



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

MCPB No. 18-109
Preliminary Plan No. 11985200A
First National Bank – Germantown
Date of Hearing: November 1, 2018

NOV 27 2018

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, by Revised Opinion dated August 13, 1987, the Planning Board approved Preliminary Plan No. 119852000, for one lot in the C-3 zone, located on approximately 0.7 acres of land in the southwest quadrant of the intersection of Germantown Road and Crystal Rock Drive (“Subject Property”); and

WHEREAS, on May 22, 2018, DPH Architecture (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plan to replace an existing restaurant use with a 3,270 square foot bank with a drive-thru on the Subject Property, currently zoned GR-1.5 H-45, in the Germantown Policy Area and Germantown Employment Area Sector Plan (“Sector Plan”) area; and; and

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan No. 11985200A, First National Bank – Germantown (“Preliminary Plan,” “Amendment,” or “Application”); 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 October 19, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 1, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on November 1, 2018, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Patterson, with a vote of 3-0, Commissioners Cichy, Dreyfuss, and Patterson voting in favor, and Commissioners Anderson and Fani-Gonzalez absent.

Approved as to
Legal Sufficiency:

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NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 11985200A with the following conditions, which supersede all previous conditions of approval:¹

- 1) This approval is limited to one (1) lot with up to 3,270 square feet of bank use with no more than three (3) drive-thru automated teller machines (ATMs).
- 2) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated September 17, 2018, and hereby incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 3) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated October 10, 2018 and hereby incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 4) Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by Maryland State Highway Administration (MSHA).
- 5) The Planning Board accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated September 27, 2018, and hereby incorporates them as conditions of the Preliminary Plan Amendment approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 6) The Certified Preliminary Plan Amendment must contain the following note:

“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building

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.

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 approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

- 7) The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
- 8) The Applicant shall not construct a driveway with an ingress or egress directly to Germantown Road (MD 118).
- 9) The northern entrance on Crystal Rock Drive on the Subject Property shall restrict movement to only allow right turns for both ingress and egress.

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. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The Application was reviewed for compliance with the Montgomery County Code, Chapter 59 and the Application met all applicable sections of the Montgomery County Code. The original Preliminary Plan created a lot with an appropriate use that was 570 square feet less than the size of the bank. The bank with drive-thru also fits on the existing lot and continues to meet all the dimensional requirements for area, frontage, width, and setbacks in the GR zone.

2. *The Preliminary Plan substantially conforms to the Sector Plan.*

The Preliminary Plan Amendment substantially conforms with the recommendations of the 2009 *Germantown Employment Area Sector Plan*. The purpose of the Sector Plan is to establish a vision that will transform Germantown's central employment corridor into a vibrant town center and mixed-use uptown districts. The Germantown of the future will be the center of business and community life in upper Montgomery County. The

Sector Plan includes the Subject Property in its “Town Center/West End” district. The Town Center District is further broken down into two neighborhoods — West End and the Town Center Core.

The Subject Property is located in the Town Center and is part of Sector Plan Analysis Area TC-14. The Sector Plan recognized existing commercial development in this analysis area and anticipated that businesses in the analysis area were likely to remain in place over the life of the plan. The Sector Plan recommended retention of existing land uses and densities in the Analysis Area and confirmed existing zones. The current zoning, General Retail (GR) with a density of 1.5 FAR, was imposed by the comprehensive revision to the county zoning code in 2014.

The Application replaced a restaurant with a bank that includes a drive-thru facility. This use is in keeping with the commercial character of this part of the Town Center, and the density of 0.11 FAR is well within the density levels envisioned by the Sector Plan. In addition, the design places the new bank building close to Germantown Road, contributing to a public realm that supports and encourages pedestrian activity. The Sector Plan and the *Urban Design Guidelines* recommendations for urban form support clear building lines along Germantown Road and Crystal Rock Drive. The Application reflects the standards and guidelines identified in the Sector Plan and in the *Urban Design Guidelines* for Germantown Road and Crystal Rock Drive by providing a 30-foot setback from Germantown Road and a 75-foot building setback from Crystal Rock Drive. Furthermore, the additional trees provided along Germantown Road contributes to an improved streetscape in this part of the Town Center.

Transportation

Germantown Road (MD 118) is classified as a major highway (M-61) with a minimum 150-foot wide right-of-way. The full-width right-of-way was dedicated as part of Preliminary Plan 119852000. As part of the Application, frontage improvements were provided by the Applicant which included a shared use path along Germantown Road.

The 2018 *Planning Board Draft Bicycle Master Plan* recommends a 10-foot wide side path on both sides Germantown Road, although, as of the date of the Application’s approval, the 2018 Bicycle Master Plan has yet to be adopted. While the 2005 Bicycle Master Plan also calls for a shared use path along this section of Germantown Road, the 2005 Plan had required a lower eight-foot minimum width, which is provided and exceeded for most of the facility. The Applicant nevertheless constructed a facility in substantial conformance with the 2018 Bicycle Master Plan along the south side of Germantown Road at the in the southwest corner or the intersection of Germantown Road and Crystal Rock Drive, running for approximately 160-feet. Due to several site constraints including grading and the presence of multiple utility poles and intersecting utility equipment, the path does not have the full ten-foot minimum width and five-foot green buffer between the curb and the path as recommended in the 2018 Bicycle Master Plan along its full length.

The Planning Board is amenable to the eight-foot minimum shared-use path due to the site limitations detailed by Staff. The Planning Board similarly finds that the removal of the five-foot landscape panel between the curb and the path along the section closest to the intersection with Crystal Rock Drive was a necessary compromise to accommodate the path through this constrained segment. A 42-inch tall safety barrier along this section was conditioned to improve cyclist safety. SHA will likely improve the intersection in the near future with new, upgraded signalization as well as bike and pedestrian infrastructure that better captures all elements of the 2018 Bicycle Master Plan. The proposed design does not impede the ability to improve the intersection in the future for this purpose.

Transit

Bus service in the immediate vicinity of the Subject Property include Ride-On routes 61 and 83 on Germantown Road and routes 74 and 97 on Crystal Rock Drive. The Subject Property is located approximately ¼ mile from the future Germantown station of the Corridor Cities Transitway (CCT) proposed at the current Germantown Transit Center on Aircraft Drive.

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

Roads and Other Transportation Facilities

Transportation access is adequate to serve the proposed development. The Subject Property has frontage on one public road (Germantown Road; MD 118) as well as one private road (Crystal Rock Drive).

Vehicular access to the site is accommodated through an existing entryway along Crystal Rock Drive as well as a shared internal accessway to the neighboring gas station/convenience store property to the south. An internal three-aisle drive-thru accommodates three simultaneous bank transactions and has a queuing capacity of nine vehicles, three per lane, as required by the Zoning Ordinance. The drive-thru terminates with a necked-down, single lane exit to reduce vehicular conflict at the site entrance and reduces the length of the internal pedestrian crossing. The shared use path ranging from eight-feet to ten-feet wide along the frontage on Germantown Road was designed in a manner to facilitate bike and pedestrian movements along the south side of the road. Further, the sidewalk along Crystal Rock Drive will be upgraded to serve as an ADA accessible route that connects to an internal ADA accessible sidewalk that leads up to the building's main entrance.

a. Local Area Transportation Review (LATR)

The Preliminary Plan was reviewed in accordance with the 2016-2020 Subdivision Staging Policy and associated 2017 Local Area Transportation Review Guidelines. The Application generated a net reduction of 27-person trips during the AM weekday peak hour period and increased one-person trips during the PM weekday peak hour period based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition and adjusted for the Germantown Town Center policy area. Because the Application generated fewer than 50-peak hour person trips, when compared to the existing restaurant, a traffic study is not required.

b. Other Public Facilities and Services

Other facilities and services including well and septic/water and sewer, utilities, police, fire, health are found to be adequate.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied.*

The Application meets the requirements of Chapter 22A of the Montgomery County code. A Forest Conservation Exemption request to be exempt from Article II of Chapter 22A of the Montgomery County Code (Forest Conservation Law) was confirmed on April 16, 2018. The Application was exempt from Article II of the Forest Conservation Law because the Subject Property is less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Application received an acceptable recommendation for the stormwater management concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on October 10, 2018. The Application will meet stormwater management goals by providing two on-site micro-bioretenion facilities.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 27 2018 (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 Vice Chair Dreyfuss, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, November 15, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board