



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

MCPB No. 18-110  
Site Plan No. 820180140  
First National Bank – Germantown  
Date of Hearing: November 1, 2018

NOV 27 2018

**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 May 22, 2018, DPH Architecture (“Applicant”) filed an application for approval of a site plan to replace an existing restaurant use with a 3,270 square foot bank with a drive-thru on 0.70 acres of land in the GR-1.5 H-45 zone, located at southwest quadrant of the intersection of Germantown Road and Crystal Rock Drive (“Subject Property”), in the Germantown Policy Area and Germantown Employment Area Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820180140, First National Bank – Germantown (“Site Plan” 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 at which it heard testimony and received evidence 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.

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Approved as to  
Legal Sufficiency:

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M-NCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820180140 to replace an existing restaurant use with a 3,270 square foot bank with a drive-thru on the Subject Property, subject to the following conditions:<sup>1</sup>

- 1) Amenity Open Space, Facilities, and Amenities
  - a) The Applicant must provide a minimum of 4,717 square feet of Amenity Open Space (15.5% of net lot area) on-site.
  - b) Prior to the issuance of Use and Occupancy certificates for the bank, all amenity open space areas on the Subject Property must be completed.
  
- 2) Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities constructed as part of this Site Plan including, but not limited to benches, lighting, and landscaping.
  
- 3) Transportation & Circulation
  - a) All internal sidewalks and pedestrian paths must be a minimum of five-feet wide.
  - b) Prior to Certified Site Plan, the Applicant must show an American Disabilities Act (ADA) compliant sidewalk along Crystal Rock Drive for the length of the Applicant's property.
  - c) Prior to Certified Site Plan, the Applicant must obtain agreement from the property owner to widen the sidewalk along Crystal Rock Drive for the length of the Applicant's property.
  - d) Prior to the issuance of a building permit for the approved building, the Applicant must construct a shared use path along the south side of Germantown Road that complies with the ADA requirements as shown on the Certified Site Plan and is subject to MSHA approval.
  - e) Prior to the issuance of a building permit for the building, the Applicant must construct an American Association of State Highway and Transportation Officials (AASHTO) standard 42-inch vertical rail safety barrier in areas where a landscape panel is not provided along the south side of Germantown Road if permitted by MSHA.
  
- 4) Building Design
  - a) The exterior architectural character, proportion, materials, and articulation must be in substantial conformance to the illustrative elevations shown on the Certified Site Plan, as determined by Staff.

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<sup>1</sup> 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.

b) The building is limited to a maximum height of 22-feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

5) Landscaping

- a) The Applicant must install the site elements as shown on the landscape plans submitted to M-NCPPC or Staff approved equivalent.
- b) The Applicant must install the plantings shown on the landscape plans submitted to M-NCPPC. Any variation in plant species or quantity needs approval of M-NCPPC Staff.
- c) The Applicant must install landscaping no later than the first growing season after obtaining a Use and Occupancy Certificate.

6) Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads, child care facility, and residentially developed properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

7) Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment 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, site furniture, trash

enclosures, retaining walls, fences, railings, private hydrant systems, on-site and off-site sidewalks/bikeways, and storm drainage facilities. The surety must be tied to the development program.

- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

8) 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.

9) 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 and other applicable agency letters, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Include the dimension of the existing right-of-way between the centerline and the Subject Property on all roads adjacent to the Subject Property on the Certified Site Plan.
- 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 First National Bank – Germantown, Site Plan No. 820180140, 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. *The development satisfies any previous approval that applies to the site.*

The Site Plan conforms to all conditions of Preliminary Plan 119852000 approved by the Montgomery County Planning Board (MCPB) on March 5, 1987, as amended by Preliminary Plan Amendment No. 11985200A.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies 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 section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

*Use and Development Standards*

The Subject Property is approximately 0.70 acres and zoned GR-1.5 H-45. The project is in conformance with the use standards and development standards as shown in Table 1.

*Table 1 – Development Standards in the GR Zone*

<b>Development Standards</b>	<b>Required</b>	<b>Approved by the Planning Board and Binding on the Applicant</b>
<b>Height</b>		
Principal Building	45 ft.	22 ft.
Accessory structure	25 ft.	N/A
<b>Open Space (min)</b>		
Amenity open space, tract >10,000 SF	10%	15.5% (4,717 sq. ft. of 30,423 SF)
<b>Lot &amp; Density</b>		
<b>Dimensions (min)</b>		
Lot Area	N/A	N/A
Lot width at front building line	N/A	N/A

<b>Development Standards</b>	<b>Required</b>	<b>Approved by the Planning Board and Binding on the Applicant</b>
Lot width at front lot line	N/A	N/A
<b>Density (max)</b>		
Density, FAR	1.5	0.11
<b>Building Area (square feet)</b>		3,270 sq. ft.
<b>Placement</b>		
<b>Principal Building Setbacks (min)*</b>		
Front setback (Crystal Rock Drive)	25 ft.	78 ft.
Side setback (Germantown Road)	30 ft.	30 ft.
Side setback (south)	0 ft.	42 ft.
Rear setback (west)	0 ft.	11 ft.
<b>Parking Setbacks (min)</b>		
Crystal Rock Drive (Front)	6 ft.	6 ft.
Germantown Road (Side)	6 ft.	6 ft.
7-11, GR Zone (Side)	6 ft.	6 ft.
KinderCare, CRN Zone (Rear)	6 ft.	6 ft.
<b>Parking Spaces (Section 6.2)</b>		
Total Vehicle Spaces (min.)	12	17
Short Term Bicycle Parking	1	1
Long-Term Bicycle Parking	1	1
Queuing Design Standards for Drive-Thru	3	3
<b>Parking Lot Area Canopy Coverage</b>	25%	25%

*\*Principal building setbacks are required by the Sector Plan.*

**Division 3.5. Standards for Approval of a Drive-Thru**

*Use Standards - Section 59-3.5.14.E Drive-Thru*

In addition to the development standards noted above, there are use standards for a drive-thru use. The drive-thru use meets the limited use standards as shown below:

- 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.*

There are no residentially or agriculturally zoned properties within 100-feet of the drive-thru ATM's and queuing area.

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

This section is not applicable since the Application does not include a restaurant with a drive-thru.

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

While the Subject Property is on a corner lot, the drive through location is on the south side of the main bank structure; 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 and rear of the building.

#### Division 6 – General Development Standards

- i. *Division 6.1. Site Access*

Vehicular access on the Subject Property will remain unchanged and continues to be adequate for the bank use. Vehicle access to the Subject Property is provided at two locations: the primary access will be through an existing driveway on Crystal Rock Drive, designed as a right-in, right-out only, the secondary access is an inter-parcel connection from the adjacent gas station located south of the Subject Property. The Subject Property is currently accessed by pedestrians through an existing sidewalk network along Crystal Rock Drive and

Germantown Road. Improvements to provide ADA accessibility is provided by the Applicant for both the existing sidewalk network as well as a new internal sidewalk for direct pedestrian access to the main entrance to the bank.

*i. Division 6.2. Parking, Queuing, and Loading*

The Site Plan provides adequate parking, queuing and loading to serve the bank with a drive-thru. Vehicle Parking in the GR zone is outside of a reduced parking area and has a minimum of 12 parking spaces on the Subject Property to meet the requirements of Division 6.2 for the bank with drive-thru use. The Application provides a total of 17 parking spaces to adequately serve the bank with drive-thru. The Application also includes one short-term and one long-term bicycle space which meets the Zoning Ordinance requirements. A loading space is not provided since it is not required as part of the Application under the Zoning Ordinance.

The bank includes a drive-thru with three lanes each containing an ATM. Each lane provides adequate queuing spaces for three vehicles, including a bypass lane in conformance with Sect. 6.2.7.A.2, and are located at least 100 feet away from adjacent residential uses.

*ii. Division 6.3. Open Space and Recreation*

The open space provided is adequate for the Site Plan. The Zoning Ordinance requires a minimum of 10 percent of amenity open space for this Subject Property, and the Application includes 15.5 percent of amenity open space located along Germantown Road. The amenity open space features shade trees, pedestrian facilities, and a seating area consisting of one bench located northeast of the bank. There are no recreation requirements since this is not a residential development.

*iii. Division 6.4. General Landscaping and Outdoor Lighting*

The landscaping and lighting are adequate for the bank with drive-thru use. The landscaping consists of shade trees along the perimeter of the Subject Property for shading pedestrian connections, including Crystal Rock Drive, as well as to reduce visibility of the drive-thru from the surrounding properties. Trees are also lined along Germantown Road and Crystal Rock Drive for an improved streetscape. The Subject Property is well landscaped with several shade and ornamental trees, as well as numerous deciduous and evergreen shrubs. The Subject Property also includes several shade trees that surround the bioretention facility located at the rear of the building. The shade trees provided in the parking area will provide 25



percent of shade and meets the shading requirement of the Zoning Ordinance.

The photometric plan demonstrates that the development meets the outdoor lighting requirement and is safe, adequate, and efficient as it provides adequate levels for safety without casting glare.

*iv. Division 6.5. Screening Requirements*

The abutting building type and zone is a commercial daycare in the CRT-0.5 C-0.5 R-0.25 H-35 zone to the west. Although screening is not required under the zoning ordinance from child care facilities and there is an existing six-foot wooden fence on the child care property separating the bank from the childcare facility, the Applicant provided additional screening to reduce visibility into the childcare facility from the Subject Property. A six-foot parking setback is provided from the western property line that includes pyramidal European hornbeam trees with heights ranging between 12 and 14-feet as well as shrubs with heights ranging between 24 and 30-inches.

*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**

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on October 10, 2018. The plan meets stormwater management requirements by providing two on-site micro-bioretenention facilities.

**b. Chapter 22A, Forest Conservation**

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

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 submitted for review on February 28, 2018 and confirmed on April 16, 2018. The Application is 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.

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

#### Parking and Circulation

The Site Plan provides safe and well-integrated parking and circulation patterns on the Subject Property. The parking is not located between the building and the street, but rather located behind the front building line. Parking was configured into several smaller parking areas instead of one large parking lot which provides a more efficient circulation pattern and room for landscaping. The three drive-thru lanes for the three ATMs are also located behind the front building line and at the rear of the building. The bank with drive-thru was designed in such a way so that the ATMs are at the rear of the Subject Property and meet the required 100-foot distance from residential properties. Vehicles entering the Subject Property that do not wish to use the ATMs can go directly to the surface parking located in the northeast portion of the Subject Property. The one-way circulation from the entrance around the ATM queueing area and the two-way circulation in the eastern portion of the Subject Property minimizes vehicle conflict points and isolates the queueing area from the rest of the parking drive aisles. Furthermore, the drive-thru terminates with a necked-down, single lane exit that is intended to reduce vehicular conflict at the site entrance and reduce the length of the internal pedestrian crossing to provide safer, more efficient circulation. The exit from the Subject Property will continue to be limited to right turn movements onto Crystal Rock Drive; stop bars will be incorporated into the circulation pattern to improve vehicular and pedestrian safety.

#### Building Massing, Open Space, and Site Amenities

The bank with drive-thru provides safe and integrated building massing, open space locations, and site amenities. The one-story bank with drive-thru will be in a similar location as the previously constructed restaurant building. The new structure is approximately 570 square feet larger than what was constructed before, and the new building is located on the northwestern side of the Subject Property. The building is generally square-shaped and is consistent with the massing of the surrounding development.

The building frontage for the bank is located along Crystal Rock Drive, which is an improvement since the bank fronts along a street rather than a surface parking lot that the previous building fronted. The Applicant considered fronting the building along Germantown Road; however, due to the significant grade change along the Subject Property's Germantown frontage, Crystal Rock Drive was more appropriate. The Applicant incorporated a lead-in stairway to provide direct pedestrian access to the front of the building from Germantown Road.

The north building elevation, fronting on Germantown Road, avoids a blank wall appearance, and articulates a masonry façade with an attractive row of windows on the building.

The primary amenity open space areas are located along the northern portion of the Subject Property along Germantown Road and will provide street activation along Germantown Road. The minimum requirement for amenity open space is 10 percent of the Subject Property, and this Application provides 15.5 percent. Open space and site amenities conform to design requirements pursuant to Division 6.3.7 and are adequately addressed.

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

The Site Plan 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 replaces 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.

Germantown station of the Corridor Cities Transitway (CCT) proposed at the current Germantown Transit Center on Aircraft Drive.

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.*

As discussed in the Planning Board's Resolution approving Preliminary Plan No. 11985200A, approved concurrently with this Site Plan, the development will be served by adequate public services and facilities.

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

The Subject Property is surrounded by commercial, mixed use, and employment zoned properties, which are improved with various commercial and mixed uses. The Site Plan includes a bank with a drive-thru that is compatible with the existing gasoline filling station with a drive-thru car wash and office to the east and gas station to the south of the Subject Property. The drive-thru is also compatible with the child care facility since a six-foot fence separates the two uses. Also, landscape screening is provided along the western property line to reduce visibility to the child care facility consisting of several trees and shrubs within the six-foot parking setback from the western property, and additional residential and commercial uses to the north. Within the Town Center Core, the bank with a drive-thru facility is compatible with existing and pending adjacent development.

The architectural treatment of the building is compatible with adjacent development. All sides of the building include masonry and glass materials that are consistent with commercial development in the surrounding area. The previously approved restaurant will be replaced with a bank with a drive-thru which is compatible with the commercial and employment uses in the surrounding area.

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 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).

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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 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.



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Casey Anderson, Chair  
Montgomery County Planning Board