

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

February 6, 2025

MCPB No. 25-018

Site Plan Amendment No. 82014014A

Montgomery Auto Sales Park Lot 18

Date of Hearing: January 16, 2025

**SUPERSEDED**

## **RESOLUTION**

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

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on November 8, 2018, the Planning Board, by Resolution MCPB No. 18-116, approved Site Plan No. 820140140 to allow a parking and automobile storage facility on Lot No. 18, with no building or density on 3.32 acres of C-3-zoned land, located approximately 1,000 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 August 7, 2024, Auto Sites 7, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved site plan for a 39,900 square foot building for automobile sales and service with outside display, and an accessory car wash on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82014014A, Montgomery Auto Sales Park Lot 18 (“Site Plan,” “Amendment,” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Preliminary Plan Amendment No. 11985027B 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,

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2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605  
[www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) | [mcp-chair@mncppc.org](mailto:mcp-chair@mncppc.org)

Approved as to  
Legal Sufficiency:

/s/ Matthew Mills  
M-NCPPC Legal Department

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 Site Plan No. 82014014A for a 39,900 square foot building for automobile sales and service with outside display, and an accessory car wash with the following conditions, which supersede all previous conditions:<sup>1</sup>

### **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.<sup>2</sup>

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 the 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.

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.

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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.

<sup>2</sup> 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 approved by Staff.

- 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 adjusted 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-MC PPC 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-MC PPC 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

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 82014014A, submitted via ePlans to the M-MC PPC 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 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 site plan, and all findings not specifically addressed remain in effect.

- 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.*

The Subject Property includes 3.32 acres zoned CR-2.0, C-1.5, R-1.5, H-85 on Subject Property. The zoning in effect on October 29, 2014 was C-3. The Amendment is not subject to an urban renewal plan. The Application satisfies the applicable development standards as shown in the following data table:

**Data Table**

<b>C-3 Zone</b>	<b>Allowed/Required</b>	<b>Site Plan No. 820140140</b>	<b>Approved Site Plan Amendment No. 82014014A</b>
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
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)

<b>C-3 Zone</b>	<b>Allowed/Required</b>	<b>Site Plan No. 820140140</b>	<b>Approved Site Plan Amendment No. 82014014A</b>
Building coverage, max.	35% (50,661 SF)	No building was approved	27.6% (39,900 SF)
Vehicle parking <sup>3</sup>	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 <sup>4</sup>	2 spaces	Not applicable	2 spaces
Parking lot landscaping, min.	5% (3,980 SF) pavement area of (78,921 SF)	22% (31,816 SF) <sup>5</sup>	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. 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

<sup>3</sup> 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.

<sup>4</sup> The Applicant must provide the minimum number of parking spaces required for handicapped persons under State law.

<sup>5</sup> The existing approved landscape area was the same as the approved green space area.

an adequate, safe and efficient combined with the proposed vehicular and pedestrian circulation system.

The Subject Property has frontage on Automobile Boulevard, a one-way public road 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 feet 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.

The 2018 *Bicycle Master Plan* recommended one-way six-and-one-half (6.5)-foot-wide separated bike lanes on both sides of Automobile Boulevard. Due to the lack of a feasibly close bicycle facility with which to connect, 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 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.

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

The proposed structure and use are compatible with other uses and other site plans, and with existing adjacent development. The structure is 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, and other automobile-related uses. The proposed land use and the scale, massing, architecture, and location of the building are similar and compatible with those existing in the area. 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 Final Forest Conservation Plan Amendment No. F20240980, the 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-bioretenment and storm filter structures. There are no other



relevant applicable laws.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

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

February 6, 2025

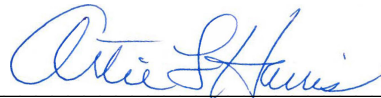
(which is the date that this resolution is mailed to all parties of record); and

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.

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#### **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.