

Jasmine Forbes

From: Jasmine Forbes
Sent: Wednesday, June 2, 2021 9:11 AM
To: 'Hoan Luu'
Subject: RE: Whip Clean Car Wash

Good Morning,

Thank you for your correspondence related to Concept Site Plan application SP-8819-2021 (Whip Clean Car Wash). Your correspondence will be included into the record. At the moment a public hearing has not been scheduled. For updates on the application, please visit the project page: <https://www.gaithersburgmd.gov/government/projects-in-the-city/601-607-south-frederick-avenue-car-wash> .

Regards,
Jasmine Forbes



Jasmine Forbes, Planner II
Planning and Code Administration

City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD, 20877
Direct: 240-805-1069 | Main: 301-258-6330 | www.gaithersburgmd.gov
Jasmine.Forbes@gaithersburgmd.gov

From: Hoan Luu <hoankimluu@yahoo.com>
Sent: Tuesday, June 1, 2021 7:28 PM
To: Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: Whip Clean Car Wash

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

Hi Ms Forbes,

I'm writing to ask the city to not approve the opening of the car wash facility at 355 & Central Ave. I live on the stretch of Central Avenue that would be affected. I have witnessed Central Avenue becoming more busy with increased development of new homes, which made it necessary for the city to add new signage at that intersection. Despite the addition of the "No left turn" sign, I see a lot of drivers ignoring the sign. This intersection will become more dangerous if the business is established there. Also, the water in the car wash will run directly to Muddy Branch Creek and contribute to environmental pollution.

Please act to save our City and Community.

Thank you very much,
Hoan Luu

[Sent from Yahoo Mail for iPad](#)

Jasmine Forbes

From: Joy Johnson <joy@knopf-brown.com>
Sent: Tuesday, June 22, 2021 4:24 PM
To: Jasmine Forbes
Subject: Memorandum From David Brown
Attachments: Forbes Memo re SP-8819-2021.pdf

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

Dear Ms. Forbes,

Please find attached a Memorandum from David Brown regarding the Whip Clean Car Wash. Please confirm receipt.

Sincerely yours,

Joy N Johnson
Office Administrator
Knopf & Brown
401 E. Jefferson Street
Suite 206
Rockville, Maryland 20850
(301) 545-6100 - office
(240) 906-0290 - cell
(301) 545-6103 - fax

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KNOPF & BROWN
401 E. Jefferson Street
Suite 206
Rockville, MD 20850


Ph:(301) 545-6100

Fax: (301) 545-6103

David W. Brown
Sole Practitioner

MEMORANDUM

TO: Jasmine Forbes, Lead Planner,
SP-8819-2021, Gaithersburg
Planning and Code Administration

FROM: David W. Brown 

DATE: June 21, 2021

RE: Whip Clean Car Wash Concept Plan: Master Plan Consistency Analysis

This memorandum addresses the claim made in SP-8819-2021, the Whip Clean Car Wash Concept Plan Application, that the Plan “is in accord with the area master plan and any accompanying special condition or requirements contained in the said master plan for the area under consideration.” Zoning Ordinance §24-160G.7.(b)(3). The applicant asserts that “the Proposed Project is substantially in accord with the Master Plan recommendations.” Application Supporting Statement at 11. (“Statement”). In support of this claim, the applicant references its preceding discussion of the Project’s asserted consistency “with the goals and provision of the ... 2001 Frederick Avenue Corridor Land Use Plan.” Statement at 6.

The Applicant’s Arguments

The applicant is correct in referring to the 2001 Corridor Plan as the relevant master plan for the land included in the Application (the “Property”). The applicant also correctly notes the relevant passage from the 2001 Corridor Plan, as follows:

“Retain [the Property] as commercial-office-residential. In the 1997 Neighborhood One Land Use Plan these five small parcels were designated as commercial-office-residential. This area is in transition and has already experienced some redevelopment to commercial uses. While this designation remains appropriate, this Special Study Land Use Plan recommends a change in zoning category to the Corridor Development Zone. The CD Zone will permit more flexible development of these properties and is better suited to the goals of the *Frederick Avenue Corridor Plan*. The lots

are small in size and access should be from a shared common driveway in the rear of the lots, with ingress/egress from Central Avenue. This will help eliminate curb cuts along Frederick Avenue. Development is recommended to be in keeping with the residential character of this portion of the Corridor. Offices, light retail or live-work units in low-rise buildings are examples of what is envisioned. A maximum of 7,000 square feet of building area per lot is recommended.” (Corridor Plan, page 8).

The applicant’s claim that the Project is substantially in accord with the foregoing initially rests on two points: (1) that it is a “commercial use with ingress/egress from Central Avenue;” and 2) the Project “is generally small in scale given the size and height of the proposed building.” Statement at 6-7. Subsequently, the applicant adds, in response to the Corridor Plan requirement that development be “in keeping with the residential character of this portion of the Corridor,” *id.* at 6, that the Project “will appropriately extend the existing commercial uses within the block,” and be “an appropriate buffer from the single-family residential properties further to the east.” *Id.* at 8.¹ This discussion makes no mention of the fact, earlier acknowledged, that the Property “is currently improved with two existing single-family detached houses, which are proposed to be removed.” *Id.* at 1.

Analysis

Reduced to its essence, the applicant’s claim of Master Plan consistency is that converting the existing residential use of the Property to a commercial use will be “in keeping with the residential character” of the immediate area. This is nonsensical. Converting existing residential uses to a commercial use does not **add** to the “residential character” of the immediate area; nor is it a neutral factor. It unquestionably **detracts** from its existing residential character. By contrast, if the applicant were proposing to convert an existing **commercial** use of the Property into the desired car wash, that conversion would plausibly have a neutral effect on the “residential character” of the area. But that is not what the Concept Plan envisions. Rather, what is proposed is a further reduction in the area’s “residential character.”

That is not to say that the **use** of the Property must invariably remain residential in order for it to retain its “residential character.” The term “residential character” is not so limited, and the Corridor Plan itself illustrates the point: “Offices, light retail or live-work units in low-rise buildings are examples of what is envisioned.” Corridor Plan at 8. For example, if the two single-family residences were proposed to be replaced with three townhouses, each adapted to office use, and each with a maximum of 7,000 square feet of floor area, they would at least be neutral, if not add to, the “residential character” of the area. On the other hand, there is nothing “residential” about the “character” of the Project, and the applicant has not claimed otherwise, arguing again only compatibility: “The Project’s architecture and scale will be **compatible** with the character of the surrounding area.” Statement at 7 (emphasis added).

¹ Left out of the recitation of the applicant’s arguments are its various claims that the Project will assertedly be compatible with existing adjacent and neighboring uses. That is a separate and distinct requirement from Master Plan consistency, as set forth in §24-160G.7(b)(4). I have addressed compatibility concerns relating to environmental and traffic issues in earlier submissions.

It also bears noting that the term “residential character” that is the touchstone for evaluation of Corridor Plan consistency in this part of the South Frederick Avenue Corridor is not a new and different expectation for development in this area that originated in the 2001 Corridor Plan. To the contrary, when the land was annexed into the City in 1989, Annexation Agreement X-150, (Exhibit 12), the Agreement provided the following agreed “Limitation on development:” “Redevelopment should have a **residential character** limited to two (2) stories facing South Frederick Avenue and three (3) stories to the rear,” *id.* at 2 (emphasis added), and this was made a condition to be “implemented at the time of site plan review and shall become binding covenants against the Property Owners and/or site plan applicant, their successors, heirs and assigns.” *Id.* at 3. Whether these Annexation Agreement provisions retain any binding constraint on the Applicant or not – a question that should be resolved for this case by the City Attorney -- they reflect a long-standing vision that the Property should not lose its residential character through any future redevelopment proposal. Put another way, the 2001 Corridor Plan and Annexation Agreement X-150 are consistent in their use limitations for the Property. Its residential character should not be undone by this Application.

PLANNING AND CODE ADMINISTRATION

City of Gaithersburg · 31 South Summit Avenue · Gaithersburg, Maryland 20877 · Telephone: (301) 258-6330 · Fax: (301) 258-6336
plancode@gaitthersburgmd.gov · www.gaithersburgmd.gov

SITE or SCHEMATIC DEVELOPMENT PLAN APPLICATION

All information must be complete to initiate processing of application

SUBJECT PROPERTY

Street Address or Location 601 S. Frederick Ave., Gaithersburg, Montgomery Co., MD 20878

APPLICANT/BILLING CONTACT

Business Name Whip Clean, LLC

Primary Contact Brett Schaechter

Street Address 1956 Crain Highway

Suite No. _____

City Bowie

State Maryland

Zip Code 20716

Telephone Numbers: Work 301-390-1000 Cell 301-943-7550 E-mail Address brett@whipclean.com

OWNER

Business Name Kaldis Spiros N

Primary Contact _____

Street Address 16402 Fox Valley Terrace

Suite No. _____

City Rockville

State Maryland

Zip Code 20853

Telephone Numbers: Work _____ Cell _____ E-mail Address _____

DEVELOPER

Business Name Whip Clean, LLC

Primary Contact Brett Schaechter

Street Address 1956 Crain Highway

Suite No. _____

City Bowie

State Maryland

Zip Code 20716

Telephone Numbers: Work 301-390-1000 Cell 301-943-7550 E-mail Address brett@whipclean.com

ATTORNEY

Business Name _____

Primary Contact _____

Street Address _____

Suite No. _____

City _____

State Maryland

Zip Code _____

Telephone Numbers: Work _____ Cell _____ E-mail Address _____

ARCHITECT

Business Name _____

MD Registration No. _____

Primary Contact _____

Street Address _____

Suite No. _____

City _____

State Maryland

Zip Code _____

Telephone Numbers: Work _____ Cell _____ E-mail Address _____

ENGINEER

Business Name Bohler Engineering MD Registration No. 40263

Primary Contact Nicholas B. Speach

Street Address 16701 Melford Blvd. Suite No. 310

City Bowie State Maryland Zip Code 20716

Telephone Numbers: Work 301-809-4500 Cell _____ E-mail Address nspeach@bohlereng.com

PLAN TYPE (check one only) Concept Preliminary Final Schematic Development

PROPOSED PRIMARY USE (check one only) Residential Non-Residential Mixed Use

PROPOSED UNIT TYPE

<input type="checkbox"/> Office/Professional	<input type="checkbox"/> Restaurant	<input type="checkbox"/> Retail/Commercial
<input type="checkbox"/> Residential Single Family	<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Residential Multi-Family
<input checked="" type="checkbox"/> Other Use (<i>specify</i>)	<u>Carwash</u>	

PARKING Parking Waiver Needed Height Waiver Needed

Number of Spaces Required _____

PROJECT DESCRIPTION

Develop the property with a carwash

SITE DETAILS

Site Area Square Feet _____	Number of Lots _____
Site Area Acres _____	Number of Dwelling Units/Acre _____
Green Area _____	Parking Spaces Provided _____
Green Area % _____	Height of Tallest Building (ft.) _____
	Height of Tallest Building (stories) _____

SQUARE FOOTAGE - NON-RESIDENTIAL

Retail _____	Office/Professional _____
Restaurant (A) _____	Educational/Institutional/Religious _____
Restaurant (B) _____	Industrial _____
Restaurant (C) _____	Other (<i>please specify</i>) _____

UNIT COUNTS - RESIDENTIAL

Single Family Detached Units _____	Apartment Units _____
Townhouse Units _____	Condominium Units _____
Duplex Units _____	Other (<i>please specify</i>) _____

Total Number Residential Units _____

SEE FOLLOWING PAGES FOR SUBMISSION REQUIREMENTS

THE CHECKLIST BELOW IS A GENERAL GUIDE FOR ITEMS THAT ARE TYPICALLY REQUIRED FOR APPLICATIONS. PLEASE REFER TO CHAPTER 24, SECTION 24-169 OF THE CITY CODE FOR COMPLETE REQUIREMENTS OR CONTACT PLANNING STAFF AT 301-258-6330 FOR FURTHER CLARIFICATION

SUBMISSION REQUIREMENTS - Concept Site Plan:

- Concept Stormwater Management Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- NRI and FSD Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Proof of APFO Compliance, One (1) digital copy, PDF
- Green Building Checklist, One (1) digital copy, PDF
- Preliminary Forest Conservation Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Site, Architectural and Detail Plans, Ten (10) hard copies, One (1) digital copy (DWF preferred) or PDF
- Other Planning Commission Requested Information

SUBMISSION REQUIREMENTS - Preliminary Site Plan:

- Site, Architectural and Detail Plans, Ten (10) hard copies, One (1) digital copy (DWF preferred) or PDF
- Preliminary Stormwater Management Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Preliminary Affordable Housing Plan, One (1) digital copy, PDF
- Preliminary Traffic Impact Study, One (1) digital copy, PDF
- Proof of APFO Compliance, One (1) digital copy, PDF
- Other Planning Commission Requested Information

SUBMISSION REQUIREMENTS - Final Site Plan:

- Site, Architectural and Detail Plans, Ten (10) hard copies, One (1) digital copy (DWF preferred) or PDF
- Final Stormwater Management Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Final Traffic Impact Study, One (1) digital copy, PDF
- Affordable Housing Plan, One (1) digital copy, PDF
- Final Forest Conservation Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Subdivision Plats
- Proposed Street Names, One (1) digital copy, PDF
- Draft HOA Bylaws, One (1) digital copy, PDF
- Green Building Checklist, One (1) digital copy, PDF
- Other Planning Commission Requested Information

OPTIONAL (Required for MXD and CD Zones):

- Phasing or Staging Plan, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Statement of Master Plan Compliance, One (1) digital copy, PDF
- Statement of Compliance with Approved Schematic Development Plan, One (1) digital copy, PDF
- Proposed Covenant, One (1) digital copy, PDF
- Site Plan Enforcement Agreement, One (1) digital copy, PDF
- Sign Package

SUBMISSION REQUIREMENTS - Schematic Development Plan:

- Site, Architectural and Detail Plans, Ten (10) hard copies, One (1) digital copy (DWF preferred) or PDF
- Natural Resource Inventory and Forest Stand Delineation Plans, Two (2) hard copies, One (1) digital copy (DWF preferred) or PDF
- Preliminary Stormwater Management Plans, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Preliminary Affordable Housing Plan, One (1) digital copy, PDF
- Preliminary Traffic Impact Study, One (1) digital copy, PDF
- Statement of Master Plan and Zone Regulations Compliance, One (1) digital copy, PDF
- Other Planning Commission Requested Information

OPTIONAL:

- Phasing or Staging Plan, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF
- Proposed Covenant, One (1) digital copy, PDF
- Proof of APFO Compliance, One (1) digital copy, PDF
- Green Building Checklist, One (1) digital copy, PDF



PLANNING AND CODE ADMINISTRATION

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STORMWATER MANAGEMENT PLAN APPLICATION

***ALL APPLICATIONS, PLANS, AND FEES SHOULD BE MAILED OR DELIVERED TO
CITY OF GAITHERSBURG, CITY HALL, 31 S. SUMMIT AVENUE GAITHERSBURG MD 20877**

SUBJECT PROPERTY

Street Address 601 S. Frederick Ave., Gaithersburg, Montgomery Co., MD 20878

PROJECT NAME _____

APPLICANT/BILLING CONTACT

Business Name Whip Clean, LLC

Primary Contact Brett Schaechter

Street Address 1956 Crain Highway Suite No. 310

City Bowie State Maryland Zip Code 20716

Telephone Numbers: Work 301-390-1000 Cell 301-943-7550 E-mail Address brett@whipclean.com

OWNER

Business Name Kaldis Spiros N

Primary Contact _____

Street Address 16402 Fox Valley Terrace Suite No. _____

City _____ State Maryland Zip Code 20853

Telephone Numbers: Work _____ Cell _____ E-mail Address _____

DEVELOPER

Business Name Whip Clean, LLC

Primary Contact Brett Schaechter

Street Address 1956 Crain Highway Suite No. _____

City Bowie State Maryland Zip Code 20716

Telephone Numbers: Work 301-390-1000 Cell 301-943-7550 E-mail Address brett@whipclean.com

ENGINEER

Business Name Bohler Engineering MD Registration No. 40263

Primary Contact Nicholas B. Speach

Street Address 16701 Melford Blvd. Suite No. 310

City Bowie State Maryland Zip Code 20716

Telephone Numbers: Work 301-809-4500 Cell _____ E-mail Address nspeach@bohlereng.com

LOCATION DESCRIPTION

Eastern edge of the Rockville-Frederick Road; Parcel 103 TM: FS63 in Gaithersburg District of Montgomery Co., MD

PROJECT DESCRIPTION

Develop the property with a carwash

PLAN TYPE:

(check all that apply)

- Concept Preliminary Final

WATERSHED:

- Great Seneca Lower Great Seneca Creek Middle Great Seneca Creek
 Muddy Branch Upper Rock Creek Watts Branch

TRIBUTARY:

- Muddy Branch Long Draught Branch Whetstone Run Multiple

STORMWATER MANAGEMENT ACRES PROVIDED

On Site Quality Acres _____ On Site Quantity Acres _____
Requested Waiver Quality Acres _____ Requested Waiver Quantity Acres _____
Total SWM Acres _____ Total Acres Disturbed _____

NUMBER OF STRUCTURES PROPOSED

Environmental Site Design _____ Dry Pond _____
Wet Pond _____ Water Quality Inlet _____
Underground Storage _____ Sand Filter _____
Structural BMP _____ Other (please specify) _____

See Stormwater Management Plan Checklist for Submittal Requirements



PLANNING AND CODE ADMINISTRATION

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plancode@gaitthersburgmd.gov · www.gaitthersburgmd.gov

SEDIMENT AND EROSION CONTROL PLAN APPLICATION

***ALL APPLICATIONS, PLANS AND FEES SHOULD BE MAILED OR DELIVERED TO
CITY OF GAITHERSBURG, CITY HALL, 31 S. SUMMIT AVENUE, GAITHERSBURG MD 20877**

SUBJECT PROPERTY

Street Address or Location 601 S. Frederick Ave., Gaithersburg, Montgomery Co., MD 20878

PROJECT NAME _____

APPLICANT/BILLING CONTACT

Business Name Whip Clean, LLC

Primary Contact Brett Schaechter

Street Address 1956 Crain Highway Suite No. 310

City Bowie State Maryland Zip Code 20716

Telephone Numbers: Work 301-390-1000 Cell 301-943-7550 E-mail Address brett@whipclean.com

OWNER

Business Name Kaldis Spiros N

Primary Contact _____

Street Address 16402 Fox Valley Terrace Suite No. _____

City _____ State Maryland Zip Code 20853

Telephone Numbers: Work _____ Cell _____ E-mail Address _____

DEVELOPER

Business Name Whip Clean, LLC

Primary Contact Brett Schaechter

Street Address 1956 Crain Highway Suite No. _____

City Bowie State Maryland Zip Code 20716

Telephone Numbers: Work 301-390-1000 Cell 301-943-7550 E-mail Address brett@whipclean.com

ENGINEER

Business Name Bohler Engineering MD Registration No. 40263

Primary Contact Nicholas B. Speech

Street Address 16701 Melford Blvd Suite No. 310

City Bowie State Maryland Zip Code 20716

Telephone Numbers: Work 301-809-4500 Cell _____ E-mail Address nspeech@bohlereng.com

LOCATION DESCRIPTION

Eastern edge of the Rockville-Frederick Road; Parcel 103 TM:FS^# in Gaithersburg District of Montgomery Co.,MD

PROJECT DESCRIPTION

Develop the property with a carwash

PLAN TYPE (check all that apply)

Concept

Preliminary

Final

WATERSHED:

Great Seneca

Lower Great Seneca Creek

Middle Great Seneca Creek

Muddy Branch

Upper Rock Creek

Watts Branch

TRIBUTARY:

Multiple

Muddy Branch

Whetstone Run

Long Draught Branch

PROJECT AREA

Total Sediment & Erosion Control Area (Acres) _____

Total Disturbed Area (Acres) _____

See Sediment and Erosion Control Checklist for Submittal Requirements