



MEMORANDUM

DATE: September 7, 2001
TO: Montgomery County Planning Board
FROM: Linda Komes, RLA, AICP UK
 Planning Department Staff
 (301) 495-4571
VIA: Joseph R. Davis, Chief, Development Review
REVIEW TYPE: Site Plan Review
APPLYING FOR: 2,280 sf car wash
PROJECT NAME: Mary J Boland Subdivision, Lot 97
CASE #: 8-01035
REVIEW BASIS: 59-D-3 of the Montgomery County Code is required for the C-3 zone.

ZONE: C-3
LOCATION: Northwest corner of intersection of MD Route 355 and MD Route 118
MASTER PLAN: Germantown

APPLICANT: Mid Atlantic Petroleum Properties, LLC
FILING DATE: June 20, 2001
HEARING DATE: September 13, 2001



STAFF RECOMMENDATION: Approval of 2,280 sf car wash with the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A
2. Prior to signature approval of the site/landscape plans the following revisions shall be made and/or information provided:
 - a. The lighting proposed shall conform to current IESNA standards and the proposed fixtures shall be fitted with full cut-off shields and shall be the same type of fixture as constructed on the adjacent Chevron gas station.
 - b. The plans shall accurately reflect the location of the bike path along the entire frontage of the site.
 - c. A minimum five-foot-wide sidewalk shall be provided along the north side of the service drive across the subject site providing a safe pedestrian connection from the Burger King to the Chevron gas station through the subject site.

- d. Significantly more landscape planting shall be added to the plans including an evergreen hedge along the southern side of the service drive and along the southern side of the new sidewalk linking the fast food restaurant with the subject site, shrub masses and evergreen trees shall be added to the base of the retaining wall and fence on the north side of the site, and shrub masses shall also be added around the perimeter of the car wash building.
 - e. The minimum acceptable size for all plant material is as follows: Shade Trees, 2½"-3" caliper; Evergreen Trees, 6'-8' height; Ornamental Trees, 1½"-1¾" caliper; Shrubs, 18"-24" ht. or spd.
 - f. The Applicant shall provide confirmation that the Storm Water Management Concept Approval previously granted has been reconfirmed for the subject use.
3. Prior to release of any grading or building permits for the subject site, the applicant shall demonstrate that the Burger King and Chevron station sites are in full conformance with the approved landscape and lighting plans.

PROJECT DESCRIPTION: Proposal

The proposed car wash will be located on Parcel 97 which is zoned C-3 and consists of 1.34 acres. The carwash consists of two bays. One bay is an automatic, "self serve" drive-thru, as typically associated with a gas station. The second bay will serve as a detailing bay and waiting room. Access to the car wash will be through the gas station. A Burger King fast food restaurant exists in the western portion of the parcel 97. Parcel 96, which is contiguous to the east, is developed with a gas station and convenience store. An existing internal drive/service road will connect all three uses.

A site plan was previously approved for the subject site for an oil changing facility, which was never built. A sidewalk was approved as part of the previous approval which provided pedestrian connection between the three uses. The subject application has eliminated the sidewalk. Staff believes the sidewalk is important and should be added to the subject plan. It is especially critical on sites with heavy automobile emphasis and use that pedestrians are able to safely maneuver between the uses.

A lighting plan has been submitted but it is unclear from the plan whether the proposed lights will include cut-off shields to confine the light to the site. It also appears that the proposed light levels exceed those recommended by the IESNA. A condition has been included in the Recommendation Section of this report which requires that the plan be revised prior to signature approval. A six-foot-high wooden fence exists on top of a retaining wall along the northern boundary of the property. The retaining wall is setback 12 feet from the property line allowing an area for landscape planting.

Stormwater management consists of on-site water quality control via an existing separator sand filter and a stormceptor. The Department of Permitting Services requests that the applicant reconfirm its stormwater management concept approval for the proposed use.

PROJECT DESCRIPTION: Site Description

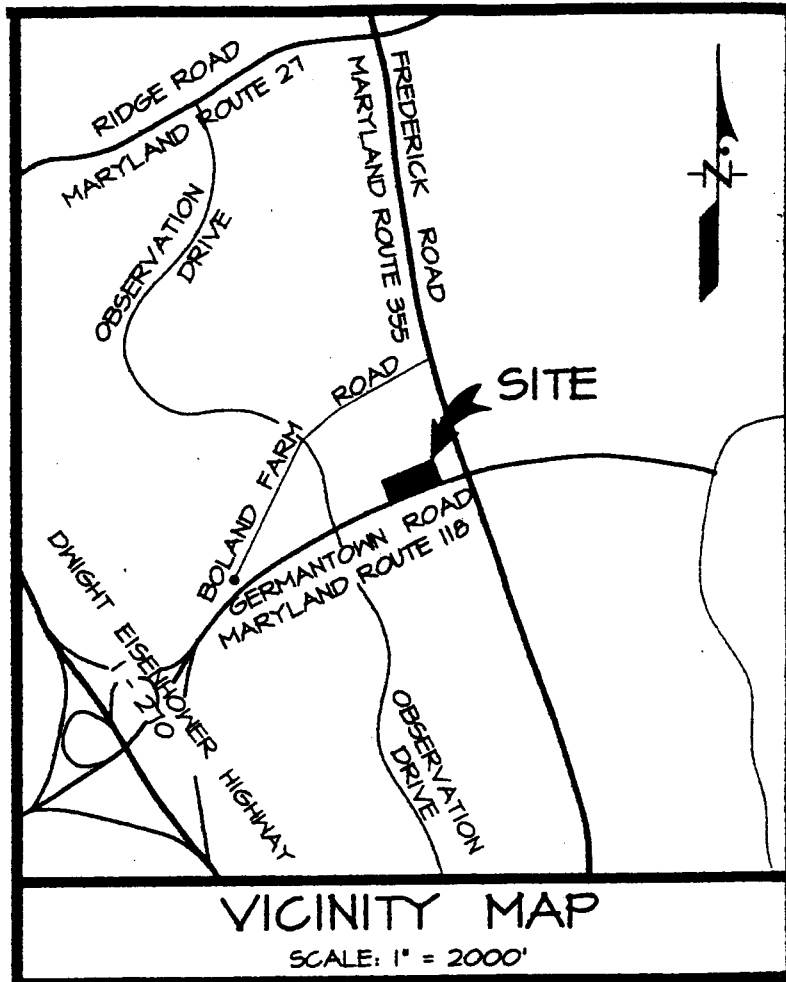
The car wash site is located between an existing Burger King fast food restaurant and an existing gas station and convenience store located in the northwest quadrant of the intersection of Germantown Road, MD RTE 118, and Frederick Road, MD RTE 355.

VICINITY MAP FOR
MARY J. BOLAND SUBDIVISION (8-01035)



PROJECT DESCRIPTION: Surrounding Vicinity

The site is served by MD Route 118 which forms the southern boundary of the site. The three story Town and Country apartments are located to the west of the site. North of the property are R-200 zoned lots which are accessed from MD Route 355. The lot adjoining this site is used for a contracting business. Further north, are residences with rear yards facing this site. Confronting property across MD Route 118, is developed as a mobile home park.



PROJECT DESCRIPTION: Prior Approvals

On July 16, 1998, the Planning Board approved Preliminary Plan #1-97088, and Site Plan 8-97027 with conditions. See Opinions attached in Appendix B.

On June 5, 1996, a Special Exception, S-2207 was approved for the Chevron gas station and convenience store located on Lot 96, east of the subject site. The gas station owns both lots and will operate the car wash.

ANALYSIS: Conformance to Master Plan

The Germantown Master Plan (Approved and Adopted 1989) recognized the subject site as appropriate for the C-3 zone and recommended that “*Adjacent residential uses should be protected from noise and visual intrusion by use of fences, walls, berms, landscaping or a combination thereof.*”

The proposed site plan conforms to the Master Plan recommendations and when amended by the proposed conditions will provide appropriate lighting, solid fencing and landscape planting.

The Master Plan of Highways and Bikeways recommends that a Class I (off street) bike path be provided on the north side of MD Route 118. The path exists and was built as part of the previous approval.

ANALYSIS: Conformance to Development Standards - C-3 zone, Lot 97

PROJECT DATA TABLE

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Lot Area (ac.):	n/a	58,206
Gross Floor Area (sq. ft.):		
Ex. Burger King		3075
Car wash		2280
Building height, Max (sq ft)	42	20
Setbacks (ft.):		
Car Wash		
From Germantown Road	50	68
From adjacent Commercial Zone	10	10
From adjacent Residential Zone*	50	50
Green Space (%):	10%	36%
Parking:		
Burger King (1500 sf patron area)	38	38
Car Wash	5	5

* Setback for auto-related uses is for building, parking and maneuvering areas

FINDINGS for Site Plan Review:

1. *The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required. None is required.*
2. *The site plan meets all of the requirements of the zone in which it is located. See Project Data Table above.*
3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. **Location of Buildings**

The building is located to optimize access and visibility from the street and will utilize the drive aisle in the contiguous gas station. The building is sited with adequate setbacks to the residential property, with the setbacks enhanced by the fencing and landscaping and the change in height. The plan indicates that a stacking lane for the car wash will be located within fifty feet of the property line. Since parking and maneuvering is not required in this area of the site, staff is recommending a condition which restricts typical car wash-type activities such as vacuuming, window washing, mat cleaning, etc. from occurring in this area while vehicles are waiting to go thru the car wash facility.

b. **Open Spaces**

There is approximately 20,985 square feet of open space provided around the perimeter of the site, within the parking lots and around the buildings.

Stormwater management was approved as part of the earlier approvals and consists of on site water quantity control via underground CMP storage and compensation for the future roadway and on site quality control via a separator sand filter.

c. **Landscaping and Lighting**

Proposed landscape planting on the car wash site consists of seven shade trees. This proposal falls far short of the minimum needed to provide compliance and consistency with previously plans, does not meet the objectives of the zone, the masterplan, or provides compliance with Section 59-E of the Zoning Ordinance. The size proposed for the shade trees is also below the minimum standard the Planning Board's normally approves on all site plans. A number of conditions have been added to the Recommendation Section of this report which require that substantially more landscape planting be provided on the subject site.

It was also noted during a visit to the site that the Burger King site is not in conformance with the landscape and lighting plan approved by the Planning Board. A majority of the plant material approved is either missing or not consistent with that shown on the approved plans. The approved plans also included 14 to 16 foot light poles with 200-watt bulbs in the Burger King parking lot. The poles constructed are a minimum of 25 feet high. Staff is recommending that no grading or building permits be issued for the car wash until it is demonstrated to staff's satisfaction that both sites are in full conformance with the approved plans.

d. **Vehicular and Pedestrian Circulation**

The street connections to the site are in accordance with the approved Preliminary Plan, and the layout provides for safe access to the site either from Road "X" or from the gas station. The access to the service road proposed along the street frontage of the site has been well defined to provide for safe stacking areas for site entry and exits. The parking lot design allows for easy access to the drive through land and to the parking spaces surrounding the proposed restaurant.

As previously mentioned, an internal sidewalk with crosswalks, linking the three building to one another and the sidewalk/bikepath located within the MD route 118 right-of-way, was approved as part of the previous site plan approval and is eliminated on the subject site plan. Staff is recommending this feature be added to the plan.

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

The buildings are located to minimize their impact on adjoining residentially zoned properties. The buildings are also located to allow for the individual operation of each existing and proposed building type.

Buffers provided at the northern property boundary will minimize the view and appearance of the property along the northern boundary.

The activities associated with the existing restaurant and proposed car wash facility will not cause any negative effect on the adjacent gas station and contractor business.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

Forest Conservation requirements have been met by providing afforestation planting on Lot 98. A Category I Conservation easement was recorded over Lot 98 as shown on the approved Forest Conservation Plan.

APPENDIX

- A. Standard conditions dated October 10, 1995
- B. Documentation of relevant prior action or approval
- C. Referrals

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 2) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 3) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - 4) Coordination of each section of the development and roads;
 - 5) Phasing of dedications, stormwater management, sediment/erosion control, forestation, community paths or other features.
2. Signature set of site and landscape/lighting plans to include for staff review prior to approval by MCDPS:
 - a. Limit of disturbance;
 - b. Conditions of MCDPS Concept approval;
 - c. The development program inspection schedule.
3. No clearing or grading prior to Planning Department approval of signature set of plans.



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation
Motion of Comm. Richardson, seconded
by Comm. Perdue with a vote of 5-0;
Comms. Bryant, Holmes Hussmann, Perdue
and Richardson voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

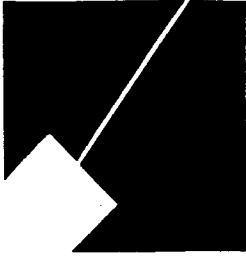
OPINION

Preliminary Plan 1-97088
NAME OF PLAN: MARY J. BOLAND

On 05-19-97, MID-ATLANTIC PETROLEUM submitted an application for the approval of a preliminary plan of subdivision of property in the C-3 zone. The application proposed to create 2 lots on 2.25 acres of land. The application was designated Preliminary Plan 1-97088. On 07-16-98, Preliminary Plan 1-97088 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-97088 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-97083, subject to the following conditions:

- (1) Prior to recording of plat(s), applicant to enter into an Adequate Public Facilities (APF) agreement with the Planning Board limiting development to a 2,120 square foot fast food restaurant and a 1,770 square foot automotive service facility
- (2) No clearing, grading or recording of plat prior to site plan approval
- (3) Conditions of MCDPS stormwater management approval dated 08-08-97
- (4) Dedication of Darnestown-Germantown Road and future cul-de-sac as shown on plan
- (5) Access and improvements, as required, to be approved by MDSHA and MCDPW&T prior to recording of plat(s)
- (6) Necessary easements
- (7) Applicant to record in land record a restrictive covenant precluding future development on Lot 98. Recipients of covenant will be M-NCPPC and adjoining Town and Country apartment complex. Lot 98 will remain in a conservation easement as provided under the forest conservation law

- (8) This preliminary plan will remain valid until August 23, 2001 (37 months from date of mailing, which is July 23, 1998). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.



MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

DATE MAILED: July 23, 1998

SITE PLAN REVIEW: #8-97027

PROJECT: Mary J. Boland Subdivision, Lot 97 and 98

Action: Approval subject to conditions. Motion was made by Commissioner Richardson, seconded by Commissioner Purdue, with a vote of 5-0, Commissioners Bryant, Holmes, Hussmann, Perdue and Richardson voting for and no Commissioners voting against. All Commissioners were present.

The date of this written opinion is July 23, 1998, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before August 23, 1998, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this site plan shall remain valid until August 23, 2001 (which is the date that the validity period associated with the Preliminary Plan, 1-97088, is set to expire as of the date of this opinion), as provided in Section 59-D-3.8.

On July 16, 1998, Site Plan Review #8-97027 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the zone in which it is located;

3. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;
4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

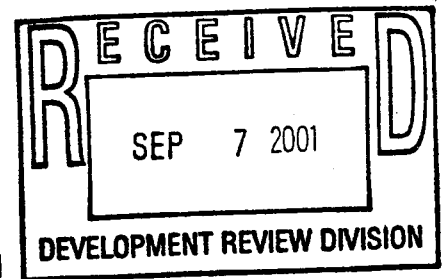
The Montgomery County Planning Board APPROVES Site Plan Review #8-97027 which consists of 2,210 sf of fast food and 1,770 sf of auto fluid maintenance use subject to the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A.

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting must progress as street construction is completed, but no later than six months after occupancy.
 - 2) Community-wide pedestrian pathways must be completed prior occupancy of each phase of the development.
 - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - 6) Coordination of each section of the development and roads;
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, forestation, community paths or other features.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by MCDPS:
 - a. Limit of disturbance;
 - b. Forest Conservation areas;
 - c. Conditions of MCDPS Concept approval letter dated August 8, 1997;
 - d. The development program inspection schedule.
 - e. Conservation easement boundary
 - f. Street trees 50 feet on center along all public streets;
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and MCDPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to Planning Department approval of signature set of plans.

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September 6, 2001

MEMORANDUM

TO: Linda Komes, Planner
Development Review Division

VIA: Ronald C. Welke, Coordinator
Transportation Planning

FROM: Ki H. Kim, Planner
Transportation Planning

SUBJECT: Transportation APF Review for Mary J. Boland, Lot 97
Site Plan #8-01035

This memorandum represents Transportation Planning staff's adequate public facilities (APF) review of the subject site plan. The site is located west of MD 355 and north of MD 118 in the Germantown East Policy Area. The proposed use of this site plan includes a car wash facility.

RECOMMENDATION

Based on our review of the submitted traffic statement, staff recommends the following condition as part of the APF test for transportation requirements related to approval of the proposed development:

Total development under this site plan for Lots 97 and 96 of the Mary J. Boland subdivision is limited to the following uses and density:

1. 2,328 square feet of a car wash with no automobile "express lube" type facility on Lot 97.
2. No car wash facility on Lot 96, the existing gas station site.

DISCUSSION

The subject subdivision was approved for an automobile filling station, a convenience store, a car wash, and a fast food restaurant. Development of the parcel has

proceeded with the initial phases including the automobile filling station and a convenience store on Lot 96 and a fast food restaurant on Lot 97. On Lot 97, the site was approved for an automobile express lube@ type facility in lieu of the car wash facility. The applicant now proposes a car wash facility in accordance with the original preliminary plan, replacing the automobile "express lube" type facility. Staff finds no traffic issues associated with approval of the proposed car wash facility with conditions as described in this memorandum.

KHK:cmd

SP #8-01035 Mary J.Boland memo.doc