan page 84-85). The locations of the buildings and structures are adequate, safe and efficient, while meeting the aesthetics of the surrounding communities.

The proposed parking spaces are located close to the proposed building, to further separate the different uses. Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding areas.

The proposed landscaping provides a screen for the parking facilities. The green space areas are designated for the use of stormwater management, foundation plantings, and ornamental screening of major views from the existing roadways and adjacent residential communities. The street trees and lighting enhance the streetscape along Henderson Corner Road. The scale of the pedestrian environment established a comfortable setting for the surrounding conditions. Interior LED lighting will provide enough visibility, use less energy and do not cause a glare on the adjacent roads or properties. There are no recreational facilities required for this site plan, however a bicycle rack is provided.

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

The proposed use is compatible with the adjacent and confronting uses. The gas station is one of two filling stations within the same consolidated commercial parcels. The property is one of five parcels surrounded by three existing roadways. Within this cluster of parcels, commercial retail (all zoned C-3) is the dominant usage. The scale of each of the parcels is such that it is a benefit to the adjacent residential communities (zoned R-200/TDR). The proposed structures are in scale with the nearby buildings and are designed to not adversely impact existing or proposed adjacent uses.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

This amendment to the site plan has no effect on the approved forest conservation plan other than updating the forest conservation plan to reflect the current amendment. All features of the forest conservation plan still remain in effect. The Final Forest Conservation Plan was approved in February 8, 2007 and the applicant has already met the 0.67 acre forest planting requirement through a fee-in-lieu payment.

RECOMMENDATION AND CONDITIONS

The proposed modifications to the site plan do not alter the overall design character of the development in relation to the approved special exception and preliminary plan; and the site remains compatible with existing and proposed development adjacent to the site. Based on the previous approvals; the site plan proposes to modify the usage and the overall square footage, while incorporating site amenities necessary for the efficient functioning of the entire site. These modifications do not impact the efficiency, adequacy, or safety of the site with respect to vehicular and pedestrian circulation, landscaping, or lighting.

Staff recommends approval of site plan 82007004B, Henderson Corner, for the amendments delineated above. All site development elements shown on the site and landscape plans stamped

“Received” by the M-NCPPC on June 16, 2009 are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Special Exception Conformance

The proposed development must comply with the conditions of approval for the Special Exception (S-2743) dated February 12, 2009.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for the amended preliminary plan (120060121A) as listed above and within the approved Resolution. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT conditions, and DPS stormwater conditions.

Transportation & Circulation

3. Transportation

- a. Use painted arrows to clearly direct the flow of traffic into and out of the site.
- b. The proposed signage should not be an obstruction that could prohibit the safe circulation of traffic entering and/or exiting the site.

4. Pedestrian Circulation

- a. Provide painted crosswalks at all major pedestrian crossings.
- b. Deliveries made should be careful not to obstruct and/or limit access to and from the building and the parking facilities.

Site Plan

5. Site Design: Provide specifications and details for the materials of the clock within the site plan package.

6. Landscaping

- a. The proposed plant materials shall be installed to meet the standards of the American Standards for Nursery Stock (AAN) with regard to the correct size and type as specified within the plant list and planting plan (sheet 3 of 6).
- b. The proposed shade trees (3) located near the building façade (on the side facing onto the intersection of Ridge Road and Henderson Corner Road) should be installed in accordance to the placement of the clock on the northeast tower. The proposed plantings should not obstruct the major views from the intersection at Ridge Road (traffic heading westbound) or Henderson Corner Road.
- c. An alternate plant list may be provided on the Landscape and Lighting plan to accommodate plant substitutions.
- d. The proposed plantings shall be properly installed and maintained so as not to conflict with the public right of way, and/or cause damage to any existing public utilities.

7. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite light fixtures must be full cut-off fixtures and labeled on the site plans. Proposed lighting for the filling station's canopy should be recessed under the canopy.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels for on-site lighting fixtures shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles shall not exceed 20-feet including the mounting base.

8. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- a. On-site amenities, including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any use and occupancy permit.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, trip mitigation, and other features.

9. Certified Site Plan

Prior to 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 final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Ensure consistency off all details and layout between site plan and landscape plan.

- d. Provide a building envelope or zone of influence (with setbacks labeled on the site plan) that will account for any minor shifts in the final construction of the proposed buildings.

APPENDICES

- A. Resolution – Preliminary Plan 120061210
- B. Resolution – Site Plan 820070040
- C. Agency Letters

WHEREAS, on November 9, 2006, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Robinson; ~~with a vote of 5-0, Commissioners Bryant, Hanson, Perdue, Robinson, and Wellington 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. 120061210 to create one lot on 1.27 acres of land located at the intersection of Henderson Corner Road and Ridge Road (MD 27), in the Germantown master plan area, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a 4,100 square foot bank with a maximum of three (3) drive-through windows.
- 2) The Applicant shall comply with the conditions of approval of the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
- 3) No clearing, grading or recording of plats prior to certified site plan approval.
- 4) Final approval of the number and location of buildings, number of drive-through windows, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
- 5) The Applicant shall comply with conditions of the MCDPWT letter dated June 21, 2006, unless otherwise amended.
- 6) The Applicant shall dedicate 87 feet of right-of-way from the centerline of Ridge Road (MD 27) for a total of 150 feet of right-of-way for this Major Highway.
- 7) The Applicant shall comply with the conditions of the MCDPS stormwater management approval dated June 25, 2003.
- 6) 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 opinion.
- 7) Other necessary easements.

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 Subject Property is located within the NE-8 Analysis Area of the Germantown Master Plan. The Master Plan limits the site to retail uses associated with the C-3 zone. These uses include convenience food and beverage store, a gas station, a car wash, and a bank. The Preliminary Plan is consistent with the recommendations adopted in the Master Plan in that the proposed use is a bank.

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

A traffic analysis was prepared to determine the impact of development of a bank with two drive-through windows as proposed under the subject preliminary plan. Three local intersections were identified as critical intersections to be affected by the proposed development and were examined to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Germantown East Policy Area. The existing and background traffic conditions were analyzed. The proposed development's trips were added to the existing and the background traffic to determine the total future traffic. The total future traffic was assigned to the critical intersection to determine the total future CLVs. The proposed development does not have an adverse impact on the surrounding roadways.

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 proposed lot size, width, shape and orientation are appropriate for the location of the subdivision. The lots were reviewed for compliance with the dimensional requirements for the C-3 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone.

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

There are no environmentally sensitive areas or specimen trees on the Subject Property. The Applicant has proposed to remove all 0.99 acres of

existing forest on the Property and meet the 0.58 acre planting requirement through a combination of on-site landscape planting and offsite planting. The Application is approved subject to a condition that the Applicant comply with the conditions of approval of the preliminary forest conservation plan.

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 ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on June 25, 2003, which includes a detailed review of the stormwater management computations, an engineered sediment control plan and storage pipes that drain to the storm filter.

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 filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is JAN 25 2007 (which is the date that this Resolution is mailed to all parties of record); and

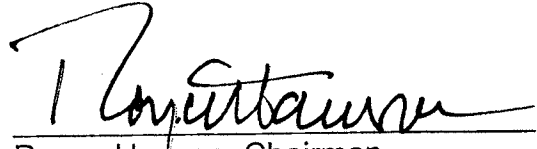
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland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

* * * * *

At its regular meeting, held on Thursday, January 11, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by Commissioner Wellington, with Commissioners Hanson, Perdue, Robinson, and Wellington voting in favor, and Commissioner Bryant absent, ADOPTED the above

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Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120061210, Sovereign Bank.



Royce Hanson, Chairman
Montgomery County Planning Board



MONTGOMERY COUNTY PLANNING BOARD

THE MONTGOMERY COUNTY CAPITAL PARK AND PLANNING COMMISSION

OCT 17 2007

**MCPB No. 07-26
Site Plan No. 820070040
Sovereign Bank
Date of Hearing: March 1, 2007**

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review site plan applications; and

WHEREAS, on September 15, 2006, Henderson Corner at 355, LLC ("Applicant"), filed an application for approval of a site plan for a 4,100-square-foot bank ("Site Plan" or "Plan") on 1.27 acres of C-3 zoned-land, located at southeastern quadrant of the intersection of Ridge Road (MD 27) and Henderson Corner Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820070040, Sovereign Bank (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated February 16, 2007, setting forth its analysis of, 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 March 1, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, on March 1, 2007, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 1, 2007, the Planning Board approved the Application subject to conditions on the motion of Commissioner Bryant, seconded

THE CHAIRMAN, 2007

Handwritten signature and date: 2/28/07

COMMISSIONER

Handwritten circled number: 22

by Commissioner Robinson, with a vote of 5-0, Commissioners Bryant, Hanson, Purdue, Robinson and Wellington voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820070040 for a 4,100-square-foot bank, on 1.27 gross acres in the C-3 Zone, subject to the following conditions:

1. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan 120061210 as listed in the Planning Board opinion dated January 25, 2007.

2. Site Design

Applicant will provide on the northeast corner of the bank building a vertical building element, similar to the design illustrated in the site plans stamped by the M-NCPPC on February 12, 2007.

3. Landscaping

- a. Ensure that landscaping installed at the northeast corner of the site is maintained so as not to obscure the gateway character of the building element described in condition 2(a) above.
- b. Trees may not be planted on slopes greater than 3:1.

4. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for commercial development.
- b. All light fixtures shall be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- e. The height of the light poles shall not exceed 20 feet including the mounting base.

5. Forest Conservation

The Applicant shall meet the following condition of approval from M-NCPPC-Environmental Planning in the memorandum dated February 8, 2007:

- a. Comply with the conditions of the final forest conservation plan. The Applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.

6. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated August 3, 2006, unless amended and approved by the Montgomery County Department of Permitting Services.

7. Development Program

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

- a. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the building and parking;
- b. Landscaping associated with the parking lot and building shall be completed as construction of the facility is completed;
- c. Pedestrian pathways shall be completed as construction of each facility is completed;
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion;
- e. Phasing of dedications, stormwater management, sediment/erosion control, forestation, trip mitigation or other features.

8. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of certified site plans.

9. Certified Site Plan

Prior to certified site plan approval, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Resolution;
- b. Limits of disturbance;
- c. Methods and locations of tree protection;
- d. Correct labeling of Building Restriction Lines;
- e. Provide an additional shade tree on the parking island;
- f. Provide to Site Plan and Environmental Planning staff a typical planting detail for trees on slopes up to 3:1 for approval. Indicate on landscape plan slopes greater than 3:1;
- g. Indicate proposed FAR in site plan tabulation;
- h. Specify location for off-site planting per approved Forest Conservation Plan or provide payment of in-lieu-fee.

BE IT FURTHER RESOLVED that all site development elements as shown on Sovereign Bank drawings stamped by M-NCPPC on February 12, 2007, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning 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 Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

An approved development plan or a project plan is not required for the subject development.

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

The Site Plan meets all of the requirements of the C-3 zone as demonstrated in the data table below. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

Development Standard Approved by the Board and Binding on the Applicant

Max. Density of Development (sf.)	4,100
Min. Building Setbacks (ft.)	
from street ROW	(Henderson Corner Rd.)58
rear yard (MD 27)	70
side yard	48
Min. Green Area (%)	47.4
Max. Building Height (ft.):	20*
*(as measured from the average elevation of the finished grade along the front of the building)	
Parking Spaces	19
Parking Lot Interior Landscaping (%)	5
Parking Setbacks (ft.)	
from street	30
from adjacent property lines	10

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

a. Buildings and Structures

The plan proposes one-bank building and associated drive-through teller lanes. The building is located centrally on the site, as close to Henderson Corner Road as possible. A retaining wall is located on the northern perimeter of the property parallel to MD 27. The locations of buildings and structures are arranged in an adequate, safe, and efficient manner on the site.

b. Open Spaces

The plan proposes 26,270 square feet of green space, or 47.4 percent of the property, and includes walkways, interior planting islands, and landscaped areas. The majority of the green space is located on the perimeter of irregularly shaped lot. The open space provided on site is adequate, safe, and efficient.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a mix of shade and flowering trees and shrubbery along the edges of the property and in the parking lot islands. Significant landscape screening is provided along MD 27 to reduce visual and noise impacts.

The lighting plan consists of several full cut-off pole-mounted lights on 20-foot poles along the perimeter of the loop drive and within the parking area. These lights will greatly minimize light trespass into the residential community across Henderson Corner Road, while providing a secure environment for the bank.

The landscaping and lighting provide for adequate, safe, and efficient use by bank customers and employees.

d. Recreation Facilities

Recreation facilities are not required for a commercial site.

e. Vehicular and Pedestrian Circulation

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Pedestrian and vehicular circulation is safe, adequate, and efficient.

Vehicular access to the site will be provided from Henderson Corner Road. The proposed two-way drive aisle loops around the bank building, while the parking is placed on the northern and western perimeters. The drive-through tellers are also located on the northwest side of the bank building accommodating three lanes. The median on Henderson Corner Road is being reconfigured with this proposal to provide a left-turn lane into the site for northbound traffic.

Pedestrian access is provided from the bank to the existing sidewalk along Henderson Corner Road. Internal pedestrian pathways are also provided from the parking areas to the bank and to the existing sidewalk.

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

The proposed bank building is compatible with surrounding land uses. The building height, size, and location are compatible with adjacent retail and commercial uses. The building's residential scale and arrangement as well as the site landscaping and lighting are commodious and compatible with adjacent residential uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Applicant is proposing to remove all 0.99-acres of existing forest on the Subject Property. The proposal complies with Forest Conservation requirements through a combination of on-site landscape planting and off-site planting. The Applicant will meet the off-site planting requirement either by planting within the Great Seneca Creek watershed or by utilizing the in-lieu-fee option.

BE IT FURTHER RESOLVED, that this resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

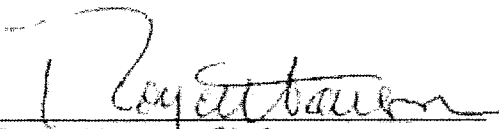
BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is OCT 17 2007 (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).

* * * * *

At its regular meeting, held on Thursday, October 4, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by Commissioner Bryant, with Commissioners Hanson, Robinson, and Bryant voting in favor, and Commissioners Cryor and Lynch absent, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 820070040, Sovereign Bank.



Royce Hanson, Chairman
Montgomery County Planning Board



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

June 26, 2008

Carla Reid Joyner
Director

Mr. Jason Azar
Huron Consulting
20300 Century Boulevard, Suite 105
Germantown, MD 20874

Re: Revised Stormwater Management **CONCEPT**
Request for Henderson Corner
Preliminary Plan #: 120061210
SM File #: 204787
Tract Size/Zone: 1.27 Ac./ C-3
Total Concept Area: 1.27 Ac.
Parcel: E
Watershed: Great Seneca Creek

Dear Mr. Azar:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via a storage based Stormfilter® with structural pretreatment and onsite recharge via 2 drywells. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

Please submit a revised stormwater management concept for water quantity and water quality control for review and approval. All submissions must be accompanied by a resubmittal application. The revised submission must incorporate the following items:

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. The Stormfilter® vault must be relocated to within approximately 10 feet of the paved parking area to accommodate ~~cleanout and~~ maintenance operations.

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.

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This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,

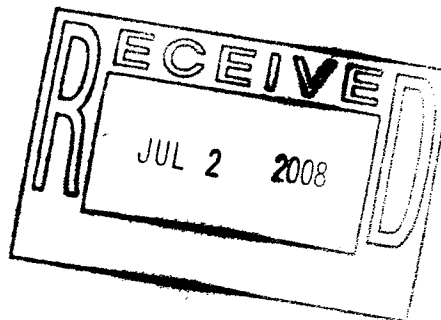


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN204787rev.Henderson Comer.mjg.doc

cc: C. Conlon
S. Federline
SM File # 204787

QN -onsite; Acres: 1.27
QL - onsite; Acres: 1.27
Recharge is provided



20



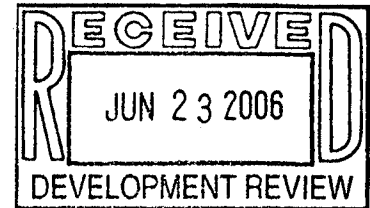
DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

June 21, 2006

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



RE: Preliminary Plan #1-20061210
Sovereign Bank

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 05/22/06. This plan was reviewed by the Development Review Committee at its meeting on 06/19/06. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for Henderson Corner Road and Ridge Road in accordance with the Master Plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. The sight distances study has not been accepted. Prior to approval of the record plat by DPS, the applicant's engineer will need to verify if by moving the driveway a higher than minimum site distance can be achieved.
4. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6320 to discuss the parking lot design.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878

240/777-6000, TTY 240/777-6013, FAX 240/777-6030

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5. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. However Driveways curb returns should not cross the property lines. Also provide proper spacing between the driveways curb returns and public utilities features.
6. The parking lot travel lanes are to be designed to allow a WB-50 truck to circulate without crossing the centerline nor the curbline.
7. Correct the geometric design of the median opening for a smooth transition of left-in movement (no left-out from the driveway). This can be done and approved at site plan stage.
8. The applicant needs to submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules.
9. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy.
10. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
11. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
12. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
13. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
14. Access and improvements along Ridge Road (MD 27) as required by the Maryland State Highway Administration.
15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
16. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.



State Highway Administration

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

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

Maryland Department of Transportation

May 11, 2009

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

Re: Montgomery County
Henderson Corner
DRC File: 82007004B
MD 27

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the plans for the Henderson Corner development. We offer the following comments:

- A District 3 Utility permit will be required from the District 3 Utilities office for any work within SHA right-of-way. This includes but is not limited to sidewalk and ramp replacements.

If you have any questions or require additional information, please contact Ms. Corren V. Giles at (410) 545-5595, toll free at (800) 876-4742, or via email at cgiles@sha.state.md.us.

Sincerely,

[Handwritten signature of Steven D. Foster]

Steven D. Foster, Chief
Engineering Access Permits Division

SDF/cvg

- Mr. Shahriar Etemadi / M-NCPPC
Mr. Sam Farhadi / Montgomery County DPW&T
Ms. Sarah Navid / Montgomery County DPS
Mr. Jason Azar / Huron Consulting, 20410 Century Blvd., Suite 230, Germantown, Maryland 20874
Aris Mardirossian / Henderson Corner at 355, LLC, P.O.Box 5691, Derwood, Maryland, 20855
Mr. Jeff Wentz sent via e-mail
Ms. Kate Mazzara sent via e-mail
Mr. Augustine Rebish sent via e-mail
Mr. Mark Loeffler sent via e-mail

My telephone number/toll-free number is
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free



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