



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 20-114

NOV 04 2020

Site Plan No. 820200180

Chase Bank – White Oak Shopping Center (ATM)

Date of Hearing: October 15, 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 June 17, 2020, J. P. Morgan Chase & Co. (“Applicant”) filed an application for approval of a site plan for a drive-thru automated teller machine (ATM) associated with an existing bank on 0.19 acres of CR-2.5 C-1.5 R-1.5 H-200 zoned-land, located at 11297 New Hampshire Avenue (“Subject Property”), in the 2014 *White Oak Science Gateway Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820200180 Chase Bank – White Oak Shopping Center (ATM) (“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 5, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on October 16, 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 certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No.820200180 to construct a freestanding, drive thru automated teller machine

(ATM) associated with an existing bank, the Subject Property, subject to the following conditions:¹

Density and Height

1. Density

The Site Plan does not allow any increase in density.

2. Height

The development is limited to a maximum height of 12.5 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

Environment

3. Forest Conservation & Tree Save

The development must comply with the conditions of the approved exemption from submitting a Forest Conservation Plan No. 42018187E, dated May 6, 2020.

Site Plan

4. Architectural Character

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet 13 of the submitted architectural drawings.

5. Landscaping

Prior to the end of the first planting season after the issuance of the final Inspection Certificate, all landscape plant materials must be installed.

6. 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.

7. 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 any applicable agency letters, development program, and Site Plan resolutions.
- b) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may

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.

be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820200180 Chase Bank – White Oak Shopping Center (ATM), 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.*

This section is not applicable because there are no previous approvals. The lot was created by recorded deed and platted in 1958 (M-NCPPC Plat No. 166-46).

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 CR 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 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.

The proposed ATM and drive-thru is not located between the street and the side wall of the Chase Bank branch. Additionally, the ATM is permanently screened from the street by a six (6) foot retaining wall.

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

As conditioned, the Planning Board made 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.

Queuing Design Standards

Under Section 6.2.7, any non-restaurant use must have a minimum of three (3) queuing spaces for each drive-thru lane. The Application provides three (3) queuing spaces for the ATM. Additionally, the queuing spaces must meet the following design standards.

- i. A queuing space must be the same size as a standard parallel parking space under Division 6.2.

The queuing spaces are the same sizes as the standard parallel parking spaces.

- ii. A vehicle must be able to use a drive-thru facility without encroaching on or interfering with the public use of streets and sidewalks.

The design of this drive-thru will allow vehicles to access the ATM without interfering with or encroaching with the public use of streets and sidewalks.

- iii. Any aisle to accommodate queuing must be clearly marked or physically separated from driveway aisles, parking spaces, and pedestrian walkways.

The queuing lane is clearly delineated and separated with a concrete barrier and paint.

- iv. Each queuing space must satisfy the parking lot landscaping and lighting requirements in Section 6.2.9.

While Section 6.2.9 does not apply to this application due to the size of the development, the Applicant is planting an additional two (2) trees adjacent to the drive-thru.

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 Shopping Center is subject to Forest Conservation Law but exempt from Article II per 42018187E, dated May 6, 2020.

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

The Applicant is converting existing surface parking spaces to a one-way ATM drive aisle to serve customers of the proposed Chase Bank. The drive aisle will be clearly demarcated with pavement markings and the Applicant is installing concrete curbs at the entrance and exit to the ATM drive aisle to orient customers and prevent unauthorized turning movements. The Applicant is painting the curb yellow adjacent to the ATM drive aisle and bank entrance to indicate that parking is prohibited, similar to other areas within White Oak Shopping Center.

Roadway Improvements

The Applicant is creating a new drive aisle for the ATM, accommodating three vehicles simultaneously. No other roadway improvements are proposed.

Public Transit Service

White Oak Shopping Center is served by two Ride On routes (Route 10 and Route 22) and four WMATA Metrobus routes (K6, Z2, Z6, and Z8). The 2013 Countywide Transit Corridors Functional Master Plan recommends a bus rapid transit (BRT) route on New Hampshire Avenue and a route on US-29; both routes are proposed to serve a station on Lockwood Drive, one block south of the property. BRT service on US 29 is expected to start operations in 2021.

Pedestrian and Bicycle Facilities

Pedestrian access to the property from New Hampshire Avenue is provided by a sidewalk and staircase connection. A 5-6' sidewalk provides access along New Hampshire Avenue between the property and Lockwood Drive. The Applicant is reconstructing a 6' sidewalk that provides access to the converted Chase Bank from the surface parking lot. No bicycle facilities are being constructed as part of the Application.

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 within the boundaries of the 2014 White Oak Science Gateway Master Plan. The area is largely suburban in character, but the Master Plan envisioned three areas centered on existing commercial centers, as future major activity centers. The Subject Property is part of the White Oak activity center. This center includes commercial and residential properties south of US 29 and around the intersection of New Hampshire Avenue and Lockwood Drive, residential clusters extending to the western edge of the Paint Branch, and the headquarters for the Food and Drug Administration. The intensity of the Master Plan's recommendations is focused on the White Oak Shopping Center property; the Master Plan's long term vision for this prominent and highly visible location is for a mixed-use walkable center with pedestrian and bicycle improvements connecting to surrounding neighborhoods, and public open spaces to serve as amenities to the entire activity center.

Master-Planned Roadways and Bikeway

This segment of New Hampshire Avenue (MD 650) is classified by the Master Plan of Highways and Transitways as a Major Highway with Planned BRT, six lanes, and a 120-foot right-of-way. The Bicycle Master Plan recommends two-way separated bike lanes on New Hampshire Avenue south of Lockwood Drive, but does not recommend bike facilities adjacent to this Property. Internal bike lanes within White Oak Shopping Center are recommended to the east of the Property.

Master Plan / Design Guidelines:

The following are priorities for this activity center:

Promote redevelopment that includes a significant retail, restaurant, and neighborhood services at street level.

- Redevelopment should establish a new vertical scale with high intensity uses to create a more urban building form, to improve the pedestrian environment and support future transit.
- Given FDA's proximity, promote redevelopment along Lockwood Drive and explore connections to and synergies with the federal campus.
- New development should prioritize improving the intersection of New Hampshire Avenue and Lockwood Drive for pedestrians.
- An urban plaza integrated with the existing Transit Center, and a neighborhood green should be provided within the White Oak Shopping Center property. Exploring additional open spaces for public use is encouraged.

The Application is within one of the priority redevelopment areas designated by the Master Plan. However, it includes an accessory use to an existing commercial use only. Given its limited scope, achieving any of the recommendations in the Master Plan for this Property will not be feasible. Substantial implementation of the Master Plan's vision for this Property will require comprehensive redevelopment of the larger shopping center property. The ATM is located along the New Hampshire Avenue frontage but given grade differences between the Property and pedestrian areas along the avenue, its impact on pedestrian zones will be limited. No improvements along New Hampshire Avenue are included with this Application.

The Application's limited scope does not significantly alter the current use of the Property, and it will not preclude future redevelopment in keeping with the Master Plan's vision from moving forward in the future.

The Master Plan does recommend substantial retail and neighborhood serving uses on the Property. The drive-thru ATM will enhance an existing commercial use, so it is an appropriate interim use.

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.*

Local Area Transportation Review (LATR)

The Institute of Transportation Engineers' Trip Generation rates is used to calculate the peak-hour trips generated by the ATM. Based on this projection, nine trips are expected to be generated in the peak morning hour and 27 trips are expected to be generated in the evening peak hour. The site will generate fewer than 50 total person trips, and per the 2017 Local Area Transportation Review Guidelines no traffic study is required.

The drive-thru ATM will be served by adequate public facilities. The provided traffic statement details that the use will generate 12 net new morning peak hour person trips and 38 net new evening peak hour person trips. The use does not generate students and all other public facilities are adequate to serve the proposed use.

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

The drive-thru ATM is compatible with the existing and adjacent commercial/non-residential uses within the Shopping Center.

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 04 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).

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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 Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson and Verma voting in favor of the motion at its regular meeting held on Thursday, October 15, 2020, in Wheaton, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board