



MCPB No. 17-034
Site Plan No. 820160170
ESFCU Germantown
Date of Hearing: May 25, 2017

JUN 02 2017

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on November 15, 2016, Education Systems Federal Credit Union (ESFCU) ("Applicant") filed an application for approval of a site plan for a three -story, 9,990 square foot bank and drive-thru on 1.81 acres of NR (Neighborhood Retail) zoned-land, located at 19215 Frederick Road, approximately 367 feet southeast of the intersection of Plummer Drive and Frederick Road ("Subject Property"), in the Fox Chapel District of the 2009 *Germantown Employment Area Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No.820160170, ESFCU Germantown; and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 12, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 25, 2017, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

Approved as to
Legal Sufficiency:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820160170 for a three-story, 9,990 square-foot bank and drive-thru located at 19215 Frederick Road, the Subject Property, subject to the following conditions:¹

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120160020.

2. Forest Conservation & Tree Save

The Applicant must comply with the following conditions of approval for Final Forest Conservation Plan No. 820160170 approved as part of the Site Plan:

- a. Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b. Prior to any clearing, grading or construction on the Property the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the afforestation requirement for a total of 0.27 acres.
- c. Mitigation for the removal of the tree subject to the variance provision must be provided in the form of planting five native canopy trees with a minimum planting stock size of three caliper inches. The trees must be planted within one year or two growing seasons following the completion of the parking lot and stormwater management facilities #1, #3, and #4. The trees must be planted on the Property, in locations to be shown on the Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.
- d. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
- e. Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspector.
- f. The limits of disturbance on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Preliminary/Final Forest Conservation Plan.

3. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 19,367 square feet of public open space on-site.
- b. Prior to the issuance of the final Use and Occupancy Certificate, all improvements within the public open space areas must be completed.

¹ 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.

4. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to: benches, trash receptacles, parking and area lighting, landscaping, fencing, sidewalks, and-public use space.

5. Transportation

a. The Applicant must show on the Certified Site Plan that the reconstructed sidewalk along Frederick Road satisfies the Americans with Disabilities Act (ADA) along the Property frontage.

b. Prior to Certified Site Plan, the Applicant must provide one inverted-U bike rack (or equivalent approved by Staff that conforms to American Pedestrian and Bicycle Professionals Guidelines) for short-term bike parking near the main entrance and at least two long-term bike parking within a bike locker near the main entrance.

6. Building Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the illustrative elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.

7. Landscaping

a. Prior to issuance of the final Use and Occupancy Certificate, all on-site amenities including, but not limited to sidewalks, benches, trash receptacles, bicycle facilities, and public open space must be installed.

b. The Applicant must install landscaping in the quantities, locations and species types substantially similar to that shown on the Certified Site Plan.

c. The Applicant must install landscaping no later than the next growing season after completion of the work.

8. Lighting

a. Prior to Certified Site Plan, the Applicant must provide certification to MNCPPC Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) standards for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor recommendations.

b. All onsite down-lights must have full cut-off fixtures.

c. Prior to Certified Site Plan, the Applicant must provide a photometric analysis to show that illumination levels do not exceed 0.5 footcandles (fc) at any Property line abutting county roads and residential properties.

d. The light pole height, including the mounting base, must not exceed the height illustrated on the Certified Site Plan.

9. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment and erosion control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, exterior site furniture, fences, railings, curbs, gutters, sidewalks and associated improvements; and
- c. The bond or surety must be tied to the development program, and completion of all plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

10. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

11. Certified Site Plan

Before 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 stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c. Modify data table to reflect development standards approved by the Planning Board
- d. Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of ESFCU Germantown, No. 820160170, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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 (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *satisfies any previous approval that applies to the site;*

The Site Plan conditions do not conflict with the conditions of the Preliminary Plan approval.

2. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This finding is not applicable since there is no development plan or schematic development plan in effect on October 29, 2014 associated with this property.

3. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a Property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This finding is not applicable as the Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

- a. Use Standards Where a Drive-Thru is allowed as a limited use, it must satisfy the following standards:

- i. *A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any Property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.*

The drive-thru ATM's and queuing area are located 100 feet from the single-family detached properties in the R-90 zone, which abut the eastern property line.

- ii. *For a Restaurant with a Drive-Thru, access to the site from a street with a residential classification is prohibited.*

This is not a restaurant use, and the Subject Property does not access as residential street, therefore, this standard is not applicable.

- iii. *A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.*

The two drive-thru ATM kiosks, drive aisle and queuing area are not located between the street and main wall of the building, they are located within the parking area on the south side of the building.

- iv. *A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if*

permanently screened from any street by a minimum three-foot-high wall or fence.

The Subject Property is not a corner lot. As noted above, the ATM kiosk locations and drive aisles are not located between the street and main wall of the building, but within the parking area on the south side of the building.

- v. *Site plan approval is required under Section 7.3.4*

Approval of this Site Plan application by the Planning Board will satisfy this requirement.

- b. Development Standards The Subject Property is approximately 1.81 acres zoned NR-0.75 H-45. The following table, Table 3, shows the Application's conformance to the development standards of the zone, as shown in the Data Table below:

Site Plan Project Data Table – Standard Method NR Zone

Section	Development Standard	Permitted/Required	Approved
59-4	Gross Tract Area (acres)	n/a	1.81
4.6.2.A.2	Building Height (feet)	45	45
	Density (FAR/GFA) NR 0.75 H-45	0.75	0.14/9,990
4.6.3.C.3	Placement Building Setbacks (minimum)		
	Front	0 feet	73.4
	Side	0 feet	13
	Rear - adjacent to R-90 Zone (Section 4.4.8.B.2)	25 feet	153 feet
4.1.8.A.2	Compatibility Requirement		
	Rear Setback (1.5 x rear requirement for R-90 Zone= 1.5 x 25 feet = 37.5 ft.)	37.5 feet	37.5 feet
4.6.3.C.1	Open Space Area (% of lot)	10% (7,363 sf)	26.3% (19,367 sf)
	Floor Area Ratio (FAR)	0.75 (maximum)	0.14
	Building Area (square feet)	59,132 SF. max	9,990 SF

Section	Development Standard	Permitted/Required	Approved
6.2.9.C.1	Parking Facility Internal Landscaping	5% (821 sf)	16% (2,721 sf)
6.2.9.C.2	Tree Canopy (Coverage@ 20 years of growth)	25% (4,647 sf)	31% (5,819 sf)
6.2.4.B.	Parking Spaces (total)	34 (minimum)	54
6.2.9.C.3	Parking Lot Landscaping		
	Parking Perimeter Planting Facing residential uses	10 feet	37.5 feet
	All other sides	6 feet	6 feet
6.2.7.A.2	Queuing Design Standards Minimum number of queuing spaces	3	3

c. General Requirements

i. Site Access

The proposed site access is adequate to serve the Site Plan. There will be one point of vehicular access to the site from Frederick Road, designed as a right-in, right-out only, which is adequate given the existing median on MD355 and the APF analysis performed with the Preliminary Plan.

ii. Parking, Queuing, and Loading

Parking, queuing and loading as provided is adequate. Sufficient off-street parking will be provided with a total of 54 on-site parking spaces for vehicles. A bike rack and a bike locker for two bikes will also be provided. Each of the lanes for the two ATMs will have queuing spaces for three vehicles plus a bypass lane in conformance with Section 6.2.7.A.2. and are located at least 100 feet away from adjacent residential uses.

iii. Open Space and Recreation

The provided open space is adequate for the Site Plan. The Zoning Ordinance requires that 10 percent or 7,362 square-foot of open space for this Property and the project proposes 26.3 percent or 19,367 square feet of open space. Included as part of the open space amenity is a seating area, located near the building entrance at the southeast corner of the building. There are no recreation requirements to be met on-site because it is a commercial use.

iv. General Landscaping and Outdoor Lighting

The proposed landscaping and lighting is adequate for the proposed use. The site has no existing landscaping and no tree save areas. The proposed landscaping will provide shade throughout the site, provide screening, and be

aesthetically pleasing. The site will be well-landscaped with 83 shade and ornamental trees, as well as over 140 shrubs and a variety of plantings in the bioretention areas. Once the trees in the parking area have reached maturity, approximately 31% of the parking area will be shaded, exceeding the 25% shading requirement of the Zoning Ordinance.

As conditioned, all on-site down-lights must have full cut-off fixtures and a Photometric Plan must be provided for Staff review prior to approval of the Certified Site Plan to ensure that the illumination levels do not exceed 0.5 footcandles at the lot line.

v. *Screening Requirements*

The proposed screening is adequate for the proposed use. The Applicant is providing a 35-foot-wide landscaped strip and 6-foot-tall privacy fence along the eastern Property line. Together, the fence and thick row of vegetation will provide ample screening between the proposed parking lot and adjacent single-family homes to the east, consistent with the screening requirements of Section 59.6.5 of the Zoning Ordinance.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The MCDPS has found the Combined Stormwater Management Concept/Site Development Stormwater Management Plan to be conditionally acceptable. The plan proposes to meet required stormwater management goals via the use of micro-bioretention facilities.

b. Chapter 22A, Forest Conservation.

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required by the County Forest Conservation Law (Chapter 22A of the County Code), a combined Preliminary/Final Forest Conservation Plan (FCP) for the project was submitted with the Preliminary Plan. The Property contains no forest, streams, wetlands, 100-year floodplain, stream buffers, highly erodible soils, or slopes greater than 25 percent. According to the FCP, the total net tract area for forest conservation purposes is 1.94 acres, which includes 0.11 for off-site disturbance. The FCP generated a total afforestation requirement for this site is 0.27 acres and will be satisfied by the Applicant purchasing off-site forest bank credits

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact

to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal of one Protected Tree as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance. More specifically:

- i. Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the removal of the one tree is due to the location of the tree, the health of the tree and necessary site design requirements. The Applicant proposes removal of the one tree with mitigation. Therefore, Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

- ii. The need for the Variance is not based on conditions or circumstances that are the result of actions by the Applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this preliminary plan application. The request is based on the fact that the building envelope for the proposed structure and parking is constrained with little room to shift the parking area without removing a significant amount of necessary parking stalls.

- iii. The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring Property.

- iv. Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen tree being removed is not located within a stream buffer. The Application proposes mitigation for the removal of this

one tree by planting five larger caliper trees on-site. The five mitigation trees will eventually provide more shade and more groundwater uptake than what the existing tree currently provide. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of Protected Trees with five 3" caliper overstory trees native to the Piedmont Region of Maryland.

- 6. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The proposed parking is not located between the building and the street, but rather in front of the side facing building, located behind the front building line. Parking has been configured into several smaller parking areas instead of one large parking lot which provides a more efficient circulation pattern and spaces for landscaping. The dual drive-thru lanes for the two ATMs are also located behind the front building line, on the south side of the building. The site is designed so that the actual ATMs are near the rear of the site, while still meeting the required 100-foot distance from residential properties. Vehicles entering the site that do not wish to use the ATMS can use the ATM bypass lane to access the remainder of the parking lot. The one-way circulation from the entrance around the ATM queuing area, and two-way circulation closer to the building, allows vehicles to efficiently circulate within the proposed parking lot, by minimizing vehicle conflict points and keeping the queuing area isolated from the rest of the parking drive isles.

The building is located as close to the new property frontage line as possible, and is oriented to face south, toward northbound Frederick Road traffic, rather than directly west toward the road. The building orientation was necessary to allow a full building edge to have presence along the street and still accommodate the necessary access and front door visibility. The building location also meets all necessary setbacks from adjacent undeveloped and residential properties. The west building elevation, fronting on Frederick Road, avoids a blank wall appearance, and incorporates an attractive row of windows on all three levels of the building.

The primary Amenity Open Space areas are located along the eastern portion of the site to act as a buffer to the residential properties further east. The minimum requirement for open space is 10% of the Property, and this Application provides over 26% open space. To provide amenities near the building entrance, benches are provided along the sidewalk near the main entrance. Open space and site amenities are adequately addressed.

7. *The development substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The proposed development substantially conforms with the 2009 Germantown Employment Area Sector Plan. As described in more detail in the Preliminary Plan section of the staff report, on pages 11-12, the proposed building height, setback, and orientation are consistent with the Sector Plan's recommendations. Parking and service areas are located to the rear and side of the building; building height is only 45 feet, and the side of the building facing Frederick Road is activated by design and creates an established building edge.

8. *The development will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

The Application will be adequately served by public facilities, as determined in the accompanying Preliminary Plan, with the findings described on page 13-15 of the staff report.

9. *The development is compatible with existing and approved or pending adjacent development.*

The proposed development is compatible with the adjacent single-family detached homes located to the east. The building and parking lot are located approximately 153 feet and 37.5 feet respectively, from the abutting residential properties. The Site Plan also maintains the minimum 100-foot setback of any vehicle queuing area front a residential use. A six-foot high privacy fence and a mix of trees and other landscaping is along this boundary, consistent with the screening requirements under Section 59.6.5.3.c.7. Landscaping will also be provided along the boundaries with the undeveloped Property to the north, and along the Property to the south.

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 § 59-7.3.4.H; 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 JUN 09 2017 (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).

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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 Fani-González seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, May 25, 2017, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board