

APR 19 2012



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 12-20
Preliminary Plan No. 120110350
BB&T Bank Kensington-Wheaton
Date of Hearing: February 16, 2012

RESOLUTION

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

WHEREAS, on June 16, 2011, BB&T Bank ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create two (2) lots on 0.89 acres of land, zoned C-T, located at the northeast corner of the intersection of University Boulevard West and Valley View Avenue ("Property" or "Subject Property"), in the 2011 Wheaton CBD and Vicinity Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120110350, BB&T Bank Kensington-Wheaton ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 3, 2012, setting forth its analysis, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 16, 2012, the Planning Board held a public hearing on the Application (the "Hearing"), and at the Hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 16, 2012, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Anderson, seconded by Commissioner Presley, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfus, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120110350 to create two (2) lots on the Property, subject to the following conditions:

Approved as to
Legal Sufficiency:

8787 Georgia Avenue

Christina S. Smith 4/5/12

MNCPPC Legal Department

Chairman's Office: 301.495.4605

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1. Approval is limited to 2 lots for a 4,080 square foot bank, with a detached 4-lane drive-through canopy.
2. The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by contributing to the Montgomery County Department of Transportation (MCDOT) \$58,500 (\$11,700 for each of the five new peak-hour trips) for transportation infrastructure improvement(s) within the greater Kensington/Wheaton Policy Area. The PAMR payment must be made prior to issuance of any building permit.
3. The Applicant must dedicate, and the record plat must reflect, the Sector Plan recommended 120-foot right-of-way (60 feet from centerline) for University Boulevard West as shown on the Preliminary Plan.
4. The Applicant must dedicate, and the record plat must reflect, the required right-of-way for truncation at the corner of University Boulevard West and Valley View Avenue as shown on the Preliminary Plan.
5. The Applicant must enter into a Traffic Mitigation Agreement with the MCDOT and the Planning Board when the Wheaton CBD Traffic Management District is established.
6. The Applicant must provide the following pedestrian and bicycle improvements:
 - a. An upgraded six-foot wide sidewalk with an eight-foot wide green panel along the University Boulevard West frontage and tie the relocated sidewalk into the existing adjacent sidewalk.
 - b. A five-foot wide sidewalk with a five-foot green panel along the Valley View Avenue frontage.
 - c. Five-foot wide lead-in sidewalks from University Boulevard West and Valley View Avenue.
 - d. Pedestrian handicapped ramps across the proposed curb cuts from University Boulevard West and Valley View Avenue.
 - e. Two inverted-U bike racks at each of the two bank entrances to accommodate short term bicycle parking.
7. The Applicant must comply with the conditions of approval of the Forest Conservation Exemption letter dated December 16, 2011.
8. The Applicant must comply with the conditions of approval of the Montgomery County Fire and Rescue Service (MCFRS) letter dated December 30, 2011. These conditions may be amended by MCFRS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. The Applicant must comply with the conditions of approval of the MCDOT letter dated December 9, 2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
10. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management concept approval letter dated December 1, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the

Preliminary Plan approval.

11. The Applicant must satisfy provision for access and improvements as required by MCDOT prior to recordation of plat(s), as applicable.
12. The Applicant must satisfy provisions for access permits as required by the Maryland State Highway Administration (SHA).
13. No clearing, grading, or recording of plats prior to certified site plan approval.
14. The Certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
15. The Adequate Public Facilities (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
16. All necessary easements must be shown on the Record Plat.

BE IT FURTHER RESOLVED, that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor(s) in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, 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 Sector Plan.*

The 2011 Wheaton CBD and Vicinity Sector Plan has specific recommendations for the Property and other nearby commercial properties that are located along University Boulevard West and adjacent to an existing single-family neighborhood. The Sector Plan recommends new uses adjacent to, or across the street from, existing houses in the abutting neighborhood which are carefully designed to be compatible in scale and character with the existing residential development. The Sector Plan further recommends low-intensity office or residential development for the Property.

As reflected in the architectural drawings provided as part of the relevant Site Plan, the Applicant has designed the bank in a way that meets the Sector Plan objectives

to preserve the scale and character of the existing residential development. The bank is modest in size, and the façade will be constructed in a way to make the bank appear as a single-family dwelling that has been converted to commercial use.

Although the Property is currently zoned C-T, the recommended zoning for the Property is CRN1.0 C0.25 R1.0 H45. The development meets the density, height, and development standards of the C-T and the recommended zone.

Therefore, the Planning Board finds the Preliminary Plan is in substantial conformance with the Sector Plan.

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

Site Location and Vehicular Site Access Points

The Subject Property is located in the northeast corner of the intersection of University Boulevard West and Valley View Avenue. The Preliminary Plan replaces the two existing curb cuts from University Boulevard West with one vehicular access point limited to right-turns-in and right-turns-out only. It also modifies the existing access from Valley View Avenue and continues to permit all turning movements in and out of the site.

On-Site and Off-Site Circulation

Internal circulation is adequate with two-way drive aisles to access the on-site parking and the four drive-through windows. The drive-through windows are designed with an on-site queuing capacity of 12 total vehicles and a by-pass lane around the drive-through windows. The traffic circulation leaving the drive-through windows is designed to encourage these vehicles to turn right out of the site onto westbound University Boulevard West and minimize bank generated traffic exiting onto Valley View Avenue.

It is anticipated that off-site circulation to and from the bank site will occur almost entirely to and from University Boulevard West with the minimal local traffic traveling to and from the residential communities to the north. It appears that only local traffic would travel to and from the north on Valley View Avenue. Use of Valley View Avenue between University Boulevard West and Connecticut Avenue (MD 185) is possible but non-local traffic would have to travel over $\frac{3}{4}$ of a mile and take a very circuitous route involving turns onto seven different local residential streets to get from University Boulevard West to Connecticut Avenue.

Transportation Demand Management

A traffic mitigation agreement is required because the Subject Property is located in the Wheaton CBD Policy Area. The 2011 *Wheaton CBD and Vicinity Sector Plan* recommends a 30 percent non-auto driver mode share goal for employees.

Public Transit Service

The Wheaton Metrorail Station is located at a walking distance of approximately ½ mile from the bank. In addition, local bus service is available along University Boulevard West via Ride-On route 33. Existing bus stops are located near the adjacent intersection of University Boulevard West and Valley View Avenue/Westfield Wheaton Mall access driveway.

Sector-Planned Roadway and Bikeway

In accordance with the 1990 and the 2011 *Wheaton CBD and Vicinity Sector Plan*, University Boulevard West is designated as a six-lane divided major highway, M-19, with a recommended 120-foot right-of-way. The Applicant is dedicating up to three feet of right-of-way along the site frontage for a total of 120 feet from the opposite right-of-way line and the required truncation on the northeast corner of University Boulevard West and Valley View Avenue.

Valley View Avenue is a tertiary residential street with a 50-foot wide right-of-way that is not designated as a Sector Plan network street in the Sector Plan. The Sector Plan recommends a signed shared roadway (on road bikeway), LB-5, along Valley View Avenue.

Pedestrian and Bicycle Facilities

The existing sidewalks are as follows:

1. Six-foot wide sidewalks along both sides of University Boulevard West. A green panel separates the sidewalk from the curb only along the south side in front of the Westfield Wheaton Mall.
2. An eight-foot wide sidewalk only along the east side of the access driveway for the Westfield Wheaton Mall.

Sidewalks do not exist along Valley View Avenue. The Preliminary Plan provides five-foot wide sidewalks along Valley View Avenue, lead-in sidewalks, pedestrian handicapped ramps, and bike racks.

Local Area Transportation Review (LATR)

The table below shows the number of peak-hour trips generated by the bank during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.). Total trips include pass-by, diverted, and new trips. Pass-by and

diverted trips are those trips to the bank that are already on the road and on the way to/from other origins or destinations.

Land Use	Square Footage or No. of Units	Peak-Hour Trips			
		Morning		Evening	
		Total	New	Total	New
Bank with Drive-Through Windows	4,080	52	52	108	57
Existing Single-Family Detached Units	Three	3	3	3	3
Net Increase in Site-Generated Trips	-----	49	49	105	54

The Applicant submitted a traffic study to satisfy the LATR test because the bank generates 30 or more peak-hour trips within the weekday morning and evening peak periods. The table below shows the calculated Critical Lane Volume (CLV) values from the traffic study at the analyzed intersections for the following traffic conditions:

- 1 Existing: Existing traffic conditions as they exist now.
- 2 Background: The existing condition plus the trips generated from approved but un-built nearby developments.
- 3 Total: The background condition plus the site-generated trips.

Analyzed Intersection	Weekday Peak Hour	CLV Congestion Standard	Traffic Condition		
			Existing	Background	Total
University Boulevard West and Newport Mill Road/Lexington Street	Morning	1,600	783	789	791
	Evening		759	774	783
University Boulevard West and Valley View Avenue/Shopping Center Access Driveway	Morning	1,800	360	365	401
	Evening		722	738	772
University Boulevard West and East Avenue/ Shopping Center Access Driveway	Morning	1,800	587	591	597
	Evening		814	830	835
Valley View Avenue and Site Access	Morning	1,800	These new curb cuts do not exist as the bank has yet to be built.		345
	Evening				334
University Boulevard West and Site Access	Morning	1,800			46
	Evening				69

The CLV values at all analyzed intersections in all traffic conditions are less than their congestion standard and, thus, the LATR test is satisfied.

Queuing on southbound Valley View Avenue

The queuing on Valley View Avenue is adequate between the bank curb cut from Valley View Avenue and University Boulevard West. The existing and bank-generated traffic would result in a maximum queue of three vehicles per traffic signal cycle on the southbound leg of Valley View Avenue approaching the intersection with University Boulevard West. Seventy five (75) feet are needed to store three vehicles, and there are 125 feet available between the bank curb cut from Valley View Avenue and University Boulevard West, which is more than adequate to accommodate three vehicles.

Policy Area Mobility Review (PAMR)

The PAMR test requires the Applicant to mitigate five (10% of the 54) new peak-hour trips generated by the bank within the weekday morning and evening peak periods. To satisfy the PAMR test, the Applicant will contribute \$11,700 per trip for a total of \$58,500 (for five new trips) towards transportation infrastructure improvements within the greater Kensington/Wheaton Policy Area.

Therefore, the Preliminary Plan satisfies the LATR and PAMR tests. The dedication and improvements vehicle and pedestrian access and circulation of the Property will be safe, adequate, and efficient.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the bank. The Subject Property is served by public water and sewer. Gas, electric, and telecommunications services are also available to serve the Property. Police stations, firehouses, schools, and health services are currently operating within the standards set by the effective Subdivision Staging Policy. The Application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS), which has determined that the Property has adequate access for emergency vehicles.

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

The lots have been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lots were appropriate for their location within the subdivision.

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

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #42012079E) on December 16, 2011. The 0.8977-acre site contains no forest, streams, wetlands, or environmental buffers. The Property is within the Kensington Heights Branch of the Rock Creek watershed – a Use I watershed.

Forest Conservation

This Property is subject to the Chapter 22A, Montgomery County Forest Conservation Law. However, this Property is exempt from the requirements of submitting a Forest Conservation Plan per 42012079E, approved on December 16, 2011, under Section 22A-5(s)(2). This exemption was granted because the proposed activity occurs on a tract of land less than 1 acre in size that will clear no more than 20,000 square feet of forest; and the reforestation requirements are not in excess of 10,000 square feet. However, since the Preliminary Plan clears a specimen tree, a Tree Save Plan is required per Section 22A-6(b). Any changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved Preliminary Plan, a separate amendment must be submitted to M-NCPPC for review and approval prior to those activities occurring.

Tree Save

Per Section 22A-6(b), the Applicant submitted a Tree Save Plan in conjunction with the Preliminary Plan and Site Plan. There is one specimen tree on the Property – ST-1 (35" Box Elder in poor condition). This tree will be removed as a consequence of the development due to its location on lot P7. The tree is surrounded by existing development and demolition will cause significant damage to the Critical Root Zone (CRZ). That area is designated to be used as a stormwater management facility.

One off-site specimen tree – ST-2 (40" Silver Maple in good condition) will be impacted by the development. Approximately 15% of this tree's CRZ will be impacted by the development. Tree protection measures are shown on the Tree Save Plan and should provide adequate protection for this tree.

Therefore, based on the analysis above, the Planning Board finds the Preliminary Plan meets the Environmental Guidelines and Forest Conservation Law.

- 5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by MCDPS that the Stormwater Management Concept Plan meets MCDPS' standards.*

The Department of Permitting Services approved a Stormwater Management Concept Plan on December 1, 2010. The Preliminary Plan meets Environmental Site Design through the use of two micro-bioretenention facilities and permeable pavement.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 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

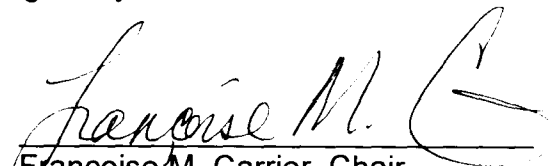
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 19 2012 (which is the date that this Resolution is mailed to all parties of record); and

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).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, April 12, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board