



MCPB No. 17-081
Preliminary Plan No. 120170190
Olney Jiffy Lube
Date of Hearing: September 14, 2017

SEP 21 2017

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on January 3, 2017, 18130 Georgia, LLC (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create two lots on 0.74 acres of land in the Commercial Residential Town (CRT) zone, located in the northwest quadrant of the intersection of Olney-Laytonsville Road (MD 108) and Georgia Avenue (MD 97) (“Subject Property”), in the Olney Policy Area and 2005 Olney Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120170190, Olney Jiffy Lube, (“Preliminary 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 September 1, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on September 14, 2017, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120170190 to create two lots on the Subject Property, 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: W. L. L. D.

1. This Preliminary Plan is limited to two lots for one quick lube facility² up to 2,200 square feet, and an existing 3,126 square foot retail building.
2. The Final Sediment Control Plan must depict the limits of disturbance (LOD) identical to the LOD on the approved Forest Conservation Plan Exemption 42017022E and Tree Save Plan, subject to Staff approval.
3. The Applicant must plant four three-inch caliper, native canopy trees on-site as mitigation for the tree removal.
4. The Applicant must comply with all tree protection and tree save measures shown on the approved Tree Save Plan. Tree save measures not specified on the approved Tree Save Plan may be required by the M-NCPPC forest conservation inspector.
5. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated September 1, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by the Maryland State Highway Administration (“SHA”).
7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated August 14, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Planning Board accepts the recommendations of the MCDPS Fire Department Access and Water Supply Section in its letter dated June 5, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be

² Quick lubrication facility use is allowed under Vehicle Service – Repair (Minor).

amended by MCDPS – Fire Code Enforcement Section, provided the amendments do not conflict with other conditions of Preliminary Plan approval.

9. Prior to issuance of final Use and Occupancy certificate, the Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Master Plan and/or to the design standards imposed by all applicable road codes.
10. Prior to issuance of access permits, the Applicant must provide the minimum required one long-term bicycle space in the form of a bicycle locker and one short-term bicycle space.
11. Prior to issuance of final Use and Occupancy certificate the Applicant must construct a new 10-foot-wide concrete shared use path along the frontage on Olney-Laytonsville Road.
12. The certified Preliminary Plan must contain the following note:

“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
13. The record plat must show necessary easements.
14. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.
15. Prior to record plat, the Applicant must record in the Land Records of Montgomery County a covenant to provide a reciprocal access easement between Lot 2 and Parcel 959 upon redevelopment of Parcel 959 if the Planning Board determines that such a connection is appropriate in its approval of redevelopment on Parcel 959. The covenant must be approved by the Commission's Office of the General Counsel prior to recordation.
16. Prior to building permit, the Applicant must demonstrate to Staff that sufficient space remains to allow for two-way vehicular circulation between the Subject Property and Parcel 959.

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 layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations and meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations included in the Olney Master Plan, as discussed below, and for development of the approved uses. The Application creates two lots, Lot 1, which will be 15,061 square feet and Lot 2 (Jiffy Lube), which will be 16,957 square feet. The lots were reviewed for compliance with the dimensional requirements for the CRT Zone as specified in the Zoning Ordinance.

The lots as approved will meet all the dimensional requirements for area, frontage, width, and setbacks in the CRT zone. The Application has been reviewed by other applicable county agencies, all of which have recommended approval of the Application.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Application substantially conforms to the recommendations of the Master Plan. The Subject Property, identified in red on Figure D, is located in the "Town Center" district. The Master Plan makes several recommendations for the redevelopment of the Town Center, but does not make any specific recommendations for the Subject Property. The Master Plan recommends the Mixed-Use Town Center (MXTC) Zone for the Subject Property, which was applied. The zoning was changed to the Commercial Residential Town (CRT) Zone with the Zoning Code Rewrite in 2014.

The Town Center Concept chapter of the Master Plan proposes a more compact development pattern within the Town Center to absorb additional development without increasing the overall land area of the Center. "New developments should be encouraged to have street façades (buildings located along or closer to sidewalks) and parking lots should be located in the back or side to create more attractive streetscape." The Urban Design section of the Town Center Concept

chapter states that “buildings along Georgia Avenue and MD 108 should be higher than elsewhere in the Center and located closer to the street to discourage large expanses of parking lots as the predominant view from these roads.”

The Town Center Concept of the Master Plan also recommends “creat[ing] pedestrian-oriented streetscape through landscaping, traffic calming measures, and other design features.” The Master Plan reiterates that “front building façades should be located along sidewalks and public open spaces” and continues by specifying that the “ground floor of all buildings along major streets, and specifically along streets with recommended street façades, should have uses that generate pedestrian traffic, such as retail, restaurants, professional offices and services.” As part of this recommendation, the Master Plan shows a recommended street façade along the Subject Property’s MD 97 frontage across from Hillcrest Avenue.

The Town Center Concept of the Master Plan also contemplates several new pedestrian/vehicular circulation connections throughout the Town Center, including one such connection and a new crosswalk across MD 108 from just east of the library on the south side of MD 108 connecting to Hillcrest Avenue on MD 97 via a route running behind the Subject Property. The exact location of this connection is not specified in the Master Plan, but the illustrative drawings do show this connection passing close to the northwest corner of the Subject Property. However, the Master Plan envisioned that such connections would be made as part of a site plan resulting from the consolidation of numerous smaller parcels, which does not apply in this case.

Both lots in the Preliminary Plan are along major streets. The existing building and parking locations for lot 1 do not currently meet these master plan goals; however, the development will not physically change as part of the creation of Lot 1. No new street dedication is required and no new frontage improvements will be constructed at this time. There are currently street trees and a sidewalk along MD 97 on this frontage, so no new landscaping or other design improvements are needed to comply with the Master Plan recommendations. However, based on community feedback regarding the need for additional internal pedestrian connections, the Applicant is constructing a 6-foot-wide lead walk along the proposed southern lot line to connect the existing 9 1/2-foot sidewalk along the Subject Property’s frontage to the existing stairs that lead from the Verizon Store to the adjacent 7-eleven.

On Lot 2, the Applicant’s proposal to locate the front of the Jiffy Lube building at the property line and the parking lot behind the building meets the Master Plan objectives to activate the street and create a more pedestrian-friendly environment. While the building location shown on the Preliminary Plan is

illustrative in nature, the shape and relatively shallow depth of the lot will ensure that the building and parking will be located in substantially the same place at the time of building permit. The Preliminary Plan shows a modified version of the streetscape design recommended in the 2008/2013 Olney Town Center Conceptual Illustration and Design Guidelines, which includes a 10-foot-wide (minimum) shared-use path with an approximately 6-foot-wide tree panel. The tree panel will be planted with street trees to buffer pedestrians from the road and provide shade and a more pedestrian-friendly environment. The Preliminary Plan also shows several smaller plants in the parking and vehicular circulation areas; the current design and plantings help meet the Master Plan's recommendation of providing "large shade trees and plantings to soften the visual impact of hard surfaces." As conditioned, this Preliminary Plan also requires the Applicant to take steps to ensure the possibility of ongoing vehicular circulation between the Lot 2 and Parcel 959 to the east.

The Master Plan also "encourage(s) any redevelopment in the portion of the Town Center that drains to the Hawlings River to incorporate extraordinary stormwater management features that contribute to the restoration of the James Creek and Upper Olney Mill tributaries." The Subject Property is within the Hawlings River watershed, and the Applicant provides appropriate stormwater management features as required by the Montgomery County Department of Permitting Services.

Finally, the Master Plan recommends the creation of an advisory committee to help facilitate the redevelopment of the Town Center with input from the community and property owners. The Olney Town Center Advisory Committee (OTCAC) was formed and the Committee has created and adopted a set of guiding principles named the "Olney Town Center Conceptual Illustration and Design Guidelines." To meet concerns voiced by the OTCAC regarding this Preliminary Plan, the Applicant provided additional details regarding the project not typically required as part of a subdivision application and included a pedestrian connection on the Verizon lot where feasible. Several other concerns raised by the community, including those regarding the architecture of the proposed structures, are outside the scope of a subdivision application.

Master-Planned Transportation Facilities

Roadways

Georgia Avenue (MD 97) - The 2005 Olney Master Plan designates Georgia Avenue as a 4-lane divided major highway (M-8) with a recommended right-of-way of 120 feet which was previously dedicated. The existing 9 1/2-foot-wide shared use path along the Georgia avenue frontage is to be retained. A new 6-foot-wide lead walk along the southern lot line will connect to the existing stairs

that lead from the Verizon Store to the adjacent 7-eleven. The 2005 Countywide Bikeways Functional Master Plan recommends this section of Georgia Avenue have a shared use path (SP-39) on opposite/east side.

Olney-Laytonsville Road (MD 108) - The 2005 Olney Master Plan designates Olney-Laytonsville Road as a 4-lane divided major highway (M-60) with a recommended right-of-way of 150 feet. The existing four-lane road with median has a right-of-way width that varies between approximately 115 and 165 feet, with a wider width closer to the Olney-Laytonsville Road/Georgia Avenue intersection. The Applicant has shown that at the narrowest cross-section along the Subject Property frontage, the right-of-way from the opposite property line is 153 feet, therefore no right-of-way dedication is required.

The necessary right-of-way for both roads were previously dedicated and no additional right-of-way dedication is necessary for potential future widening or master-planned transportation facilities.

Bikeways

The 2005 Countywide Bikeways Functional Master Plan recommends a shared use path (SP-34) on both sides of Olney-Laytonville Road west of Georgia Avenue. There is currently an 8 to 10-foot wide shared use path on the south side of Olney-Laytonsville Road and an approximately 8-foot wide shared use path on the north side, along the Subject Property's frontage. The existing shared-use path in front of the Subject Property directly abuts the road. The Applicant will replace the existing path with a 10-foot-wide (minimum) concrete shared use path with a 6-foot-wide tree panel to satisfy the recommendations in the Countywide Bikeways Functional Master Plan and the streetscape recommendations in the Olney Town Center Design Guidelines. In addition, the main entrance into the Jiffy Lube is directly from the Olney-Laytonsville Road shared use path.

Transitways

The 2013 Countywide Transit Corridor Functional Master Plan recommends Bus Rapid Transit (BRT) Corridor No. 1, Georgia Avenue North, between the Wheaton Metrorail Station and the Olney-Laytonsville—Olney-Sandy Spring/Georgia Avenue intersection, with an extension via Olney-Sandy Spring Road to Montgomery General Hospital. However, in a letter dated January 16, 2015, the County Executive ended the Georgia Avenue BRT study.

- 3. Public facilities will be adequate to support and service the area of the subdivision.*

Adequate Public Facilities Review (APF)

As described in the staff report, the Application was reviewed under the 2012-2016 Subdivision Staging Policy (SSP).

Local Area Transportation Review (LATR) test

The Applicant submitted a Transportation Exemption Statement that showed the proposed land use generates fewer than 30 peak-hour vehicle trips within the weekday morning (6:30 to 9:30 am) and evening (4:00 to 9:00 pm) peak periods.

The existing building currently occupied by the Verizon store was built in 1986 and, thus, the use and occupancy certificate for the approved land uses was released at least 12 years ago. The Subdivision Staging Policy (previous and current) states: "if use and occupancy certificates for 75% of the originally approved development were issued more than 12 years ... the traffic study must be based on the increased number of peak-hour trips rather than the total number of peak-hour trips."

The Institute of Transportation Engineers' (ITE) trip generation rates did not show a reasonable correlation between peak hour trips and the independent variable (in this case – vehicles being serviced), the best available trip generation rates were developed for this unique auto service center based on a comparably sized Jiffy Lube in Centerville, Virginia. The Centerville site has a 2x2 bay facility that allowed 4 cars to be serviced at one time and an average weekday peak hour trip generation of 3.1 trips between the 9:00 to 10:00 am hour. The proposed Olney Jiffy Lube is planned to be a 3x1 bay facility that allows 3 cars to be serviced at one time, thus a similar or lower trip generation would be expected. For the proposed Jiffy Lube, both ITE rates for a quick lubrication vehicle shop, and real data collected from a similar sized Jiffy Lube shop in Centerville VA created very low peak hour vehicle generation rates for the AM and PM peak periods.

Therefore, a traffic study was not required to satisfy the Local Area Transportation Review (LATR) transportation test because the proposed land use generates fewer than 30 peak hour vehicle trips within the weekday morning and evening peak periods.

Transportation Policy Area Review and Transportation Impact Tax

Under the "old" SSP, the Preliminary Plan application is subject to the Transportation Policy Area Review (TPAR) mitigation payment. However, since the building permit will be filed after March 1, 2017, the Applicant will be

required to pay the updated General District Transportation Impact Tax. The timing and amount of the payment will be in accordance with that in Chapter 52 of the Montgomery County Code as amended.

The Preliminary Plan has been evaluated by Staff and the Montgomery County Department of Transportation, who support the transportation elements of the Application. The access to the Subject Property and the individual lots, as shown on the Preliminary Plan, is adequate to serve the traffic generated by the development.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the existing and proposed dwelling units. There is an existing WSSC right-of-way parallel to the western property which contains an 8-inch sanitary sewer line. The existing building is currently connected to the sewer line and public water. The Applicant proposes to tie into the existing 8-inch sewer main and 12-inch water main in M-108 to serve the new quick lube facility. The use of community water and sewer is consistent the Subject Property's W-1 and S-1 category.

The Application has been reviewed by the MCDPS Fire Department Access and Water Supply Section, which determined that the Subject Property has adequate access for fire and rescue vehicles by transmittal dated June 5, 2017.

Electric and telecommunications services as available and adequate to serve the proposed lots. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the 2012-2016 Subdivision Staging Policy.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

Forest Conservation Plan Exemption

As described in the staff report, an exemption from submitting a Forest Conservation Plan (#42017022E) was confirmed for this Application on May 11, 2017.

Tree Save Plan

The confirmation for an exemption from submitting a forest conservation plan included a condition requiring the submission and approval of a Tree Save Plan with the Preliminary Plan due to the proposed removal of one specimen tree. Tree #4, a 48" DBH black cherry will be removed by the proposed construction. A

tree variance is not required because the Application is exempt from Chapter 22A. However, mitigation for the loss of this tree is required. The Applicant proposes to mitigate for the loss by planting four 3-inch caliper, native canopy trees on-site.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on August 14, 2017. The approved concept proposes to meet the required stormwater management goals via two micro-bioretenention facilities.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

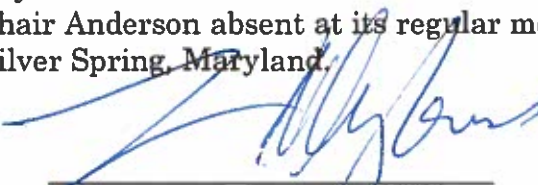
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 21 2017 (which is the date that this Resolution is mailed to all parties of record); and

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 Fani-González, seconded by Commissioner Cichy, with Vice Chair Dreyfuss and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Chair Anderson absent at its regular meeting held on Thursday, September 14, 2017, in Silver Spring, Maryland.



Norman Dreyfuss, Vice Chair
Montgomery County Planning Board