

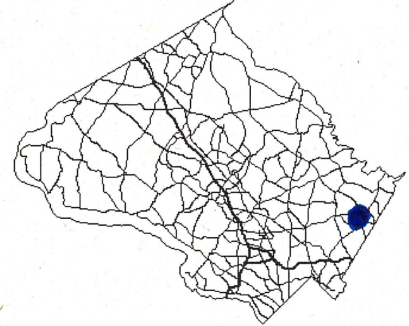


**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB #**  
**MCPB 01-22-09**

**MEMORANDUM**

DATE: January 12, 2009  
TO: Montgomery County Planning Board  
VIA: Rose Krasnow, Chief  
Robert A. Kronenberg, Supervisor



FROM: Development Review Division  
Molline Smith, Senior Planner  
Development Review Division  
(301) 495-4573 (301) 495-2187  
[Molline.Smith@montgomeryplanning.org](mailto:Molline.Smith@montgomeryplanning.org)

REVIEW TYPE: **Consent Site Plan Amendment**  
CASE #: **82006002A**  
PROJECT NAME: Montgomery Auto Sales Park, Lot 11  
APPLYING FOR: Amendment to redistribute 520 square feet that had been approved as an addition to the existing body shop but never built as follows: 1) Add 300 square feet to the existing showroom; 2) Add 220 square feet to the existing car sales building; 3) Demolish the existing 2,372 square foot body shop and transfer the square footage to the used car sales building; and 4) Modifications to the parking layout.

REVIEW BASIS: Div. 59-D-2.6 of Montgomery County Zoning Ordinance for Minor Plan Amendments

ZONE: C-3  
LOCATION: Located approximately 1,000 feet southwest of Columbia Pike (Route 29) and 1,200 feet south of Briggs Chaney Road along Automobile Boulevard.

MASTER PLAN: Fairland Master Plan (Eastern Montgomery County Region)  
APPLICANT: Herb Gordon Auto Group  
FILING DATE: December 4, 2008  
HEARING DATE: January 22, 2009

**PRIOR APPROVALS**

**Preliminary Plan**

The first Preliminary Plan (#119821990) for Montgomery Auto Sales Park was approved February 2, 1984, but the use was already in existence. The Plan allowed the dealership to expand by an additional 47,100 square feet.

The new Preliminary Plan (#120041060) was approved by the Montgomery County Planning Board in 2004 (Opinion mailed on March 30, 2006). This allowed the construction of 42,189

square feet of auto sales use and service use in addition to the permitted and existing 133,702 square feet for a total of 175,891 square feet.

#### Site Plans

Several site plans were approved by the Board beginning in 1987. These called for modifications and expansions at various dealerships located on the site. Some of the approved changes were never implemented. See Attachment C for summary statements on previous site plans and prior approvals.

On February 23, 2006, the Board approved a comprehensive Site Plan (#820060020) for 175,891 square feet of auto-related use with a maximum height limit of 41 feet on 14.77 acres.

### **PUBLIC NOTICE AND COMMENT**

A notice regarding the subject site plan amendment was sent to all parties of record by the applicant on November 24, 2008. Staff has not received any correspondence with respect to this application.

### **STAFF RECOMMENDATION FOR SITE PLAN AMENDMENT:**

Staff recommends **Approval** of the Site Plan Amendment (82006002A). The terms and conditions of all applicable prior regulatory approvals and agreements, including the approved Site Plan No. 820060020, remain in full force and effect, except for the following modifications:

- 1) Demolish 2,372 square feet of the existing Body Shop and Service Transfer building, and 520 square feet of the existing expansion space (2,892 total square feet); prior to the construction of the proposed uses.
- 2) Modifications to the existing parking layout.

### **ANALYSIS OF THE LIMITED AMENDMENT TO THE SITE PLAN**

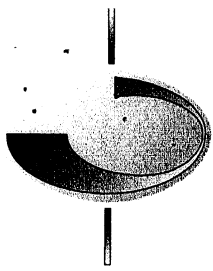
The amendment proposes to convert and relocate building square footage of existing buildings. The proposed amendments to the site plan occur mostly on the southeast portion of the site. The Applicant proposes to convert 300 square feet of the current 520 square feet of future body shop addition to the existing Dodge (proposed Audi) showroom. The remaining 220 square feet will be added onto the existing used car sales building. Demolishing approximately 2,372 square feet of existing body shop and transferring this square footage to the existing used car sales building will bring the total square footage for the used car building up to 4,320 square feet. Although modifications will be made to the existing parking layout; there will still be 34 more spaces than required. Upon approval of this amendment, the total building square footage will be 117,443 square feet which is 58,448 square feet less than what has been approved (per the site plan, 820060020). The new certified site plan will reflect the modifications proposed with this amendment.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

## ATTACHMENTS

- A. Letter from the Applicant dated October 28, 2008
- B. Site Vicinity and Description
- C. Background and Research (taken from MNCPPC-MC records)

## **ATTACHMENT A**



# JOYCE ENGINEERING CORPORATION

CIVIL ENGINEERING   LAND SURVEYING   LAND PLANNING   CONSTRUCTION MANAGEMENT

November 24, 2008

Mr. Robert Kronenberg  
Project Plan/Site Plan Review  
Development Review Division  
Montgomery County Department of  
Park & Planning  
8787 Georgia Avenue  
Silver Spring, Md. 20910-3760

Re:    Montgomery County Sales Park  
      (Herb Gordon Auto World)  
      Site Plan Case# 82006002 A  
      Our File # 89101

Dear Mr. Kronenberg;

On the behalf of the owner and applicant, we are submitting a Minor, Consent Agenda and Limited Plan Amendment for Lot 11 Montgomery Auto Sales Park. Due to global economic conditions and manufacturer requirements, it's the owner's desire to not increase building square footage on the site, but rather to shift existing development slightly to meet current manufacture vehicle sale and service requirements. Therefore we submitting a revised site plan reflecting the minor changes to the original approved 1982 Site Plan. The specific changes that are proposed to the 1982 site plan include:

- Shifting 300 square feet of the current 520 square foot future body shop addition to the existing Dodge (proposed Audi) showroom.
- Shifting the remaining 220 square feet of the current 520 square foot future body shop addition to the existing used car sales building.
- Demolishing approximately 2,372 square feet of the existing body shop and transferring this square footage to the existing used car sales building, resulting in an ultimate used car building that will total 4,320 square feet.

Please find enclosed a complete Application, Fee Schedule and a check for \$3,250.00, an Application Notice by Applicant, five (5) amended plans that are color correlated to show the proposed revisions, a CD with PDF of the new amended plan, Adjacent property owners, HOAs and Civics Associations list including a set of labels and Application notice by Applicant.

Mr. Robert Kronenberg  
Page Two  
November 24, 2008

I trust that the above is acceptable, however, if you should have any questions, or desire further information regarding the above, please feel free to contact our office at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth E. Cooper", written over the word "Sincerely,".

Kenneth E. Cooper

cc: File

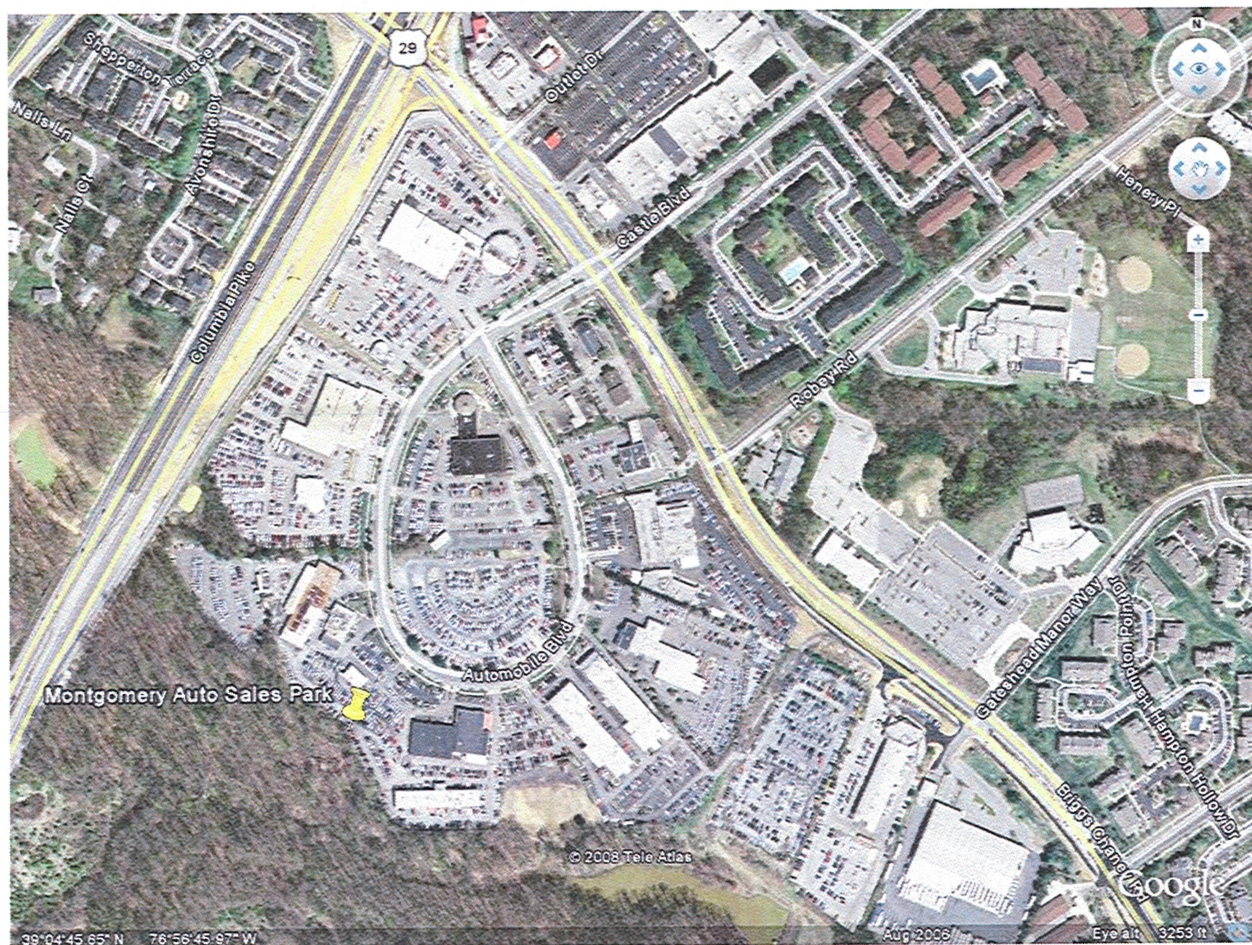


### Site Description and Vicinity

The 14.77 acre property is zoned C-3 and located on the south side of the Automobile Boulevard “loop” in the Fairland Master Plan area. An existing commercial automobile sales and service operation with extensive areas of building and parking lot occupy the property.

Land uses in the immediate area include residential (to the northeast of the site), commercial (to the north and east of the site), retail (to the north of the site), and institutional (to the northeast of the site). A county maintained Park and Ride lot is located at the northwest corner of the Briggs Chaney Road/Gateshead Manor Way intersection near the site, which is serviced by the Metrobus routes Z5, Z8 and Z11, in addition to Ride-On route 39. The proposed Corridor 1 alignment of the ICC is to the south of the property, which is proposed to have an interchange with US 29 in the southwest corner of the property.

The property lies within the Little Paint Branch watershed (Use I waters). A small stream and associated environmental buffer lies along the southwestern portion of the property. The stream feeds into the Tangle wood Tributary of the Little Paint Branch stream system. An existing in-stream regional stormwater management (SWM) facility lies to the southwest of the property,



**ATTACHMENT C**



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20810-3780  
C3011279-1000

MONTGOMERY COUNTY PLANNING BOARD

OF THE

Site Plan Review #8-87046  
Project Herb Gordon Auto World

Date Mailed: October 7, 1987

Action: (Motion was made by Commissioner Kennery, seconded by Commissioner Floresen, with a vote of 5-0, Commissioners Christallier, Kennery, Floresen, Henry and Mewitt voting for and no Commissioners voting against.)

On August 3, 1987, Herb Gordon submitted an application for the approval of a site plan for property in the C-3 zone. The application was designated Site Plan Review #8-87046.

On September 3, 1987, Site Plan Review #8-87046 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. the Site Plan meets all of the requirements of the zone in which it is located;
  2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient; and
  3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.
- and approves Site Plan Review #8-87046 subject to the following conditions, to be addressed prior to release of building permits:
1. Submit Site Plan Enforcement Agreement and Development Program for staff approval.
  2. Limit the size and use of the construction to the Suzuki Dealership and the 2,200-square-foot addition to the Nissan Building.
  3. Require the applicant to continue the extended hour that cashiers remain open until 7:30 p.m. Monday through Friday.

Montgomery County Planning Board

Wynn Wittans  
May 30, 1997

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additional showroom space (the replacement of the existing rental car facility with a slightly larger KIA dealership facility); a minor expansion of the Mercedes showroom of 1,332 square feet for the use of existing employees and functions; a modification of an existing body shop to add an additional working bay for existing employees in the amount of 520 square feet; and a modification to the used car sales facility to provide more space for existing employees in the amount of 432 square feet. The number of employees on site will continue to be below the existing cap of 413 employees. The proposed Site Plan Enforcement Agreement continues all existing conditions of approval.

As described in more detail in the attached Traffic Analysis Statement prepared by O.R. George & Associates, Inc. dated May 28, 1997, the preliminary plan for this property was initially approved by the Planning Board in February 1984. (No. 8-82099). A site plan was approved concurrently (No. 8-83055) covering approximately 104,667 square feet of building area. Since then, your records reflect that various modifications have been approved to the site plan as follows:

① Site Plan 8-87046 was approved by the Planning Board (Opinion mailed on October 7, 1987) for a 6,700 square foot expansion to add a Suzuki dealership and to build an addition to the Nissan facility. At this point, the proposal showed 123,250 square feet of building area on site. The 4,500 square foot Suzuki dealership was never built. The Board's opinion, with its associated conditions, is enclosed as attachment A.

② Site Plan 8-91031 was approved for the addition of 868 square feet of showroom space and 133 square feet of office space to the Volvo dealership (in place of and smaller than the previously proposed and approved Suzuki dealership). A Traffic study by Robert L. Morris was submitted at that time. The Transportation Division Staff Report is enclosed as attachment B.

③ A revision Site Plan No. 8-91031(R) was approved by staff on December 9, 1993. This added additional space for existing employees and for no additional functions at the Dodge facility (1,200 square foot of shop area and 1,822 square feet of showroom area) and Mercedes facility (1,100 of shop area) and approved by staff. The Site Plan Enforcement Agreement for the project is enclosed as attachment C to the Traffic Analysis Statement and reflects the binding condition of 413 employees on site, as well as the continuation of all previous conditions of approval.

The attached traffic analysis performed by O.R. George & Associates has been coordinated with F.H. Axler and we believe that it meets MNCPPC specifications to



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-82199  
NAME OF PLAN: MONTGOMERY AUTO SALES PARK

On 12-28-82, HERB GORDON, submitted an application for the approval of a preliminary plan of subdivision of property in the C3 zone. The application proposed to create 1-lots on 14.77 ACRES of land. The application was designated Preliminary Plan 1-82199. On 02-08-84, Preliminary Plan 1-82199 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-82199 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-82199, subject to the following conditions:

1. Conditions of Transportation Division memo of 1/25/84
2. No clearing, grading or recording of lots prior to site plan approval
3. Necessary easements

Mailed to:

Herb Gordon  
John Allen  
Blocher  
Michael  
Voreles  
Sarosa  
Nouneracker

Date of Mailing: February 9, 1984

**EXHIBIT "B"**

**DEVELOPMENT PROGRAM**

**HERB GORDON AUTO WORLD**

**SITE PLAN NO. 8-87046**

Herb Gordon Auto World ("Gordon") anticipates developing the new building for the Suzuki dealership and the addition to the existing building for the Nissan dealership in one (1) phase.

**I. LIMITATION ON SIZE AND USE OF CONSTRUCTION**

Construction on the Subject Property shall be limited as follows:

**Suzuki Dealership**

- 1,500 square feet showroom
- 1,500 square feet storage
- 1,500 square feet office

**Nissan Dealership**

- 400 square feet office
- 1,000 square feet additional parts storage
- 800 square feet covered truck-loading dock

**II. LOCAL FEATURES**

The localized compatibility features are those features which abut, are adjacent to or are intended to serve the buildings, such as:

- a. Roads, parking areas, and paving (excluding final topping which will be completed upon completion of new buildings)
- b. Sidewalks
- c. Lighting
- d. Street trees
- e. Landscaping

The localized features above shall be completed prior to occupancy of the proposed buildings, except as allowed by the Maryland-National Capital Park and Planning Commission ("M-NCPPC") to be delayed for weather or other reasonable cause.

**III. TRAFFIC REDUCTION MEASURES**

Gordon shall implement the following programs/services for the purpose of offsetting the additional trips to be generated by the proposed construction:

1. Gordon shall continue the extended hours that cashiers remain open until 7:30 p.m. Monday through Friday.
2. Gordon shall continue to offer a program of taking customers' cars to the Maryland Vehicle Emissions Test Center.

The applicant may request changes to the traffic mitigation conditions above if traffic conditions have improved in the Fairland/White Oak Policy Area or if the applicant can identify another program that would meet staff's request.

3. Limit the expansion to 1,001.6 square feet for a structure of 668.6 square feet and office space of 333 square feet. On the property, the total square footage would be 10,477.1 sq. ft. The addition as shown on the Site Development Plan of July, 1991.

#### BACKGROUND

Preliminary Plan No. 1-82199 was approved January 2, 1984 to expand this automobile dealership for an additional 1,000 square feet. Subsequently, the applicant sought and obtained approval for another expansion of 6,700 square feet for the proposed Suzuki and Nissan dealerships as Site Plan No. 8-82336 in January, 1988. The Suzuki Dealership was never built and the Site Plan has now expired.

#### ANALYSIS

The traffic mitigation measures described in Condition No. 1 were implemented with approval of Site Plan No. 8-82746 and are now operated by the applicant. The traffic generated by the expansion for the Volvo dealership is less than the traffic that would have been generated from the unbuilt portion of the previous Site Plan and would be effectively mitigated by requiring the applicant to continue the previously implemented measures.

Staff agrees with the applicant that the Volvo expansion would result in a nominal amount of peak-hour traffic - two to three trips in the PM peak period. The number of trips was determined from two sources: 1) a two-day field survey of traffic entering and leaving the King Pontiac - GMC expansion in Gaithersburg on May 31 and October 17, 1990 and 2) the Institute of Transportation Engineering's rate for new car sales (land use 841) in the Trip Generation report. However, the traffic from the total site of over 100,000 square feet would be between 12 and 285 trips. Therefore, a traffic impact study is required and was submitted on October 10, 1991 to satisfy local area transportation review requirements.

For staging ceiling conditions, there is no remaining capacity for any additional jobs in the Fairland/White Oak Policy Area. As of October 17, 1991, the deficit was negative 11,009 jobs.

EA:kcw/sp91031.ea  
Attachment

cc: Wayne Koempel  
Todd Brown