

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-059
Site Plan Amendment No. 82006002D
Montgomery Auto Sales Park
Date of Hearing: June 16, 2022

JUN 23 2022

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 16, 2022, the Planning Board, by Resolution MCPB No. 22-059, approved Site Plan No. 82006002D to amend Condition No. 2 to allow a maximum height increase from 24 feet to 30 feet on 13.89 acres of GR-1.5 (General Retail) zoned-land, located approximately 1,500 feet southwest of Briggs Chaney Road, southeast quadrant of Automobile Boulevard, Lot P/O 11, Parcel No. N939 ("Subject Property"), in the Fairland/White Oak Policy Area and the 1997 Fairland Master Plan ("Master Plan") area; and

WHEREAS, on April 1, 2009, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82006002A, for the conversion of a body shop to sales floor area and transfer of floor area to used car dealership with no net increase of floor area onsite on the Subject Property; and

WHEREAS, on May 21, 2009, the Planning Director approved an amendment to the previously approved site plan, designated Site Plan No. 82006002B, to convert the used car dealership into a Porsche showroom on the Subject Property; and

WHEREAS, on September 9, 2009, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82006002C (MCPB No. 21-095), to replace an existing dealership building with a new dealership building on the Subject Property; and

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Approved as to
Legal Sufficiency: /s/ Matthew T. Mills
M-NCPPC Legal Department

WHEREAS, on March 18, 2022, CARS-DB7, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) to modify Condition No. 2 of MCPB No. 21-095 to increase the maximum buildable height from 24 feet to 30 feet on the Subject Property; and

WHEREAS Applicant's application to amend the site plan was designated Site Plan Amendment No. 82006002D, Montgomery Auto Sales Park ("Site Plan," "Amendment," 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 June 3, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 16, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Commissioner Cichy, with a vote of 5-0; Chair Anderson, Vice Chair Verma, Commissioners Cichy, Patterson, and Rubin voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan Amendment No. 82006002D to modify Condition No. 2 to allow to increase the maximum buildable height from 24 feet to 30 feet by modifying the following conditions:¹

2. The development is limited to a maximum average building height of 24 30 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

BE IT FURTHER RESOLVED that all other conditions of approval of any kind for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Montgomery Auto Sales Park 82006002D, 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 of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board

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.

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. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.*
2. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Development Standards

The Subject Property includes 13.89 acres of land zoned GR-1.5 H-85. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Development Standard	Required/Allowed by the former C-3 Zone (Sec. 59-C-4.36)	Previously Approved by DPA 04-2 and modified by 82006002C	Approved for Site Plan Amendment 82006002D
Tract Area	n/a	14.77 acres	No change
Total Mapped Density (GFA/FAR)	n/a		No change
Footprint Nissan (existing)		25,627 sq. ft.	
Footprint (new dealership)		25,998 sq. ft.	
Currently Built		117,443 sq. ft.	
Total		117,814 sq. ft.	
Green Area (minimum)	10%	29.14%	No change
Max. Building Height	42 feet	24 feet	30 feet
Min. Vehicle Parking Spaces	515	611 ²	No change
Min. Bicycle Parking Spaces	3	5	No change

² DPA 04-2 established the minimum number of parking spaces assuming full buildout.

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 JUN 23 2022 (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 the motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote 5-0; Chair Anderson, Vice Chair Verma, Commissioners Cichy, Patterson, and Rubin voting in favor, at its regular meeting held on Thursday, June 23, 2022, in Wheaton, Maryland and via video conference.



Casey Anderson, Chair
Montgomery County Planning Board