

MCPB Item # 6 8/01/02

## **MEMORANDUM**

DATE:

July 25, 2002

TO:

Montgomery County Planning Board

VIA:

John Carter, Chief, Community-Based Planning Division

FROM:

Sue Edwards, AICP, for the Department of Park Six

and Planning

**REVIEW TYPE:** 

**Zoning Map Amendment** 

APPLYING FOR: REVIEW BASIS:

T-S Zone and C-5 Zone to C-3 Chapter 59, Zoning Ordinance

MASTER PLAN:

Germantown Master Plan

CASE NUMBER:

G-799

APPLICANT:

CTG Oil, Inc.

LOCATION:

Between MD 118 and Walter Johnson Road, Germantown

FILING DATE:

June 20, 2002

**PLANNING BOARD:** 

August 1, 2002

PUBLIC HEARING:

August 12, 2002

**STAFF RECOMMENDATION:** APPROVAL of the C-3 Zone and the Schematic Development Plan for the following reasons:

- (1) The application is consistent with the purpose clause and all applicable standards of the C-3 Zone.
- (2) The application is in substantial compliance with the land use recommendations of the 1989 Germantown Master Plan.
- (3) The proposed development, as reflected in the Schematic Development Plan, will be compatible with the surrounding area.

### PROPOSAL DESCRIPTION

The applicant requests reclassification from the T-S (Town Sector) and C-5 Low Density, Office Commercial) Zones to the C-3 (Highway Commercial) Zone under the optional method of application. The subject property is comprised of two parcels totaling 40,811 square feet of land (.94 acres). The subject property is located in the southeast quadrant of MD 118 and Middlebrook Road between MD 118 and Walter Johnson Road. The property has frontage on MD 118 but is precluded from access to MD 118 by record plat notation. The property will be developed with an enclosed car wash, office for the car wash operation, vacuum and detailing building, and self-serve car wash stalls.

A. Description of Property: The subject property is made up of two parcels of land, P742 (0.43 acres) zoned T-S and P770 (0.51 acres) zoned C-3. The parcel zoned T-S is undeveloped and covered with grassy vegetation. Occasionally, the property has been used for the display of used automobiles. The remaining parcel, P770 is developed with a 1 ½ story frame house and a large, detached 2-story garage/office. Access to the developed portions of the site occurs via Walter Johnson Road which terminates at the property boundary.

## B. Surrounding Area

1. <u>Definition</u>: In a floating zone application, the surrounding area is less rigidly defined than required with a Euclidean zone application. In general, the defined surrounding area takes into account those areas that are most directly affected by the proposed development and any special study areas that may have been defined by a master or sector plan.

The staff defines the surrounding area boundary as northeast of Wisteria Drive between Walter Johnson Road relocated MD 118. This area coincides with analysis area TC-4 as defined in the Germantown Master Plan. (see Figure 1: Vicinity Map).

This one acre area is zoned C-3 in accordance with the Highway Commercial recommendation of the 1974 Master Plan. A commercial use is operating currently in a converted residential building. As noted in the Master Plan for analysis area TC-3, fragmented retail development, which often occurs in the C-3 Zone, is inappropriate along this visually important portion of MD 118 in the Town Center. Additional uses of this nature are not appropriate in light of this Plan's emphasis on the clustering of retail and related uses in the Village Center.

2. <u>Uses</u>: The surrounding area contains limited land uses, located primarily in the C-3 Zone. The Germantown Square Urban Park (approximately one-half acre), zoned T-S Town Sector, is immediately east of the subject property. The park is developed with a sitting gazebo, game tables, benches, trellis, stone monument feature, flagpole and walkways (see Figure 2: Park Facilities). Park vegetation adjacent to the subject property include mature cypress and a red maple.

To the east, on the opposite side of Walter Johnson Road is the Northlake Commerce Center, zoned C-O Commercial Office. This property is currently developed with two four-story office buildings served by surface parking. A row of mature street trees (25-35 feet high) supply the edge to the Northlake Center property. To the west of the site is the Saul Center, in the C-3 zone which includes a bank, several restaurants, and other retail uses. A Jiffy Lube occupies the property between the Saul Center and the subject property. This property is zoned C-3.

C. Intended Use and Approval Procedures: In certain zones, including the C-3 Zone, a schematic development plan may be submitted as part of the application for reclassification of the land under the optional method of application. The purpose of such a development plan is to permit the applicant to restrict development standards, stage development or limit uses provided in the requested zone. An applicant may utilize the optional method to limit the use of the property, without imposing a restriction on any of the development standards for the requested zone. In this case, the applicant has elected to file under the optional method with a Schematic Development Plan.

As shown on the schematic development plan the applicant has proposed the development of a full service enclosed car wash building located parallel to MD 118. The car wash tunnel would be approximately 115 feet in length; a second floor to the car wash tunnel would contain offices and storage for the car wash. A separate building on the site would enclose two conveyor propelled vacuum/detailing lines and five attached car wash stalls. This car wash is to be equipped with high speed equipment to accommodate high volume peak periods and include water reclamation features to promote water saving.

Parking for 11 vehicles, including three handicapped spaces, is supplied on site. Stacking space is provided within the site for 15 vehicles for the automated car wash and 15 spaces for the self-serve car wash.

The applicant has proffered a number of binding elements to the Schematic Development Plan including:

- Automobile car wash is the proposed use
- The maximum building coverage is 24 percent with 9,631 s.f proposed (maximum permitted is 35 percent)
- The amount of green area is 28 percent with 11,261 sf (maximum permitted is 10 percent)
- The applicant binds himself to provide the traffic improvements that may be required to reduce CLV (critical lane volume) below the level of CLV associated with background traffic.
- The applicant binds himself to construct a masonry wall and landscaping adjacent to the common boundary with the M-NCPPC park as determined at time of site plan.
- No storage of waste material, auto parts, refuse, and/or motor vehicles will be allowed within any required setback.
- Proposed signage must comply with section 59-F of the Montgomery County Code.

In addition to the rezoning application, approval procedures would include review of a preliminary plan of subdivision and site plan by the Montgomery County Planning Board.

## D. Zoning History:

## Comprehensive Zoning:-

#### Parcel P742

- a. 1990 Germantown Sectional Map Amendment G-652: T-S Zone confirmed.
- b. 1987 Germantown Sectional Map Amendment G-539: T-S Zone confirmed.
- c. 1984 Germantown Sectional Map Amendment G-404: T-S Zone confirmed.
- d. 1974 Germantown Sectional Map Amendment F-939: T-S Zone confirmed.

- e. October, 1968 Zoning Text Amendment F-148: R-R Zone to T-S Zone.
- f. 1958 County-wide Comprehensive Zoning: R-R Zone mapped.

#### Parcel P 770

- a. 1990 Germantown Sectional Map Amendment G-652: C-3 to C-5 Zone.
- b. 1987 Germantown Sectional Map Amendment G-539: C-3 Zone confirmed.
- c. 1984 Germantown Sectional Map Amendment G-404: C-3 Zone confirmed
- d. 1974 Germantown Sectional Map Amendment F-939: R-R to C-3 Zone.
- e. 1958 County-wide Comprehensive Zoning: R-R Zone mapped.

#### E. Master Plan Recommendation:

- 1. Land Use: Commercial/mixed use
- 2. Base Zoning: T-S and C-5

#### F. Public Facilities:

- 1. Water and Sewer Service:
  - a. <u>Service Categories</u>: Water Category W-1 and Sewer Category S-1 (Source: M-NCPPC, Environmental Planning)
  - b. Water and Sewer Service: A water line abuts the subject property with no extensions required to provide service. Local service is deemed adequate and the impacts from rezoning will be negligible. A sewer line also abuts the property and program-sized mains will not be required. Interceptor capacity is deemed adequate and rezoning will not significantly impact the sewage system. (Source: WSSC Development Services Group)

## 2. Roads:

- a. MD 118 (Darnestown-Germantown Road): Classified as a major highway with six lanes and a master plan right-of-way of 150 feet. This highway provides access from the I-270 interchange to the southern boundary of the planning area.
- b. <u>Walter Johnson Road</u>: Classified as a commercial business district street from Wisteria Drive to approximately 750 feet southwest of Wisteria Drive with two to four lanes and a master plan right-of-way of 100 to 50 feet. This road provides access to the site from Wisteria Drive.
- c. <u>Wisteria Drive</u>: Classified as a commercial business district street from Father Hurley Boulevard to Crystal Rock Drive with four lanes and a master plan right-of-way of 80 feet. The classification of this road changes to an arterial roadway from Crystal Rock Drive to Waring Station Road.

#### **ANALYSIS**

A. Master Plan Recommendation: A portion of the subject property falls within analysis area TC-4 of the *Germantown Master Plan*, adopted and approved in 1989 (see attachment). At the time of the Master Plan adoption, the property was zoned C-3 as a base zone. By Sectional Map Amendment, the property was zoned C-5 in 1990.

The Plan describes the area as containing "fragmented retail development, as often occurs in the C-3 Zone, and is inappropriate along this visually important portion of MD 118 in the Town Center" (page 41). This Analysis Area is recommended for commercial office development up to three stories in height. The C-5 zone is recommended as a base zone. The area is appropriate for rezoning to the C-T Zone, which may be granted through the Sectional Map Amendment, given the owner's consent.

The Plan recognizes that this analysis area is located on Germantown's "Main Street", MD 118, in the Town Center. It is adjacent to the Germantown Square urban park, a property of .approximately 20,000 square feet located at the intersection of MD 118 and Middlebrook Road. The Germantown Square Urban Park contains a quiet gazebo, game tables, seating, and landscaping. Pathways connect the park's minimal facilities to sidewalks along Middlebrook Road and MD 118.

Compatibility of the proposed C-3 Zone to the surrounding uses is most challenged next to the urban park. The principle issue is noise emanating to the

property boundary from the car wash mechanical operations. The applicant proposes to contract with a noise expert to determine the extent of the noise impact. A binding element of the Schematic Development Plan is construction of a masonry wall and landscaping at the property edge.

The proposed rezoning of the subject property from T-S and C-5 to C-3 is consistent with the Master Plan vision for cohesive, not fragmented, retail uses along a major highway. Access to the property from Walter Johnson Road establishes a safe and efficient circulation system for cars queuing for car wash services during peak periods.

- B. Schematic Development Plan: The proposed Schematic Development Plan illustrates the site layout and provides the following binding elements:
  - Automobile car wash is the proposed use
  - The maximum building coverage is 24 percent with 9,631 s.f proposed (maximum permitted is 35 percent)
  - o The amount of green area is 28 percent with 11,261 sf (maximum permitted is 10 percent)
  - The applicant binds himself to provide the traffic improvements that may be required to reduce CLV (critical lane volume) below the level of CLV associated with background traffic.
  - The applicant binds himself to construct a masonry wall and landscaping adjacent to the common boundary with the M-NCPPC park as determined at time of site plan.
  - No storage of waste material, auto parts, refuse, and/or motor vehicles will be allowed within any required setback.
  - Proposed signage must comply with section 59-F of the Montgomery County Code.

These binding elements and proposed site layout help assure that the proposed development is consistent with the Master Plan vision for the area.

C. Purpose and Development Standards of the C-3 Zone: The purpose and development standards of the C-3 Zone are found in Section 59-C-4.36 of the Zoning Ordinance. The purpose of the zone is to provide for orderly commercial development on properties adjoining or having access to major highways, on properties recommended for such zoning by the relevant master plan, or on properties adjacent to C-3 zoned land. The zone is intended to provide sites for commercial uses that may require large land areas but do not

rely upon adjoining uses for comparison-shopping or pedestrian trade and are related to the traveler or highway user. Highway access is controlled by restricting development to service road access to minimize conflicts with through traffic movements.

The subject property has frontage along MD 118, a major highway with six lanes and a master plan right-of-way of 150 feet. The State Highway Administration, however, restricts the subject property and other abutting properties from having direct access to MD 118. Walter Johnson Road functions as a service road.

The Master Plan does not recommend the property for C-3 zoning; the subject site, however, is located adjacent to property currently zoned C-3 (the Jiffy Lube auto service use). Rezoning the subject site to C-3 will continue to provide an orderly grouping of convenience commercial, highway oriented use that does not depend on comparison shopping or pedestrian trade.

The development standards of the zone include a building height limitation of 42 feet and a minimum green area requirement of 10 percent of the area of the lot. The standards require access from an abutting major highway to be by way of channelized service drives except where existing adjoining development makes it infeasible. Off-street parking must be located to the side or rear of the main building, inside the building or on the roof.

There are special regulations for automobile-related uses in the C-3 Zone governing setbacks and building coverage. All buildings, off-street parking and maneuvering areas must maintain minimum setbacks of 10 feet from adjoining commercial or industrial zoned land and 50 feet from adjoining land in a residential zone. An analysis of the schematic development plan based on the development standards is shown on the following table:

	C-3 Zone	Proposed Plan
Building Height	42 ft.	42 ft.
Building Coverage	35%	28%
Building Setbacks		
from streets over 120' ROW	50 ft.	12 ft.
from lot lines w/ comm. zoning	10 ft.	10 ft.
from lot lines w/res. zoning	50 ft.	N/A
Parking Setbacks		
from street	10 ft.	10 ft.
from R-200 zoning		
front yard	40 ft.	N/A
Green Space	10%	28 %

The C-3 Zone includes a subsection 59-C-4.367, "Special Regulations Applicable to Designated Automobile-Related Uses":

...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 a reduction will not adversely affect the character of the roadway and surrounding uses, taking into consideration setbacks on nearby properties.

The Schematic Development Plan provides for a 12 foot setback from MD 118, a highway with a planned right of way in excess of 120 feet. The retail commercial building at the corner of Wisteria Drive and MD 118 and the freestanding medical clinic are set back 10 feet from the highway right of way. The Jiffy Lube, an automobile-related use, is set back 90 feet from the highway right of way.

The proposed car wash would continue the building line established at the intersection of Wisteria Drive and MD 118. The applicant proposes to architecturally have the appearance of multiple store fronts, with viewing windows, along MD 118 instead of an unbroken façade the length of frontage on MD 118.

In addition, a wall is proposed to extend northward along MD 118 from the intake end of the car wash building to be joined by another wall and landscaping screening the noise and visibility of the car wash from the adjoining park. A section of the property adjoining the Jiffy Lube to the southwest provides additional landscaping and screening potential.

Staff supports a waiver of the 50-foot setback requirement for automobile-related uses in this case. Staff is satisfied that the treatment of the façade along MD 118, landscaping and street trees to be supplied along MD 118, and the screening walls proposed in the binding elements of the Schematic Development Plan will not adversely affect the character of the roadway and surrounding uses.

- **D.** Transportation: Based on our review of the submitted traffic analysis, Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of this zoning application.
  - Total development under this zoning application is limited to a car wash with five self-service wash bays and one full-service mechanical wash bay.
  - 2. The applicant shall participate in constructing a right-turn lane from eastbound Middlebrook Road to southbound MD 118 at the MD 118/Middlebrook Road intersection including changing the signal phasing from the current north-south split to concurrent phasing.
  - 3. The applicant shall participate in constructing a separate southbound right-turn lane, a second northbound left-turn lane on MD 118, and a second eastbound left-turn lane on Wisteria Drive, and restripe the

- separate westbound right-turn lane on Wisteria Drive as a shared through and right-turn lane at the MD 118/Wisteria Drive intersection.
- 4. Per requirements of the Department of Public Works and Transportation (DPWT), the applicant shall widen Walter Johnson Road 25 feet from centerline along their frontage including a five-foot sidewalk and street trees, consistent with the master plan recommendation.

## Summary of Transportation Review

Two access points to the site are provided from Walter Johnson Road. The 35-foot width of the access points as shown on the site plan should be reduced to 25 feet for the one-way drive and 30 feet for the two-way drive. The site access with above comments and internal vehicular circulation system shown on the site plan are adequate. The following is a general description of the roadway network in the vicinity of the site.

- 1. Darnestown Germantown Road (MD 118): Classified as a major highway with six lanes and a master plan right-of-way of 150 feet. This highway provides access from the I-270 interchange to the southern boundary of the planning area.
- 2. Walter Johnson Road: Classified as a commercial business district street from Wisteria Drive to approximately 750 feet northeast of Wisteria Drive with four lanes and a master plan right-of-way of 80 feet. This roadway provides access to the site from Wisteria Drive.
- 3. Wisteria Drive: Classified as a commercial business district street from Father Hurley Boulevard to Crystal Rock Drive with four lanes and a master plan right-of-way of 80 feet. The classification of this road changes to an arterial roadway from Crystal Rock Drive to Waring Station Road.

## Congestion Levels at Nearby Intersections

A traffic analysis for rezoning was prepared to determine the impact of development of a full-service car wash and detailing establishment as proposed under the requested zone. Staff agrees with the conclusion of that study that development of the subject site with the proposed roadway network will not have an adverse impact on the surrounding roadways.

Three local intersections were identified as critical intersections to be affected by the development of the subject site and were examined in the traffic analysis to determine whether they meet the applicable congestion standard of 1,500 Critical Lane Volume (CLV) for the Germantown Town Center Policy Area. The CLV impacts of the proposed development on these intersections were analyzed and are summarized in Table I.

Table I

Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour										
	Existing		Backgroun d		Total*		Total**			
	АМ	РМ	AM	PM	AM	PM	AM	РМ		
MD 118/Middlebrook Road	1108	1422	171 7	212 7	172 1	2138	161 4	199 8		
MD 118/Wisteria Drive	911	1436	127 3	240 6	128 8	2411	116 8	151 4		
Great Seneca Highway/Wisteria Dr	725	1078	828	127 3	832	1283	832	128 3		

<sup>\*</sup> Total development conditions without proposed roadway improvements

As shown in the above table, all existing intersections analyzed are currently operating at acceptable CLVs (CLV standard is 1,500). Under the background development (developments approved but not built) condition, the intersections of MD 118/Middlebrook Road and MD 118/Wisteria Drive exceed the acceptable congestion standard. Under the total development conditions, the unacceptable condition at the intersections identified under the background development conditions further deteriorate without the roadway improvements. The applicant proposed roadway improvements at intersections where unacceptable conditions are projected. These intersections will operate at a better level than the background condition with the roadway improvements conditioned upon approval of this zoning application.

## **Staging Ceiling**

Based on the FY 02 AGP staging ceiling capacity, there is sufficient capacity available for the employment development (4,381 jobs as of June 30, 2002) in the Germantown Town Center Policy Area.

### Conclusion

Staff concludes that the proposed C-3 development of a full-service car wash facility and detailing establishment at the site with the roadway

<sup>\*\*</sup> Total development conditions with proposed roadway improvements

improvements as conditioned in this memorandum will not have an adverse impact on the surrounding roadway network.

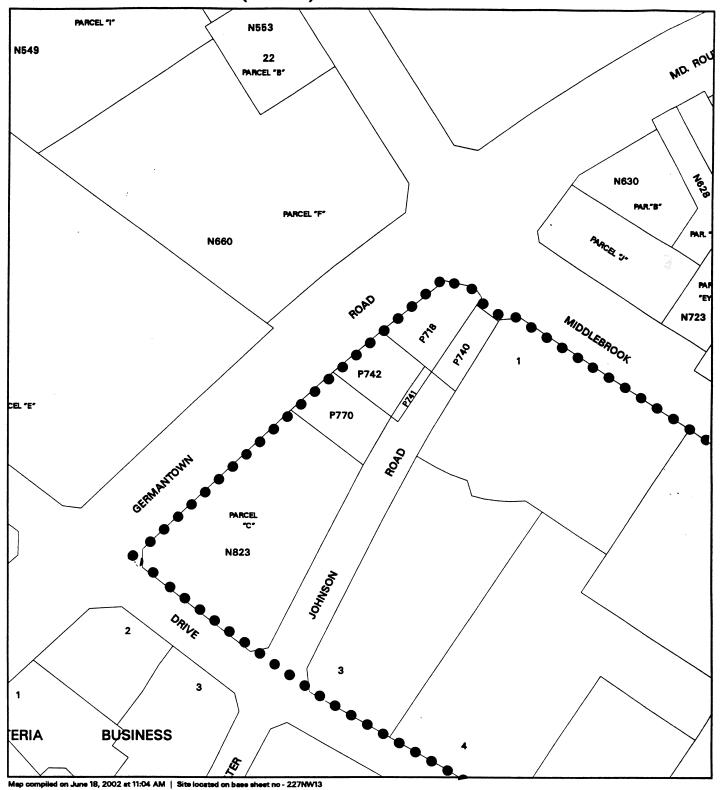
#### E. Environment:

- 1. <u>Forest Conservation</u>: The proposed enclosed car wash must comply with all forest conservation requirements identified by the Natural Resource Inventory/Forest Stand Delineation.
- 2. <u>Stormwater Management</u>:: The proposed enclosed car wash must comply with all stormwater management requirements.
- **F.** Citizen Concerns: No citizen comments have been received to date. The applicant forwarded copies of the zoning application to the two principal citizen organizations in Germantown, the Germantown Citizens Association and the Germantown Alliance.
- **G.** Conclusion: The staff concludes that the rezoning application is consistent with the purpose clause and all applicable standards for the C-3 Zone; the application is in substantial compliance with the land use recommendations of the 1989 Germantown Master Plan; and the proposed development will be compatible with the surrounding area.

Attachments



# **TONY'S CAR WASH (G-799)**



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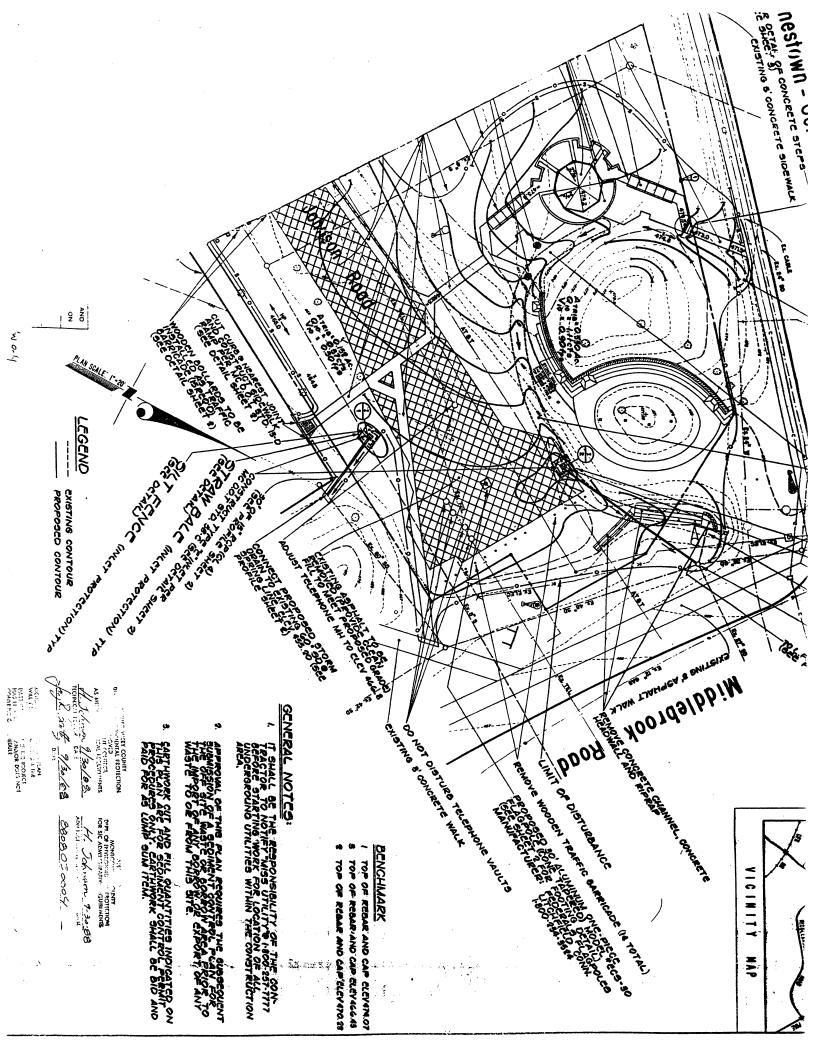
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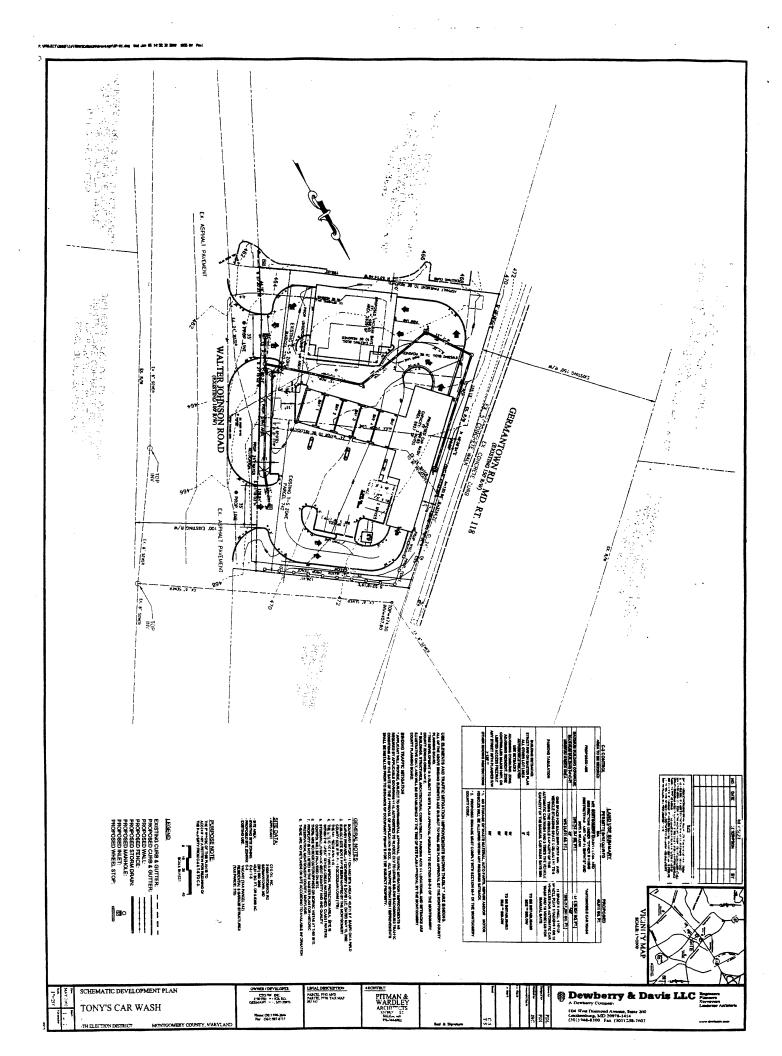
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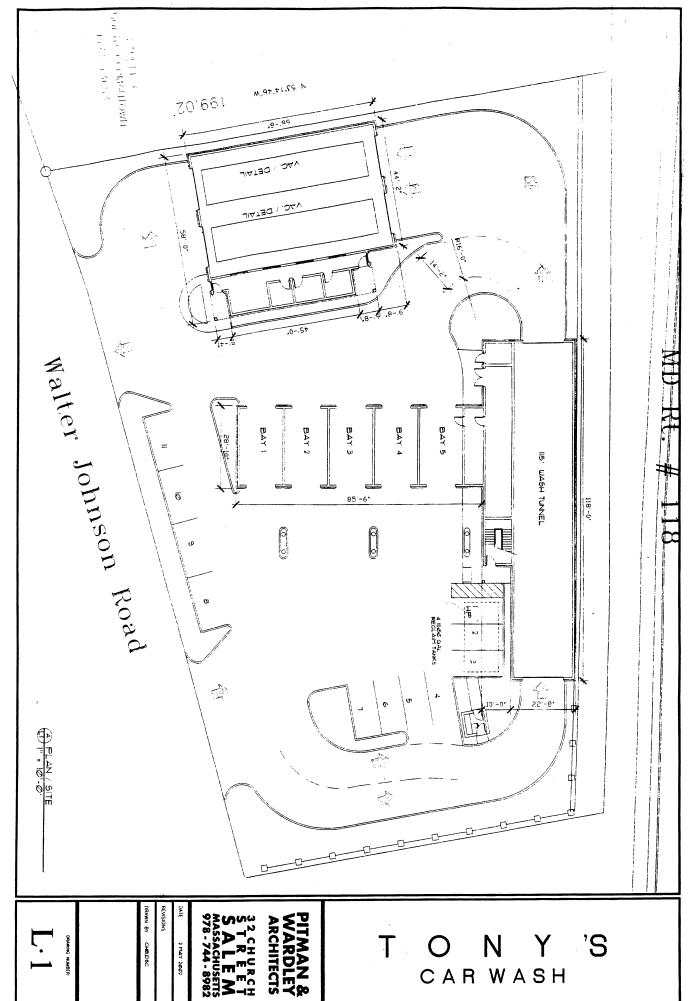
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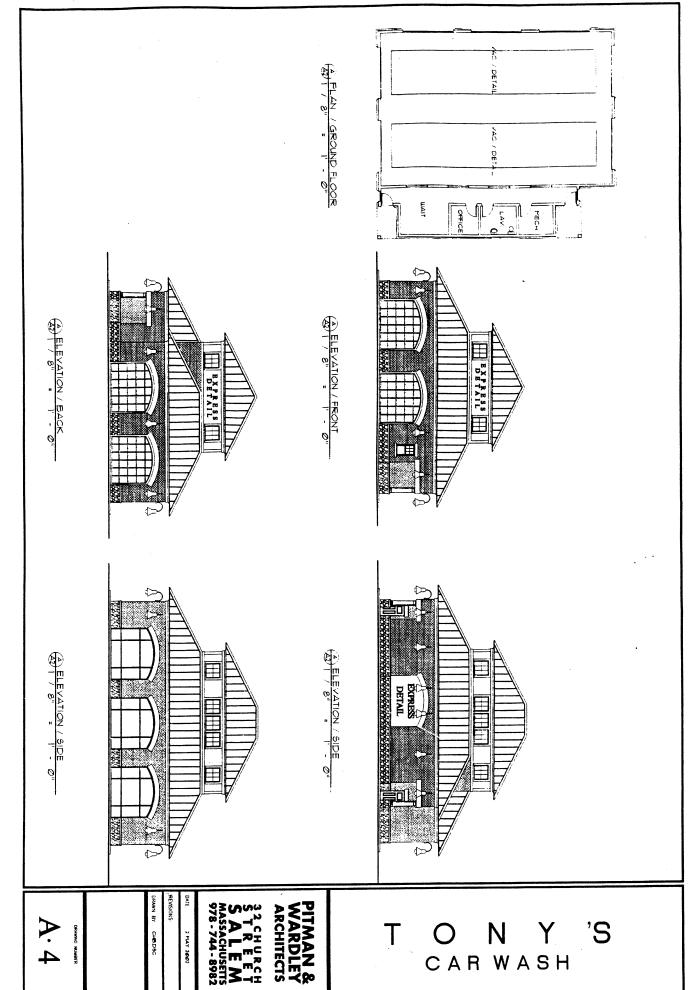


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