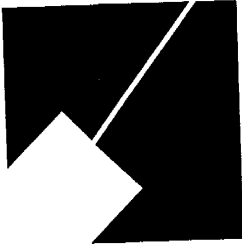


M-NCPPC



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

MCPB
Item # 6
Date: ~~3/16/06~~
3/30/06



MEMORANDUM

DATE: March 3, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *Rose Krasnow*
Catherine Conlon, Supervisor *CK*
Development Review Division

FROM: Richard A. Weaver, Coordinator (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Approval of 42,189 square feet of commercial auto sales and service use in addition to the permitted and existing 133,702 square feet for a total of 175,891 square feet.

PROJECT NAME: Montgomery Auto Sales Park

CASE #: 120041060 (1-04106)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: C-3

LOCATION: Located on the south side of Automobile Drive loop road, approximately 1200 feet south of the intersection with Briggs Chaney Road.

MASTER PLAN: Fairland

APPLICANT: Automobile Park Investment General Partnership II

ENGINEER: Joyce Engineering

FILING DATE: June 23, 2004

HEARING DATE: March 16 30, 2006

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Limit future development on Lot 11 to 175,891 square feet of commercial space (i.e., additional 42,189 square feet of commercial density over currently permitted 133,702 square feet) to be used as automobile sales showroom and service facilities.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) Applicant shall place in reservation for the proposed ICC, the area shown as Attachment 3 to this report ("Reservation Area") until the earlier of (i) April 1, 2006; or (ii) a final Record of Decision is issued by the FHWA, and that Record of Decision does not include the Reservation Area, or any portions thereof, within the final ICC alignment.
- 4) Applicant shall grant an easement to SHA over area shown on Attachment 3 ("Easement Area") for grading and drainage.
- 5) The applicant shall locate all on-site improvements outside of the Reservation Area, unless approved by SHA, until the above reservation requirement is exhausted.
- 6) At least 90 days prior to the submission of any building and/or construction permit for the subject development, the applicant shall provide certified written notice to SHA, Engineering Access Permits, Division Office of Highway Development stating applicant's intent to proceed with the proposed development on Lot 11. The applicant shall concurrently send a copy of this letter to Maryland-National Capital Park and Planning Commission (M-NCPPC), c/o Chief, Transportation Planning.
- 7) Any contract of sale between the applicant and any prospective buyer of Lot 11 shall:
 - a. advise the buyer in writing of the requirements in place on the lot per above Conditions 4 through 6; and
 - b. advise the buyer to contact SHA and/or M-NCPPC Transportation Planning staff for current information regarding ICC alignment in the area. This notification requirement is binding on the applicant's heirs, successors, and/or assigns.
- 8) Contribute to SHA as requested in letter dated August 18, 2005, jointly with approved Preliminary Plan No. 1-05001 (Fairland View) and pending Preliminary Plan No. 1-04101 (Montgomery Auto Sales Park, Lot 17), an amount equivalent to the cost of implementing or designing/constructing the following intersection improvement required for APF approval of the subject application:
 - a. Re-stripe eastbound Fairland Road approach to Columbia Pike with a left, left, through, through/right lane combination in place of existing left, left/through, through, right lane combination.
 - b. The contribution shall be paid in full prior to the issuance of building permits.
- 9) Compliance with conditions included in the Montgomery County Department of Public Works and Transportation's (DPWT) letter dated January 17, 2006, unless otherwise amended.
- 10) Compliance with the conditions of approval of the MCDPS stormwater management approval dated September 30, 2006.
- 11) No clearing, grading or recording of plats prior to signature set approval.
- 12) Final approval of the number and location of buildings, on-site parking, site circulation, and sidewalks will be determined at site plan.

- 13) Site Plan # 8-06002 shall be approved by the Planning Board and signed by the Development Review Staff prior to the approval of the record plat.
- 14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 15) Other necessary easements

SITE DESCRIPTION: (Attachment 1)

The 14.77-acre subject property is zoned C-3 and located on the south side of Automobile Boulevard “loop” in the Fairland Master Plan area. An existing commercial automobile sales and service operation with extensive areas of buildings and parking lots occupy the property.

Land uses in the immediate area include residential (to the northeast of the site), commercial (to the north and east of the site), retail (to the north of the site) and institutional (to the northeast of the site). A county maintained Park and Ride lot is located at the northwest corner of the Briggs Chaney Road/Gateshead Manor Way intersection near the site, which is serviced by Metrobus routes Z5, Z8, and Z11, in addition to Ride-On route 39. The proposed Corridor 1 alignment of the ICC is to the south of the property, which is proposed to have an interchange with US 29 in the southwest corner of the property.

The property lies within the Little Paint Branch watershed (Use I waters). A small stream and associated environmental buffer lies along the southwestern portion of the property. The 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: (Attachment 2)

The application proposes to remove a portion of the existing automobile related uses and reconfigure the site with additions to existing buildings and with new buildings. Parking will also be reconfigured. For Local Area Transportation Review (LATR) purposes the total increase in square footage will be 42,189 square feet. Access to site will continue to be from Automobile Boulevard, which connects to Briggs Chaney Road.

The review of this application will not result in a new record plat, therefore, this is not a typical preliminary plan of subdivision but is more accurately described as a review of Adequate Public Facilities (APF) for the additional square footage.

As part of ongoing SHA and DPWT projects, Briggs Chaney Road is being reconstructed between Old Columbia Pike to the west and Dogwood Drive to the east, with an interchange at US 29, a bike path along its south side, and a sidewalk along its north side.

COMPLIANCE WITH THE FAIRLAND MASTER PLAN

The Fairland Master Plan recognizes the uses associated with the Auto Sales Park in the C-3 zone and recommends the need for streetscaping and sidewalk improvements along Briggs Chaney Road for properties within the Auto Sales Park. The subject property has no frontage on Briggs Chaney Road and therefore, is not subject to this Master plan requirement. Therefore the proposal is consistent with the overall master plan in that it is a continuation of the recognized use.

TRANSPORTATION

Proposed Intercounty Connector (ICC)

The ICC is proposed as a limited-access east-west highway intended to link areas between I-270 to the west and I-95/US 1 to the east through central/eastern Montgomery and western Prince George's Counties. At present, the ICC planning process has concurrence on two alternative alignments called Corridor 1 and Corridor 2. Corridor 1 generally follows an alignment that is incorporated in area master plans while Corridor 2, to the east of Georgia Avenue (MD 97), follows an alignment to the north of Corridor 1 that is not represented in any area master plans.

Currently, the ICC planning process is moving forward with the State's recently announced selection of Corridor 1 as its preferred alternative for construction, and the publishing of a *Final Environmental Impact Statement (FEIS)* for the project. After reviewing the *FEIS*, FHWA will make a final determination on the project in a Record of Decision, which at the present time is expected to occur in Spring 2006. Information available in the *FEIS* indicates that the proposed Corridor 1 alignment of the ICC, its interchange with US 29, and some support structures physically impact the property.

Local Area Transportation Review

A traffic study was required for the subject preliminary plan per the *LATR Guidelines* since the overall Montgomery Auto Sales Park development including the subject addition of commercial density to the lot was estimated to generate **50** or more total peak-hour trips during the typical weekday morning (6:30 – 9:30 a.m.) and evening (4:00 – 7:00 p.m.) peak periods. The consultant for the applicant submitted a traffic study dated June 22, 2005, that determined the combined traffic impacts of both Preliminary Plan No. 1-04106 (proposed addition of 42,000 square feet of commercial density on Lot 11 – now 42,189 square-feet) and Preliminary Plan No. 1-04101 (proposed 57,749 square feet auto body shop and repair center on Lot 17) on the nearby roadway intersections during weekday morning and evening peak periods. Staff review of the above traffic study indicated that the study complied with the requirements of the *LATR Guidelines* and the traffic study scope provided by the staff. The applicant provided a supplementary traffic analysis dated March 2, 2006, that documented analysis for an additional 189 square-feet of commercial density on Lot 11 (for a total additional density of 42,189 square-feet).

Trip generation estimates for the 42,189 square feet of commercial density on Lot 11, as analyzed in the supplementary traffic analysis, were based on driveway data collected, and trip generation rates determined for the existing 329,540 square feet of automobile sales and service facilities within the entire Montgomery Auto Sales Park. This is presented in Table 1.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
ADDITION OF 42,189 SF OF COMMERCIAL DENSITY ON LOT 11
MONTGOMERY AUTO SALES PARK**

Time Period	Trip Generation		
	In	Out	Total
Weekday Morning Peak-Hour	65	23	88
Weekday Evening Peak-Hour	39	73	112

Source: Montgomery Auto Park Expansion Traffic Study. The Traffic Group, Inc. June 22, 2005; Supplementary Traffic Analysis. The Traffic Group, Inc. March 2, 2006.

As shown in Table 1, it was estimated that the proposed use would generate approximately 88 peak-hour trips during the weekday morning peak-period and 112 peak-hour trips during the weekday evening peak-period. A summary of the capacity/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak hours within the respective peak periods from the supplementary traffic analysis is presented in Table 2. It is noted that results presented in Table 2 include traffic impact at study intersections from both Preliminary Plan No. 1-04106 and Preliminary Plan No. 1-04101.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
MONTGOMERY AUTO SALES PARK
PRELIMINARY PLAN NOS 1-04106 and 1-04101**

Intersection	Traffic Conditions							
	Existing		Background		Total		Total w/Applicant Proposed Imps	
	AM	PM	AM	PM	AM	PM	AM	PM
US 29/Greencastle Rd	1,524	1,321	1,533	1,328	1,543	1,340	--	--
US 29/Briggs Chaney Rd	1,770	1,538	--	--	--	--	--	--
US 29 SB Ramps/Briggs Chaney Rd ¹	--	--	804	529	820	566	--	--
US 29 NB Ramps/Briggs Chaney Rd ¹	--	--	936	1,137	976	1,171	--	--
US 29/Fairland Rd	1,541	1,485	1,609	1,571	1,618	1,589	1,594	1,548
Briggs Chaney Rd/Old Columbia Pk ¹	1,237	1,115	1,018	850	1,044	865	--	--
Briggs Chaney Rd/Castle Blvd/ Automobile Blvd ^{1,2}	1,005	1,182	776	961	789	1,000	--	--
Briggs Chaney Rd/Robey Rd ²	1,078	1,100	868	708	876	713	--	--
Briggs Chaney Rd/Gateshead Manor Wy ²	818	965	708	837	717	842	--	--
Briggs Chaney Rd/Site Access ²	--	--	--	--	358	654	--	--

Source: Montgomery Auto Park Expansion Traffic Study. The Traffic Group, Inc. June 22, 2005; Supplementary Traffic Analysis. The Traffic Group, Inc. March 2, 2006.

FY 2004 Congestion Standard for Fairland/White Oak Policy Area: 1,550 CLV

¹ Background and Total Traffic Conditions reflect SHA improvements as part of the US 29/Briggs Chaney Road interchange project.

² Background and Total Traffic Conditions reflect proposed DPWT improvements along Briggs Chaney Road.

As shown in Table 2, under Total traffic conditions, CLV at the study intersections were either below the FY 2004 Fairland/White Oak congestion standard of **1,550**, or with the required roadway improvement, (lane designation changes to the eastbound Fairland Road approach to US 29) did not exceed the respective CLV (**1,168 a.m.** and **1,589 p.m.**) under background traffic

conditions. A pending Preliminary Plan (1-04101; Montgomery Auto Sales Park, Lot 17) and an approved Preliminary Plan (1-05001; Fairland View) are also required to participate in this improvement.

Per Section III.A of the *LATR Guidelines*, “An intersection improvement may be used by two or more developments if construction of the improvement has not been completed and open to the public. In order to be considered, the program or improvement must provide sufficient capacity to:

- result in a calculated CLV in the total traffic condition that is less than the congestion standard for that policy area, or
- mitigate the traffic impact if the calculated CLV in the total traffic condition exceeds the intersection congestion standard for the applicable policy area. Mitigation is achieved when the CLV in the total traffic condition that includes traffic from each contributing development *with* the improvement is equal to or less than the CLV in the background traffic condition without the improvement.”

Based on the review of the analysis presented in the traffic study, staff concludes that the improvement identified will create adequate capacity at the intersection to accommodate traffic associated with the subject development and the other two plans.

Policy Area Transportation Review/Staging Ceiling Conditions

Under the FY 2004 AGP which applies to this application, the Fairland/White Oak Policy Area had staging ceiling capacity for 1,939 jobs (non-residential development) on June 30, 2004. Since staging ceiling capacity for jobs existed at the time of this application, the subject preliminary plan satisfies the *Policy Area Transportation Review* test.

It was estimated that the proposed addition of 42,189 square feet of commercial density on Lot 11 is equivalent to 85 jobs (assuming 500 square feet of commercial space is equivalent to 1 job). However, the applicant had indicated that the proposed addition will not add any new employees to the site, but in fact, will shift some of the existing jobs to Lot 17 (Preliminary Plan No. 1-04101).

ENVIRONMENTAL

Background

The environmental buffer and adjoining area on the southwestern portion of the property contains 0.94 acre of existing forest. Until recently, an open area on the south side of the property had been covered in 1.02 acres of forest. The forest clearing was part of a DPS approval for stormwater management facility work (see discussion below under “Forest Conservation” for details).

Environmental Buffers

A small stream and its environmental buffer cover about 1.42 acres along the southwestern portion of the property. Approximately 0.48 acre of the environmental buffer is currently covered in impervious surfaces (parking lot) and 0.77 acre is in forest. Impervious surfaces are considered to be encroachments into environmental buffers and staff has not historically supported encroachments into environmental buffers for new land use development projects. However, since car dealership uses and operations are to remain on the site (i.e., no change in use or activity types) and the site plan proposes to change only certain parts of the site, Environmental Planning staff has recommended that the existing encroachment can continue to exist in the environmental buffer area.

The applicant's site plan proposes to add about 0.08 acre (3320 s.f.) of new impervious surfaces in the environmental buffer. In the initial review of the project, staff did not support any *additional* encroachments into the environmental buffer area. However, staff has recently learned that the proposed construction for the Inter-County Connector (ICC) will greatly affect the viability and condition of the on-site stream and its environmental buffer. In a letter dated January 27, 2006, SHA submitted a map that shows some of the features that are proposed for the ICC. The construction of the ICC ramps would severely separate and isolate the stream valley on the subject site. Approximately 0.2 acre (8800 s.f.) of the environmental buffer would be within a proposed SHA construction easement. Much of this area overlaps with the environmental buffer area where the applicant proposes to locate new encroachments. One scenario shows over one-third of the environmental buffer (0.52 acre out of 1.42 acres of the buffer) within a proposed ICC ROW that SHA would acquire from the applicant. In addition, it appears that SHA proposes to construct a retaining wall that would run down the length of the stream valley on the subject site.

Because of the significant disturbance and disruption of the proposed ICC construction on the environmental buffer, staff is doubtful that the stream and the buffer can be adequately protected. Therefore, staff no longer recommends preservation or restoration of the environmental buffer area as part of this proposed preliminary or site plan. Staff recommends that the applicant provide as much tree protection in the environmental buffer as possible as part of the proposed Auto Sales Park project. If the ICC construction can protect some of these remaining trees, there may be some tree cover that may survive over the long term. However, staff does not recommend a conservation easement over the environmental buffer area.

Forest Conservation

The forest conservation plan proposes that all of the on-site forest is counted as forest clearing. This results in a reforestation requirement of either a 3.58 acres if the SHA acquires 0.52 acre of ICC ROW from the subject property, or 4.18 acres, if no ICC ROW is acquired. The applicant proposes to satisfy the reforestation requirement by purchasing credits from an offsite forest bank.

In and around the environmental buffer area, the forest conservation plan shows the preservation of tree cover whether or not the SHA acquires ROW over part of the environmental

buffer. But none of the remaining tree cover is shown as protected forest. Staff believes this approach is appropriate because of the expected adverse affects of the ICC construction on the forest and environmental buffer (see discussion above under “Environmental Buffers”). With the Auto Sales Park use on one side and the ICC on the other side, the stream, its buffer, and forest, will become only a small, isolated remnant of the environmental buffer that currently exists. The quality of these features will most likely be degraded. If the applicant and the SHA are able to protect some trees in the remnant of the buffer, some tree cover may continue to exist after construction is complete. Therefore, staff recommends a tree protection plan, but no conservation easement, for the environmental buffer area.

The open area at the southern portion of the site had been covered in 1.02 acres of forest. An old SWM facility existed in this area but was never maintained. The area is covered by an existing SWM easement. Forest has regenerated in and around the facility. In 2001, DPS and the property owner agreed to terminate the SWM facility and regrade the area to extend the storm drain system, install a new rip-rap outfall, and install water quality structures. The water quantity controls would be provided by the nearby, regional SWM facility in the Tanglewood Tributary. This work, including the forest clearing, occurred within the last two years but was not covered by a forest conservation plan. The current forest conservation plan accounts for the 1.02 acres of forest clearing.

The forest conservation plan proposes to meet the reforestation requirement through the purchase of credits from a forest bank. Staff believes the use of an offsite forest bank is acceptable for this project since there would be no appropriate space on the site for forest planting. The specific forest bank would have to be identified by the applicant for staff review and approval prior to the start of clearing and grading. The proposed preliminary and final forest conservation plans, with staff’s recommended conditions, meet the requirements of the County Forest Conservation Law.

ZONING ORDINANCE

The Montgomery County Zoning Ordinance establishes special regulations applicable to designated automobile-related uses under Section 59-C-4.36. This application was reviewed for consistency with these requirements. Conformance to the special regulations is illustrated in the Data Table within this report. The proposed development was also found to conform to all other zoning requirements.

SUBDIVISION REGULATIONS

The application was reviewed for conformance to the Subdivision Regulations. Among other things, the Subdivision Regulations require a review of the adequacy of public facilities to handle the additional development including water, sewer, traffic, pedestrian access, fire and rescue services, and stormwater management. All agencies having review authority over these requirements recommended approval or approval with conditions of this application. Agency comments are attached to this report. Staff has determined that the application meets all other requirements of the Subdivision Regulations.

CONCLUSION:

The application was reviewed for conformance with the Fairland Master Plan, the Zoning Ordinance and the Subdivision Regulations. In all cases the development as proposed satisfied all requirements outlined in these documents as demonstrated in this staff report. Therefore, staff recommends approval of the application with the conditions cited above.

ATTACHMENTS:

- Attachment 1 Vicinity Map
- Attachment 2 Preliminary Plan
- Attachment 3 ICC Maps
- Attachment 4 Agency Approvals

Preliminary Plan Data Table and Checklist

Plan Name: Montgomery Auto Park				
Plan Number: 120041060 (formerly 1-04106)				
Zoning: C-3				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Auto body and repair facility				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	none.		RW	
Lot Width	none		RW	
Lot Frontage	none		RW	
Setbacks				
Front - Side - Rear (Special Reg's for designated auto related uses, 59-C-4.367)	10 ft from adjoining commercial or industrial zone and 50 ft. from adjoining residential zone, highway, freeway or 120 ft. wide row.	Must meet minimum or as established by site plan	RW	3/3/06
Height	42 ft. Max	May not exceed maximum	RW	3/3/06
Building Coverage	35%	May not exceed maximum	RW	3/3/06
MPDUs	none			
TDRs	none			
Site Plan Req'd?	Yes			3/3/06
FINDINGS				
SUBDIVISION				
Road Improvements/Storm Drain	Yes	Yes	DPWT memo	1/17/06
Dedication of Public Streets	None			
Environmental Guidelines	Yes	Yes	EPD memo	2/13/06
Forest Conservation	Yes	Yes	EPD memo	2/13/06
Master Plan Compliance	Yes	Yes	RW	3/3/06
Other				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Yes	DPS memo	9/30/05
Water and Sewer	Yes	Yes		3/3/06
10-yr Water and Sewer Plan Compliance	Yes	Yes	RW	6/6/05
Well and Septic	none			
Local Area Traffic Review	Yes	Yes	TPD memo	3/3/06
Fire and Rescue	Yes	Yes	Fire and Rescue memo	1/24/06

Attachment 1

Attachment 2

