



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

MCPB No. 18-116  
Site Plan No. 820140140  
Montgomery Auto Sale, Lot 18  
Date of Hearing: November 8, 2018

DEC 04 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, under Section 59-7.7.1.B.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on September 8, 2014, Auto Site 7 LLC ("Applicant") filed an application for approval of a site plan to construct a parking and automobile storage facility on Lot 18 on 3.32 acres of C-3 zoned-land (current zone: GR-1.5 H-85), located on Automobile Boulevard, 240 feet SW of Briggs Chaney Road ("Subject Property"), in the Fairland/Colesville Policy Area and 1997 *Fairland Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820140140, Montgomery Auto Sales Park Lot 18 ("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 October 26, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 8, 2018, 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, on November 8, 2018, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Patterson, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez and Patterson voting in favor, with Commissioner Dreyfuss being absent.

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
MNCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820140140 to construct a parking and automobile storage facility on Lot 18, the Subject Property, subject to the following conditions:<sup>1</sup>

Site Plan

1. Future development of up to 70,000 square feet of automobile sales and service on Lot 18 will be subject to approval of a Site Plan Amendment.
2. Parking  
Vehicle parking shall be restricted to the designated parking areas as shown on the Site Plan.
3. Signage  
The Applicant must provide details and specifications for all signage, including materials, lighting fixture mounts, lamps and wattage and installation details on the Certified Site Plan.
4. Landscaping  
The Applicant must install landscaping no later than the next growing season after completion of site work.
5. Lighting  
Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan 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 onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
  - a. All onsite down-lights must have full cut-off fixtures or Staff approved equivalent.
  - b. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
  - c. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially-developed properties.

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<sup>1</sup> 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.

- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

**6. Site Plan Surety and Maintenance Agreement**

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, 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 [59-D-3.5(d)] 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 Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, bike racks, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, and private storm drainage facilities.
- 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.

**7. Development Program**

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by M-NCPPC prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Sidewalks must be installed within six months after the parking lot construction is completed.
- b. On-site amenities including, but not limited to, sidewalks and trash receptacles.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.

- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. Landscaping associated with the parking lot must be completed as construction is completed.
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, and other features.

8. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, Site Plan resolution, and other applicable agency letters on the coversheet.
- b. Modify data table to reflect development standards enumerated in the Staff Report.
- c. Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Montgomery Auto Sales Park Lot 18, Site Plan No. 820140140, 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:

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.*

There are no development, diagrammatic or schematic plans 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 all the requirements of the C-3 zone. Under the C-3 zone the parking of motor vehicles off street in connection with any use permitted in the C-3 zone is allowed by-right in the C-3 zone.

Requirements of the C-3 Zone

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the C-3 Zone.

**Data Table**

Development Standards C-3	Required Zoning Ordinance	Proposed by Site Plan No. 820140140
<b>Gross Tract Area</b>	N/A	3.32 acres
<b>Setbacks</b>	N/A	No structure is proposed <sup>2</sup>
<b>Parking</b>	0	342
<b>Green Area (59-C-4.363)</b>	10% of Lot Area	22%

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

No buildings are proposed with the Site Plan. This portion of the finding is not applicable.

b. Open Spaces

The Site Plan proposes 22 percent green space, which includes the required 10-foot buffer around the perimeter of the Subject Property and several parking lot islands. The green space/open space is safe, adequate, and efficient.

c. Landscaping and Lighting

The landscaping provided is adequately located along the inner perimeter of Automobile Boulevard with street trees and other shrubs, and internally in several parking lot islands. The Property will be enhanced with a variety

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<sup>2</sup> Site Plan Amendment required for new auto dealership in the future.

of trees and shrub materials for shade, and for seasonal color. The Landscaping is safe, adequate, and efficient.

d. Recreation Facilities

No recreation facilities are required for this Application.

e. Vehicular and Pedestrian Circulation

The parking facility has four vehicle points of access onto Automobile Boulevard, all of which are connected via internal drive aisles to help separate service, sales, and deliveries, and to provide adequate traffic flow around and thru the facility. Two of these vehicle access points are shared between this proposed parking facility and the adjacent automobile dealership proposed in Site Plan No. 820140130 and to be used for vehicle drop-off and pick-up. There are also driveway connections proposed between Lot 17 and the surface parking area on Lot 18 to eliminate the need for vehicles to use Automobile Boulevard while traveling between the two lots. Site Plan 18 proposes a pedestrian crosswalk to provide interconnectivity between Lot 17 and Lot 18. Pedestrian and vehicular circulation is safe, adequate and efficient.

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

No structures are proposed with this Site Plan. In the future, a Site Plan Amendment is required to construct the auto dealership proposed in Preliminary Plan No. 11985027A. The parking facility to support the dealership on Lot 17 will seamlessly integrate with the parking facilities associated with the other automobile dealerships surrounding the Subject Property.

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.*

A. Forest Conservation

The Board finds that, as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Site Plan was reviewed concurrently with Preliminary Plan No. 11985027A, and the analysis for the environmental resources and forest conservation law is presented under the environmental findings made with

the Preliminary Plan earlier in this report. The Site Plan makes no changes to the layout or environmental findings made with the Preliminary Plan. Site Plan 820140140 for Lot 18 complies with the Preliminary/Final Forest Conservation Plan No. 11985027A.

**B. Stormwater**

An approved stormwater concept from the Montgomery County Department of Permitting Services, Water Resources Section was issued on October 26, 2015 and reconfirmed on April 2, 2018.

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 DEC 04 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).

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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 motion of Commissioner Fani-González, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, November 29, 2018, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board