



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

MCPB No. 18-068
 Site Plan No. 820180070
 Lindsay Ford at Aspen Hill
 Date of Hearing: July 12, 2018

AUG 01 2018

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 November 16, 2017, Lindsay Ford (“Applicant”) filed an application for approval of a site plan to replace an existing vacant office building with a 95,000 square foot auto dealership building on 10.04 acres of CRT-1.5, C-0.5, R-1.0, H-60 zoned-land, located northwest of the intersection of Connecticut Avenue and Aspen Hill Road in Rockville, MD (“Subject Property”), in the 2015 *Aspen Hill Minor Master Plan* (“Master Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820180070, Lindsay Ford at Aspen Hill (“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 2, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 12, 2018, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on July 12, 2018 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Natali Fani-Gonzalez, seconded by Commissioner Gerald Cichy, with a vote of 4-0; Commissioners Casey Anderson, Natali Fani-Gonzalez, Gerald Cichy, and Tina Patterson voting in favor, and Commissioner Norman Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820180070 for a 95,000 square-foot auto dealership building, and related

Approved as to
 Legal Sufficiency:

landscape, hardscape, upgrades to an existing parking lot area, and various pedestrian and vehicular circulation improvements, subject to the following conditions:¹

1. Transportation

- a) The Applicant must install a keyed gate at the entrance to the Subject Property's Aspen Hill Road driveway for use by employees and emergency services only.
- b) The Applicant must coordinate with the Maryland State Highway Administration (SHA) exploring installation of a traffic signal at the Connecticut Avenue (MD 185)/Home Depot private drive access intersection. If SHA determines that the traffic signal is warranted, the Applicant must share the cost for installing the signal and associated pedestrian crosswalk improvements, as required by SHA. The Applicant's share of the cost should be based on the ratio of the traffic entering the Subject Property compared to the total traffic through the intersection during the AM and PM peak hours.
- c) Prior to issuance of final Use and Occupancy Certificate the Applicant must:
 - i. Provide ADA-compliant pedestrian circulation from Connecticut Avenue right-of-way (ROW) to the proposed automobile dealership.
 - ii. Improve the existing pedestrian crosswalks across the Home Depot driveway at the intersection with Connecticut Avenue.
 - iii. Provide an eight-foot-wide sidepath along the Connecticut Avenue frontage, as shown on the Site Plan;
 - iv. Provide a ten-foot-wide sidepath along the Aspen Hill Road frontage, as shown on the Site Plan; and
 - v. Provide proportional payment to the appropriate agency, if the signal is deemed warranted at the Connecticut Avenue/Home Depot private drive access intersection.
- d) The Applicant must provide an accessible bike room in the garage for long-term bicycle parking spaces for employees by removing the adjacent vehicular parking space that prevents bike room access.

2. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept acceptance letter dated June 25, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend, if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will

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.

review, approve, and inspect all landscaping within the stormwater management easements and facilities.

3. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated February 15, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

4. Adequate Public Facilities

The Adequate Public Facility Review (APF) will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution for the Site Plan.

5. Landscape Plan

Prior to the end of the first planting season after the issuance of the final Use and Occupancy Certificate, all landscape plant materials must be installed.

6. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All on-site exterior area lighting must be installed in accordance with these standards.
- b) All on-site down-lights must have full cut-off fixtures.
- c) Light fixtures have a maximum height of twenty-four feet or as indicated on the Site Plan.
- d) Deflectors must be installed on all proposed fixtures to prevent excess illumination or glare.
- e) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting residentially developed properties.
- f) Light poles must not exceed the height illustrated on the Certified Site Plan.

7. Architecture

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

8. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board, in a form approved by the M-NCPPC Office of General Counsel, that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable on-site Site Plan elements, including, but not limited to, plant material, lighting, site furniture, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, paths and associated improvements, including storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit for development.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

9. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved by Staff prior to, or as part of, the approval of the Certified Site Plan.

10. 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) Include the stormwater management concept approval letter, Forest Conservation Exemption letter, and the Planning Board Resolution of approval for the site plan;
- b) Modify the data table to reflect development standards approved by the Planning Board;

- c) Ensure consistency of all details and layout between Site and Landscape Plans;
- d) On the Landscape Plan, use non-invasive plants and list their common and Latin names in the Plant schedule.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan 820180070, 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 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 the Site Plan:

- a. *Satisfies any previous approval that applies to the site;*

This finding is not applicable. The Master Plan was adopted in 2015, and the subsequent Sectional Map Amendment (SMA) rezoned the Property CRT-1.5, C-0.5, R-1.0, H-60, and this Site Plan Application is filed under the current Zoning Ordinance and CRT-1.5, C-0.5, R-1.0, H-60 Zone. Any previous approvals will be superseded by this Site Plan application.

- b. *Satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This finding is not applicable. See finding a. above.

- c. *Satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This finding is not applicable. See finding a. above.

- d. *Satisfies applicable use standards, development standards, and general requirements under this chapter;*

The existing office building of approximately 265,000 square feet of gross floor area was an existing legal structure, and its site layout was a legal site design under a variety of prior zones, up to October 30, 2014. Section 7.7.1.A.1. of the Zoning Ordinance allows such a building and site design to be "continued, renovated, repaired or reconstructed" if doing so does not increase the floor area,

height or footprint, except as allowed by Section 7.7.1.C. The Applicant's building reduces the floor area and the height of the building. The dealership building will be 95,000 square feet with a height of 30 feet. Per Section 7.7.1.C., a minor expansion of 2,400 square feet of the existing footprint is permitted to accommodate part of the Service Department vehicle intake/triage area to the northeast corner of the existing footprint. This additional area is allowed up to the limits of Section 7.7.1.C – Expansion of Floor Area, as it does not exceed the area allowed for such expansion. The reconstructed building will result in a substantially reduced massing compared to the existing condition, while the rest of the site design with respect to parking, access, and the existing open spaces, and landscape areas are planned to be preserved. Thus, the Site Plan meets the development standards of the CRT-1.5, C-0.5, R-1.0, H-60 Zone, per Section 59.4.5.3, as shown in the Data Table below:

TABLE 1 - PROJECT DATA TABLE for the CRT 1.5, C-0.5, R-1.0, H-60			
		Required/Allowed	Proposed
Gross Tract Area Dedication			10.06AC (438,378 SF)
	Previous Subdivision Record Plat No. 8574		0.02AC (837 SF)
			10.04AC (437,541 SF)
Zoning		CRT 1.5, C-0.5, R-1.0, H-60FT	CRT 1.5, C-0.5, R-1.0, H-60FT
Development Standards (Section 4.5.3)			
Open Space		N/A	Exemption under Section 7.7.1.A
Density and Height - CRT, the greater of 1.0 FAR or 10,000 sf			
	Commercial	0.5 FAR (218,771 SF)	0.22 FAR (95,000 SF)
	Residential	1.0 FAR(437,541 SF)	N/A
	Total Density (max.)	1.5 FAR (656,312 SF)	0.22 FAR (95,000 SF)
	Height (max.)	60 FT	30 FT
General Development Requirements (Article 59-6)			
Division 6.1	Site Access	N/A	Exemption under Section 7.7.1.A
Division 6.2	Parking, Queuing and Loading	N/A	Exemption under Section 7.7.1.A
Division 6.3	Open Space and Recreation	N/A	Exemption under Section 7.7.1.A
"N/A" means not applicable			
Section 7.7.1. Exemptions:			
A. Existing Structure, Site Design, or Use on October 30, 2014			
1. Structure and Site Design			
A legal structure or site design existing on October 30, 2014 that does not meet the zoning standards on or after October 30, 2014 is conforming and may be continued, renovated, repaired, or reconstructed if the floor area, height, and footprint of the structure are not increased, except as provided for in Section 7.7.1.C for structures in Commercial/Residential, Employment, or Industrial zones, or Section 7.7.1.D.5 for structures in Residential Detached zones.			

Table 1: Project Data Table

Pursuant to Section 7.7.1.A.2.b., the light vehicle sales and rental uses, both indoor and outdoor, are permitted limited uses under current zoning, and they can be located in a structure that is deemed conforming under Section 7.7.1.A.1.

- e. *Satisfies the applicable requirements of:*
- i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

The Montgomery County Department of Permitting Services (DPS) Stormwater Management Section issued a letter accepting the stormwater management concept approval on June 25, 2018. Stormwater treatment will be accomplished using micro bioretention, drywells and structural practices.

- ii. *Chapter 22A, Forest Conservation*

The project qualifies as a reuse of the existing structure and site design under Section 59.7.7.1.A. The Site Plan qualifies for an exemption from the applicable requirements of forest conservation under Chapter 22A-5(t), as a modification to an existing non-residential developed property. Per the confirmation letter dated November 6, 2017, the Site Plan is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(t) because of the following:

1. No more than 5,000 square feet of forest is ever cleared at one time or cumulatively after an exemption is issued;
2. The modification does not result in the cutting, clearing, or grading of any forest in a stream buffer or located on property in a special protection area which must submit a water quality plan;
3. The modification does not require approval of a preliminary plan of subdivision, and;
4. The modification does not increase the developed area by more than 50 % and the existing development is maintained.

- f. *Provides safe, well integrated parking, circulation patterns, building massing and, where required, open space and amenities;*

- i. *Parking and Circulation Patterns*

The Site Plan maintains the existing parking lot, which the Applicant will restripe to provide safe and integrated parking, and circulation patterns. The Applicant will provide internal wayfinding/directional signage for customers and service to the site. The Applicant will limit access to the

site from the Aspen Hill Road site access by installing an automated gate accessible to emergency responders and employees. The reconstructed structure will result in reduced building massing compared to the current condition on the site, and the existing open spaces and landscaped buffer along the western edge of the Property will be preserved.

ii. Buildings and Structures

The Applicant will construct a new dealership building on the existing building footprint, with an addition of up to 2,400 square feet on the northeast corner of the existing footprint for the creation of the vehicle intake area. An open ramp will be constructed on the north side of the dealership for access to the existing cellar, which will be used principally for vehicle storage.

iii. Open Spaces

While there is no requirement for open space for the project, the Applicant will provide various landscape and hardscape measures and treatments toward enhancing the existing conditions of the site.

1. Along the shared drive entrance off of Connecticut Avenue, a new sidewalk to the south side of the shared drive is required as a pedestrian enhancement leading to the building.
2. Along Connecticut Avenue, an eight-foot side path is required.
3. Along Aspen Hill Road, a ten-foot side path is required. In addition, enhanced landscape material is required.
4. Along the west property line and the southern property line, a new fence is required with a new access gate at the Aspen Hill access point. A revision to the fencing that was shown on the Site Plan materials filed on February 28th modifies the proposed fencing as follows: The fencing along the southwest/west property line will be revised to match the Type 2 fencing on the Site Plan, for the Aspen Hill Road frontage, for an approximate length of 30 feet. After that point, Type 1 fencing with privacy ribbons will be used along the remainder of the west property line
5. Along the east property line, enhanced landscaping is required through tree and shrub plantings.
6. Along the west property line, enhanced landscaping is required through an increase in tree plantings.

iv. Landscaping and Lighting

The Applicant will provide various landscape and hardscape measures and treatments toward enhancing the existing conditions of the site. All lighting and landscaping is designed to meet Montgomery County requirements. And all light fixtures have a maximum height of twenty-four feet or as indicated on the Site Plan.

v. Pedestrian and Vehicular Circulation Systems

The Applicant will use the shared entrance off of Connecticut Avenue as its main entrance to the Site and will use the Connecticut Avenue address as its official main address of business. Traffic lanes will allow direct access from Connecticut to the service reception on the north side of the building. Vehicles will be delivered to the dealership by trucks entering the site from Connecticut Avenue and then unloaded onsite. Wayfinding signs will direct traffic to and from Connecticut Avenue for both ingress and egress. Customer parking will be located immediately adjacent to the building on the south and east sides, in the areas generally in front of the showroom. A sidewalk linking Connecticut Avenue to the main entrance of the site along the shared private entrance will be installed to improve pedestrian access to the site. Additional sidewalks will be provided from customer parking areas to the dealership. The access from Aspen Hill Road will be limited to emergency vehicles and employee access. A side path of 10-feet is required along Aspen Hill Road, while an 8-foot side path is required along Connecticut Avenue. The pedestrian and vehicular circulation systems are designed to be safe, adequate, and efficient.

- g. Substantially conforms with the recommendation of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Master Plan acknowledges the changing office market in the area, and to capture the area's retail market potential, recommended zoning to allow redevelopment that includes a neighborhood-serving mix of uses that could define local identity for the benefit of surrounding communities. The Master Plan also provides specific design criteria to support "the transition of this area to a more pedestrian-friendly, accessible, and human-scale environment." (p. 13)

While the long-term goal of the Master Plan is to facilitate comprehensive redevelopment, it recognizes the near-term likelihood of single-use redevelopment in transitional areas such as this commercial cluster. As allowed by the zoning ordinance, the application reconstructs the building to suit the new use but retains the existing property configuration including the building footprint and location, layout of surface parking and green areas, and access points. In this scenario, incorporating the design elements as discussed in the Master Plan (p. 13) becomes infeasible but some improvements to existing conditions are provided:

Public Realm Enhancement: Public realm along Aspen Hill Road will be improved with additional plantings, and the existing sidewalk will be expanded to become a ten-foot-wide sidepath extending to Connecticut Avenue. The existing sidewalk along

Connecticut Avenue will be replaced with an eight-foot-wide sidepath where possible.

Building Placement: The reconstructed building will be in the same location as the existing building, but the density and height will be reduced, and will include trees to partially screen the building from surrounding areas.

Transition to Residential Neighborhoods: The project retains the existing separation from adjacent single-family uses and additional plantings for screening are provided.

Building Entrances: The project highlights the existing Connecticut Avenue access as the main access to the Property, to provide both vehicular and pedestrian access. The existing access from Aspen Hill Road will be gated and available only for emergency use and employees during non-weekday peak periods.

Parking and Loading Areas: Surface parking will remain. Loading areas will be clustered along the west side of the building and will be screened with plantings from adjacent single-family uses.

Although the project does not fully advance the goal of a walkable mixed-use neighborhood center envisioned by the Master Plan, it does begin to provide the pedestrian and bicycle improvements envisioned on the periphery of the Property. Until the Property is fully redeveloped and the Master Plan vision fully realized, the Application delivers appropriate improvements that will enhance the Property's general appearance and will improve mobility along its frontages for pedestrians and cyclists. Thus, these improvements are in substantial conformance with the Master Plan as an adaptive reuse of the Property.

- h. Will be served by adequate public facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required, the Planning Board must find that the proposed development will be served by adequate services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

The Traffic Statement which was prepared for filing with the APFO review concluded that the traffic impact is far less than with the current allowed use, and thus a traffic study is not required. The table below shows the reduction of site-generated trips by the automobile dealership compared with the existing office building. The transportation Adequate Public Facilities (APF) test under

the current *2016-2020 Subdivision Staging Policy* considers person trips rather than vehicular trips under the prior standards.

Land Use	Square Footage	Weekday Peak Hour Vehicular (Person) Trips	
		Morning	Evening
Existing General Office Space	265,600	409 (551)	368 (496)
Auto Dealership	100,000	190 (264)	259 (359)
Difference – Additional Trips		-219 (-287)	-109 (-137)

Table 2: Site generated trips of Auto Dealership versus Existing Office building

The use and occupancy permit for the existing office building was issued more than 12 years ago for at least 75 percent of the originally-approved development. Thus, the vacant, but still permitted, office trips are considered “existing” traffic on the road network in accordance with the *2016-2020 Subdivision Staging Policy*. Thus, only the additional peak-hour trips are considered for the LATR test purposes, rather than the total (existing and additional) number of peak-hour trips.

Per the *2016-2020 Subdivision Staging Policy*, a traffic study is not required to satisfy the Local Area Transportation Review (LATR) test, because the automobile dealership generates fewer trips than those by the existing/reusable office building. There are fewer than 50 additional peak-hour person and other types of trips within the weekday morning (6:30-9:30 am) and evening (4:00-7:00 p.m.) peak periods.

The development will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services will also be available and adequate.

- i. *On a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood;*

Not applicable, the Subject Property is zoned CRT.

- j. On a property in all other zones, is compatible with the existing and approved or pending adjacent development.*

The building height for the dealership will be reduced approximately 10 feet from the existing building height (from approximately 37 to approximately 27 feet). Because of the height reduction, the set-backs, and dense vegetation screening, the building will decrease its visibility from adjacent residential properties to the west.

The structure is set back from Aspen Hill Road and Connecticut Avenue and there is ample green strip between the existing sidewalk and the parking lot which will be preserved. Along Aspen Hill Road, the Applicant will limit access to that entrance to emergency vehicles and employees; introduce trees and other low growth vegetation; replace the existing sidewalk with a ten-foot-wide sidepath; and increase plantings in making a more pleasant environment for pedestrians. The renovation and reconstruction of the existing office building for the dealership will result in a structure which is compatible with The Home Depot site to the North, and the residential neighborhoods to the west.

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 AUG 01 2018 (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 Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, July 26, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board