



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

MCPB No. 20-016
Site Plan No. 820200060
The Shops at Sumner Place
Date of Hearing: March 12, 2020

APR 03 2020

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 October 18, 2019, J.P. Morgan Chase Bank, N.A. ("Applicant") filed an application for approval of a site plan for construction of a drive-thru ATM on 0.09 acres of NR 0.75 H-45' zoned-land, located within the Shops at Sumner Place shopping center, at the intersection of Sangamore Road and Sentinel Drive ("Subject Property"), in the Bethesda Chevy Chase Policy Area and 1990 Bethesda Chevy Chase Master Plan ("Master Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820200060, The Shops at Sumner Place ("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 February 28, 2020 setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 12, 2020, 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 conditions, on the motion of Commissioner Gerald Cichy, seconded by Commissioner Natali Fani-Gonzalez, with a vote of 4-0; Commissioners Casey Anderson, Gerald Cichy, Natali Fani-Gonzalez, and Tina Patterson voting in favor, with Commissioner Verma absent.

Approved as to
Legal Sufficiency

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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820200060, The Shops at Sumner Place, for construction of a drive-thru ATM on the Subject Property, subject to the following conditions:¹

1)Preliminary Plan

The Applicant must comply with the conditions of approval for Preliminary Plan No. 119852020 as listed in the associated MCPB Resolution dated May 28, 1986.

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, hardscape elements and landscaping.

3)Design

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

4)Landscaping

a) The Applicant must install the on-site and off-site elements as shown on the landscape plans submitted to M-NCPPC or Staff approved equivalent within 4 months of final inspection or the next planting season.

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 Staff.

5)Lighting

The Applicant must provide downward facing security lighting within the drive-thru ATM structure.

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.

6)Site Plan Surety and Maintenance Agreement

Prior to issuance of any construction 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, parking wheel stops, and elements related to directing vehicular flow for ATM use.
- c)The bond or surety must be tied to the completion of all improvements covered by the Site Plan, which will be released following the Site Plan completion inspection.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of The Shops at Sumner Place, No. 820200060 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 the relevant conditions of Preliminary Plan No. 119852020 approved on May 6, 1986 by the Montgomery County Planning Board. All additions proposed by the Subject Application maintain compliance with the development standards associated with this Preliminary Plan.

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.*

a. Use Standards

Drive-Thru Use:

The Applicant's proposed drive-thru ATM is permitted as a limited use in the NR Zone. Pursuant to Section 3.5.14.E.1 of the Zoning Ordinance, a Drive-Thru is a type of Accessory Commercial Use defined as a "facility where the customer is served while sitting in a vehicle." Banks are included as a Drive-Thru use. Accordingly, the Application satisfies the limited use standards under Section 3.5.14.E.2, as follows:

i. *A Drive-Thru, including 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 subject Application complies with this standard. The ATM Drive-Thru and queuing area will 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.

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

This provision is not applicable. This Site Plan application is not for a Restaurant with a Drive-Thru use.

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.

This Site Plan application does not propose a drive-thru service between the street and the front wall of a main 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 3-foot-high wall or fence.

This Site Plan application does not propose a drive-thru service between the street and the side wall of a main building on a corner lot.

v. Site plan approval is required under Section 7.3.4.

As addressed below in Section VII, the Planning Board will be able to make the necessary findings to grant Site Plan approval and permit the proposed drive-thru ATM.

vi. A conditional use application for a Drive-Thru may be filed with the Hearing Examiner if the limited use standards under Section 3.5.14.E.2.a.i through Section 3.5.14.E.2.a.iv cannot be met.

A conditional use application for the proposed ATM Drive-Thru is not needed. The application satisfies the applicable limited use standards under the Zoning ordinance.

b. General Requirements

i. Site Access

Vehicular access to the Site Plan area is proposed directly from the existing Shopping Center site access point on Sentinel Drive. Sentinel Drive is currently improved as a two-lane street within a 70-foot wide public right-of-way. Sentinel Drive has two travel lanes and a parking lane along the westbound (opposite) side of the street. Sentinel Drive connects to the regional transportation network via Sangamore Road, which is designated as an arterial roadway (A-63) within the Bethesda Chevy Chase Master Plan area.

ii. *Parking, Queuing, and Loading*

Vehicles bound for the proposed ATM kiosk will access the site via the existing driveway on Sentinel Drive and will circulate within the existing parking lot drive aisles in a counter-clockwise direction. As proposed, the ATM kiosk drive aisle provides two travel lanes to accommodate both ATM kiosk customers and a bypass lane for those who need to exit any queues that may exist on-site.

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

The Application is exempt from the applicable permitting requirements under Chapter 19 as it is a minor land-disturbing activity that satisfies the associated criteria found under Chapter 59 sec. 19-2(b)(1). In accordance with sec. 19-31(c), the proposed development is exempt from stormwater management requirements because it will not disturb more than 5,000 square feet of land area.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Shopping Center is subject to existing Forest Conservation Plan No. 119852020. The ATM and associated improvements are proposed to be located within a portion of the existing surface parking lot of the Shopping Center. The Applicant is proposing to provide additional plantings to ensure the Site Plan area complies with the approved Forest Conservation Plan. Final site conditions, which include additional canopy tree and shrub plantings will be represented on an amended Final Forest Conservation Plan accompanying the Subject Application, as conditioned in the beginning of this report.

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

The Site Plan provides for safe and well-integrated parking and circulation patterns on the Subject Property. The overall property circulation is maintained, while circulation within the Site Plan area maintains a drive aisle with bypass lanes to allow for the unimpeded flow of vehicles. Pedestrian circulation is unchanged.

The Subject Application proposes the elimination of 3 parking spaces which will be repurposed to expand the landscape area and amenity open space. The previously approved Preliminary Plan provided 840 parking spaces, and the proposed Site Plan will provide 837, which remains above the required 824 parking spaces for the entire Shopping Center.

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 Property is located within Bethesda Chevy Chase (BCC) Master Plan ('Master Plan'); more specifically, the Property falls within the Palisades-Western BCC region which is bounded on the north by River Road, on the south by the Potomac River, on the east by the District of Columbia, and on the west by I-495 as depicted on page 64 of the Master Plan. The Master Plan emphasizes the environmental sensitivity of this area, but also highlights the importance of its three neighborhood shopping centers, including The Shops at Sumner Place (referred to in the Master Plan as Little Falls Mall, the site's former name).

Specifically, on page 71, the Master Plan references the need to enhance the role of Little Falls Mall as a "community oriented retail center" and proposes that efforts be made to improve its economic viability. By providing additional banking opportunities, the Applicant's proposed drive-thru ATM enhances the role of the Shopping Center as a destination that serves the community. The presence of the proposed Chase ATM may also attract customers to the Shopping Center who otherwise may have found other convenient banking options.

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 proposed drive-thru ATM will be served by adequate public facilities. The provided traffic statement details that the proposed use will generate 12 net new morning peak hour person trips and 35 net new evening peak hour person trips.

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 APR 03 2020 (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 Fani-González seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, March 26, 2020, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board