



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

MCPB No. 21-095
Site Plan No. 82006002C
Montgomery Auto Sales Park
Date of Hearing: September 9, 2021

OCT 14 2021

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, 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 August 1, 2006, the Planning Board, by Resolution MCPB No. 06-12, approved Site Plan No. 820060020 for 175,891 square feet of auto-related use with a maximum height limit of 41 feet on 14.77 acres of C-3 zoned-land, located at 3131 Automobile Blvd, 1,500 feet southeast of Briggs Chaney Rd ("Subject Property"), in the Fairland Policy Area and 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 (MCPB No. 09-07), for 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 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, for conversion of a body shop to convert the used car dealership into a Porsche showroom on the Subject Property; and

WHEREAS, on April 19, 2021, CARS-DB7, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) to

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

replace an existing auto dealership building with a new one with an overall net increase of approximately 371 SF on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82006002C, 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 August 27, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 9, 2021, the Planning Board held a hearing on the Application; and

WHEREAS, on September 9, 2021 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 4-0; Commissioners Anderson, Cichy, Patterson, and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82006002C to replace an existing auto dealership building with a new one with an overall net increase of approximately 371 SF by *adding* the following conditions:¹

1. Density
The new auto dealership Building on Lot 11 is limited to a maximum of 25,998 square feet.
2. Height
The new auto dealership Building is limited to a maximum height of 24 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.
3. Fire and Rescue
The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated May 26, 2021, and hereby incorporates them as conditions of approval. The Applicant must

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.

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. Site Design

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

5. Landscaping

Prior to Certified Site Plan Approval, the Applicant must show all required landscape plantings as previously approved along the Automobile Boulevard frontage of the Property, within and/or outside the right-of-way, subject to final coordination with Department of Permitting Services and/or Department of Transportation.

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-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, and associated improvements of development, including updated bike racks. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- 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. Certified Site Plan

Prior to Certified Site Plan approval, the Applicant must include the stormwater management exemption letter, Forest Conservation exemption letter, and Site Plan resolution on the approval or cover sheet(s).

BE IT FURTHER RESOLVED that all other site plan conditions of approval 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 82006002C, 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 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. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.*
1. *the site plan meets all of the requirements of the zone in which it is located and where applicable conforms to an urban renewal plan approved under Chapter 56;*

a. Development Standards

Section 7.7.1.B.3:

Amendment of an Approved Plan or Modification of an Application Pending before October 30, 2014

- a. Until October 30, 2039, an applicant may apply to amend any previously approved plan or modify an application pending before October 30, 2014 (listed in Section 7.7.1.B.1 or Section 7.7.1.B.2) under the development standards and procedures of the property's zoning on October 29, 2014, if the amendment:
 - i. does not increase the approved density or building height, unless allowed under Section 7.7.1.C; and
 - ii. either:
 - (a) retains at least the approved setback from property in a Residential Detached zone that is vacant or improved with a Single-Unit Living use; or

- (b) satisfies the setback required by its zoning on the date the amendment or the permit is submitted; and
- iii. does not increase the tract area.

This Application qualifies to be reviewed under the zone in effect on October 29, 2014. On October 29, 2014, the Subject Property was zoned C-3. The Amendment to replace the existing Nissan dealership 25,627 SF with a new auto dealership of 25,998 SF resulting in a net increase of 371 SF of floor area will bring the project to a total of 117,814 SF of constructed development, which remains well-below the previously approved maximum density of 175,891 SF. The Application meets all applicable development standards.

3. *the locations of building and structure, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

While the footprint is expanding slightly, the location of the approved building does not change. The new auto dealership (Phases 1 and 2) will generate a de minimis net new 3 AM and 2 PM peak hour person trips compared to the existing Nissan dealership according to the Traffic Statement prepared by The Traffic Group and submitted with this Application. Further, no changes to the existing access points or parking areas are required for the project.

The previously approved landscaping plan is adequate for the use; however, over the course of years since construction, the Applicant, Department of Permitting Services, and/or Department of Transportation have altered the final number, location and species of street trees to be planted along the Automobile Boulevard frontage of the Property, within and/or outside the right-of-way. As conditioned, prior to Certified Site Plan, the landscaping plan will be updated to reflect the final planting plan.

The changes to the structure, landscaping, and pedestrian and vehicular circulations systems are considered minor, and these elements of the plan remain adequate, safe, and efficient.

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

With the exception of a modest increase in the building footprint, the location and height of the proposed building remains unchanged from the previously approved site plan. Therefore, this portion of the finding remains valid. The

proposed use and structure remain compatible with other site plans as well as with existing and proposed adjacent development.

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 OCT 14 2021 (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 Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, September 23, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board