

**MONTGOMERY AUTO SALES PARK LOTS 17 & 18,
PRELIMINARY PLAN AMENDMENT NO. 11985027B; MONTGOMERY AUTO
SALES PARK LOT 18, SITE PLAN AMENDMENT NO. 82014014A;
FINAL FOREST CONSERVATION PLAN AMENDMENT NO. F20240980**



Applications to modify the APF phasing schedule and approve a 39,900 SF automobile dealership with outdoor display and related site improvements.

Nos. 11985027B, 82014014A,
F20240980

Completed: 1-3-2025

MCPB
1-16-2025

Montgomery County
Planning Board
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LOCATION/ADDRESS

3110 and 3130 Automobile Boulevard

MASTER PLAN

2023 Fairland and Briggs Chaney Master Plan

ZONE

CR-2.0, C-1.5, R-1.5, H-85 (existing zone)
C-3 (prior zone)

PROPERTY SIZE

8.1 acres (Overall Property, Preliminary Plan Amendment)
3.32 acres (Subject Property, Site Plan Amendment)

APPLICANT

Auto Sites 7, LLC

ACCEPTANCE DATE

August 7, 2024

REVIEW BASIS

Chapters 22A, 50, and 59

Summary:

- Staff recommends approval of Preliminary Plan Amendment No. 11985027B, Site Plan Amendment No. 82014014A, and Final Forest Conservation Plan Amendment No. F20240980, with conditions.
- Proposal to modify the APF phasing schedule to allow the development on Lot No. 18 to occur before the development of Lot No. 17; and to approve a total density of 39,900 square feet for automobile sales and service with outdoor display, car wash, and other site related improvements on Lot No. 18.
- The Site Plan Amendment is reviewed under the standards and procedures of the prior C-3 zone per Section 59-7.7.1.B.3 of the 2004 Zoning Ordinance.
- The Amendment will provide sidewalk and street buffer enhancements on the Automobile Boulevard frontage.
- Applicant will provide a fee-in-lieu payment for construction of a separated bicycle lane facility along the Automobile Boulevard frontage.
- No community comments have been received.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN AMENDMENT 11985027B

Staff recommends approval of Preliminary Plan Amendment No. 11985027B to amend the Adequate Public Facilities (“APF”) phasing schedule by revising the benchmarks for Phase 1 and Phase 2. The development must comply with the conditions of approval for Preliminary Plan No. 11985027A (MCPB Resolution No. 18-120), as amended.

All site development elements shown on the latest electronic version of the Preliminary Plan Amendment, 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 All other conditions will remain in full force and effect.

Modified Conditions

3. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept letter ~~October 26, 2015 and April 2, 2018~~ September 5, 2024, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its amended letter dated ~~October 4, 2018~~ December 20, 2024, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments does not conflict with other conditions of the Preliminary Plan approval.
12. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for one hundred and twenty (120) months from the date of mailing of ~~the Planning Board resolution.~~ Resolution No. 18-12, and as shown in the following APF phasing schedule:

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.

Phase	Benchmark	Duration
1	Construction of 50% of total approved square footage on Lot 17 and 18. The structured parking facility/vehicle inventory facility may be built in this phase. <u>Approval of Site Plan amendment for Lot No. 18 and construction of the automobile dealership on Lot No. 18.</u>	60 months
2	Approval of Site Plan amendment for Lot 18 for construction of addition to automobile dealership. <u>Construction of 50% of total approved square footage on Lot No. 17.</u>	36 months (96 months cumulative)
3	Construction of 80% 100% of total square footage approved for Lot No. 17 and Lot No. 18. The structured parking facility/vehicle inventory facility may be built in this phase.	12 120 months (10 years cumulative)

SITE PLAN AMENDMENT 82014014A

Staff recommends approval of Site Plan Amendment No. 82014014A, for the construction of a 39,900 square foot automobile sales and service building with outside display. The development must comply with the conditions of approval for Preliminary Plan No. 11985027A (MCPB Resolution No. 18-120) and Site Plan No. 820140140 (MCPB Resolution No. 18-116), as amended. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required.² The following conditions supersede all prior conditions:

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 39,900 square feet of automobile sales and services uses on Lot No. 18.³

2. Height

The development is limited to a maximum height of 30 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

TRANSPORTATION

3. Transportation

- a) 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 September 27, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) The Applicant must provide and/or confirm the following right of way dedication and show it on the record plat(s) for the following existing road: All land necessary to accommodate forty (40) feet from the existing pavement centerline along the Subject Property frontage on Automobile Boulevard.

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.

³ The automobile sales and services uses may be changed to other non-residential uses if there is no adverse impact on the Site Plan and the APF findings and it is approved by Staff.

4. Pedestrian & Bicycle Circulation

- a) The Applicant must provide a six (6) foot-wide concrete sidewalk with a nine (9) foot-wide vegetated street buffer from motor vehicle traffic along the Automobile Boulevard frontage of the Subject Property.
- b) Prior to the issuance of the right-of-way (ROW) permit, the Applicant must provide an engineer's cost estimate with 40 percent contingency for the 6.5 foot wide separated bicycle lanes, including, but not limited to, repaving, restriping, concrete buffer between the between the travel lane and bicycle lane, traffic signs, and other related improvements for the separated bicycle lanes along the Automobile Boulevard Site frontage that is approved by MCDOT. The separated bicycle lanes will use the existing pavement and comply with the requirements of the Montgomery County Department of Permitting Services (MCDPS).
- c) Before the issuance of the use and occupancy permit for the building, instead of construction of the 6.5-foot-wide separated bicycle lanes, the Applicant must pay the fee-in-lieu payment to the Capital Improvements Project (CIP)-Bikeways Program Minor Projects (P507596) in the planning area or adjacent planning area identified by MCDOT to fund the bicycle and/or pedestrian infrastructure improvements. The fee-in-lieu of construction payment will be inflated based on the Federal Highway Administration's National Highway Construction Cost Index from the mailing date of the Planning Board resolution to the date of the payment.

5. Fire and Rescue

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services, Fire Department Access and Water Supply Section in its letter dated November 7, 2024, 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.
- b) Before approval to release any portion of the site plan performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, or as amended.

SITE PLAN

6. Site Design

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

7. Lighting

- a) Before certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

8. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, or Use and Occupancy Certificate (excluding core and shell), 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-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements only for facilities located on the Subject Property (not in the public right-of-way), including, but not limited to plant material, on-site lighting, site furniture, trash enclosures, retaining walls, fences, railings, private utilities, and associated improvements of development, including sidewalks, storm drainage facilities, street trees and streetlights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector

recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

9. 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.

10. 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.”
 - iv. “Without a Site Plan Amendment, M-MCPPC Staff may authorize and document a same or better-quality substitute of specified site furniture, plant materials, hardscape, light fixtures, right-of-way requirements, or other site plan elements with equivalent alternatives.”
- c) Include approved Fire Department 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.

FINAL FOREST CONSERVATION PLAN AMENDMENT F20240980

Staff recommends approval of Final Forest Conservation Plan Amendment No. F20240980 (“FFCP”). All site development elements shown on the latest electronic version of the Final Forest Conservation Plan No. F20240980, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions⁴. The following conditions supersede all previous conditions

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan Amendment. Tree save measures not specified on the Final Forest Conservation Plan Amendment may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan Amendment.
4. Before the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must:
 - a) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Anacostia River watershed or a Priority Area to satisfy the reforestation requirement for a total of 0.59 acres of mitigation credit as shown on the FFCP. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits.

⁴ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

SECTION 2: SITE DESCRIPTION

VICINITY AND ZONING

The Overall Property is designated for Preliminary Plan Amendment No. 11985027B and is comprised of Lot No. 17 and Lot No. 18. The Subject Property is designated for Site Plan Amendment No. 82014014A and consists only of Lot No. 18. Both lots are irregular in their shape and together form a “teardrop” configuration in the center of the Automobile Boulevard loop. Lot No. 17 contains the upper portion and Lot No. 18 the lower portion of the teardrop (Figure 1).

The Overall Property (Lot No. 17 and Lot No. 18 combined) is located at 3110 and 3130 Automobile Boulevard, approximately 580 feet southwest of the intersection of Briggs Chaney Rd and Automobile Boulevard, consist of 8.1 acres of land in the Main Street District of the *2023 Fairland and Briggs Chaney Master Plan* (“Master Plan”), and is zoned Commercial Residential (CR 2.0, C-1.5, R-1.5, H-85) (formerly C-3 Zone) (“Overall Property”) (Figure 1).

The Subject Property (Lot No. 18 only) is located at 3130 Automobile Boulevard, approximately 1,000 feet southwest of the intersection of Briggs Chaney Rd and Automobile Boulevard, consist of 3.32 acres of land (“Subject Property”) (Figure 1).

The Overall Property and Subject Property are located in the Montgomery Auto Sales Park, which is south of the intersection of Columbia Pike (US 29) and Briggs Chaney Road. Zoning to the north is Commercial Residential (CR-2.0, C-1.5, R-1.5, H-120) and to the east is Commercial Residential (CR-2.0, C-1.5, R-1.5, H-85). Zoning to the south and west is Moderate Industrial (IM 2.5, H-85) (Figure 2). All surrounding land is developed with automobile dealerships and related vehicle service centers.



Figure 1 - Vicinity aerial map with Overall Property and Subject Property

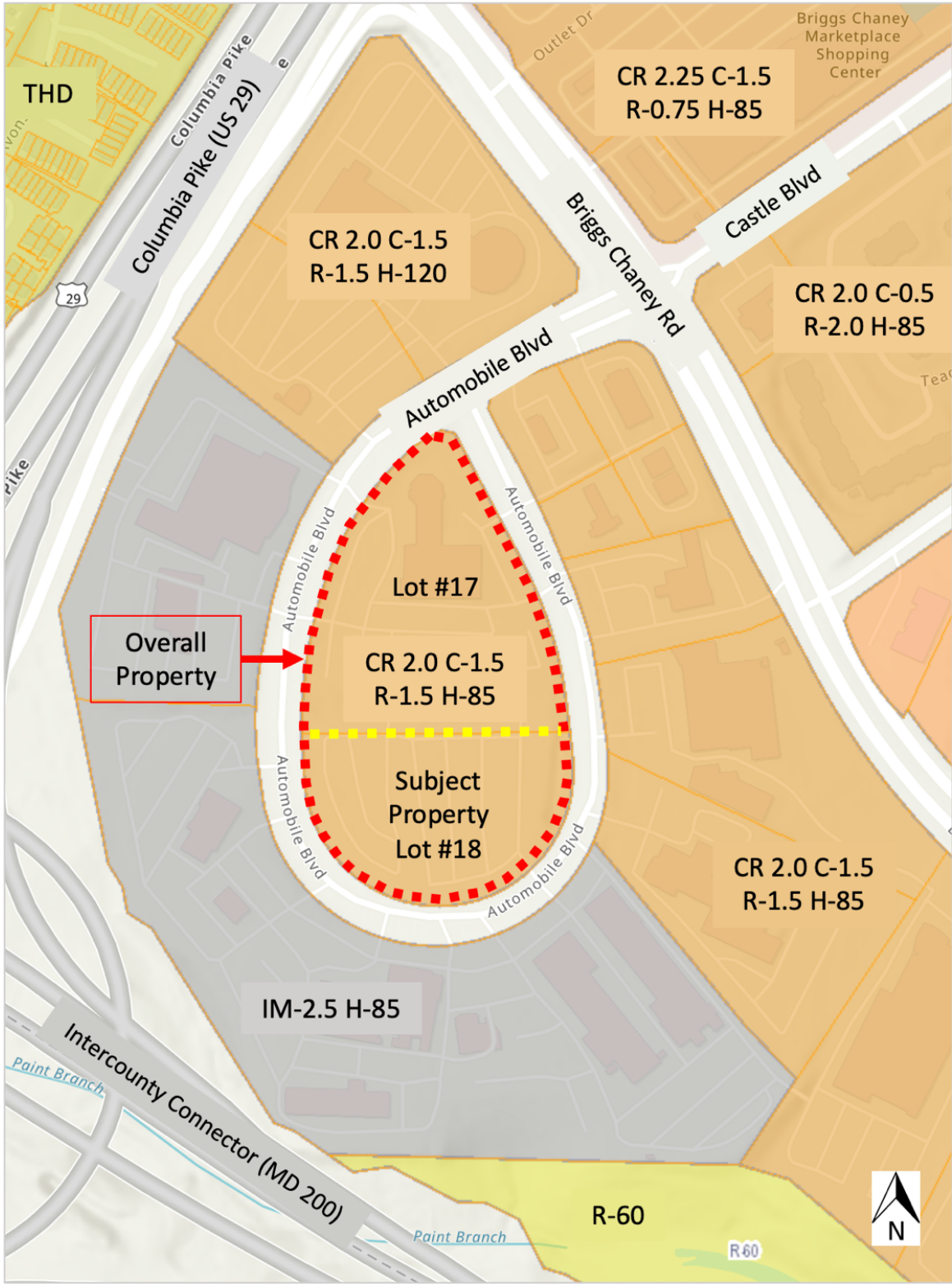


Figure 2 – Zoning map with Overall Property and Subject Property

PROPERTY DESCRIPTION

Lot No. 17 is presently developed with an automobile dealership and service center. The approximately 22,000 square foot one-story building is situated in the northern portion of the lot with vehicle display and parking areas located to the east, south, and west of the building. There is an approximately 1,500 square foot one-story building at the rear of the property which is used for auto rental services. Vehicular access is provided by four (4) driveways from Automobile Boulevard. Pedestrian access is provided by a five (5) foot-wide sidewalk along the entire property frontage and teardrop.

Lot No. 18 is presently used for vehicle parking and storage on a gravel and turf surface. Access to Lot No. 18 is provided by one (1) driveway located on the southwesterly property line. Except for a stand of trees at the northeastern corner of the lot, the Subject Property is generally devoid of landscaping and vegetation. Within the stand of trees is a small swale. Along the frontage on Automobile Boulevard and in the public right-of-way is a landscaped strip planted with grass turf and one (1) street tree at the southwestern edge of the Subject Property.

Neither Lot 17 or Lot 18 contain any forest; streams; wetlands; 100-year flood plain; stream valley buffers; steep slopes; highly erodible soils; rare, threatened or endangered species; or other sensitive environmental features. Neither property is located within an environmental Special Protection Area.

No historic resources or burial sites are known to exist on either property.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

On June 6, 1985, the Planning Board approved Preliminary Plan No. 119850270 (mailing date June 14, 1985) to create one (1) lot on 8.1 acres of land for a 20,000 square-foot automobile dealership.

On June 6, 1985, the Planning Board approved Site Plan No. 819850290 (mailing date June 21, 1985) for automobile sales and service and green area on 3.8 acres, the Site presently identified as Lot No. 17.

On November 8, 2018, the Planning Board approved Preliminary Plan No. 11985027A (MCPB Resolution No. 18-120, Attachment A) to create two (2) lots for a total of 155,000 square feet of automobile sales and services (excluding above-ground structured parking) with 85,000 square feet allotted to Lot No. 17 and 70,000 square feet allotted to Lot No. 18.

On November 8, 2018, the Planning Board approved Site Plan No. 820140130 (MCPB Resolution No. 18-115) to construct an 85,000 square-foot automobile sales and service building on Lot No. 17.

On November 8, 2018, the Planning Board approved Site Plan No. 820140140 (MCPB Resolution No. 18-116, Attachment A) to allow a parking and automobile storage facility on Lot No. 18. No building or density was approved with this application.

There are no other known regulatory approvals.

PROPOSAL

On August 7, 2024, the Applicant filed Preliminary Plan Amendment No. 11985027B, Site Plan Amendment No. 82014014A, and Forest Conservation Plan No. F20240980 (“Amendments”).

With Preliminary Plan Amendment No. 11985027B, the Applicant proposes to amend the phasing schedule by revising the benchmarks for Phase 1 and Phase 2 to allow the development on Lot No. 18 to occur before the development of Lot No. 17 (“Preliminary Plan Amendment”).

With Site Plan Amendment No. 82014014A, the Applicant proposes to replace the approved parking lot and construct a 39,900 square foot building for automobile sales and service with outside display and a 2,200 square foot car wash on the Lot No. 18 (the Subject Property) (“Site Plan Amendment”) (Figure 3 and Figure 4). Vehicular access is provided by one (1) new driveway on the west side and one (1) new driveway on the east side of the Subject Property. The existing driveway will be removed. As shown in (Figure 4), a shaded and landscaped outdoor seating area with tables and chairs is provided at the northeastern corner of the Subject Property, at the northern edge of a swale. An additional shaded outdoor seating area is provided near the customer reception area on the west side of the building.

The Site Plan Amendment will provide a total of 13.5 percent Green Area (Figure 5) along the Subject Property frontage (Figure 5). Landscaping is provided and evenly distributed across the Subject Property with shade and ornamental trees, deciduous and evergreen shrubs, and groundcover. Street trees are provided across the entire street frontage. Parking lot shade trees are evenly distributed across parking areas and upon maturity will provide at least 36 percent shade coverage. Additional shade and “cool design” structures and techniques which include high-albedo concrete paving (one percent) and lawn/shrubs (12 percent) which provide an additional 14 percent “cooling effect” for the parking areas (Figure 6).

The Forest Conservation Plan is discussed in Section 8 of this report.

Pursuant to the exemption provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, the Applicant has elected to have the Site Plan Amendment reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014, which was C-3 (Highway Commercial).



Figure 3 - Rendering of the proposed front (south) façade

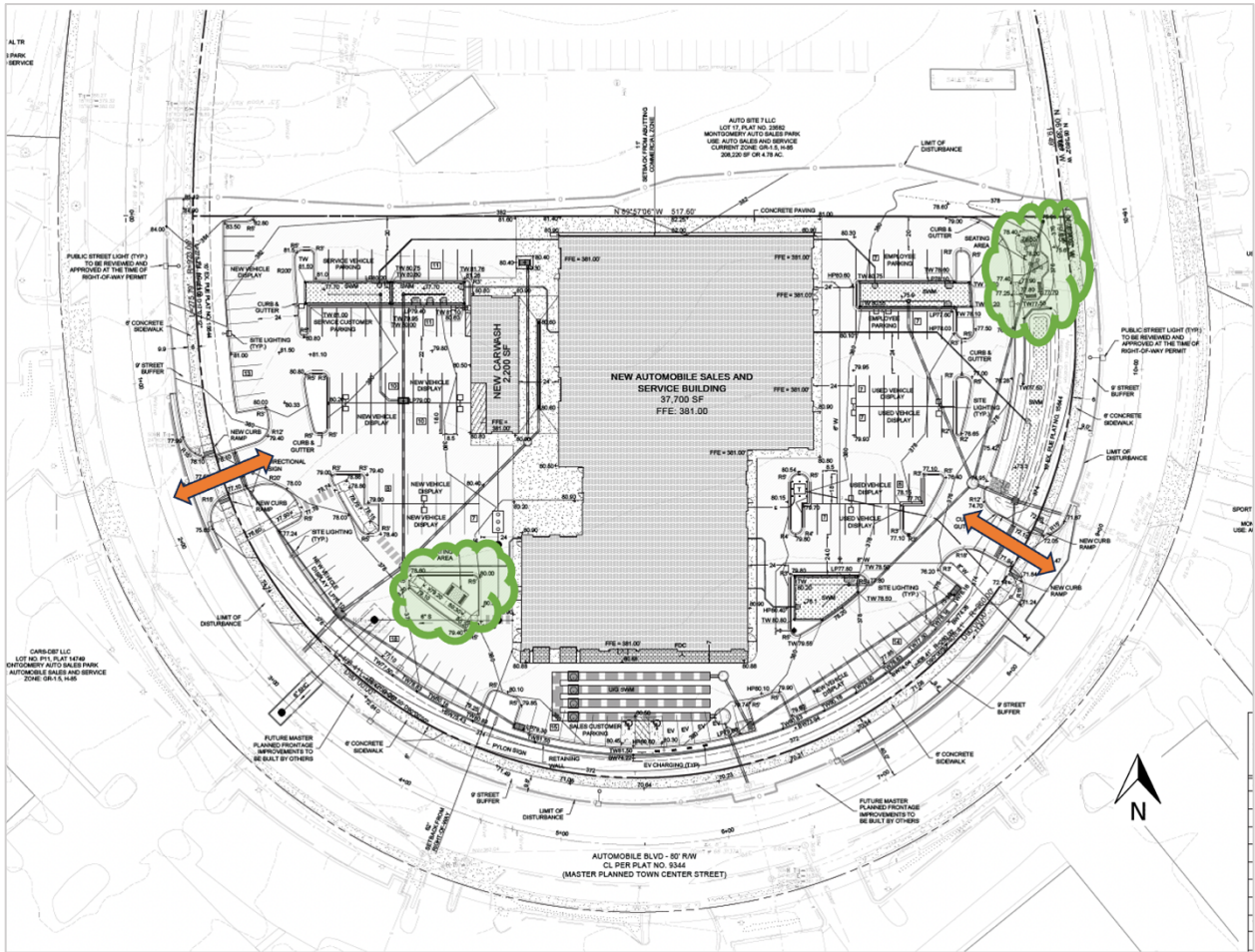


Figure 4 - Proposed Site Plan Amendment on Lot No. 18 with new building, car wash, driveway access, and outdoor seating areas (shaded green)

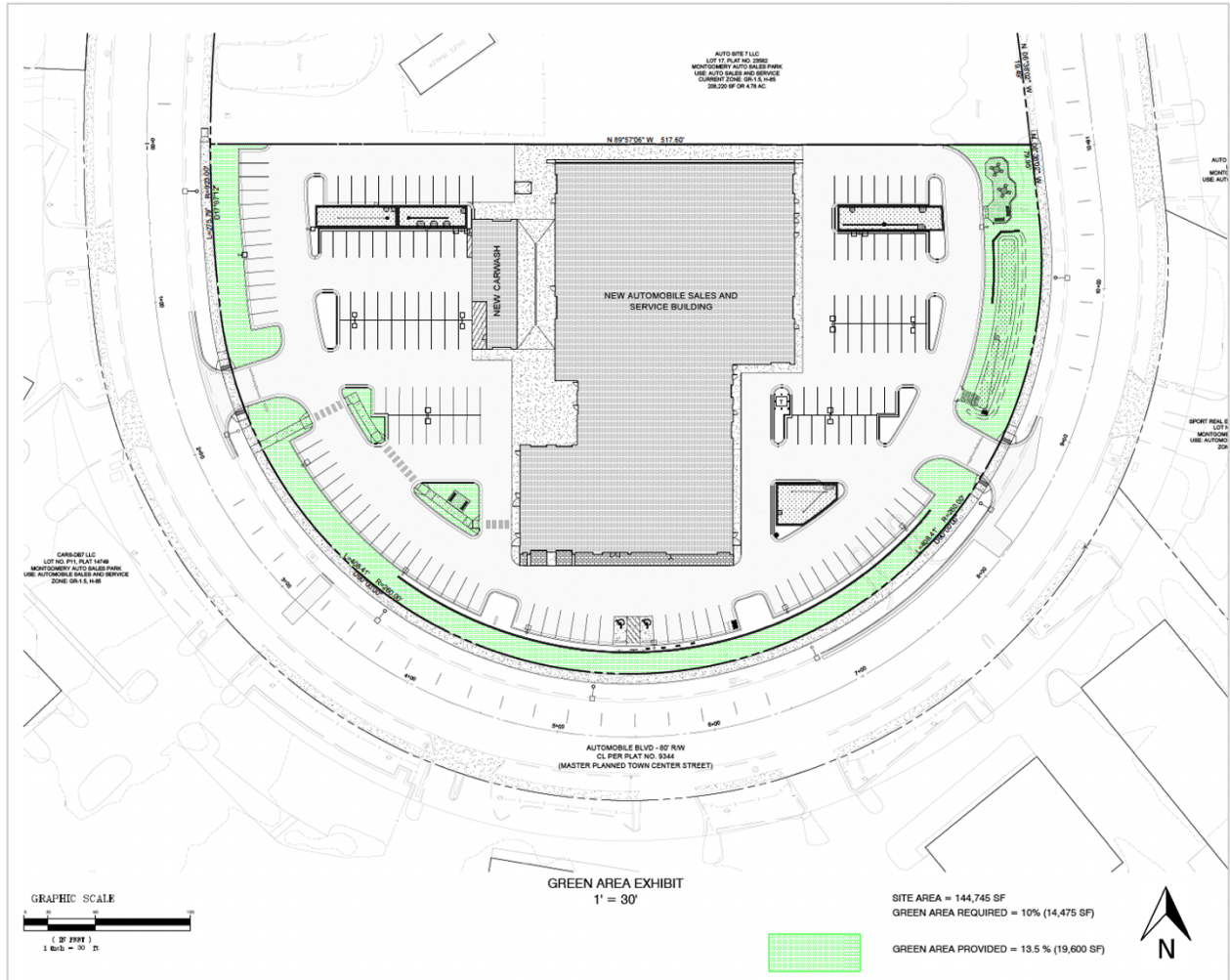


Figure 5 – Green Area exhibit with 13.5 percent provided

SECTION 4: COMMUNITY OUTREACH

Pursuant to Division 7.5 (Notice Standards), the Applicant has complied with all noticing requirements including the mailing of a notice of application letter and posting a notice sign on the Overall Property and Subject Property. A pre-submittal meeting is not required for amendment applications. Staff have mailed the public hearing notices for the Amendments.

To date, no community comments have been received.

SECTION 5: PRELIMINARY PLAN 11985027B FINDINGS AND ANALYSIS

The Planning Board approved Preliminary Plan No. 11985027A (MCPB Resolution No. 18-120) to create two (2) lots for a total of 155,000 square feet of automobile sales and services with 85,000 square feet allotted to Lot No. 17 and 70,000 square feet allotted to Lot No. 18.

Preliminary Plan Amendment No. 11985027B proposes to amend the APF phasing schedule by revising the benchmarks for Phase 1 and Phase 2 which will allow the development on Lot No. 18 to occur before the development of Lot No. 17. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

3. Public facilities will be adequate to support and service the area of the subdivision.

All public facilities continue to be adequate to support and service the Overall Property. The Preliminary Plan Amendment proposes to revise the Adequate Public Facilities (APF) phasing schedule to allow the development on Lot No. 18 to occur before the development of Lot No. 17. The APF validity period remains unchanged. The Preliminary Plan Amendment does not propose any change in use or additional density above the amount approved in the original preliminary plan, as amended. There are no additional public improvements necessary for the Preliminary Plan Amendment beyond those required for the original preliminary plan, as amended.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Preliminary Plan Amendment satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan Amendment F20240980.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

The Preliminary Plan Amendment is exempt from Chapter 19 of the County Code because there is no land-disturbing activity proposed with the Preliminary Plan Amendment. The Preliminary Plan Amendment proposes to revise the APF phasing schedule to allow the development on Lot No. 18 to occur before the development of Lot No. 17.

6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

There is no evidence, actual notice, or constructive notice of a burial site on the Overall Property. The Overall Property is not included in the Montgomery County Cemetery Inventory.

7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

There are no other applicable provisions specific to the Overall Property that are necessary for approval of this Preliminary Plan Amendment.

SECTION 6: SITE PLAN 82014014A FINDINGS AND ANALYSIS

Pursuant to the exemption provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, this Site Plan Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014, which was C-3 (Highway Commercial). The proposed Site Plan Amendment does not alter the intent of previous findings except as modified below.

- 1. The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;**

The Subject Property is not subject to a development plan, diagrammatic plan, schematic development plan, or a project plan.

- 2. The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56;**

As described above, the Site Plan Amendment must meet the development standards of the C-3 (Highway Commercial) zone; however; pursuant to Sec. 59-7.7.1.B.3.b, the Applicant requests to utilize parking standards in accordance with Sec. 59-6.2.3 and Section 59-6.2.4 of the 2014 Zoning Ordinance.

The proposed development satisfies all applicable development standards for the C-3 zone (Table 1). Table 1 lists only the applicable development standards required by the Site Plan Amendment. All other development standards remain in full force and effect as previously approved. The Site Plan Amendment is not subject to an urban renewal plan. The Site Plan Amendment has been reviewed by other applicable county and state agencies, all of which have recommended approval.

Table 1 – C-3 Zone Development Standards, Section 59-C-4.34

C-3 Zone	Allowed/Required	Approved Site Plan No. 820140140	Proposed Site Plan Amendment No. 82014014A
Gross Area	N/A	3.32 acres	No change
Building height, max.	42 FT	No building was approved	30 FT
Building setback from right-of-way, min.	10 FT	No building was approved	62 FT

C-3 Zone	Allowed/Required	Approved Site Plan No. 820140140	Proposed Site Plan Amendment No. 82014014A
Building height setback from adjoining commercial/industrial zone, min.	10 FT	No building was approved	11 FT
Green Area, min.	10% (14,475 SF)	22% (31,816 SF)	13.9% (19,600 SF)
Building coverage, max.	35% (50,661 SF)	No building was approved	27.6% (39,900 SF)
Vehicle parking ⁵	1 space/1,000 SF, min. (40 spaces) and 2.5 spaces/1,000 SF max. (100 spaces)	342 spaces for vehicle storage	40 spaces min. 100 spaces max.
Accessible spaces ⁶	2 spaces	Not applicable	2 spaces
Parking lot landscaping, min.	5% (3,980 SF) pavement area of (78,921 SF)	22% (31,816 SF) ⁷	12% (9,852 SF)
Parking lot shade coverage, min.	50% Master Plan (39,460 SF) shade coverage of pavement area (78,921 SF)	Not applicable	37% (29,890 SF) shade coverage 12% (9,555 SF) landscape heat island mitigation 1% (415 SF) high-albedo concrete paving 50% (39,860 SF) total shade and alternative cooling techniques

3. The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;

The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.

⁵ Pursuant to Sec. 59-6.2.3 motorcycle/scooter, car-share spaces, and electric vehicle charging spaces are not required. Pursuant to Sec. 6.2.4.C, bicycle parking spaces are not required for vehicle sales and service uses.

⁶ The Applicant must provide the minimum number of parking spaces required for handicapped persons under State law.

⁷ The existing approved landscape area was the same as the approved green space area.

A vehicle sales/service facility requires a land area large enough to accommodate customary commercial activities. The location of the new vehicle sales/service building and car wash are ideally located on the Subject Property to accommodate required development standards, vehicle display areas, customer parking, and outdoor amenity spaces, and stormwater management facilities in an adequate, safe and efficient combined with the proposed vehicular and pedestrian circulation system.

The Property has frontage on Automobile Boulevard, a one-way public road that is classified as a Town Center Boulevard under the *Master Plan of Highways and Transitways*. Vehicular and pedestrian access is provided from Automobile Boulevard. The total width of Automobile Boulevard is approximately 48-foot-wide, which corresponds to two (2) 16-foot-wide travel lanes and two (2) eight (8) foot-wide on-street parking lanes. The travel lanes are separated by on-street pavement markings. Existing travel lanes on Automobile Boulevard will remain unchanged (see Figure 7 below).

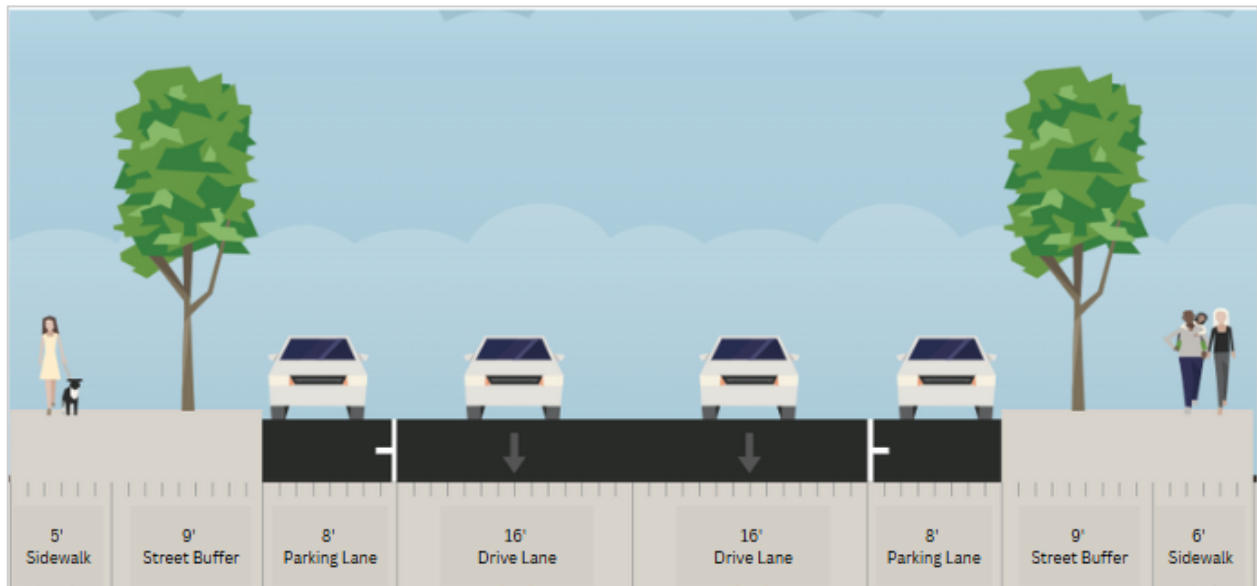


Figure 7 – Proposed road cross-section of Automobile Boulevard, as conditioned

Currently, there are no bicycle facilities along Automobile Boulevard. The 2018 *Bicycle Master Plan* calls for one-way six-and-one-half (6.5)-foot-wide separated bike lanes on both sides of Automobile Boulevard. If the bike lane were to be constructed along the Subject Property frontage, it would result in an unfinished, disconnected, and unsafe facility for the bicyclists. Therefore, as conditioned, the Applicant will provide a fee-in-lieu payment for the bike lane construction and the necessary right-of-way dedication to accommodate the facility in the future. The fee-in-lieu of construction payment will be inflated based on the Federal Highway Administration’s National Highway Construction Cost Index from the mailing date of the Planning Board resolution to the date of the payment.

The existing five (5) foot-wide sidewalk is substandard and will be upgraded to a six (6) foot-wide concrete sidewalk with a nine (9) foot-wide street buffer with closed section drainage. These improvements will satisfy the requirements for Town Center Boulevards in accordance with the 2024

Complete Streets Design Guide. Street trees will be planted within the street buffer to enhance pedestrian experience along Automobile Boulevard.

The proposed six (6) foot-wide concrete sidewalk will connect to the existing five (5) foot-wide sidewalk to the northern portion of the teardrop of Automobile Boulevard (see Figure 7 above). This will provide for full pedestrian connectivity between nearby commercial and residential uses in the vicinity of the Subject Property.

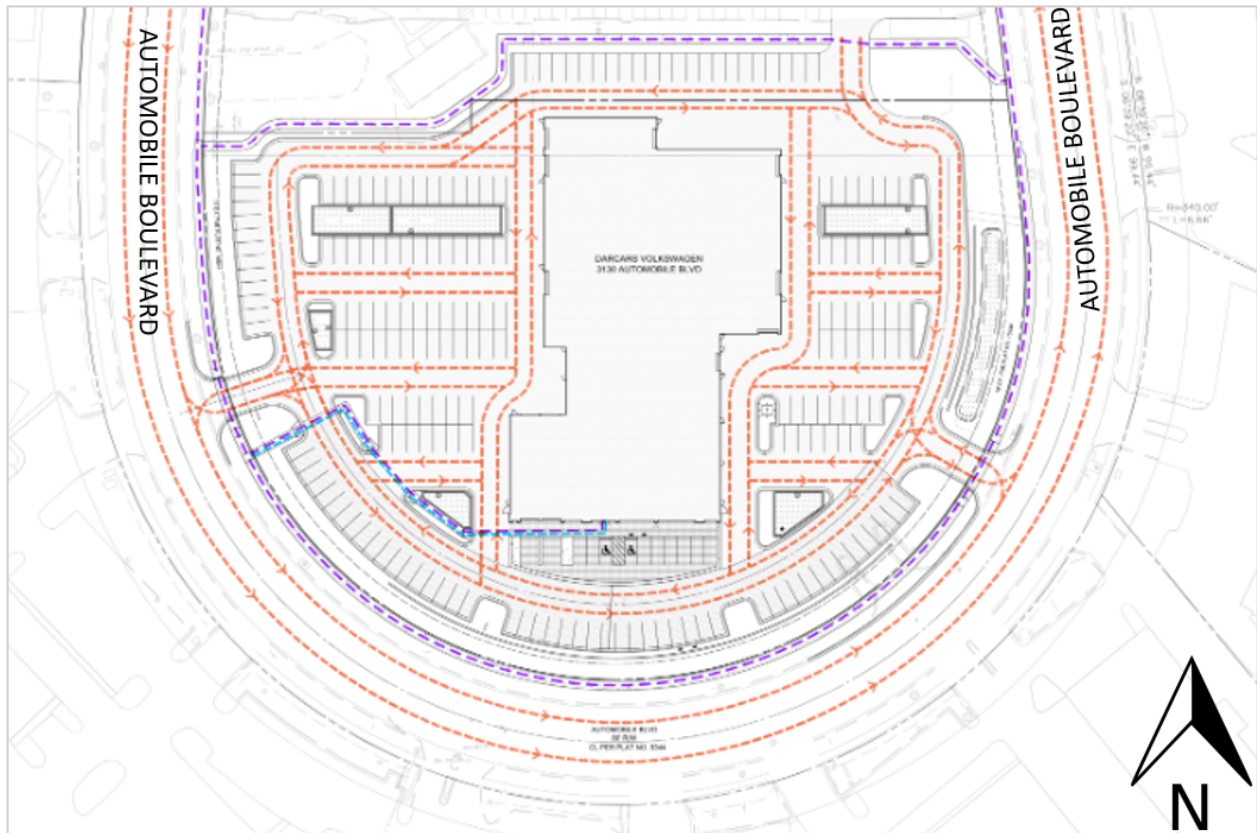


Figure 8 - Proposed vehicular circulation

As shown in Figure 8, the proposed vehicular circulation is safe, adequate, and efficient. Vehicular access to the Subject Property will be provided through Automobile Boulevard, which is served by Briggs Chaney Road. Motor vehicles will enter the Subject Property from new driveways along the southeastern or southwestern portion of the Subject Property. The driveways will be constructed in accordance with the standards in MC-302.01 (Commercial Driveway). Internal circulation is proposed to be in a two-way configuration with 24-foot-wide travel lanes, consisting of two (2), 12-foot-wide bidirectional travel lanes.

The Applicant's Transportation Exemption Statement ("TES") dated September 24, 2024, states that the Site Plan Amendment will not generate any new net person trips. The Subject Property is located in the Fairland and Briggs Chaney Policy Area, which is classified as an Orange Policy Area under the 2020-2024 *Growth and Infrastructure Policy* ("the GIP"). On May 5, 2014, a Transportation Impact Study

("TIS") was submitted, and accounted for all trip generation counts related to this use. On June 25, 2014, an amendment to this TIS was submitted, and also accounted for all the trip generation counts related to this use. The Site Plan Amendment is consistent with the use previously analyzed and approved under the previous Preliminary Plan No. 11985027A and Site Plan No. 820140140. Since the Site Plan Amendment does not change the existing approved land use, no additional trips are generated and, therefore, no further transportation adequacy analysis is required.

As shown on the Landscape and Lighting Plan, the proposed landscaping is adequate, safe, and efficient. The proposed landscaping includes street trees, parking lot shade trees, ornamental trees, shrubs, perennials, grasses, and groundcover. A total of 36 percent tree shade coverage will be achieved at maturity. The 2023 *Fairland and Briggs Chaney Master Plan* recommends areas of surface parking lots should provide at least 50 percent tree canopy coverage, inclusive of any tree canopy area required by parking standards under the Zoning Ordinance. The Site Plan Amendment provides 50 percent total combined shade and alternative cooling technique coverage as follows: 37 percent (29,890 SF) tree shading, 12 percent (9,555 SF) landscape heat island mitigation, one (1) percent (415 SF) high-albedo concrete paving.

Furthermore, the Master Plan recommends a linear open space amenity along the east side, where there is an existing drainage swale, to include shade trees, a vegetated swale for collecting and conveying stormwater, and pedestrian amenities, such as outdoor furniture or shade structures. As shown in Figure 4, the Site Plan Amendment will provide a linear open space with shade trees, a vegetated open swale, and a seating area with outdoor furniture. An additional outdoor seating area is provided southwest of the building near the customer service area. Recreational facilities are not required for this Project.

4. Each structure and use are compatible with other uses and other site plans, and with existing and proposed adjacent development; and

The proposed building and use are compatible with other uses and other site plans, and with existing and proposed adjacent development. The Site Plan Amendment proposes to construct a 39,900 square foot automobile dealership on unimproved land in the Montgomery Auto Sales Park, a sizeable commercial area developed with several automobile sales and service dealerships. The proposed land use and the scale, massing, architecture, and location of the building are similar and compatible with those existing in the area (Figure 3). There is no other known proposed adjacent development.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

As described in the Final Forest Conservation Plan Amendment No. F20240980 findings section of this report, the Site Plan Amendment meets all applicable requirements of Chapter 22A regarding forest conservation. The Project satisfies all applicable requirements of Chapter 19 regarding water resource protection. DPS approved a Site Development Stormwater Management Concept Plan on

September 5, 2024, which proposes to meet required stormwater management goals via micro-bioretention and storm filter structures. There are no other applicable laws.

SECTION 7: FOREST CONSERVATION PLAN AMENDMENT F20240980 FINDINGS AND ANALYSIS

All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Subject Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code (“FCL”) and requires a Final Forest Conservation Plan. The Applicant has previously obtained approval of a Final Forest Conservation Plan No. 820140140 and is amending that plan with this current application. The FFCP is only for Lot No. 18. The submitted FFCP Amendment is in substantial compliance with the previously approved Final Forest Conservation Plan, Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and described below.

FOREST CONSERVATION

Final Forest Conservation Plan Amendment

The Applicant has submitted a Final Forest Conservation Plan Amendment No. F20240980 (“FFCP”) for concurrent review with the development plan application for Site Plan Amendment No. 82014014A (Attachment D). This FFCP amends the Final Forest Conservation Plan No. 820140140 for Lot No. 18 only. This FFCP was submitted in order to comply with Sec. 22A.00.01.09.B of the Forest Conservation Regulations requiring that all new and proposed construction be shown on the FFCP. This FFCP does not revise the Total Tract Area from the original FFCP, but it does slightly increase the offsite LOD thereby increasing the Net Tract Area and the overall afforestation requirement as described below.

As the associated Site Plan Amendment is being reviewed under the C-3 zone and the zoning ordinance in place prior to October 30, 2014, it is assigned a Land Use Category of Commercial and Industrial Use (“CIA”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical Manual. This results in an afforestation and conservation thresholds of 15 percent of the Net Tract Area.

The Net Tract Area for forest conservation purposes includes the Total Tract Area of 3.32 acres plus 0.60 acres of offsite disturbance associated with this Application. This results in a total Net Tract Area of 3.92 acres. There is no forest on the Subject Property which gives a total afforestation/reforestation requirement of 0.59 acres as shown on the FFCP Worksheet. As conditioned, the Applicant will meet this planting requirement by purchasing forest mitigation bank credits from an off-site forest bank or, if no banks are available, then by making a fee-in-lieu payment into the Forest Conservation Fund.

SECTION 8: CONCLUSION

As conditioned, Preliminary Plan Amendment No. 11985027B satisfies the findings under Chapter 50, Site Plan Amendment No. 82014014A satisfies the findings under Section 59-D.3.4.c and the applicable standards of the Zoning Ordinance, and both applications substantially conform to the recommendations of the 2023 *Fairland and Briggs Chaney Master Plan*. The Final Forest Conservation Plan Amendment No. F20240980 satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Therefore, Staff recommends approval of Preliminary Plan Amendment No. 11985027B, Site Plan Amendment No. 82014014A, and Final Forest Conservation Plan Amendment No. F20240980, with conditions.

ATTACHMENTS

Attachment A: Prior Approval Resolutions

Attachment B: Applicant Statement of Justification

Attachment C: Preliminary Plan Amendment

Attachment D: Site Plan Amendment

Attachment E: Final Forest Conservation Plan Amendment

Attachment F: Agency Letters