
STAFF ANALYSIS FOR PLANNING COMMISSION

REPORT DATE: November 22, 2021

RESPONSIBLE STAFF: Jasmine Forbes,
Planner II

PUBLIC MEETING DATE

December 1, 2021

APPLICATION NUMBER

SP-8983-2021

SUMMARY OF REQUEST

Final Site Plan approval for a 5,060 square foot retail building for Wawa and accessory automobile filling station

APPLICANT

Meera Friemel,
1788/405/Trojan Investments, LLC.
c/o 1788 Holdings, LLC.

SUBJECT PROPERTY ADDRESS

405 South Frederick Avenue

ZONE

CD (Corridor Development)

EXISTING LAND USE

Antique Shop

STAFF RECOMMENDATION

Staff recommends **THAT THE PLANNING COMMISSION, BASED ON THE EXHIBITS SUBMITTED, THE TESTIMONY IN THE RECORD, AND THE STAFF REPORT, FINDINGS AND RECOMMENDATION, GRANT SP-8983-2021, FINAL SITE PLAN APPROVAL AND FINAL FOREST CONSERVATION PLAN, FINDING IT IN CONFORMANCE WITH §§ 24-170 AND 24-171 OF THE CITY'S ZONING ORDINANCE, WITH ONE (1) CONDITION.**

Approve

Approve With Conditions

Deny

Defer

Enclosures:

Staff Comments and Location Map

Exhibits

Exhibit #1: Applications

Exhibit #2: Resolution SDP-8174-2019

Exhibit #3: Applicant's Statement of Justification

Exhibit #4: Pedestrian Connection Feasibility Memo

Exhibit #5: Traffic Analysis Memo

Exhibit #6: Traffic Impact Study TIS-8188-2019

Exhibit #7: Site Plan

Exhibit #8: Forest Conservation Plans

Exhibit #9: Landscape Plan

Exhibit #10: Elevations

Exhibit #11: Email Correspondence from William Zeid 9-28-2021

Exhibit #12: Email Correspondence from Anthony Berger 11-22-2021

Exhibit #13: Access Easement

Exhibit #14: Final Court Order

LOCATION MAP



STAFF ANALYSIS

I. BACKGROUND:

The Applicant, Meera Friemel of 1788/405/Trojan Investments, LLC. c/o 1788 Holdings, LLC. has submitted final site plan application, SP-8983-2021, requesting approval for a new 5,060 square foot retail building and accessory automobile filling station for Wawa (Exhibit #1).

This application is based upon Schematic Development Plan (SDP), SDP-8174-2019, approved by the Mayor and City Council on October 7, 2019 by Resolution R-68-19 (Exhibit #2) with the following three (3) conditions:

1. Applicant must provide at least one additional tree island in the parking lot to break up the parking spaces, prior to final site plan submission;
2. Prior to final site plan submission, the applicant must examine the sidewalk connectivity along the south side of the subject property, between the subject property and the Holbrook Shopping Center to consider a more direct pedestrian passage from the sidewalk to the building; and
3. Prior to final site plan submission, Applicant must conduct additional traffic analysis to ensure adequacy of traffic queuing and stacking under the Traffic Impact Study Standards and Regulations.

After SDP approval, the application was appealed to the Circuit Court and subsequently to the Court of Special Appeals. The decision of the Mayor and City Council adopting Resolution R-68-19 for SDP-8174-2019 was affirmed in its entirety (Exhibit #14).

This application incorporates the record of SDP-8174-2019 and all exhibits associated with the SDP. The SDP record can be found in the following link: <https://pca.gaithersburgmd.gov/css/selfservice#/plan/fb2e5943-2fbb-4102-a192-7942e2c0d624?tab=attachments>

II. SCOPE OF REVIEW:

Site plan approval is required pursuant to § 24-168 of the Zoning Ordinance, which states:

"No building or structure shall be hereafter erected, moved, added to or structurally altered under circumstances which require the issuance of a building permit under this chapter, nor shall any use be established, altered or enlarged under circumstances which require the issuance of a use and occupancy permit under this chapter, upon any land, until a site development plan for the land upon which such building, structure or use is to be erected, moved, added to, altered, established or enlarged has been approved by the city planning commission."

III. SITE PLAN ANALYSIS AND FINDINGS:

In accordance with § 24-170 and § 24-171 of the City Code, the Planning Commission has the authority to review and make determinations regarding the proposed plan for the purpose of protecting the public health, safety and welfare. The required findings are referenced in § 24-170 of the City Code. Accordingly, Staff provides the following comments and findings for Planning Commission consideration:

Location

The Subject Property is approximately 1.84 acres and located adjacent to South Frederick Avenue/MD Route 355. The Property is addressed at 405 South Frederick Avenue and is zoned CD (Corridor Development).

Zoning and Site Plan History

The Subject Property was part of the City of Gaithersburg in 1947, and the existing commercial building was constructed circa 1952. The following summarizes the final site plans and amendments associated with the property.

- S-131: Addition to the existing building (1968)
- S-131(A): Truck Parking Lot in the rear lot (1983)
- S-131 (B): Roof change from a flat to pitch (1988)

The Historic District Commission (HDC) found the property had no historic significance as a historic resource and approved issuance of demolition permit, DEMO-18928-2019, on May 22, 2019 to demolish the 8,920 square foot antique shop building, which closed in 2018. The vacant building is still on the Property and has yet to be demolish. On October 7, 2019, the Mayor and City Council approved Schematic Development Plan application SDP-8174-2019 by Resolution R-68-19 for a new 5,060 square foot retail building and accessory automobile filling station for Wawa.

Surrounding Land Use and Zoning

The following table summarizes the land use and zoning for the surrounding properties:

Direction	Zoning	Land Use
North	R-90 (Medium Density Residential)	Residential (Deer Park)
South	R-A (Low Density Residential)	Gaithersburg High School
East	CD (Corridor Development)	Commercial
West	CD (Corridor Development)	Office



Zoning Map

Master Plan

1997 Master Plan

The subject property was included in the 1997 Master Plan, under Neighborhood One, Study Area 4, but there was no specific recommendations for this property. The 1997 Master Plan designated the land use for the subject property as commercial.

Frederick Avenue Corridor Land Use Plan- 2001

The Frederick Avenue Corridor Land Use Plan was adopted on January 2, 2001, as a guide for development of the Frederick Avenue Corridor. The corridor is divided into three (3) districts: Northern Employment, Fairgrounds Commercial and Southern Residential. The subject property is situated within the Southern Residential District, and was part of the larger Map Designation F. The plan recommend that the property be designated as commercial-office-residential and zoned CD. The master plan also stated that development is recommended to be in keeping with residential character of this portion of the corridor. Offices, light retail or live works units in low rise buildings are examples of what is envisioned as keeping with the residential character.

2003 and 2009 Master Plan

The subject property was not included in the 2003 or 2009 Master Plans as a specific map designation. The 2003 and 2009 Master Plans designated the land use for the subject property as commercial-office-residential.

2009 Master Plan- Transportation Element

The Transportation Element of the 2009 Master Plan recommends that the City study the feasibility of bus rapid transit (BRT) and future widening along the MD 355 corridor. The Transportation Element of the 2009 Master Plan recommends a minimum right-of-way of 120 feet for Frederick Avenue. In the proposed Schematic Development Plan, the Applicant is proposing to maintain the sixty (60) foot right-of-way north bound of MD 355. The plans were routed to Montgomery County Department of Transportation (MCDOT) for review. MCDOT noted that the proposed sidewalk along the right-of-way is in a location of future shared use path for the BRT and did not have any additional comments on the proposed plan.

Staff Comments

The project continues to be in accord with the area master plan as noted in the approved resolution for SDP-8174-2019 (Exhibit #2). As stated in the approved resolution, the majority of the commercial activity will take place in the retail store and is consistent with the Master Plan's recommendation of light commercial. Further, the development is consistent with the scale and materials of comparable buildings found along the Frederick Avenue Corridor and is in conformance with the residential character of the area.

Adequate Public Facilities Ordinance (APFO)

Traffic Impact (§ 24-245):

In accordance with the City's Adequate Public Facilities Ordinance, a Traffic Impact Study (TS) is required for this development because it will generate more than thirty peak hour trips. As part of SDP-8174-2019, a traffic impact study (TIS-8188-2019) was submitted and approved by the Department of Public Works (Exhibit #6). As stated in correspondence from Anthony Berger, Director of Public Works & Engineering Services, the completed TIS data is still adequate for Final Site Plan submission (Exhibit #12).

As a condition of approval for SDP-8174-2019, prior to final site plan submission, the Applicant was required to conduct additional traffic analysis to ensure adequacy of traffic queuing and stacking under the Traffic Impact Study Standards and Regulations. The Applicant submitted a traffic analysis memo for additional queuing and stacking analysis (Exhibit#5). Anthony Berger, Director of Public Works & Engineering Services, reviewed and approved the additional queuing analysis and found that it adequately satisfies Condition of Approval #3 for SDP-8174-2019 (Exhibit #12). Therefore, the application complies with the requirements of the City's APFO for traffic impacts (§ 24-245).

Schools (§ 24-246):

The proposed development will be for a commercial use, therefore it will have no impact on the school system. The proposed development is exempt from the school test of the Adequate Public Facilities Ordinance (§ 24-246).

Water & Sewer (§ 24-247)

The subject property is currently served by Category W-1 and S-1 of Washington Suburban Sanitary Commission (WSSC) services. As referenced in the Applicant's statement, the application complies with the requirements of the City's APFO for water and sewer (§24-247).

Emergency Services (§24-248):

The City's Adequate Public Facilities Ordinance (APFO) requires that any development project be served by at least two fire stations within a ten-minute response time. The development is located with a ten-minute response time of the following fire stations:

- Station 3 (Rockville)
- Station 8 (Gaithersburg)
- Station 28 (Gaithersburg)
- Station 32 (Travilah)

Therefore, adequate fire and emergency services are provided and satisfy the adequate public facilities requirements for fire and emergency services (§ 24-248).

Site Plan Analysis

The Applicant is requesting approval to construct a new 5,060 square foot retail building and accessory filling station for Wawa. The proposed plan includes six double-sided filling stations covered with a 5,280 square foot metal canopy. The metal canopy is proposed to be located approximately 92 feet from the right-of-way for South Frederick Avenue. Additionally, the canopy is 71 feet from the western property line, 43 feet from the eastern property line and 234 feet from the rear property line (Exhibit #7).

The 5,060 square foot retail building will be located behind the filling stations and have a total height of approximately twenty-two feet to the top of the parapet and thirty-three feet to the top of the pyramidal roof above the building entrance. The retail building is sited approximately 111 feet from the rear property line, 84 feet from the western property line, 44 feet from the eastern property line. The retail building is located 210 feet from the right-of-way for South Frederick Avenue.

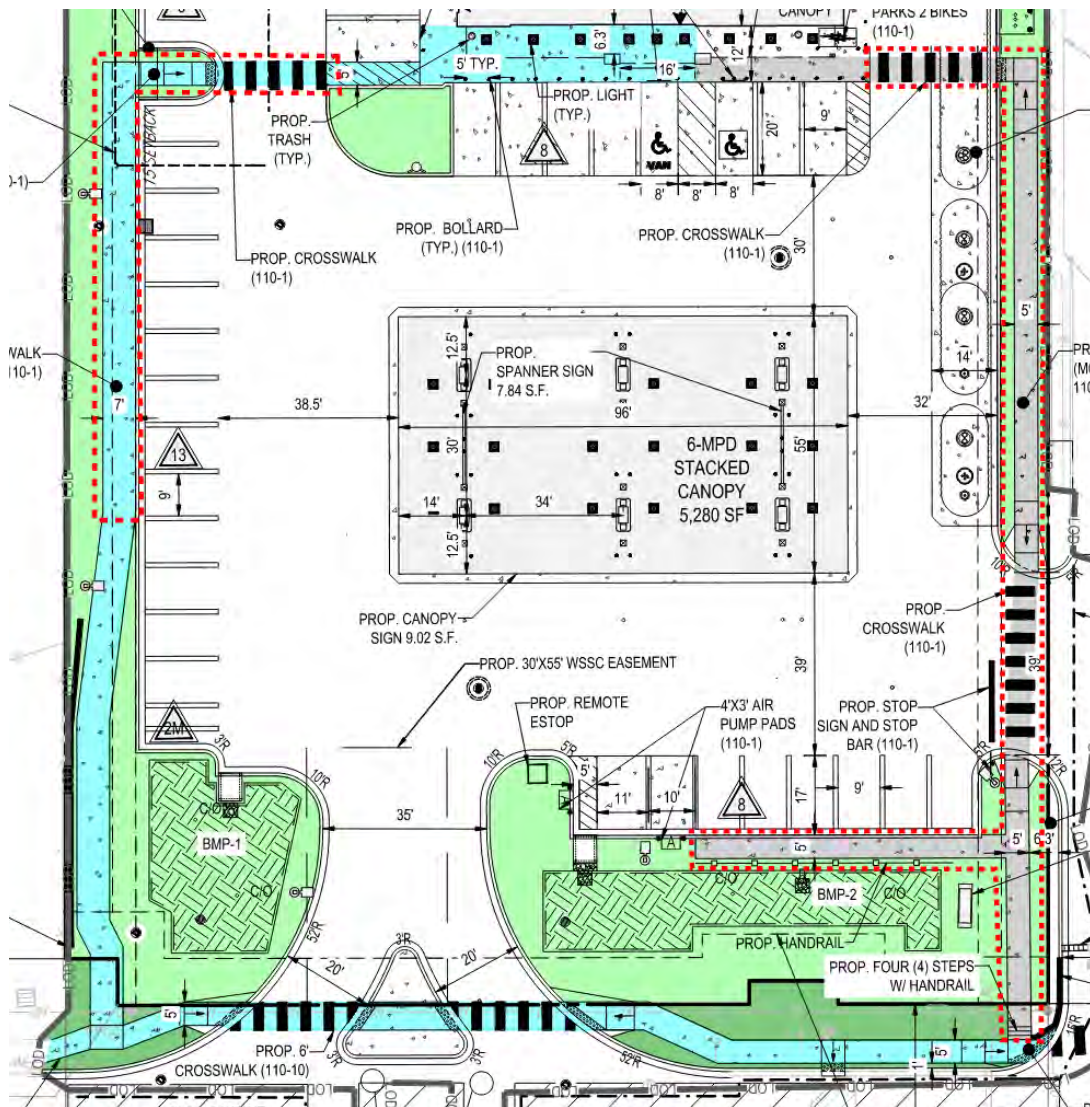
The final site plan also includes:

- New right-in/right-out entrance along South Frederick Avenue/MD 355;
- New entrance to the east of the Property which will connect to an existing drive aisle on the Holbrook property (421 South Frederick Avenue). This will provide access to the signalized intersection;
- Sidewalk connections to the east and west of the property;
- New trash enclosure behind the retail building;
- A new six foot fence along the rear of the property; and
- Modification to the existing island on South Frederick Avenue to additional car stacking at the signalized intersection.

The Applicant has obtained an access easement with the adjacent Holbrook property to use the existing drive aisle. This connection provides access to the site via an existing signalized intersection (Exhibit #13).

As part of the condition of approval for SDP-8174-2019, the Applicant was required to examine the sidewalk connectivity along the south side of the Subject Property, between the Subject Property and the Holbrook Shopping Center to consider a more direct pedestrian passage from the sidewalk to the building. The Applicant had made the following changes to the site plan to improve pedestrian connectivity on the Property (Exhibit #4):

- Shifting the crosswalks to the west and east side of the Property to 90 degree angles;
- Extended the sidewalks along both the west and east side of the Property;
- A new sidewalk connection is provided at the existing intersection, providing a more direct pedestrian route to the retail building; and
- New sidewalks are provided to the majority of on-site parking spaces provide safe pedestrian connectivity to retail building.



Pedestrian Connection Changes dashed in red

While Staff is supportive of the site plan, Public Works Staff has minor comments on the retaining walls. While these comments must be addressed prior to issuance of a site development permit, Staff is of the opinion these comments are minor enough that the plans can still be approved by the Planning Commission with a condition of approval.

Parking

Parking for the development is facilitated through surface lot parking spaces throughout the Property. Pursuant to § 24-219 of the City Code, the project is required to provide a total of twenty-three spaces. The Applicant plans to provide a total of forty-six parking spaces, which includes two ADA spaces and two motorcycle spaces. The Applicant also plans to provide one bike rack with two bicycle spaces, which will be located in the front of the building. The dimensions of the parking spaces are proposed to be a mixture of 9' x 17', 9' x 20' and 10.5' x 17' perpendicular spaces. The proposed parking lot layout is consistent with the approved SDP.

As part of SDP-8174-2019 approval, the Applicant received the following four parking waivers from the City's Parking Ordinance:

- Approval to allow sixteen (16) parking spaces, located to the west and south of the building to be twenty feet in length. Pursuant to § 24-218(e)(2), parking spaces are required to be seventeen feet in length;
- Additional twenty-one (21) parking spaces above the maximum permitted. Pursuant to § 24-219(b), the maximum parking for commercial uses are permitted to be ten percent more than the required minimums;
- Reduction to the percentage of greenspace provided within the parking lot. Pursuant to § 24-220(e) parking lots are required to provide 10% of green space. The plan proposes 5.19% of parking lot greenspace. Per the recommendation by the Planning Commission, the plan includes an additional parking island and shade tree not originally included in the SDP presented to the Planning Commission; and
- Allowance for thirty (30) parking spaces to be located in front of the building. Pursuant to § 24-160G.4, parking spaces in the CD zone are required to be located behind the front of the building.

Staff Comments

Staff finds that the proposed final site plan is consistent with the approved SDP and approved waivers, and that the project will provide adequate parking for the proposed use. Additionally, the Applicant has provided evidence that there is safe circulation for both vehicles and pedestrians on site.

Forest Conservation Plan and Landscape Plan

As part of final site plan submission, the Applicant has submitted a final forest conservation application, ENV-8254-2019 (Exhibit #8). The Applicant plans to retain 0.02 acres of existing forest and provide 0.26 acres of afforestation area along the rear of the property to meet the forest conservation plan requirements. The afforestation in the rear will establish a Category 1 conservation easement which builds off of the 0.02 acres of retained forest. The Applicant also identify five trees, which are proposed to be removed. As part of SDP- 8174-2019, the Applicant received all necessary tree waiver variances necessary for the removal of the trees.

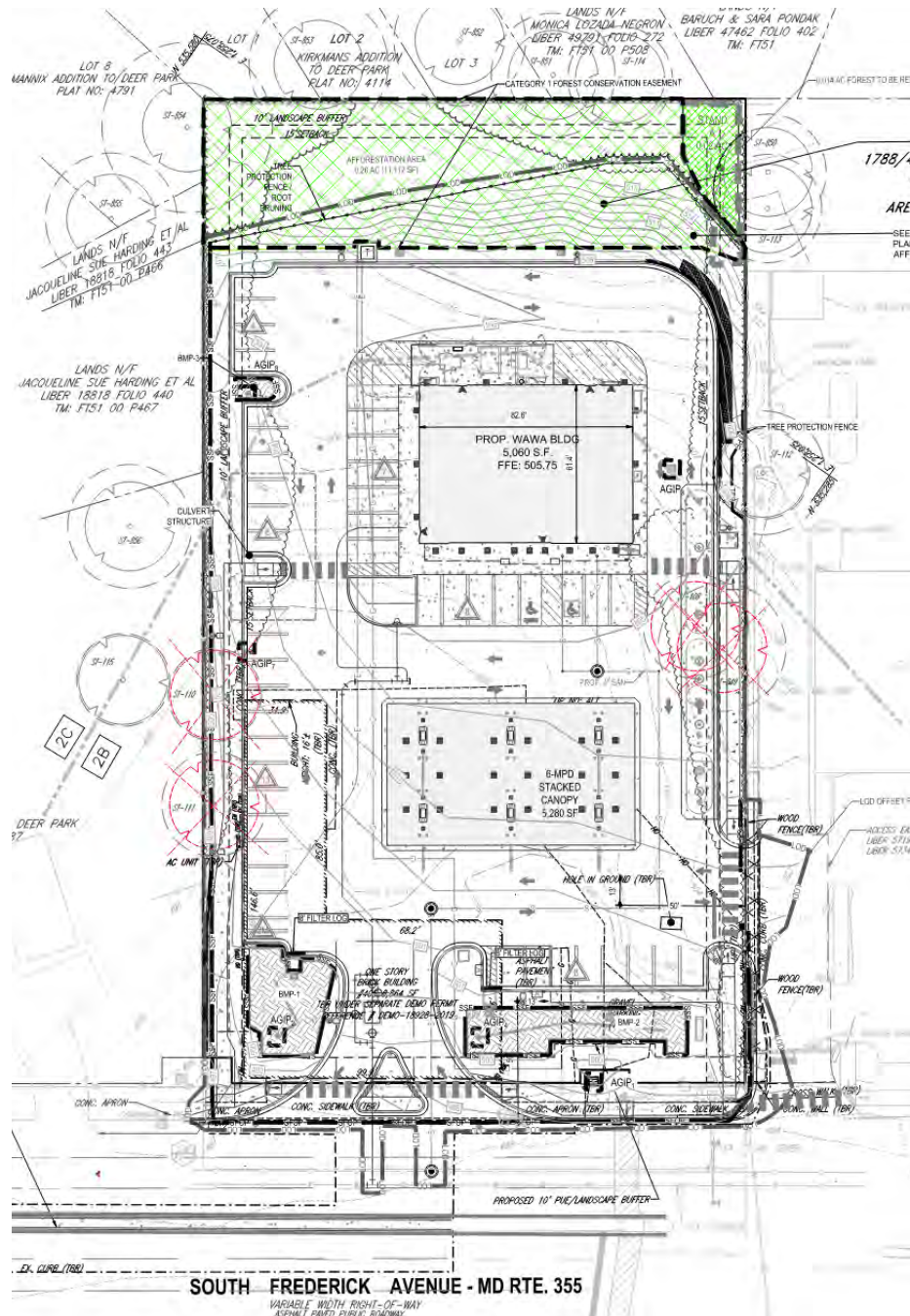


Exhibit #8: Forest Conservation Plan (Sheet 107-1)

Architecture

The proposed materials for the commercial building include brick, stone, metal roof, metal canopy and aluminum storefront windows. The trash enclosure located behind the building is clad in stone and brick to match the building. The proposed materials for the filling station canopy includes metal and stone. While the plans include signage, they are only shown for illustrative purposes. The final signage for the site will be handled as separate sign permit applications and must be in conformance with the City Code.



Exhibit #10: Building Elevations

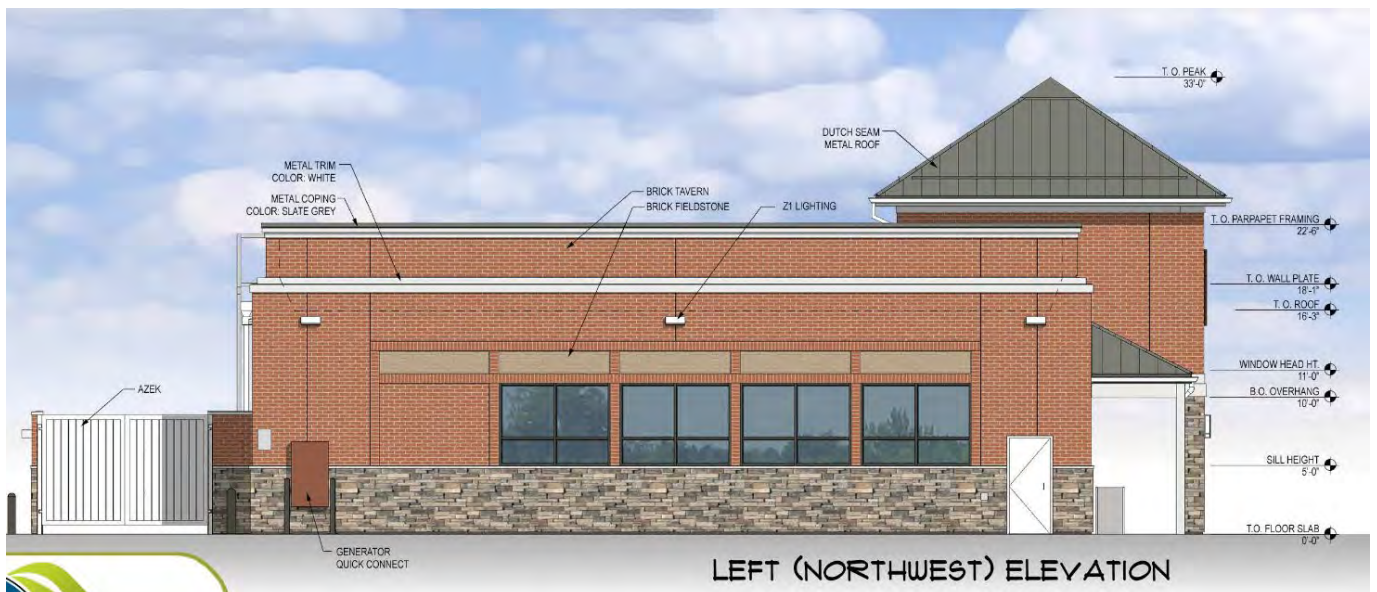


Exhibit #10: Building Elevations

Staff Comments

Staff is supportive of the proposed architecture and is of the opinion that the design of the building will be compatible with the existing buildings along the South Frederick Avenue corridor. The building will contain materials such as brick and stone, which are harmonious with other buildings found along the Frederick Avenue corridor. The proposed scale and building materials are compatible with the residential character of the area. The proposed height of the building and gas filling canopy will not exceed the thirty-five feet height restriction for properties located within the Southern Residential District. Overall, the proposed building will not adversely affect the character of the adjacent properties.

IV. SUMMARY OF FINDINGS:

Staff is supportive of the submitted Final Site Plan application SP-8983-2021. The proposed plan is in conformance with approved Schematic Development Plan SDP-8174-2019. The proposed plan is also compatible and harmonious with the adjacent properties. The retail building and gas station will be located along a major arterial road with existing commercial, office and residential uses. The proposed commercial use is similar to other commercial uses that are located along the Frederick Avenue corridor. The plan will retain 0.02 acres of existing forest and provide 0.26 acres of afforestation area along the rear of the property, which will provide a buffer between the commercial building and the adjacent residential neighborhood. The plan is also in conformance with the 2001 Frederick Avenue Corridor Land Use Plan by providing development that is keeping with the residential character of this portion of the corridor. The site plan has been evolved to address Planning Commission's comments and conditions of approval. The changes of the plan have improved pedestrian connectivity to the retail building. Lastly, the plan will enhance the Property to facilitate a new business in the City, which will contribute to the City's overall economic health. The project will not have any adverse impacts to the neighboring commercial uses or residential community. Vehicle and pedestrian connectivity are adequate to serve the property and access to the site is improved by the utilization of a shared drive aisle at the signalized intersection.

V. STAFF RECOMMENDATION

Staff recommends **THAT THE PLANNING COMMISSION BASED ON THE EXHIBITS SUBMITTED, THE TESTIMONY IN THE RECORD, AND THE STAFF REPORT, FINDINGS AND RECOMMENDATION, GRANT SP-8983-2021, FINAL SITE PLAN APPROVAL AND FINAL FOREST CONSERVATION PLAN, FINDING IT CONFORMANCE WITH §§ 24-170 AND 24-171 OF THE CITY'S ZONING ORDINANCE, WITH ONE CONDITION:**

1. Applicant must satisfy all outstanding comments from the Department of Public Works related to retaining wall plans prior to the issuance of a site development permit.