

CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT

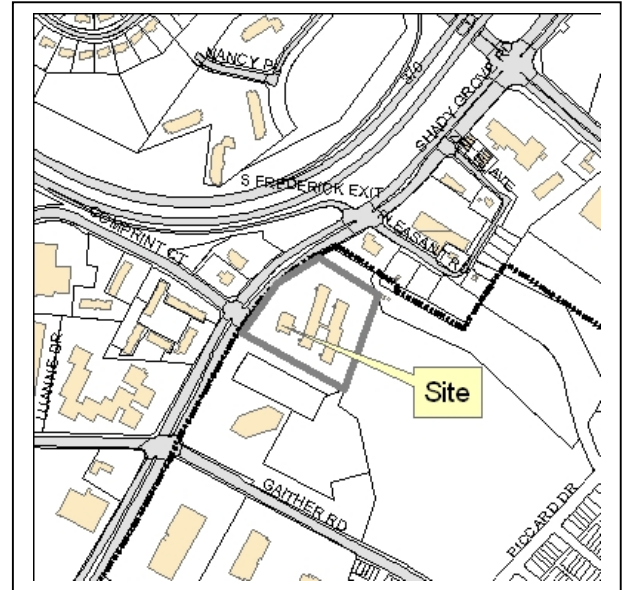
September 21, 2006

**SUBJECT:**

Special Exception Application SPX2006-00366

Applicant: Sovereign Bank  
c/o Patti B. Davis, Senior Vice President  
1130 Berkshire Boulevard  
Mail Code 11-900-TC3  
Wyomissing, Pennsylvania 19610

Property  
Owner: Red Roof Inns, Inc.  
c/o Kristin Taylor  
Director, Real Estate & Development  
Accor North America, Inc.  
4001 International Parkway  
Carrollton, Texas 75007



Property  
Location: 16001 Shady Grove Road, Rockville, Maryland 20850

Planning Commission Review Date: September 27, 2006  
Board of Appeals Public Hearing Date: October 7, 2006

**REQUEST:**

The applicant seeks special exception approval to establish and operate a Sovereign Branch Bank office, with customer drive-thru banking facilities on the subject property. The applicant proposes to renovate approximately 4,000 square feet of existing hotel building space, i.e., the hotel's former restaurant, for the operation of the branch banking operation. Much of the on-site surface parking located in the rear and front of the existing building in which the bank will be located, will be re-stripped. There are other physical alterations that will be made to those parking areas in order to install the new customer drive thru travel/stacking lanes. Under the request as submitted, there are no proposals to alter or modify the site's vehicular entrances onto Shady Grove Road.

**PREVIOUS RELATED ACTION:**

Special Exception Application S-47-78, Lodges Associates - a request to permit a motel and restaurant to be located on Lot 4 of the Danac Technological Park, in the I-3 (Industrial Park) zone, approved by the Board of Appeals on September 9, 1978.

Use Permit U-105-78, Lodges Associates - a proposal to construct a motel and restaurant on the subject property, i.e., two (2) two-story motel buildings containing a total of 192 units, a one-story restaurant with administration/management floor space, approved by the Director of Planning on September 14, 1978.

Use Permit Amendment USA78-0105A, Ronald Saylor, Days Inn Hotel- a proposal to install a satellite earth station antenna adjacent to motel/hotel's swimming pool enclosure, approved by the Director of Planning on March 20, 1986.

Use Permit Amendment USA78-0105B, Rory Coakley c/o Lodges Associates – a proposal to install additional surface parking on the subject site located at 16001 Shady Grove Road, approved by the Acting Director of Planning on May 12, 1988.

Special Exception Application SPX97-0261, Zivic and Hurdle Architects c/o Ali Davoodi – a request to expand the existing hotel/motel via a new building addition, as part of its conversion from a Days Inn to a Red Roof Inn, approved by the Board of Appeals on November 1, 1997.

Use Permit Amendment USA78-0105C, Zivic & Hurdle Architects c/o Ali Davoodi – a proposal to construct a new building addition on the motel's restaurant, also creating added floor space for hotel administrative functions. Also, under said proposal a new attached porte-cochere was constructed on the front southwest corner of the existing motel/hotel guest check-in/check-out lobby area. Approved by the Director of Community Planning & Dev. Services on February 20, 1998.

**STAFF RECOMMENDATION:**

Staff recommends the application and land use request be approved subject to the following conditions:

1. All proposed site development and improvements for the bank and its proposed drive-thru facilities must be constructed in accordance with the site and building plans submitted with the subject request, or as may be modified in the subsequent use permit approval by the Planning Commission.
2. Trees removed to accommodate development of the proposed branch bank facility must be replaced in accordance with applicable requirements of the City's Forest and Tree Preservation Ordinance. Note, all proposed site landscaping must be in keeping with landscape/forest conservation plan/s to be approved under the project's subsequent use permit.
3. At the determination of the City's Chief of Traffic and Transportation, appropriate (on-site) traffic control signage should be installed in and around the entrance and terminus of the bank's drive-thru aisle locations, e.g., stop signs, pedestrian yield signs, do not enter, etc.

4. All internal and external traffic control devices, such as signs, markings and devices placed on, over, or adjacent to a roadway or pathway to regulate, warn or guide pedestrians and vehicular traffic, shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).
5. Applicant will work closely with Montgomery County's Department of Public Works and Transportation (MCDPW&T) to obtain approval to re-stripe the westbound approach of Gaither Road, to provide a third left turn lane. Said improvement is intended to mitigate potential impacts that site generated vehicular traffic may have on the intersection of Shady Grove Road and Gaither Road.
6. In consultation with MCDPW&T and at its approval, the applicant will widen the existing sidewalk located along the length of the site's Shady Grove Road street frontage, creating a shared use path, a minimum of eight (8) feet in width.
7. The applicant will be responsible for signal modification and/or upgrades that may be needed for the installation of a left-turn arrow, allowing (westbound) vehicles to safely and efficiently access the subject site via the intersection of Shady Grove Road and Comprint Court.
8. Landscaping for the banking site must be provided and approved in consultation with the City Forester and/or as maybe amended with the Planning Commission's approval of the project's use permit.

## **ANALYSIS:**

### **Property Description**

The subject property is located on the south side of Shady Grove Road, approximately 800 feet southwest of Pleasant Road and 650 feet northeast of Gaither Road. The property is approximately 242,653 square feet (5.57 acres) in size, zoned for I-3 (Industrial Park) land usage, and currently improved as a Red Roof Inn Hotel. The property contains two (2), two-story freestanding buildings that collectively contain 188 guest rooms and a third building structure which comprises the hotel guest check-in/check-out office component, along with the remaining 4,000 square foot portion of the building, which is the subject to the applicant's special exception request. According to available City records, the site has a total of 236 surface parking spaces (ref. USA78-105C). Site surface parking facilities are located primarily in the front, side, and rear yard areas of the site (See Exhibits 2 & 3).

The site also contains a small outdoor swimming pool located on the north side of the hotel check in/check out building and former site restaurant Vehicular access to the property is provided via dual

entrances on Shady Grove Road. The site's southern most entrance is reasonably aligned with the signalized intersection of Shady Grove Road and Comprint Court, while the site's northern most entrance is a right-in/right-out ingress/egress point. The subject property is well landscaped and contains an array of plantings and other vegetative materials, all ranging in species and size. Located in the front northwest area of the site, is a substantial (12,400 sq.ft.) forest stand, which consists of various hardwood species. The site's topography ranges from flat to gentle to pronounced surface sloping. The site surface grades found in the rear area of the site are higher than those found in the rear, causing gentle but evident surface sloping from the rear of the site, falling gradually toward the front area of the property.

### **Aerial View of 16001 Shady Grove Road**



The subject property is located in the extreme northwest corner of the City and is bounded to the west by commercially zoned properties located in Montgomery County. Note, Shady Grove Road forms the boundary between the City to the east and County to the west. Properties to the east and southeast are located in the City and are zoned for O-3 (Restricted Office) land usage and planned to be Mattie J. Steponek Park within King Farm. The property to the south is zoned for the City's I-3 land use classification and is developed with a mixture of office (Industrial Park) land uses.

### **Aerial View of 16001 Shady Grove Road**



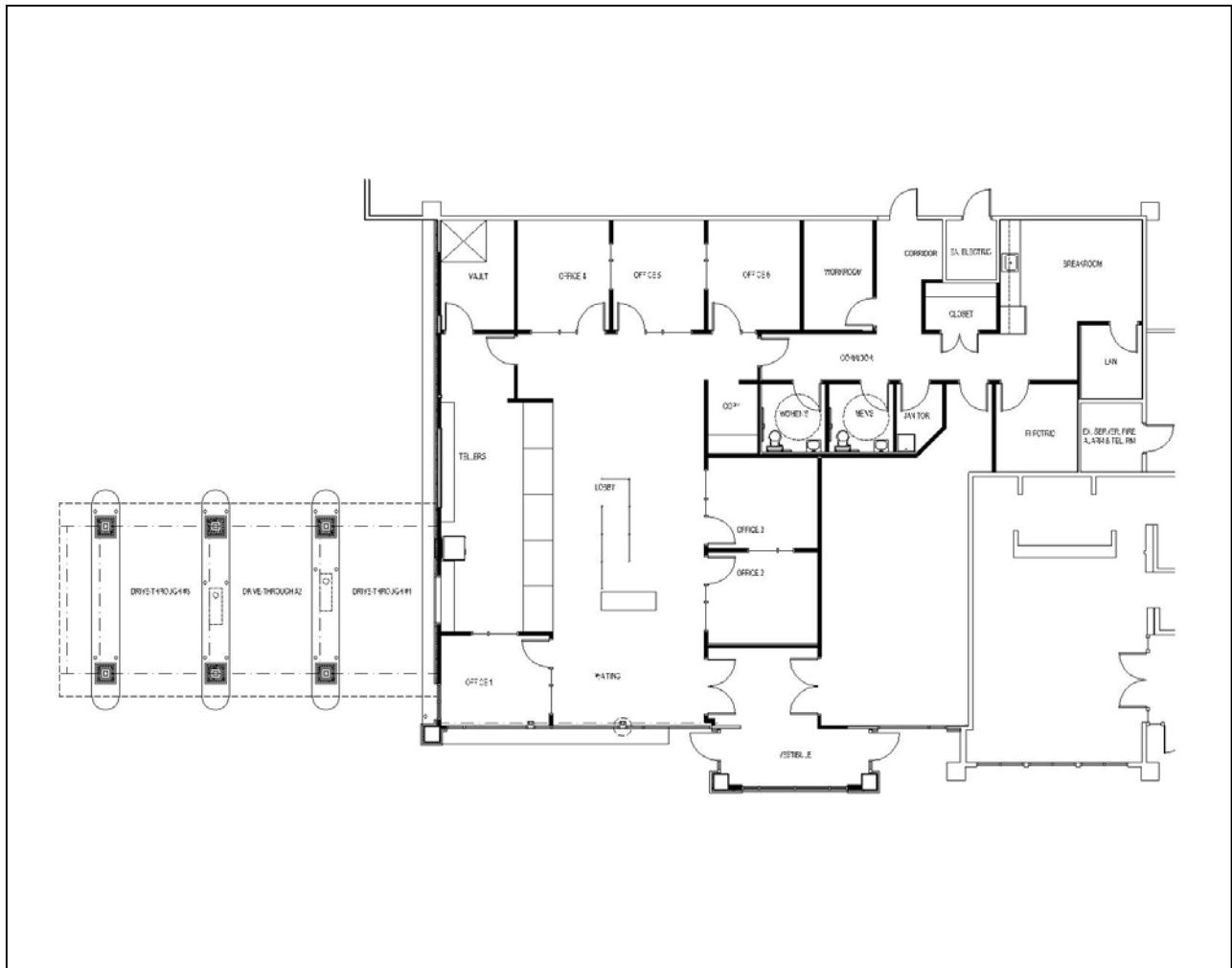
### **Land Use Request – Project Proposal**

The applicant (Sovereign Bank) has been authorized by the property owner (Red Roof Inns, Inc) to file the subject special exception request, i.e., to renovate and remodel the hotel's former restaurant

space, which has been vacant for several years, for use and operation of a branch bank office with customer drive thru facilities.

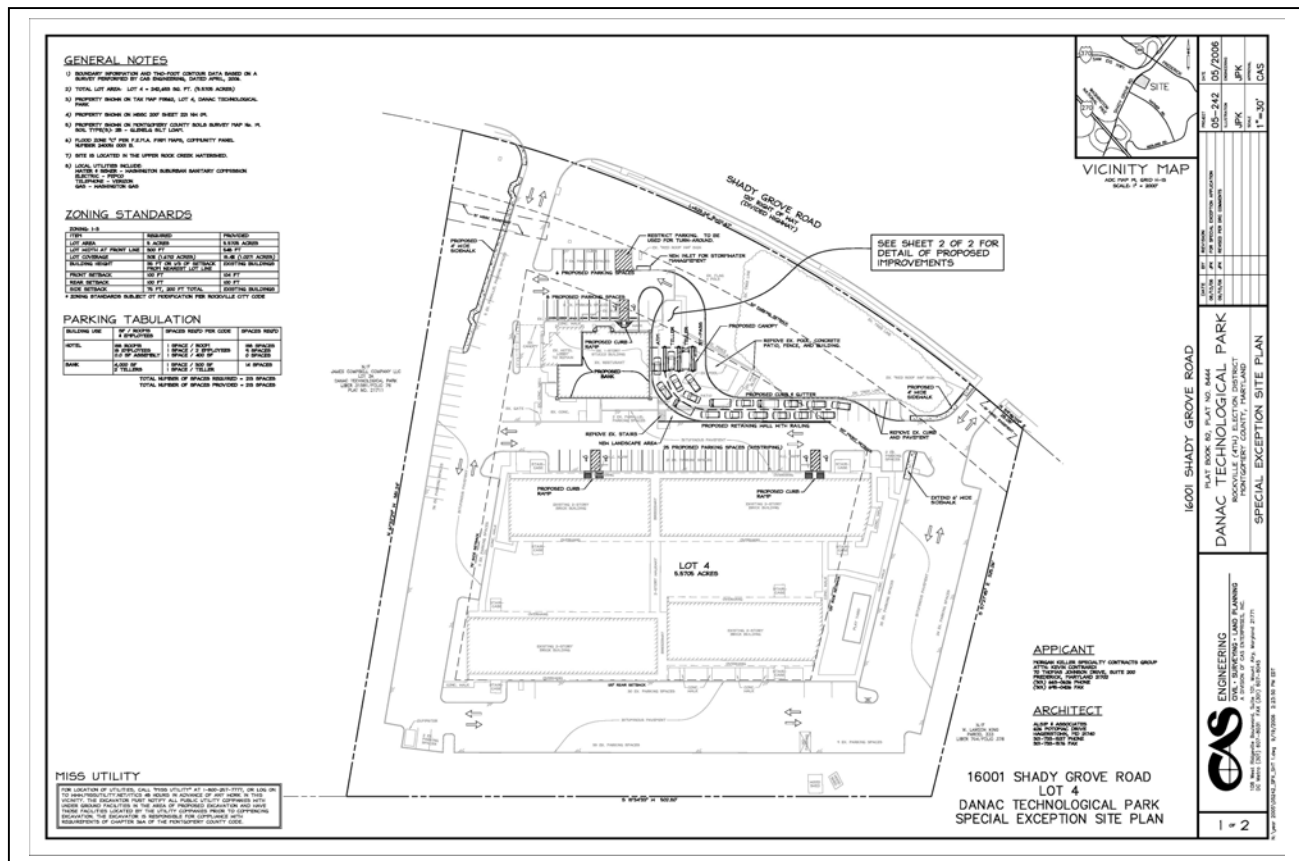
The applicant proposes to fully renovate the existing 4000 square foot former restaurant space to accommodate its branch banking operations. The renovated facility once completed would consist of administrative office space, bank lobby, customer waiter area, training and break rooms, rest rooms, and other miscellaneous support space. The exterior façade of the building would be both renovated and improved to accommodate the proposed customer drive thru teller windows. While the building's exterior will be improved, the building will not be expanded (except for the installation of the drive-thru teller canopy, which shelters the drive thru ATM facility and bank teller support equipment which enables customers to interact with indoor bank personnel while conducting transactions.

### Proposed Floor Plan (See Exhibit 5)



The site's middle parking area and travel way will be physically modified and retrofitted to install the customer drive aisles/stacking lanes that provide access to the drive-thru facilities. There will also be site improvements to the front parking lot, where customer vehicles leaving the drive thru facilities will exit the site. As shown on the proposed site developments submitted with the applicant's request, a total of 213 parking spaces are to be provided to accommodate the proposed branch banking operation and that of the hotel. In accordance with Section 25-395 of the City of Rockville Zoning Ordinance, a total of 197 parking spaces must be provided for the hotel use and 16 parking spaces must be provided for the branch bank office use.

**Proposed Site Development Plan (See Exhibit 2)**



**Applicable Sections of the Zoning Ordinance & Staff Assessment**

In accordance with Section 25-338 of the Ordinance the Board of Appeals shall not grant any petition for special exception unless it finds from a preponderance of the evidence of record that:

1. The proposed use does not violate or adversely affect the Master Plan, the Zoning

### **Ordinance or any other applicable law; and**

The existing and proposed use of the property is consistent with both the Master Plan's land use designation and zoning classification of the site. The existing hotel use has been found to be consistent with the Plan and Ordinance, as is evidenced by previous grants of special exceptions that allowed the hotel and (then) accompanying restaurant. As noted, the hotel is still operational while the accompanying restaurant has been closed for several years. The proposed branch bank with customer drive thru facilities, will not violate or adversely affect the Master Plan, the Zoning Ordinance, or any other known law. According to all available information, the existing hotel has been in continuous operations on the subject site for well over twenty-five (25) years. As when the site was initially developed in 1979, the property is still zoned for I-3 (Industrial Park) land usage. Today, the land use designation of the subject property by the Master Plan is for "restricted industrial/office park" land usage.

As per Section 25-272(f) of the Ordinance, the purpose of the I-3 (Industrial) zone, which the subject property is presently zoned, "is to provide an open, attractive environment for certain office uses and low intensity industrial activities. The standards and restrictions of the zone are designed to provide external effects or amenities compatible with surrounding or abutting residential zones. To this end, development is limited to a low concentration and uses are restricted to those industrial activities which can be operated in a clean and quiet manner and which will be least objectionable to adjoining residential zones." Based on the information provided, there is no evidence that the proposal to establish and operate a branch bank and accompanying drive-thru facilities on the subject site, would be adverse to the Plan, the Ordinance, or other applicable law. The request is submitted in accordance with Section 25-339(c) of the Ordinance.

If the applicant operates the proposed business use as represented, there is no evidence the use coupled with the other site use ( i.e., the hotel use) would violate any applicable laws. By allowing branch bank offices with customer drive thru facilities in the I-3 Zone as special exception land uses, inference is made from the Ordinance that such uses are appropriate if it can be demonstrated that said uses will not adversely impact surrounding land uses.

**2. The proposed use at the location selected will not: a) Adversely affect the health and safety of residents in the area; or b) Overburden existing and programmed public facilities as provided in Article XVI of this Chapter and as provided in the adopted Adequate Public Facilities Standards; or c) Overburden existing and programmed storm drainage and other public improvements; or d) Be detrimental to the use or development of adjacent properties or the neighborhood; or e) Change the character of the neighborhood in which the use is proposed, considering services currently required, population density, character, and number of similar uses; and**

The special exception request as submitted, is a request to reutilize existing building space that once was occupied by the site's previous restaurant use. Since the bank use in many ways is viewed to be

somewhat of a less intensive land use than was the restaurant, due to hours of operations, goods and services provided to the general public, site water and sewer demands, etc., staff has found no evidence the proposed bank use would be adverse to the health and safety of persons working, residing, and/or visiting within the site area.

The applicant proposes not physical expansion of the building facility, only interior and exterior façade renovation and remodeling. Unlike the previous restaurant use, the branch bank operation will not require similar water and sewer service. The applicant plans to retrofit a portion of the site's parking area, in order to accommodate the new customer drive aisles/stacking lanes needed to accommodate the bank's drive thru facilities. The applicant is currently working with the City Department of Public Works (DPW) staff to insure that any/all site grading activity and installation of new/added impervious surface materials comply with all stormwater management and sediment and erosion control standards. As such, at the project's use permit stage the applicant will be required to continue to work with the City's Department of Public Works to determine what stormwater management efforts will be required to accommodate site generated storm water run-off and site drainage concerns.

As requested by staff, the applicant submitted a traffic analysis for the proposed site development and reuse project. In summary, the applicant's traffic consultants found "that all of the study area intersections are presently operating at satisfactory levels of service during the morning, evening, and Saturday peak periods. These intersections are expected to continue to operate satisfactorily under the background and total traffic conditions with the exception of the Shady Grove Road and Gaither Road intersection. This intersection is expected to operate at a poor level of service during the PM peak period, under background and total traffic conditions."

To improve operations of this intersection and to mitigate the impact of the proposed bank, the consultant recommends the applicant "have the westbound approach of Gaither Road re-stripped to provide a third left turn lane. The resulting approach lane use would be left, left, left/thru, and right." The consultant believes this improvement will result in a significant reduction to the critical lane volume (CLV) and would provide a substantial improvement to this intersection. Staff notes that said intersection improvements must be reviewed by and approved by Montgomery County's Department of Public Works & Transportation (MCDPW&T) and as such, should be a condition of the subject special exception approval.

When fully operational from its new branch bank offices, drive-thru facilities will be on the north side of the building. The customer drive thru will have three-(3) drive thru lanes, one (1) ATM facility and two (2) conventional drive-thru teller lanes. Staff has found no evidence the new three (3) lane drive-thru facility would generate vehicular traffic that will overburden or adversely impact site area roadways. Staff believes that the proposed new customer drive-thru banking facility has been designed to allow customer vehicles exiting the facility, adequate stacking area in the drive aisles, when attempting to leave this site. Site circulation will be greatly enhanced with the

installation of appropriate site signage directing, altering, and informing bank customers, patrons, hotel guest, and employees to onsite parking accommodations and other facilities. As a condition approval, staff continues to recommend that appropriate directional and traffic control signage be installed in and around the drive thru banking facilities.

As shown on the project's site plan, the drive aisle areas where vehicles exit the drive-thru of the proposed drive-thru facilities will have sufficient stacking space to allow vehicles to stagger and alternate lane departures. Unencumbered ingress and egress of vehicles attempting to enter/exit the site's drive-thru banking facilities should help limit potential disruption of site circulation in/around said facilities

The site is located in the Washington Suburban Sanitary Commission's public water and sewer service area and as such, the applicant must obtain any/all applicable permits from that agency. At this initial stage in the development review process and based on the requested reuse and renovation of the existing building structure, it is unlikely that existing on-site water and sewer infrastructure would require substantive upgrades and/or improvements. Hence, there is no evidence the proposed site use will overburden existing public water and sewer services within the subject site area.

As proposed the renovation and reuse of the existing building space and other associated site improvements should greatly enhance the physical appearance of the existing site. Staff has found no evidence the planned site use would alter or adversely impact the character of the site area, nor would the branch bank operation impact the delivery of services and/or goods within the site area. It will be important for the applicant to continue working with both City and MCDPWT staff to insure that any/all site area roadway improvements (as deemed warranted) are installed and/or implemented by the applicant and/or its assigns.

Based on current land use patterns of the subject site area, the availability of land, coupled with the regulatory oversight of the Ordinance, which allows "office of banks having drive-in facilities" in the I-3 zone only by grant of special exception, it is unlikely there will be an increase or proliferation of similar uses within the site area. However, at present time there is branch bank with drive-in facilities located directly across the street (which is in Montgomery County) at the n/e corner of Shady Grove Road and Comprint Court.

Although there is one other similar financial institutional use located directly across Shady Grove Road, the applicant's new facilities are intended to enhance banking services within this area of the City and County. Due to the commercial nature of the planned site use, coupled with the existing land use and development patterns of the site area, there is no evidence the applicant's special exception proposal will materially alter or adversely impact the population densities in the surrounding site area.

**3. The proposed use complies with all requirements of the ordinance that are applicable thereto.**

In accordance with Section 25-339(c) of the Zoning Ordinance, the applicant submits the subject application request, attempting to satisfy applicable requirements of the ordinance. While staff finds the request and accompanying development proposal as submitted meets all requirements of the Zoning Ordinance for the special exception review process, a thorough review of the applicant's site development and building proposal will occur at the project's use permit review stage.

Lastly, in addition to the afore noted findings the Board is required to make in its consideration of this application request, *as per Section 25-354(b) of the Ordinance, the Board is required to make the following additional finding:*

**The proposed use is necessary to the convenience of businesses and employees in the surrounding area.**

Based on the information provided, the applicant affirms that it recently expanded its banking operations to the state of Maryland in January 2005. In addition to the subject location, the applicant anticipates adding additional branch banking operations throughout the state and possibly the metro region in the foreseeable future. As such the applicant affirms that it must not only meet existing customer needs but will have to meet the needs of its future customers as well. Based on its business assessment, the applicant has found that the population in the general vicinity of the subject site area is expected to grow in coming years. The applicant believes that the area is already underserved by banking facilities, and expects to present additional evidence at the public hearing on this request, that will bear out the need for added banking services.

Based on all of the noted factors, staff finds adequate justification to recommend Special Exception SPX2006-00366 be approved subject to compliance with the conditions referenced on pages two and three of this staff report.

**COMMUNITY NOTIFICATION PROCESS**

Notification cards were sent to abutting property owners informing them of the application request and pending Planning Commission meeting and Board of Appeals public hearing, at which time the request will be publicly heard and considered. Notices were sent to property owners located within the site area. A list of addressees is contained in the project's file, available for public review and inspection. Note, letters were also sent to the King Farm Home Owners Association /Citizens Assembly informing them of the upcoming public meetings on this matter.

/cdc  
Attachments

Exhibit "1" – Aerial Photograph of Site Area

Exhibit "2 & 3" – Proposed Site Plan

Exhibit "4" – Proposed Elevation Drawings

Exhibit "5" – Proposed Floor Plan

Exhibit "6" – Record Plat