

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

February 5, 2024

MCPB No. 24-004
Site Plan No. 81995038A
Montgomery Auto Sales Park, Lot 7
Date of Hearing: January 25, 2024

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, the Planning Board, by Resolution mailed on July 20, 1995, approved Site Plan No. 819950380 for an automobile dealership with a one-story 11,321 square foot building on 1.67 acres of GR-1.5, H-85 zoned land, located between Automobile Boulevard and Briggs Chaney Road at 3221 Automobile Boulevard (“Subject Property”), in the Fairland Policy Area and the 2024 *Fairland Master Plan* (“Master Plan”) area; and

WHEREAS, on October 20, 2023, Jim Coleman Auto – Nissan of Silver Spring (“Applicant”) filed an application for approval of an amendment to the previously approved site plan to allow a 2,036 square foot expansion to accommodate four (4) new vehicle service bays on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan amendment was designated Site Plan No. 81995038A, Montgomery Auto Sales Park, Lot 7 (“Site Plan,” “Amendment,” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 12, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 25, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0, Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

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Approved as to
Legal Sufficiency: Emily Vaias
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81995038A for a 2,036 square foot expansion to accommodate four (4) new vehicle service bays subject to the following conditions, which supersede and restate all prior conditions:¹

1. Density

The Site Plan is limited to a maximum of 13,267 square feet of non-residential development on the Subject Property for automobile sales and service².

2. Height

The development is limited to a maximum height of 28 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Site Plan

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

4. 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 March 17, 2023, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

5. Amenity Open Space

The Applicant must provide a minimum of 7,738 square feet of amenity open space (10.6 percent of net lot area).

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

² Square footage may be changed to other non-residential uses if there is no adverse impact to the Site Plan or APF findings, and the change in use is approved by Staff.

6. Site Plan Surety and Maintenance Agreement

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

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements only for facilities located on the Property (not in the public right-of-way), including, but not limited to trees, shrubs, and groundcover plantings as shown on the landscape plan. The surety must be posted before the issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover the completion of the remaining work.

7. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.

8. 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 on the approval or cover sheet(s).
- b) Add the following notes:
 - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
 - ii. “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”

- iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times."
- c) Include approved Fire and Rescue Access Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 81995038A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or provided in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.

1. *The findings apply only to the site covered by the Application.*

The findings herein apply only to the Property.

2. *The development satisfies any previous approval that applies to the site.*

With the approved Site Plan Amendment 81995038A, the proposed development satisfies all previous approvals that apply to the site.

3. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

4. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This section is not applicable because the Project Area's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

5. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Use Standards

The Property is used for automobile sales (outdoor) and service (indoor). Pursuant to Sec. 59.3.5.12.C (Use and Use Standards Table), Light Vehicle Sales (Outdoor), which includes vehicle service (indoor), is permitted as a limited use in the GR zone. The Property meets the applicable limited use standards because the Property does not abut or confront a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, and the Property is not in the EOF or NR zones. There are no changes to the current land use with this Application.

- b. Development Standards

The Subject Property includes approximately 1.67 acres zoned GR-1.5, H-85. The Application satisfies the applicable development standards as shown in the following data table:

Table 1 – Montgomery Autos Sales Lot No 7, Standard Method Development 4.6.3, GR-1.5, H-85 Zone

Development Standard	Permitted/ Required	Approved
Density, maximum	1.5 FAR (151,005 SF)	0.13 FAR (13,267 SF)
Open Space, Amenity, minimum	10% (7,264 SF)	10.6% (7,738 SF)
Building Height, maximum	85 feet	28 feet
Front Setback, minimum ³	0 feet	159 feet (west) 52 feet (east)
Side Setback, minimum	0 feet	4 feet
Parking, total ^{4, 5} 1 min. to 2.5 max. spaces per 1,000 gross leasable SF	11 min. to 34 max. (13,267 SF)	27 spaces max. (Remainder of spaces are for vehicle display)

c. General Requirements

i. *Site Access*

The Project proposes minimal changes to the existing building, open space, landscaping and circulation patterns, and therefore it maintains adequate, safe, and efficient vehicular circulation.

The Application will result in a net increase of six (6) morning and six (6) evening peak hour person trips as detailed in the Applicant’s transportation exemption letter dated April 28, 2023. The Project will result in fewer than the 50 net new peak hour person trip threshold set by the 2022 LATR Guidelines. Therefore, the Application is exempt from additional transportation adequacy analysis.

The pedestrian and vehicular circulation pattern on-site will remain the same. The Project proposes some restriping to improve ADA access, with all minimum landscaping standards maintained.

³ Pursuant to Sec. 59.4.1.7.B.1.b, a Through-lot has no rear setback, it has two front setbacks.

⁴ Pursuant to Sec. 7.7.1.B.3.b, the previously approved parking requirements are amended in a manner that satisfies Sec. 6.2.3 and Sec. 6.2.4.

⁵ Parking data show combined required parking for the existing use and the proposed expansion. Pursuant to Sec. 6.2.9.A.1, the expansion is exempt from parking lot landscaping. Pursuant to Sec. 6.2.3, motorcycle/scooter parking spaces, car-share spaces, spaces for charging electric vehicles are not required. Pursuant to Sec. 59.6.2.4.C, bicycle parking spaces are not required for Light Vehicles Sales (Outdoor).

ii. *Parking, Queuing, and Loading*

As shown on the Site Plan, parking, queuing and loading areas are adequate to serve the site. As shown in Table 1, parking spaces are adequate and meet all zoning requirements. As noted above, the Project is a minor expansion to the rear of the existing building and does not substantially alter the existing parking, queuing and loading spaces.

The required number of parking spaces for the 2,036 square feet expansion equals three (3) minimum and six (6) maximum parking spaces. Pursuant to Sec. 6.2.9.A.1, the expansion is exempt from parking lot landscaping because the number of spaces for the expansion equals fewer than 10 spaces. Pursuant to Sec. 6.2.3, motorcycle/scooter parking spaces, car-share spaces, spaces for charging electric vehicles are not required because the number of required parking spaces for the expansion is fewer than 50 spaces. Pursuant to Sec. 59.6.2.4.C, bicycle parking spaces are not required for Light Vehicles Sales (Outdoor) uses. There are no alterations to the existing development that change the parking standards for the existing development. However, pursuant to Sec. 7.7.1.B.3.b, the previously approved parking requirements for the existing development are amended and reduced in a manner that satisfies Sec. 6.2.3 (Calculation of Required Parking) and Sec. 6.2.4 (Parking Requirements). This provision allows for a reduction in the minimum number of parking spaces for the existing development while maintaining conformance with the 2004 Zoning Ordinance

iii. *General Landscaping and Outdoor Lighting*

As shown on the landscape plan, the Project satisfies the requirements of Division 6.4. The Master Plan recommends the provision of additional trees along Briggs Chaney Road, which this Application provides as shown in the landscape plan. The proposed row of shade trees along Briggs Chaney Road will enhance the pedestrian experience, provide additional shade, and create an aesthetically pleasing presence along the roadway.

The Project will amend the landscape plan to provide additional screening and replace some missing trees and landscape within the parking areas and along property lines. The open spaces, landscaping, and site details adequately and efficiently meet the needs of the use and the recommendations of the Master Plan, while providing a safe and

comfortable environment

6. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

The Application is exempt from the stormwater management requirements of Chapter 19 because the Project consist of an expansion or modification to an existing commercial structure with less than 5,000 square feet of land disturbance.

i. Chapter 22A, Forest Conservation

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

On May 16, 2023, a Forest Conservation Plan Exemption No. 42023183E under Chapter 22A-5(t)(1) was granted for the Application. The Application is in compliance with the Environmental Guidelines and all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

7. *The development provides safe, well-integrated parking, circulation patterns, building massing, and where required, open spaces and site amenities.*

The Amendment continues to provide safe, well-integrated parking, circulation patterns, open spaces, and site amenities. There are no changes to the parking or circulation patterns, which remain safe and adequate. The building expansion is well-integrated because it is placed at the rear of the building and maintains a similar height and massing as the existing building and surrounding buildings. As noted in Table 1 and shown on the site plan, the Project complies with the minimum 10 percent open space requirements by providing 10.6 percent open space. Furthermore, the Project satisfies the design requirements for amenity open space by providing the minimum dimensional requirement with landscaping and trees.

8. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

At the time of approval of this Amendment, an update to a portion of the 1997 *Fairland Master Plan* (which includes the subject property) is in effect with the adoption of the 2024 *Fairland and Briggs Chaney Master Plan*. The Project substantially conforms with

the recommendations of the 2024 Master Plan. The long-term vision for the Property and surrounding area, as redevelopment occurs, is a mix of building types accessible through a new grid street pattern, walkways, and green spaces with compact, multi-story auto-related uses (p. 101). However, in the near-term, the Master Plan recognizes that the Montgomery Auto Sales Park will continue as a regional automobile sales and service destination (p. 101). The Project is consistent with this near-term vision. Additionally, the Master Plan recommends planting additional shade trees along the frontage of Briggs Chaney Road, which this Application provides as shown in the landscape plan. As the trees mature, this will increase the overall tree canopy coverage in the Auto Sales Park area, as recommended by the Master Plan.

9. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

As noted above, the Project will result in fewer than the 50 net new peak hour person trip threshold set by the 2022 LATR Guidelines. Therefore, the Application is exempt from additional transportation adequacy analysis. An adequate public school facility test is not required because the Application does not propose any new residential density. The Property is adequately served by public services and facilities including schools, police and fire protection, water, sanitary sewers, public roads, storm drainage, and other public facilities. The Application has been reviewed by the MCDPS Fire Department Access and Water Supply Section who on March 17, 2023 confirmed that the Project has adequate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the 2020-2024 Growth and Infrastructure Policy.

10. *The development is compatible with existing and approved or pending adjacent development.*

The Project is compatible with existing and approved adjacent development. There is no known pending adjacent development. As discussed above, the Project provides safe, well-integrated parking, circulation patterns, open spaces, and site amenities. The Project is a minor rear expansion to the existing building and is of similar height and massing, and therefore, the Project is compatible with surrounding development in scale, density, size, and massing as it is similar to surrounding automotive use development.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

February 5, 2024

(which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vice Chair Pedoeem, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden voting in favor of the motion, at its regular meeting held on Thursday, February 1, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

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