

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

February 6, 2025

MCPB No. 25-017  
Preliminary Plan Amendment No. 11985027B  
Montgomery Auto Sales Park Lots 17 & 18  
Date of Hearing: January 16, 2025

## **RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on June 6, 1985, the Planning Board, by an Opinion mailed June 14, 1985, approved Preliminary Plan No. 119850270, creating one (1) lot on 8.1 acres of land in the C-3 zone, located approximately 580 feet southwest of the intersection of Briggs Chaney Road and Automobile Boulevard (“Subject Property”), in the Fairland/White Oak Policy Area and 2023 *Fairland and Briggs Chaney Master Plan* (“Master Plan”) area; and

WHEREAS, on November 8, 2018, the Planning Board approved Preliminary Plan No. 11985027A (MCPB No. 18-120) 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 the Subject Property; and

WHEREAS, on August 7, 2024, Auto Sites 7, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plan(s) to amend the Adequate Public Facilities (“APF”) phasing schedule by revising the benchmarks for Phase 1 and Phase 2 on the Subject Property; and

WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan Amendment No. 11985027B, Montgomery Auto Sales Park Lots 17 & 18 (“Preliminary Plan,” “Amendment,” or “Application”); and

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

WHEREAS, the Application was submitted for concurrent review and approval with Site Plan Amendment No. 82014014A and Forest Conservation Plan No. F20240980; 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 3, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 16, 2025, 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, and Commissioners Bartley, Hedrick, and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 11985027B to amend the APF phasing schedule by revising the benchmarks for Phase 1 and Phase 2 on the Subject Property by modifying the following conditions:<sup>1</sup>

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 dated 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 any 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 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 Planning Board Resolution No. 18-12, and as shown in the following APF phasing schedule:

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

<b>Phase</b>	<b>Benchmark</b>	<b>Duration</b>
1	Approval of Site Plan amendment for Lot No. 18 and construction of the automobile dealership on Lot No. 18.	60 months
2	Construction of 50% of total approved square footage on Lot No. 17.	36 months (96 months cumulative)
3	Construction of 100% of total square footage approved for Lot No. 17 and Lot No. 18.	120 months (10 years cumulative)

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

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

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, as revised by previous amendments, and all findings not specifically addressed remain in effect.

***1. 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.

***2. 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 pursuant to Forest Conservation Plan Amendment F20240980.

***3. 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.

4. ***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 Subject Property. The Subject Property is not included in the Montgomery County Cemetery Inventory.

5. ***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.

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 6, 2025

(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 motion of 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, January 30, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board