

MONTGOMERY INDUSTRIAL PARK

SITE PLAN AMENDMENT 81990069C AND 81994026C

Description – Updated Staff Report

Request to construct a building addition and canopy enclosure, increasing building square footage by 5,525 square feet on Lot 32; construct a building addition increasing building square footage on Lot 33 by 3,320 square feet; and create a new inter-lot connection between Lot 32 and Lot 33.

This Staff Report has been updated to reflect correspondence inadvertently omitted from the public record and minor additions to the Findings and Analysis. There are no changes to the proposed conditions of approval or staff recommendation.

Additions to the original Staff Report are shown as underlined text.

No. 81990069C & 81994026C
Completed: 7-18-22

MCPB
Item No.
7-28-22

Montgomery County
Planning Board
2425 Reddie Drive
Floor 14
Wheaton, MD 20902

Planning Staff



Parker Smith, Planner II, Midcounty Planning, Parker.Smith@montgomeryplanning.org, 301-495-1327

Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org, 301-495-4539

Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org, 301-495-4653

LOCATION

Montgomery Industrial Park, on Prosperity Drive, 400 feet south of Cherry Hill Road.

MASTER PLAN

2014 *White Oak Science Gateway Master Plan*

ZONE

CR-0.75, C-0.75, R-0.25, H-75

PROPERTY SIZE

Lot 32: 4.35 acres, Lot 33: 4.1 acres

APPLICANT

Eastern Diversified Properties, Inc.

ACCEPTANCE DATE

March 10, 2022

REVIEW BASIS

Chapter 59 and Chapter 22A

Summary:

- Staff recommends approval with conditions of both Site Plan Amendment Applications.
- Applicant proposes to expand the existing car dealership on Lot 32 by 5,525 square feet, and expand the existing car dealership on Lot 33 by 3,320 square feet.
- Applicant proposes a new vehicular connection between Lots 32 and 33.
- Applicant is requesting waivers for the Build-to-Area Requirements of the CR zone through Section 59-4.5.3.C.3.b, and for the Transparency Requirements of the CR Zone through Section 59-4.5.3.C.5.a.
- Per Section 59-7.7.1.C.4, the Application is being reviewed under the current Zoning Ordinance.
- The Application meets the requirements of Chapter 59, the Zoning Ordinance, and Chapter 22A, the Forest Conservation Law.
- The Subject Applications were discussed at the Planning Board's June 23, 2022 Public Hearing, however, due to a clerical error, a piece of correspondence was inadvertently omitted from the Public Record. Staff issued a supplemental Staff Report, dated June 23, 2022, addressing the correspondence. On July 7, 2022, the Board re-opened the record and scheduled a second public hearing for July 28, 2022. This Staff Report has been updated to reflect the Board's direction and correspondence.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

SITE PLAN AMENDMENT 81990069C

Staff recommends approval of Site Plan Amendment No. 81990069C, Montgomery Industrial Park Lot 32, to increase the square footage of the existing building by 5,525 square feet by constructing a new building addition and enclosing the existing drive aisle canopy on the west side of the main building for a maximum density of 24,000 square feet. All previously approved conditions for Lot 32 remain valid and in full force and effect, except as modified herein. All site development elements shown on the latest electronic version of Site Plan Amendment 81990069C as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹

Revised Conditions

4. Indicate on the certified site plan where the code-required ~~78~~ 50 parking spaces are located and provide clear signage restricting their use to employees and customers and preventing their use for storage of inventory and trade-ins.
5. Development will not exceed ~~18,478~~ 24,000 square feet of buildable gross floor area, to be used exclusively for auto sales/service facility.

New Conditions

11. Landscaping

Prior to issuance of Use and Occupancy permit, the Applicant must bring the property into compliance with the approved Certified Landscape and Lighting plans, including planting of all landscape trees on the property.

12. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated June 2, 2022 and 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 the Site Plan Amendment approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

¹ For the purposes 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.

13. Right of Way

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated March 10, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

14. 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 4, 2022 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.

15. 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, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b. Fire and Rescue Access plan should be included in the Certified Site Plan.
- 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. Prior to the approval of the Certified Site Plan, the Applicant must provide updated landscaping drawings to show shade trees along the north-south green strip between the two surface parking lots, at the property line between Lots 32 and 33. Final planting locations may be modified to avoid utility conflicts.

SITE PLAN AMENDMENT 81994026C

Staff recommends approval of Site Plan Amendment No. 81994026C, Montgomery Industrial Park Lot 33, to increase the square footage of the existing building by 3,320 square feet by enclosing the existing service lanes and existing canopy area, for a maximum density of 27,725 square feet. All previously approved conditions for Lot 33 remain valid and in full force and effect, except as modified herein. All site development elements shown on the latest electronic version of Site Plan Amendment 81994026C as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.²

Revised Conditions

819940260

11. ~~No internal connections between subject property and adjacent Lexus site will be allowed.~~

81994026B

13. Certified Site Plan

The Certified Site Plan must include the following:

- a) The stormwater management concept approval, development program, inspection schedule, and the approved Site Plan Resolutions on the approval or cover sheet.
- b) The data table must reflect development standards ~~enumerated in the Staff Report as approved by the Planning Board.~~
- c) Consistency of all details and layout between Site Plan and Landscape Plan.
- d) Fire and Rescue Access plan should be included in the Certified Site Plan.
- e) Prior to approval of the Certified Site Plan, the Applicant must provide updated landscaping drawings to show shade trees along the north-south green strip between the two surface parking lots, at the property line between Lots 32 and 33. Final planting locations may be modified to avoid utility conflicts.

New Conditions

15. Density

Development will not exceed 27,725 square feet of buildable gross floor area, to be used exclusively for auto sales/service facility.

² For the purposes 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.

16. Parking

Indicate on the Certified Site Plan where the code-required 50 parking spaces are located and provide clear signage restricting their use to employees and customers and preventing their use for storage of inventory and trade-ins.

17. Landscaping

Prior to issuance of Use and Occupancy permit, the Applicant must bring the property into compliance with the approved certified Landscape and Lighting plans, including planting of all landscape trees on the property.

18. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated June 3, 2022 and 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 the Site Plan Amendment approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

19. Right of Way

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated March 10, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

20. 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 4, 2022 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.

SECTION 2: SITE DESCRIPTION

VICINITY

The Property is located within a commercial district bounded by Columbia Pike to the northwest, Cherry Hill Road to the north and east, and Paint Branch to the south and west. The uses within this commercial district include another auto dealership to the east of the Property, a hotel to the north of the Property, office buildings to the northwest and west of the Property, and Home Depot to the south. The various commercial uses in the area are served by large surface parking lots. The Property is currently zoned CR-0.75, C-0.75, R-0.25, H-75 and was previously zoned I-1 prior to the 2014 comprehensive County-wide rezoning.

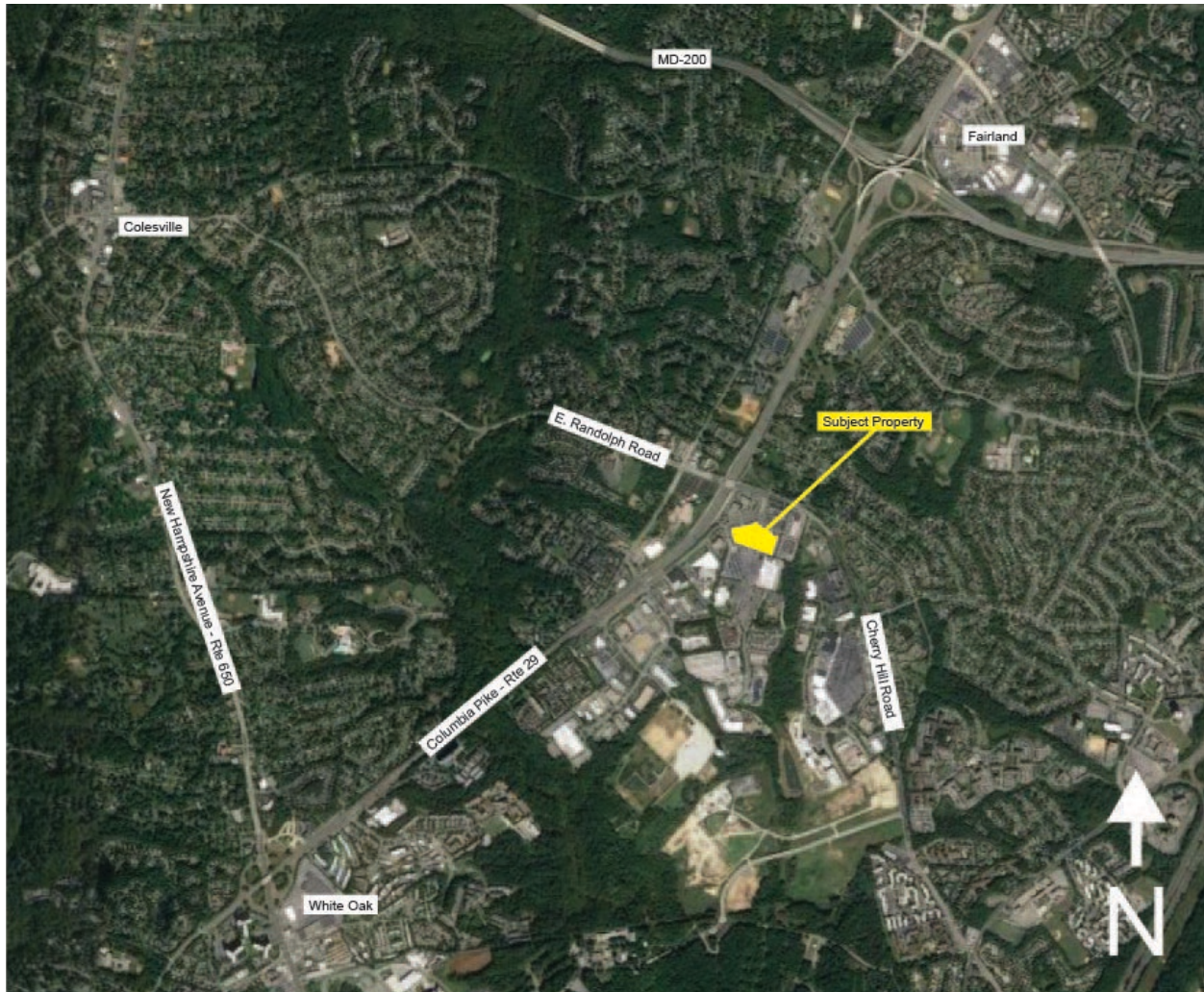


Figure 1 – Vicinity Map

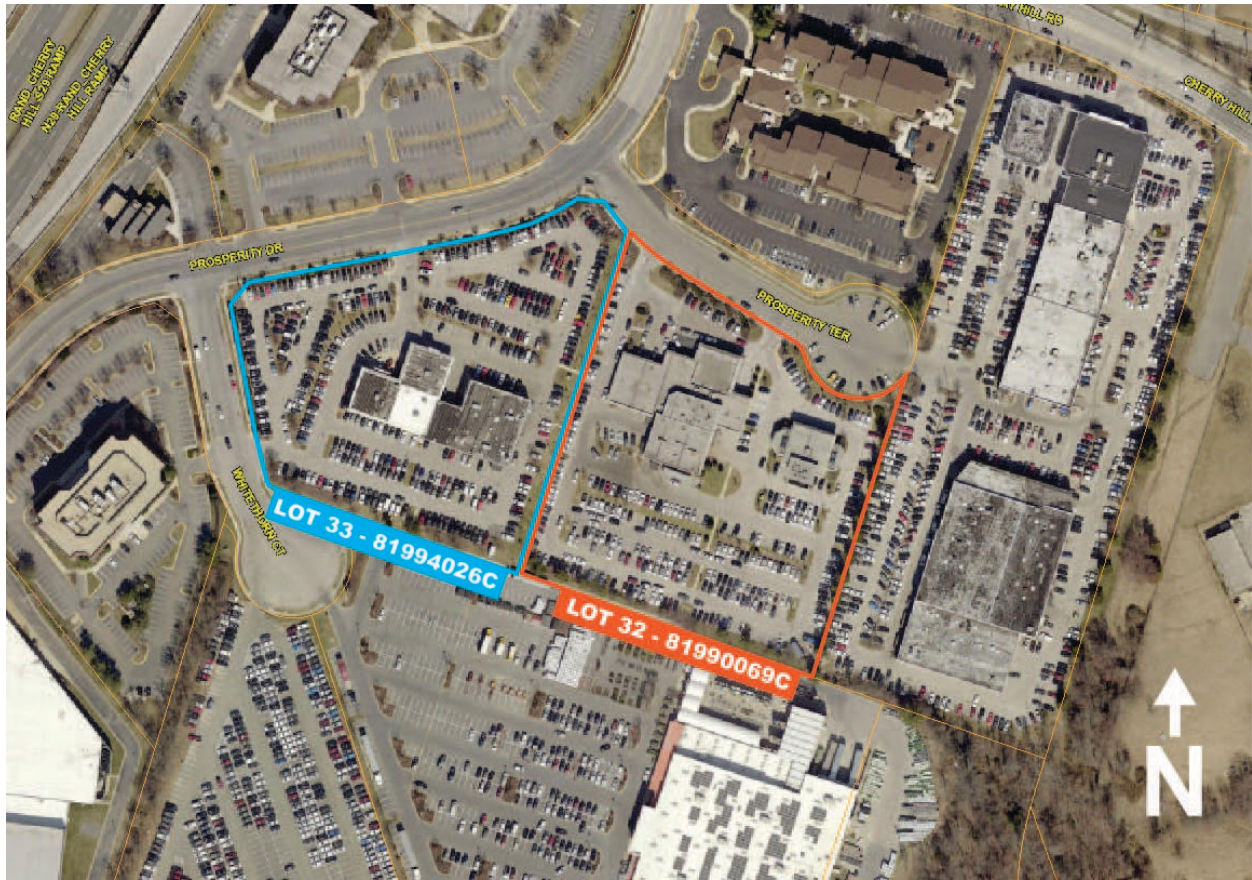


Figure 2 – Property Aerial Vicinity Map

PROPERTY DESCRIPTION

The Property consists of two lots, designated Lot 32 and Lot 33 (recorded on Plat No. 16248) (see Figure 3). Both lots are currently improved with automobile sales/service uses, with Lot 32 containing DARCARS – Lexus and Lot 33 containing DARCARS – Chrysler, Dodge, Jeep, Ram and Volkswagen. The two lots are currently divided by a median between parking lots, which necessitates exiting onto Prosperity Drive or Prosperity Terrace to go between the two lots by car.

11	R=80.00	A=10.78
12	R=39.00	A=29.31
13	N89°00'28"W	66.00

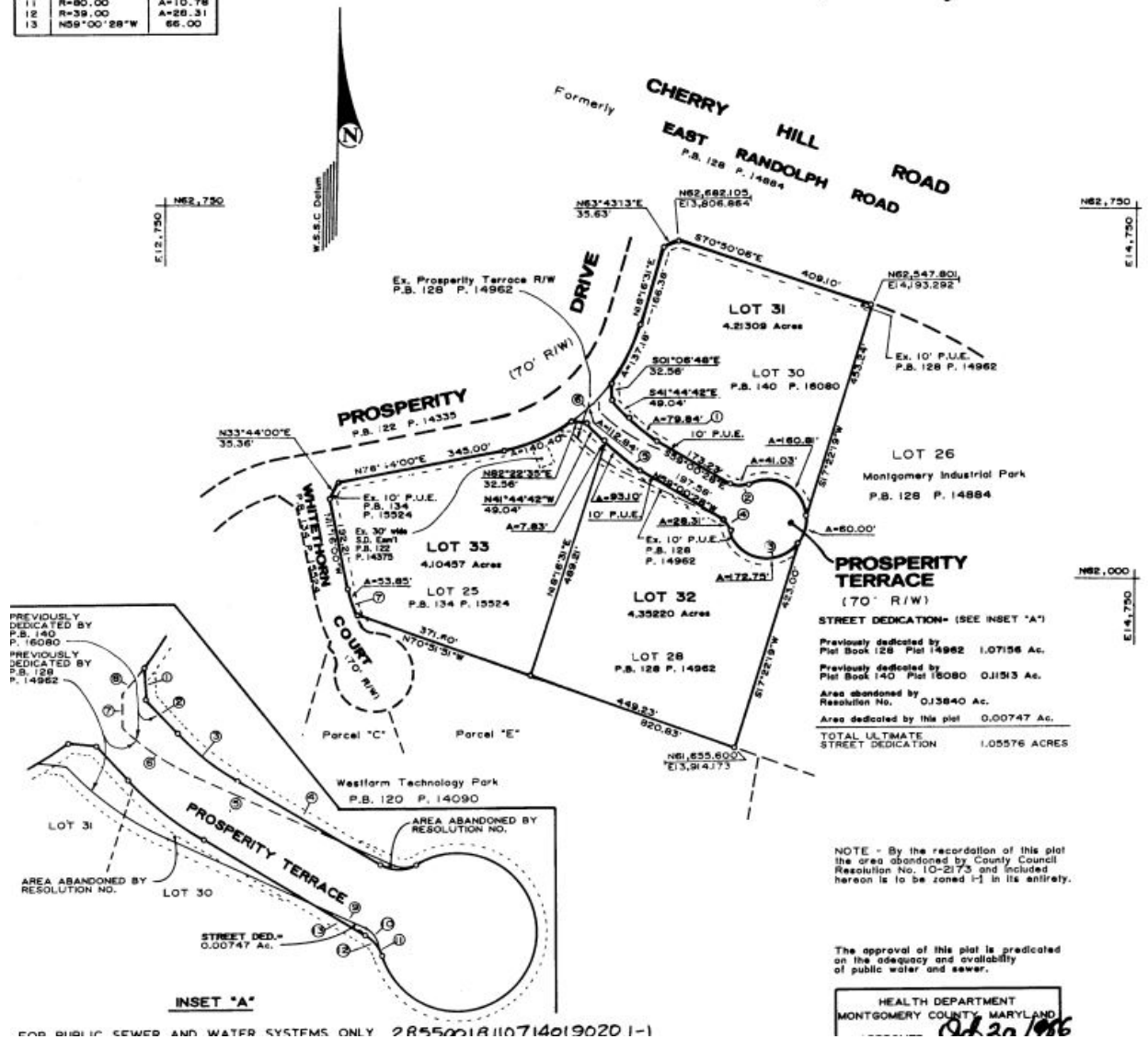


Figure 3 - Plat 16248

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Preliminary Plan No. 119811070 was approved by the Planning Board on July 19, 1984, for four lots within the I-1 zone. These four lots included Lot 32, but not Lot 33.

Preliminary Plan No. 119820080 was approved by the Planning Board on June 20, 1985, for 112,000 square feet of office uses in the I-1 zone. This approval included both Lot 32 and Lot 33, as well as other nearby commercial properties.

Site Plan No. 819900690 was approved by the Planning Board on February 14, 1991, for 18,475 square feet of automobile sales and service use on Lot 32. An amendment to this plan was approved by the Planning Board on February 20, 1992, to revise a condition related to lighting.

Site Plan No. 819940260 was approved by the Planning Board on March 16, 1995, for 10,400 square feet of automobile sales use in addition to 11,500 square feet of automobile service use on Lot 33. An amendment to this plan was approved by the Planning Board on March 14, 1996, to revise conditions 4 and 6 of the Site Plan Resolution.

Site Plan No. 81990069A was administratively approved on December 4, 2008, for the extension of the existing canopy on the west side of the main building towards Prosperity Terrace, enclosure of extended and existing canopies on the west side of the main building, and enclosure of the existing canopy on the east side of the building. The improvements proposed were never constructed.

Site Plan No. 81990069B was approved by the Planning Board on July 29, 2010 (via MCPB Resolution No. 10-107), for the expansion of the south service drive canopy, reconfiguration of the existing second floor for the installation of a skylight, modifications to the existing interior showroom, customer lounge, offices and service shop areas, and deletion of 11 service parking spaces.

Site Plan Amendment No. 81994026A was submitted on May 16, 2012, but was later withdrawn.

Site Plan No. 81994026B was approved by the Planning Board on September 19, 2013, for the addition of 2,505 square feet of automobile service development on Lot 33 and to update the employee surplus parking requirements through the modification of conditions.

PROPOSAL: LOT 32

The Application proposes to increase the existing floor area of the building on Lot 32 by 5,525 square feet by enclosing the northwestern corner of the existing showroom and enclosing the existing drive aisle on the west side of the main building. The additional square footage will increase the total building square footage from 18,475 square feet to 24,000 square feet.

Additionally, the Application proposes modifications to the building façade and interior layout, new ADA parking and associated drive aisle, curb and gutter and sidewalk modifications and new stormwater management facility, minor modifications to the landscaping, include a new stormwater management facility and associated storm drain structures, and create a new inter-lot connection between Lots 32 and 33.

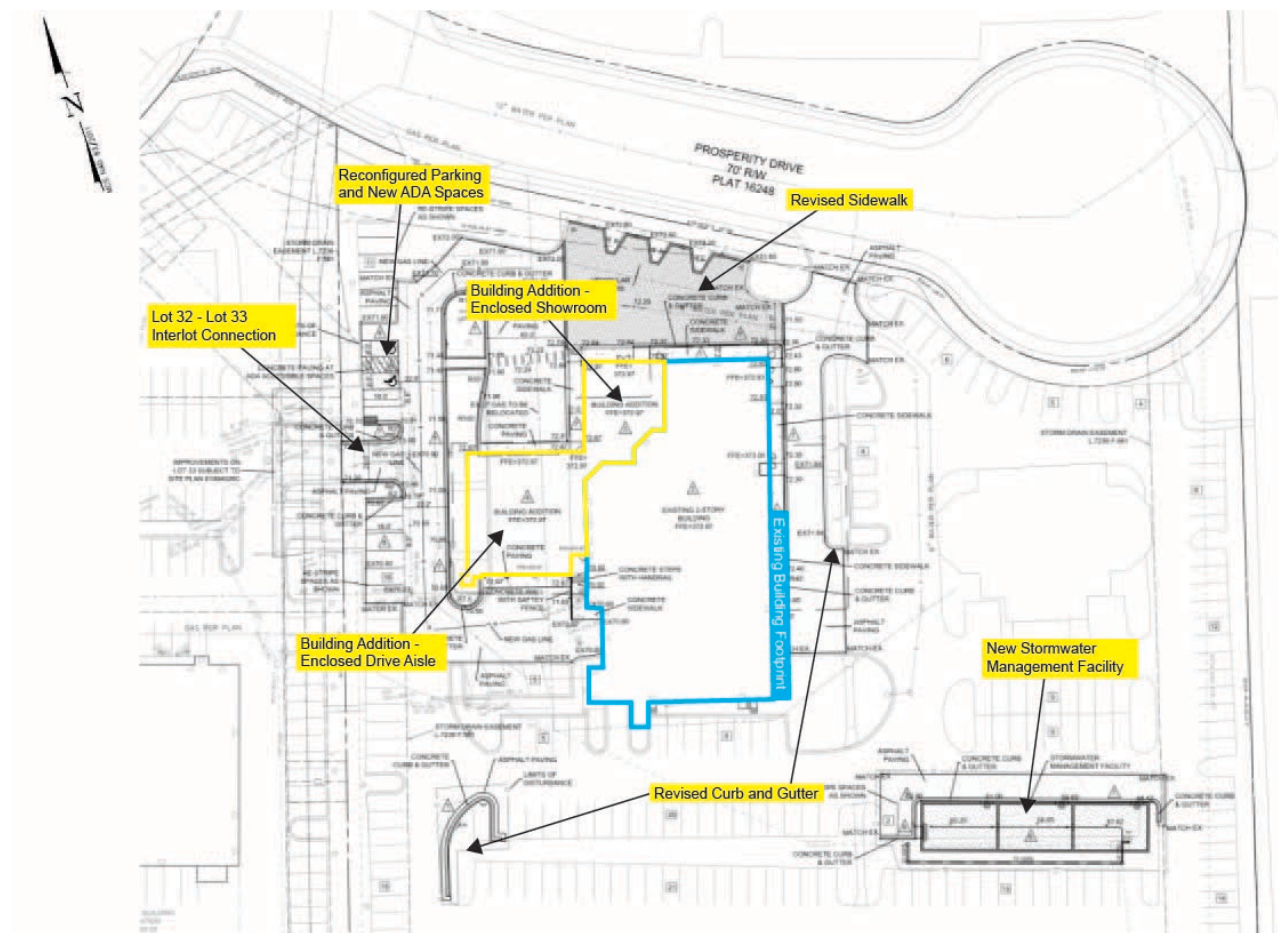


Figure 4 – Lot 32 Annotated Site Plan

PROPOSAL: LOT 33

The Application proposes to increase the existing floor area of the building on Lot 33 by 3,320 square feet by enclosing the existing service lanes and existing canopy area. The original site plan, 819940260, approved Phase 1A development of 16,150 square feet and Phase 2 development of 5,750 square feet, for a total of 21,900 square feet of approved development. The proposed Phase 2 development of 5,750 square feet, an addition to the south of the existing building, has not been constructed, and is not proposed to be constructed as part of this Amendment. As part of Site Plan Amendment No. 81994026B, a 2,505-square foot addition was approved and designated as Phase 1B. Between the existing Phase 1A and Phase 1B development, the existing building square footage is 18,655 square feet. The additional square footage proposed in this Amendment is the result of the proposed enclosure of the existing service lanes and canopy area and will increase the total square footage of the building from 18,655 square feet to 21,975 square feet. The Applicant will retain entitlements to the Phase 2, a 5,750-square foot addition, despite not being proposed for construction as part of this Amendment. Therefore, the new proposed building square footage will be 21,975 square feet, but the Applicant is requesting approval for up to 27,725 square feet of density, with 5,750 square feet of density that may be constructed at a later date. The outline of the future building addition is shown in orange in Figure 5.

Additionally, the Application proposes to construct a new building canopy, replace the existing building façade, modify the interior building layout, include a new stormwater management facility and storm drain structures, replace portions of sidewalk, relocate two existing light poles, relocate existing ADA accessible parking spaces, make minor modifications to landscaping, and create a new inter-lot connection between Lots 32 and 33.

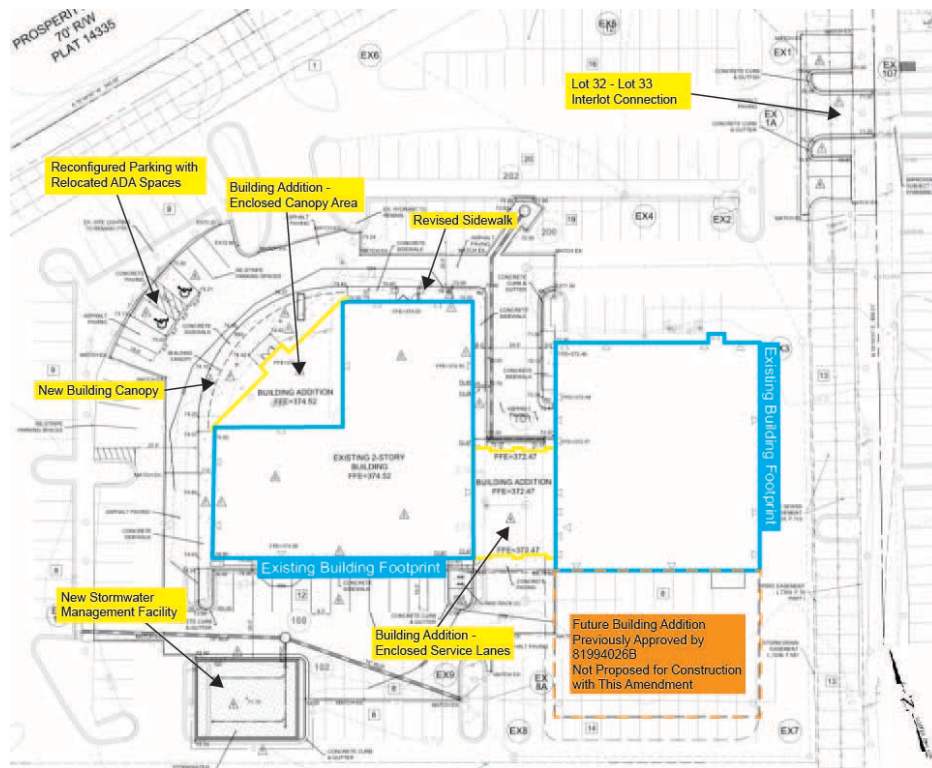


Figure 5 – Lot 33 Annotated Site Plan

TRANSPORTATION

Access & Circulation

The existing access points from Whitehorn Court, Prosperity Drive, and Prosperity Terrace, which currently serve the two adjoining lots of the Subject Property will be maintained under the proposed Site Plan Amendments. The internal surface parking areas will continue to provide circulation for customers and employees, the storage of vehicles for sale, pick-up/drop-off, deliveries, as well as other short-term parking needs. As illustrated on the submitted circulation plan sheets, vehicular and loading access to the existing dealerships are proposed to continue to occur via the existing four driveways from each respective property frontage. Additionally, the Applicant proposes to establish a new shared access point between the existing two lots as a means of providing direct connectivity for the transfer of vehicles between parking and showroom areas. Staff supports the new shared access, which further reduces the number of vehicles entering the public right-of-way and facilitates shared parking arrangements, as recommended in the 2014 *White Oak Science Gateway Master Plan*.

Consistent with previous approvals for the project, the Applicant proposes to continue to utilize the established internal drive aisles and parking areas for customer, employees, and dealership vehicles, providing access to the showrooms and related parking areas, in turn, preserving the movement of multimodal traffic along each respective property frontage.

Parking

No parking, deliveries, or other short-term parking needs will occur within the public right-of-way, as Condition 8 of Site Plan 819900690 states “No inventory, including trade-ins, is to be parked on Prosperity Terrace or Prosperity Drive.” Additionally, Condition 6 of Site Plan 819940260 required the applicant to post “No Parking” signs along Whitehorn Court, Prosperity Court, and the property’s Prosperity Drive frontage. The Applicant proposes to modify the parking areas within each lot to relocate existing handicap spaces and enhance landscaping, within the existing surface parking areas. For Lot 33 (affiliated with Site Plan Amendment 81994026C), these proposed modifications will continue to meet the parking requirements per the current 2014 Zoning Ordinance, by providing 50 vehicle spaces, well within the minimum requirement of 28 spaces and maximum of 70 spaces. Likewise for Site Plan Amendment 81990069C, the number of parking spaces within Lot 32 will continue to meet the required amount of parking identified in Section 6.2.4. by providing 50 vehicle spaces, within the minimum requirement of 28 spaces and maximum of 89 spaces.

Pursuant to the Zoning Ordinance, no short-term or long-term bicycle parking spaces are required for Automobile Sales and Service (Light Vehicle) land uses.

Sector/Master-Planned Roadways

PROSPERITY DRIVE: Prosperity Drive is classified as an Arterial road, A-108, with a planned right-of-way width of 80 feet. Per the *Master Plan of Highways and Transitways*, the roadway is planned to be widened to four lanes from its current two-lane design. The existing public right-of-way measures 70-foot-wide. A five-foot sidewalk behind a five-foot vegetated street buffer currently exists along the entirety of the Prosperity Drive frontage.

As recommended by the 2018 *Bicycle Master Plan*, a sidepath is planned for the Property’s frontage along Prosperity Drive. Given the limited scope of the Applicant’s project, Staff supports the Applicant’s proposal to maintain the existing right-of-way along the Property’s frontage with Prosperity Drive. Due to the roadway being classified as a Town Center Boulevard per the *Complete Streets Design Guide*, future frontage improvements would necessitate the expansion of the off-street active zone to accommodate a minimum 8-foot-wide sidewalk and 6-foot-wide street buffer.

PLUM ORCHARD COURT EXTENDED: Plum Orchard Court Extended is identified as Road B-6 in the *White Oak Science Gateway Master Plan*, as a Planned Business Street. It is planned as a two-lane street with a right-of-way width of 70 feet. Portions of the overall Business Street have been built in the form of two cul-de-sacs (Whitehorn Court along the Property’s western frontage and Plum Orchard Drive to the east), and the planned street is intended to serve as a connection to increase multimodal circulation and facilitate the creation of new block forms within the Life Sciences/FDA Village. Plum Orchard Court Extended is identified as a Town Center Street in the *Complete Streets Design Guide*.

Construction and/or dedication of right-of-way for the new Business Street will occur during future redevelopment of the Site and/or adjacent properties, as it relates to the future engineering and design of the alignment of the roadway. While this Site Plan Amendment Application requests to defer construction of the Plum Orchard Court extension from Whitehorn Court to the southeast along the Property boundary, expansion of the existing building floor area and minor modifications to the functionality of the Use will not preclude construction and subsequent dedication of right-of-way for the roadway.

Additionally, Prosperity Terrace currently has a public right-of-way width of 70 feet, which meets the functionality and design of commercial/industrial roads pursuant to MCDOT standard detail MC-214.03.

Public Transit Service

The Property lies approximately 1/3 mile from the Tech Road US 29 Flash Bus Rapid Transit station. Additional routes accessible to the Subject Site are serviced by Montgomery County Ride On, with existing bus stops located within a 1/3 mile of the Property along East Randolph Road to the west and Tech Road to the south. The nearest public transit route is Ride On Route 10, which operates along East Randolph Road, providing service between the Tech Road Transit Center, the Colesville Shopping Center, and the Glenmont/Twinbrook Metrorail Stations.

Local Area Transportation Review

The development of Lot 33 was approved to be delivered in the form of proceeding phases beginning with Phases 1A and 1B, prior to the eventual construction of a Phase 2. In total, 24,405 square feet of occupiable space was approved pursuant to the original Site Plan application number 819940260, with 16,150 square feet associated with Phase 1A and 2,505 square feet associated with Phase 1B. Phase 2, which includes the remaining 5,750 square feet under the original approval, has yet to be built. As part of this Site Plan application, the Applicant proposes to retain the remaining and unbuilt 5,750 square feet, in addition to a proposed increase of 3,320 square feet.

Meanwhile, the Applicant also proposes to construct a 5,525-square foot expansion to the existing 18,475-square foot structure on Lot 32. While the two lots were previously reviewed under separate approvals due to formerly being owned by individual parties, they presently fall under the same review of Adequate Public Facilities (APF) due to their current status under the same ownership. An analysis of the trip generation is provided in Table 1 below.

Table 1 – Person Trip Generation (Lots 32 and 33)

Vehicle Trip Generation	AM	PM
Existing Site Generated Vehicle Trips (Driver) (ITE 11 th Edition – 42,880 SF Automobile Sales (New))	80	99
LATR Policy Area Adjustment (Retail)	91% of ITE Rate	
Person Trips	111	137
Site Generated Vehicle Trips (Driver) (ITE 11 th Edition – 51,725 SF Automobile Sales (New))	97	115
LATR Policy Area Adjustment (Retail)	91% of ITE Rate	
Person Trips	134	159
Net New Vehicle Trips (Driver)	+17	+16
Net New Person Trips	+24	+22
Local Area Transportation Review Required? (Are AM or PM person trips ≥ 50?)	No	No

(Source: ITE, 11th Edition – Automobile Sales (New), Land Use Code 840)

Staff determined that the overall Project across Lots 32 and 33 would have 24 additional morning net person trips, while generating 22 additional evening net new person trips as a result of the proposed increase in square footage to the existing use. Per the 2022 LATR Guidelines, motor vehicle, transit, bicycle, and pedestrian adequacy are required for new developments, which feature an increase of 50 or more person trips.

As such, under the 2020-2024 Growth and Infrastructure Policy, a traffic study is not required to satisfy the LATR test for Site Plan Amendments 81994026C and 81990069C.

ENVIRONMENTAL

The Subject Amendments are in compliance with Chapter 22A Forest Conservation, and in conformance with the Montgomery County Planning Department’s Environmental Guidelines.

These lots are developed with buildings and parking associated with an automobile dealership. Most of the Subject Property is covered by buildings and pavement. The Site contains no streams or stream buffers, wetlands or wetland buffers, 100-year floodplains, hydraulically-adjacent steep slopes, or

known occurrences of Rare, Threatened or Endangered species of plants or animals. There are no forests or specimen trees present. The site drains to the Paint Branch watershed, which is a Maryland Use Class III stream. This portion of the Paint Branch watershed is not within a Special Protection Area.

Both lots have confirmed exemptions from Article II of Chapter 22A, the Forest Conservation Law, under Section 22A-5(t)(1), which provides an exemption for a modification to an existing developed non-residential property if: (A) no more than 5,000 square feet of forest is ever cleared at one time or cumulatively after an exemption is issued; (B) the modification does not result in the cutting, clearing, or grading of any forest in a stream buffer or forest located on property in a special protection area which must submit a water quality plan; (C) the modification does not require approval of a preliminary plan, administrative subdivision plan, or conditional use/special exception; (D) the modification does not increase the developed area by more than 50%, and any existing principal building, as defined in Chapter 59, is retained; and (E) the pending development application does not propose any residential uses. The exemption for Lot 32 is number 42022131E; the exemption for Lot 33 is number 42022132E.

MASTER PLAN

The Subject Property is within the boundaries of the 2014 *White Oak Science Gateway Master Plan*, in the Life Sciences/FDA Village Center. Although the Master Plan provides no specific guidance for the Subject Property, it recommends that over the long term this cluster should transition from light industrial uses to a mix of commercial uses with mixed uses at key locations. To promote that transition, the Property was rezoned to the CR zone, with density mixes that prioritize commercial uses. Retaining and improving existing uses is consistent with the near-term goals of the plan.

SECTION 4: FINDINGS AND ANALYSIS

Pursuant to Section 7.7.1.C.4, this Amendment was reviewed under the standards and procedures of the current Zoning Ordinance. The modifications proposed through the Subject Site Plan Amendments do not alter the intent of the original site plans, as amended.

The Amendments comply with the general requirements and development standards of Chapter 59, the Zoning Ordinance, Chapter 22A, the Forest Conservation Law, and substantially conforms with the goals and recommendations of the 2014 *White Oak Science Gateway Master Plan*. The elements of the proposed Site Plan Amendments No. 81990069C and 81994026C remain consistent with the original findings, as modified to accommodate the proposed building additions and site revisions.

Section 7.3.4.E.2, *Necessary Findings*, states that to approve a site plan, the Planning Board must find that the proposed development:

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

The Subject Property satisfies all previous approvals.

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;

The Subject Property is not subject to any previous Development or Schematic Plan.

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;

The Subject Property is not subject to any green area requirements.

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

The proposed automobile sales and services uses are allowed in the CR zone. As part of this Amendment, the Applicant proposes an increase in floor area by 5,525 square feet for the building on Lot 32, and an increase in floor area by 3,320 square feet for the building on Lot 33. The changes made by the Site Plan Amendment meet all the requirements of the zones as shown by the data table below, except for proposed waivers to the Zoning Code's Build-to Area and Blank Wall requirements.

The Site Plan Application proposes a waiver from the Build-to Area front setback requirement from Prosperity Terrace to the north on Lot 32, and from Prosperity Drive to the north on Lot 33, as allowed per 59-4.5.3.C.3.b:

The Build-to Area requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

The Applicant is requesting relief from the Build-to Area requirements of the Subject Property's CR zone. According to CR Standard Method Development Standards, buildings are required to have 70% of the building façade in front of a maximum setback of 20 feet. On Lot 32, the existing building is set back 60 feet, and on Lot 33 the existing building is set back 120 feet. The Subject Applications propose additions to the existing buildings, thus the waiver needed is for the existing condition. To meet the Build-to Area requirements a total reorientation of the buildings would be required, which is not proposed as part of this Amendment. The continued land use as Automobile Sales and Services is by definition an auto-oriented use, with people almost always driving to the location. However, the property does provide sidewalks along both frontages, and pedestrian and landscape improvements are proposed as part of the Subject Application. The Applicant will replace the existing sidewalks and provide more trees along the property frontage as part of the Subject Application. Also proposed is an inter-lot connection between lots 32 and 33, which will allow cars to circulate more effectively without entering onto Prosperity Drive, Prosperity Terrace, or Whitehorn Court. The Site Plan deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and, incorporates design elements that engage the surrounding publicly accessible sidewalk. In this case, the proposed building addition is associated with an existing building that will remain in the future condition. That existing building was constructed prior to any build-to requirements and relocation of the existing building and associated addition is not feasible as part of the subject amendment.

According to CR Standard Method Development Standards, buildings are required to have 70% of the building façade in front of a maximum setback of 20 feet. On Lot 32, the existing building is set back 60 feet, and on Lot 33 the existing building is set back 120 feet. The Subject Applications propose additions to the existing buildings, thus the waiver needed is for the existing condition. To meet the Build-to Area requirements a total reorientation of the buildings would be required, which is not proposed as part of this Amendment. The continued land use as Automobile Sales and Services is by definition an auto-oriented use, with people almost always driving to the location. However, the Property does provide sidewalks along both frontages, and pedestrian and landscape improvements are proposed as part of the Subject Application. The Applicant will replace the existing sidewalks and provide more trees along the Property frontage as part of the Subject Application. Also proposed is an inter-lot

connection between Lots 32 and 33, which will allow cars to circulate more effectively without entering onto Prosperity Drive, Prosperity Terrace, or Whitehorn Court.

The Site Plan Applications propose a waiver from the Building Transparency requirement that the building must have a maximum of 35 feet of blank wall, as allowed per 59-4.5.3.C.5.a:

Building Orientation and Transparency requirements may be modified by the Planning Board in a site plan under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

The Applicant is requesting a waiver from the Transparency requirements of the Subject Property's CR zone. According to the CR Standard Method Development Standards, buildings are required to have a maximum of 35 feet of blank wall. The existing building includes large portions of blank wall that exceed 35 feet. However, the nature of the Automobile Sales and Services use necessitates these blank walls, and also provides high levels of transparency for other parts of the façade. The blank walls present on the building are less than 6 feet tall, and are on the second floor of the building, therefore minimizing the damaging effect that blank walls can have on the streetscape and pedestrian environment. Additionally, this existing condition is not significantly affected by the additions proposed as part of this amendment. Thus, the deviation from the transparency requirement is the minimum needed to accommodate the existing building. Proposed as part of the Subject Applications are also improvements to sidewalks and landscape trees that will improve the pedestrian experience. Circulation between two adjacent properties will also be improved with the addition of an inter-lot connection between Lots 32 and 33. These design elements help to engage and improve the surrounding public spaces.

Proposed as part of the Subject Application are also improvements to sidewalks and landscape trees that will improve the pedestrian experience. Circulation between the two properties will also be improved with the addition of an inter-lot connection between Lots 32 and 33.

Table 2: Site Plan No. 81990069C (Lot 32) Data Table

Standard (CR-.75, C-.75, R-.25, H-75')	Required	Previously Approved	Proposed with Amendment
Lot Area (min)	n/a	189,486 sf	189,486 sf
Density (max)	.75 FAR	18,475 sf (.0975 FAR)	24,000 sf (.127 FAR)
Coverage (max)	n/a	n/a	
Front Setback	0'	52 feet	52 feet
Side Street Setback	0'	n/a (no side street for this site)	n/a (no side street for this site)
Side Setback	0'	58 feet	58 feet
Rear Setback, abutting all other zones	0'	192 feet	192 feet
Height	75'	24 feet	24 feet
Build-to Area	Waiver Requested		
Transparency	Waiver Requested		
Parking			
Minimum	1 space per 1,000 sf of GFA	N/A	24
Maximum	2.5 spaces per 1,000 sf of GFA	93	60
Vehicle Parking Spaces Provided		93 spaces	50 spaces
Vehicle Spaces Used as Vehicle Storage		230 spaces	236 spaces

Table 3: Site Plan No. 81994026C (Lot 33) Data Table

Standard (CR-.75, C-.75, R-.25, H-75')	Required	Previously Approved	Proposed with Amendment
Lot Area (min)	n/a	178,596 sf	178,596 sf
Density (max)	.75 FAR	24,405 sf (.137 FAR)	27,725 sf (.155 FAR)
Coverage (max)	n/a	n/a	
Front Setback	0'	125 feet	129 feet
Side Street Setback	0'	135 feet	138 feet
Side Setback	0'	52 feet	52 feet
Rear Setback, abutting all other zones	0'	60 feet	124 feet
Height	75'	28 feet	28 feet
Build-to Area	Waiver Requested		
Transparency	Waiver Requested		
Parking			
Minimum	1 space per 1,000 sf of GFA	N/A	28
Maximum	2.5 spaces per 1,000 sf of GFA	114	70
Vehicle Parking Spaces Provided		114 spaces	50 spaces
Vehicle Spaces Used as Vehicle Storage		259 spaces	298 spaces

e. Satisfies the applicable requirements of:

- i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and**
- ii. Chapter 22A, Forest Conservation**

The Site Plan has received approved Forest Conservation Exemptions, designated 42022131E for Lot 32, and 42022132E for Lot 33. The Subject Amendment meets all requirements of Chapter 22A. The Subject Amendment received a Stormwater Management concept approval for Lot 32 on June 2, 2022, and for Lot 33 on June 3, 2022.

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

- i. Parking and Circulation Patterns**
- ii. Buildings and Structures**
- iii. Open Spaces**
- iv. Landscaping and Lighting**
- v. Pedestrian and Vehicular Circulation Systems**

The proposed Amendment will improve the landscaping and circulation systems on the Property. New landscaping in the form of trees along the frontages of the two properties, as well as along the property line between the two properties, will be added as part of this Amendment. Circulation within the two lots will be improved with the addition of an inter-lot connection being added between the two properties, allowing vehicular traffic to travel between the two lots without exiting on to Prosperity Terrace. Proposed as part of this amendment are also landscape and sidewalk revisions to improve the pedestrian experience. All other building and structure locations, open spaces, recreation facilities, landscaping, lighting, and circulation systems remain adequate, safe, 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 Subject Application conforms to the goals and recommendations of the 2014 *White Oak Science Gateway Master Plan*, as stated in the master plan section of this report.

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;

As stated in the Transportation Section of this Staff report, the Subject Application meets the transportation Adequate Public Facilities requirements. The proposed 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 Growth and Infrastructure 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 CR.

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

The continued use of Lot 32 and Lot 33 as an Automobile Services and Sales establishment continues to be compatible with other uses in the area, which is dominated by commercial development. This commercial development includes other Automobile Services and Sales uses, as well as other heavy commercial and office uses that are served by large surface parking lots.

SECTION 5: COMMUNITY OUTREACH

On June 21, 2022, the Calverton Citizens Association submitted testimony (dated June 23, 2022) that raised concerns about changes to the quantity of required on-site parking associated with the subject applications. That testimony specifically cited Site Plan 81990069C Condition No. 4 and Site Plan 81994026C Condition No. 16, as both conditions set forth parking requirements on the subject properties.

As stated in the correspondence, The Calverton Citizens Association is concerned that the addition of 100 parking spaces, 50 per site plan, will eventually be used as overflow parking. The correspondence sought further clarification on what agency will enforce the site plan conditions and respond to complaints about on-street parking around the subject properties.

Staff Response:

- a) In response to the primary concern raised in the correspondence, Staff would like to clarify that the parking requirement, set forth in Site Plan 81990069C Condition No. 4 and Site Plan 81994026C Condition No. 16, are not “new” parking spaces and will be accommodated within existing parking on the subject properties. Staff recommended Conditions 4 and 16, respectively, to ensure that the parking requirements were met and available to serve employees and patrons (i.e. not used for vehicle inventory). Therefore, staff believes this condition addresses the Calverton Citizens Association’s concerns about these parking spaces being used for overflow/ vehicle inventory parking.
- b) In response to the inquiry about what agency is responsible for enforcing the site plan conditions and responding to complaints about parking on public streets within the vicinity of the subject properties:
 - The Montgomery County Department of Permitting Services is responsible for enforcing site plan conditions of approval.
 - The Montgomery County Department of Transportation is responsible for evaluating parking concerns and installing new parking restrictions, if warranted, and
 - The Montgomery County Police Department is responsible for enforcing existing parking restrictions.

After reviewing the concerns raised in the Calverton Citizens Association testimony, staff determined that the correspondence raised clarifying questions but did not substantively alter any required findings or staff analysis, as set forth in the original Staff Report dated June 9, 2022. As a result, staff’s recommendation of approval in the original Staff report remains unchanged.

SECTION 6: CONCLUSION

The Subject Application meets all of the requirements established in the Zoning Ordinance, satisfies current parking requirements, and conforms to the recommendations of the *2014 White Oak Science Gateway Master Plan*. The Application was reviewed by other applicable County agencies, all of whom have recommended approval of the plans. Therefore, Staff recommends approval of the Application, including waivers from Build-To-Area and Transparency, with the conditions as specified at the beginning of the Staff Report.

ATTACHMENTS

Attachment A: Site Plan – Lot 32

Attachment B: Site Plan – Lot 33

Attachment C: Agency Letters

Attachment D: Supplemental Staff Report and Correspondence

Attachment E: Original Staff Report, dated 6/9/22.



Civil Engineers
Land Planners
Landscape Architects
Land Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.670.0840
www.mhga.com

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Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland. Lic. No. 16905 Exp. Date: 04.21.2022

DARCARS LEXUS
PRE-OWNED CARS SALES
2509 PROSPERITY TERRACE
SILVER SPRING, MD 20904

PROJECT TEAM

OWNER/APPLICANT:
EASTERN DIVERSIFIED PROPERTIES, INC.
C/O DARCARS AUTOMOTIVE GROUP
7550 WISCONSIN AVE., 6TH FLOOR
BETHESDA, MD 20814
PHONE: (301) 947-1170
CONTACT: MR. STEVE HOFFMAN

ARCHITECT:
EWING COLE
FEDERAL RESERVE BANK BUILDING
100 NORTH 4TH STREET
PHILADELPHIA, PA
PHONE: (215) 625-4487
CONTACT: TJ GONICK
EMAIL: TONGONICK@EWINGCOLE.COM

CIVIL ENGINEER & LANDSCAPE ARCHITECT:
MACRIS, HENDRICKS & GLASCOCK, P.A.
9220 WIGHTMAN ROAD, SUITE 120
MONTGOMERY VILLAGE, MD 20886
PHONE: (301) 670-0840
CONTACT: DYLAN MACRO, GDT
EMAIL: DMACRO@MHGA.COM

REVISIONS

NO.	DESCRIPTION	DATE

TAX MAP K033 WSSC 216NE03

PLAT 16248

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

LOT 32

MONTGOMERY
INDUSTRIAL PARK

PROJ. MGR DCM

DRAWN BY DCM

SCALE 1" = 30'

DATE 01.26.22

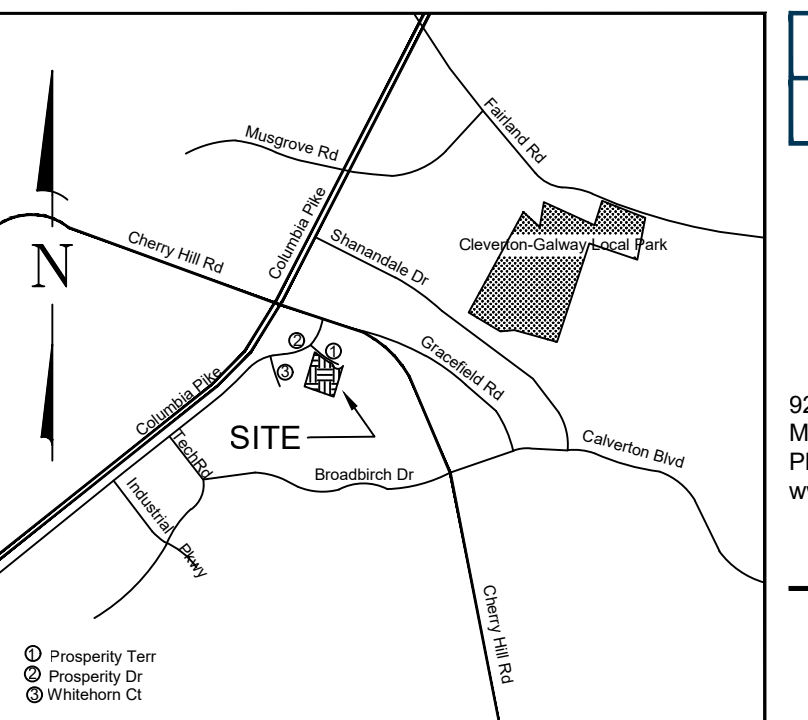
SITE PLAN

81990069C

C2.01

PROJECT NO. 21.249.11

SHEET NO. 2 OF 7



PROPERTY INFORMATION

SUBJECT PROPERTY:	MONTGOMERY INDUSTRIAL PARK LOT 32, PLAT 16248
PROPERTY ADDRESS:	2509 PROSPERITY TERRACE, SILVER SPRING, MD 20904
TRACT AREA:	189,486 SF OR 4.35 AC.
PROPOSED DEDICATION:	NO DEDICATION PROPOSED
LOT AREA:	189,486 SF OR 4.35 AC.
PROPERTY OWNER:	EASTERN DIVERSIFIED PROPERTIES, INC. C/O DARCARS AUTOMOTIVE GROUP 7550 WISCONSIN AVE., 7TH FLOOR BETHESDA, MD 20814
TAX ID NUMBER:	05-02673958
EXISTING ZONING CLASSIFICATION:	CR-0.75, C-0.75, R-0.25, H-75 (COMMERCIAL/RESIDENTIAL) WHITE OAK SCIENCE GATEWAY MASTER PLAN
PREVIOUS ZONING CLASSIFICATION:	I-1 (LIGHT INDUSTRIAL)
EXISTING USE:	AUTOMOBILE SALES AND SERVICE (LIGHT VEHICLE)
PROPOSED USE:	AUTOMOBILE SALES AND SERVICE (LIGHT VEHICLE)
EXISTING GROSS FLOOR AREA (GFA):	18,475 SF
PREVIOUSLY APPROVED GROSS FLOOR AREA (GFA):	18,475 SF
NEW GROSS FLOOR AREA (GFA):	5,525 SF
TOTAL GROSS FLOOR AREA (GFA):	24,000 SF

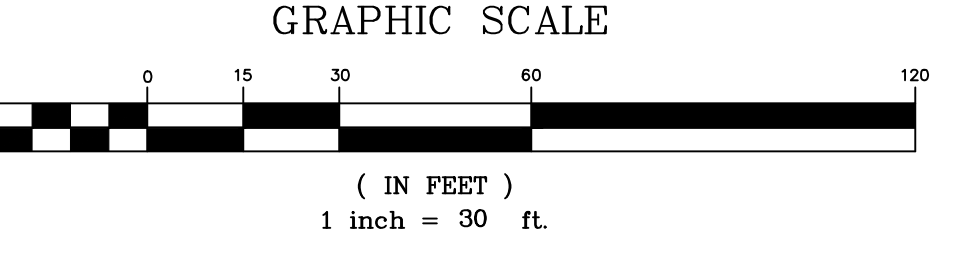
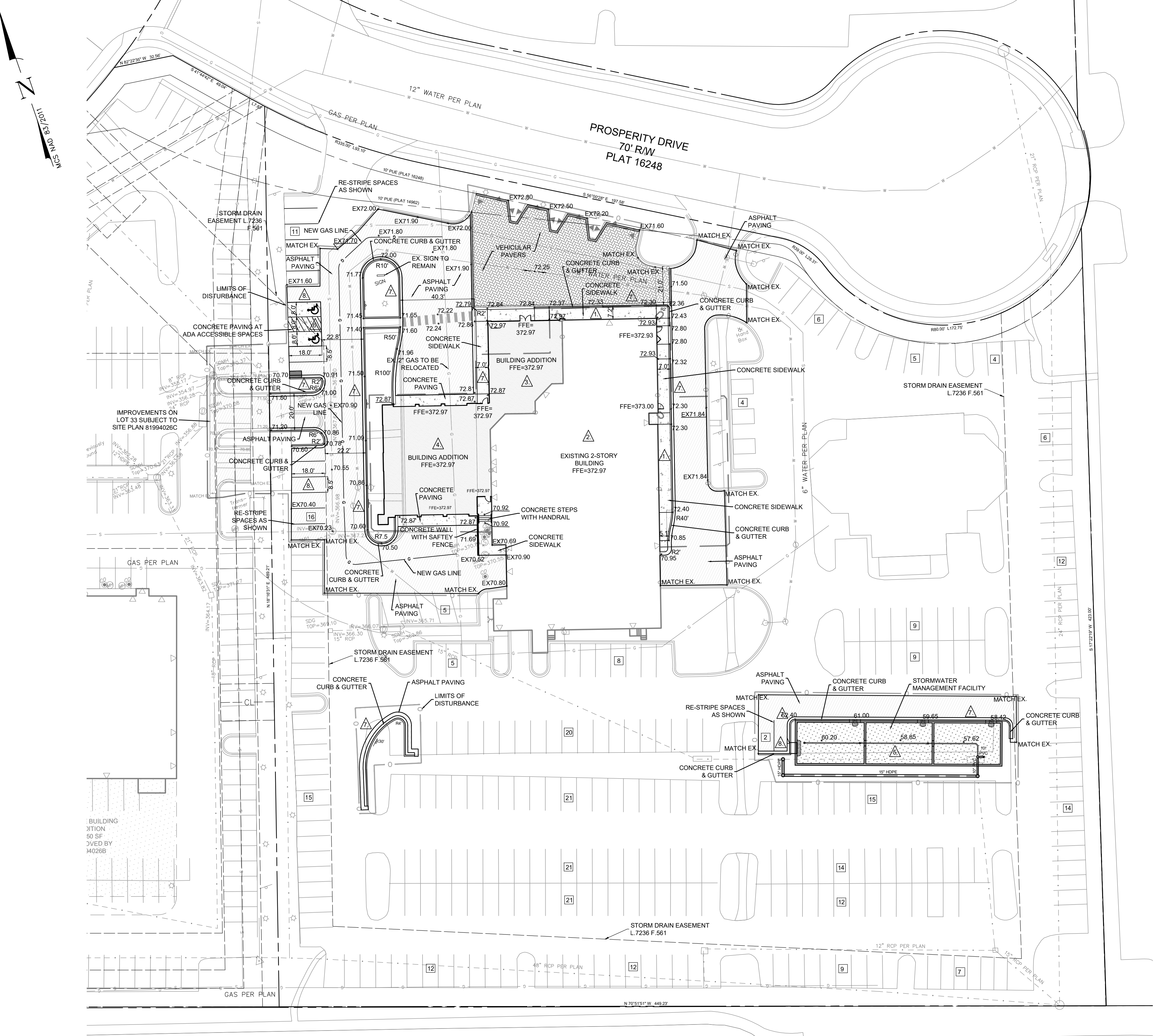
CR-0.75, C-0.75, R-0.25, H-75 DEVELOPMENT STANDARDS
(STANDARD METHOD OF DEVELOPMENT)

	PERMITTED/REQUIRED	APPROVED PER 81994026B	PROVIDED PER 81994026B
MIN. OPEN SPACE: 59-4.5.3.C.1	10% (18,949 SF)	N/A	3.2% (6,100 SF)
MAX. DENSITY: 59-4.5.3.C.2	0.5 FAR	N/A	0.13
MIN. FRONT SETBACK, PRINCIPAL BUILDING: 59-4.5.3.C.3	0 FT	N/A	52 FT
MIN. SIDE STREET SETBACK, PRINCIPAL BUILDING: 59-4.5.3.C.3	0 FT	N/A	N/A
MIN. SIDE SETBACK, ALL OTHER ZONES, PRINCIPAL BUILDING: 59-4.5.3.C.3	0 FT	N/A	58 FT
MIN. REAR SETBACK, ALL OTHER ZONES, PRINCIPAL BUILDING: 59-4.5.3.C.3	0 FT	N/A	192 FT
MIN. REAR SETBACK, ALLEY, PRINCIPAL BUILDING: 59-4.5.3.C.3	4 FT	N/A	N/A
MIN. FRONT SETBACK, PARKING: 59-4.5.3.C.3	N/A	N/A	N/A
MIN. SIDE STREET SETBACK, PARKING: 59-4.5.3.C.3	N/A	N/A	N/A
MIN. SIDE SETBACK, PARKING: 59-4.5.3.C.3	10 FT TO ACCOMMODATE LANDSCAPING UNDER SEC. 59-6.2.9	10 FT	10 FT
MIN. REAR SETBACK, PARKING: 59-4.5.3.C.3	10 FT TO ACCOMMODATE LANDSCAPING UNDER SEC. 59-6.2.9	10 FT	10 FT
MIN. REAR SETBACK, ALLEY, PARKING: 59-4.5.3.C.3	0 FT	N/A	N/A
BUILD TO AREA (BTA) MIN FACADE IN BTA FRONT SETBACK: 59-4.5.3.C.3	70% (20' OR AS MODIFIED)	N/A	N/A
BUILD TO AREA (BTA) MIN FACADE IN BTA SIDE STREET SETBACK: 59-4.5.3.C.3	35% (20' OR AS MODIFIED)	N/A	N/A
MAX. BUILDING HEIGHT, PRINCIPAL BUILDING: 59-4.5.3.C.4	75 FT	24 FT	24 FT
ENTRANCE FACING STREET OR OPEN SPACE: 59-4.5.3.C.5	REQUIRED	N/A	PROVIDED
MAX. ENTRANCE SPACING: 59-4.5.3.C.5	100 FT.	N/A	62 FT.
MIN. BUILDING TRANSPARENCY, GROUND STORY, FRONT: 59-4.5.3.C.5	40%	N/A	52%
MIN. BUILDING TRANSPARENCY, GROUND STORY, SIDEREAR: 59-4.5.3.C.5	25%	N/A	42%
MIN. BUILDING TRANSPARENCY, UPPER STORY: 59-4.5.3.C.5	20%	N/A	N/A
MAX. BLANK WALL, FRONT: 59-4.5.3.C.5	35 FT.	N/A	48 FT'
MAX. BLANK WALL, SIDEREAR: 59-4.5.3.C.5	35 FT.	N/A	84 FT'
PARKING LOT INTERNAL LANDSCAPED AREA: 59-6.2.9.C.1	5%	N/A	11.8%
PARKING LOT TREE CANOPY: 59-6.2.9.C.2	25%	N/A	26.1%
PARKING LOT PERIMETER PLANTING WIDTH, ABUTTING NON-RESIDENTIAL: 59-6.2.9.C.2	6 FT.	N/A	10 FT.

VEHICLE & BICYCLE PARKING REQUIREMENTS

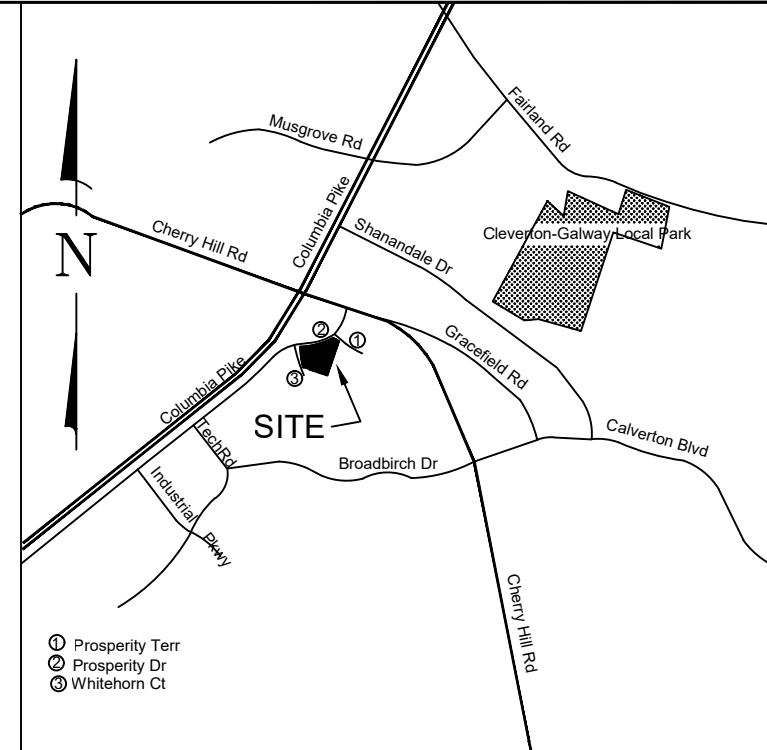
	VEHICLES	MOTORCYCLE / SCOOTER SPACES:	CAR-SHARE SPACES:	ELECTRIC VEHICLE CHARGING SPACES: 59-6.2.3.E
MINIMUM REQUIRED: 59-6.2.4.B	1.0 PER 1,000 SF (21,743 SF/1,000 SF x 1.0) = 22 SPACES			
MAXIMUM ALLOWED: 59-6.2.4.B	2.5 PER 1,000 SF OF GLA (21,743 SF / 1,000 SF x 2.5) = 55 SPACES (2.5 PER 1,000 SF OF GLA)			
ACCESSIBLE SPACES: 59-6.2.3.B (COMAR 05.02.02)	2 SPACES			
MOTORCYCLE / SCOOTER SPACES: 59-6.2.3.C	N/A			
CAR-SHARE SPACES: 59-6.2.3.D	1			
ELECTRIC VEHICLE CHARGING SPACES: 59-6.2.3.E	N/A			
AUTOMOBILE PARKING PROVIDED:				
STANDARD (8'5" X 18')	22 SPACES / 55 SPACES			89 SPACES
ADA ACCESSIBLE:	2 SPACES			4 SPACES (VAN ACCESSIBLE)
MOTORCYCLE / SCOOTER SPACES:	N/A			N/A
CAR-SHARE SPACES:	1 SPACES			1 SPACES
AUTOMOBILE TOTAL:				93 SPACES

- FOOTNOTES:
- THERE ARE NO BICYCLE PARKING REQUIREMENTS SPECIFIED IN THE ZONING CODE FOR LIGHT VEHICLE SALES AND RENTAL.
 - THE PARKING FACILITY DOES NOT CONTAIN MORE THAN 50 PARKING SPACES
 - THE PARKING FACILITY DOES NOT CONTAIN 100 PARKING SPACES OR MORE.
 - STANDARD ACCESSIBLE ADA PARKING SPACES SHOWN ARE 8'X18" WITH A 5' WIDE ACCESSIBLE VAN ACCESSIBLE ADA PARKING SPACES SHOWN ARE 8'X18" WITH AN 8' WIDE ACCESSIBLE
 - THE EXPANSION REPRESENTS A 30% INCREASE TO THE DENSITY APPROVED ON THE SITE ON OCTOBER 29, 2014. IN ACCORDANCE WITH SECTION 59-7.1.1.C.4 ONLY THE EXPANSION MUST SATISFY THE APPLICABLE STANDARDS AND PROCEDURES FOR THE CURRENT ZONING. THE PROPOSED ZONING DOES NOT REQUIRE PUBLIC OPEN SPACE, THEREFORE THE PUBLIC OPEN SPACE REQUIRED SHOULD RELATE TO THE PLANNED DENSITY INCREASE. ALTHOUGH THE OPEN SPACE PROVIDED IS LESS THAN THE 10% REQUIRED FOR THE OVERALL SITE IT EXCEEDS THE REQUIREMENT IN RELATION TO THE DENSITY INCREASE OF 30% (18,949 SF / 10% REQ'D) = 0.30 = 5,695 SF).
 - PLANNED DEVELOPMENT INCLUDES AN EXPANSION TO THE EXISTING BUILDING FLOOR AREA BY APPROXIMATELY 5,525 SF. THE EXISTING BUILDING IS SETBACK SIGNIFICANTLY BEYOND THE BUILD TO AREA REQUIREMENTS. THE ADDITION IS BEING PLACED AT THE FRONT OF THE BUILDING, BUT IT IS NOT FEASIBLE TO BRING THE EXISTING BUILDING INTO COMPLIANCE WITH THIS REQUIREMENT. AS SUCH, THE APPLICANT IS SEEKING RELIEF FROM THE BUILD TO AREA REQUIREMENTS IN ACCORDANCE WITH 59-4.5.3.C.3.
 - SEE ARCHITECTURAL PLANS FOR DETAILS. ALTHOUGH THE TRANSPARENCY REQUIREMENTS ARE BEING MET HIGH PORTIONS OF THE ARCHITECTURE REQUIRE CONTINUOUS FACADE MATERIALS THAT ARE NOT TRANSPARENT. THE APPLICANT IS SEEKING RELIEF FROM THE BUILDING ORIENTATION AND TRANSPARENCY REQUIREMENTS IN ACCORDANCE WITH 59-4.5.3.C.5.

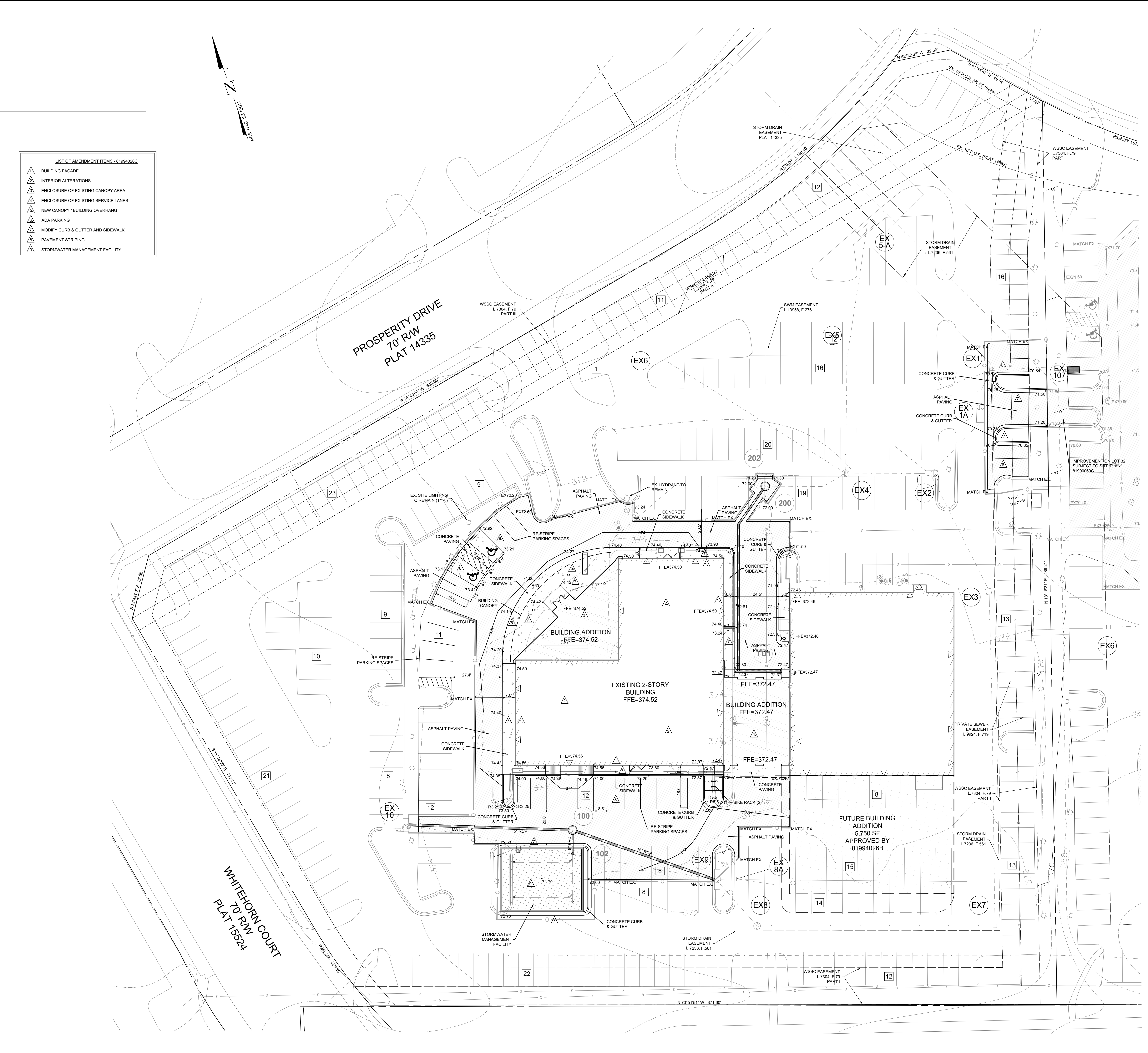


- LIST OF AMENDMENT ITEMS - 81990069C
- ▲ BUILDING FACADE
 - ▲ INTERIOR ALTERATIONS
 - ▲ BUILDING ADDITION
 - ▲ ENCLOSURE OF EXISTING SERVICE LANES
 - ▲ STORMWATER MANAGEMENT
 - ▲ ADA PARKING
 - ▲ MODIFY CURB & GUTTER AND SIDEWALK
 - ▲ PAVEMENT STRIPING

DEVELOPER'S CERTIFICATE
THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF SITE PLAN APPROVAL NO. 81990069C INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM, AND CERTIFIED SITE PLAN.
DEVELOPER: DARCARS AUTOMOTIVE GROUP MR. STEVE HOFFMAN
CONTACT PERSON
ADDRESS: 7550 WISCONSIN AVE., 6TH FLOOR, BETHESDA, MD 20814
PHONE: (240) 800-5659
EMAIL: STEVE.HOFFMAN@DARCARS.COM
SIGNATURE: _____



- LIST OF AMENDMENT ITEMS - 81994026C
- ▲ BUILDING FACADE
 - ▲ INTERIOR ALTERATIONS
 - ▲ ENCLOSURE OF EXISTING CANOPY AREA
 - ▲ ENCLOSURE OF EXISTING SERVICE LANES
 - ▲ NEW CANOPY / BUILDING OVERHANG
 - ▲ ADA PARKING
 - ▲ MODIFY CURB & GUTTER AND SIDEWALK
 - ▲ PAVEMENT STRIPING
 - ▲ STORMWATER MANAGEMENT FACILITY

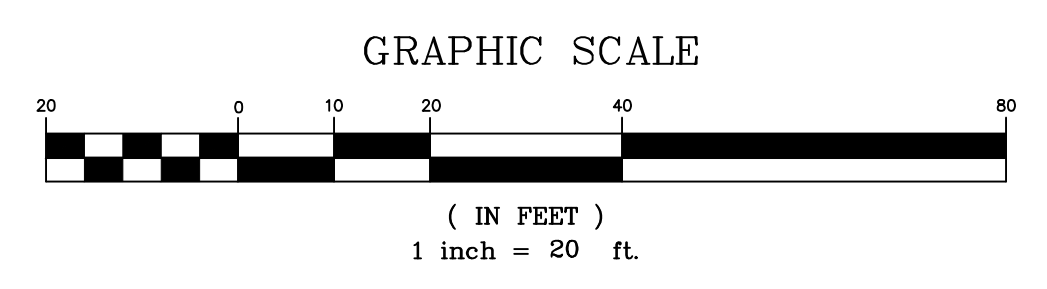


ABBREVIATIONS

- ARCH ARCHITECTURAL
- BC BACK OF CURB
- BLDG BUILDING
- BS BOTTOM OF STAIR
- BW BOTTOM OF WALL
- CG CURB & GUTTER
- CONC CONCRETE
- DIP DUCTILE IRON PIPE
- ELEC ELECTRIC
- EP EDGE OF PAVING
- EX EXISTING
- FC FOREST CONSERVATION
- FDC FIRE DEPARTMENT CONNECTION
- FFE FINISHED FLOOR ELEVATION
- FL FLOW LINE
- HDPE HIGH DENSITY POLYETHYLENE PIPE
- MB MICRO-BIORETENTION
- MECH MECHANICAL
- NC NOT IN CONTRACT
- PLUM PLUMBING
- RCP REINFORCED CONCRETE PIPE
- REM REMOVE
- R/W RIGHT-OF-WAY
- SD STORM DRAIN
- S SANITARY SEWER
- SWM STORMWATER MANAGEMENT
- SWW SIDEWALK
- TBR TO BE REMOVED
- TC TOP OF CURB
- TS TOP OF STAIR
- TW TOP OF WALL
- TYP TYPICAL
- W WATER

LEGEND

- 402 --- CONTOUR (2FT)
- 410 --- CONTOUR (2FT)
- + 403.25 SPOT ELEVATION
- ==== CURB & GUTTER
- ==== ASPHALT PAVING
- ==== CONCRETE PAVING
- 0 --- LIMITS OF DISTURBANCE
- 8" W --- WATER LINE
- 8" S --- SEWER LINE
- (SIZE/MATERIAL) --- STORM DRAIN
- (SIZE/MATERIAL) --- NATURAL GAS
- (SIZE/MATERIAL) --- UNDERGROUND ELECTRIC
- (SIZE/MATERIAL) --- UNDERGROUND COMMUNICATION
- LIGHT POLE --- LIGHT POLE
- PROPERTY BOUNDARY --- PROPERTY BOUNDARY
- EASEMENT --- EASEMENT
- SIGN --- SIGN
- RETAINING WALL --- RETAINING WALL



Professional Certification
 I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland. Lic. No. 16905 Exp. Date: 04.21.2022

DARCARS LEXUS
 NEW CARS SALES
 12511 PROSPERITY DRIVE
 SILVER SPRING, MD 20904

PROJECT TEAM
 OWNER/APPLICANT:
 EASTERN DIVERSIFIED PROPERTIES, INC.
 C/O DARCARS AUTOMOTIVE GROUP
 7550 WISCONSIN AVE., 6TH FLOOR
 BETHESDA, MD 20814
 PHONE: (240) 800-5659
 CONTACT: MR. STEVE HOFFMAN

ARCHITECT:
 EWING COLE
 FEDERAL RESERVE BANK BUILDING
 100 NORTH 6TH STREET
 PHILADELPHIA, PA
 PHONE: (215) 625-4487
 CONTACT: TJ GONIECZKI
 EMAIL: TJGONIECZKI@EWINGCOLE.COM

CIVIL ENGINEER & LANDSCAPE ARCHITECT:
 MORRIS, HENDRICKS & GLASCOCK, P.A.
 9220 WIGHTMAN ROAD, SUITE 120
 MONTGOMERY VILLAGE, MD 20886
 PHONE: (301) 670-0840
 CONTACT: DYLAN MACRO, GDT
 EMAIL: DMACRO@MHGPA.COM

REVISIONS

NO.	DESCRIPTION	DATE
1	Site Plan Submission	01/27/22
2	Site Plan Resubmission	

TAX MAP K333 WSSC 216NE03
 PLAT 16248

5TH ELECTION DISTRICT
 MONTGOMERY COUNTY
 MARYLAND

LOT 33
 MONTGOMERY INDUSTRIAL PARK

PROJ. MGR DCM
 DRAWN BY DCM
 SCALE 1" = 20'
 DATE 01.25.22

SITE PLAN
 81994026C

C2.01
 PROJECT NO. 21.250.11
 SHEET NO. 2 OF 4

DEVELOPER'S CERTIFICATE
 THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF SITE PLAN APPROVAL NO. 81994026C INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM, AND CERTIFIED SITE PLAN.
 DEVELOPER: DARCARS AUTOMOTIVE GROUP MR. STEVE HOFFMAN CONTACT PERSON
 ADDRESS: 7550 WISCONSIN AVE., 6TH FLOOR, BETHESDA, MD 20814
 PHONE: (240) 800-5659
 EMAIL: STEVE.HOFFMAN@DARCARS.COM
 SIGNATURE: _____

ATTACHMENT C

DPS-ROW CONDITIONS OF APPROVAL

March 10, 2022

81990069C Montgomery Industrial Park Lot 32

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

“07-RSITE-81990069C-002.pdf” uploaded on/ dated **“1/31/2022”**.

As there seems to be minimal impact to the County ROW (per the above site plan), we do not have any comments at this point.

DPS-ROW CONDITIONS OF APPROVAL

March 10, 2022

81994026C Montgomery Industrial Park Lot 33

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

“07-RSITE-81994026C-002.pdf” uploaded on/ dated **“1/27/2022”**.

As there seems to be minimal impact to the County ROW (per the above site plan), we do not have any comments at this point.



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 04-May-22
TO: Stephen Crum - scrum@mhgpa.com
Macris, Hendricks & Glascock
FROM: Marie LaBaw
RE: Darcars at Montgomery Industrial Park Lot 32
2509 Prosperity Terrace

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **28-Apr-22** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



April 25, 2022

Marie LaBaw, PhD, PE
Montgomery County Department of Permitting Services
Fire Department Access and Water Supply
2425 Reddie Drive
Wheaton, MD 20902

Re: Fire Department Apparatus Access Plan
Statement of Performance Based Design
Montgomery Industrial Park – Lot 32
2509 Prosperity Terrace
Silver Spring, Maryland 20904
MHG Project # 2021.249.11

Dr. LaBaw:

On behalf of our Client, Darcars Automotive Group, we are submitting this letter describing the existing conditions onsite, specifically related to Fire Department Apparatus Access for the above referenced property.

The subject property consists of a 189486 square feet (4.35 ac.) lot located at 2509 Prosperity Terrace in Silver Spring Maryland. Currently, there two existing buildings onsite; a two-story sales showroom and service center building and a two-story showroom building. Both existing buildings onsite are two remain. The planned improvements will be limited to the two-story sales showroom and service center building, which is served by a an automatic sprinklered system. The main point of access to the site is from Prosperity Terrace located on the north side of the property and will remain unchanged.

The proposed improvements for the two-story sales showroom and service center building include an interior renovation of the existing building, expansion of the existing building floor area by approximately 5,300 square feet by enclosing the existing service lanes on the east side of the building and constructing a new one-story addition on the northeast corner of the existing building. The service lane enclosure and new addition will both be sprinklered. In addition, there will be a new inter-lot connection between the subject property (Lot 32) and the adjacent property to the west (Lot 33). Also proposed for the project are improvements to the front entrance sidewalks, re-striping of a portion of the existing parking spaces and new ADA accessible parking spaces.

With the new building addition, the new main side hinge door will be closer to the fire department apparatus access path than the existing man side hinge door. The new main side hinge door will now be within 37-feet of the Fire Department Apparatus Access Path, whereas under existing conditions, the main side hinge doors are approximately 99-feet from the Fire Department Apparatus Access Path.

The existing Fire Department Connection (FDC) is located on the southeast corner of the sales showroom and service center building. The existing Fire Department Connection and automatic sprinkler system will remain unchanged with the planned improvements. The existing FDC is within 32-feet of the Fire Department Apparatus Access Path and within 100-feet of the nearest existing fire hydrant, which is to remain. The distance from the existing FDC to the existing main side hinge door is currently 265-feet and is an existing non-compliant condition. Construction of the new addition will increase the distance from the existing FDC to the new main side hinge by approximately 30-feet, to 295-feet and will remain and non-compliant condition; however, as noted above, the fire department apparatus access path will now be 30-feet closer to the new main side hinge door than the existing main side hinge door is currently from the fire department apparatus access path.

In summary, the proposed improvements will not adversely affect the Fire Department's Access to the existing fire department connection, existing fire hydrant or new main side hinge door. Given the items outlined above, we request your approval of the Fire Department Apparatus Access Plan and associated Statement or Performance Based Design for the above referenced project.

Thank you in advance for your review of this request. If any additional information is required or questions arise, please contact us at your convenience.

Sincerely,



Stephen E. Crum, P.E.



FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SAC FM: 43 DATE: 5/4/2022



I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Law of the State of Maryland. Lic. No. 16905 Exp. Date: 04/21/2024

**DARCARS LEXUS
PRE-OWNED CARS SALES**
2509 PROSPERITY TERRACE
SILVER SPRING, MD 20904

PROJECT TEAM

OWNER/APPLICANT:
EASTERN DIVERSIFIED PROPERTIES, INC
C/O DARCARS AUTOMOTIVE GROUP
7550 CONROSS AVE., 6TH FLOOR
BETHESDA, MD 20814
PHONE: (301) 947-1170
CONTACT: MR. STEVE HOFFMAN

ARCHITECT:
EWING COLE
FEDERAL RESERVE BANK BUILDING
100 NORTH 6TH STREET
PHILADELPHIA, PA
PHONE: (215) 625-4487
CONTACT: TJ GONIECZKI
EMAIL: TONGIEC@EWINGCOLE.COM

CIVIL ENGINEER & LANDSCAPE ARCHITECT:
MACRIS, HENDRICKS & GLASCOCK, P.A.
9220 WIGHTMAN ROAD, SUITE 120
MONTGOMERY VILLAGE, MD 20886
PHONE: (301) 670-0840
CONTACT: DYLAN MACRIS, CDT
EMAIL: DMACRIS@MHGPA.COM

REVISIONS

NO.	DESCRIPTION	DATE

TAX MAP KQ33 WSSC 216NE03

PLAT 16248

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

LOT 32

MONTGOMERY INDUSTRIAL PARK

PROJ. MGR DCM

DRAWN BY JDP

SCALE 1" = 30'

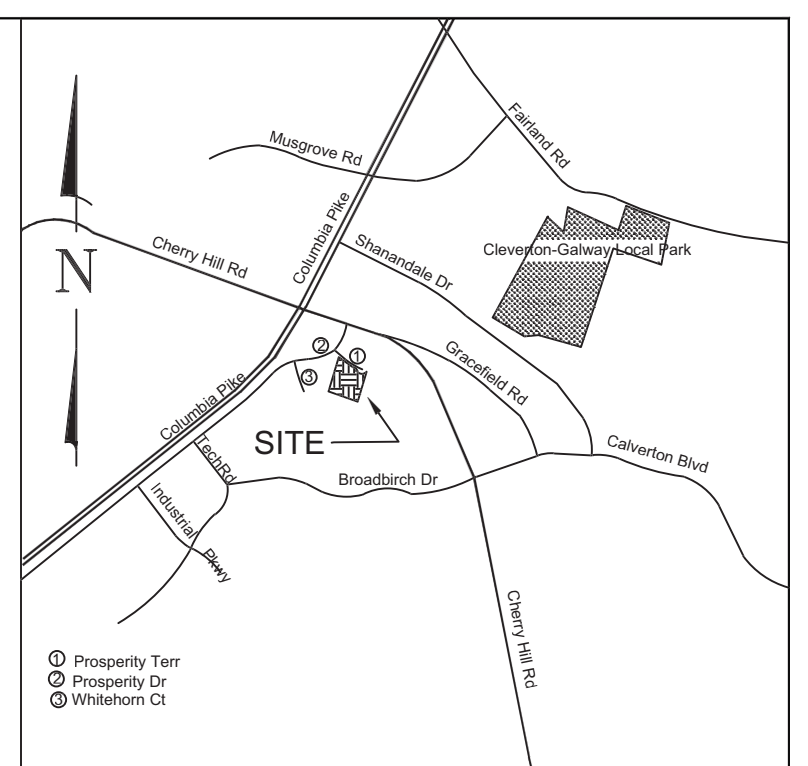
DATE 04/25/22

FIRE APPARATUS ACCESS PLAN

C2.40

PROJECT NO. 21.249.11

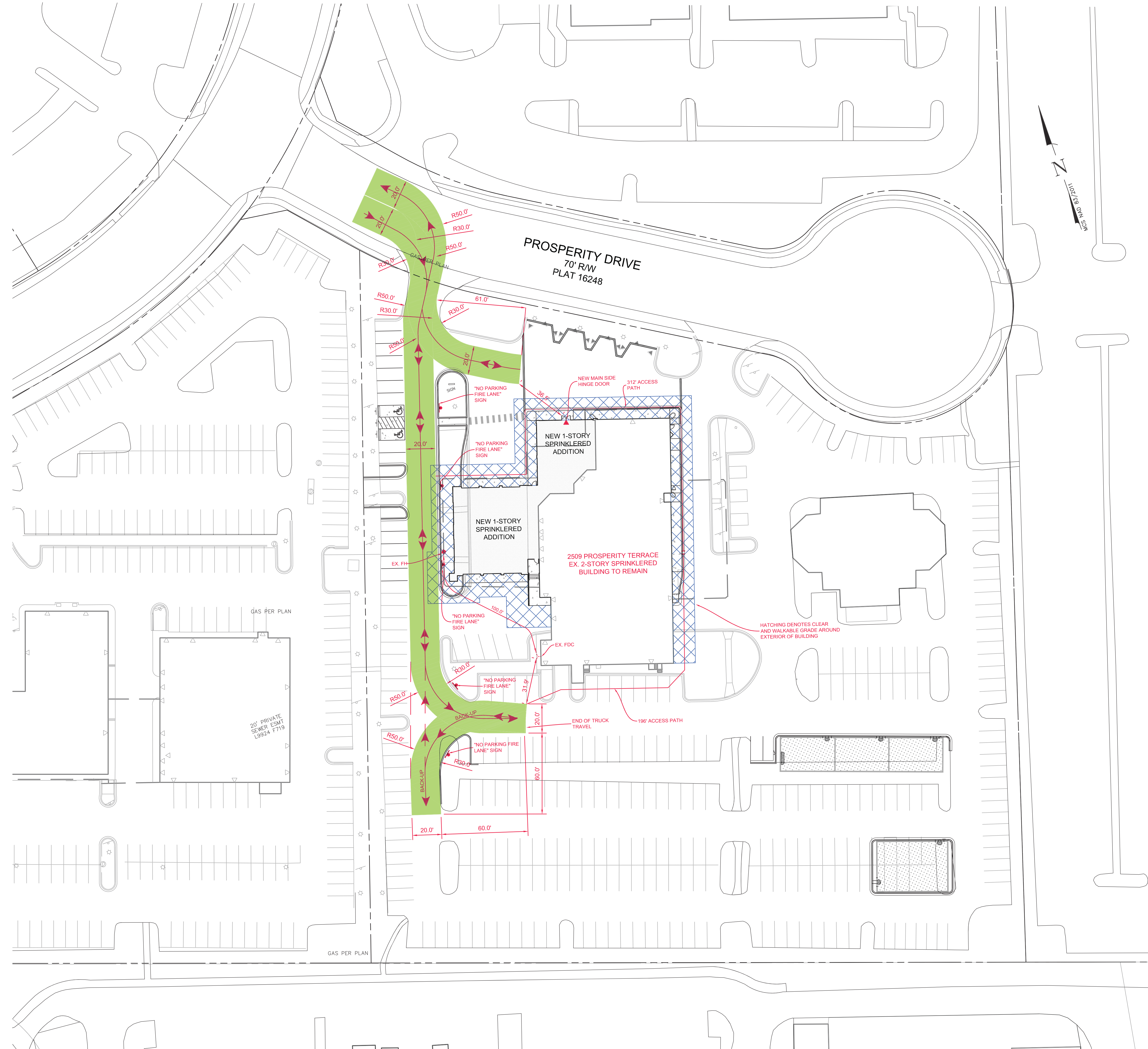
SHEET NO. 1 OF 1



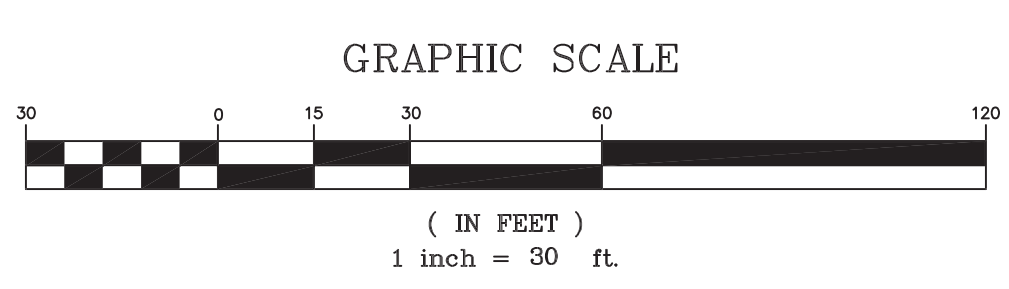
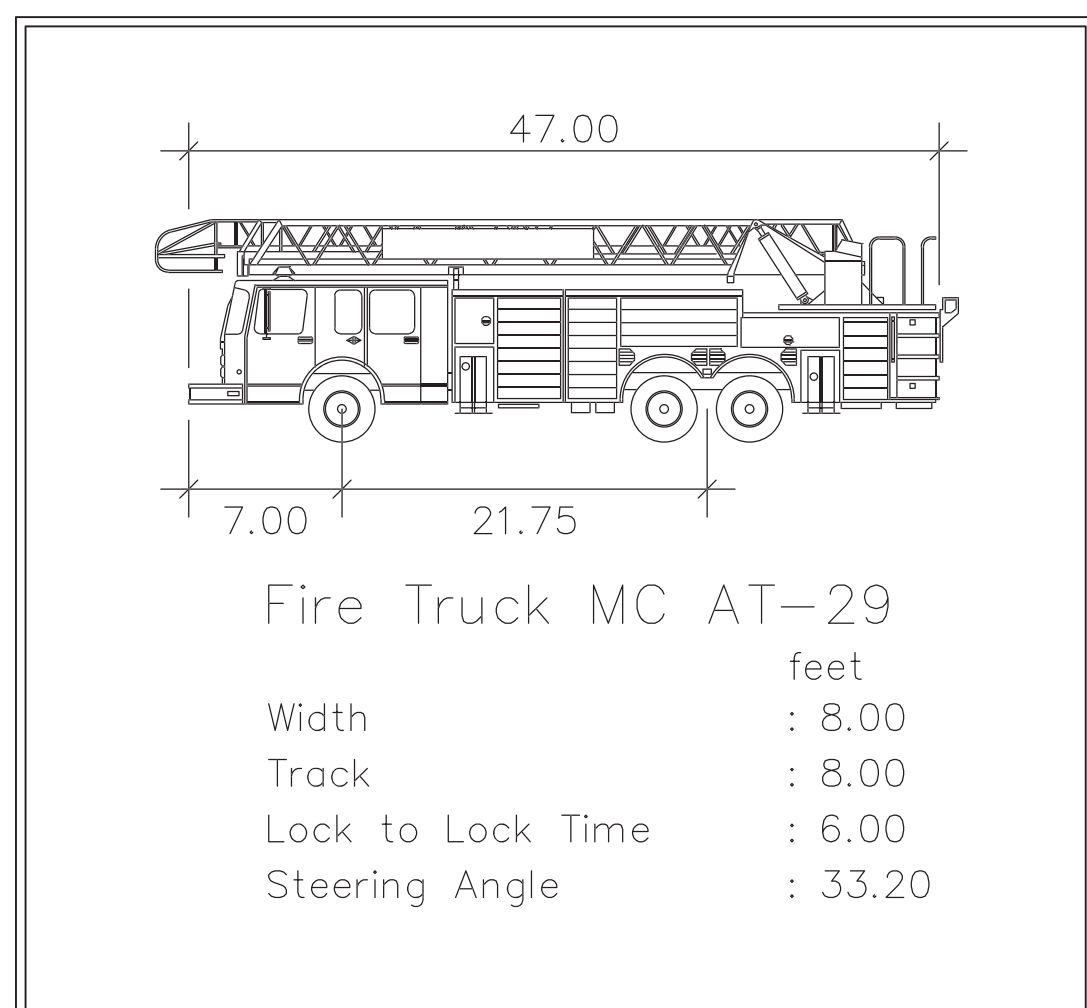
VICINITY MAP
SCALE 1" = 2,000'

LEGEND

- FIRE DEPARTMENT ACCESS PATH
- 15' CLEAR AND WALKABLE GRADE AROUND BUILDING
- MAIN EXTERIOR DOORS
- FIRE ACCESS PATH



FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
BY: *S.M.C.* PM: 43 DATE: 5/4/2022



10/25/2022 11:11 AM C:\Users\pma\OneDrive\Documents\2022\216NE03\216NE03.dwg - Macris, Dylan - 5/4/2022 11:11 AM



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 31-Jul-13
TO: Stephen Crum - scrum@mhgpa.com
Macris, Hendricks & Glascock
FROM: Marie LaBaw
RE: Darcars at Montgomery Industrial Park Lot 33
81994026B

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **31-Jul-13** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** 4/28/2022 Modifications to existing building *****

***** 5/4/2022 Amendment *****



April 25, 2022

Marie LaBaw, PhD, PE
Montgomery County Department of Permitting Services
Fire Department Access and Water Supply
2425 Reddie Drive
Wheaton, MD 20902

Re: Fire Department Apparatus Access Plan
Statement of Performance Based Design
Montgomery Industrial Park – Lot 33
12511 Prosperity Drive
Silver Spring, Maryland 20904
MHG Project # 2021.250.11

Dr. LaBaw:

On behalf of our Client, Darcars Automotive Group, we are submitting this letter describing the existing conditions onsite, specifically related to Fire Department Apparatus Access for the above referenced property.

The subject property consists of a 176,596 square feet (4.10 ac.) lot located at 12511 Prosperity Drive in Silver Spring Maryland. Currently, there two existing buildings onsite; a two-story sales and showroom building and a two-story service center building. The two buildings are connected by way of an existing service drive canopy. Both existing buildings onsite are to remain and are served by an automatic sprinklered system. The main point of access to the site is located on the north side of the property from Prosperity Drive and will remain unchanged.

The proposed improvements are limited to the two-story sales and showroom building and include an interior renovation of the existing building, expansion of the existing building floor area by approximately 3,320 square feet by enclosing the existing service lanes and existing canopy area and the addition of a new inter-lot connection between the subject property (Lot 33) and the adjacent property to the east (Lot 32). Also proposed for the project are improvements to the front entrance sidewalks, re-striping of a portion of the existing parking spaces and relocation of the existing ADA accessible parking spaces.

By enclosing the existing canopy area, the new main side hinge door will be closer to the fire department apparatus access path than the existing man side hinge doors. The new main side hinge door will now be within 20-feet of the Fire Department Apparatus Access Path, whereas under existing conditions, the main side hinge doors are approximately 35-feet from the Fire Department Apparatus Access Path.

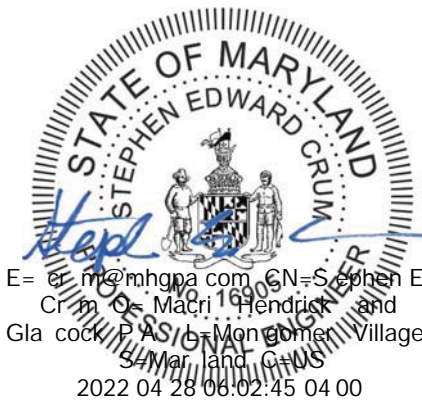
The existing Fire Department Connection (FDC) is located on the northwest corner of the existing service center building and is to remain. The existing automatic sprinkler system serves both buildings under existing conditions and will remain unchanged with the planned improvements. The existing FDC is within 30-feet of the Fire Department Apparatus Access Path; however, it is located 109-feet from the nearest existing fire hydrant, which is an existing non-compliant condition, and 163-feet from the new main side hinge door. The distance from the FDC to the existing main side hinge door is 156-feet, which is approximately 7-feet closer to the existing main side hinge door than the new main side hinge door, however, as noted above, the new main side hinge door will be approximately 15-feet closer to the Fire Department Apparatus Access Path. The distance from the existing FDC to the existing main side hinge door and fire hydrant are existing non-compliant conditions.

In summary, the proposed improvements will not adversely affect the Fire Department's Access to the existing fire department connection, existing fire hydrant or new main side hinge door. Given the items outlined above, we request your approval of the Fire Department Apparatus Access Plan and associated Statement or Performance Based Design for the above referenced project.

Thank you in advance for your review of this request. If any additional information is required or questions arise, please contact us at your convenience.

Sincerely,

Stephen E. Crum, P.E.



E= e_r_m@mhgpa.com CN=Stephen E Crum O=Macri Hendrick and Glacock P AS/b=Montomer Village SA Mar and C=US
2022 04 28 06:02:45 04 00

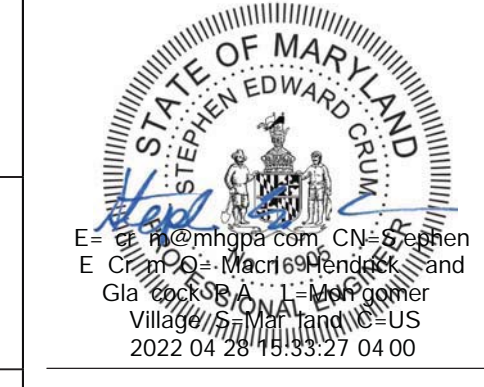
Professional Certification
I hereby certify that the documents were prepared or approved by me and that I am a duly Licensed Professional Engineer under the Law of the State of Maryland License No. 16905. Expiration Date: 04/21/2024

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SAC FM: 43 DATE: 5/4/2022
original 7/31/2013



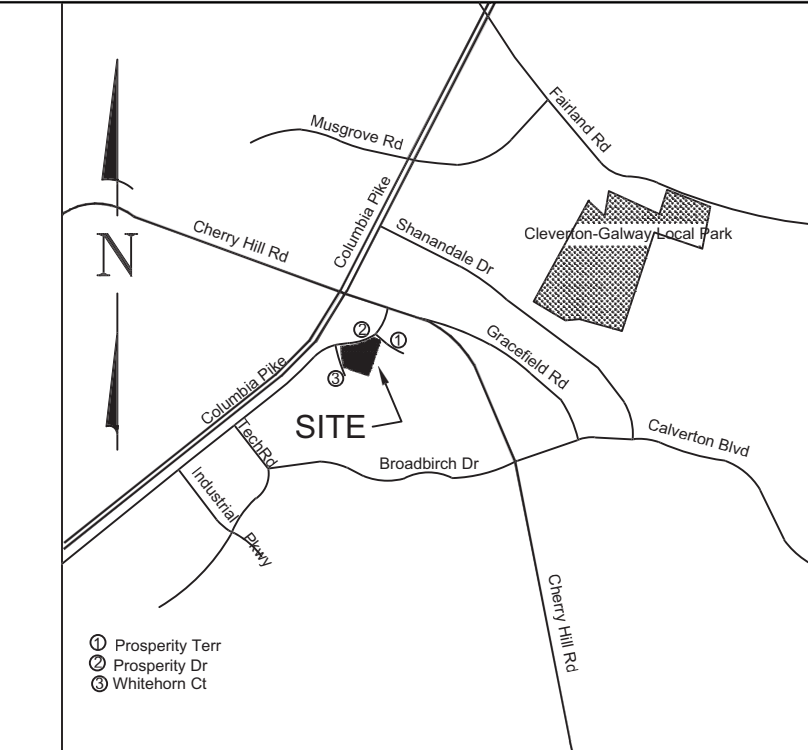
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland. Lic. No. 16905 Exp. Date: 04/21/2024

**DARCARS LEXUS
 NEW CARS SALES**
 12511 PROSPERITY DRIVE
 SILVER SPRING, MD 20904

PROJECT TEAM
 OWNER/APPLICANT:
 EASTERN DIVERSIFIED PROPERTIES, INC
 C/O DARCARS AUTOMOTIVE GROUP
 7550 WISCONSIN AVE. 6TH FLOOR
 BETHESDA, MD 20814
 PHONE: (240) 890-9659
 CONTACT: MR. STEVE HOFFMAN

ARCHITECT:
 PENNEY DESIGN GROUP, LLC
 6120 WOODMONT AVENUE, SUITE 750
 BETHESDA, MARYLAND 20814
 PHONE: (301) 978-7900
 CONTACT: ROBERTO RIVERA
 EMAIL: RRIVERA@PENNEYDESIGNGROUP.COM

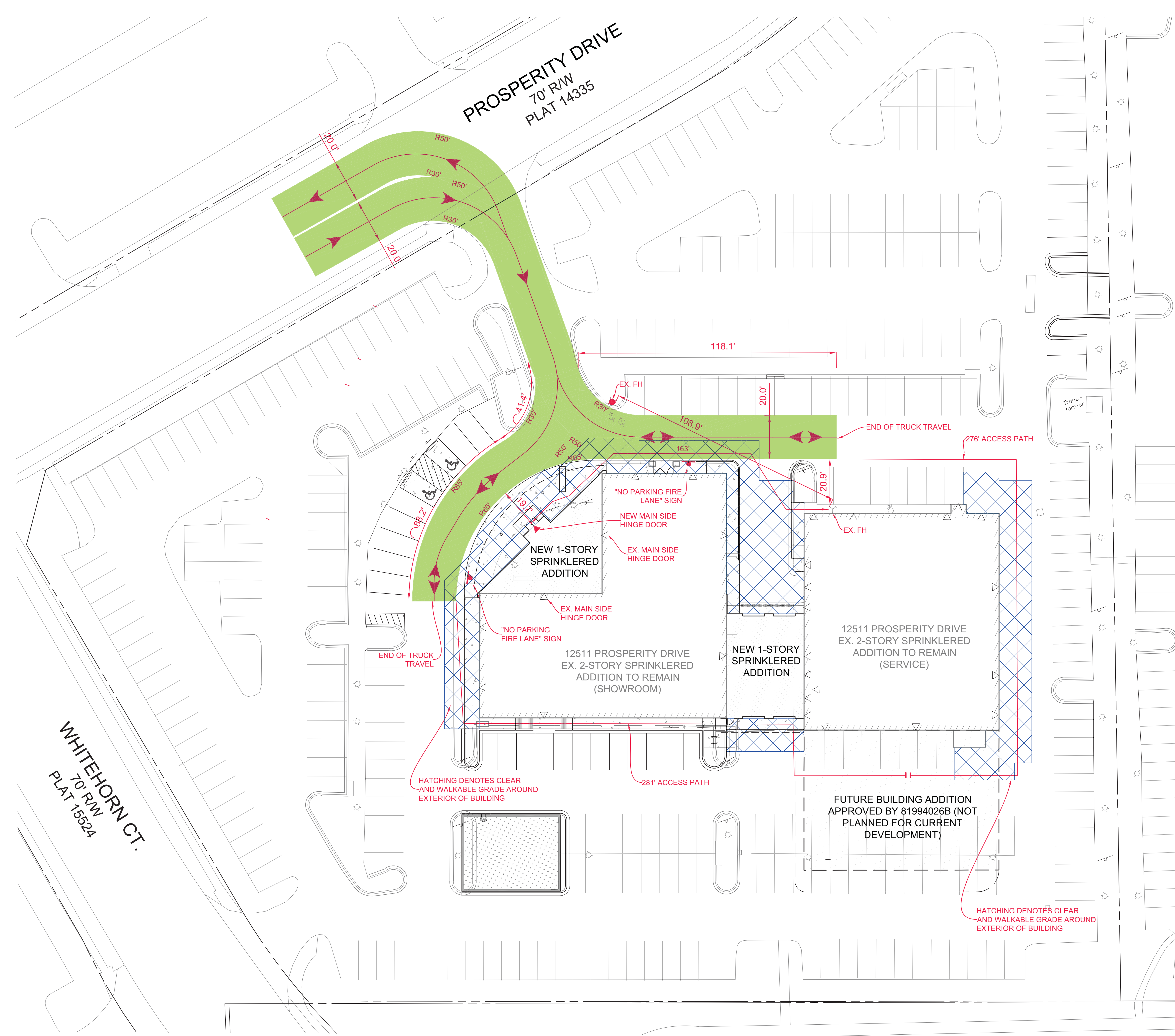
CIVIL ENGINEER & LANDSCAPE ARCHITECT:
 MORRIS, HENDRICKS & GLASCOCK, P.A.
 9220 WIGHTMAN ROAD, SUITE 120
 MONTGOMERY VILLAGE, MD 20886
 PHONE: (301) 670-0840
 CONTACT: DYLAN MACRO, CDT
 EMAIL: DMACRO@MHGPA.COM



VICINITY MAP
 SCALE 1" = 2,000'

LEGEND

- [Green Area] FIRE DEPARTMENT ACCESS PATH
- [Blue Hatched Area] 15' CLEAR AND WALKABLE GRADE AROUND BUILDING
- [Red Triangle] MAIN EXTERIOR DOORS
- [Red Line with Arrow] FIRE ACCESS PATH



**WHITEHORN CT.
 70' RW
 PLAT 15524**

**PROSPERITY DRIVE
 70' RW
 PLAT 14335**

FIRE CODE ENFORCEMENT
 Fire Department Access Review
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
 BY: *SJC* PM: 43 DATE: 5/4/2022
 original 7/31/2013

REVISIONS

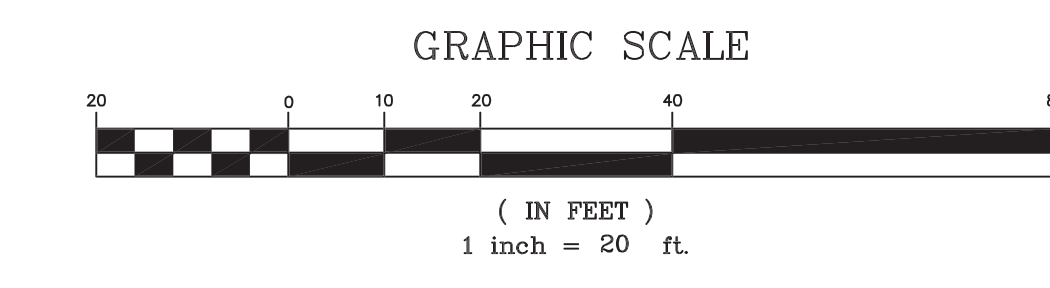
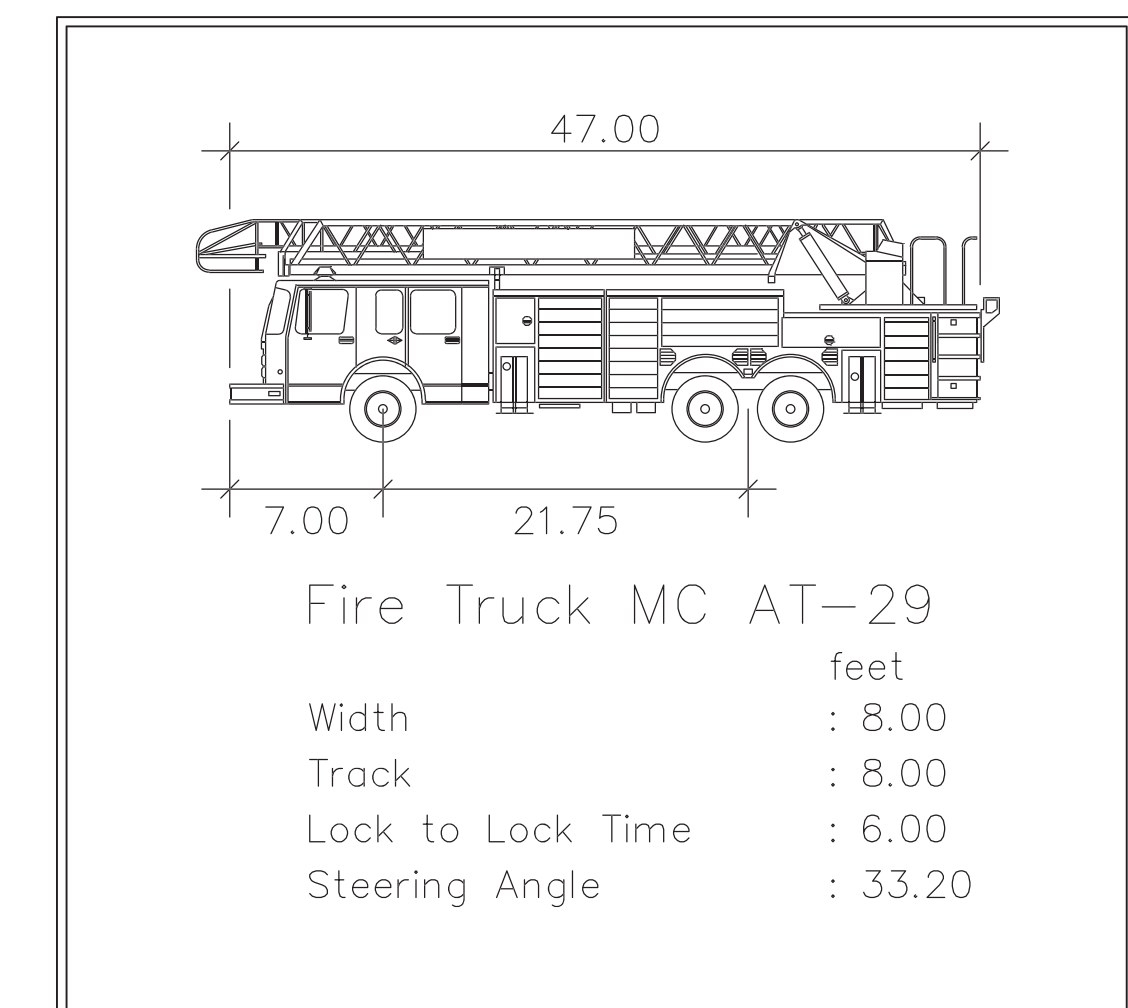
NO.	DESCRIPTION	DATE

TAX MAP K033 WSSC 216E03
 PLAT 16248
 5TH ELECTION DISTRICT
 MONTGOMERY COUNTY
 MARYLAND

LOT 33
MONTGOMERY INDUSTRIAL PARK

PROJ. MGR DCM
DRAWN BY JDP
SCALE 1" = 20'
DATE 04/25/22

FIRE APPARATUS ACCESS PLAN





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

June 2, 2022

Mr. Jeremiah Swenson
Macris, Hendricks, & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Darcars Lexus Pre-Owned Cars Sales
Preliminary Plan #: 81990069C
SM File #: 287860
Tract Size/Zone: 4.35 Acres
Total Concept Area: 1 Acre
Lots/Block: 32
Parcel(s): NA
Watershed: Paint Branch, Class III

Dear Mr. Swenson:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via Microbioretention.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. Jeremiah Swenson
June 2, 2022
Page 2 of 2

reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275.

Sincerely,

Mark Etheridge

Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: CN 287860

cc: N. Braunstein
SM File # 287860

ESD: Required/Provided 5763 cf / 5861 cf
PE: Target/Achieved: 2.03"/2.0"
STRUCTURAL: N/A cf
WAIVED: N/A ac.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

June 3, 2022 (Revised)

Mr. Jeremiah Swenson
Macris, Hendricks, & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Darcars Lexus, New Cars Sales
Preliminary Plan #: N/A
SM File #: 287862
Tract Size/Zone: 4.1 Acres
Total Concept Area: 0.7 Acres
Lots/Block: Lot 33
Parcel(s): N/A
Watershed: Paint Branch, III

Dear Mr. Swenson:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via Microbioretention and an Existing Underground Sandfilter.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. Jeremiah Swenson
June 3, 2022
Page 2 of 2

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: CN 287862

cc: N. Braunstein
SM File # 287862

ESD: Required/Provided 4108 cf / 3422 cf
PE: Target/Achieved: 2.0"/2.0"
STRUCTURAL: 606 cf
WAIVED: N/A ac.

ATTACHMENT D



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



2425 Reedie Drive
Floor 14
Wheaton, MD 20902



MontgomeryPlanning.org

MCPB
Item No.
07-07-2022

June 23, 2022

TO: Casey Anderson, Chair
Montgomery County Planning Board

VIA: Gwen Wright, Director *GW*
Robert Kronenberg, Deputy Director *RAK*
Carrie Sanders, Chief, Midcounty Planning *CS*

FROM: Matthew Folden, Regulatory Supervisor, Midcounty Planning *MAF*

SUBJECT: Montgomery Industrial Park
Supplemental Staff Report
Site Plan Amendment Nos. 81990069C & 81994026C

Planning staff presented the subject Site Plan Amendments during a Public Hearing on June 23, 2022, through a Staff Report dated June 9, 2022. At that time, staff stated that no public correspondence had been received regarding the subject applications. Following the hearing, however, staff learned of a clerical error that resulted in one piece of correspondence being invertedly omitted from the public record.

Planning staff respectfully request the Planning Board re-open the public record for the purposes of admitting the correspondence into the record and considering the testimony contained therein. The omitted correspondence is attached to this supplemental staff report (Attachment A) and briefly summarized below.

Correspondence Summary

On June 21, 2022, the Calverton Citizens Association submitted testimony (dated June 23, 2022) that raised concerns about changes to the quantity of required on-site parking associated with the subject applications. That testimony specifically cited Site Plan 81990069C Condition No. 4 and Site Plan 81994026C Condition No. 16, as both conditions set forth parking requirements on the subject properties. Those conditions are provided in their entirety, below:

Site Plan 81990069C Condition No. 4

Indicate on the certified site plan where the code-required 50 parking spaces are located and provide clear signage restricting their use to employees and customers and preventing their use for storage of inventory and trade-ins. (Staff Report, p. 3)

Site Plan 81994026C Condition No. 16

Indicate on the Certified Site Plan where the code-required 50 parking spaces are located and provide clear signage restricting their use to employees and customers and preventing their use for storage of inventory and trade-ins. (Staff Report, p. 6)

As stated in the correspondence, The Calverton Citizen's Association is concerned that the addition of 100 parking spaces, 50 per site plan, will eventually be used as overflow parking. The correspondence sought further clarification on what agency will enforce the site plan conditions and respond to complaints about on-street parking around the subject properties.

Staff Response:

- a) *In response to the primary concern raised in the correspondence, Staff would like to clarify that the parking requirement, set forth in Site Plan 81990069C Condition No. 4 and Site Plan 81994026C Condition No. 16, are not "new" parking spaces and will be accommodated within existing parking on the subject properties. Staff recommended Conditions 4 and 16, respectively, to ensure that the parking requirements were met and available to serve employees and patrons (i.e. not used for vehicle inventory). Therefore, staff believes this condition addresses the Calverton Civic Association's concerns about these parking spaces being used for overflow/ vehicle inventory parking.*
- b) *In response to the inquiry about what agency is responsible for enforcing the site plan conditions and responding to complaints about parking on public streets within the vicinity of the subject properties:*
 - *The Montgomery County Department of Permitting Services is responsible for enforcing site plan conditions of approval,*
 - *The Montgomery County Department of Transportation is responsible for evaluating parking concerns and installing new parking restrictions, if warranted, and*
 - *The Montgomery County Police Department is responsible for enforcing existing parking restrictions.*

Conclusion

After reviewing the concerns raised in the Calverton Citizen's Association testimony, staff determined that the correspondence raised clarifying questions but did not substantively alter any required findings or staff analysis, as set forth in the original Staff Report dated June 9, 2022. As a result, staff's recommendation of approval in the original Staff report remains unchanged and staff respectfully requests that this supplemental memo and attached correspondence be entered into the public record.

Attachment

Attachment A – Correspondence

Calverton Citizens Association
P. O. Box 21
Beltsville, Maryland 20704-0021

June 23, 2022

Chair Casey Anderson
Montgomery County Planning Board
2425 Reddie Drive
Silver Spring, MD 20902

Re: Item 8 Hearing for Montgomery Industrial Park, Site Plan Amendment 81990069C & 81994026C

Dear Chair Anderson:

The Calverton Citizens Association (CCA) supports the Recommendations and Conditions listed in Section 1 pertaining to Site Plan Amendment 81990069C & Site Plan Amendment 81994026C. We are concerned about the new parking areas planned for both sites.

The CCA does have concerns regarding Section 1 Recommendations and Conditions. Our concerns are with #4 for 81990069C under Revised Conditions and #16 for 81994026C under New Conditions. You are requesting that the Applicant indicate where the code-required 50 parking spaces per each certified site plan are located and provide clear signage restricting their use to employees and customers and preventing their use for storage of inventory and trade-ins.

The Applicant does have a satellite vehicle parking lot on Broadbirch Drive. The satellite lot was packed with vehicles before the pandemic but since the pandemic the satellite lot has fewer cars. The lot on Broadbirch took the overflow vehicles off the public streets and off the street that leads to the Army National Guard Recruiting Station next to the Applicant property. Calverton is concerned that these additional 100 spots, 50 parking spaces per certified site plan, will eventually be used as overflow parking once the car selling business gets back to normal. How will these parking recommendations and conditions be enforced? Are these recommendations and conditions self-enforced? Who will respond to complaints from the community about vehicles parked on the streets around the Applicant's property?

The Applicant has been responsive and has worked with the Calverton community in the past when needed. The CCA hopes that the Applicant will continue to work with community if a problem arises.

Thank you for your time.

Respectfully submitted,



Bernadine (Bernie) Karns, President
Calverton Citizens Association
3005 Gazebo Court
Silver Spring, MD 20904-1867
301-572-8018 (H)
301-538-5280 (CP)

ATTACHMENT E

Montgomery Planning

MONTGOMERY INDUSTRIAL PARK

SITE PLAN AMENDMENT 81990069C AND 81994026C

Description

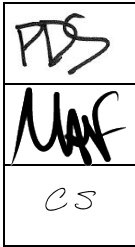
Request to construct a building addition and canopy enclosure, increasing building square footage by 5,525 square feet on Lot 32; construct a building addition increasing building square footage on Lot 33 by 3,320 square feet; and create a new inter-lot connection between Lot 32 and Lot 33.

No. 81990069C & 81994026C
Completed: 06-09-2022

MCPB
Item No.
06-23-2022

Montgomery County
Planning Board
2425 Reddie Drive
Floor 14
Wheaton, MD 20902

Planning Staff



Parker Smith, Planner II, Midcounty Planning, Parker.Smith@montgomeryplanning.org, 301-495-1327

Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org, 301-495-4539

Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org, 301-495-4653

LOCATION

Montgomery Industrial Park, on Prosperity Drive, 400 feet south of Cherry Hill Road.

MASTER PLAN

2014 *White Oak Science Gateway Master Plan*

ZONE

CR-0.75, C-0.75, R-0.25, H-75

PROPERTY SIZE

Lot 32: 4.35 acres, Lot 33: 4.1 acres

APPLICANT

Eastern Diversified Properties, Inc.

ACCEPTANCE DATE

March 10, 2022

REVIEW BASIS

Chapter 59 and Chapter 22A



Summary:

- Staff recommends approval with conditions of both Site Plan Amendment Applications.
- Applicant proposes to expand the existing car dealership on Lot 32 by 5,525 square feet, and expand the existing car dealership on Lot 33 by 3,320 square feet.
- Applicant proposes a new vehicular connection between Lots 32 and 33.
- Applicant is requesting waivers for the Build-to Area Requirements of the CR zone through Section 59-4.5.3.C.3.b, and for the Transparency Requirements of the CR Zone through Section 59-4.5.3.C.5.a.
- Per Section 59-7.7.1.C.4, the Application is being reviewed under the current Zoning Ordinance.
- The Application meets the requirements of Chapter 59, the Zoning Ordinance, and Chapter 22A, the Forest Conservation Law.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

SITE PLAN AMENDMENT 81990069C

Staff recommends approval of Site Plan Amendment No. 81990069C, Montgomery Industrial Park Lot 32, to increase the square footage of the existing building by 5,525 square feet by constructing a new building addition and enclosing the existing drive aisle canopy on the west side of the main building for a maximum density of 24,000 square feet. All previously approved conditions for Lot 32 remain valid and in full force and effect, except as modified herein. All site development elements shown on the latest electronic version of Site Plan Amendment 81990069C as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹

Revised Conditions

4. Indicate on the certified site plan where the code-required ~~78~~ 50 parking spaces are located and provide clear signage restricting their use to employees and customers and preventing their use for storage of inventory and trade-ins.
5. Development will not exceed ~~18,478~~ 24,000 square feet of buildable gross floor area, to be used exclusively for auto sales/service facility.

New Conditions

11. Landscaping

Prior to issuance of Use and Occupancy permit, the Applicant must bring the property into compliance with the approved Certified Landscape and Lighting plans, including planting of all landscape trees on the property.

12. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated June 2, 2022 and 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 the Site Plan Amendment approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

¹ For the purposes 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.

13. Right of Way

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated March 10, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

14. 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 4, 2022 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.

15. 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, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b. Fire and Rescue Access plan should be included in the Certified Site Plan.
- 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. Prior to the approval of the Certified Site Plan, the Applicant must provide updated landscaping drawings to show shade trees along the north-south green strip between the two surface parking lots, at the property line between Lots 32 and 33. Final planting locations may be modified to avoid utility conflicts.

SITE PLAN AMENDMENT 81994026C

Staff recommends approval of Site Plan Amendment No. 81994026C, Montgomery Industrial Park Lot 33, to increase the square footage of the existing building by 3,320 square feet by enclosing the existing service lanes and existing canopy area, for a maximum density of 27,725 square feet. All previously approved conditions for Lot 33 remain valid and in full force and effect, except as modified herein. All site development elements shown on the latest electronic version of Site Plan Amendment 81994026C as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.²

Revised Conditions

819940260

- ~~11. No internal connections between subject property and adjacent Lexus site will be allowed.~~

81994026B

13. Certified Site Plan

The Certified Site Plan must include the following:

- The stormwater management concept approval, development program, inspection schedule, and the approved Site Plan Resolutions on the approval or cover sheet.
- The data table must reflect development standards ~~enumerated in the Staff Report as approved by the Planning Board.~~
- Consistency of all details and layout between Site Plan and Landscape Plan.
- ~~d) Fire and Rescue Access plan should be included in the Certified Site Plan.~~
- ~~e) Prior to approval of the Certified Site Plan, the Applicant must provide updated landscaping drawings to show shade trees along the north-south green strip between the two surface parking lots, at the property line between Lots 32 and 33.~~ Final planting locations may be modified to avoid utility conflicts.

New Conditions

15. Density

Development will not exceed 27,725 square feet of buildable gross floor area, to be used exclusively for auto sales/service facility.

² For the purposes 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.

16. Parking

Indicate on the Certified Site Plan where the code-required 50 parking spaces are located and provide clear signage restricting their use to employees and customers and preventing their use for storage of inventory and trade-ins.

17. Landscaping

Prior to issuance of Use and Occupancy permit, the Applicant must bring the property into compliance with the approved certified Landscape and Lighting plans, including planting of all landscape trees on the property.

18. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated June 3, 2022 and 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 the Site Plan Amendment approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

19. Right of Way

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated March 10, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

20. 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 4, 2022 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.

SECTION 2: SITE DESCRIPTION

VICINITY

The Property is located within a commercial district bounded by Columbia Pike to the northwest, Cherry Hill Road to the north and east, and Paint Branch to the south and west. The uses within this commercial district include another auto dealership to the east of the Property, a hotel to the north of the Property, office buildings to the northwest and west of the Property, and Home Depot to the south. The various commercial uses in the area are served by large surface parking lots. The Property is currently zoned CR-0.75, C-0.75, R-0.25, H-75 and was previously zoned I-1 prior to the 2014 comprehensive County-wide rezoning.

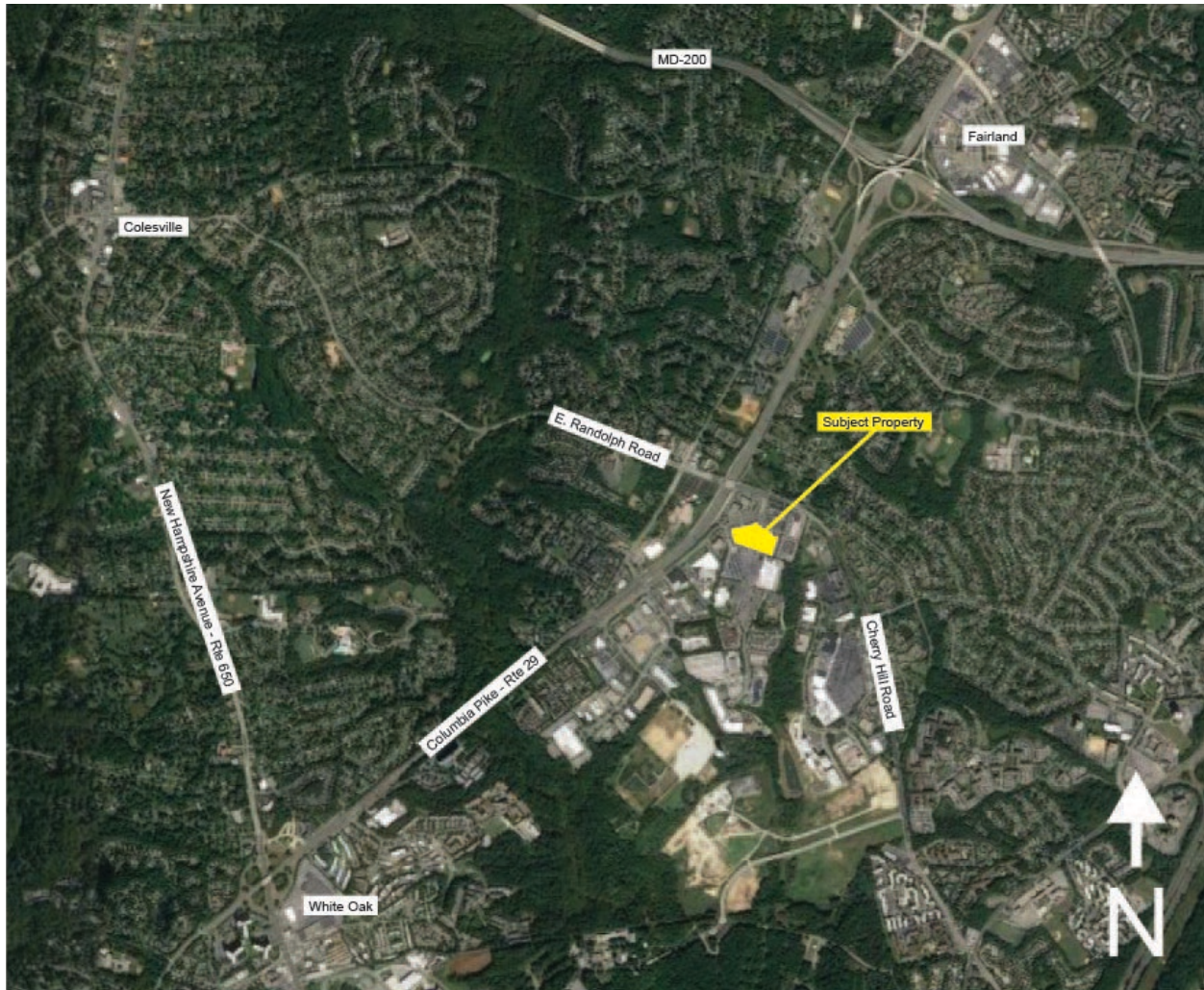


Figure 1 – Vicinity Map

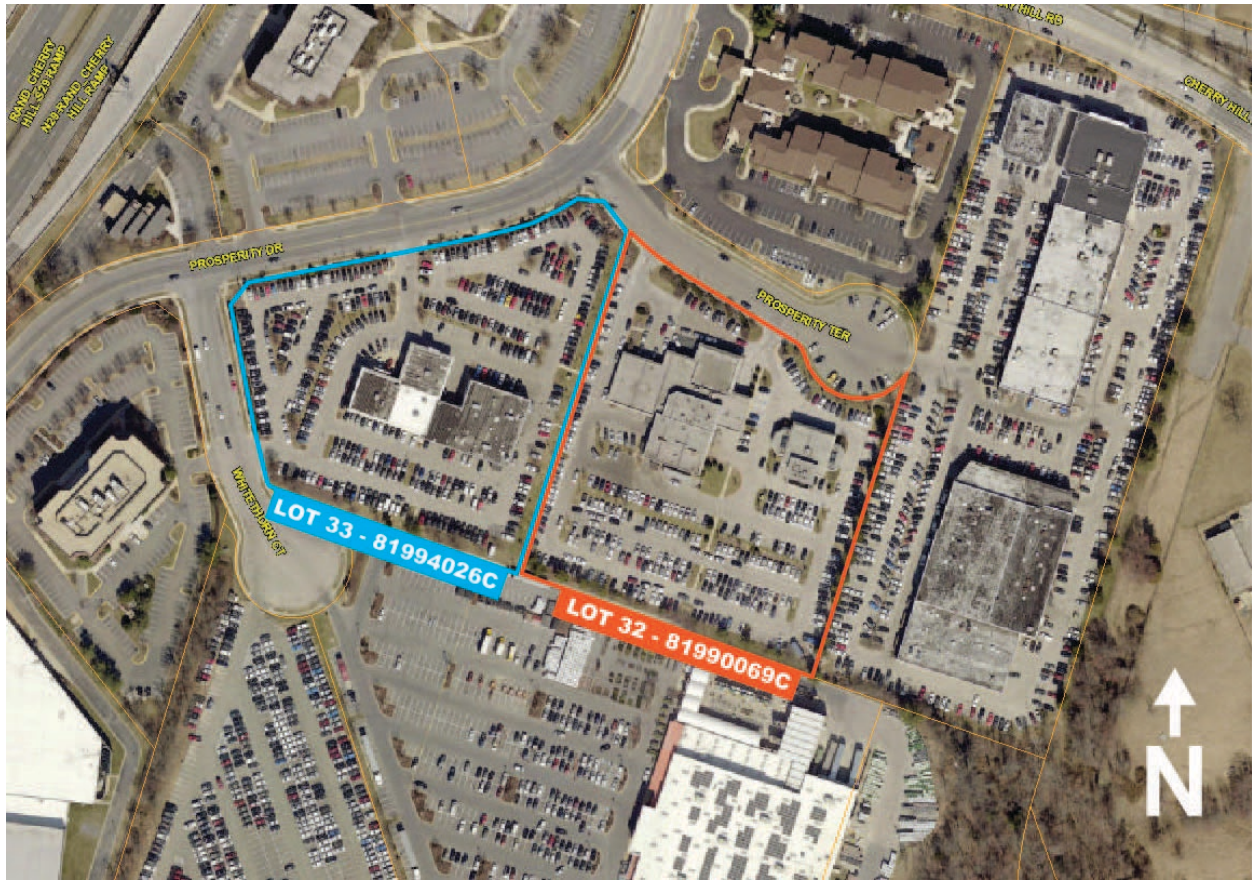


Figure 2 – Property Aerial Vicinity Map

PROPERTY DESCRIPTION

The Property consists of two lots, designated Lot 32 and Lot 33 (recorded on Plat No. 16248) (see Figure 3). Both lots are currently improved with automobile sales/service uses, with Lot 32 containing DARCARS – Lexus and Lot 33 containing DARCARS – Chrysler, Dodge, Jeep, Ram and Volkswagen. The two lots are currently divided by a median between parking lots, which necessitates exiting onto Prosperity Drive or Prosperity Terrace to go between the two lots by car.

11	R=80.00	A=10.78
12	R=39.00	A=29.31
13	N89°00'28"W	66.00

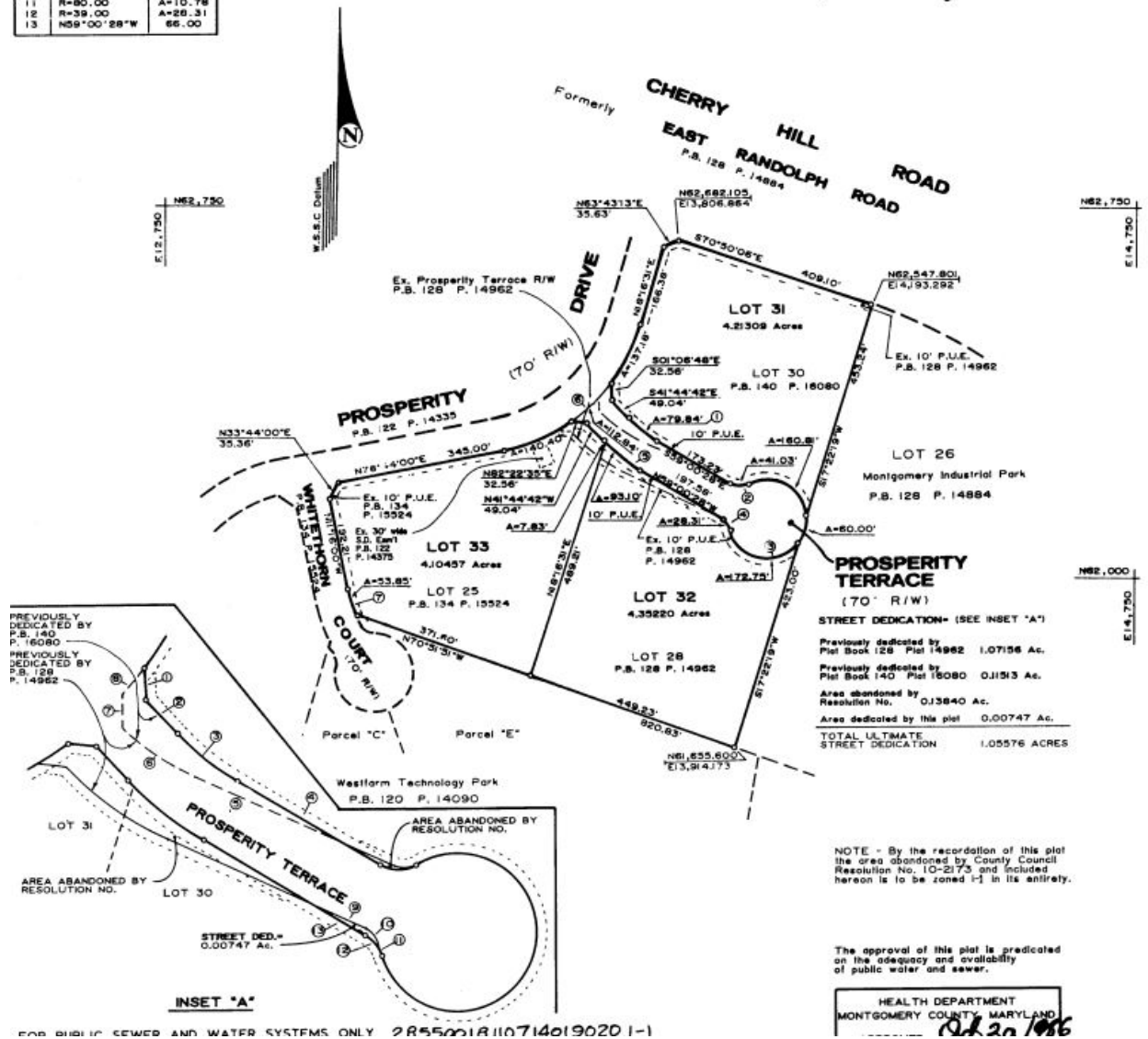


Figure 3 - Plat 16248

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Preliminary Plan No. 119811070 was approved by the Planning Board on July 19, 1984, for four lots within the I-1 zone. These four lots included Lot 32, but not Lot 33.

Preliminary Plan No. 119820080 was approved by the Planning Board on June 20, 1985, for 112,000 square feet of office uses in the I-1 zone. This approval included both Lot 32 and Lot 33, as well as other nearby commercial properties.

Site Plan No. 819900690 was approved by the Planning Board on February 14, 1991, for 18,475 square feet of automobile sales and service use on Lot 32. An amendment to this plan was approved by the Planning Board on February 20, 1992, to revise a condition related to lighting.

Site Plan No. 819940260 was approved by the Planning Board on March 16, 1995, for 10,400 square feet of automobile sales use in addition to 11,500 square feet of automobile service use on Lot 33. An amendment to this plan was approved by the Planning Board on March 14, 1996, to revise conditions 4 and 6 of the Site Plan Resolution.

Site Plan No. 81990069A was administratively approved on December 4, 2008, for the extension of the existing canopy on the west side of the main building towards Prosperity Terrace, enclosure of extended and existing canopies on the west side of the main building, and enclosure of the existing canopy on the east side of the building. The improvements proposed were never constructed.

Site Plan No. 81990069B was approved by the Planning Board on July 29, 2010 (via MCPB Resolution No. 10-107), for the expansion of the south service drive canopy, reconfiguration of the existing second floor for the installation of a skylight, modifications to the existing interior showroom, customer lounge, offices and service shop areas, and deletion of 11 service parking spaces.

Site Plan Amendment No. 81994026A was submitted on May 16, 2012, but was later withdrawn.

Site Plan No. 81994026B was approved by the Planning Board on September 19, 2013, for the addition of 2,505 square feet of automobile service development on Lot 33 and to update the employee surplus parking requirements through the modification of conditions.

PROPOSAL: LOT 32

The Application proposes to increase the existing floor area of the building on Lot 32 by 5,525 square feet by enclosing the northwestern corner of the existing showroom and enclosing the existing drive aisle on the west side of the main building. The additional square footage will increase the total building square footage from 18,475 square feet to 24,000 square feet.

Additionally, the Application proposes modifications to the building façade and interior layout, new ADA parking and associated drive aisle, curb and gutter and sidewalk modifications and new stormwater management facility, minor modifications to the landscaping, include a new stormwater management facility and associated storm drain structures, and create a new inter-lot connection between Lots 32 and 33.

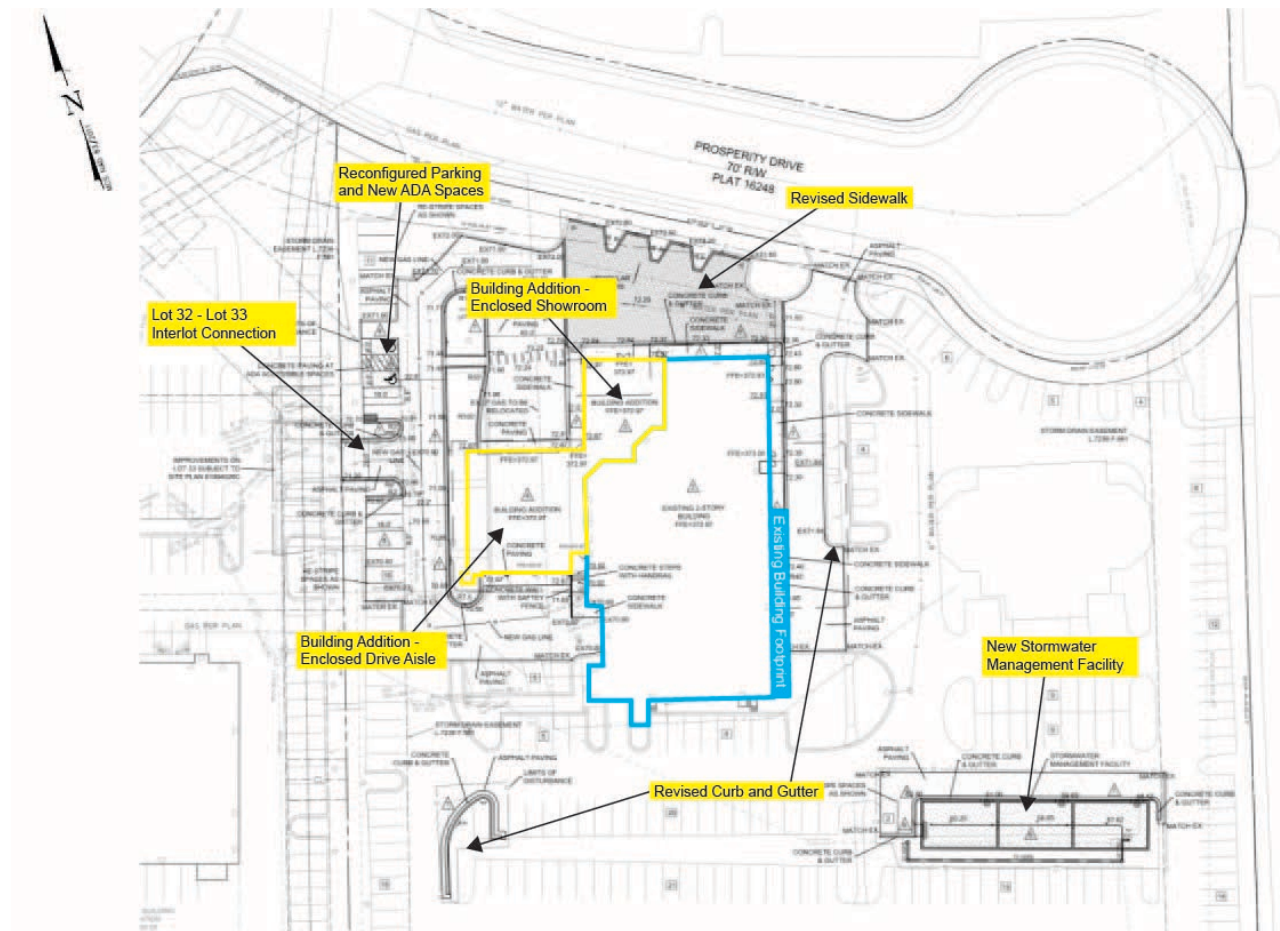


Figure 4 – Lot 32 Annotated Site Plan

PROPOSAL: LOT 33

The Application proposes to increase the existing floor area of the building on Lot 33 by 3,320 square feet by enclosing the existing service lanes and existing canopy area. The original site plan, 819940260, approved Phase 1A development of 16,150 square feet and Phase 2 development of 5,750 square feet, for a total of 21,900 square feet of approved development. The proposed Phase 2 development of 5,750 square feet, an addition to the south of the existing building, has not been constructed, and is not proposed to be constructed as part of this Amendment. As part of Site Plan Amendment No. 81994026B, a 2,505-square foot addition was approved and designated as Phase 1B. Between the existing Phase 1A and Phase 1B development, the existing building square footage is 18,655 square feet. The additional square footage proposed in this Amendment is the result of the proposed enclosure of the existing service lanes and canopy area and will increase the total square footage of the building from 18,655 square feet to 21,975 square feet. The Applicant will retain entitlements to the Phase 2, a 5,750-square foot addition, despite not being proposed for construction as part of this Amendment. Therefore, the new proposed building square footage will be 21,975 square feet, but the Applicant is requesting approval for up to 27,725 square feet of density, with 5,750 square feet of density that may be constructed at a later date. The outline of the future building addition is shown in orange in Figure 5.

Additionally, the Application proposes to construct a new building canopy, replace the existing building façade, modify the interior building layout, include a new stormwater management facility and storm drain structures, replace portions of sidewalk, relocate two existing light poles, relocate existing ADA accessible parking spaces, make minor modifications to landscaping, and create a new inter-lot connection between Lots 32 and 33.

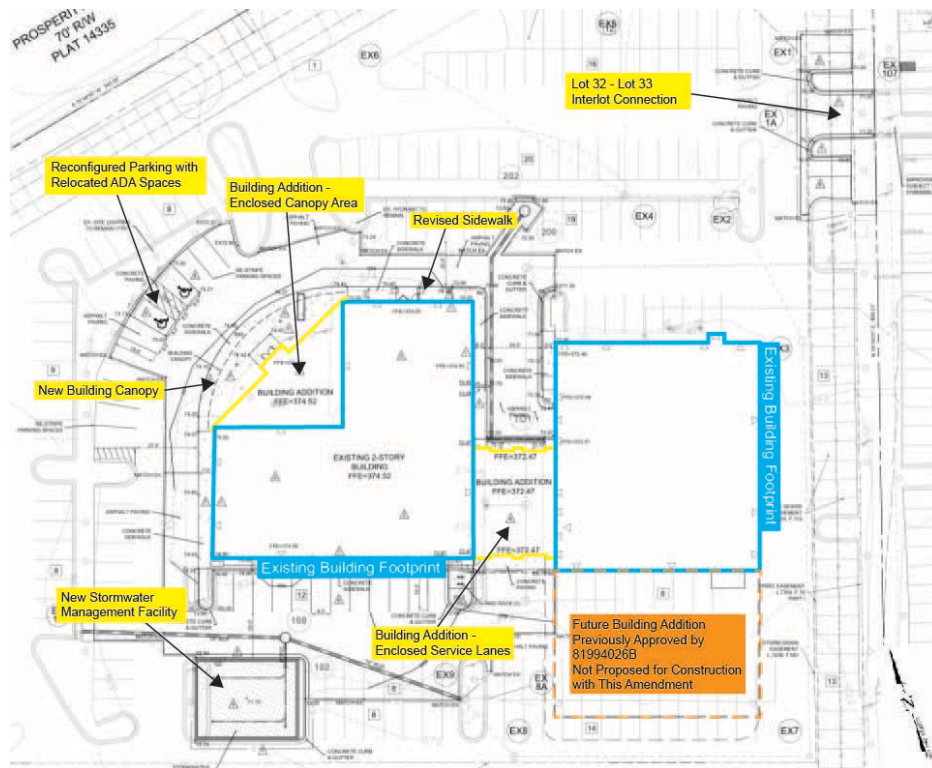


Figure 5 – Lot 33 Annotated Site Plan

TRANSPORTATION

Access & Circulation

The existing access points from Whitehorn Court, Prosperity Drive, and Prosperity Terrace, which currently serve the two adjoining lots of the Subject Property will be maintained under the proposed Site Plan Amendments. The internal surface parking areas will continue to provide circulation for customers and employees, the storage of vehicles for sale, pick-up/drop-off, deliveries, as well as other short-term parking needs. As illustrated on the submitted circulation plan sheets, vehicular and loading access to the existing dealerships are proposed to continue to occur via the existing four driveways from each respective property frontage. Additionally, the Applicant proposes to establish a new shared access point between the existing two lots as a means of providing direct connectivity for the transfer of vehicles between parking and showroom areas. Staff supports the new shared access, which further reduces the number of vehicles entering the public right-of-way and facilitates shared parking arrangements, as recommended in the 2014 *White Oak Science Gateway Master Plan*.

Consistent with previous approvals for the project, the Applicant proposes to continue to utilize the established internal drive aisles and parking areas for customer, employees, and dealership vehicles, providing access to the showrooms and related parking areas, in turn, preserving the movement of multimodal traffic along each respective property frontage.

Parking

No parking, deliveries, or other short-term parking needs will occur within the public right-of-way, as Condition 8 of Site Plan 819900690 states “No inventory, including trade-ins, is to be parked on Prosperity Terrace or Prosperity Drive.” Additionally, Condition 6 of Site Plan 819940260 required the applicant to post “No Parking” signs along Whitehorn Court, Prosperity Court, and the property’s Prosperity Drive frontage. The Applicant proposes to modify the parking areas within each lot to relocate existing handicap spaces and enhance landscaping, within the existing surface parking areas. For Lot 33 (affiliated with Site Plan Amendment 81994026C), these proposed modifications will continue to meet the parking requirements per the current 2014 Zoning Ordinance, by providing 50 vehicle spaces, well within the minimum requirement of 28 spaces and maximum of 70 spaces. Likewise for Site Plan Amendment 81990069C, the number of parking spaces within Lot 32 will continue to meet the required amount of parking identified in Section 6.2.4. by providing 50 vehicle spaces, within the minimum requirement of 28 spaces and maximum of 89 spaces.

Pursuant to the Zoning Ordinance, no short-term or long-term bicycle parking spaces are required for Automobile Sales and Service (Light Vehicle) land uses.

Sector/Master-Planned Roadways

PROSPERITY DRIVE: Prosperity Drive is classified as an Arterial road, A-108, with a planned right-of-way width of 80 feet. Per the *Master Plan of Highways and Transitways*, the roadway is planned to be widened to four lanes from its current two-lane design. The existing public right-of-way measures 70-foot-wide. A five-foot sidewalk behind a five-foot vegetated street buffer currently exists along the entirety of the Prosperity Drive frontage.

As recommended by the 2018 *Bicycle Master Plan*, a sidepath is planned for the Property’s frontage along Prosperity Drive. Given the limited scope of the Applicant’s project, Staff supports the Applicant’s proposal to maintain the existing right-of-way along the Property’s frontage with Prosperity Drive. Due to the roadway being classified as a Town Center Boulevard per the *Complete Streets Design Guide*, future frontage improvements would necessitate the expansion of the off-street active zone to accommodate a minimum 8-foot-wide sidewalk and 6-foot-wide street buffer.

PLUM ORCHARD COURT EXTENDED: Plum Orchard Court Extended is identified as Road B-6 in the *White Oak Science Gateway Master Plan*, as a Planned Business Street. It is planned as a two-lane street with a right-of-way width of 70 feet. Portions of the overall Business Street have been built in the form of two cul-de-sacs (Whitehorn Court along the Property’s western frontage and Plum Orchard Drive to the east), and the planned street is intended to serve as a connection to increase multimodal circulation and facilitate the creation of new block forms within the Life Sciences/FDA Village. Plum Orchard Court Extended is identified as a Town Center Street in the *Complete Streets Design Guide*.

Construction and/or dedication of right-of-way for the new Business Street will occur during future redevelopment of the Site and/or adjacent properties, as it relates to the future engineering and design of the alignment of the roadway. While this Site Plan Amendment Application requests to defer construction of the Plum Orchard Court extension from Whitehorn Court to the southeast along the Property boundary, expansion of the existing building floor area and minor modifications to the functionality of the Use will not preclude construction and subsequent dedication of right-of-way for the roadway.

Additionally, Prosperity Terrace currently has a public right-of-way width of 70 feet, which meets the functionality and design of commercial/industrial roads pursuant to MCDOT standard detail MC-214.03.

Public Transit Service

The Property lies approximately 1/3 mile from the Tech Road US 29 Flash Bus Rapid Transit station. Additional routes accessible to the Subject Site are serviced by Montgomery County Ride On, with existing bus stops located within a 1/3 mile of the Property along East Randolph Road to the west and Tech Road to the south. The nearest public transit route is Ride On Route 10, which operates along East Randolph Road, providing service between the Tech Road Transit Center, the Colesville Shopping Center, and the Glenmont/Twinbrook Metrorail Stations.

Local Area Transportation Review

The development of Lot 33 was approved to be delivered in the form of proceeding phases beginning with Phases 1A and 1B, prior to the eventual construction of a Phase 2. In total, 24,405 square feet of occupiable space was approved pursuant to the original Site Plan application number 819940260, with 16,150 square feet associated with Phase 1A and 2,505 square feet associated with Phase 1B. Phase 2, which includes the remaining 5,750 square feet under the original approval, has yet to be built. As part of this Site Plan application, the Applicant proposes to retain the remaining and unbuilt 5,750 square feet, in addition to a proposed increase of 3,320 square feet.

Meanwhile, the Applicant also proposes to construct a 5,525-square foot expansion to the existing 18,475-square foot structure on Lot 32. While the two lots were previously reviewed under separate approvals due to formerly being owned by individual parties, they presently fall under the same review of Adequate Public Facilities (APF) due to their current status under the same ownership. An analysis of the trip generation is provided in Table 1 below.

Table 1 – Person Trip Generation (Lots 32 and 33)

Vehicle Trip Generation	AM	PM
Existing Site Generated Vehicle Trips (Driver) (ITE 11 th Edition – 42,880 SF Automobile Sales (New))	80	99
LATR Policy Area Adjustment (Retail)	91% of ITE Rate	
Person Trips	111	137
Site Generated Vehicle Trips (Driver) (ITE 11 th Edition – 51,725 SF Automobile Sales (New))	97	115
LATR Policy Area Adjustment (Retail)	91% of ITE Rate	
Person Trips	134	159
Net New Vehicle Trips (Driver)	+17	+16
Net New Person Trips	+24	+22
Local Area Transportation Review Required? (Are AM or PM person trips ≥ 50?)	No	No

(Source: ITE, 11th Edition – Automobile Sales (New), Land Use Code 840)

Staff determined that the overall Project across Lots 32 and 33 would have 24 additional morning net person trips, while generating 22 additional evening net new person trips as a result of the proposed increase in square footage to the existing use. Per the 2022 LATR Guidelines, motor vehicle, transit, bicycle, and pedestrian adequacy are required for new developments, which feature an increase of 50 or more person trips.

As such, under the 2020-2024 Growth and Infrastructure Policy, a traffic study is not required to satisfy the LATR test for Site Plan Amendments 81994026C and 81990069C.

ENVIRONMENTAL

The Subject Amendments are in compliance with Chapter 22A Forest Conservation, and in conformance with the Montgomery County Planning Department’s Environmental Guidelines.

These lots are developed with buildings and parking associated with an automobile dealership. Most of the Subject Property is covered by buildings and pavement. The Site contains no streams or stream buffers, wetlands or wetland buffers, 100-year floodplains, hydraulically-adjacent steep slopes, or

known occurrences of Rare, Threatened or Endangered species of plants or animals. There are no forests or specimen trees present. The site drains to the Paint Branch watershed, which is a Maryland Use Class III stream. This portion of the Paint Branch watershed is not within a Special Protection Area.

Both lots have confirmed exemptions from Article II of Chapter 22A, the Forest Conservation Law, under Section 22A-5(t)(1), which provides an exemption for a modification to an existing developed non-residential property if: (A) no more than 5,000 square feet of forest is ever cleared at one time or cumulatively after an exemption is issued; (B) the modification does not result in the cutting, clearing, or grading of any forest in a stream buffer or forest located on property in a special protection area which must submit a water quality plan; (C) the modification does not require approval of a preliminary plan, administrative subdivision plan, or conditional use/special exception; (D) the modification does not increase the developed area by more than 50%, and any existing principal building, as defined in Chapter 59, is retained; and (E) the pending development application does not propose any residential uses. The exemption for Lot 32 is number 42022131E; the exemption for Lot 33 is number 42022132E.

MASTER PLAN

The Subject Property is within the boundaries of the 2014 *White Oak Science Gateway Master Plan*, in the Life Sciences/FDA Village Center. Although the Master Plan provides no specific guidance for the Subject Property, it recommends that over the long term this cluster should transition from light industrial uses to a mix of commercial uses with mixed uses at key locations. To promote that transition, the Property was rezoned to the CR zone, with density mixes that prioritize commercial uses. Retaining and improving existing uses is consistent with the near-term goals of the plan.

SECTION 4: FINDINGS AND ANALYSIS

Pursuant to Section 7.7.1.C.4, this Amendment was reviewed under the standards and procedures of the current Zoning Ordinance. The modifications proposed through the Subject Site Plan Amendments do not alter the intent of the original site plans, as amended.

The Amendments comply with the general requirements and development standards of Chapter 59, the Zoning Ordinance, Chapter 22A, the Forest Conservation Law, and substantially conforms with the goals and recommendations of the 2014 *White Oak Science Gateway Master Plan*. The elements of the proposed Site Plan Amendments No. 81990069C and 81994026C remain consistent with the original findings, as modified to accommodate the proposed building additions and site revisions.

Section 7.3.4.E.2, *Necessary Findings*, states that to approve a site plan, the Planning Board must find that the proposed development:

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

The Subject Property satisfies all previous approvals.

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;

The Subject Property is not subject to any previous Development or Schematic Plan.

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;

The Subject Property is not subject to any green area requirements.

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

The proposed automobile sales and services uses are allowed in the CR zone. As part of this Amendment, the Applicant proposes an increase in floor area by 5,525 square feet for the building on Lot 32, and an increase in floor area by 3,320 square feet for the building on Lot 33. The changes made by the Site Plan Amendment meet all the requirements of the zones as shown by the data table below, except for proposed waivers to the Zoning Code's Build-to Area and Blank Wall requirements.

The Site Plan Application proposes a waiver from the Build-to Area front setback requirement from Prosperity Terrace to the north on Lot 32, and from Prosperity Drive to the north on Lot 33, as allowed per 59-4.5.3.C.3.b:

The Build-to Area requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

The Applicant is requesting relief from the Build-to Area requirements of the Subject Property's CR zone. According to CR Standard Method Development Standards, buildings are required to have 70% of the building façade in front of a maximum setback of 20 feet. On Lot 32, the existing building is set back 60 feet, and on Lot 33 the existing building is set back 120 feet. The Subject Applications propose additions to the existing buildings, thus the waiver needed is for the existing condition. To meet the Build-to Area requirements a total reorientation of the buildings would be required, which is not proposed as part of this Amendment. The continued land use as Automobile Sales and Services is by definition an auto-oriented use, with people almost always driving to the location. However, the property does provide sidewalks along both frontages, and pedestrian and landscape improvements are proposed as part of the Subject Application. The Applicant will replace the existing sidewalks and provide more trees along the property frontage as part of the Subject Application. Also proposed is an inter-lot connection between lots 32 and 33, which will allow cars to circulate more effectively without entering onto Prosperity Drive, Prosperity Terrace, or Whitehorn Court.

The Site Plan Applications propose a waiver from the Building Transparency requirement that the building must have a maximum of 35 feet of blank wall, as allowed per 59-4.5.3.C.5.a:

Building Orientation and Transparency requirements may be modified by the Planning Board in a site plan under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

The Applicant is requesting a waiver from the Transparency requirements of the Subject Property's CR zone. According to the CR Standard Method Development Standards, buildings are required to have a maximum of 35 feet of blank wall. The existing building includes large portions of blank wall that exceed 35 feet. However, the nature of the Automobile Sales and Services use necessitates these blank walls, and also provides high levels of transparency for other parts of the façade. The blank walls present on the building are less than 6 feet tall, and are on the second floor of the building, therefore minimizing the damaging effect that blank walls can have on the streetscape and pedestrian environment. Additionally, this existing

condition is not significantly affected by the additions proposed as part of this amendment. Proposed as part of the Subject Application are also improvements to sidewalks and landscape trees that will improve the pedestrian experience. Circulation between the two properties will also be improved with the addition of an inter-lot connection between Lots 32 and 33.

Table 2: Site Plan No. 81990069C (Lot 32) Data Table

Standard (CR-.75, C-.75, R-.25, H-75')	Required	Previously Approved	Proposed with Amendment
Lot Area (min)	n/a	189,486 sf	189,486 sf
Density (max)	.75 FAR	18,475 sf (.0975 FAR)	24,000 sf (.127 FAR)
Coverage (max)	n/a	n/a	
Front Setback	0'	52 feet	52 feet
Side Street Setback	0'	n/a (no side street for this site)	n/a (no side street for this site)
Side Setback	0'	58 feet	58 feet
Rear Setback, abutting all other zones	0'	192 feet	192 feet
Height	75'	24 feet	24 feet
Build-to Area	Waiver Requested		
Transparency	Waiver Requested		
Parking			
Minimum	1 space per 1,000 sf of GFA	N/A	24
Maximum	2.5 spaces per 1,000 sf of GFA	93	60
Vehicle Parking Spaces Provided		93 spaces	50 spaces
Vehicle Spaces Used as Vehicle Storage		230 spaces	236 spaces

Table 3: Site Plan No. 81994026C (Lot 33) Data Table

Standard (CR-.75, C-.75, R-.25, H-75')	Required	Previously Approved	Proposed with Amendment
Lot Area (min)	n/a	178,596 sf	178,596 sf
Density (max)	.75 FAR	24,405 sf (.137 FAR)	27,725 sf (.155 FAR)
Coverage (max)	n/a	n/a	
Front Setback	0'	125 feet	129 feet
Side Street Setback	0'	135 feet	138 feet
Side Setback	0'	52 feet	52 feet
Rear Setback, abutting all other zones	0'	60 feet	124 feet
Height	75'	28 feet	28 feet

Standard (CR-.75, C-.75, R-.25, H-75')	Required	Previously Approved	Proposed with Amendment
Build-to Area	Waiver Requested		
Transparency	Waiver Requested		
Parking			
Minimum	1 space per 1,000 sf of GFA	N/A	28
Maximum	2.5 spaces per 1,000 sf of GFA	114	70
Vehicle Parking Spaces Provided		114 spaces	50 spaces
Vehicle Spaces Used as Vehicle Storage		259 spaces	298 spaces

e. Satisfies the applicable requirements of:

- i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and**
- ii. Chapter 22A, Forest Conservation**

The Site Plan has received approved Forest Conservation Exemptions, designated 42022131E for Lot 32, and 42022132E for Lot 33. The Subject Amendment meets all requirements of Chapter 22A. The Subject Amendment received a Stormwater Management concept approval for Lot 32 on June 2, 2022, and for Lot 33 on June 3, 2022.

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

- i. Parking and Circulation Patterns**
- ii. Buildings and Structures**
- iii. Open Spaces**
- iv. Landscaping and Lighting**
- v. Pedestrian and Vehicular Circulation Systems**

The proposed Amendment will improve the landscaping and circulation systems on the Property. New landscaping in the form of trees along the frontages of the two properties, as well as along the property line between the two properties, will be added as part of this Amendment. Circulation within the two lots will be improved with the addition of an inter-lot connection being added between the two properties, allowing vehicular traffic to travel between the two lots without exiting on to Prosperity Terrace. Proposed as part of this amendment are also landscape and sidewalk revisions to improve the pedestrian experience. All other building and structure locations, open spaces, recreation facilities, landscaping, lighting, and circulation systems remain adequate, safe, 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 Subject Application conforms to the goals and recommendations of the 2014 *White Oak Science Gateway Master Plan*, as stated in the master plan section of this report.

- 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;***

As stated in the Transportation Section of this Staff report, the Subject Application meets the transportation Adequate Public Facilities requirements. The proposed 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 Growth and Infrastructure 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 CR.

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

The continued use of Lot 32 and Lot 33 as an Automobile Services and Sales establishment continues to be compatible with other uses in the area, which is dominated by commercial development. This commercial development includes other Automobile Services and Sales uses, as well as other heavy commercial and office uses that are served by large surface parking lots.

SECTION 5: COMMUNITY OUTREACH

The Applicant has met signage and noticing requirements for the submitted Application. Staff has not received any correspondence for the Subject Application.

SECTION 6: CONCLUSION

The Subject Application meets all of the requirements established in the Zoning Ordinance, satisfies current parking requirements, and conforms to the recommendations of the *2014 White Oak Science Gateway Master Plan*. The Application was reviewed by other applicable County agencies, all of whom have recommended approval of the plans. Therefore, Staff recommends approval of the Application, including waivers from Build-To-Area and Transparency, with the conditions as specified at the beginning of the Staff Report.

ATTACHMENTS

Attachment A: Site Plan – Lot 32

Attachment B: Site Plan – Lot 33

Attachment C: Agency Letters