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**MEMORANDUM TO:** Mayor and City Council  
Planning Commission

**FROM:** Trudy Schwarz, Community Planning Director

**DATE:** March 13, 2013

**SUBJECT:** Staff Analysis:  
ASK-1746-2013 and SDP-1747-2013  
Car Max  
Sketch Plan Amendment and Schematic Development Plan  
16331 Shady Grove Road

**APPLICANT**

CarMax Auto Superstores, Inc.  
12800 Tuckahoe Creek Parkway  
Richmond, Virginia 23238

**OWNER**

Sears, Roebuck & Company  
3333 Beverly Road A2-262B  
Hoffman Estates, Illinois 60179

**TAX MAP REFERENCE:**

Tax Sheet: FS 563 and GS 123  
Tax Parcel ID Number: N606

**TAX ACCOUNT NUMBERS:**

Pt of Parcel A – ID #09-00768845

**REQUEST**

CarMax Auto Superstores, Inc. (CarMax) has submitted Amendment to Sketch Plan Application ASK-1746-2013 and Schematic Development Plan (SDP) Application SDP-1747-2013. Application ASK-1746-2013 proposes to amend the Sketch Plan for 13.66 acres of land in the MXD (Mixed Use Development) Zone, for the development of a 25,000 square foot Automotive Sales Center and a 225,000-square foot Office/Commercial Building. Application SDP-1747-2013 proposes a 25,000-square foot Automobile Sales Center on 10.07 acres (of the 13.66-acre parcel) of land located in the MXD (Mixed Use Development) Zone. The Property, formerly known as the Sears Warehouse and Great Indoors, is located at 16331 Shady Grove Road in the City of Gaithersburg, Maryland.



Amendment to Sketch Plan ASK-1746-2013  
Schematic Development Plan SDP-1747-2013

## **GENERAL INFORMATION<sup>1</sup>**

### **LOCATION**

The property is located off Shady Grove Road, south of its intersection with Oakmont Avenue and north of the intersection of North Frederick Avenue (MD Route 355) and Shady Grove Road. The property is addressed 16331 Shady Grove Road. The property includes one parcel and consists of 13.66 acres of land.

### **JOINT PUBLIC HEARINGS**

The Mayor and City Council and the Planning Commission held a consolidated joint public hearing on applications ASK-1746-2013 and SDP-1747-2013 on February 19, 2013<sup>2</sup>. The Planning Commission records for these applications closed March 13, 2013 and the Mayor and City Council records close on March 21, 2013.

<sup>1</sup> Additional background information including Zoning & Site Plan History, Existing Environmental Setting, and Public Facilities can be found in the Preliminary Staff Report, Exhibit #20 of ASK-1746-2013 and Exhibit #36 of SDP-1747-2013 ,

<sup>2</sup> The complete ASK-1746-2013 and SDP-1747-2013 records can be found and reviewed on the City's website:

[http://www.gaithersburgmd.gov/poi/default.asp?POI\\_ID=2276&TOC=311;1260;2276;](http://www.gaithersburgmd.gov/poi/default.asp?POI_ID=2276&TOC=311;1260;2276;)

## **REQUIRED ACTIONS**

### **Amendment to the Sketch Plan**

Section 24-160D.10(a) states that the City Council may approve a sketch plan when they find the following:

- (1) *The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and*
- (2) *The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan; and*
- (3) *The application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas.*

Therefore, the applicant has the burden of proof of showing that this application complies with the purpose and intent of the MXD Zone. In addition, they must show that the accompanying sketch plan will be compatible and harmonious with the surrounding planned and existing land uses. The sketch plan must also meet or accomplish the objectives and minimum standards and requirements of the zone.

### **Schematic Development Plan Application SDP-12-001**

Section 24-160D.10(b) outlines the findings for approval of the schematic development plan (SDP), as follows:

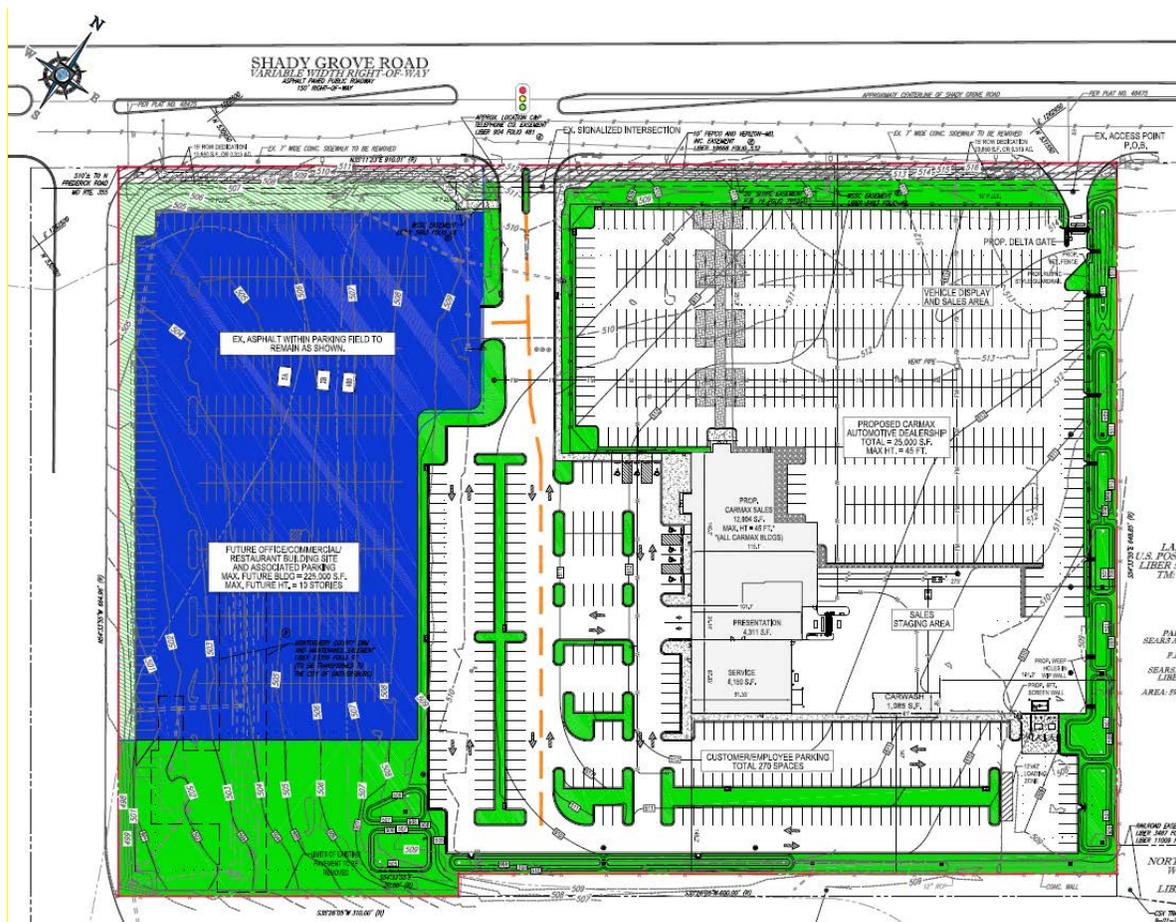
- (1) *The plan is substantially in accord with the approved sketch plan; and*
- (2) *The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone, and other requirements of the City Code; and*
- (3) *The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and*
- (4) *The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas; and*
- (5) *That existing or planned public facilities are adequate to service the proposed development contained in the plan; and*
- (6) *That the development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and*
- (7) *That the plan, if approved, would be in the public interest.*

The applicant has the burden of proof of showing that this application complies with the schematic development plan findings of the MXD Zone.

## AMENDMENT TO SKETCH PLAN ASK-1746-2013 PROPOSAL

The Amendment to Sketch Plan proposes two use types for the 13.66-acre property. These are proposed to be developed in two phases. The first use type is a proposed Automotive Sales and Services for a CarMax Superstore (automobile dealership) to consist of a maximum of 25,000 square feet, with a maximum height limit of 45 feet, with associated parking and storage of automobiles. The second use would be a future office/commercial/restaurant building site with associated parking. The sketch plan amendment proposes to allow a maximum of 225,000-square foot building at a maximum height of ten (10) stories to be built as part of a future second phase. (This second phase would require a separate Schematic Development Plan.)

Following the Joint Public Hearing on February 19, 2013, the applicant's team has submitted a revised plan showing dedication of fifteen feet along the frontage of Shady Grove Road. This is in accordance with Montgomery County Department of Transportation request for dedication in compliance with the County's master plan of highways to allow for a 150 foot wide right of way for Shady Grove Road. Minor adjustments were made to the plan, such as moving the access to the out parcel away from the Shady Grove entrance to allow for stacking.

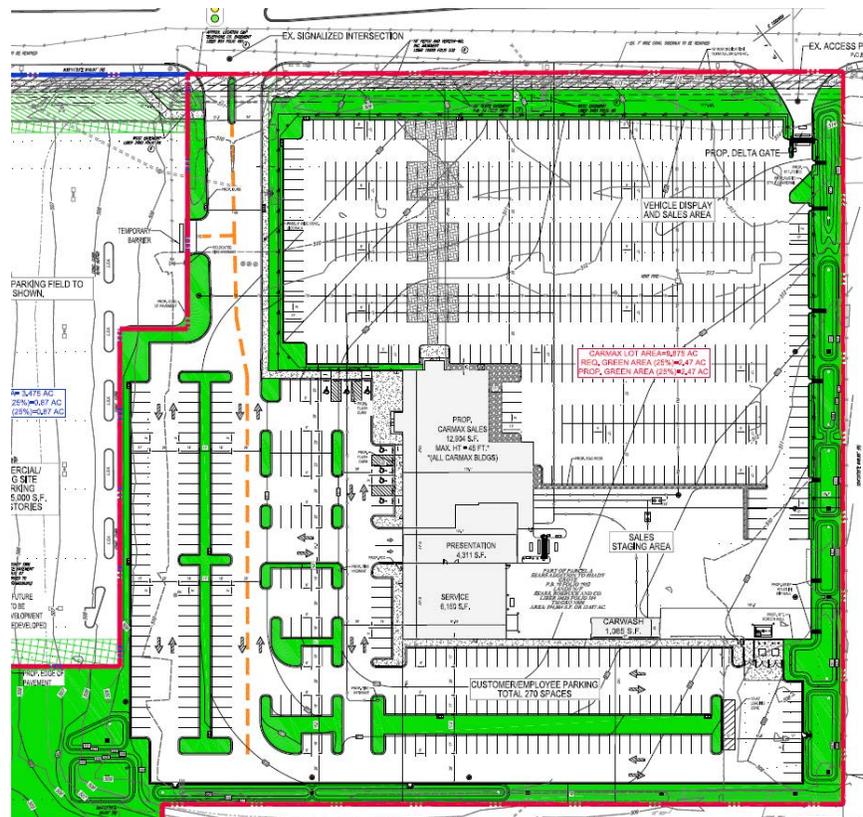


Sketch Plan ASK-1746-2013, Exhibit #27

## **SCHEMATIC DEVELOPMENT PLAN SDP-1747-2013 PROPOSAL**

The Schematic Development Plan (SDP) for CarMax includes the 10.07-acre property which is the first phase of the overall development of the proposed Amendment to the Sketch Plan, ASK-1746-2013. The property includes dedication of 0.20 acres for the right of way for Shady Grove Road in accordance with Montgomery County Department of Transportation (MCDOT) request for dedication in compliance with the County's master plan of highways to allow for a 150 foot wide right of way for Shady Grove Road. The net acreage of the property after dedication is 9.875 acres. The SDP plan proposes a 25,000-square foot automobile sales and service center. There will be a sales center building with a service area for car reconditioning. There will also be an outdoor sales staging area which includes a non public car wash and non-public fuel station. The facility will also conduct non-public wholesale auctions. This area will be separated from the customer and employee parking by a masonry wall.

Minor adjustments and clarifications were added to the schematic development plan following the consolidated joint public hearing and a new plan was submitted. In addition to the dedication for Shady Grove Road, the plan includes a relocated eight-foot sidewalk parallel to the road. The applicant and City staff are working with MCDOT to respond to the concerns that were raised in their letter of January 29, 2013 (Exhibit #29, SDP-1747-2013.) Final review correspondence is expected to be received prior to the closing of the record by the Mayor and City Council.



Schematic Development Plan SDP-1747-2013, Exhibit #49

## Parking

The vehicle display area has parking for 484 cars. The applicant is requesting a waiver to reduce the size of the drive aisle from 26 feet in width to 20 feet in width within the display parking area. This waiver is only in the vehicle display area where vehicles are only driven by employees. The plan also includes 270 customer and employee parking spaces, this area complies with required drive aisle widths and parking stall sizes of the City Code. There are some longer parking stalls in the area where car appraisal is to be conducted. Below is the Parking Chart from the SDP (Exhibit # 49, SDP-1747-2013).

<u>PARKING ANALYSIS</u>	<u>REQUIRED</u>	<u>PROVIDED</u>
AUTOMOBILE/OTHER MOTOR VEHICLE SALES (BASED ON 12,904 S.F. AND 75 EMPLOYEES):	1 SPACE PER 600 S.F. + 1 SPACE PER EMPLOYEE = 97 SPACES	168 SPACES
AUTOMOBILE/OTHER MOTOR VEHICLE REPAIR AND SERVICE STATIONS (BASED ON 26 BAYS AND 50 EMPLOYEES):	2 SPACES PER BAY + 1 SPACE PER EMPLOYEE = 102 SPACES	102 SPACES
VEHICULAR DISPLAY	0 SPACES	484 SPACES
<b><u>TOTAL PARKING</u></b> <b>(INCLUDING ADA PARKING)</b>	<b>199 SPACES</b>	<b>754 SPACES</b>
ADA PARKING SPACES	7 SPACES	7 SPACES

## Stormwater Management & Sediment & Erosion Control

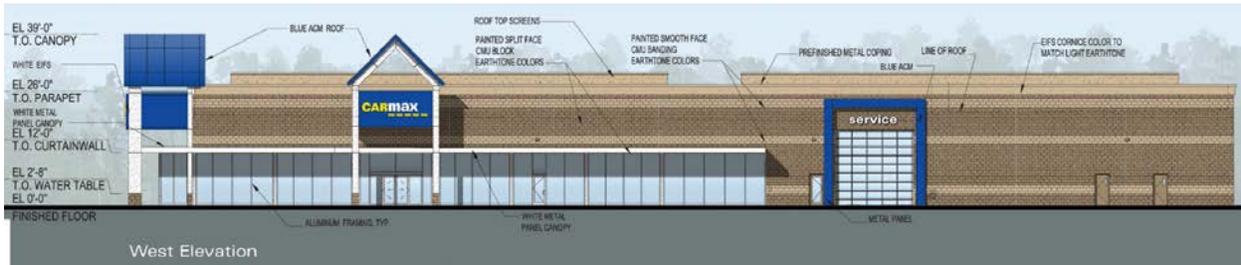
The applicant has submitted preliminary stormwater management and sediment and erosion control applications. They have been reviewed by the Department of Public Works and the applicant will be submitting final plans for approval prior to the closing of the Mayor and City Council record.

## Architecture

Snap shots of proposed architecture as revised are shown below. The materials consist of painted split face and smooth face concrete masonry unit (CMU) block, aluminum store front glass, and metal panels. The applicant submitted revised architectural elevations to increase the amount of store front glass from 10 feet to 12 feet on the north, west and east elevations. The revised architectural plans and renderings are shown in Exhibits #53 - #54, SDP-1747-2013.



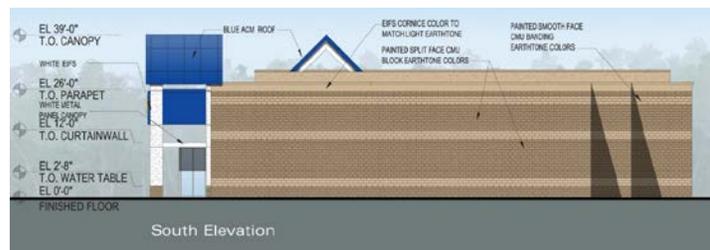
North Elevation facing Shady Grove Road



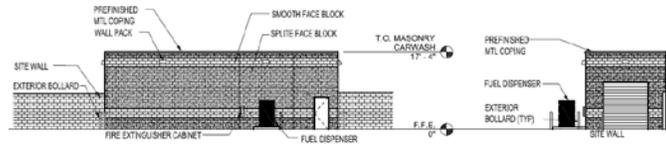
West Elevation facing the Customer Parking and the Transfer Station Access Road



East Elevation facing the Post Office Facility



South Elevation facing the Transfer Station



A-1 CARWASH – NORTH & WEST



A-1 CARWASH – EAST & SOUTH

Carwash Elevations

## Signage

The applicant has submitted a preliminary sign package for the project, (Exhibit #17 of SDP-1747-2013.) Below is the proposed main entry sign which will be located at the entry access to the property at the existing traffic signal:



Staff would recommend approval of the height and style of sign. This open base style of sign will allow for better sight distance at the entrance. We recommend that the sign include the address number of the building. The sign ordinance, Article IX of Chapter 24 of the City Code (Zoning) allows for signs to be adjusted to higher than 12 feet if there is a grade or topography difference from the location of the sign and the street. These plans will be finalized at the time of final site plan.

## Transportation

Shady Grove Road is maintained by the Montgomery County Department of Transportation (MCDOT). MCDOT submitted a letter with Interim Review Comments (Exhibit #29, SDP-1747-2013.) As mention above, the applicant's team has submitted a revised plan showing dedication of fifteen feet along the frontage of Shady Grove Road.

This is in accordance with Montgomery County Department of Transportation request for dedication in compliance with the County's master plan of highways to allow for a 150 foot wide right of way for Shady Grove Road. Additionally, a traffic signal warrant study was approved for the existing traffic signal to remain. An email dated March 1, 2013, discusses this approval, (Exhibit #43, SDP-1747-2013.) City staff was scheduled to meet with MCDOT staff and the applicant the week of March 4, 2013; however that meeting was postponed due to weather to March 14, 2013. Staff anticipates receiving a final set of comments from MCDOT prior to the closing of the Mayor and City Council's record. Staff is recommending a condition that the applicant continues to work with the City and County staffs to finalize transportation requirements. Additionally, staff is recommending a condition that the applicant will be required to obtain a permit from MCDOT prior to the issuance of a site development (construction) permit.

As mentioned in the Preliminary Report, the property is in the vicinity of Shady Grove Metro Station, a bike path, RideOn Bus and the Washington Grove MARC station. There are many modes of transportation available to this location other than the automobile.

## **STAFF ANALYSIS AND RECOMMENDATION**

### **ASK-1746-2013**

#### **FINDINGS:**

Staff recommends approval of Amendment to Sketch Plan Application ASK-1746-2013, based upon the following findings required under § 24-160D.10(a) of the City Code:

(1) The application meets (complies) or accomplishes the purposes, objectives, (intent) and minimum standards and requirements of the zone:

Purposes, Objectives and Intent:

- a) The property was annexed into the City in 2012 and zoned MXD in accordance with the recommended land use and zone of the 2009 City of Gaithersburg Land Use Master Plan. This amendment to the sketch plan proposes a mix of commercial and office use as recommended by the Master Plan. Additionally the plan proposes revitalization and economic development of an underutilized property.
- b) The project proposes a mix of the office, retail and commercial uses to be developed in two phases. The first phase includes development of 10.07 acres of the property. There is currently no scheduled time line for the second phase of the project.

- c) The building design as amended includes a balance of architectural materials and finishes that is compatible with the buildings in the surrounding area.
- d) The development includes a mix of commercial and office uses as residential land use is currently prohibited in accordance with a covenant on the land. The proposed commercial and office use will compliment the surrounding uses. The plan provides green space for landscaping and open space for the employees and customers.
- e) The Amendment to the Sketch Plan provides the higher standard of development by implementing the requirements of the MXD zone. The design includes significant buffers and environmental design standards.
- f) As stated in the applicant's statement, "*The Amendment efficiently uses the Property by locating a new commercial use and its associated employment opportunities proximate to other commercial, retail and residential uses, at a highly-accessible location. The proposed commercial use is convenient to residents in the surrounding area.*" The location of the property provides several transportation alternatives to single occupancy automobiles, including, bus, sidewalk, and Metro.
- g) The Sketch plan provides and increase of green space to twenty-five percent of the property and proposing several environmental standard designed measures to reduce the impact of water runoff from the property. All these measures will enhance the environment of the property.

Minimum Standards:

1. As stated above, the property was annexed and zoned in 2012 in conformance with the 2009 Master Plan Land Use Element, which proposes Commercial/Industrial-Research-Office land use development for this site.
2. The property includes 13.66 acres of land which is above the 10 acre minimum size for MXD-zoned area.
3. As noted on the plan and discussed in the applicant's statement, the "*Property is in close proximity to a well established transportation network including Shady Grove Road, Mid-County Highway, Maryland Route 355, I-370, MD 200 (the InterCounty Connector) and I-270.*" The property is served by the RideOn bus, and there is a bike path on the north side of Shady Grove Road and in close proximity to the Shady Grove Metro station.
4. The property is currently serviced by all utilities, including water and sewer. The utilities have been given the opportunity to review the plans.
5. Signage for the property will be reviewed at the next stages of development.

6. The property provides frontage on Shady Grove Road.

(2) The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan:

As stated above, the 2009 City of Gaithersburg Land Use Master Plan recommends that the subject property be developed as a Commercial/Industrial-Research-Office area. The Sketch Plan proposes Commercial and Office uses. There were no special conditions contained in the master plan for this property.

(3) The application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas (surrounding areas):

The Amendment is compatible to the adjoining industrial sites. This plan will “reactivate and revitalize the Property” and the surrounding area. The site will continue to be compatible and harmonious to the adjoining properties.

### Conclusion

This application ASK-1746-2013 conforms to the purpose of the MXD Zone and is consistent with the purpose of the *2009 Master Plan Land Use Element* and the *Master Plan* themes. Additionally, it complies with other elements of the master plan related to transportation. The proposed uses will be compatible, harmonious and continue to enhance the surrounding area. The proposed use will provide economic stimulus to the area and reduce blight in the area. Additionally the proposal will enhance the environment by providing measures to improve stormwater management. The application including the exhibits, complies with the requirements of § 24-160D.10(a) of the City Code.

Staff recommends that the Planning Commission, upon the findings presented herein, recommend approval of ASK-1746-2013 to the Mayor and City Council.

## **SDP-1747-2013**

### **FINDINGS:**

Staff recommends approval of Schematic Development Plan Application SDP-1747-2013, located in the MXD (Mixed Use Development) Zone, based on the applicant meeting all the submission requirements and standards for approval of a schematic development plan and upon the following findings, as required under § 24-160D.10(b) of the City Code:

## Purposes, Objectives and Intent:

- a) The 2009 City of Gaithersburg Land Use Master Plan recommends that the subject property be designated as Commercial/Industrial-Research-Office with a zoning classification of MXD. The schematic development plan (SDP) is consistent with the purposes of MXD Zone and consistent with Amendment to Sketch Plan ASK-1746-2013, allowing 25,000 square feet for automobile sales and service center, including an outdoor sales staging area, a non public car wash and non-public fuel station.
- b) The project, including all exhibits, has been evaluated for compliance with purposes, objectives, standards and requirements of the MXD zone and the City Code and has been found to provide adequate circulation and access for automotive sales and services and ancillary uses. The zone provides a higher standard of development than under a conventional zoning category by requiring a higher amount of green space.
- c) The property is zoned in accordance with the 2009 Master Plan and the plan is designed to allow flexibility. This plan establishes architecture that is compatible with the surrounding buildings and enhances the area.
- d) The development will complement the surrounding uses and is located close to various modes of transportation for the future employees and clients of the property.
- e) The SDP provides a higher standard of development than that of a conventional zone by using enhanced site design, high quality architectural elements, and significant landscaping. The design includes significant buffers and environmental design standards.
- f) As stated in the applicant's statement, "*The Amendment efficiently uses the Property by locating a new commercial use and its associated employment opportunities proximate to other commercial, retail and residential uses, at a highly-accessible location. The proposed commercial use is convenient to residents in the surrounding area.*" The location of the property provides several transportation alternatives to single occupancy automobiles, including, bus, sidewalk, and Metro.
- g) The SDP plan provides an increase of green space to twenty-five percent of the property and proposes several environmental standard designed measures to reduce the impact of water runoff from the property. All these measures will enhance the environment of the property.
- h) This SDP is the first phase of a two phase development and this application complies with the requirements of the City's adequate public facilities requirements by not increasing the number of vehicle trips from the property.

Additionally, the property is served by adequate water and sewer facilities and emergency services.

Minimum Standards:

1. As stated above, the property was annexed and zoned in 2012 in conformance with the 2009 Master Plan Land Use Element, which proposes Commercial/Industrial-Research-Office land use development for this site.
2. The property includes 10.07 acres of land and is part of 13.66 acres of MXD zoned land which is above the 10 acre minimum size for MXD-zoned area.
3. As noted on the plan and discussed in the applicant's statement, the *"Property is in close proximity to a well established transportation network including Shady Grove Road, Mid-County Highway, Maryland Route 355, I-370, MD 200 (the InterCounty Connector) and I-270."* The property is served by the RideOn bus, and there is a bike path on the north side of Shady Grove Road and in close proximity to the Shady Grove Metro station.
4. The property is currently serviced by all utilities, including water and sewer. The utilities have been given the opportunity to review the plans.
5. The preliminary sign package shows a thematic approach for the facility and complies with signage in the area. The application states:

*"The proposed sign design is in accord with the purposes of the MXD zone and overall character of the surrounding neighborhood. CarMax does not use flags, balloons, inflatable gorillas (or any other animal), placards in open car hoods, painted window lettering, or any similar marketing gimmicks. Rather, CarMax relies on attractive, professionally designed and fabricated signage to welcome customers and associates into its high-end operation."*

6. The property provides frontage on Shady Grove Road.

(3) The application is in accord with the area master plan and any accompanying special conditions or requirements contained in said master plan for the area under consideration:

As stated above, the 2009 City of Gaithersburg Land Use Master Plan recommends that the subject property be developed as a Commercial/Industrial-Research-Office area. The SDP proposes commercial use of an automobile sales and service facility with ancillary uses. There were no special conditions contained in the master plan for this property. The use as stated by the applicant also complies with a number of strategies of the 2009 Process and Overview Element by providing development in areas that are presently served by adequate public facilities and promoting economic development.

(4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas;

The SDP is compatible to the adjoining industrial sites. This plan will “reactivate and revitalize the Property” and the surrounding area. The site will continue to be compatible and harmonious to the adjoining properties.

(5) The existing or planned public facilities are adequate to service the proposed development contained in the plan;

As mentioned above, the property is currently served by all utilities and complies with the City’s Adequate Public Facilities requirement, including requirements for traffic and emergency services.

(6) The development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development;

As discussed above, this SDP is the first phase of a two phase development and this application complies with the requirements of the City’s adequate public facilities requirements by not increasing the number of vehicle trips from the property. Additionally, the property is served by adequate water and sewer facilities and emergency services.

(7) The plan, if approved, would be in the public interest.

The revitalization of this property will remove a vacant building and provide a viable use for the property. Additionally, the SDP will enhance that area by improving the site with twenty five percent green space that includes landscaping and environmental design to reduce the stormwater runoff and improve the air and water quality.

### Conclusion

The schematic development plan is substantially in accord with the Sketch Plan ASK-1746-2013. The plan meets and accomplishes the purposes, objectives and minimum standards and requirements of the MXD Zone, as shown by the exhibits submitted into the record. The plan is in accord with the applicable master plan recommendations of the 2009 Master Plan. The plan is internally and externally compatible with existing and planned land uses in the MXD-zoned area and adjacent areas. The existing and planned public facilities are adequate to service the proposed development contained in the plan. The development phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development. Finally, the schematic development plan is in the public interest as it will increase the economic value of the property and provide connectivity by various forms of transportation.

Staff recommends that the Planning Commission, upon the findings presented herein, recommend approval of SDP-1747-2013 to the Mayor and City Council with the following conditions:

- 1) Prior to final site plan, the applicant shall work with City and County staff to finalize the requirements of the January 29, 2013, letter of Montgomery County;
- 2) Prior to the issuance of a site development permit, the applicant shall obtain a permit from Montgomery County for the construction of an eight foot sidewalk parallel to Shady Grove Road;
- 3) The style of monument sign shall be allowed to be twelve (12) feet in height from the finished grade of the street as shown in Exhibit #17 of SDP-1747-2013 and finalized at Final Site Plan.