



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

MCPB No. 13-112
Site Plan No. 820130160
AAA-Gaithersburg
Date of Hearing: July 22, 2013

SEP 25 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on February 25, 2013, FAL, LLC ("Applicant"), filed an application for approval of a site plan for 8,093 square feet of automobile repair/service uses on 0.89 gross acres of C-3-zoned land, located at 16045 Shady Grove Road ("Subject Property"), in the Shady Grove (Metro Station) Policy Area, and in the Shady Grove Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820130160, AAA-Gaithersburg ("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 July 12, 2013, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 22, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 22, 2013, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Anderson, seconded by Commissioner Wells-Harley, with a vote of 4-0; Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor. Commissioner Presley was absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820130160, AAA-Gaithersburg, for a maximum of 8,093 square feet, including up to 4,836 square feet of automobile repair and service uses and up to 3,257 square feet of office uses, except as modified herein, subject to the following conditions:¹

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.

Approved as to
Legal Sufficiency:

Guay 8/28/13

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MNCPPC Legal Department
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1. Transportation – Pedestrian and Bicycle Facilities

- a. The Applicant must coordinate with the Greater Shady Grove Transportation Management District (“TMD”) and assist them in achieving the 2006 *Shady Grove Sector Plan’s* transit ridership goal of 12.5% for employees.
- b. The Applicant must provide a 15-foot public improvement easement (“PIE”) along Shady Grove Road for a total of 75 feet of publicly accessible right-of-way from its centerline. Within the PIE, the Applicant must provide an upgraded 10-foot wide shared use path with landscaping.
- c. The Applicant must provide a lead-in sidewalk from Pleasant Road with the necessary handicap ramps along the path across the internal drive aisle between the lead-in sidewalk and the building.
- d. The Applicant must provide two bicycle parking spaces using inverted-U bike racks or equivalent, located near the main entrance of the building preferably in a weather-protected area.

2. Environmental

- a. The Applicant must comply with the Tree Save Plan confirmed in Forest Conservation Plan Exemption #42013195E, as amended by the Staff at the time of the pre-construction meeting.
- b. The Applicant must provide a cool roof or green roof with a solar reflective index of at least 75 and/or vegetated roof over at least 66% of the roof, excluding mechanical areas.

3. Maintenance

Maintenance of all on-site landscaping, lighting, hardscape, and site elements is the responsibility of the Applicant and subsequent owner(s). Maintenance may be taken over by a governmental agency by agreement with the owner and applicable agency.

4. Financial Security and Agreement

Prior to issuance of a building permit, the Applicant must provide a performance bond(s) or other form of financial surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The Applicant must provide a cost estimate of the materials and facilities, which upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, and exterior site furniture.
- c. Prior to issuance of the building permit, the Applicant must enter into a Site Plan Surety Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.

- d. The bond/surety must be tied to the Development Program, and completion of plantings and installation of particular materials and facilities covered by the surety for the development will be followed by inspection and reduction of the surety.

5. Architectural Elevations

The final exterior elevations, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted drawings, as determined by Staff.

6. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the certified Site Plan. The development program must include the following items in the schedule:

- a. Demolition of the existing building may commence prior to approval of the certified Site Plan.
- b. Street lamps and sidewalks adjacent to the building must be installed prior to the release of the use-and-occupancy permit for the new building. Street tree plantings may wait until the next growing season.
- c. On-site amenities including, but not limited to public use amenities adjacent to the new building, must be installed prior to release of the use-and-occupancy permit for the new building.
- d. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan, and M-NCPPC inspection and approval of all applicable environmental protection devices.
- e. Installation of on-site landscaping and lighting.
- f. Phasing of dedications, stormwater management, sediment and erosion control, and other features, as applicable.

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. Remove unnecessary sheets, as required by Staff.
- b. Make corrections and clarifications to details, labeling, data tables, and schedules, as required by Staff.
- c. Add a note stating: "Streetscaping improvements in the right-of-way and PIE may be removed or modified by the Montgomery County Department of Permitting Services or Montgomery County Department of Transportation without need to amend this certified site plan."
- d. Delineate the 15-foot wide PIE along the site's entire Shady Grove Road frontage.

- e. As in the July 8, 2013, e-mail from the Montgomery County Department of Permitting Services (“DPS”), the Applicant must address the following site elements, as approved by DPS Staff:
 - o All public sidewalks, bike paths and handicap ramps along the site frontage must be ADA-compliant. The handicap ramps must align with the pedestrian crossings on the streets.
 - o Tractor trailers are not allowed on-site. Proper signage must be provided accordingly. The truck turning movements provided for right-in and right-out movements show possible conflicts with opposite direction traffic. This issue should be further investigated at permit stage and additional restrictions may be implemented.
 - o Storm drainage study (and possible improvements if needed) and private open space covenant must be provided at permit stage.
- f. Ensure consistency of all details and layout among the site, landscape plans and the Tree Save Plan in Forest Conservation Exemption #42013195E. Show and label the five specimen trees on and in vicinity of the site, and list the applicable three specimen trees in the Landscape Plan’s legend “to be saved.”
- g. Include the Forest Conservation Exemption #42013195E approval, stormwater management concept approval, development program, inspection schedule, and Resolution approving this Site Plan on the approval or cover sheet.

BE IT FURTHER RESOLVED, that all site development elements as shown on the AAA-Gaithersburg site, landscape, lighting, and architectural plans electronically received by the M-NCPPC on June 14, 2013, shall be 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 Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

A development plan, diagrammatic plan, or schematic development plan with binding elements, or a project plan are not associated with the Subject Property.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets the requirements of the Montgomery County Zoning Ordinance for the C-3 zone as shown on the Data Table (below). The development standards approved by the Planning Board in the Data Table are binding on the Applicant.

Development Standards Data Table - C-3 Zone

PLAN DATA	Zoning Ordinance Development Standard	Approved and Binding on the Applicant
Maximum Building Height (feet) [Sec. 59-C-4.361]	42	30
Minimum Setbacks (in feet) Sec. 59-C-4.362 ² :		
Building Setback from adjoining commercial zoned land [Sec. 59-C-4.367(a)(1)]	10	10
Off-Street Parking Setback [Sec. 59-C-4.367(a)(1)]	10	10
Building Setback from R-O-W from Shady Grove Road (120' R-O-W) [Sec. 59-C-4.367(a)(4) ³]	50	40
Minimum Green Area (% of lot area) [Sec. 59-C-4.363]	10% or 3,611 SF	35% or 12,582 SF
Maximum Building Coverage (% of net tract area) [Sec. 59-C-4.367(b)]	35% or 12,638 SF	22.4 % or 8,088 SF
Off-Street Parking 1 space per each employee + 3.3 spaces/1,000sf GFA [Sec. 59-E- 3.7.]	36	37 ⁴

² Because an automobile-related use is proposed, the development is subject to Sec. 59-C-4.367 Special regulations applicable to designated automobile-related uses (a-e: building and off-street parking setbacks, building coverage, lighting, signs, and exemption for buildings constructed prior to August 22, 1988).

³ From any other street with a planned right-of-way of 120 feet or greater, buildings must be set back at least 50 feet from the street right-of-way. The Planning Board, however, may reduce this building setback at the time of site plan approval upon a finding that such reduction will not adversely affect the character of the roadway and surrounding uses taking into consideration setbacks on nearby properties.

⁴ The eight service bays are allowed to be counted as parking spaces and are shown with dashed lines on the site plan.

The building location is in conformance with two of the three C-3 zone setback requirements. In accordance with §59-C-4.367(a)(4), the Planning Board, found that, taking into consideration setbacks on nearby properties, a 10 foot reduction in this setback will not adversely affect the character of the roadway and surrounding uses. The recommendations in the Sector Plan regarding the Shady Grove Road streetscape and urban design for commercial sites undergoing redevelopment conflict with the large setback required in the C-3 zone. The Applicant has attempted to locate the new building as close to Shady Grove Road as possible, to address the key recommendations in the Shady Grove Sector Plan. Further, the Shady Grove Road right-of-way has expanded over the past three (plus) decades moving closer to the existing building, and not all of the building will be located outside of this setback area. Only the northwest corner of the proposed building is inside the setback.

The Planning Board finds the positive attributes of this proposal in compliance with key Sector Plan recommendations, supersede the partial encroachment of the proposed building's setback at the northwest corner. By granting the waiver, the proposal will be more consistent with the Sector Plan and remain consistent with the purpose and intent of the C-3 zone where commercial uses along a major highway such as Shady Grove Road serve the needs of the traveler and the highway user.

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

The building will be located closer to Shady Grove Road and Pleasant Road to address key recommendations in the Shady Grove Sector Plan. An upgraded 10-foot wide shared use path will be installed along the Shady Grove Road frontage inside a PIE.

b. Landscaping and Lighting

New landscaping in the form of street trees and shrubs in a landscape panel will be planted inside the PIE along Shady Grove Road and streetscaping along Pleasant Road in the existing Public Utility Easement ("PUE") will also achieve key Sector Plan recommendations.

A lighting plan will be in compliance with industry standards to add to the site's adequate, safe and efficient layout for the benefit of the Applicant's customers and employees. Pole-mounted lighting around the parking lot's

perimeter and overall site will be installed. In addition, wall-mounted lighting will be provided on the building.

c. Vehicular and Pedestrian Circulation

Pedestrian and vehicular connections will be improved and brought to current standards, including ADA-compliant handicap access with handicap parking spaces and sidewalk ramps for persons with disabilities. A lead-in sidewalk from Pleasant Road to the building entrance will improve pedestrian circulation. A bike rack will be installed for cyclists, preferably in a weather-protected area.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The building is compatible with adjacent properties because the existing buildings are developed, for the most part, similarly with highway-oriented commercial uses. The redevelopment represented in this Application is a continuation of the commercial uses intended along this segment of Shady Grove Road.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Site Plan is in compliance with the *Environmental Guidelines*, Chapter 22A of the Montgomery County Forest Conservation Law with the approved Forest Conservation Exemption #42013195E and Tree Save Plan. Two of three specimen trees associated with the site will be saved to contribute to the preservation of vestiges of the original Shady Grove discussed in the Sector Plan.

Based on a review by DPS, the stormwater management concept for the site is acceptable. The stormwater management concept will meet required stormwater management goals via the use of two ESD facilities along Shady Grove Road.

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-D-3.8; and

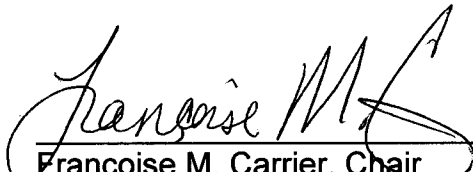
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 25 2013 (which is the date that this resolution is mailed to all parties of record); and

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 Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Presley voting in favor and Commissioners Anderson and Dreyfuss absent at its regular meeting held on Wednesday, September 4, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board