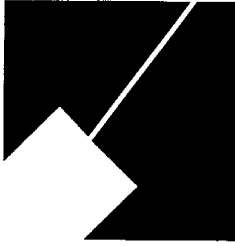


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

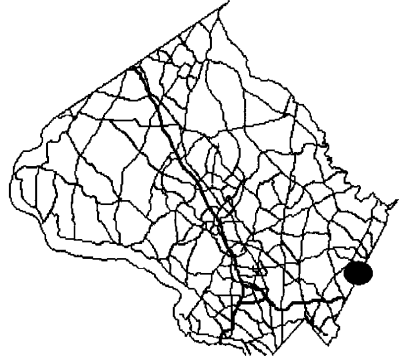
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Item # **5**
MCPB 3-30-06

MEMORANDUM

DATE: March 17, 2006
 TO: Montgomery County Planning Board
 Rose Krasnow, Chief *RK*
 Robert Kronenberg, Acting *RK*
 Supervisor
 Development Review Division
 FROM: Kathleen Mitchell *KM*
 Development Review Division
 (301) 495-4588



REVIEW TYPE: **Site Plan Review**
 CASE #: **820060010**
 PROJECT NAME: Montgomery Auto Sales Park (Herb Gordon Auto World-Mile One)
 Automobile Boulevard
 APPLYING FOR: Approval for Development of Lot 17 of the Auto Park with 57,749 Square
 Feet of Auto-Related Uses (Body Shop & Service Center)
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance
 Div. 59-C-4.36 and 59-C-4.367 (Special Regulations) of Montgomery
 County Zoning Ordinance
 ZONE: C-3 (Highway Commercial)
 LOCATION: Approximately 1200 feet south of the Automobile Boulevard/Briggs
 Chaney Road intersection in Silver Spring.

MASTER PLAN: Fairland Master Plan
 APPLICANT: Automobile Park Investment
 General Partnership II
 FILING DATE: July 5, 2005
 HEARING DATE: March 30, 2006

STAFF RECOMMENDATION: Approval of Site Plan 820060010 for development of 57,749 square feet for Auto Related Uses, specifically an auto body shop/service center for an auto dealership. All site development elements as shown on the proposed site plan for Lot 17 of the Montgomery Auto Sales Park, submitted and stamped by the M-NCPPC on March 2, 2006, shall be required except as modified by the following conditions:

1. Development Plan Conformance
The proposed development shall comply with the binding elements of Development Plan Amendment (DPA) 04-2 in Resolution No. 15-967, Adopted April 19, 2005. [Appendix A]
2. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 1-04101 as listed in the Planning Board opinion dated February 23, 2006, unless as amended by the conditions in the subject application.
3. Site Design
 - a. Parking shall be restricted to designated parking areas on sides, rear and/or rooftop of building.
 - b. No freestanding signs or pylon signs shall be visible from the Inter County Connector (ICC) or Briggs Chaney Road.
 - c. The parking tabulations shall be revised to eliminate the 19 spaces identified as display (Special Paving Treatment) as well as the two spaces in the front corner, northeast side of the building. Revise the total number of spaces to 424 spaces.
4. Landscaping
 - a. Screen rooftop equipment from the ICC and Briggs Chaney Road.
5. Lighting
 - a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for commercial development. All fixture types and numbers shall be keyed to the site and landscape plans. Provide a photometric light distribution plan that includes calculations to property lines; average maximum/average minimum must not to exceed 5.0.
 - b. Provide Lighting levels according to IESNA Recommended Practice; levels should conform to Secondary Business District Illumination Levels and Uniformities for Car Dealership General Lighting, current edition.
 - c. All light fixtures shall be full cut-off fixtures or able to be equipped with deflectors, refractors or shields.
 - d. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
 - e. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
 - f. The height of the light poles shall not exceed 24 feet including the mounting base.
 - g. Provide detail and specifications for all lighting fixtures (free-standing and building mounted exterior), including lamp type, wattage, house shields, mounted height, dimensions, hours of operation.
6. Pedestrian and Vehicular Circulation
 - a. Provide a pedestrian circulation plan outlining pathways and building accesses/doorways to the Office/Sales area and any other pedestrian access points in the building.

7. Forest Conservation
 - a. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
 - b. The 0.76 acre of afforestation to be met through purchase of credits in a forest bank;
 - c. Forest bank to be reviewed and approved by M-NCPPC staff prior to release of building permit.

8. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated January 17, 2006. [Appendix B]

9. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 1st building permit that Applicant’s recorded Homeowners Association Documents incorporate by reference the Covenant.

10. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. The Development Program shall include a phasing schedule as follows:

 - a. Landscaping associated with the parking lot and building shall be completed as construction of the parking/driveway areas and building is completed.
 - b. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
 - c. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

11. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of certified site plan.

12. Certified Site Plan

Prior to Certified Site Plan approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

 - a. Development program, inspection schedule, and Site Plan Opinion.
 - b. Limits of disturbance.
 - c. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.

- d. Revise site plan and parking table to eliminate all parking spaces shown in front yard of building, per 59-C-4.365.
- e. Label setbacks from all property lines. Show the measurement control point for building height on the site plan. Show building footprint dimensions and lot coverage calculations not to exceed 35%, per 59-C-4.367(b).
- f. Provide an exhibit of the green space, including cumulative calculations demonstrating compliance with the requirements of DPA 02-1.
- g. Add a note to plans that "Storage of waste material, auto parts, refuse and motor vehicles is prohibited in any required setback" per 59-c-4.367(a).
- h. Provide a trash collection area with details of the dumpsters including the pad site area, fence enclosure, access and screening.
- i. Label all retaining walls on the plan, and show the top and bottom elevations and linear feet.
- j. Provide details and specifications for all signage, including materials, lighting fixture mounts and housing, lamps and wattage and installation details.

SUMMARY:

The application, SP-820060010, proposes development of Lot 11 of the Montgomery Auto Sales Park in Silver Spring with a 57,749 square foot automobile body shop/service center for a dealership on an adjoining site. The site plan also includes drive aisles, parking areas, a rooftop parking deck, landscaping and a driveway connection to Lot 18, the site of its partner auto dealership.

Background

The subject property is a 4.98-acre lot, known as Lot 11 (P 970 and N 973), of the Montgomery Auto Sales Park on Automobile Boulevard and Briggs Chaney Road in Silver Spring. Western boundary of the Auto Park (Lot 18) abuts the right-of-way for the Inter-County Connector (ICC). Zoning for the subject property and the other lots surrounding it in auto park property is C-3, whose purpose is for highway-oriented uses.

The Montgomery Auto Park was established in 1986 and has attracted numerous dealerships. It is currently undergoing redevelopment, one component of the County’s economic development initiatives for the Route 29 Corridor, in anticipation of construction of the ICC. The concept of an auto park, or auto mall, is to concentrate dealerships and their ancillary uses in one area to provide shoppers one location for comparison-shopping, sales and service. It also allows the orderly development and use of a business with quasi-industrial activities that could impact other uses in mixed-use commercial areas.

The County Council through the Development Plan approval process sets the overall parameters for development within the Auto Park. The applicant was required to seek an amendment to the previous Development Plan Amendment, approved in 1986 (DPA-86-1), before submitting Preliminary Plans and Site Plans for this development proposal. Other interim amendments were approved but never executed; therefore DPA-86-1 has been the overarching plan regulating development within the Park.

Under DPA-86-1, parcel P 970 was approved for no more than 20,500 square feet for a proposed auto dealership. That plan was not implemented. No development or development cap was ever requested or approved for N 973, the other parcel making up Lot 11. Portions of the property were permitted to be asphalted and used for surface parking; but no buildings have ever been constructed on the subject property.

In April 2005 the County Council adopted and approved Development Plan Amendment 04-2, which amended DPA-86-1 to allow the property owner’s request for redevelopment as follows:

“As a first phase, the Applicant proposes to construct a 57,749-square-foot automobile body shop on Parcels P 970 and N 973, with ten bays for auto body work, approximately 285 surface parking spaces and approximately 163 spaces on a structured roof-top parking deck. The building, with rooftop parking, is intended to be 38 feet in height. The DPA will also permit potential construction of additional parking decks on the roof of the body shop, up to a height of 84 feet, if approved at site plan. The proposed body shop would be part of an overall redevelopment of auto dealerships owned by the Applicant’s parent company, Mile One, in the adjacent Montgomery Auto Park.”

DEVELOPMENT ISSUES:

Parking in Front of Building

A history of complaints regarding parking and storage of auto parts and waste materials in green space areas within the auto park was identified in the Fairland Master Plan process. DPA 04-2 and the Zoning Code's Special Regulations for Auto Related Uses, approved by the County Council after those complaints surfaced, included requirements and standards intended to address the problems. Among the standards for Auto Related Uses that exceed those of the zone are: parking is prohibited in front of the main building; a higher percentage of green space is required; greater building and parking lot setbacks are required on all sides. To mitigate the loss of parking spaces as a result of those requirements and/or the cost of replacing it in structures, structured parking is excluded from density calculations when applying density caps.

The plan shows 168 parking spaces on a rooftop parking deck and 285 surface parking spaces in areas surrounding the service center. DPA 04-2 allows for additional parking decks, not to exceed a building height of 84 feet, with site plan approval. The subject site plan does not include plans for the additional decks but does include a note indicating that additional parking decks may be added in the future not to exceed a building height of 84 feet. A landscaped area along the Briggs Chaney Road frontage responds to the requirements of DPA 04-2, the C-3 Zone and the Master Plan for the provision and protection of landscaped green space areas along the street frontage and throughout the parking areas per Special Regulations for Auto Related Uses in the C-3 Zone.

However, the plan also shows an area behind the landscaped strip along the Briggs Chaney Road frontage and in front of the main building, for display and/or storage of automobiles. The area is defined with a special pavement treatment to distinguish it from the asphalt drive aisles and striped parking space areas located behind the front wall of the main building and on the rooftop in compliance with the Code. The applicant has indicated that customers, employees and other visitors to the site would not be permitted to park in this area. Rather, vehicles, such as sales dealership inventory, that are not moved for longer periods of time than those associated with the more routine, in and out traffic, would be "stored" in this area, partially screened from sight by the landscaped area between it and Briggs Chaney Road.

Automobile parking facilities are defined in Section 59-A-2.1 of the Zoning Code and automobile sales lots are specifically excluded from meeting the definition for zoning purposes. However, the code defines "automobile sales lot" as:

"A lot arranged, designed or used for the storage and display for sale of any motor vehicle or any type of trailer; provided, that the trailer is unoccupied; and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises."

The staff has determined that the proposal to store automobiles for sale by the dealership, which is on another lot, does not meet the definition of "automobile sales lot". Therefore, the area identified as Special Paving Treatment Area in front of the building, which is proposed for

storage of automobiles which will not be sold on the subject premise, is a parking facility and must be removed from the front yard area of the service center building.

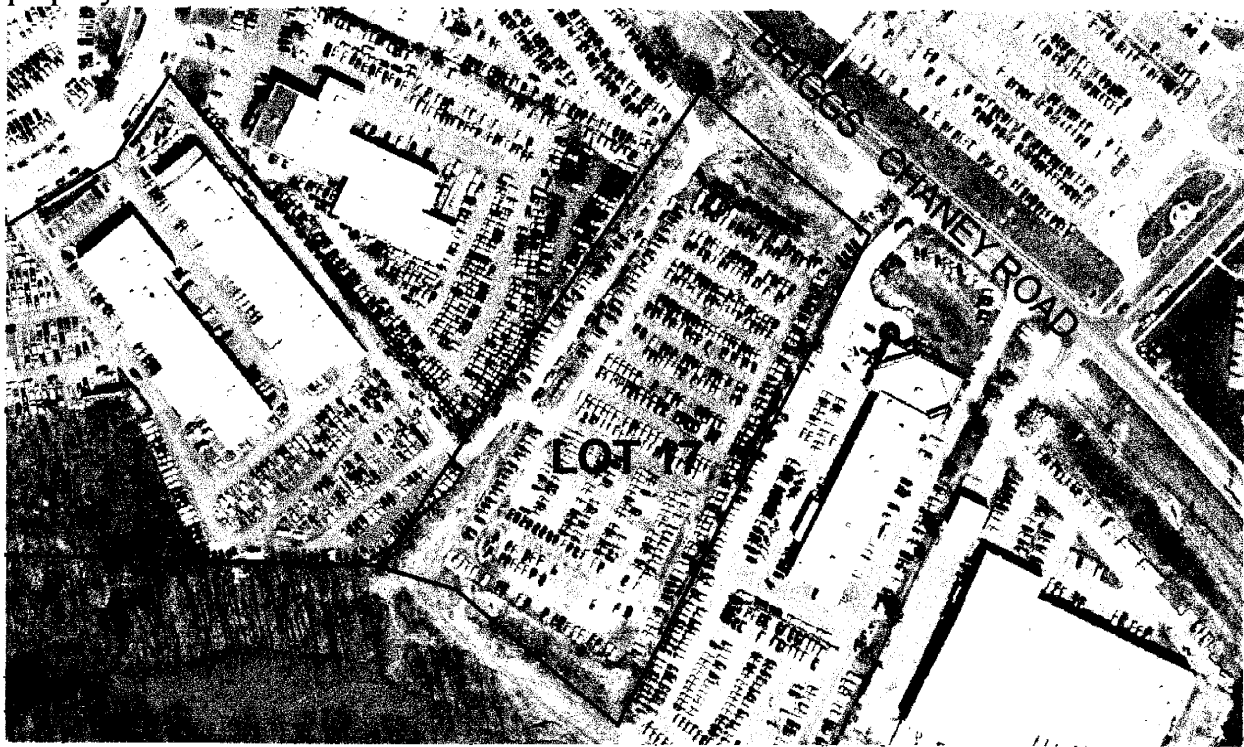
PROJECT DESCRIPTION:

Site Vicinity

The 4.98-acre subject property is part of a 14.77 acre development site zoned C-3 and located on the south side of the Automobile Boulevard “loop”, at the intersection of Briggs Chaney Road and Automobile Boulevard. Montgomery Auto Sales Park, with its numerous car sale dealerships and their service centers, has been operating at that location since 1986.

The approved right-of-way for the Inter-County Connector (ICC) abuts Lot 18, which is the western boundary of the Park. Construction of the ICC has not yet begun; however, the project is in the final phases of environmental review and is expected to move forward within the next few years. The subject site is at the other end of the Auto Park and is not expected to directly impact or be impacted by the ICC.

The property to the north, across Briggs Chaney Road from the subject site, is County-owned and used as a commuter Park and Ride Lot. The facility is serviced by several Metrobus routes and a Ride-On route. The properties immediately surrounding the subject property to the east and west are zoned C-3 and developed with auto dealership and related uses. Immediately to the south of the subject property is the Little Paint Branch watershed (Use I waters). A small stream feeds into the Tanglewood Tributary of the Little Paint Branch stream system. An existing in-stream regional stormwater management (SWM) facility lies to the southeast of the subject property.



PROJECT DESCRIPTION

Proposal

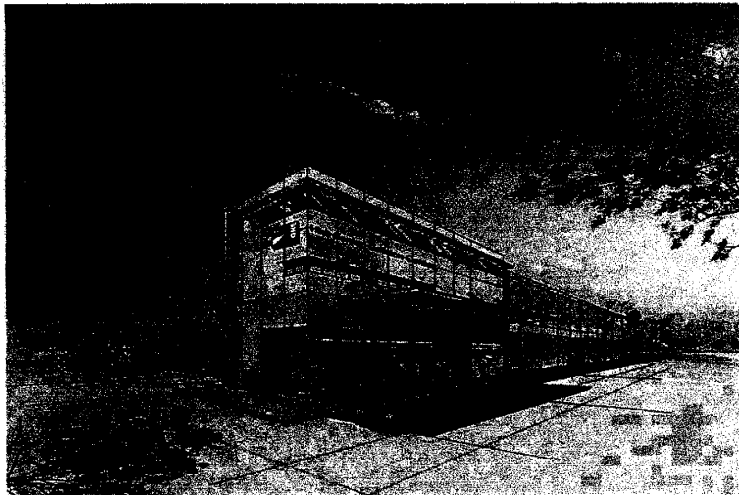
The application proposes to construct a ten bay garage-type building to be used for an auto body shop and service center for a new car dealership. It includes a 57,749 square foot building, 38 feet in height, labeled as a Service Center and Body Shop. Except for a small area of the building designated as Office/Sales, it appears the entire building will be used for auto bodywork, automotive repair and preparation of cars for sale in support of the auto dealership showroom and sales offices proposed concurrently to be developed on an adjoining lot, Lot 18 (SP 820060020).

The two lots are connected by a driveway at the southwest corner of the subject property to allow pedestrian and vehicular movement between the lots without using Briggs Chaney Road. Irrespective of this internal connection and/or the possible use of the two sites by a single business entity, a franchised automobile dealership, it is important to note that the two development proposals and site plans are separate and independent. Development and use of either site must be able to stand-alone and meet all applicable development standards.

Environmental

The property is within the Little Paint Branch watershed and does not include forests, streams, wetlands, environmental buffers or trees on the property. An existing regional stormwater management facility lies to the south of the subject property. The applicant has proposed to meet afforestation requirements by purchasing credits from a forest mitigation bank.

Phase IIB "Bone Yard" Body Shop Project



Rendered Perspective



COMPLIANCE WITH DPA-04-2 AND/OR C-3 ZONE DEVELOPMENT STANDARDS

PROJECT DATA TABLE
SP 8206001
Montgomery Auto Sales Park - Lot 17

Development Standard	Zoning Req'm't	DPA Binding Elmts	Proposed
Site Area:			
Min. Tract Area (ac.):	N/A	N/A	4.98
Density:			
	N/A	N/A	57,749
Building Setbacks:			
Rear	0'	N/A	238'
Front	10'	50'	104'
Sides			
West side	0'	42'	42'
East side	0'	42'	52'
Building Coverage:			
Max.lot coverage	35%	35%	26%
Building Height:			
Standard	42'	42'	38'
With Site Pl Approval	84'	84'	N/A
Green Area:			
	10%	15%	20.39%
Parking:			
Auto repair/service (3.3 spaces/1000gsf)	193		
Employee (1space/1employee)	30		
Total Req'd	223		445*

* The 21 spaces shown in front of the main building are prohibited by Zoning Code and must be removed. Therefore, the site plan and data table must be revised to reflect this prior to Certification of Plan.

ANALYSIS:

Conformance to Master Plan

Previous Zoning Map Amendments and Development Plan approvals by the County Council and Site Plan approvals by the Planning Board have found auto related uses, such as that proposed, to be in accordance with the Fairland Master Plan recommendations for lots within the Montgomery Auto Park, including the subject site. In fact, the area was rezoned to the C-3 (Highway Oriented Commercial) Zone and Special Regulations for Auto-Related Uses were added to that zone to provide the appropriate standards for the mix of sales and service uses related to automobile dealerships to provide for dealerships being displaced by the high cost of land and lack of appropriately zoned land in the downcounty commercial areas. The applicant's parent company, Auto Mall One, was instrumental in developing the concept and creating the regulatory framework

Local Area Transportation Review

The applicant was required as a condition of Preliminary Plan approval to participate with other development in the area or provide at their sole expense certain improvements to the local area network before development of the proposed plan can proceed. See Appendix D for the staff report and recommendations of the Transportation Planning Division.

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.*

If amended in accordance with recommended conditions, the proposed development is consistent with the approved Development Plan (DPA 04-2) in land use, density, location, building height and development guidelines.

The recently approved amendment to the Development Plan, (DPA 04-2, Adopted 4/05) requires certain “binding elements” to be reviewed and approved by the Planning Board at Site Plan Review. These are:

1. All parking should be in designated parking areas.
2. Prohibit any designated parking spaces from being located in any area that constitutes green space per Section 59-A-2.1 of Montgomery County Code.
3. Prohibit any designated parking spaces from being located in the storm water management access easement.
4. Approval from Department of Public Works and Transportation for grading, curb cuts and access to storm water management area.
5. The front yard setback is a minimum of 50 feet.
6. The side yard setback is 42 feet.
7. A minimum of 15% (.75 acre) of the total lot area (4.98 acres) must be dedicated to greenspace.

The plan addresses the parking area location and use requirements of the approved Development Plan showing clearly designated parking areas with well-directed drive aisles separated and/or channelized by raised curbs and concrete dividers. The surface parking areas are located on the sides and rear of the main building and are not located in the storm water management easement access area. A single egress/ingress driveway provides access from its Briggs Chaney Road frontage.

A heavily landscaped strip, part of the green space component of the plan, separates a drive aisle across the front of the building from Briggs Chaney Road. The dense plantings will discourage if not preclude mis-use of the green space area for overflow parking or storage of parts and waste materials – a pattern the County Council clearly recognized by including two binding elements, numbers 2 and 3 above, as conditions of DPA 04- 2.

The plan meets other binding elements for front and sideyard setbacks as defined in DPA 04-2; and, the greenspace requirement for 15% is exceeded in the landscaped strip along the Briggs Chaney Road frontage and other areas more internal to the site. Those items related to the protecting the storm water management access easement will be addressed by the Department of Public Works and Transportation by easement agreement as a condition of this Site Plan approval.

2. *The Site Plan meets all of the requirements of the C-3 Zone [See Data Table on page 10].*

The Zoning Code includes standards specific to the I-3 Zone and/or the Special Regulations for Auto-Related Uses, including but not limited to:

1. Maximum Lot Coverage: 35%
2. Maximum Height: 42 feet; except, where recommended as appropriate in applicable master or sector plan, the maximum building height for an auto sales and service mall is 7 stories or 84 feet. (DPA 0-4 requires Site Plan review and approval)
3. All parking shall be located to the side or rear of the main building, inside of the building or on the roof.
4. A driveway, without parking areas, may be located in front of the building.
5. No storage of waste, auto parts, refuse and motor vehicles in any required setback.

The submitted plans include a note under the title “Development Plan” on page SP-1 indicating that “additional parking decks, as shown on the development plan may be constructed on the roof of the body shop in the future.” Plans for these future-parking decks have not been submitted as part of this application and are not approved as part of this site plan approval.

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

a. Buildings

The site and building design are purely functional in keeping with the intended use as an automobile body shop and service center. The proposal meets setback, green space, height, lot coverage and other standards required by the DPA, zoning code and other pertinent regulations. The location of the lot, in the interior of an established automobile sales park, limits potential for visual and noise impact on surrounding uses outside of the auto park itself. The applicant will be required to contribute to or provide for improvements to local road/intersection system necessary to handle the additional trips generated by this and other new uses in the immediate auto park area.

b. Open Space

While the concentration of required green space in one major area at the front of the site would not be optimum in most development areas, certain unique components of this request make it acceptable, including:

- The operational demands and activities related to the proposed use as a multi-bay body shop and auto service garage, including greater vehicular activity and higher demand for parking and storage of autos, make areas within the parking lot a difficult environment for trees and other plantings;
- the auto park area has generated complaints from the community related to the mis-use of the greenspace for overflow parking and storage of auto parts, waste and other byproducts of the vehicular repair and garage operations;
- the location of this lot in the interior of the larger auto park development and the functional use of most on-site parking and driveway areas by the auto repair uses within, rather than for customers or visitors.

Considering those factors, relatively dense plantings concentrated in a single landscaped strip will soften the appearance from Briggs Chaney Road, will preclude the mis-use of this greenspace area for overflow parking and storage, and will provide the most efficient design and use of interior parking drive areas to support the heavy use without impacting the surrounding properties and roadways.

c. Landscaping and Lighting

The landscape plan submitted by the applicant shows plantings and green area in a single landscaped strip along the Briggs Chaney Road frontage, constituting a little over 20% of the total lot. The Code requires 10% of the lot and 5% of the parking areas to be green space/planted landscape; DPA 02-1 requires 15% green space. Landscaping is almost exclusively confined to one landscaped strip along the front property line.

The area is proposed to be densely planted with a mix of trees and bushes which will improve and soften the appearance of the service center from the public sidewalk and street. Parking is a major issue in the Auto Sales Park and on the subject site. Pressure to improve the stark appearance and unsightly activities on sites within the Auto Park lead to concentrating the green space and landscape improvements along the street frontage. Prohibitions for front yard parking areas contribute to these phenomena by creating the need for more parking spaces on the sides and rear. Providing adequate on-site parking to meet the needs of the industry while prohibiting it altogether from the sizeable frontyard areas conflicts with the goals of protecting the green space and providing pockets of green areas, oases, in the otherwise weather exposed parking areas.

The applicant has balanced the conflicting design and space needs satisfactorily.

d. Vehicular and Pedestrian Circulation

The areas on the sides and rear of the proposed auto body/service center building are shown as surface parking spaces and drive aisles (asphalt), interspersed with

raised concrete dividers. The area in front of the main building shows the driveway access from Briggs Chaney Road, which provides access to the body shop/service center and the parking areas located on both sides and to the rear of the building.

Parking is not permitted in front of the main building and the applicant was required to remove all the spaces shown on the site plan between the front building line and Briggs Chaney Road. The driveway in front of the building provides vehicular access to the parking spaces on the far side of the main building from the entrance to the site and is needed for internal circulation. A heavily planted, landscaped strip separates the front yard drive aisle from the street.

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

The single structure on the site is compatible with other uses and Site Plans that surround it in the Auto Sales Park and on the County-owned property across Briggs Chaney Road from the site, which is currently used as a Park n' Ride Lot. Landscaping along the front property line and code restrictions which prohibit parking in front of the main building combine to create a buffer area from uses on the north side.

A rear driveway connection to Lot 11, which is the site of the dealership the service center use on the subject property is to serve, further reduces impact on surrounding uses and roadways. Therefore, the structure and use are compatible with surrounding uses and Site Plans.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The proposed site plan satisfies the forest conservation requirement by providing 0.76 acres of afforestation to be met through purchase of credits in a forest bank. The forest bank will be reviewed and approved by M-NCPPC staff prior to release of building permit.

APPENDIX