



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

MCPB 11/13/08
Item #6

Staff Report: Adequate Public Facilities finding for the Wachovia Bank Building, Building Permit number 490040 at 13920 Georgia Avenue (MD 97), Aspen Hill

MCPB HEARING DATE: November 13, 2008

REPORT DATE: October 30, 2008

TO: Montgomery County Planning Board

VIA: Daniel K. Hardy, Acting Chief
 Shahriar Etemadi, Supervisor
 Transportation Planning

FROM: David Paine, Planner Coordinator
 Transportation Planning
 301.495.4525



APPLICATIONS DESCRIPTION: Adequate Public Facilities (APF) finding for one (1) building permit application to construct a bank building of 4,000 square feet with three drive-in bays which is located in the southwest quadrant of the intersection of Georgia Avenue and Connecticut Avenue in the *Aspen Hill Master Plan* in the CBD-2 zone.

APPLICANT: Wachovia Bank

FILING DATE: Commercial Building Permit filed on July 1, 2008

RECOMMENDATION: Approval of the Adequate Public Facilities finding for the transportation-related requirements for M-NCPPC release of one (1) building permit application to the Montgomery County Department of Permitting Services, conditioned upon contribution to the general fund, and approval of the attached draft Planning Board Resolution for the approval of the transportation APF finding.

EXECUTIVE SUMMARY: This item is the APF finding for Building Permit No. 490040 located at 13920 Georgia Avenue (MD 97), Silver Spring. This application has been reviewed by Planning Board staff, who have collectively responded in support of this amendment. **This Item was on the Consent Agenda for 10/30/08. It was moved from the Consent Agenda because the applicant was not able to meet the staff conditions prior to the Consent Agenda date. No conditions have been changed, only the timing for delivery of requested permits.**

RECOMMENDATIONS

We recommend a finding of adequate public facilities for the proposed 4,000 square-foot retail bank with four drive-through bays on parcel F subject to the following conditions:

1. Prior to the release of a building permit, the applicant must pay an additional 50% of the relevant transportation impact fee, for a total of 150% transportation impact fee paid, to the Department of Permitting Services to meet LATR requirements.
2. Prior to the release of a building permit, the applicant must supply a copy of a DPS and/or SHA permit for construction within the ROW to the building permit coordinator for the following to meet the PAMR requirements:
 - a. Construct approximately 105' of shared use bike path offset from the travel lanes by a landscape panel, and two accessible ramps along Georgia Avenue (MD 97) along the site frontage.
 - b. Construct an ADA ramp and 15' of shared use bike path along the west side of Georgia Avenue (MD 97) approximately 315 feet north of the intersection with Aspen Hill Road.

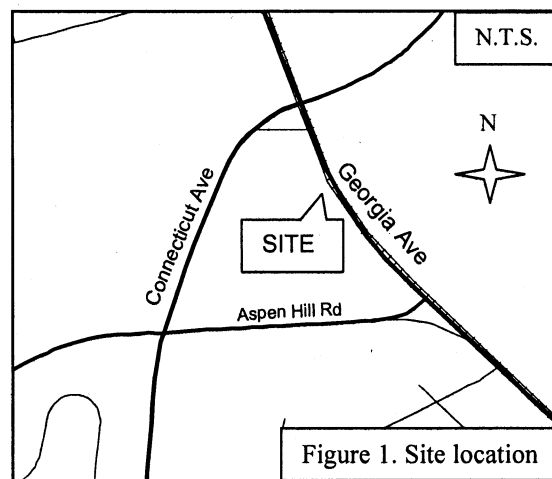
This Adequate Public Facilities (APF) approval shall be valid for sixty (60) months from the date the Planning Board's resolution is mailed.

SITE VICINITY

The site is located in the southwest quadrant of the intersection of Georgia Avenue and Connecticut Avenue in Silver Spring. The property is included within the *Aspen Hill Master Plan* (refer to Figure 1).

The property, Parcel F, is zoned C-2 and is 684,704 square feet or 15.7186 Acres in size. Parcel F was recorded in the land records as Record Plat No. 19944 in 1995 (refer to a copy of this plat on Attachment A).

The general character of the site and the surrounding built environment is a suburban commercial business district. The site was recently occupied by a restaurant which now stands vacant.



PROJECT DESCRIPTION

Proposed Development

The applicant, Wachovia Bank, is proposing to construct 4,000 square feet of commercial bank space with four drive-in bays on a portion of Parcel F of the Northgate – Aspen Hill Shopping Center in the *Aspen Hill Master Plan* and Policy Area (refer to the building permit site plan on Attachment B). The proposed 4,000 square feet of bank space would replace a 3,950 square feet restaurant. The subject site is located 13920 Georgia Avenue (MD 97), approximately 300 feet South of Connecticut Avenue (MD 185) as shown in Figure 1. The applicant is proposing to construct a drive-through bank (Attachment 2, site plan).

ASPEN HILL MASTER PLAN

In accordance with the *Aspen Hill Master Plan* and *Countywide Bikeways Functional Master Plan*, the master-planned roadways and bikeways are as follows:

Georgia Avenue (MD 97) is designated as a six-lane divided major highway, M-8, with a 150-foot right-of-way along the frontage of the site, the Georgia Avenue Busway, and a shared use path SP-29 on the west side of the road.

Connecticut Avenue (MD 185) is designated as a six-lane divided major highway, M-7, with a 150-foot right-of-way and a shared use path SP-27 on the east side of the road.

Aspen Hill Road is designated as a four-lane arterial road, with an 80-foot right of way.

ADEQUATE PUBLIC FACILITIES FINDING

Local Area Transportation Review (LATR)

The proposed development of the subject site would generate a net decrease of 20 peak hour trips in the weekday morning peak (6:30 to 9:30 a.m.), but an increase of 33 trips in the peak hour of the weekday evening peak (4:00 to 7:00 p.m.) period. The number of peak hour trips generated by the proposed development and credit from existing development are shown in the following table:

Table 1: Trips Generated.

Land Use	Size	Weekday Peak Hour	
		AM	PM
Drive-in Bank	4,000 S.F.	50 (62% pass by and diverted)	183 (62% pass by and diverted)
Drive-in Bank (<i>primary</i>) trips		19	70
Restaurant	3,950 S.F.	(46) (15% pass by)	(44) (15% pass by)
Restaurant (<i>primary</i>) trips		(39)	(37)
Total (Net) New Trips		(20)	33

Table 2: Result of critical lane volume (CLV) analysis.

Intersection	Weekday Peak Period	Traffic Condition			
		Existing	Background	Total	Total w/Improvement
Georgia Avenue/Connecticut Avenue	AM	876	876	881	-
	PM	1,248	1,248	1,254	-
Georgia Avenue/Aspen Hill Road	AM	1,191	1,191	1,220	-
	PM	1,238	1,238	1,251	-
Connecticut Avenue/Aspen Hill Road	AM	1,529	1,529	1,532	1,364
	PM	1,145	1,145	1,167	1,167

According to the submitted traffic study, all but one of the CLV values at the intersection are projected to be within the 1,475 congestion standard. The intersection of Connecticut Avenue and Aspen Hill Road, however, is projected to not pass the congestion standard. The Study identifies an improvement for the intersection - constructing a southbound right turn lane that would allow the intersection to operate within the congestion standard. This improvement would also mitigate 150% of the attributable CLVs to the intersection. However, the scale of the improvement is beyond the financial ability of this small development, and the applicant is proposing to instead contribute an additional payment equal to 50% of their transportation impact tax in order to meet LATR (total 150% of transportation impact tax to be paid). This action is only available to small developments that generate 30-49 new weekday peak hour trips to meet LATR. **We recommend that Prior to the release of a building permit, the applicant must pay 150% of the relevant transportation impact fee to DPS to meet LATR requirements.**

Policy Area Mobility Review

Under the current *2007-2009 Growth Policy*, the PAMR test is required because the proposed retail development generates over three (3) peak-hour trips within the weekday morning and evening peak periods. For developments located within the Aspen Hill Policy Area, the applicant must mitigate 20% of the new peak-hour trips generated within the weekday morning and evening peak periods by the proposed use.

For the proposed development, this is shown in the traffic study calculated as 0 AM peak hour and 6.6 PM peak hour trips. Due to the small size of the application, a traffic mitigation agreement would be unfeasible, as would purchasing a Metro Bus. Therefore the applicant has proposed to install non-automobile facilities to mitigate their trips as follows:

1. Constructing approximately 105' feet of shared use bike path offset from the travel lanes by a landscape panel, and two accessible ramps along Georgia Avenue (MD 97) along the site frontage (4.5 credits).
2. Constructing an ADA ramp and 15' of shared use bike path along the west side of Georgia Avenue (MD 97) approximately 315 feet north of the intersection with Aspen Hill Road (2.1 credits).

As these improvements are on a state roadway, Georgia Avenue (MD 97), the cost of these improvements should be in addition to the additional 50% transportation impact tax to meet LATR, and therefore not credited towards the impact tax. However, the Planning Board does not have the authority to determine what can and cannot be credited towards the transportation impact tax. That authority lies with the Montgomery County Department of Transportation under Executive Regulation 17-08. **We recommend that the applicant construct the planned shared use path and ADA ramps at the locations stated to implement the master plan as well as bring these locations into compliance with ADA best practices, to satisfy the PAMR requirement.**

Other Development Review Issues

The proposed development is exempt from Forest Conservation and no tree save plan was required.

PUBLIC NOTICE

Notice of this hearing was sent to nearby neighborhood and community associations as well as adjacent and confronting property owners on October 15, 2008. This Item was originally on the Consent Agenda

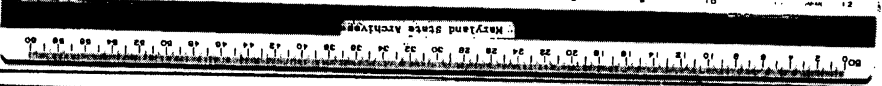
for 10/30/08. It was moved from the Consent Agenda because the applicant was not able to meet the staff conditions prior to the Consent Agenda date. No comments have been received to date on this item. No conditions have been changed from that consent item, only the timing for delivery of requested permits.

APPENDICES

- A. Record Plat 19944
- B. Site Development Plan submitted for the Wachovia Northgate Financial Center Building Permit

DP:tc

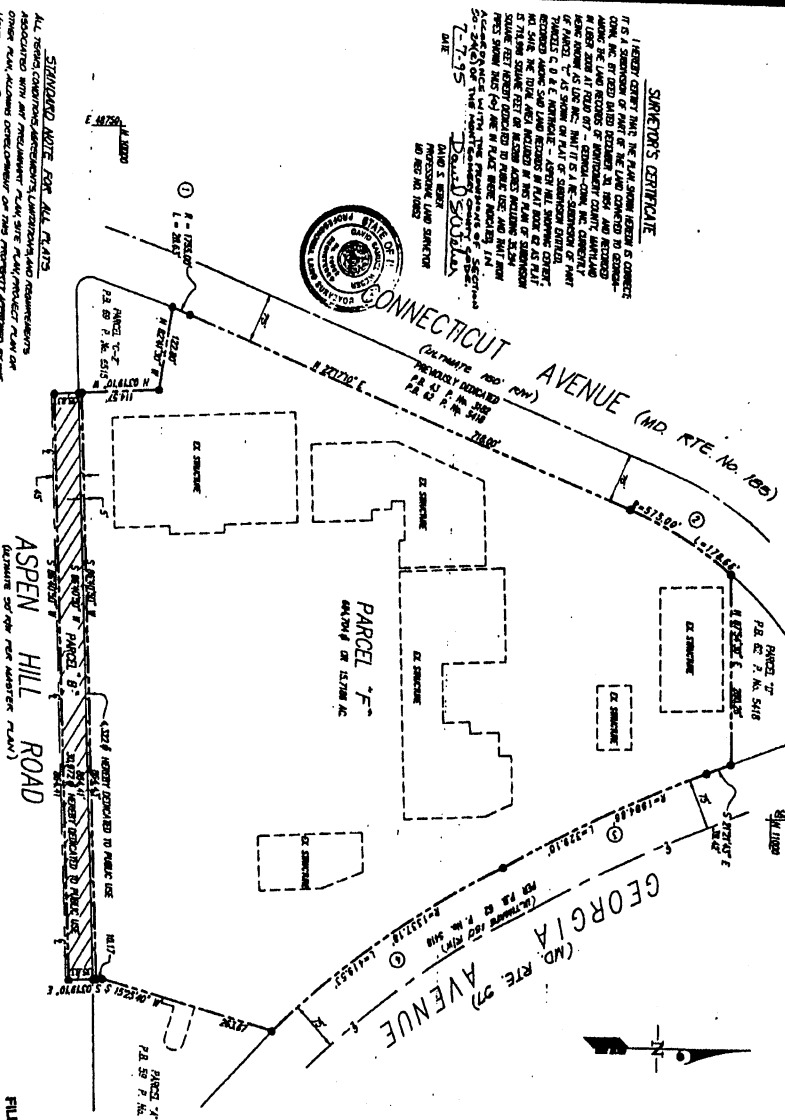
mmo to MCPB re bp 490040 Wachovia v3.doc



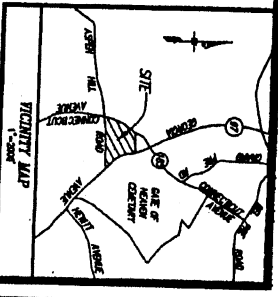
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SUBDIVISION CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN, SHOWING HEREON IS CORRECT IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF MARYLAND AND THE PUBLIC RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND THAT THE SAME HAVE BEEN EXAMINED AND FOUND TO BE IN ACCORDANCE WITH SAID ACTS AND RECORDS. THE PLAN IS SUBJECT TO THE PROVISIONS OF SAID ACTS AND RECORDS. THE PLAN IS SUBJECT TO THE PROVISIONS OF SAID ACTS AND RECORDS. THE PLAN IS SUBJECT TO THE PROVISIONS OF SAID ACTS AND RECORDS.



PLAT No 19944



OWNER'S DECLARATION

I, the undersigned, owner of the above described parcel, do hereby declare that the information furnished herein is true and correct, and that I have no knowledge of any facts which would render the same false or misleading. I have read the plan and understand its contents. I have no objection to the filing of this plan and the recording of the same. I have no objection to the recording of this plan and the recording of the same.

LEASER
 ALISTE LIFE HOLDINGS CO. — I HEREBY ASSENT TO THIS PLAN OF SUBDIVISION
 DATE: 9-25-95
 BY: [Signature]
 TITLE: [Title]

LESSOR
 I HEREBY ASSENT TO THIS PLAN OF SUBDIVISION
 DATE: 9-25-95
 BY: [Signature]
 TITLE: [Title]

NOT A PARTY TO THIS PLAN OF SUBDIVISION
 DATE: 9-25-95
 BY: [Signature]
 TITLE: [Title]

FILED
 NOV 2 1995

PLAT OF RESUBDIVISION
PARCEL 7-A & STREET DEDICATION
NORTHGATE - ASPEN HILL SHOPPING CENTER
 WHEATON ELECTION DISTRICT NO. 13 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1"=100' JUNE 1995

CW GUTSCHICK LITTLE & WENNER, P.A.

ENGINEERS, ARCHITECTS, PLANNERS, LANDSCAPE ARCHITECTS
 3000 MONTGOMERY AVENUE, SUITE 200
 WASHINGTON, D.C. 20031
 TEL: (301) 461-1111 FAX: (301) 461-1112

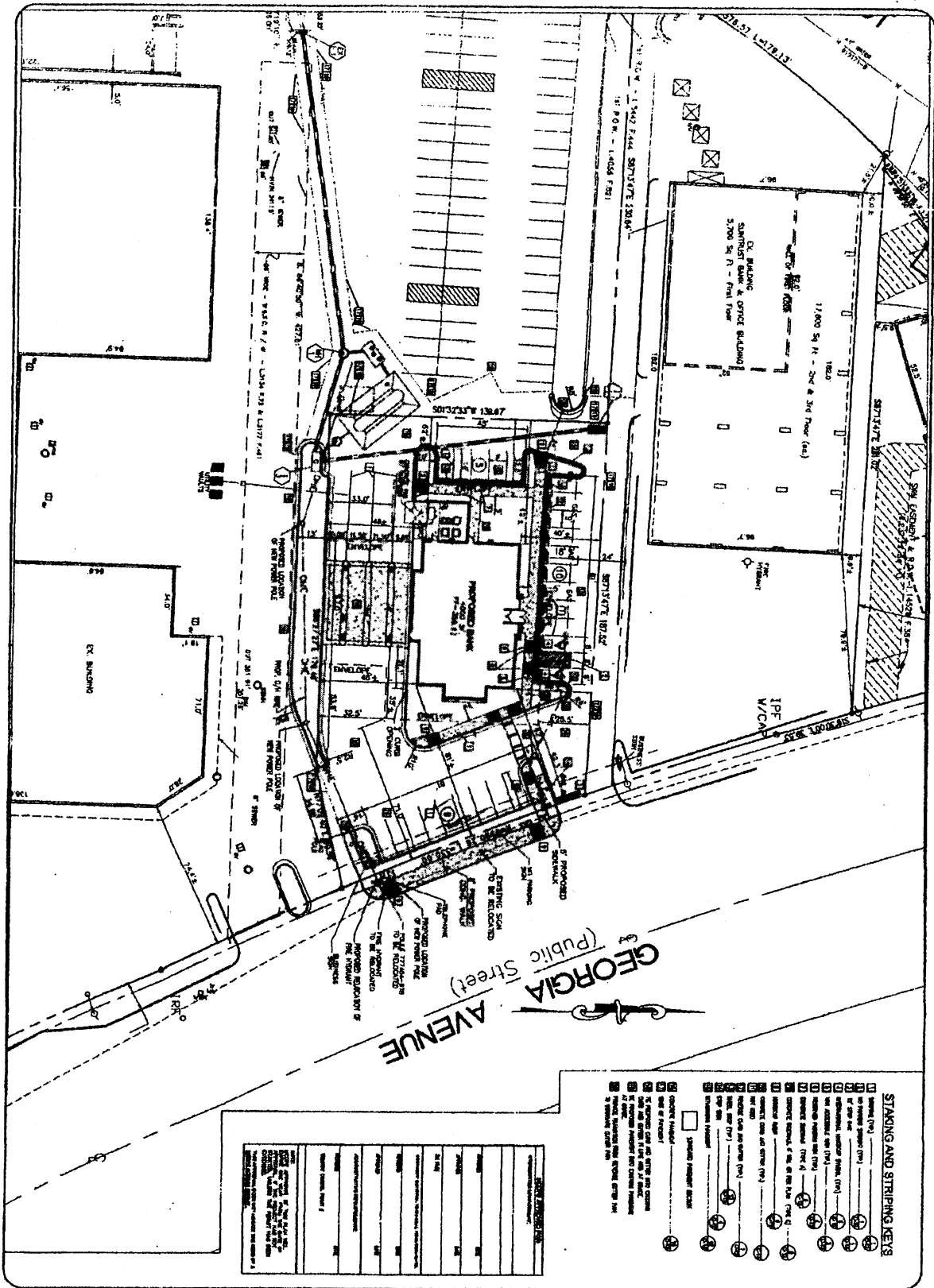
1430 55th 1249-6794 577-81

STANDARD NOTE FOR ALL PLATS
 ALL TOWNS, COUNTIES, DISTRICTS, AND WARDENHOUSES, AND OTHER PUBLIC CORPORATIONS, ARE HEREBY ADVISED THAT THIS PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE ACTS OF THE LEGISLATURE OF MARYLAND AND THE PUBLIC RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND THAT THE SAME HAVE BEEN EXAMINED AND FOUND TO BE IN ACCORDANCE WITH SAID ACTS AND RECORDS. THE PLAN IS SUBJECT TO THE PROVISIONS OF SAID ACTS AND RECORDS. THE PLAN IS SUBJECT TO THE PROVISIONS OF SAID ACTS AND RECORDS.

NOTE
 THE SOLE PURPOSE OF THIS PLAN OF SUBDIVISION IS TO SHOW THE PROPERTY AND COMPLIANCE WITH SECTION 30-10 OF THE MONTGOMERY COUNTY ZONING AND DEVELOPMENT ORDINANCE, AS AMENDED, AND TO ALLOW THE USE OF THE PROPERTY FOR THE PURPOSES SET FORTH IN SAID ORDINANCE. THE PLAN IS SUBJECT TO THE PROVISIONS OF SAID ORDINANCE AND TO THE PROVISIONS OF THE ACTS OF THE LEGISLATURE OF MARYLAND AND THE PUBLIC RECORDS OF MONTGOMERY COUNTY, MARYLAND.

APPROVED	DATE	FOR THE STATE COMMISSION	APPROVED	DATE	FOR THE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION	APPROVED	DATE	FOR THE COUNTY DEPARTMENT OF TRANSPORTATION	RECORDS
[Signature]	10/1/89	[Signature]	10/1/89	10/1/89	10/1/89	10/1/89	10/1/89	10/1/89	94085

ATTACHMENT A



GEORGIA AVENUE
 (Public Street)

- STAKING AND STRIPING KEYS**
- Survey Point (SP)
 - Station Marker (SM)
 - Proposed Building Footprint (PB)
 - Existing Building Footprint (EB)
 - Proposed Parking Lot (PL)
 - Existing Parking Lot (EL)
 - Proposed Driveway (PD)
 - Existing Driveway (ED)
 - Proposed Street (PS)
 - Existing Street (ES)
 - Proposed Sidewalk (PWS)
 - Existing Sidewalk (ESW)
 - Proposed Utility (PU)
 - Existing Utility (EU)
 - Proposed Easement (PE)
 - Existing Easement (EE)
 - Proposed Right-of-Way (PROW)
 - Existing Right-of-Way (EROW)
 - Proposed Access Point (PA)
 - Existing Access Point (EA)
 - Proposed Sign (PS)
 - Existing Sign (ES)
 - Proposed Fencing (PF)
 - Existing Fencing (EF)
 - Proposed Landscaping (PLA)
 - Existing Landscaping (ELA)
 - Proposed Stormwater Management (PSM)
 - Existing Stormwater Management (ESM)
 - Proposed Security (PS)
 - Existing Security (ES)
 - Proposed Other (PO)
 - Existing Other (EO)

NO.	DESCRIPTION	DATE	BY
1	PREPARED FOR THE ARCHITECT		
2	FOR THE ARCHITECT'S REVIEW		
3	FOR THE ARCHITECT'S RECORD		
4	FOR THE ARCHITECT'S FILE		
5	FOR THE ARCHITECT'S REFERENCE		
6	FOR THE ARCHITECT'S INFORMATION		
7	FOR THE ARCHITECT'S CONSIDERATION		
8	FOR THE ARCHITECT'S APPROVAL		
9	FOR THE ARCHITECT'S SIGNATURE		
10	FOR THE ARCHITECT'S STAMP		

SCALE
 1" = 20'-0"

SITE PLAN FOR:
 Wachovia Northern Financial Center
 Northern Shopping Center
 13720 Georgia Avenue
 Silver Spring, Maryland 20906

RBA
 ARCHITECTS & ENGINEERS
 10000 Rte. 202, Suite 100
 Silver Spring, MD 20910
 Phone: (301) 591-1000 Fax: (301) 591-1001

PLANS PREPARED FOR:
 Wachovia Bank Corporation
 1051 East Cary Street
 Richmond, VA 23139
 (804) 627-7659
 Contact: Barry Stammers

WACHOVIA

ATTACHMENT B

490040