



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

MCPB No. 18-115  
Site Plan No. 820140130  
Montgomery Auto Sales, Lot 17  
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 Sites 7 LLC (“Applicant”) filed an application for approval of a site plan to construct an 85,000 square-foot sales and service building on Lot 17 on 4.78 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. 820140130, Montgomery Auto Sales, Lot 17 (“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 Fani-Gonzalez, 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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820140130 to construct an 85,000 square-foot sales and service building on Lot 17, the Subject Property, subject to the following conditions:<sup>1</sup>

**Transportation and Circulation**

1. **Parking**

Vehicle parking is restricted to the designated parking areas shown on the Certified Site Plan.

**Site Plan**

2. **Site Design**

- a. Parking of all vehicles, except those vehicles which are for sale and are on display in designated "Automobile Sale Lot" areas, shall be restricted to the side, rear, and/or rooftop of the building (Section 59-C-4.364) in areas clearly identified on the Site Plan as "Automobile Parking Facilities" (as defined in Section 59-A-2.1 of the Zoning Ordinance).
- b. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations of the submitted architectural drawings on the Certified Site Plan, as determined by M-NCPPC Staff.

3. **Building Height**

The development is limited to a maximum height of 84 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

4. **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.

5. **Landscaping**

The Applicant must install landscaping no later than the next growing season after completion of site work.

6. **Lighting**

- a. Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site

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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.

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).

- b. All onsite down-lights must have full cut-off fixtures or Staff-approved equivalent.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d. 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.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

7. 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.

8. 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, benches, trash receptacles, and bicycle facilities must be installed prior to release of any Use and Occupancy Certificate.
- 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 and building(s) must be completed as construction of each facility is completed.
- f. Pedestrian pathways and seating areas associated with each building must be completed as construction of each facility is completed.
- g. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, and other features.

9. 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. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Remove references to "Ownership Lot(s)" from the Site Plan sheets.
- f. Add a note to the Certified Site Plan saying: "No Automobile Parking Facilities, as defined in Section 59-A.2.1 of the Zoning Ordinance in effect prior to October 30, 2014, shall be located in front of the building."

- g. Revise Site Plan parking table to eliminate all Parking Facility parking spaces shown in the front yard of building per Section 59-C-4-365 of the Zoning Ordinance and replace with designated Auto Sales Lot spaces in the front yard of building.
- h. Identify location of electric vehicle charging spaces.
- i. The Applicant must provide an additional non-vegetative alternative to the green screen on the west façade of the building that also serves the purpose of screening the parking garage facade.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Montgomery Auto Sales Park Lot 17, Site Plan No. 820140130, 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. Automobile sales indoor, outdoor, and service mall uses are permitted by-right in the C-3 zone subject to special regulations in Section 59-C-4.367 applicable to designated automobile-related uses (59-C-4.36). These special regulations include the following requirements that are applicable to the Subject Property:

- *Building Height – Maximum 42 feet, except where recommended as appropriate in applicable master or sector plan, the maximum building height for an auto sales and service mall is 7 stories or 84 feet.*

The automobile sale building is less than 42 feet in height. The structured parking/inventory facility is 84 feet in height.

- *Setbacks – Off-street parking, maneuvering area, display and storage of motor vehicles must be set back 10 feet from all property lines from any adjoining land classified in a commercial zone.*

All off-street parking, maneuvering areas, display and storage of motor vehicles are setback at least 10 feet from all property lines, which meets this standard.

- *Building Coverage – No more than 35-percent of the area of a lot may be covered by buildings, except that parking structures are excluded from the building coverage calculation.*

The area of the lot covered by buildings is 34.4%. Therefore, the Site Plan complies with this requirement.

- *Green Area – Green Area shall constitute at least 10-percent of the lot.*

The green area exceeds this requirement by providing 27% of green area on the Property.

- *Lighting – In order to prevent any objectionable glare on surrounding properties or streets, the exterior lighting plan that is submitted as part of the required site plan must indicate the height, number and types of lighting fixtures, and a diagram showing their light distribution characteristics.*

The submitted lighting plan included in the submitted Site Plan provides the location, height, number, and types of lighting fixtures, as well as the light distribution designed to prevent objectionable glare on surrounding properties. This requirement has been met.

One of the requirements of the C-3 zone in Section 59-C-4.365(b) of the Zoning Ordinance in effect prior to October 30, 2014 requires that "all parking shall be located to the side or rear of the main building, inside the of the building or, on the roof." The same ordinance defines "Automobile Parking Facility" under Section 59-A-2.1 as "any lot or structure used for off-street parking of 6 or more motor vehicles, where service or repair facilities are not permitted". This definition further states that an "automobile sales lot is not a parking facility under this Chapter." Previous site plans for other auto dealerships in this Auto Sales Park have interpreted this to allow vehicles for sale and/or display to be located in front of the building. The Planning Board has conditioned the Site Plan to be modified at certified site plan to clearly demarcate areas for customer parking on the sides

and rear of the building, while parking in front of the building is to be limited for sale or display vehicles by the auto dealership.

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 Standard	Required Zoning Ordinance Development Standards C-3 <sup>2</sup>	Proposed for Approval
<b>Gross Tract Area:</b>	N/A	4.78 ac. (208,220 s.f.)
<b>Building Gross Floor Area (S.F.)<sup>3</sup></b>		
Retail	N/A	22,000
Service	N/A	57,000
Office	N/A	6,000
<b>Total (S.F.)</b>	N/A	85,000
<b>Max Building Coverage (59-C-4.367(b))</b>	(72,877 s.f.) 35%	(71,686 s.f.) 34.4%
<b>Max Building Height (59-C-4.361)</b>	42 feet/84 feet	
Phase 1 Building Height		27 feet
Phase 2 Building Height		54 feet
<b>Building Setbacks</b>		
Min From Street Right of Way	10 feet	55 feet <sup>4</sup>
Min From other lot line (59-C-4.367(a)(1))	10 feet	10 feet
<b>Parking</b>		
Light Vehicle Sales (59-6.2.4)	55 spaces @ 2.5 sp/1000 s.f.	105
Service (59-6.2.4)	143 spaces @ 2.5 sp/1000 s.f.	143
Office (59-6.2.4)	14 spaces @ 2.25 sp/1000 s.f.	14

<sup>2</sup> Development Standard requirements are per the Zoning Ordinance 59-C-4.36 Highway Commercial and 59-C-4.367 Special Regulations applicable to designated automobile-related uses.

<sup>3</sup> Building Gross Square Footage excludes structured parking areas

<sup>4</sup> Final setback at time of building permit will be no less than 10 feet from the property line.

Total	212	326
Accessible spaces	8	8 (4 outside, 4 gar.)
Storage Spaces	N/A	Up to 534
<b>Total Car Parking Spaces</b>	<b>315</b>	<b>860</b>
Motorcycle Spaces (59-6.2.3.C)	7	10
Bicycle Spaces (596.2.3.E)	10 (8 short term/2 long term)	12 (8 short term/4 long term)
Electric Car Charging Spaces (59.6.2.3.A)	4	4
Car Share Space (59.6.2.3.D)	1	1
<b>Green Area (59-C-4.363)</b>	<b>10% of Lot Area</b>	<b>27%</b>
<b>Internal Parking Lot Shade Tree Area (59-E-2.73)</b>	<b>5% of internal parking lot area</b>	<b>16%</b>

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 Site Plan includes a new 85,000 square-foot automobile sales and service facility in addition to a six-story parking structure with 660 parking spaces, on the 4.78-acre lot. The automobile sales and service building and parking structure are adequately located in the central portion of the Property in such a way to take advantage of the existing drop in topography from north to south. As such, the proposed dealer showroom and auto display areas are near the top of the loop, which, combined with the higher elevation, allows for the most visibility. The service and structured parking areas are adequately located to the south at a lower elevation, which permits these uses to be built into the grade. The locations of the proposed building and structures are adequate, safe and efficient.

b. Open Spaces

The Site Plan proposes 27-percent green area, which exceeds the Zoning Ordinance minimum requirement of 10-percent. The green area is mostly located along the perimeter of the Property and the northernmost portion of the Property, where the Applicant is providing a terraced plaza with seating as a pedestrian amenity and gateway feature for Automobile Boulevard. The green space/open space is safe, adequate, and efficient.



c. Landscaping and Lighting

The proposed landscaping is adequate and efficient along the inner perimeter of Automobile Boulevard with street trees and other shrubs, and internally on numerous parking lot islands. The Property will be enhanced with a variety of trees and plant materials for screening, shade, and for seasonal color. The building's roof over the two-story showroom and a portion of the roof over the service area will be covered by a green roof. A vegetative screen wall will also cover the west façade of the parking structure. The Site Plan provides 16-percent tree canopy coverage for the surface parking facility, which exceeds the 5-percent minimum requirement. The landscaping is safe, adequate, and efficient.

The lighting plan consists of pole light not to exceed 30 feet in height and wall packs. This provides adequate and safe light levels for both security and public safety.

d. Recreation Facilities

This Application does not require recreation facilities.

e. Vehicular and Pedestrian Circulation

Automobile Boulevard has existing 5-foot wide sidewalks with 9-foot wide green panels. At the intersections with Automobile Boulevard's one-way segment, handicap ramps are located at each corner, but with no pedestrian crosswalks. At the intersection of Automobile Boulevard and Briggs Chaney Road, both handicap ramps and pedestrian crosswalks exit at all intersection corners and approaches. The Applicant will provide the required number of public inverted-U bike racks located near the main entrance and private bike lockers or a secured bike room for employees that is convenient to the employee's entrance. The 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.*

The property is zoned GR-1.5 H-85, however, the Site Plan was reviewed under the C-3 Highway Commercial, and the proposed use is permitted in the zone. The proposed auto sales and service facility will be compatible with the other automobile dealerships and auto-related uses along Automobile Boulevard. The location of the building, parking areas and internal driveways will seamlessly function with other dealerships and uses located around Automobile Boulevard.

The Site Plan is compatible with other existing uses and buildings adjunct to 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 No. 820140130 for Lot 17 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 \_\_\_\_\_ (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