**MEMORANDUM**

DATE: May 27, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CC*
Development Review Division *DK*

FROM: Dolores Kinney, Senior Planner (301) 495-1321
Development Review

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision for Part of Lot 1

PROJECT NAME: Commerce Bank

CASE #: 120060840 (Formerly 1-06084)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: C-1

LOCATION: Located at the northeast quadrant of the intersection of Frederick Road (MD 355) and Scenery Drive

MASTER PLAN: Germantown

APPLICANT: Robert G. Garrison, Trustee

ENGINEER: Bohler Engineering, P.C.

ATTORNEY: Miller, Miller and Canby

FILING DATE: February 17, 2006

HEARING DATE: June 8, 2006

STAFF RECOMMENDATION: Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a 4,100 square foot bank with a maximum of four (4) drive-thru windows.
- 2) Compliance with the conditions of the tree save plan dated May 24, 2006.
- 3) Submit a plan that demonstrates compliance with the Germantown Streetscape Concept Plan for staff review and approval prior to issuance of building permit.
- 4) The plat shall reflect dedication of 50 feet of right-of-way from the centerline of Scenery Drive for a total of a 100-foot right-of-way width required for this arterial roadway.
- 5) The Applicant shall design and construct the access point from Frederick Road to allow for egress only as required by Maryland State Highway Administration, unless otherwise amended by SHA.
- 6) The Applicant shall provide:
 - a) Lead-in sidewalks from Frederick Road and Scenery Drive into the site's internal walkways.
 - b) A 5-foot sidewalk along the frontage of the property on Scenery Drive.
 - c) Handicapped ramps at all curbs surrounding the site.
 - d) Two inverted "U" bike racks for four bike parking spaces in front of the bank.
- 7) Compliance with conditions of MCDPWT letter dated, May 1, 2006, unless otherwise amended.
- 8) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated March 27, 2006.
- 10) Compliance with condition of MCFRS letter dated March 13, 2006.
- 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 opinion.
- 12) Other necessary easements.

SITE DESCRIPTION:

The property, identified as Lot 1 and Lot 2 (Subject Property), was approved as part of the subdivision entitled Block 1, 2, and 3 Plumgar which was recorded in 1949. The Subject Property is located at the northeast quadrant of the intersection of Frederick Road (MD 355) and Scenery Drive (Attachment A). The Subject Property contains 1.16 acres and is zoned C-1.

PROJECT DESCRIPTION:

This is a preliminary plan application to create one (1) lot for the construction of a 4,100 square foot bank with four (4) drive-thru aisles (Attachment B). Access to the site will be from Scenery Drive with an exit only on Frederick Road (MD 355), unless otherwise amended by the State Highway Administration (SHA). The property contains no environmental features and is exempt from forest conservation.

DISCUSSION:

Master Plan Compliance

The Germantown Master Plan does not specifically identify the Subject Property, but includes it within the Middlebrook Village analysis area. The Middlebrook Village analysis area is a combination of C-1 and C-3 zoning with predominantly convenience retail and some auto-related uses. The plan recommends retaining the existing zoning. The proposed preliminary plan complies with the recommendations adopted in the master plan in that it proposes the convenience commercial drive-thru bank.

In addition to the Germantown Master Plan, the proposed development must comply with the Germantown Streetscape Concept Plan (March 1984). The plan includes streetscape guidelines that encourage pedestrian, landscaping and lighting treatments that are feasible within available space. The plan proposes a sidewalk along MD 355, with appropriate lawn strip and street trees, to provide pedestrian access to the residential projects along Scenery Drive and the Fox Chapel retail center.

Transportation

Site Location and Pedestrian/Vehicular Access

The site is located east side of Frederick Road and north of Scenery Drive with vehicular access from both roadways. The site will gain a right in and right out only access from Scenery Road and an egress from Frederick Road.

The Maryland State Highway Administration approval allows only traffic egress from the site onto Frederick Road. However, staff will be seeking approval from SHA for allowing this access point to operate as a right in and right out only access, as opposed to one way out. Staff believes the option for traffic to enter the site from Frederick Road facilitates much better circulation and dispersal of traffic on the two major roadways intersecting at this location.

The applicant will provide 5-foot wide sidewalks on both Frederick Road and Scenery Drive with appropriate lead-in sidewalks connecting to the internal walkways. There are existing crosswalks along the southern and western legs of the intersection of Frederick Road and Scenery Drive. Staff believes vehicular and pedestrian access will be safe and sufficient upon implementation of the recommended improvements stated for this application.

Roadway Classifications

Frederick Road is classified as a Major Highway (M-6) with a recommended right-of-way of 150 feet with a shared-used path on the opposite side of the street and sidewalks on both sides.

Scenery Drive is classified as an Arterial Roadway with a recommended right-of-way of 100 feet with sidewalks on both sides.

Local Area Transportation Review (LATR)

A traffic study was submitted to satisfy Local Area Transportation Review and to determine the impact of the proposed development on the area transportation system. The site is projected to generate 41 and 108 new trips, and 37 and 96 pass-by trips during typical peak hours in the morning and evening peak periods, respectively. A total of five intersections were identified in the study area for analysis with this development. Trips from the Subject Property were added to the existing and background traffic (trips from approved but un-built developments) to form the total future traffic condition. Traffic was assigned to the five intersections and the results show all intersections will operate within the congestion standard of 1,450 Critical Lane Volume for the Germantown-Clarksburg Policy Area. The following table shows the result of Critical Lane Volume analysis for these intersections.

Results of Intersection Capacity Analysis

Intersection	Congestion Standard ¹	Peak Hour	Existing	Background	Total Future
MD 355/Archdale Road	1,450	Morning	715	741	745
		Evening	694	719	727
MD 355/ Site Access	1,450	Morning	NA	NA	782
		Evening	NA	NA	903
MD 355/Scenery Drive	1,450	Morning	865	891	906
		Evening	889	920	1006
MD 355/ Plummer Drive	1,450	Morning	999	1026	1029
		Evening	1002	1034	1044
Scenery Drive/Site access	1,450	Morning	NA	NA	116
		Evening	NA	NA	199

As shown in the above table, all intersections operate within the congestion standard of 1,450 CLV for this area and, therefore, the application passes LATR.

Environmental

There are no environmentally sensitive features on the Subject Property. The property was granted an exemption from forest conservation on January 4, 2006 with a condition requiring a tree save plan.

There are 13 trees which are 24 inches and greater in diameter at breast height (DBH) on the Subject Property. Only five (5) of these trees are in good condition. Based on the location of the trees on the Subject Property, it is impossible to save any of the specimen trees. However, the applicant has submitted a tree save plan that ensures survival of all trees on the adjoining properties. This will be accomplished by pulling the limits of disturbance away from the property line and using retaining walls to limit disturbance to the critical root zones of the trees on the adjoining properties. Tree protection fencing and root-pruning is also shown to protect the trees.

Community Outreach

This plan submittal pre-dated new requirements for a pre-submission meeting with neighboring residents, however, written notice was given by the applicant and staff of the plan submittal and the public hearing. As of the date of this report, no citizen correspondence has been received.

ANALYSIS

Staff's review of Preliminary Plan #120060840, Commerce Bank Germantown II, indicates that the plan conforms to the Germantown Master Plan. The proposed preliminary plan is consistent with the master plan goal to maintain existing commercial uses in the Middlebrook Village analysis area. Staff also finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations as demonstrated in the Data Table (Attachment C), in that public facilities will be adequate to support and service the area of the proposed subdivision. Staff further finds that the size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision.

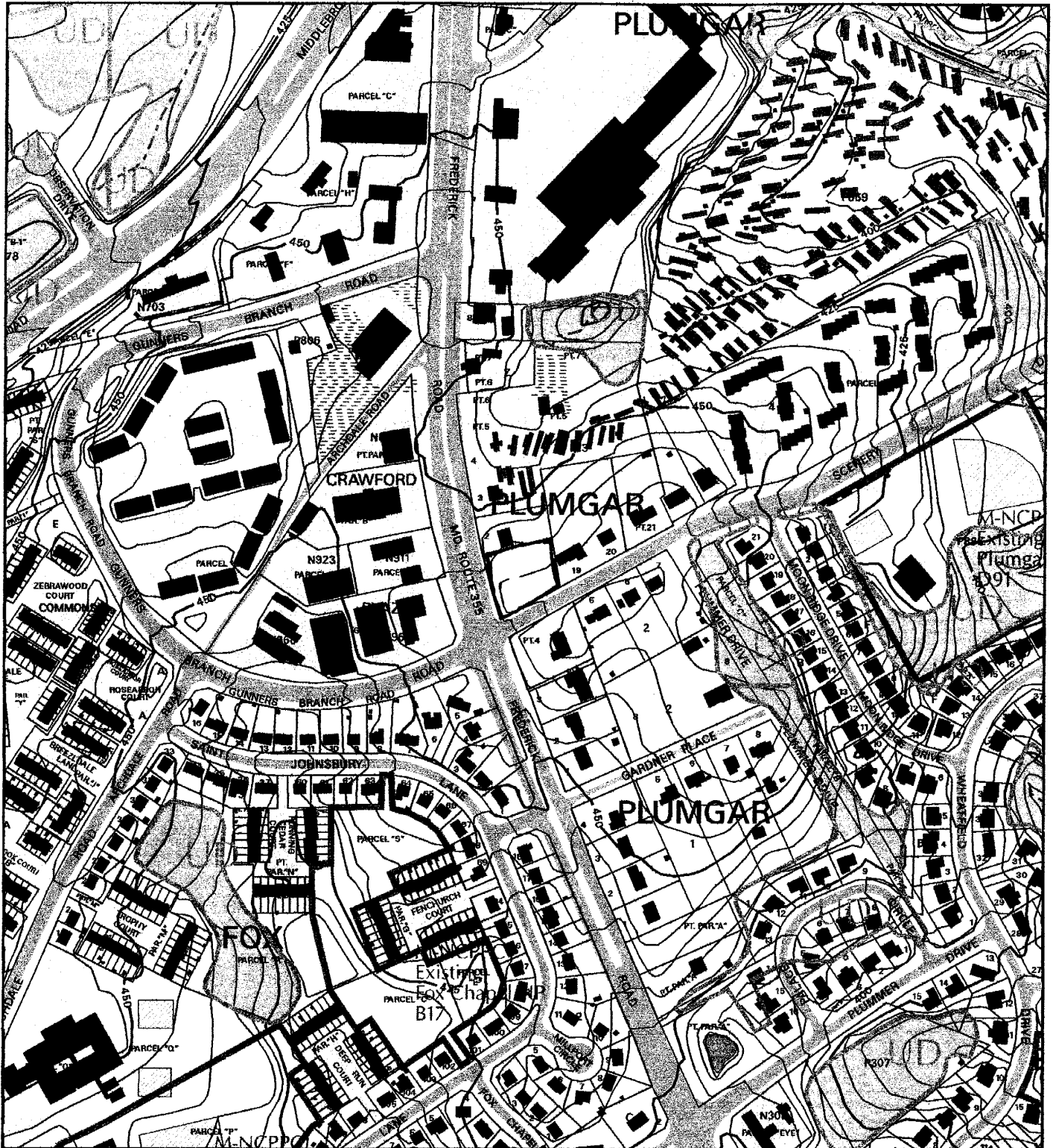
CONCLUSION:

Staff concludes that Preliminary Plan #120060840, Commerce Bank Germantown II, conforms to the Germantown Master Plan and meets all necessary requirements of the Subdivision Regulations. The plan was reviewed by all applicable agencies and they have recommended approval (Attachment D). As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Preliminary Plan
Attachment C	Data Table
Attachment D	Agency Correspondence

COMMERCE BANK GERMANTOWN II (120060840)



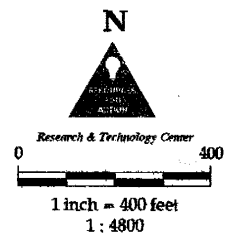
Map compiled on March 07, 2006 at 3:38 PM | Site located on base sheet no - 227NW11

NOTICE

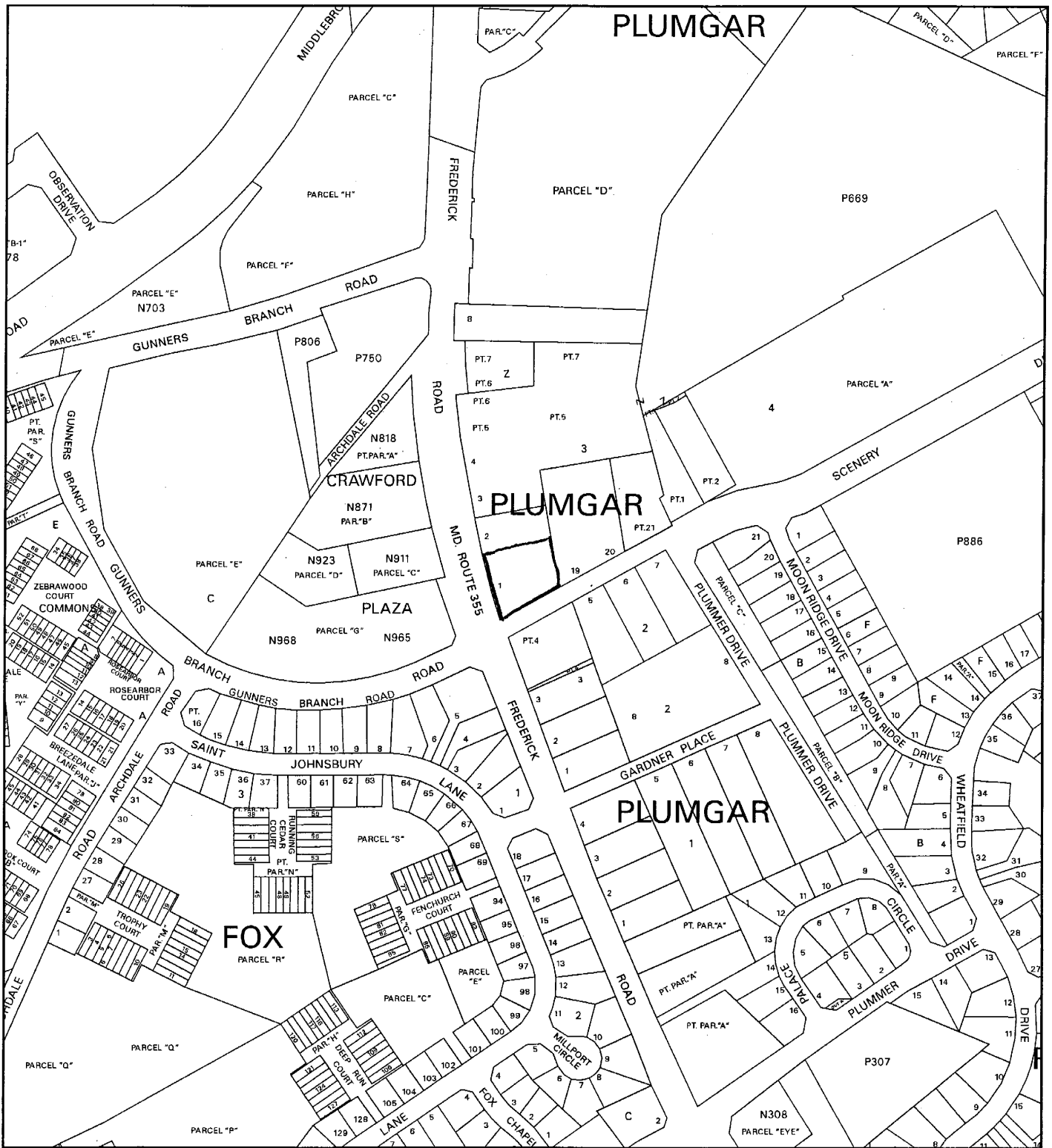
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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998



COMMERCE BANK GERMANTOWN II (120060840)



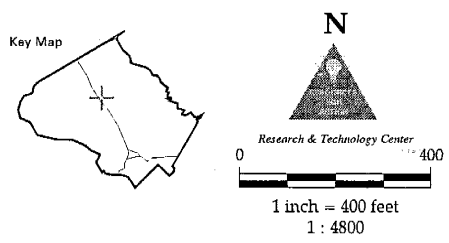
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Preliminary Plan Data Table and Checklist

Plan Name: Commerce Bank Germantown II				
Plan Number: 120060840				
Zoning: C-1				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: one 4,100 square foot bank with four (4) drive-through windows				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	Not specified	44,090 sq.ft.	<i>Dud</i>	May 26, 2006
Lot Width	Not specified	--	<i>Dud</i>	May 26, 2006
Lot Frontage	Not specified	--	<i>Dud</i>	May 26, 2006
Setbacks				
Front	10 ft. Min.	Must meet minimum	<i>Dud</i>	May 26, 2006
Side	12ft. Min. / 25 ft. total	Must meet minimum	<i>Dud</i>	May 26, 2006
Rear	10 ft. Min.	Must meet minimum	<i>Dud</i>	May 26, 2006
Height	30 ft. Max.	May not exceed maximum	<i>Dud</i>	May 26, 2006
Max Comm'l s.f. per Zoning	Not specified	4,100 square feet	<i>Dud</i>	May 26, 2006
Site Plan Req'd?	No	No	<i>Dud</i>	May 26, 2006
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes	Yes	<i>Dud</i>	May 26, 2006
Road dedication and frontage improvements	Dedication	Yes	DPWT/ SHA	May 1, 2006/ April 19, 2006
Environmental Guidelines	Yes	Exempt	Environmental Planning	May 25, 2006
Forest Conservation	Yes	Exempt	Environmental Planning	May 25, 2006
Master Plan Compliance	Yes	Yes	Community Based Planning	March 10, 2006
Other				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Yes	DPS	March 27, 2006
Water and Sewer (WSSC)	Yes	Yes	WSSC	March 13, 2006
Local Area Traffic Review	Yes	Yes	Transportation Planning	May 22, 2006
Fire and Rescue	Yes	Yes	MCFRS	March 13, 2006

AGENCY
CORRESPONDENCE



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**
Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Cathy Conlon, Supervisor, Development Review

FROM: Mark Pfefferle, Planning Coordinator, Environmental Planning *MP*

DATE: May 25, 2006

SUBJECT: Preliminary Plan 120060840
Commerce Bank Germantown II

The Environmental Planning staff reviewed the preliminary plan referenced above. Staff recommends approval of the preliminary plan of subdivision with the following conditions:

1. Compliance with the tree save plan dated May 24, 2006.

The subject site is located at the intersection of Scenery Drive and Frederick Road in Germantown. There are no structures on the subject site. There are no environmentally sensitive features on the subject site. The site was granted an exemption from forest conservation on January 4, 2006 with a condition requiring a tree save plan.

There are 13 trees 24 inches and greater dbh on the subject site. Only 5 of these trees are in good condition. Based on the location of the trees and the development program for the subject site it is impossible to save any of the specimen trees. The applicant has submitted a tree save plan that ensures survival of all trees on the adjoining properties. They will accomplish this by pulling the limits of disturbance away from the property line and using retaining walls to limit disturbance to the critical root zones of the trees on the adjoining properties. Tree protection fencing and root-pruning is also shown to protect the trees.

Environmental Planning staff recommends approval of the preliminary plan of subdivision.

WSSC Comments on Items for March 13, 2006
 Development Review Committee Meeting

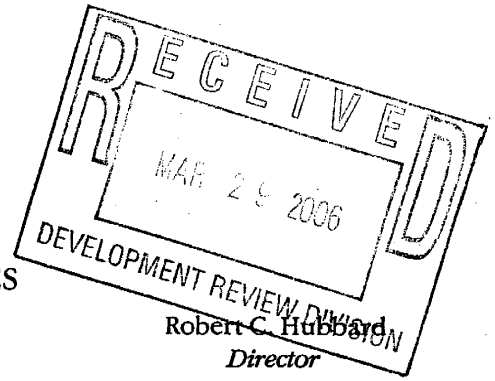
<p>120060840</p>	<p>Commerce Bank Germantown II</p>	<p><u>WATER AVAILABLE</u> An existing 12-inch water main in Scenery Drive abuts the subject property. A connection can be made directly to this main to obtain water service. Do not connect to the existing 24-inch water main in Frederick Road</p> <p><u>SUBMIT ON-SITE PLAN</u> Submit on-site plans for water lines greater than 2 inches or sewer lines greater than 4 inches (to the One-Stop-Shop). A professional engineer registered in Maryland must prepare plans. Plans must conform to W/S Design Standards.</p> <p><u>HYDRAULIC INFORMATION REQUIRED</u> For commercial, industrial or public type buildings, to include apartment designs, fire sprinkler system hydraulic data, including estimated flow rate in gallons per minute and building top and lowest floor elevations, are required by WSSC.</p> <p><u>PUBLIC SEWER MAIN EXTENSION REQUIRED</u> A gravity sewer extension is required to provide sewer service to this project. Accordingly, a system extension permit must be obtained from the Development Services Group. Delineate alignment of proposed sanitary sewer extension on preliminary plan.</p> <p><u>HYDRAULIC PLANNING ANALYSIS REQUIRED</u> To begin the process of obtaining a system extension permit, a detailed hydraulic planning analysis must be performed. Submit hydraulic planning analysis request form, hydraulic modeling fee and 4 copies of 200' scale sketch for WSSC to perform modeling.</p> <p><u>COMPLETE ENVIRONMENTAL QUESTIONNAIRE AND CONDUCT CONTAMINATION DATABASE SEARCH</u> You must complete and submit an Environmental Questionnaire. A contamination database search, conducted pursuant to ASTM Standard E-1527, is also required under one of the following options:</p> <ol style="list-style-type: none"> 1. You may submit the database search conducted by a professional in good standing, and complete the enclosed Database Search Summary; or
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DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

March 27, 2006



Mr. Mark Hoffman
Bohler Engineering, P.C.
22630 Davis Drive, Suite 200
Sterling, VA 20164

Re: Stormwater Management **CONCEPT** Request
for Commerce Bank Germantown
Preliminary Plan #: 120060840
SM File #: 223897
Tract Size/Zone: 1.01ac.
Total Concept Area: 1.01ac.
Lots/Block: 1/3
Parcel(s): P1&P2
Watershed: Great Senca Creek

Dear Mr. Hoffman:

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 Stormfilter and pretreatment provided in a Hydrodynamic device. Recharge will be provided in drywells. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **conditions** 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.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this



office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Blair Lough at 240-777-6335.

Sincerely,



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

RRB:dm bli

cc: C. Conlon
S. Federline
SM File # 223897

QN - on-site; Acres: 1.0
QL - on-site; Acres: 1.0
Recharge is provided



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

April 19, 2006

Re: Montgomery County
MD 355
Germantown Commerce Bank
File # 1-20060840

Mr. Shahriar Etemadi
Transportation Coordinator
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Etemadi:

Thank you the opportunity to review the Traffic Impact Study Report by Wells & Associates, LLC dated January 13, 2006 (received by the EAPD on March 20, 2006) that was prepared for the proposed Germantown Commerce Bank development in Montgomery County, Maryland. The Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the 4,100 square foot Bank was proposed in the report from one (1) right-in/right-out site access driveway on northbound MD 355 and one (1) full movement site access driveway on Scenery Drive. Due to the proximity of the proposed right-in/right-out driveway on northbound MD 355 to the MD 355/Scenery Drive intersection (and availability of a full movement driveway on Scenery Drive), the site driveway on northbound MD 355 must be redesigned to only allow right-out traffic movements.
- The traffic consultant determined that the proposed development would not cause any studied intersection to exceed the congestion standard within the Germantown-Clarksburg Policy Area (CLV less than 1,450) as established by the M-NCPPC.
- The applicant must submit a sight distance evaluation on SHA worksheets for the right-out only egress to MD 355.
- All the work within MD 355 rights-of-way is subject to the terms and conditions of an access permit which must be received from this office.

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

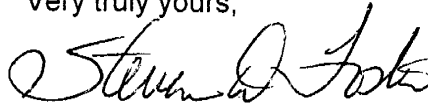
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

Mr. Shahriar Etemadi
Page 2 of 2

In conclusion, SHA concurs that the proposed development will not cause any studied intersection to exceed the Germantown-Clarksburg Policy Area congestion standard threshold as established by the M-NCPPC. Unless specifically indicated in SHA's response on this report, the comments contained here do not supersede previous comments made on this development application. If there are any questions on any issue requiring a permit from SHA on this application, please contact Raymond Burns at (410) 545-5592 or RBurns1@sha.state.md.us.

If you have any questions regarding the enclosed traffic report comments, please contact Larry Green at (410) 995-0090 x20.

Very truly yours,



Steven D. Foster, Chief
Engineering Access Permits Division

cc: ~~Ms.~~ Catherine Conlon, M-NCPPC Montgomery County
Mr. Ed Axler, M-NCPPC Montgomery County
Mr. Raymond Burns, SHA Engineering Access Permits Division
Mr. Joseph Finkle, SHA Travel Forecasting Section
Mr. Bob French, SHA Office of Traffic & Safety
Mr. Larry Green, Daniel Consultants, Inc.
Ms. Lindsay Helms, Wells & Associates, LLC
Mr. Jeff Wentz, District 3 Traffic Engineering

**WSSC Comments on Items for March 13, 2006
Development Review Committee Meeting**

		<p>2. You may request WSSC to conduct the database search at least 30 days prior to the submission of the Review for System Integrity Package and submit a Database Search Fee, currently \$100.00. A Database Search Request Form is enclosed for your convenience; or</p> <p>3. You may submit a Phase I Environmental Site Assessment (ESA) report conducted in accordance with ASTM Standard E-1527 by a professional in good standing.</p> <p>You are encouraged to provide this information as early as possible, but it must be submitted no later than with the design package for review purposes. WSSC reserves the right to require additional investigations. At your request, WSSC may provide conditional approval of your design prior to complete resolution of contamination concerns if you accept any and all risks associated with such conditional approval. In all cases, release for service will not be issued until all contamination impacts are completely resolved.</p>
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FIRE MARSHAL COMMENTS

DATE: 3-13-06
TO: PLANNING BOARD
VIA:
FROM: CAPTIN JOHN FEISSNER 240 777 2436
RE: APPROVAL OF ~ *COMMERCE BANK #1-20060840 SEE COMMENT BELOW*

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 3-13-06 . Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Note, Make sure a Fire Hydrant is within 400' of building measured along path of Fire department travel..



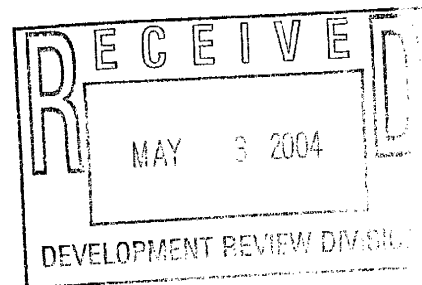
DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

May 1, 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 #1-20060840
Commerce Bank Germantown II

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 4/11/06. An older version of this plan was reviewed by the Development Review Committee at its meeting on 3/13/06. 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 Scenery Drive and Frederick Road in accordance with the Master Plan and standard truncation at the corner of the aforementioned streets intersection.
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. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided along the site frontage.
5. 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

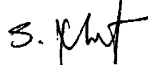
6. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
7. The parking lot travel lanes are to be designed to allow a WB-50 truck to circulate without crossing the centerline nor the curbline.
8. The 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. 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.
13. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Scenery Drive, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
14. Access and improvements along Frederick Road (MD 355) as well as intersection of Frederick Road and Scenery Drive 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.
17. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.

Ms. Catherine Conlon
Preliminary Plan No. 1-20060840
Date May 1, 2006
Page 3

18. Please coordinate with DPWT division of Transit Services about their requirements and project impacts on their network.
19. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. On Scenery Road, construct five (5) foot wide concrete sidewalk along the site frontage.
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
 - D. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

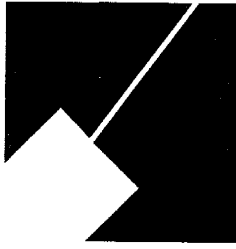
Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section
Division Of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20060840, Commerce Bank Germantown II.doc

cc: Robert Garrison
Jason LaVeglia, Commerce Bank
Daniel Duke, Bohler Engineering
Jody Kline, Miller, Miller & Canby
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Raymond Burns, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book



March 10, 2006

TO: Catherine Conlon, Supervisor
Development Review Division

FROM: Sue Edwards, Team Leader (301-495-4518) *SE*
Community Based Planning Division

SUBJECT: Commerce Bank (Preliminary Plan #120060840)

Master Plan Conformance

The Germantown Master Plan (1989) includes this property within the Middlebrook Village analysis areas; there are no specific land use recommendations for this property (Vicinity Map). The Plan describes the Village Center as "a large retail area which is located on both sides of MD 355 (Frederick Road) between Middlebrook Road and Scenery Drive [to the east] and Gunners Branch [to the west of MD 355]. This area is a combination of C-1 and C-3 zoning. Approximately 75 percent of the area is either developed or under construction. The uses in the Village Center will be predominantly convenience retail with some auto-related uses." (page 73).

In addition to the Germantown Master Plan, the proposed development must conform to the Germantown Streetscape Concept Plan (March 1994). The document contains written guidelines and a concept drawing illustrating how the guidelines apply to Village Centers (page 14). "The streetscape guidelines deal primarily with pedestrian, landscaping and lighting treatments that are appropriate and feasible within the available space of the master plan. It does not address road alignment, width of right-of-way and function of the road since these issues were determined by the master plan." (page 4)

Achieving this streetscape will improve pedestrian safety and access by placing the sidewalk between the property line and a lawn strip approximately 10-feet wide. Improving pedestrian access and safety along MD 355 with a pedestrian connection between the residential projects along Scenery Drive and the Fox Chapel retail center.

Adjacent Development

A Special Exception for a major home occupation (S-2594) was granted in March 2004 at 19413 Frederick Avenue, Germantown, MD at the corner of Scenery Drive and MD 355/Frederick Road. The applicant operates a small, independent insurance agency with two employees in a residential unit that has been modified for office use. Several property owners on Scenery Drive opposed the major home occupation. The applicant should meet with these property owners before the item is scheduled before the Planning Board. Contact information for these residents is enclosed.

The Middlebrook Mobile Home Park adjoins the subject property to the north. The Master Plan applied a mix of residential zones to this property. Community Based Planning staff are aware of several inquiries as to abandonment of the mobile home use for more intensive residential development. The property owner is Mr. Rao K. Vajjhala of 8935 River Island Drive, P.O. Box 312, Savage, MD 20763. Mr. V's phone number is 240-475-7554.

Community Concerns

This item has not been reviewed by either of the principal civic organizations in Germantown, the Germantown Alliance or the Germantown Citizens Association. In the past, these groups have commented on commercial projects to achieve lower light levels. Given the hours and days of operation, the applicant may want to minimize proposed lighting levels where adjacent to residential properties.

4.0 PROPOSED STREETScape GUIDELINES

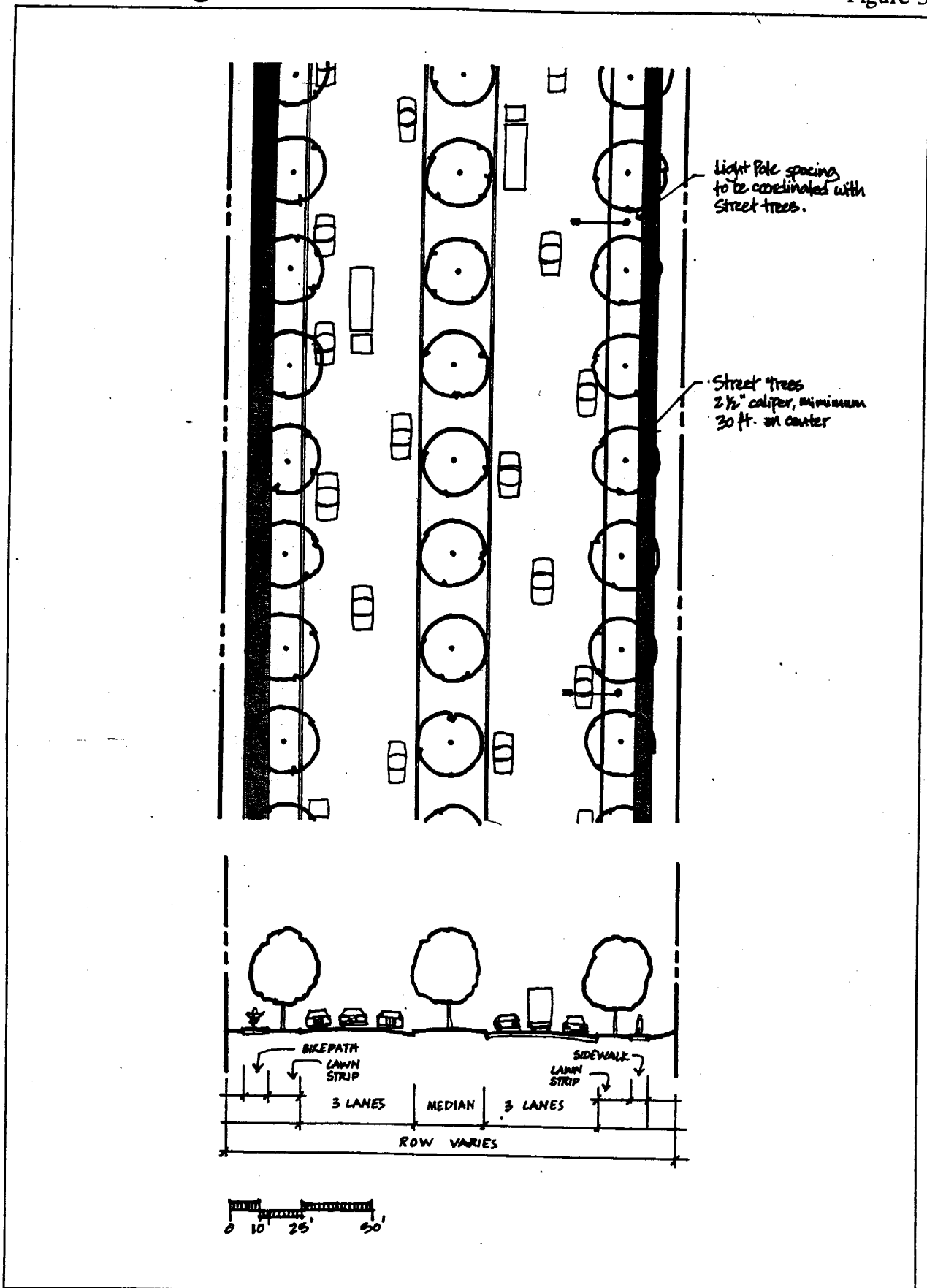
This section provides guidelines regarding tree spacings, pavement material, street lighting, and other streetscape. The level of information is intended to guide development of streetscape plans without specifying actual materials.

4.1 Guidelines for Specific Areas (See Figures 3 - 12)

1. Village Centers:
 - o Plant a single row of 2 1/2 inch caliper shade trees in lawn panels at 30 feet on-center, with a double row of trees provided within approximately 200 feet of intersections. (See Fig. 5.)
 - o In medians, plant a single row of 2 1/2 inch caliper shade trees 30 feet on center.
 - o Provide concrete sidewalks and asphalt bike trails along roadways except where storefront commercial or mixed use development directly fronts the local private or public internal streets. Provide special unit pavers in such situations.
 - o Provide County standard lighting along major roadways except for local internal streets where special lighting shall be provided.
 - o Provide a moderate level of pedestrian amenities adjacent to development that includes public seating, special trash receptacles and landscaped planters.
 - o For Village Centers such as Clopper, Kingsview and Gunner's Lake which are bordered by major highways, special streetscape treatment should be confined to those roadways which directly serve the centers, such as the arterials and internal streets. Village Centers such as Middlebrook, which are bisected by major highways, should receive special streetscape treatment along the highways in addition to the internal streets.
2. Roadways Adjacent to Woodlands and Open Areas
 - o Plant 2 1/2 inch caliper mixed hardwoods and 5 to 6 foot high evergreens in naturalized groves and in amounts comparable to a 45-foot on-center spacing pattern for the majority of roadways. However, for Great Seneca Highway which does not have any landscaping for the majority of the road, increase the amount of plant material comparable to a 30 foot on-center spacing pattern. Aforestation also may be allowed within the ROW if acceptable to MCDOT to supplement the naturalized character of adjacent, existing woodland.
 - o Provide asphalt pathways to achieve an informal character.
 - o Provide street lighting with high mount poles and cut off fixtures in a manner which is coordinated with the naturalized landscaping. If safety standards require increased lighting for pedestrian usage, pedestrian scaled lighting on separate

Major Highways Within Village Centers

Figure 3



Germantown Streetscape Concept Plan and Guidelines

recommends additional paving to the rear of the residence in an area enclosed by a fence. If this paving is provided, a waiver of side yard parking would not be necessary. If this new paved area is not provided, staff supports a waiver of this requirement.

Transportation Memo

The technical review by transportation planning staff is included as Attachment B. The subject site is located in the East Germantown Policy Area where there is job staging capacity available.

Vehicular and Pedestrian Safety

Staff has discussed vehicular safety for vehicles entering Scenery Drive from the home occupation driveway as part of the Landscape Plan. Other residents in the vicinity (Mr. Smith at 19510 Scenery Drive and Mrs. Elder at 19531 Scenery Drive) have spoken to staff about sidewalks lacking on the north side of Scenery Drive. Pedestrians walking to the Fox Chapel Shopping Center on MD 355 will walk in the street on the north side rather than follow the sidewalks on the south side and cross Scenery Drive to head north on MD 355.

Scenery Drive is 35 feet wide from curb to curb as measured by the applicant. This allows for two 12-foot wide travel lanes with one lane available for on-street parking. Mr. Smith presented a photograph where parking takes place on both sides of the street which forces a car heading east on Scenery Drive to cross the double yellow line.

Staff recommends on-street parking be restricted to the frontage along the applicants property. The applicant should communicate the parking restriction to all clients, delivery services, utility and maintenance service workers, construction workers, and other visitors to the site that the applicant controls through telephone appointments. The additive effect of service workers to the residence and clients and workers of the home occupation should not create unsafe conditions for pedestrians and vehicles in the residential neighborhood.

Location of Residents Providing Comment Letters

Attachment C depicts the address locations of property owners providing comment on this case.

A	Ben Lewis	19511 Scenery Drive (non-resident)
B	The Slugars	Frederick Road (non-resident)
C	The Smiths	19510 Scenery Drive
D	Mrs. Elder	19531 Scenery Drive

Mr. And Mrs. Smith are long-time residents who are most directly impacted by the home occupation as it currently operates and also by the requested change

to a home occupation, major. They commented to staff that patrons or service workers to the subject property have blocked their driveway by on-street parking and have used their driveway to turn around after backing down the subject driveway to head east on Scenery Drive.

Mr. And Mrs. Smith have also expressed concern that the home occupation will continue to expand with the additional employee so that more patrons are seen on a daily basis or that new business lines such as auto insurance adjustment (inspecting damaged automobiles) will be included.

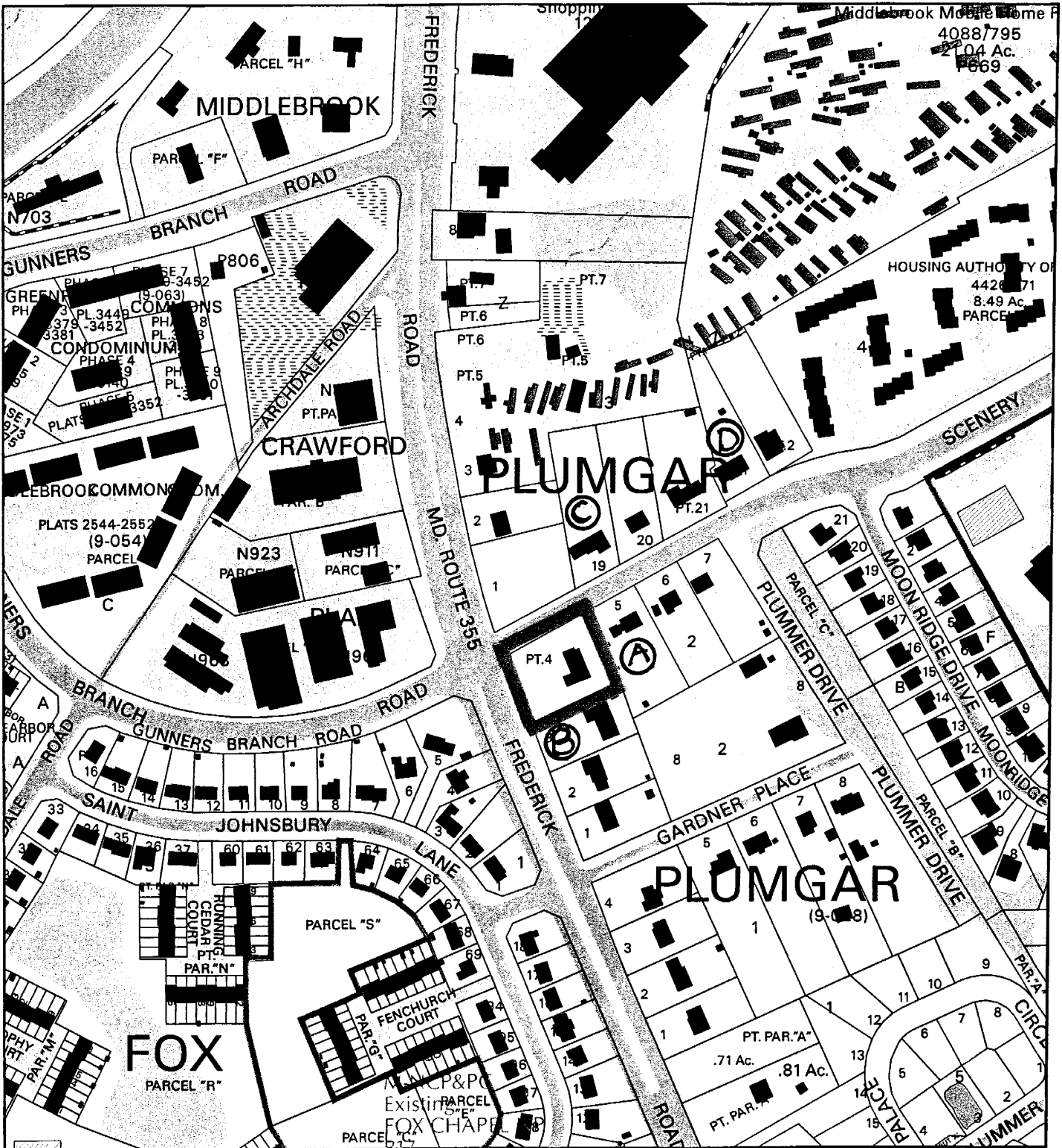
Time Duration for Special Exceptions

Section 59-G-2.29 (n) states that a special exception for a major home occupation is granted for a two-year period and the special exception may be renewed if it is operated in compliance with the findings and the conditions of the Board in the initial grant and satisfies the compliance procedures specified by Section 59-G-1.3...

This section of the Montgomery County Zoning Ordinance was incorrectly cited in the February 13, 2004 staff report.

G:Edwards/S-2594.homeocc.supplemental.doc

SPECIAL EXCEPTION #2594 (SURROUNDING PROPERTIES)



Map compiled on March 31, 2004 at 5:36 PM | Site located on base sheet no - 227NW11

NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



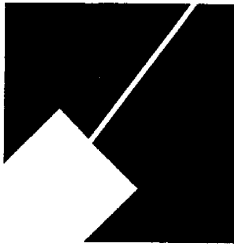
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Research & Technology Center



1 inch = 300 feet
 1:3600



May 22, 2006

MEMORANDUM

TO: Delores Kinney, Planner/Coordinator
Development Review Division

FROM: Shahriar Etemadi, Supervisor
Transportation Planning

SUBJECT: Preliminary Plan No. 1-20060840
Commerce Bank Germantown II

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject preliminary plan.

RECOMMENDATIONS

To support the approval of this application for preliminary plan, Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of this application:

1. Limit the preliminary plan to 4,100 square feet of bank with a maximum four drive through banking lanes.
2. Dedicate 50 feet of right-of-way from the centerline of Scenery Drive for a total of a 100-foot right-of-way width required for this Arterial roadway.
3. Design and construct the access point from Frederick Road to allow for egress only to the site as required by Maryland State Highway Administration (SHA), unless otherwise amended by SHA.
4. Provide for lead-in sidewalks from Frederick Road and Scenery Drive into the site's internal walkways.
5. Provide a five-foot sidewalk along the frontage of the property on Scenery Drive.

6. Provide Handicapped ramps at all curbs surrounding the site.
7. Provide two inverted “U” bike racks for four bike parking spaces in front of the bank.
8. Satisfy all requirements by SHA and Department of Public Works and Transportation.

DISCUSSION

Site Location, Pedestrian, and Vehicular Access

The site is located east side of Frederick Road and north of Scenery Drive with vehicular access from both roadways. The site will gain a right in and right out only access from Scenery Road and an egress from Frederick Road.

The Maryland State Highway Administration has approved to allow only for the traffic to egress from the site onto Frederick Road. **However, upon further review, staff will seek approval of SHA for allowing the access point on Frederick Road to operate as a right in and right out only access as opposed to one way out only. Staff believes the option for traffic to also enter the site from Frederick Road helps with a much better circulation and dispersing of traffic on the two major roadways intersecting at this location. Staff will recommend the option of right in and right out from Frederick Road with appropriate deceleration lane to be further pursued and if approved by SHA, the change will be implemented prior to issuance of access permit.**

The applicant will provide five-foot sidewalks on both Frederick Road and Scenery Drive with appropriate lead-in sidewalks connecting to the internal walkways. There are existing crosswalks along southern and western legs of the intersection of Frederick Road and Scenery Drive. Staff believes vehicular and pedestrian access will be safe and sufficient upon implementation of recommended improvements stated for this application.

Roadway Classifications

Frederick Road is classified as a Major Highway (M-6) with recommended 150 feet of right-of-way with a shared-used path on the opposite side of the street and sidewalks on both sides.

Scenery Drive is classified as an Arterial Roadway with recommended 100 feet of right-of-way with sidewalks on both sides.

Local Area Transportation Review

A traffic study was submitted to satisfy Local Area Transportation Review (LATR) and to determine the impact of the proposed development on area transportation system. The site is projected to generate 41 and 108 new trips and 37 and 96 Pass-by trips during a typical peak hour in the morning and evening peak periods respectively. Total of five intersections were identified in the study area for being effected as the result of this development. Site trips were added to the existing and background traffic (trips from approved but unbuilt developments) to form the total future traffic condition. Traffic was assigned to the five intersections and the result shows all intersections will

operate within the congestion standard of 1,450 Critical Lane Volume for the Germantown-Clarksburg Policy Area. The following table shows the result of Critical Lane Volume (CLV) analysis for these intersections.

Results of Intersection Capacity Analysis

Intersection	Congestion Standard ¹	Peak Hour	Existing	Background	Total Future
MD 355/Archdale Road	1,450	Morning	715	741	745
		Evening	694	719	727
MD 355/ Site Access	1,450	Morning	NA	NA	782
		Evening	NA	NA	903
MD 355/Scenery Drive	1,450	Morning	865	891	906
		Evening	889	920	1006
MD 355/ Plummer Drive	1,450	Morning	999	1026	1029
		Evening	1002	1034	1044
Scenery Drive/Site access	1,450	Morning	NA	NA	116
		Evening	NA	NA	199

As shown in the above table, all intersections operate within the congestion standard of 1,450 CLV for this area and therefore, the application passes the LATR guidelines.

SE/gw

mno to Kinney re Commercebank 120060840