

**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT**

February 23, 2007

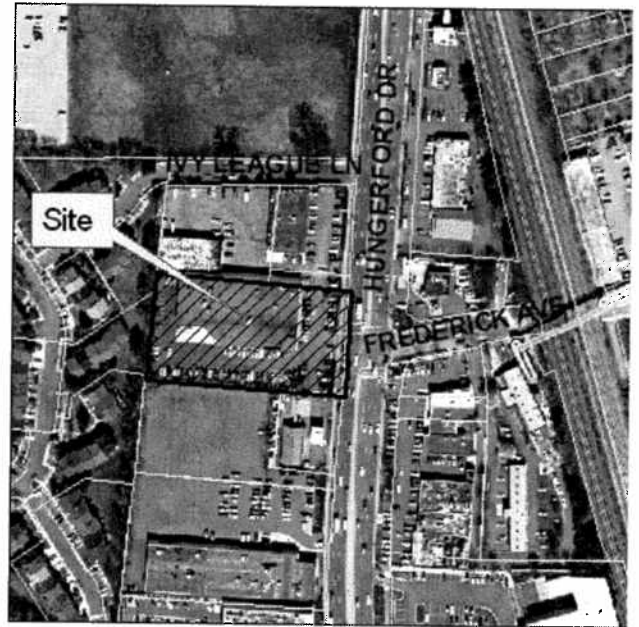
**SUBJECT: Use Permit Application USE2006-00701,  
bank branch with drive-through,  
Bank of America.**

Applicant: Nancy P. Regelin, Esquire  
Hungerford Commercial, LLC  
c/o KSI Services, Inc.

Owner: Hungerford Investment Limited  
Partnership  
c/o Rona Kramer  
49 Randolph Road  
Sliver Spring, MD 20904

Date Filed: September 28, 2007

Location: 800 & 802 Hungerford Drive (MD-355),  
west of the intersection of Hungerford  
Drive and Frederick Avenue.



**REQUEST:**

The Applicant seeks Use Permit approval for a 5,606 square foot bank branch with drive-through.

**STAFF RECOMMENDATION:**

Approval subject to the following conditions:

1. Submission, for the approval of the Chief of Planning, of (11) copies of the site plan, revised according to Planning Commission Exhibit A to include the following:
  - a. Resize and relocate existing 15-inch public stormdrain pipe on the property prior to detailed engineering.
  - b. Show location of the new monument sign per Zoning Ordinance requirements.
2. Submission, for the approval of the Chief of Planning, of (11) copies of the Landscape plan, revised according to Planning Commission Exhibit B to include the following:

- a. Redesign shrubs along the rear of the parking lot to provide a mixture of the three types of shrubs in groups of 3-9.
3. Submission, for approval of the Department of Public Works, of the following plans, studies and computations:
  - a. Storm drainage study for the site with computations and drainage area map;
  - b. On site stormwater management (SWM) system.
  - c. Sediment control plans, with existing and proposed contours, for all disturbed areas; and
  - d. All detailed engineering plans must be on 24" x 36" mylars, at 1"=30' scale.
4. Post bonds and obtain permits from the Department of Public Works and MDSHA, as needed.
5. Comply with all conditions of stormwater management concept plan approval letter dated February 1, 2007.
6. Resize and relocate existing 15-inch public stormdrain pipe on the property.
7. A Release and Extinguishment of the storm drain easement for the existing 15-inch drainage pipe shall be submitted to the City for Mayor & Council approval. Applicant must submit appropriate plans and legal descriptions to Public Works within three months of Planning Commission approval for both extinguishment of the existing storm drain easement and the grant of the relocated easement. Any permit for work on the site will be conditioned on i) restricting work within the existing storm drain easement area until the release and extinguishment is approved and ii) requiring removal of the existing pipe within the extinguished easement.
8. Grant a new easement for the relocated stormdrain pipe, as well as a portion of the existing 15-inch pipe (northwest corner of the site).
9. During construction, the City inspector will evaluate the condition of the existing water and sanitary sewer house connections. If deemed sub-standard, applicant may be required to make new connection(s) to the public water and/or sewer mains.
10. That all structures meet the requirements of the City's construction codes, the Fire and Life Safety Codes, Maryland Building Code for the Handicapped and Federal ADA requirements.
11. All nonconforming signs shall be removed and any new signs are subject to the necessary permits for all signs from the Division of Inspection Services.
12. The applicant shall comply with the City's Publicly Accessible Art in Private Development ordinance. Applicant must provide a concept plan for approval prior to

issuance of building permits and fulfill art requirement prior to issuance of occupancy permit, or if applicant elects to make a contribution under the ordinance, such contribution shall be paid prior to issuance of building permits.

13. Submission, of eleven (11) copies of the approved Signing, Pavement-Marking and Channelization Plan to the Chief of Planning prior to the issuance of BLD permits.
14. The Applicant must pay to the City a transportation demand management (TDM) fee at the rate of \$0.10 per square foot of commercial space per year for a period of ten years (approximately \$560.60/year for 10 years). If the full TDM fee amount is not paid to the City, prior to construction, a TDM Agreement must be executed between the Applicant, the property owner, and the City before the issuance of the building permit. The agreement will specify the timing and other requirements of the payments of the TDM fee, including but not limited to providing for the prepayment of all or a portion of the TDM fee. The TDM fee will be incorporated into the City's TDM program funds and used for various programs designed to reduce the number and impact of vehicle trips within the City of Rockville.
15. Applicant must pay \$6,500 to the City prior to the issuance of a building permit, to be used towards installing a bus shelter in the vicinity of site.
16. Exterior lighting fixtures must be installed so as not to reflect or cause glare into adjacent properties.
17. A Forestry Permit is required for this project. Conditions for issuance of the Forestry Permit are:
  - a. Submittal and approval of the Forest Conservation Plan (FCP) by the City Forester.
    - i. Review fee, completed application form, including contact information and checklist items, must be submitted with Forest Conservation Plan.
    - ii. All proposed and existing utilities and easements must be shown on the FCP.
      1. Street trees and replacement trees cannot be located within the PUE or other easements.
      2. Street trees require a seven-foot tree lawn or continuous soil panel under the sidewalk.
    - iii. The landscape plan must be included as part of the FCP submission and will be reviewed by Forestry prior to approval of the Signature Set.
    - iv. Exotic and invasive plant removal and control is required within the forest conservation easement area during the warranty and maintenance period.

- v. All afforestation and significant tree replacement planting must be done on site.
- b. An executed Five-year Forest and Tree Conservation Maintenance Agreement.
- c. A recorded Forest Conservation Easement and Declaration of Covenants.
- d. An approved Bond filed with the City Forester for the afforestation trees and replacement trees.
- e. An approved Sediment Control Plan.
  - i. The SCP and FCP must be consistent and will be reviewed together.

## ANALYSIS

### Property Description

The property is located opposite the intersection of Hungerford Drive and Frederick Avenue, and is located in the TC-1 (Town Center One) Zone. The property is in the northern part of the Town Center Planning Area and the Town Center Urban Design Overlay District. The property contains approximately 1.598 acres of land area, and is improved with a one-story building that contains a 3,261 square foot restaurant (Ambrosia Grill) and a 23,000 square foot office supply superstore (former Staples). The property is bounded to the north by retail uses and to the south by a filling station and retail uses all zoned TC-1. These properties were rezoned from C-2 to TC-1 as part of the Town Center Sectional Map Amendment. Abutting the property to the west is the College Square townhouse condominiums which are zoned R-30, multi-family, low density residential. The property is bounded to the east by Hungerford Drive and creates the western leg of the intersection of Hungerford Drive and Frederick Avenue, which is controlled by a traffic signal. A public service drive easement crosses the front of the property to provide adjacent properties to the north and south with access to the traffic signal at the intersection of Hungerford Drive and Frederick Avenue.

### Required Findings

A Use Permit shall be issued if the Planning Commission finds that the use proposed in the application will not:

1. Affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;

3. Overburden existing and programmed public facilities as set forth in Article XVI of the Zoning Ordinance and as provided in the adopted Adequate Public Facilities Standards; or
4. Constitute a violation of any provision of this Code or other applicable law.

### **Town Center Master Plan**

The Mayor and Council adopted the governing Town Center Master Plan on October 22, 2001. That plan established the future development pattern and Urban Design Overlay District Guidelines for the area defined as the Town Center. The Plan recommended the rezoning of the properties along the west side North Washington Street and Hungerford Drive to be rezoned from C-2 (General Commercial) to TC-1 to allow for a better transition for adjacent neighborhoods. The guidelines are intended to achieve the following objectives:

- Celebrate Maryland Avenue as the Town Center centerpiece through the use of outstanding and creative design solutions.
- Celebrate Washington Street north of Jefferson as a high quality, mixed-use street that serves as an appropriate transition to the residential neighborhoods.
- Bring buildings up to the street edge and reinforce a sense of urban enclosure by placing parking behind buildings.
- Encourage high quality materials in all aspects of site and building development.
- Incorporate open space (landscaping and/or plazas) into private building plans.
- Create streetscapes and public spaces that feel comfortable to pedestrians by encouraging inclusion of green space and/or green areas.
- Utilize traditional storefront design techniques wherever possible; maximize opportunities for street activity by incorporating open and inviting ground floors.

### **Project Proposal**

The applicant proposes to demolish the existing 26,261 square foot building and to construct a 5,606 square foot bank branch with three drive-through lanes. Stacking lanes for the drive-through separate the building from the rear parking area. The drive-through lanes will have teller and ATM functions and will be covered by a canopy. The building is located near the center of the site, but close to Hungerford Drive with parking on the north, and the drive-through and an egress lane on the south. The rear of the property contains stacking lanes for the drive-through, parking, a stormwater management facility and landscaped area to function as a screen.

### **Landscaping and Screening**

The applicant will provide in excess of the landscape requirement of 2.5 square feet per parking space, and the site will provide 100 percent of its afforestation requirement on site.

The parking, driveways, and maneuvering areas of the property are required by Section 25-694 of the Zoning Ordinance to be screened from the adjoining residential zone either by providing a six (6) foot masonry wall or adequate landscaping that provides 100 percent continuous opacity. The applicant plans to meet the requirement with landscaping, which will include a variety of tree species that have dense and continuous foliage. A four (4) foot hedge with a board on board gate for access to the stormwater management facility are also to be placed on the western edge of the parking lot to help screen the townhouses to the west from the parking lot.

### **Transportation**

A traffic study was conducted for this Use Permit application and showed that the drive-through bank will result in a small increase in traffic compared to the existing uses on the property. The bank will have a negligible effect on traffic conditions in the area since the area's intersections will operate within the City's standard V/C ratio of less than 0.90 (i.e. LOS C, well below the allowable standard of 0.90). Staff analyzed the on-site circulation patterns for vehicles, trucks, pedestrians, and bicyclists. In addition, staff reviewed the sidewalks, bicycle, and transit networks on all frontages of the site and reviewed all site access points for safety and adequate functionality.

Vehicular access to the property will be provided at the traffic signal at the intersection of Frederick Avenue and Hungerford Drive (MD-355). A service drive that crosses the property's frontage also allows access to the property from access points on adjoining properties. There is full and adequate on-site circulation for vehicles and trucks, and staff has worked with the applicant to ensure safe pedestrian connections throughout the site.

The Town Center Master Plan's Overlay District Design Guidelines state, "All site plan layouts shall be give first consideration to pedestrians." (SL-1) The applicant has included a number of pedestrian improvements to the site, which include crosswalks and a shared-use path.

The Bikeway Master Plan, which was adopted on April 26, 2004, recommends a shared-use path be placed on the west side of Hungerford Drive (MD-355). The applicant has integrated the shared-use path into the site design across the frontage of the property. Crosswalks are provided across Hungerford Drive at the intersection of Frederick Avenue, as well as across the service drive at the bank entrance.

### **Vehicle Circulation**

Vehicle circulation at this site was thoroughly investigated to ensure compliance with the Urban Design Overlay District Guidelines as cited in the Master Plan, accepted engineering standards and good traffic engineering practice. The Guidelines called for, among other things, to "Bring buildings to the street edge and enforce a sense of urban enclosure by placing parking behind buildings".

Overall, traffic circulation at this site will follow standard practice of well-defined and well-marked entry/exit points with appropriate parking circulation. However, due to the Applicant's desire to have drive through banking service (one lane for ATM, two lanes for teller service and one by-pass lane), additional evaluation of the drive-through vehicle exit operation was made to ensure safety of the Bank's patrons and the efficiency of the operation. The resulting design calls for channelizing four lanes exiting from the drive through site into a two-lane design, both controlled by stop signs. This will allow appropriate allocation of the right of way (ROW) and increases the safety of the exiting bank customers.

Staff concluded that such an arrangement, in addition to the circulation in the parking lot, is a workable solution that reconciles the Urban Design Guidelines and a functional and safe traffic operation.

### **City Utilities**

Adequate City utilities are available for this development. Water supply is available from the existing on-site water and sewer mains, which connect to public mains located in Hungerford Drive. The private stormwater management facility will connect at the back of the property to an existing public stormwater drainage system.

### **Stormwater Management**

The Department of Public Works approved the SWM concept plan for the entire site on February 1, 2007. Stormwater management quantity control is provided on-site with a stormwater pond that provides overbank flood protection and meets channel protection storage requirements. Water quality treatment is provided through the use of storm filters and recharge volume requirements are met through the use of a stone trench in the parking lot.

A public storm drainage system already exists on the site. This pipe needs to be relocated in order to accommodate the proposed on-site stormwater management system. As part of the pipe relocation design, a drainage study should be accomplished to confirm the size of the relocated pipe.

The Mayor and Council must approve abandonment of the easement for the existing drainage pipe. Additionally, a new easement must be granted to the Mayor and Council for the relocated storm drainpipe and a portion of the existing 15-inch pipe (northwest corner of the site).

### **Parking**

The minimum parking requirement for the drive-through bank, based on Section 25-395 of the Zoning Ordinance, is one (1) parking space per three hundred (300) square feet of gross floor area, five (5) reservoir spaces for each teller window or device and one (1) parking space for each drive-through teller employee. The 5,606 square foot building requires a minimum of 19 parking spaces and one (1) parking space for the one drive-through employee. The applicant will provide fifty (50) parking spaces. The three drive-through lanes require 15 stacking spaces, and the applicant will provide 24 stacking spaces. The parking areas located on the side and rear of the building and a landscaping screen is provided to meet the following Design Guidelines:

- SL-4: Parking must be located to the side or rear of the structure [except as described below under Parking Design].
- PD-3: Surface parking must be screened with landscape or hardscape materials. When utilized, surface parking lots must be located to the side or rear of buildings.

### **Publicly Accessible Art in Private Development**

The developer is required to provide for a publicly accessible art component consistent with the objectives outlined in the Publicly Accessible Art in Private Development ordinance (adopted February 2004).

Many options for compliance are available to the applicant. Options may include, but are not limited to visual art on-site, donation to the City's Friends of the Arts fund or to an eligible arts organization, build arts infrastructure or space for arts activities or partner with another development within the same planning area. The applicant has chosen to make a monetary contribution to an eligible art organization.

### **Architecture**

The architecture of this building is consistent with the surrounding architecture and is similar to the designs for these brands of banks. The building will have a clear glass and sand colored stucco façade. Red metal panels will cover a canopy, and will divide the vertical façade of the building.

The Design Guidelines touch on a number of architectural elements. The following where addressed by the applicant:

- BSM-1: Buildings throughout the overlay district should be at least 2 stories in height.
  - The building presents a two-story façade with a 25 foot glass wall that creates a two story open lobby on Hungerford Drive.
- BSM-2: Building frontage widths or bays in all areas west of MD-355 should be scaled to the pedestrian with a rhythm of 15-30 feet spacing that creates façade interest.
  - The front facade uses different materials including glass and mullions.

- BSM-5: Distinctive roof forms, profiles, and cornices shall be encouraged to provide a termination to the top of the building in such a manner as to complement and enhance the character of the Town Center. On sites at corners, the roof design should emphasize the corner.
  - A cornice element tops the building.

Please see Attachment 7 “Statement of Applicant” for a detailed summary of how the applicant addressed the Design Guidelines.

### **Notification**

Over 480 notification postcards were sent to nearby residents, in an addition to adjacent property owners. Letters were sent to the presidents of the Heritage Park Cooperative, College Square Condominium, West End Citizens, and Lincoln Park Civic Associations.

### **CONCLUSION**

Based on all of the noted factors, staff finds adequate justification to recommend approval of Use Permit USE2006-00701, subject to the conditions referenced on page one, two, and three of this staff report.

/jdh

### **Attachments**

1. Location Map
2. Application
3. Site Plan
4. Stormwater Management Concept Plan
5. Forest Conservation Plan
6. Landscape Plan
7. Building Elevations
8. Statement of Applicant
9. College Square Endorsement Letter
10. SWM Concept Plan Approval Letter