




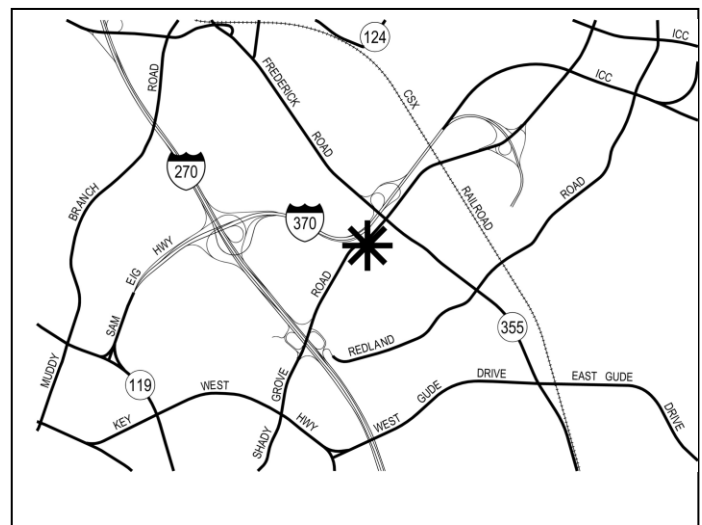
AAA-Gaithersburg, Subdivision Review Waiver SRW-201301, & Site Plan 820130160

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Completed: 07/12/13

Description

- Subdivision Regulation Waiver (SRW) request for waiver of Chapter 50, Sec. 50-22 pursuant to Sec. 50-38(a)(1);
- Site plan application for removal of 4,252 sq. ft. of commercial uses and construction of 8,093 sq. ft. of auto repair/service and office space;
- On 0.89 gross acres (0.83 net acres) in the C-3 (Highway Commercial) zone;
- Located at 16045 Shady Grove Road, Rockville, in the southeast quadrant of the intersection of Shady Grove Road and Pleasant Road within the Shady Grove Sector Plan area;
- Applicant: FAL, LLC;
- Submitted: SRW: 7/12/13;
Site Plan: 2/25/13.



Summary

- Staff recommends **approval** of the SRW request for the waiver of the requirement for a preliminary plan of subdivision and plat and **approval** of the Site Plan with conditions.
- The SRW request is specifically for Planning Board approval to waive dedication of additional master plan right-of-way on Pleasant Road and Shady Grove Road.
- The Subject Property is currently improved with 4,252 sq. ft. of commercial space used for automobile repair/services/sales. The proposal will allow for replacement of the existing building with an 8,093 square foot auto repair/service and office building.
- The proposal includes a request for a waiver of Sec. 59-C-4.367(a)(4), special regulations applicable to designated automobile-related uses, for the building setback from the existing 120-foot right-of-way of Shady Grove Road. Staff supports the waiver request because it will help achieve key recommendations in the Shady Grove Sector Plan and will not adversely affect the character of the roadway and surrounding uses.
- The Applicant proposes a 15-foot Public Improvement Easement rather than dedication along Shady Grove Road and no additional dedication along Pleasant Road. If approved, these two roads will not provide the full master-planned width for the respective rights-of-way; for the specific reasons discussed in this Staff Report, Staff supports these modifications and believes the intent of the Sector Plan will be upheld along each road.
- The site has a confirmed Forest Conservation Exemption in #42013195E with a Tree Save Plan (TSP) to address forest conservation. Three specimen trees are associated with the site as identified in the TSP.
- Staff has not received any correspondence from noticed parties as of the date of this report.

SUBDIVISION REGULATIONS WAIVER RECOMMENDATION

Staff recommends approval of SRW 201301 to waive the requirement for a preliminary plan of subdivision and plat to obtain Planning Board approval to waive dedication of additional master plan right-of-way on Pleasant Road and Shady Grove Road.

SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 820130160, AAA Gaithersburg, for a maximum of 8,093 square feet, including up to 4,836 square feet of automobile repair and service uses and up to 3,257 square feet of office uses. All site development elements as shown on the site, landscape, lighting, and architectural plans electronically received on June 14, 2013 are required, except as modified herein, subject to the following conditions:

1. Transportation – Pedestrian and Bicycle Facilities

- a. The Applicant must coordinate with the Greater Shady Grove Transportation Management District (TMD) to assist them in achieving the 2006 *Shady Grove Sector Plan's* transit ridership goal of 12.5% for employees.
- b. The Applicant must provide a 15-foot public improvement easement (PIE) along Shady Grove Road for a total of 75 feet of publicly accessible right-of-way from its centerline. This PIE must be recorded by deed in the land records prior to approval of the certified site plan.
- c. The Applicant must provide an upgraded 10-foot wide shared use path with landscaping, as shown on the site plan, along Shady Grove Road.
- d. The Applicant must provide a lead-in sidewalk from Pleasant Road with the necessary handicap ramps along the path across the internal drive aisle between the lead-in sidewalk and the building.
- e. The Applicant must provide two bicycle parking spaces close to the main entrance using inverted-U bike racks, or equivalent, located near the main entrance and next to the building, preferably in a weather-protected area.

2. Environmental

- a. The Applicant must comply with the Tree Save Plan confirmed in #42013195E, as amended by the Planning Department Inspection Staff at the time of the pre-construction meeting.
- b. The Applicant must provide a cool roof with a solar reflectance index of at least 75 and/or vegetated roof over at least 66% of the roof, excluding mechanical areas.

3. Maintenance

Maintenance of all on-site landscaping, lighting, hardscape, and site elements is the responsibility of the Applicant and subsequent owner(s). Maintenance may be taken over by a governmental agency by agreement with the owner and applicable agency.

4. Financial Security and Agreement

Prior to issuance of a building permit, the Applicant must provide a performance bond(s) or other form of financial surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The Applicant must provide a cost estimate of the materials and facilities, which upon Staff approval, will establish the initial surety amount.

- b. The amount of the bond or surety shall include plant material, on-site lighting, and exterior site furniture.
- c. Prior to issuance of the building permit, the Applicant must enter into a Site Plan Surety Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. The bond/surety must be tied to the Development Program, and completion of plantings and installation of particular materials and facilities covered by the surety for the development will be followed by inspection and reduction of the surety.

5. Architectural Elevations

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

6. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan. The development program must include the following items in the schedule:

- a. Demolition of the existing building may commence prior to approval of the certified site plan.
- b. Street lamps and sidewalks adjacent to the proposed building must be installed prior to the release of the use-and-occupancy permit for the new building. Street tree plantings may wait until the next growing season.
- c. On-site amenities including, but not limited to public use amenities adjacent to the new building, must be installed prior to release of the use-and-occupancy permit for the new building.
- d. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan, and M-NCPPC inspection and approval of all applicable environmental protection devices.
- e. The development program must provide for installation of on-site landscaping and lighting.
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, and other features, as applicable.

7. 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:

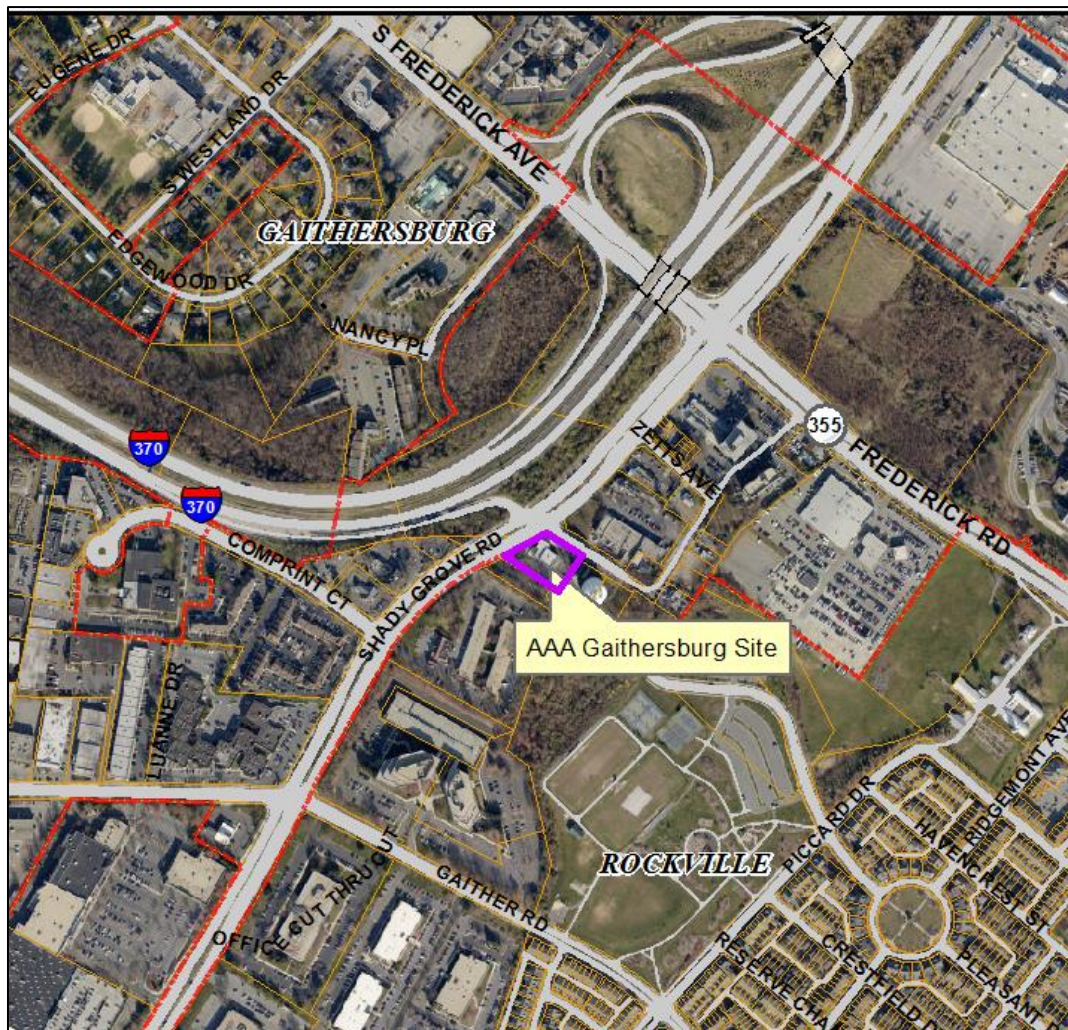
- a. Remove unnecessary sheets, as required by Staff.
- b. Make corrections and clarifications to details, labeling, data tables, and schedules, as required by Staff.
- c. Add a note stating, "Streetscaping improvements in the right-of-way and PIE may be removed or modified by the Montgomery County Department of Permitting Services or Montgomery County Department of Transportation without need to amend this certified site plan."
- d. Delineate the 15-foot wide PIE along the site's entire Shady Grove Road frontage.
- e. As in the July 8, 2013 e-mail from the Montgomery County Department of Permitting Services (DPS), the Applicant must address the following site elements, as approved by DPS Staff:

- All public sidewalks, bike paths and handicap ramps along the site frontage must be ADA-compliant. The handicap ramps must align with the pedestrian crossings on the streets.
 - Tractor trailers are not allowed on-site. Proper signage must be provided accordingly. The truck turning movements provided for right-in and right-out movements show possible conflicts with opposite direction traffic. This issue should be further investigated at permit stage and additional restrictions may be implemented.
 - Storm drainage study (and possible improvements if needed) and private open space covenant must be provided at permit stage.
- f. Ensure consistency of all details and layout among the site, landscape plans and the Tree Save Plan in #42013195E. Show and label the three specimen trees on and in vicinity of the site, and list the applicable two specimen trees in the Landscape Plan's legend as "to be saved."
- g. Include the Forest Conservation Exemption approval, stormwater management concept approval, development program, inspection schedule, and Resolution approving this Site Plan on the approval or cover sheet.

SITE DESCRIPTION

Site Vicinity

The subject site is located in the southeast quadrant of the intersection of Shady Grove Road and Pleasant Road. Confronting to the north are Pleasant Road and an existing commercial retail shopping center. To the east are a public utilities facility owned by WSSC with a water storage tower and an unmanned equipment storage building with a telecommunications tower; beyond that is an undeveloped property zoned C-3. The latter property contains two large diameter water lines associated with the WSSC site. To the south is a Washington Suburban Sanitary Commission (WSSC)-owned parcel and beyond that are commercial uses developed with three structures: one restaurant building and a motel (in two buildings). To the west are Shady Grove Road and an exit ramp of I-370.

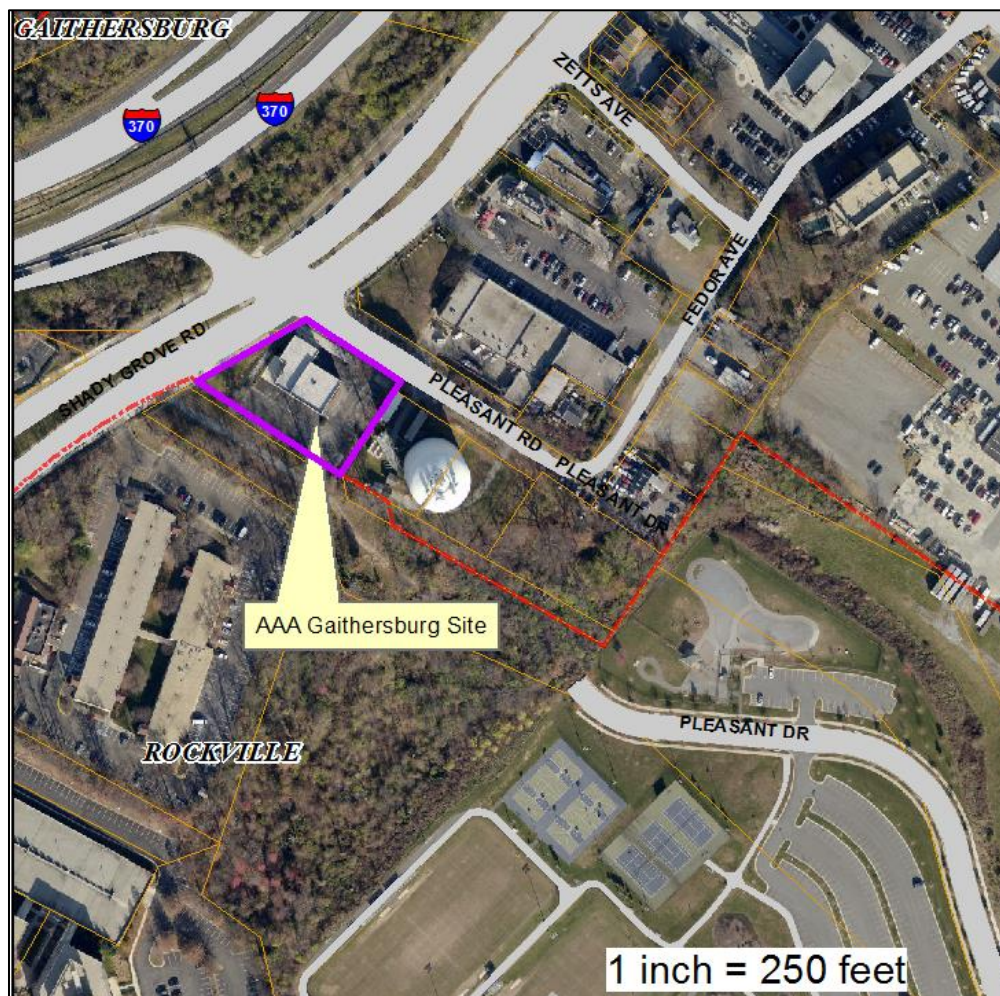


Site Vicinity

Existing Conditions

The site is developed with a one-story commercial building containing 4,252-square feet and off-street parking lot constructed in 1982. The existing building has been used for automobile-related uses and the most current occupant was Elite Motor Sports. Existing vehicular access is from Pleasant Road.

The 0.83-acre site contains no stream, wetlands, or other environmental features. The property is located in the Muddy Branch watershed that is designated as Use Class I-P Waters¹ by the State of Maryland. The site is not located within a Special Protection Area and does not contain rare, threatened, or endangered species.



Aerial View (boundary with Rockville shown in red)

¹ Use I-P – Waters that are suitable for: water contact sports; play and leisure time activities where the human body may come in contact with the surface water, fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and public water supply.

Project Description

Previous Approvals

Preliminary Plan

Preliminary Plan 119820050 approved one lot for highway commercial-related uses in 1982. The site is also known as Lot 16 of Block B of the Michael C. Zetts subdivision.

Site Plan

Site Plan 819820060 approved 4,252 square feet of highway commercial-related uses in 1982. There is no record of the Planning Board Resolution.

Proposal

The Applicant is pursuing an SRW request to waive the requirement of a preliminary plan of subdivision and plat. Specifically, the SRW is for a waiver of the requirement to dedicate additional right-of-way for Pleasant Road and Shady Grove Road. As stated in the Applicant's Justification Statement for the SRW (Attachment A), the Applicant believes that a waiver is justified because the Sector Plan recommendations for additional right-of-way no longer apply and further dedication would significantly impact the developable area of the site given the large setbacks and significant stormwater management requirements under County Code. Instead of providing the Sector Plan recommended right-of-way, the Applicant intends to establish a 15-foot wide Public Improvement Easement (PIE) along the Shady Grove Road frontage for future installation of public improvements by the Montgomery County Department of Transportation (OT) and public utilities (including Verizon and PEPCO), if necessary. The PIE will be recorded by deed in the Department of Land Records prior to Certified Site Plan. Adequate Public Facilities will be tested as part of the site plan application.

The Applicant is also pursuing site plan approval to construct an 8,093-square foot building with off-street parking. The existing auto service/repair building will be demolished and all related appurtenances will be removed and replaced with a building containing eight auto repair/service bays and office space. The pedestrian entrance of the proposed building will be oriented toward the Shady Grove Road and Pleasant Road intersection.

The vehicular entrance to the site is from Pleasant Road. Off-street parking is located on the south side of the building. One parking space above the minimum required will be provided including the eight service bays. A trash dumpster is located to the left of the entry driveway. The dumpster will be enclosed on all sides with materials to complement the building. A swinging gate at the front of the dumpster is provided to keep it secured when not in use.

Three retaining walls are proposed due to the site's topography. Two of the three walls are used to accommodate stormwater management facilities near Shady Grove Road; the third retaining wall is proposed on the site's south property line. Landscaping is provided primarily around the perimeter of the site and around stormwater management facilities.



Illustrative Landscape Plan



Building Elevations

The Applicant has submitted a Statement of Justification (Attachment B) explaining how the proposal is in conformance with the Shady Grove Sector Plan and the Zoning Ordinance requirements in the C-3 zone. The Statement also includes a waiver request for Section 59-C-4.367(a)(4) Special regulations applicable to designated automobile-related uses.

Public water and sewer utilities are available and will serve the site. The proposal will be constructed in one phase.

Community Outreach

The Applicant has complied with all submittal and noticing requirements. No comments have been received as of the date of this report.

ANALYSIS AND FINDINGS

Subdivision Regulation Waiver Request

The Subject Property is a platted lot, Lot 16, Block B of the Michael C. Zetts subdivision. The Property is approximately 0.89 acres in size and is zoned C-3. As previously noted, the Subject Property contains a 4,252 square foot automobile related building, which is proposed to be replaced by a 8,093 square foot building for auto repair and maintenance uses, and general office space.

In a letter dated July 12, 2013, the Applicant requests that the Planning Board waive the requirement that the property proceed through the preliminary plan and platting process. The Applicant bases this request on the practical difficulties and unusual circumstances related to the assertion that the Shady Grove Sector Plan recommendations no longer apply.

The Planning Board has the authority to grant a waiver request pursuant to Section 50-38(a)(1) of the Subdivision Regulations provided certain findings can be made. The section states:

“The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.”

Section 50-25(a) of the Montgomery County Subdivision Regulations requires that a plat shall include roads and streets shown on any adopted master plan. The Section states:

“Master plan roads. Subdivision plats shall include roads and streets shown on any adopted master plan of streets and highways or parts of such adopted plans, in accordance with the road construction code, and where applicable shall include recommendations of the state roads commission as to state roads and access thereto.”

Sector Planned Roads

Shady Grove Road (M-42) is classified in the Sector Plan as a major highway with a minimum right-of-way of 150 feet and Pleasant Road (P-58) is classified as a primary residential street with a minimum right-of-way of 70 feet. As discussed below, Staff believes additional right-of-way dedication along these two roads is no longer necessary.

Shady Grove Road is currently a 120-foot wide right-of-way, and the Sector Plan recommended a 150 foot-wide right-of-way for Shady Grove Road. For this stretch of Shady Grove Road, the Sector Plan did not take into account the fact that the adjoining property to the south of the Subject Property is located within the City of Rockville. The City of Rockville's jurisdictional boundary continues south along the east right-of-way line of Shady Grove Road for approximately $\frac{3}{4}$ of a mile to I-270, and continues further south from there. Staff has learned the City of Rockville likely will not require any additional right-of-way to be dedicated for any property redeveloping within the City's limits along Shady Grove Road. Thus, any additional right-of-way dedication along this stretch of Shady Grove Road would presumably have to come from the west side of Shady Grove Road, or those areas under Montgomery County jurisdiction. Finally, the segment of Shady Grove Road east of the I-370 off ramp has a different recommended right-of-way of 120 feet.

In an e-mail dated July 8, 2013, Montgomery County Department of Permitting Services (DPS) Right-of-Way Permitting staff agree that no additional right-of-way dedication is necessary if the Planning Board grants the Subdivision Regulations Waiver. However, a 15-foot wide Public Improvement Easement (PIE) must be established on the site plan in relation to the site's Shady Grove Road frontage for any improvements that may be deemed necessary by the Montgomery County Department of Transportation or DPS Right-of-Way Permitting staff. The PIE must be recorded in the Department of Land Records by deed prior to Certified Site Plan. More specifics of the PIE are covered below in the site plan section of this report but will include installation of a new shared use path on Shady Grove Road with lawn panel for planting of shade trees.

Pleasant Road is currently a 60-foot-wide right-of-way that is a ring road that connects to Shady Grove Road and provides access to this small enclave of commercial properties. The Shady Grove Sector Plan recommends Pleasant Road be widened to a 70-foot wide right-of-way that was to connect to and through the King Farm Development to the east of the Subject Property. The City of Rockville has abandoned the segment of Pleasant Road within the City limits just east of the Subject Property, and instead reconfigured that area to accommodate the Mattie JT Stepanek Park. Thus, the connection as originally recommended in the Sector Plan will not occur and the 70-foot right-of-way contemplated for Pleasant Road is not necessary. The Site Plan will still require the typical improvements to the streetscape along Pleasant Road with a sidewalk and street trees.

Zoning and Stormwater Management

Another unusual set of circumstances facing this property are the zoning setbacks and stormwater management requirements. Although the Sector Plan describes street-activating, pedestrian-oriented development along this section of Shady Grove Road, the zoning requires a 50-foot setback (subject to waivers). Given this setback, the practical area of the site for stormwater management is between the building and the right-of-way. In combination with these two factors, an additional 15-foot dedication would relegate all building, parking, and stormwater management further back from Shady Grove Road and leave significantly less developable area than the zoning allows and that the Sector Plan envisioned.

Conclusion

Staff believes that a SRW is appropriate in this case since the property is already platted, the recommendations of the Sector Plan regarding right-of-way dedications no longer apply, and improvements and any other achievable Sector Plan recommendation or Adequate Public Facilities review can be handled through the review of the associated site plan. Therefore, staff finds the SRW is the minimum required to provide relief from the requirements of Chapter 50; it is not inconsistent with the objectives of the Sector Plan, and is not adverse to the public interest.

Shady Grove Sector Plan

The Approved and Adopted (2006) Shady Grove Sector Plan identifies the subject property and other properties along Pleasant Road and Shady Grove Road as within the Shady Grove Road Technology Corridor. Located within Area 1 of the Technology Corridor, the Sector Plan recommendations from page 25 (see Attachment C) are:

- Extend Pleasant Street to connect with the street network of the King Farm community as envisioned in the 1990 *Shady Grove Study Area Master Plan*.
- Preserve existing old trees to maintain vestiges of the original “shady grove.”
- Develop the commercial area with a street-oriented, direct and safe pedestrian access, and increased shade trees.
- Maintain the existing commercial and mixed-use zoning.

Urban Design

A key recommendation for commercial properties in Area 1 of the Technology Corridor is that “any redevelopment within the commercial area to be street-oriented, with direct and safe pedestrian access, and increased shade trees” (p. 25). The site plan orients the building closer to the intersection of Shady Grove Road and Pleasant Road, but the zoning requires extensive setback from the street. To the extent possible, this proposal contributes to maintaining the existing commercial character along this segment of Shady Grove Road.

Transportation and Circulation

There are no specific recommendations for this property; general transportation and circulation analysis is provided below.

Streetscape

The proposed streetscape, including sidewalks, shade trees and shrubs, along Shady Grove Road and Pleasant Road is consistent with the Sector Plan’s recommendation. The Sector Plan recommends “an extensive network of streetscaping in the Metro Neighborhoods” (p. 86). Specifically for Shady Grove Road, the Plan recommends that the roadway should be upgraded with “sidewalks, lighting, and extensive landscaping and street trees to create a green, attractive setting along its entire length” (p. 86). Elements of the improved streetscape will be within the right-of-way and PIE; as such, they may be removed or modified by DPS or DOT for public improvement projects but, as shown, comply with the vision of the Sector Plan.

Environment

Pervious surface parking, green area throughout the site, and new landscaping will contribute to achieving the Sector Plan environmental recommendations. An environmental objective of the Sector Plan is to promote “innovative solutions such as green roofs, green buildings, and low-impact development (LID) technologies as well as collective off-site retrofit and stream restoration measures that enhance natural systems” (p. 105). This proposal includes a few environmental features, including new stormwater management controls with landscaping, pervious pavement, expanded green area (streetscape along Shady Grove Road and Pleasant Road frontages), and tree canopy.

Site Plan

Zoning

Site Plan 820130160 has been submitted in compliance with Section 59-C-4.36 Purpose and development standards. The proposed development is on 31,110 square feet or 0.83 net acres of area zoned C-3. The following table shows the application's conformance to the development standards of the C-3 Zone:

Development Standards Data Table - C-3 Zone

Development Standard	Required/Allowed	Proposed for Approval
Maximum Building Height (feet) [Sec. 59-C-4.361]	42	30
Minimum Setbacks (feet) [Sec. 59-C-4.362 ²]		
Building Setback from adjoining commercial zoned land [Sec. 59-C-4.367(a)(1)]	10	10
Off-Street Parking Setback [Sec. 59-C-4.367(a)(1)]	10	10
Building Setback from R-O-W for Shady Grove Road (120' R-O-W) [Sec. 59-C-4.367(a)(4) ³]	50	40
Minimum Green Area (% of lot area) [Sec. 59-C-4.363]	10% or 3,611 SF	35% or 12,582 SF
Maximum Building Coverage (% of lot) [Sec. 59-C-4.367(b)]	35% or 12,638 SF	22.4 % or 8,088 SF
Off-Street Parking (1 space per each employee + 3.3 spaces/1,000 SF GFA) [Sec. 59-E- 3.7.]	36	37 ⁴

Waiver Request

The proposed building location is in conformance with two of the three C-3 Zone setback requirements. The building setback from Shady Grove Road, a major highway with a right-of-way of 120 feet or greater, requires a 50-foot building setback from the edge of the right-of-way. A waiver of 10 feet is requested due to unique constraints associated with the site. The Applicant proposes to locate the new building as close to Shady Grove Road as possible to address the key recommendations in the Shady Grove Sector Plan, including addressing streetscape recommendations for safe pedestrian access and

² Because an automobile-related use is proposed, the development is subject to Sec. 59-C-4.367 Special regulations applicable to designated automobile-related uses (a-e: building and off-street parking setbacks, building coverage, lighting, signs, and exemption for buildings constructed prior to August 22, 1988).

³ From any other street with a planned right-of-way of 120 feet or greater, buildings must be set back at least 50 feet from the street right-of-way. The Planning Board, however, may reduce this building setback at the time of site plan approval upon a finding that such reduction will not adversely affect the character of the roadway and surrounding uses taking into consideration setbacks on nearby properties.

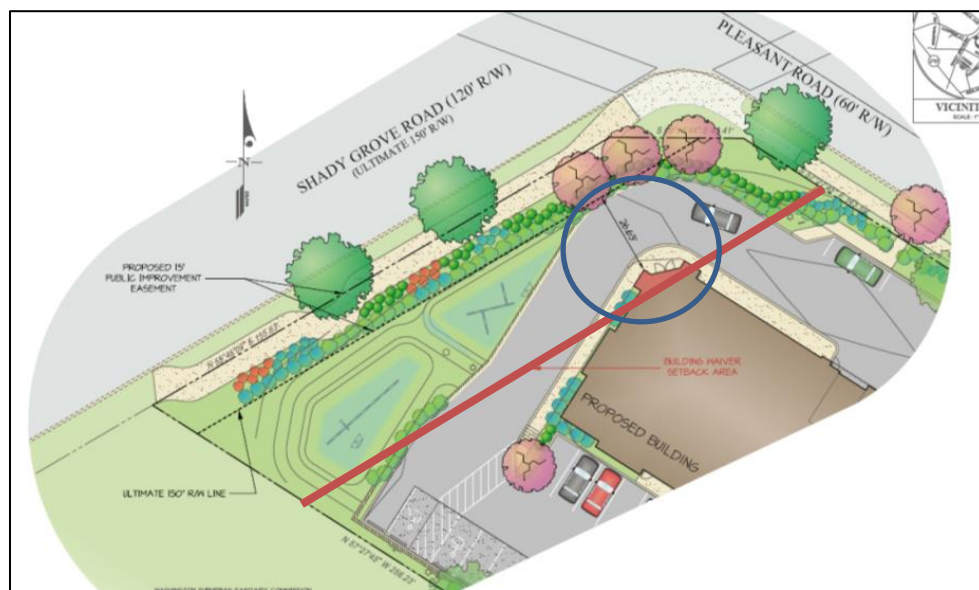
⁴ The eight service bays are allowed to be counted as parking spaces and are shown with dashed lines on the site plan.

additional landscaping on both Shady Grove and Pleasant Roads. The right-of-way of Shady Grove Road has expanded over the past three (plus) decades, and has in essence, moved closer to the existing building. The recommendations in the Sector Plan regarding the Shady Grove Road streetscape and urban design for commercial sites undergoing redevelopment conflict with the large setback required in the C-3 Zone. As a result, not all of the proposed building will be located outside of this building setback area, necessitating the waiver request. Only the northwest corner of the proposed building is inside the setback (see Figure 2 below).

In Staff's opinion, the positive attributes this proposal provides supersede any negative impact the partial encroachment of the proposed building's setback may have. This proposal's attributes include:

- The proposed building will be located closer to Shady Grove Road and Pleasant Road to address a key recommendation in the Urban Design section of the Shady Grove Sector Plan.
- The proposed building height is in compliance with the C-3 Zone.
- The proposal will improve the streetscape recommendations for redevelopment sites along the Shady Grove Road corridor.
- The Applicant will establish a 15-foot wide PIE along Shady Grove Road to install an upgraded shared use path consistent with the Countywide Functional Bikeways Master Plan.
- The PIE will include a five-foot wide green panel with landscaping to improve the streetscape, consistent with the Streetscape section of the Shady Grove Sector Plan.
- The proposal represents a continuation of the commercial character of uses along this segment of the road.

Staff supports the waiver request because the end result implements several key Sector Plan recommendations for sites undergoing redevelopment along Shady Grove Road. Staff finds granting the setback reduction will not adversely affect the character of the roadway and the surrounding uses on nearby properties. Furthermore, the proposal remains consistent with the purpose and intent of the C-3 Zone where commercial uses along a major highway such as Shady Grove Road are intended to serve the needs of the traveler and the highway user.



Building Setback Encroachment Exhibit

Landscape Plan

Six new shade trees and six new ornamental trees are shown on the Landscape Plan. Three evergreens and numerous shrubs and perennials are also proposed. Streetscaping is shown on the plan along the Shady Grove Road frontage in a landscape panel inside a 15-foot wide PIE. In the event a public agency or utility needs to install an improvement in the PIE, the landscaping will not be replaced by the agency making this improvement. An existing 10-foot wide public utility easement (PUE) along the Pleasant Road frontage will be planted with shrubs to screen proposed parking in this area. A Green Space exhibit included with the Landscape Plan shows that the green area provided exceeds the minimum green area required (see the Data Table above). This exhibit also shows that the required parking lot's internal landscaping requirement of 5% being met⁵.

This site has a Forest Conservation Exemption associated with it (see the Environmental section of this report, below). The Landscape Plan, however, does not correctly label and identify several specimen and significant trees on-site including two specimen trees on the confronting property to the south. The Landscape Plan must label and identify these specimen and significant trees to be saved as shown in the approved Tree Save Plan, including listing two trees in the Plan's legend as "to be saved."

Lighting Plan

The proposal includes a Lighting Plan to address Sec. 59-C-4.367(c) Lighting, of the Montgomery County Zoning Ordinance. This plan shows six pole-mounted light fixtures located around the site's parking lot perimeter to address appropriate light distribution for patrons and employees during the evening hours. This plan will meet industry standards.

Building Elevations

The Applicant has included proposed building elevations showing proposed building materials and the overall exterior design. The entrance to the building is at the northwest corner of the building and is oriented toward the Shady Grove Road/Pleasant Road intersection. Building materials include architectural metal panels at the entrance with the vendor's signage, a cast stone masonry base and watertable, several wall sconces for additional lighting around the building, and brick veneer. The eight service bay doors are located on the northeast and southeast sides of the building. The office space is located at the entrance of the building at the northwest corner.

Transportation

Master-Planned Roadways and Bikeways

In accordance with the 2006 *Shady Grove Sector Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, the abutting master-planned designated roadways and bikeways are:

1. Shady Grove Road is designated as a six-lane divided major highway, M-42, with a recommended 150-foot-wide right-of-way, and bike lanes, BL-30. (The segment east of I-370 off ramp has a different recommended right-of-way of 120 feet.) The *Countywide Bikeways Functional Master Plan* recommends a dual bikeway, DB-15, with bike lanes and shared-use path on the south side.
2. Pleasant Road is designated as a two-lane primary residential street, P-58, with a recommended 70-foot-wide right-of-way and no bikeway. Currently the right-of-way is 30 feet from the centerline of Pleasant Road. The Applicant proposes not to dedicate additional right-of-way for a

⁵ Section 59-E-2.73 of the Zoning Ordinance requires: A minimum of 5 percent of the internal area of a surface parking facility shall be landscaped with shade trees.

total of 35 feet from the centerline based on the fact that the road's current function has substantially changed since the *Sector Plan's* adoption in 2006 as a result of the City of Rockville's decision not to continue Pleasant Road southward to Piccard Drive within the King Farm development.

3. Associated with the I-370 off ramp at Shady Grove Road, I-370 is designated as a six-lane divided freeway, F-9, with a 300-foot wide right-of-way.

Shady Grove Road Frontage

The *Countywide Bikeways Functional Master Plan* recommends a dual bikeway (DB-15), with bike lanes and shared-use path on the south side of Shady Grove Road. Along the segment of Shady Grove Road between Eisenhower Highway (I-270) and Frederick Road (MD 355), (including this site), the shared use path is located on the south side of the road, consistent with City of Rockville planning (just west of the site). Based on a review of aerial photos and a count of the number of curb cuts on both sides of Shady Grove Road (for approximately one-half mile in both directions of the subject site), it was found the south side has fewer existing curb cuts, thus making for a more safe ride (by design) for bicyclists and less frequent occurrence of conflicts with motorized vehicles at curb cuts.

As discussed above, rather than dedicate an additional 15 feet, the Applicant is proposing to replace an existing 10-foot wide shared use path along the site's Shady Grove frontage to install an upgraded 10-foot wide shared use path within a 15-foot wide Public Improvement Easement (PIE) for a total of 75 feet of public accessible right-of-way from the road's existing centerline. DOT and DPS R-O-W Staff have agreed that no additional right-of-way along Shady Grove Road is necessary and will accept the PIE, the purpose of which is for future installation of public facilities or utilities (such as conduit boxes containing hardware for traffic signals) in the event the two aforementioned County agencies or public utilities determine such improvements are necessary.

Pleasant Road Frontage

Currently, Pleasant Road as constructed is 910 feet long with a 90 degree curve and functions as a 60-foot wide business district street (Road Code Standard No. 2005.01). Pleasant Road serves as a vehicular access for the Shady Grove shopping center and six other businesses where four of the six businesses depend on Pleasant Road for primary vehicular access.

As previously discussed, the Sector Plan vision recommended connecting Pleasant Road as a through-street from Shady Grove Road through the King Farm to Piccard Drive within the City of Rockville. The Sector Plan's vision of a through-street cannot be realized, however, as the right-of-way within Rockville was formally abandoned on May 21, 2012, by Ordinance No. 8-12 (Attachment D).

Transportation Demand Management

Under County Code Section 42A-25 "Traffic mitigation agreements," a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Transportation (DOT) cannot be required as only a site plan under the standard method development based on the following language under Section 42A-25(a):

"Any proposed subdivision or optional method development in a district must be subject to a traffic mitigation agreement if the Planning Board and the Director jointly decide."

Similarly, a Traffic Mitigation Plan is not be required for a redevelopment with less than 25 employees on the site at any one time. But the site is located within the boundary of the Greater Shady Grove TMD and the Applicant must coordinate with the Greater Shady Grove Transportation Management

Organization (TMO) to assist in achieving its transit ridership goal of 12.5% for employees of the Shady Grove Sector Plan area. Participation in the TDO involves cooperating with their staff to gather and distribute information on alternative commuting options that could help with the AAA Gaithersburg employees' commute.

Public Transit Service

Ride-On route 43 operates along Shady Grove Road between the Traville Transit Center and the Shady Grove Metrorail Station with 20-minute headways on weekdays and 30-minute headways on Saturdays.

Through the intersection at Shady Grove Road and Frederick Road (MD 355) (approximately 950 feet to the east of the site), three Ride-On routes operate:

1. Route 55 between the Germantown Transit Center and the Rockville Metrorail Station,
2. Route 59 between Montgomery Village and the Rockville Metrorail Station, and
3. Route 67 between the Traville Transit Center and the Shady Grove Metrorail Station.

In addition, the Public Hearing Draft of the *Countywide Transit Corridors Functional Master Plan* recommends that the Bus Rapid Transit include Corridor No. 3, MD 355 North, along a segment of MD 355 near the site.

Pedestrian Circulation, Handicap Parking, and Bicycle Facilities

The existing pedestrian/ bicycle facilities are proposed to be upgraded to a 10-foot wide shared use path along Shady Grove Road.

The existing 5-foot wide sidewalk is proposed to be extended from the site's curb cut on Pleasant Road to its northeastern property line with a green panel.

A lead-in sidewalk is being provided from Pleasant Road to the proposed building entrance but is missing the handicap ramps needed to be ADA-compliant, which will be modified under the proposed conditions of approval.

The on-site vehicular handicap parking spaces are located on the opposite side of the drive aisle from the northwestern front of the building because the grade and slope would be non-ADA-compliant if located next to the building.

As conditioned, the proposed location of the inverted-U bike racks will be relocated next to the building instead of next to the Pleasant Road sidewalk.

Local Area Transportation Review (LATR)

The Local Area Transportation Review is applied at site plan in this instance because no preliminary plan is required. The table below shows the total number of peak-hour trips generated by the proposed redevelopment during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.).

Proposed Land Use	Square feet	Peak-Hour Trips	
		Morning	Evening
Car Care Center	4,836	11	15
General Office Space	3,257	4	7
Total Site-Generated Trips		15	22

The Applicant submitted a traffic study because the proposed redevelopment was originally thought to generate 30 or more total peak-hour trips within the weekday morning and evening peak periods. The table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

1. Existing: The current traffic condition.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the site-generated trips.

Analyzed Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total
Shady Grove Road & Pleasant Road	Morning	1,203	1,251	1,256
	Evening	1,134	1,177	1,197
Pleasant Road & Site's Driveway	Morning	33	33	48
	Evening	61	61	75

As shown in the table above, the CLV values at the two analyzed intersections are less than the congestion standard of 1,800 for these intersections located in the Shady Grove (Metro Station) Policy Area and, thus, the LATR test would be satisfied.

Transportation Policy Area Review

Under the County Council's 2012-2016 *Subdivision Staging Policy* resolution, the Transportation Policy Area Review test does not require payment of the transportation impact tax because the site is located in a Metro station policy area.

Environment

Environmental Guidelines

Because no environmental features are located on-site or within vicinity of it, the proposed development activity is in compliance with the Guidelines.

Forest Conservation

The subject property is exempt from the requirements of submitting a Forest Conservation Plan per the confirmed Forest Conservation Exemption, #42013195E, dated June 10, 2013 (Attachment E). Under Chapter 22A, Section 22A-5(s)(2), the proposed project is an activity occurring on a tract less than one-acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or

any existing specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet.

Three specimen trees are associated with the site. Because this proposal includes removal of one specimen tree and impacts to the CRZ of two specimen trees to be saved, the site is subject to Chapter 22A-6(b), the Tree Save Plan provision. Two of these specimen trees are on the confronting WSSC-owned parcel to the south. Both of these specimen trees are near the property line shared with the subject site and the trees' critical root zones (CRZ) will be impacted based on the proposed location of the limits-of-disturbance. Several significant trees are located on-site. A Tree Save Plan under #42013195E indicates the two specimen trees on the WSSC property will be saved. The third on-site specimen tree will be removed due to its declining condition. One of several significant trees on-site will be saved.

Stormwater Management

The Applicant's stormwater management Concept Plan was determined by Montgomery County Department of Permitting Services Water Resources Staff as **acceptable** in a letter dated October 3, 2012 (Attachment F). Two stormwater management facilities are shown located at the Shady Grove Road area of the site due to the existing grade and drainage.

FINDINGS

In accordance with Section 59-D-3.4. Action by the Planning Board, in reaching its decision the following findings must be made:

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.*

A development plan, diagrammatic plan, or schematic development plan with binding elements are not associated with the subject property.

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 approval under Chapter 56.*

The Site Plan meets the requirements of the Montgomery County Zoning Ordinance for the C-3 zone as shown on the Data Table, above, subject to the recommended conditions of approval. Open space is provided in excess of the requirement and height and density limits are observed. Regarding setbacks, all are met except the front building setback, which requires a waiver.

The building setback from Shady Grove Road, a major highway with a right-of-way of 120 feet or greater, requires a waiver of 10 feet due to constraints associated with the site discussed in the Staff Report. Further, the recommendations in the Sector Plan regarding the Shady Grove Road streetscape and urban design for commercial sites undergoing redevelopment conflict with the large setback required in the C-3 zone. Only the northwest corner of the proposed building is inside the setback resulting in partial encroachment.

The positive attributes this proposal provides in compliance with key Sector Plan recommendations supersede the potential negative impacts the partial encroachment of the proposed building's setback might have. Staff finds that in granting the waiver request the proposal will be more consistent with the Sector Plan and remain consistent with the purpose and intent of the C-3 zone where commercial uses along a major highway such as Shady Grove Road, are intended to serve the needs of the traveler and the highway user.

3. *The location of buildings and structures, open spaces, landscaping, recreational facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Staff finds the proposed building location, landscaping, and vehicular circulation system are adequate, safe, and efficient, subject to the recommended conditions of approval. The proposed building will be located closer to Shady Grove Road and Pleasant Road in an effort to address recommendations in the Shady Grove Sector Plan. An upgraded shared use path will be installed along Shady Grove Road. Additional landscaping in the form of street trees, shrubs in a lawn panel inside the PIE on Shady Grove Road and streetscaping along Pleasant Road will also achieve Sector Plan recommendations. Pedestrian and vehicular connections will be improved and brought to current standards, including ADA-compliant handicap access with handicap parking spaces and sidewalk ramps for handicapped persons. A bike rack will be installed for cyclists. A lighting plan is proposed to be in compliance with industry standards to add to the site's adequate, safe, and efficient layout for the benefit of AAA Gaithersburg's customers and employees. Because this proposal is for a site zoned other than for residential uses, recreational facilities are not required.

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

The proposed building is compatible with adjacent properties because these are developed for the most part, with highway-oriented commercial uses. The redevelopment represented in this proposal is a continuation of the commercial uses intended along this segment of Shady Grove Road.

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.*

Staff finds the Site Plan is in compliance with the *Environmental Guidelines*, Chapter 22A of the Montgomery County Forest Conservation Law through Forest Conservation Exemption #42013195E and its Tree Save Plan. There are three specimen trees associated with the site, two of which will be saved to contribute to the preservation of vestiges of the original Shady Grove discussed in the Sector Plan.

Based on a review by the Department of Permitting Services review staff, the stormwater management concept for the site is acceptable. The stormwater management concept proposes to meet required stormwater management goals via the use of two ESD facilities along Shady Grove Road.

Attachments

- A. SRW Justification Statement
- B. Justification Statement
- C. Shady Grove Sector Plan References
- D. City of Rockville Ordinance
- E. Forest Conservation Exemption Letter
- F. Stormwater Concept Plan Letter
- G. Agency Approval Letters

Attachment A

AAA Gaithersburg Justification Statement for Subdivision Regulation Waiver Request

AAA Mid-Atlantic, Inc. ("Applicant") is requesting a subdivision regulation waiver to allow for the granting of a Public Improvement Easement ("PIE"), with a provision for future dedication, in lieu of a dedication at this time for the Shady Grove Road right-of-way, and a waiver of the requested dedication for Pleasant Road. As discussed more fully below, the PIE will achieve the objectives of the 2006 Shady Grove Master Plan ("Master Plan"), while also avoiding unnecessary negative impacts to the proposed project, and the dedication for Pleasant Road is no longer necessary given changed circumstances since the time of the adoption of the Master Plan.

The subject property is a 0.89 acre parcel of land located at 16045 Shady Grove Road in Gaithersburg ("Property"). The Property currently contains a vacant one-story building. As part of Site Plan No. 820130160 ("Site Plan") the Applicant is proposing the demolition of existing improvements and their replacement with a 8,093 square foot automobile service use and surface parking ("Project"). As a result of unique site constraints and the requirements of the Zoning Ordinance pertaining to automobile related uses, the Applicant has requested that the Planning Board grant a reduction of the building setback required under Section 59-C-4.367 of the Zoning Ordinance as part of the Site Plan.

The existing right-of-way for Shady Grove Road adjacent to the Property is 120 feet. The Master Plan calls for increasing this right-of-way to 150 feet. However, the Master Plan is clear that the purpose of the additional right-of-way is not for future road widening, but rather for pedestrian and streetscape improvements. In this regard, page 79 of the Master Plan states that the "increased right-of-way [for Shady Grove Road] will provide adequate space for pedestrians and streetscape improvements." Similarly, page 86 of the Master Plan calls for the upgrading of "Shady Grove Road with sidewalks, lighting, and extensive landscaping and street trees to create a green, attractive setting along its entire length." *See also*, Master Plan p. 25 ("Shady Grove Road...should be improved with extensive landscape treatments to achieve a more positive visual character for the entire corridor."). Page 71 of the Master Plan is even more specific in this regard, stating, "This Plan...places a special emphasis on transit service and traffic management techniques *rather than road widening*." (emphasis added).

Additionally, the Master Plan puts a special focus on orienting buildings to the street, particularly in the area of the subject property. Master Plan, p. 25. Providing 15 feet of dedication would not only push the proposed building further away from the right-of-way, contrary to the objectives of the Master Plan, but would also squeeze the developable area of the site such that necessary stormwater management, landscaping, circulation, building footprint and parking could not all be appropriately accommodated on the site. To resolve this, the Applicant is proposing to provide a 15 foot PIE that would include an easement for future dedication, should future widening of Shady Grove Road ever be necessary. This proposed PIE is shown on the attached plan. The PIE would allow for the provision of a 6 foot green panel with street trees, a 10 foot sidewalk/ shared use path, and 10 additional feet of green area, all as shown on the cross-sections on the attached plan. This would achieve the streetscape improvements envisioned by the Master Plan, while also avoiding unnecessary negative impacts on the Project.

Finally, with regard to Pleasant Road, although the Master Plan calls for the ultimate connection of this road to the street network in the King Farm community to the south, as was envisioned in the 1990 Shady Grove Study Area Master Plan, as evidenced by the attached resolution, in May 2012, after adoption of the Master Plan, the City of Rockville abandoned the right-of-way that would have created this connection, making any future extension of Pleasant Road highly unlikely. The Applicant therefore is requesting that the previously requested 5 foot dedication along Pleasant Road be waived. Waiver of this dedication would effectuate the cross-section shown on the attached plan, with a 5.5 foot green panel with street trees, 5 foot sidewalk, and 10 foot PUE.

Attachment B

AAA-GAITHERSBURG-SITE PLAN STATEMENT OF JUSTIFICATION

I. Property Description

The property is located at 16045 Shady Grove Road (also known as Lot 16, Block B, Michael C. Zetts Subdivision, Plat No. 13926) on the East side of Shady Grove Road, immediately to the North of the Rockville City boundary ("Property"). The property contains 36,110 square feet (0.892 Acres) of land area and is improved with a one – story building which contains 4,252 square feet of gross floor area. The adjacent property to the east is a WSSC water tank facility which also includes a telecommunication tower and equipment building. Shady Grove Road lies to the west and Pleasants Road borders the site to the north. South of the site is property in the City of Rockville which contains two large diameter water lines which are associated with the WSSC water tank. The existing development was allowed under previously approved Preliminary Plan of Subdivision 1-19820050 and Site Plan 8-19820060.

The Property is currently zoned C-3. Based upon Montgomery County Zoning Ordinance Section 59-C-4.360, the purpose of the C-3 zone is to provide for sites for commercial facilities which are related to the traveler and highway user. It goes on to say that points of direct access be controlled by restricting development to service road access, thereby minimizing interference with through traffic movements.

II. Proposed Development

The proposed redevelopment of the Property involves demolishing the existing building and appurtenances and replacing it with an 8,093 square-foot building and surface parking ("Project"). The proposed building will provide automobile related services. The proposed building will be shifted back from both Shady Grove Road and Pleasants Road.

The Project will be redeveloped in a single phase.

III. Action by the Planning Board

The site plan complies with the requirements of Zoning Ordinance Section 59-D-3.4(c) as follows and, therefore, the Planning Board can make the necessary findings to approve the site plan.

- A. Subsection 59-D-3.4(c)(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.

- **This subsection is not applicable to the Property.**

B. **Subsection 59-D-3.4(c)(2)** – The site plan meets all the requirements of the zone in which it is located and where applicable conforms to an urban renewal plan approved under Chapter 56.

- **The Project complies with the relevant development standards of Zoning Ordinance Section 59-C-4.36 and Section 59-C-4.366, *et seq.*, as identified below and shown on the Development Tabulations on the Site Plan. Moreover, the Project provides an opportunity to bring other components of the Property into conformance with these provisions, including parking lot setbacks, which would remain nonconforming absent re-development.**

- 1) **Purpose – 59-C-4.360** – The Property is currently zoned C-3. Based upon Montgomery County Zoning Ordinance Section 59-C-4.360, the purpose of the C-3 zone is to provide for sites for commercial facilities which are related to the traveler and highway user. It goes on to say that points of direct access be controlled by restricting development to service road access, thereby minimizing interference with through traffic movements.

Direct access to Shady Grove Road is not provided for this commercial redevelopment thus fulfilling the purpose of the zone.

- 2) **Building Height – 59-C-4.361** – No building may exceed 42 feet in height.

- **The proposed building height is 26'-10".**

- 3) **Setbacks 59-C-4.362** — Due to the automobile related use, this development is subject to the special regulations outlined in Section 59-C-4.367. **The plan is in compliance with the base zone setbacks.**

- 4) **Green Area 59-C-4.363** – Green Area shall constitute at least 10 percent of the area of the lot and shall be landscaped.

- **The proposed Green Area is over 30 percent for the Project and the landscape plan provides screening of the parking lot in addition to buffering the site from the adjacent streets.**

- 5) **Roads and Internal Circulation 59-C-4.364** – **Site access is not provided from Shady Grove Road which addresses the vehicle movement separation requirements of the zone.**

6) **Off Street Parking 59-C-4.365—**

- All parking shall be located on land classified in the C-3 Zone.
 - **All parking is located on-site on C-3 Zoned land.**
- All parking shall be located to the side or rear of the main building, inside of the building or on the roof.
 - **All parking is located to the side of the building.**
- A driveway, without parking areas, may be located in front of the building.
 - **A driveway is located at the front of the building for internal circulation only.**

7) **59-C-4.366-Development Procedure** – A site plan is required and has been filed.

8) **59-C-4.367 – Special Regulations Applicable to Designated Automobile Related Uses.**

- a. **Setbacks.** All buildings, off-street parking and maneuvering areas (not to include access driveways), and all outdoor storage and display of motor vehicles must be set back from all property lines, in accordance with the requirements of the zone, except as follows:
1. 10 feet from adjoining land classified in a commercial or industrial zone.
 - **The building and off-street parking areas have been setback a minimum of 10 feet from the commercially zoned property to the East.**
 2. 50 feet from any adjoining or abutting land classified in a residential zone.
 - **Not applicable.**
 3. 50 feet from a controlled major highway or a limited access freeway.
 - **Not applicable.**
 4. From any other street with a planned right-of-way of 120 feet or greater, buildings must be set back at least 50 feet from the street right-of-way. The Planning Board, however, may reduce this building setback at the time of site plan approval upon a finding that such reduction will not adversely affect the character of the roadway and surrounding uses taking into consideration setbacks on nearby properties.

- **Shady Grove Road has a right-of-way width of 120 feet. All off-street parking has been set back at least 50 feet from the right-of-way line.**
- **Due to very unique site constraints and zoning requirements, the entire building cannot meet the 50-foot setback requirement. We therefore hereby request that the Planning Board reduce the required setback by 10 feet for a small portion of the northwest corner of the building. The requested relief is the minimum necessary to redevelop the site. While the building is sited at approx. 42' from the right of way line, we have requested a 10' setback waiver to allow for construction tolerances within the building envelope.**
- **The irregular size and shape of the Property and the irregular skew of the property line along Shady Grove Road limit where the building can be placed, especially when also considering the other requirements of the zone, which limit parking placement and access location, and establish minimum green area.**
- **Although the base C-3 zone setback requirement is 10 feet, a 50-foot setback is required for the proposed automobile-related use since the property fronts a street with a 120-foot right-of-way;**
- **There are two (2) large diameter water lines to the immediate south of the Property. When design began, WSSC had required an 80-foot setback of the proposed building from these water lines, which was honored. Although this policy has since been suspended by WSSC, the building remains situated as shown on the site plan in an abundance of caution, in case the policy is reinstated.**
- **The intent of the 50-foot setback requirement is achieved in this case, even with the reduced setback along the corner of the building. The auto service bays are located towards the back of the proposed building and will run perpendicular to Shady Grove Road, largely screening them from the view of the road. The front of the building will have the office-related components of the proposed use. Therefore, the building location within a portion of the setback will not adversely affect the character of the roadway. As noted above, the surrounding uses are commercial in nature with the WSSC water tank being immediately to the east of the site.**

- Based on the above, we believe that this waiver request is justified due to several unique situations on the Property which include the requirements of the base C-3 Zone, the special requirements for automobile related uses within the C-3 Zone and utility related considerations, and will not adversely affect surrounding properties or the character of Shady Grove Road.
 - b. **Building Coverage.** No more than 35 percent of the area of the lot may be covered by buildings, except that parking structures are excluded from the building coverage calculation.
 - The proposed building coverage is 22.4 percent.
 - c. **Lighting.** In order to prevent any objectionable glare on the surrounding properties or streets, the exterior lighting plan that is submitted as part of the required site plan must indicate the height, number and types of lighting fixtures and a diagram showing their light distribution characteristics.
 - A lighting plan has been submitted which complies with these requirements.
 - d. **Signs.** The display of a sign must comply with the requirements established in Article 59-F of this chapter.
 - All signs will comply with the appropriate regulations.
- C. **Subsection 59-D-3.4(c)(3)-** The locations of the buildings and structures, open spaces, landscaping, recreation facilities and pedestrian and vehicular circulation systems are adequate, safe and efficient.
- The Project will improve the site aesthetically by shifting the building away from Shady Grove Road and Pleasants Road, which will provide some additional green areas for landscaping improvements along these roads. The existing site is generally devoid of any landscaping. In terms of pedestrian and vehicular circulation, the Project will provide safe and efficient vehicular circulation. There will also be sidewalk connections from the parking areas to provide safe access to the building.
- D. **Subsection 59-D-3.4(c)(4)** – Each structure and use is compatible with other uses and site plans, and with existing and proposed adjacent development.
- The proposed development of the site will improve the overall aesthetics of the Property. The improved location of the buildings along the streets will provide additional green areas to soften the view. Adjacent structures and uses are all commercial in nature so this building will

provide a compatible use. The proposed use is similar to that of the existing use since they are both automobile related uses.

E. **Subsection 59-D-3.4(c)(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.

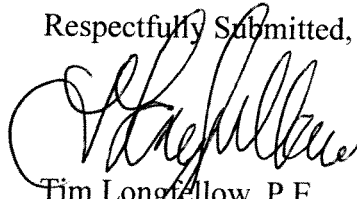
- **The Project received approval for an exemption from submitting a Forest Conservation Plan by letter from M-NCPPC dated December 10, 2012. The Project also received conceptual Stormwater Management Concept approval by letter from the Department of Permitting Services dated October 3, 2012.**

IV. Conclusion

For the reasons stated above, the Project complies with the requisite Site Plan findings set forth in the Zoning Ordinance 59-D-3.4(c) and the proposed redevelopment complies with the development standards of 59-C-4.36, *et seq.*, as described above.

The Project's layout, including building placement, open space, landscaping and pedestrian and vehicle circulation are adequate, safe and efficient. Moreover, the Project will be more compatible with adjacent developments and will represent an overall improvement to the Property.

Respectfully Submitted,



Tim Longfellow, P.E.
Associate

TML/admin

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SHADY GROVE ROAD TECHNOLOGY CORRIDOR

Existing Conditions

Shady Grove Road runs through the planning area from Midcounty Highway to MD 355. At its western end, the corridor is commercial and industrial in character, busy with through traffic to the Metro station and I-370, and truck traffic to the Oakmont industrial area and the Solid Waste Transfer Station. East of I-370, the corridor is bordered by residential communities and gives access to neighborhoods. Reconciling these two characters, preserving pedestrian access, and buffering the residential neighborhoods are challenges for this Plan.

Objectives

- Create opportunities for advanced technology and biotechnology businesses along Shady Grove Road, thus extending the existing pattern in the western end of the corridor.
- Relocate, as much as possible, the corridor's current industrial uses to more appropriate locations to change the character of the roadway.
- Minimize the vehicular and environmental impacts of the Solid Waste Transfer Station.
- Protect the Derwood communities from the noise impacts of Shady Grove Road.
- Improve pedestrian and bicycle access to Metro and between the communities bordering the corridor.
- Enhance the visual and landscape character of Shady Grove Road.
- Protect the existing, adjacent residential neighborhoods.

Concept

This Plan creates a Technology Corridor from MD 355 to the CSX rail line, relocates the County Service Park's industrial uses to allow mixed-use residential redevelopment, and preserves existing communities east of I-370. Industrial and commercial areas north of Shady Grove Road such as the Oakmont Industrial Park will remain industrial areas. Shady Grove Road should be viewed as a major highway that also provides local access and should be improved with extensive landscape treatment to achieve a more positive visual character for the entire corridor. The Plan recognizes that alternative land use recommendations (housing or potential relocation of County Service facilities) on Casey 6 and 7 will create a different character within this area of Shady Grove Road and will need enhanced landscape screening to ensure compatibility.

Land Use and Urban Design Recommendations

Shady Grove Plaza (Site 1)

This existing mixed-use commercial center is located at the southwest corner of MD 355 and Shady Grove Road at the site of the original "shady grove." Some of the original trees remain. This center is not anticipated to undergo significant redevelopment within the life of this Plan although existing zoning does allow substantial additional density. The existing uses include a hotel, a five-story office building, a variety of retail uses, and auto-related services. Several small vacant parcels located at the end of Pleasant Street will likely redevelop with more commercial uses. This Plan recommends:

- Extending Pleasant Street to connect with the street network of the King Farm community as envisioned in the 1990 *Shady Grove Study Area Master Plan*.
- Preserving existing old trees to maintain vestiges of the original "shady grove."
- Any redevelopment within the commercial area to be street-oriented, with direct and safe pedestrian access, and increased shade trees.
- Maintaining the existing commercial and mixed-use zoning.

Streetscape Plan

The Shady Grove plan area needs a safe and an attractive pedestrian environment that encourages Metro use, contributes to social interaction, and provides a setting for public life. Currently, walking to Metro or nearby parks is challenging and unpleasant due to the lack of sidewalks and streetscape improvements. This Plan recommends an extensive network of streetscaping, sidewalks, trails, and crosswalks to improve the pedestrian environment and enhanced streetscaping in the Metro Neighborhoods. The recommended streetscape improvements for Metro Neighborhoods are depicted on the illustration entitled Proposed Street Cross Sections for the Metro Neighborhoods create an attractive setting for pedestrian and business activity, reinforce the stability of existing neighborhoods, and promote the vitality of the new Metro Neighborhoods.

Objectives

- Encourage walking by creating an attractive pedestrian environment that improves access to Metro and other destinations.
- Strengthen community identity by developing streetscapes that distinguish each of the Metro Neighborhoods and the Metro station area.
- Reinforce the street hierarchy by achieving a higher level of streetscape improvements within the Metro station area and in areas of significant pedestrian activity.
- Increase greenery to improve attractiveness and environmental quality by planting closely spaced street trees within the Metro Neighborhoods.
- Improve pedestrian safety with street lighting that also contributes to community character and identity.
- Reduce visual clutter and create attractive street corridors by means such as coordinating public signage and encouraging attractive commercial signage.
- Maintain streetscape improvements through public/private partnerships.

Concept

The streetscape concept enhances the existing corridors of Shady Grove Road and MD 355, and creates a new district of streetscape improvements centered in the Metro Neighborhoods. This concept supports the Plan's land use recommendations. A major theme of the streetscape concept is "re-greening the Shady Grove" to create an attractive setting for existing and new communities. A separate document, the *Shady Grove Streetscape Plan*, will include detailed specifications on streetlights, street tree species, paving, and other streetscape elements (see Streetscape Plan map and Proposed Cross-sections map).

Shady Grove Road Corridor

This Plan recommends:

- Upgrade Shady Grove Road with sidewalks, lighting, and extensive landscaping and street trees to create a green, attractive setting along its entire length.
- Reforest the right-of-way between I-370 and Shady Grove Road to increase the amount of greenery in the Corridor.
- Create a naturalized landscape within the I-370 interchange with Shady Grove Road and along both sides of the Metro access road to provide a greater sense of the natural environment.

AREA-WIDE ELEMENTS

ENVIRONMENT

The planning area is located primarily in the northwestern headwaters of Rock Creek. Residentially developed in the east, the land remains gently rolling woodland with several stream valleys running through it. Earlier planning efforts have established a series of stream valley conservation parks primarily within the residential areas.

In the planning area's western portion, industrial and commercial land uses have significantly affected natural environment. The Sector Plan seeks to guide development of the Shady Grove Metro area as it changes from a light industrial to a mixed-use, transit-oriented community. This major land use change creates opportunities to improve the environmental setting while recognizing the transportation and overall environmental benefits of locating residential development within walking distance to the Metro.

Objectives

- Create a green network of urban parks, recreation parks, linear promenades, and tree-lined streets within the mixed-use communities in the Metro station area to complement the network of natural areas.
- Retain existing green infrastructure and remaining forest cover, and expand the network of natural areas to improve water quality and habitat conditions.
- Protect remaining high quality wetlands and adjoining habitats and improve degraded wetlands by reducing impervious areas and increasing parkland within the Metro Neighborhoods.
- Improve water quality by protecting streams and wetlands and by implementing innovative environmental policies and practices.
- Recommend innovative solutions such as green roofs, green buildings, and low-impact development (LID) technologies as well as collective off-site stormwater retrofit and stream restoration measures that enhance natural systems.
- Mitigate negative environmental impacts, such as noise created by transportation and industrial uses, on existing and future residential communities. Where possible, provide land uses and landscape features that shield residential uses from transportation and industrial noise impacts.
- Develop strategies to reduce air pollution and odors. Mitigate adverse environmental impacts on air quality.

Concept

Environmental quality is an important component of quality of life, but more so in intensively developed areas affected by the noise, air quality, temperature, and glare that can result from the built environment. This Plan seeks to create a greener community, protecting and restoring existing wetlands and stream valleys while expanding parklands and extensively landscaping the built environment. This Plan strives to accommodate a mixed-use community while maintaining and improving the environmental integrity of the area's forest resources, water quality and stormwater quality management, and noise and air environments.

Attachment D

Ordinance No. 8-12

ORDINANCE: To grant Street Closing and Abandonment
Application No. SCA2012-00101,
City of Rockville, Maryland,
Applicant

WHEREAS, the City of Rockville filed an application requesting that a partially improved right-of-way, known as Pleasant Drive, located between Piccard Drive and the Corporate limit of Rockville, Maryland, containing 68,704 square feet of land, more or less, lying in the Fourth Election District (City of Rockville), Montgomery County, Maryland, be permanently closed and abandoned pursuant to the provisions of Chapter 21, Article III, Division 2 entitled "Permanent Closing and Abandonment," of the Rockville City Code; and

WHEREAS, the Traffic and Transportation Commission of the City of Rockville recommends that the application be approved as recorded in the Commission's March 27, 2012 meeting minutes; and

WHEREAS, the Mayor and Council of Rockville and Frederick Road Ltd Ptn, the owners, according to the assessment records, of property adjacent to the public right-of-way, which is the subject of the aforesaid application, and all public utility companies authorized by the Public Service Commission to operate within the City of Rockville, were duly notified that said application had been filed and that a public hearing thereon would be held as specified in the public advertisement of the Mayor and Council of Rockville, Maryland; and

WHEREAS, the Mayor and Council of Rockville gave notice that a public hearing on said application would be held by the Mayor and Council of Rockville in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland on March 26, 2012, at 7:00 p.m., or as soon thereafter as it may be heard, which notice was published not less than ten days prior to the time of such hearing in a newspaper of general circulation in the City of Rockville; and

WHEREAS, on March 26, 2012, said application came on for hearing at the time and place provided in said advertisement; and

WHEREAS, based upon the testimony presented and other evidence of record in the proceedings, the Mayor and Council determined that there is no public need for the subject right-of-way and the granting of the application would not adversely affect the health, safety, security and best interests of the community of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

1. That Street Closing and Abandonment Application No. SCA2012-00101, for the closing and abandonment of a partially improved right-of-way located between Piccard Drive and the Corporate limit of Rockville, Maryland, containing 68,704 square feet of land, more or less, being more fully described in Exhibit A, be one and the same is hereby granted.

2 That this ordinance shall become effective upon its recordation in the Land Records for Montgomery County, Maryland by the City Attorney's Office.

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council at its meeting of May 21, 2012.



Douglass A. Barber, City Clerk/ Treasurer



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Attachment E

June 10, 2013

Edward J. Tobler
1 River Place
Wilmington, DE 19801

Re: Forest Conservation Exemption and Tree Save Plan Approval
Property Name: AAA Gaithersburg
Plan Number: 42013195E

Dear Mr. Tobler,

Based on the review by Development Applications and Regulatory Coordination Division (DARC) staff of the Montgomery County Planning Department, the Forest Conservation Exemption Request submitted on June 6, 2013 for the plan identified above, is **confirmed**. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(s)(2), an activity occurring on a tract less than one-acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree (except as noted), and reforestation requirements would not exceed 10,000 square feet.

Note: Permission is granted to remove Tree #5 as shown on the forest conservation exemption, tree save plan number 42013195E, due to its current declining condition and broken main leaders.

If there are any future modifications proposed, then a separate forest conservation exemption must be submitted to M-NCPPC for review and approval prior to those activities occurring.

An on-site pre-construction meeting is required with M-NCPPC after the limit of disturbance has been staked-out, but before any clearing or grading begins.

If you have any questions regarding these comments, please feel free to contact me at 301-495-4658 or joshua.kaye@montgomeryplanning.org.

Sincerely,

Josh Kaye
Senior Planner
DARC Division
Montgomery County Planning Department
Maryland-National Capital Park & Planning Commission

Cc: Julie Soss (jsoss@glwpa.com)

RECEIVED

OCT 05 2012

Gutschick, Little & Weber, P.A.

DEPARTMENT OF PERMITTING SERVICES



Attachment F

Isiah Leggett
County Executive

October 3, 2012

Diane R. Schwartz Jones
Director

Mr. Tim Longfellow
Gutschick, Little & Weber, P.A.
3909 National Dr., Suite 250
Burlington, MD 20866

Re: Stormwater Management **CONCEPT** Request
for AAA Gaithersburg
Preliminary Plan #: 119820050
SM File #: 245211
Tract Size/Zone: 0.83 acres/C-3
Total Concept Area: 0.88 acres
Lots/Block: 16/B
Parcel(s): na
Watershed: Muddy Branch

Dear Mr. Longfellow:

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

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
6. The pervious paving must be designed with an overdrain that bypasses the other stormwater structures. Limit run-on from impervious areas to the pervious pavement.
7. The micro biofilters and pervious paving must be in easements.

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

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

montgomerycountymd.gov/311



240-773-3556 TTY

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

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

If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: tla 10/03/12

cc: C. Conlon
SM File # 245211

ESD Acres:	0.88
STRUCTURAL Acres:	0
WAIVED Acres:	0

Attachment G

(The following agency review comments were cut and pasted from an e-mail dated July 8, 2013 from Sam Farhadi of Montgomery County Department of Permitting Services (MCDPS) to L. Shirley.)

Hi Lori,

We have received and reviewed the site plan "with the revision date of 7/3/13". We can recommend it for approval subject to the followings to become conditions of approval:

- We have no objection to providing 15' of PIE instead of R/W for Shady Grove Road if the Planning Board supports it;
- All public sidewalks, bike paths and handicap ramps along the site frontages should be ADA compliant. The handicap ramps should be redone to be aligned with the pedestrian crossings on the streets;
- Tractor trailers are not allowed onsite. Proper signage should be provided accordingly. The truck turning movements provided for right in and right out movements show possible conflicts with opposite direction traffic, this issue should be further investigated at permit stage and additional restrictions could be implemented;
- Storm drainage study (and possible improvements if needed) and private open space covenant should be provided at permit stage;
- The streetscaping and landscaping provided within the R/W and PIE can be modified without the need to modify the certified site plan.

Please let me know if you have any question.

Sam



FIRE MARSHAL COMMENTS

DATE: 24-Jun-13
TO: Tim Longfellow
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: AAA (Gaithersburg)
820130160

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **24-Jun-13**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
WATER RESOURCES SECTION**

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: April 8, 2013

MEMO TO: Catherine Conlon, Supervisor for
Development Review Committee, MNCPPC

FROM: David Kuykendall
Senior Permitting Services Specialist
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100-Year Floodplain Review
Site Plan # 820130160, AAA-Gaithersburg
Project Plan #
Preliminary Plan # , DPS File # 245211
Subdivision Review Meeting of April 8, 2013 DPS Reviewer William Campbell

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100year floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- ☒ **On-site:** ☐ CPv ☐ WQv ☐ Both ☒ ESD
☐ **CPv** < 2cfs, not required
☐ On-site/Joint Use ☐ Central (Regional): waived to
☐ Existing ☒ Concept Approved October 2, 2012
☐ **Waiver:** ☐ CPv ☐ WQv ☐ Both ☐ ESD
☐ Approved on
☐ **Other**

Type Proposed:

- ☐ Infiltration ☐ Retention ☐ Surface Detention ☐ Wetland ☐ Sand Filter
☐ Separator Sand Filter ☒ Non Structural Practices ☒ Other

FLOODPLAIN STATUS: 100 Year Floodplain On-Site ☐ Yes ☒ No ☐ Possibly

- ☐ Provide source of the 100Year Floodplain Delineation for DPS approval:
☐ Source of the 100-Year Floodplain is acceptable.
☐ Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.
☐ Dam Breach Analysis: ☐ Approved ☐ Under Review:
☐ 100-Year Floodplain study: ☐ Approved ☐ Under Review:

SUBMISSION ADEQUACY COMMENTS:

- ☐ Provide verification of Downstream notification.

RECOMMENDATIONS:

- ☒ Approve ☐ as submitted ☒ with conditions (see approval letter)
☐ Incomplete; recommend not scheduling for Planning Board at this time.
☐ Hold for additional information. See below
☒ Comments/Recommendations: Provide this note on the landscape plan, "Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section". Label stormwater management and easement on the landscape plan. Provide clear access to stormwater management and show on all plans.