
MEMORANDUM TO: Mayor and City Council

VIA: Tanisha Briley, City Manager

FROM: Jasmine Forbes, Planner II

DATE: May 16, 2022

SUBJECT: Final Staff Analysis
SP-8819-2021: 601, 605 and 607 South Frederick Avenue

APPLICANT/ OWNER:

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Bowie, Maryland, 20716

OWNER:

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ATTORNEY

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TAX MAP REFERENCE:

Parcel P103- ID# 09-00777417
Parcel P114- ID# 09-00770201
Parcel P115- ID# 09-00773033

REQUEST:

Application SP-8819-2021¹ has been filed requesting concept site plan approval to combine three parcels into one lot to construct a 5,617 square foot automatic car wash facility and associated parking lot. The Subject Properties are zoned CD (Corridor Development). The concept site plan is the first stage in the site plan process. If the concept site plan is approved, the Mayor and City Council can either require that the project come back as a Schematic Development Plan application for Mayor and City Council and Planning Commissions review or direct the Planning Commission to review a Preliminary/Final Site Plan application.

¹ Exhibit #68

LOCATION:

The Subject Properties measure approximately 52,229 square feet in area and are situated along South Frederick Avenue. The Properties at 605 and 607 South Frederick Avenue are improved with single-family detached homes and the Property at 601 South Frederick Avenue is undeveloped.



Location Map



Exhibit #177: Building Rendering view from South Frederick Avenue (Page 75)

The Staff’s preliminary analysis noted that the Applicant will be seeking the following three parking waivers in future submissions:

- Waiver to the City’s dimensional requirements for double stripe parking spaces;
- Waiver to reduce the width of a two-way parking module to accommodate a drive-aisle below twenty-six feet; and
- Waiver for the parking lot green space requirement.

Pursuant to § 24-160G.4.(e), parking requirements may be waived in whole or in part by the City Council as part of a schematic development plan approval or by the Planning Commission if only site plan approval is required. While the potential waivers are being mentioned now, they are not required to be granted at the concept site plan application stage and will be further evaluated in subsequent plan submissions.

As part of the application, the Applicant seeks a tree variance for the removal of one specimen tree (Red Oak) that is forty-inches measured at Diameter Breast Height (DBH). The removal of the tree is needed to construct the car wash building and the tree is in poor condition as noted in the approved Natural Resources Inventory (NRI)³. It is noted in the Specimen Tree Chart that the tree has canker, dead limbs and is choked with vines. As required by Maryland Forest Conservation law and affirmed by Chapter 22 of the City Code, trees with a DBH of thirty inches or greater require a variance to be granted prior to removal. Staff supports the request and finds it’s reasonable for approval.

³ Exhibit #10

The Applicant is also requesting an environmental waiver in accordance with Section 38 of the City's Environmental Standards for Development Regulation. As part of the application, a new retaining wall and micro bio-retention planter box are proposed. While located outside of the environmental settings, the construction and maintenance of these structures requires temporary encroachments within the environmental buffers. The maximum total area of distance to construct and maintain the on-site improvements is approximately 1,232 square feet. The impacts include temporary access by workers to construct and maintain the retaining wall and the micro bio-retention planter box for stormwater management. The disturbance will not involve any clearing or grading within the stream valley buffer boundaries.

A public hearing was held on March 21, 2022. During the course of the hearing, the following comments were raised:

- Annexation compliance;
- Master Plan compliance;
- Environmental concerns;
- Noise and light concerns;
- Traffic concerns; and
- Egress and stacking concerns on Central Avenue and leaving the site.

At the conclusion of the hearing, the City Council announced by motion the closing of their record 5 PM on April 27, 2022 with policy discussion anticipated for May 16, 2022. Additional written comments from the public were also received while the record remained open.

Information presented at the March 21, 2022 meeting, including zoning, site plan, adequate public facilities and the application reviewed can be found in the Preliminary Background Report in Exhibit #106.

Annexation Compliance

The Subject Properties were annexed into the City of Gaithersburg in 1990 as part of Annexation Application X-150 (R-93-89). At the time of annexation, the Properties were zoned C-B (Commercial Buffer). The Properties were later comprehensively rezoned to the CD (Corridor Development) zone as part of the Frederick Avenue Corridor Master Plan. Both the City Council and the community raised questions on whether the proposed car wash use is in conformance with the annexation agreement. Upon review of the annexation agreement, Staff has determined that the proposed use is permitted and that the annexation agreement does not prohibit the use from being established. The included memo from Frank Johnson, Deputy City Attorney⁴ further explains Staff's review of the annexation agreement. The Applicant's response letter also supports Staff's review of the annexation agreement.

⁴ Exhibit #178

Section 1 of the annexation agreement states the following:

“The City agrees to annex the property and to simultaneously classify it in the C-B zone. The City agrees that the property may be developed with uses allowable in the C-B zone as it exists on the date of the execution of this Agreement subject to the submission of a site plan (s) for one or more of the parcels included in this Annexation.”

The Deputy City Attorney’s memo noted the agreement does not prohibit future rezoning or development with other uses that may become available through such rezoning. The CD zone is intended to encourage more attractive and cohesive development patterns in the corridor. Uses allowed include more intensive commercial uses. While § 24-160G.2(b) in the City Code for the CD prohibit specific uses such as automobile repair shops, landscaping, pawn shops and self-storage facilities, among others, a car wash is not listed among those prohibited uses. In the CD zone, all uses listed as permitted and not solely as a special exception or conditional use in all zoning districts are permitted. An automatic car wash is a permitted use in the C-2 (General Commercial) zone. It is not listed as a conditional use in the City Code. Staff has interpret the Annexation Agreement to allow the Properties to be developed with uses allowable in both the C-B zone and CD zone. Therefore the proposed car wash is an allowable use at the Subject Property.

Section 2 of the annexation agreement imposes the following additional restrictions for development:

“(a). Reuse of existing residential structures- Future use of these parcels will not be limited to the reuse of existing structures.

(b) 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, subject to the provisions of paragraphs 2(c) below.

(c) Access and Assemblage- The corner lot (Parcel P103) shall be access only from Central Avenue. No more than two (2) shard curb cuts to Maryland Route 355 (South Frederick Avenue) should be permitted. Where three (3) or more parcels (including the corner parcel) are developed in a single site plan, access to these parcels shall be from Central Avenue.”

As noted above, Section 2(b) request development to have a residential character. The City interprets this section to only limiting aesthetics of redevelopment to a “residential character” and not uses. As noted in the memo, even if however, such wording was interpreted as a use limitation, it would not be enforceable as improper conditional use zoning, as the Court of Appeals considers such limitations to primarily impact the Mayor and City Council’s ability to apply their zoning powers, as well as improper contract zoning.

It is Staff's opinion the proposed concept site plan and conceptual architecture is consistent with the residential character of the area by:

- Limiting the height of the car wash building to a maximum of two-stories and thirty-five (35) feet;
- The proposed conceptual architecture is compatible and harmonious with the surrounding neighborhood;
- Utilizes similar residential building materials found within the area including, brick and stone; and
- The building massing and pitched roof is consistent with the residential character of the area.

Lastly, the plan eliminates the two existing curb cuts along South Fredrick Avenue and reorients access to the site to Central Avenue. Access from Central Avenue is consistent with the requirements of the annexation agreement.

Master Plan Compliance

The Subject Properties were part of the 2001 Frederick Avenue Corridor and Land Use Plan. The Frederick Avenue Corridor Land Use Plan was adopted on January 2, 2001, as a guide for development of the Frederick Avenue Corridor. The Subject Properties are situated within the Southern Residential District, as part of the larger Map Designation D. The master plan states the following related to Map Designation D:

Retain parcels P103, P114, P115, N155, P116, N171, N206 and N261 (Map Designation D) as commercial-office-residential. In the 1997 Neighborhood One Land Use Plan these 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.

Land Use and Zoning Recommendations:

- *Adopt commercial-office-residential land use designation*
- *Rezone parcels to CD*

The Applicant noted during the Joint Public Hearing that while the plan states that "Offices, light retail or live works in low rise buildings are of what is envisioned" they are

examples of potentially what can be developed and not an exclusive list of allowable uses. The proposed car wash is 5,617 square feet which is less than the 7,000 square foot maximum as recommended in the master plan. The car wash is a commercial use, as permitted under the Master Plan's land use and zoning recommendations. The overall small size, scale, and residential character of the building architecture is respectful with the surrounding properties. The plan includes a new ingress/egress entrance on Central Avenue per the requirements in the master plan and Annexation Agreement X-150. The maximum building height permitted in the Southern Residential District is three-stories and thirty-five feet in height. The building will be two-stories and thirty-five feet tall. The proposed architecture of the building will be compatible and harmonious with the surrounding neighborhood by providing similar materials such as brick and stone, consistent with the residential character of that portion of the Frederick Avenue corridor. There were comments from the public about the car wash proximity to single-family residential uses and the proposed access off of Central Avenue to being inappropriate. The Applicant notes that the proposed car wash is located along Frederick Avenue which is a commercial corridor and a six lane arterial road. Proximity of the proposed car wash use to single-family residential uses is not at all atypical. Car washes tend to be located near residential areas in order to be convenient to potential customers. The Applicant's other location in Bowie is located within 150 feet of a single-family residence and has been operated there successfully for over five years with no issues. Other car washes in and near the City are also located near residential neighborhoods.

Staff has reviewed the master plan and the Applicant's response letter and is of the opinion the application is consistent with the Master Plan recommendation. The proposed car wash is a commercial use and is not out of character with other similar uses located along the Frederick Avenue corridor. The City's Zoning Ordinance does not specially define "commercial" or "light commercial". The American Planning Association (APA) defines "commercial" as "a land use or other activity involving the sale of goods or services for financial gain. Any activity conducted with the intent of realizing a profit from the sale of goods or services to others." As such, the proposed car wash would be considered a commercial use. The overall building footprint will respect the "residential character" by being small scale and below the 7,000 square feet maximum noted in the master plan. The conceptual architecture plans includes stone and brick materials which is compatible with existing building along the Frederick Avenue corridor. The proposed ingress/egress on Central Avenue is in conformance with the master plan.

Environmental Concerns

The proposed conceptual site plan also includes an environmental waiver, which was discussed during the public hearing and any potential environmental impacts the car wash may have on the adjacent properties. As noted in the Applicant's response letter, there are currently no stormwater management controls on the Property. The project will utilize Environmental Site Design (ESD) to the maximum extent practicable, which will

substantially improve the treatment of stormwater on the Property. The onsite stormwater will be treated through the use three micro-biorention area planter boxes and one underground filter system. With the combination of the stormwater management facilities, retaining walls and the trench drains, no stormwater will escape the site untreated. Once the onsite water is treated, it will be conveyed through a pipe system to the public storm drain network. The project has received concept/preliminary Stormwater Management Plan and Sediment Erosion Control Plan approval⁵

The Applicant also noted that all of the water generated by the car wash will also be treated on the Property and will not leave the site untreated. The project will implement WaterSavers, which limits the amount of fresh water used by the car wash. The rinse water from the car wash will be diverted to the three underground tanks. Through a series of baffles inside the tanks, the water will be filtered, with solids dropping to the bottom and oils rising to the top. The cleanest water from the center is reused in the wash again. The Applicant estimates somewhere between 85%-90% of the water will be recycled. After the water that is not recycled moves through the third tank it hits a grease interceptor prior to discharge into WSSC sanitary system. Should the concept site plan be approved, the subsequent preliminary site plan will be routed to WSSC for review and comments.

The environmental waiver included with the application is required to allow the temporarily encroachment into the stream valley and wetlands buffer to install and maintain the required retaining wall and micro-biorention planter box for stormwater management. The total disturbance is approximately 1,232 square feet. No grading or disturbance will occur in the environmental buffers. Working with Staff, the Applicant has gone through a number of revisions of the concept site plan to remove all permanent encroaches from the environmental buffers. These revisions included reducing the width of the building, reducing the width of the drive aisle and relocating the storm drain connection out of the stream valley buffer to connect to an existing pipe on Central Avenue.

Staff is supportive of the environmental waiver request. The request is for minimal impact related to installation and maintenance of a retaining wall and micro bio-rention planter box. No clearing or grading will occur within the environmental buffers. City Staff has work with the Applicant on multiple revisions of the site plan that include the reduction of the building width, reducing the width of the drive- aisles and relocate the storm drain connection out of the stream valley buffer.

Noise and Light Analysis

A noise and light study is not required at part of a concept site plan submission and will be submitted with future site plan submissions. The City follows the Montgomery County noise ordinance. Below is the Montgomery County noise regulation table.

⁵ Exhibits #95 and #96

Maximum Allowable Noise Levels (dBA) for Receiving Noise Areas		
	Daytime <i>(7 a.m. to 9 p.m. Weekdays and 9 a.m. to 9 p.m. on weekends and holidays)</i>	Nighttime <i>(9 p.m. to 7 a.m. on weekdays and 9 p.m. to 9 a.m. on the weekends and holidays)</i>
Non-residential noise area	67	62
Residential noise area	65	55

As noted in the Applicant’s response letter, rather than installing individual vacuum canisters at each of the outdoor vacuum spaces, a central vacuum has been placed interior to the building to keep the noise to a minimum. This central vacuum connects to each of the vacuum handles located in the exterior vacuum area. Similarly, the proposed blowers used to dry the vehicles at the end of the wash cycle will be cutting-edge stealth quiet blowers, which are enclosed within the building structure to further minimize noise impacts. Blowers and vacuums will be turned off completely outside of operating hours. Further, to ensure individual vehicles do not create a noise nuisance, signs will be posted in the vacuum area reminding customers that loud music is prohibited and this prohibition will be enforced by the lot attendant. Staff, with the required subsequent site plan submission, will ensure that the proposed noise study will be in conformance with the Montgomery County noise regulation and the proposed lighting will not cause light spillage over into the adjacent property. Adjacent to the Subject Properties are a full developed forest area, which will provide a natural buffer between the proposed car wash and the residential community.

Staff concurs with the Applicant’s response concerning noise and light impacts from the proposed car wash. A noise and light study is not required at the concept site plan submission and will be submitted at a future site plan submission. Staff, with the required subsequent site plan submission, will ensure that the proposed noise study will be in conformance with the Montgomery County noise regulation and the proposed lighting will not cause light spillage over into the adjacent properties.

Traffic Concerns

According to the City’s Traffic Impact Study Standards, a Traffic Impact Study is not required with a concept site plan, but instead is required as part of the preliminary site plan. Accordingly, a traffic impact study will be submitted as part of the subsequent site plan submissions. While not required at this time, the Applicant has submitted a Site Access Evaluation report by Lenhart Traffic Consulting, Inc. for informational purposes to provide an understanding of the future operations of the site access point and surrounding intersections⁶. The analysis study the following intersections:

- MD 355 & Fairbanks Drive
- MD 355 & Deer Park Drive
- MD 355 & Central Avenue
- Central Avenue & Project Site Access

⁶ Exhibit #113

The analysis conclude that all studied intersections meet the City's Critical Lane Volume (CLV) and any movement receiving additional volumes from the development of the site will continue to operate with adequate level of service. Lastly, the queuing evaluation, concluded that ingress and egress to the site will operate well without queuing impacts from the site to Central Avenue or vice versa. While the intersections are shown to operate well within required adequacy thresholds, it is recommended that the intersection of South Frederick Avenue/ MD 355 and Central Avenue be improved with a physical restriction to prohibit left turns out of Central Avenue or installation of a traffic signal, if warranted and approved by Maryland State Highway Administration. The Applicant has noted that they will make the necessary traffic improvements at the South Frederick Avenue and Central Avenue intersection. The Applicant will continue to work with the City and Maryland State Highway Administration in order to determine which improvement should be implemented.

Staff concurs with the Applicant's response concerning traffic impacts from the proposed car wash. A traffic impact study is not required at the concept site plan, but instead is required as part of preliminary site plan. The Applicant's traffic engineer's Site Access Evaluation report notes two improvements that can be made at the Central Avenue and South Frederick Avenue intersection. Once a traffic impact study has been submitted, it will determine whether such improvements are warranted. The Applicant is committed to making the necessary traffic improvements depending on the outcome of the traffic impact study.

Egress and Stacking Concerns

During the hearing there were a number of concerns expressed regarding on-site circulation, stacking and vehicles exiting the site. The City's Best Practices Memo on drive-throughs for car centric establishments, a minimum stacking length of 200 feet should be provided. The plan notes that the double stack lanes will measure a combined total of 510 feet and can accommodate approximately 31 cars. The preparation of cars for the wash and loading onto the conveyor takes more than 20 seconds per car. The tunnel can hold up to 4 to 5 cars with a wash cycle that is approximately three minutes. As noted in the Applicant's response letter, customers and employees entering the site will go right to the drive-through lane at the pay station. After paying, the customer will merge into the single line and make a left turn into the tunnel. After exiting the tunnel, customers have two options: they can either end the service, turn left and exit out on Central Avenue or they can turn right and park in the stalls to utilize the vacuums. Therefore, not every car exiting the tunnel will be queuing to exit onto Central Avenue. The Applicant notes that customers leaving the site can take the following routes:

- Right out of Central Avenue onto northbound South Frederick Avenue/MD 355 to U-turn at Fairbanks Drive to southbound MD 355 (There is a "No Left Turn" at the Central Avenue and South Frederick Avenue intersection);
- Eastbound Central Avenue to left onto westbound Deer Park Road to left onto southbound MD 355; and

- Eastbound Central Avenue to right onto southbound Oakmont Avenue to Shady Grove Road.

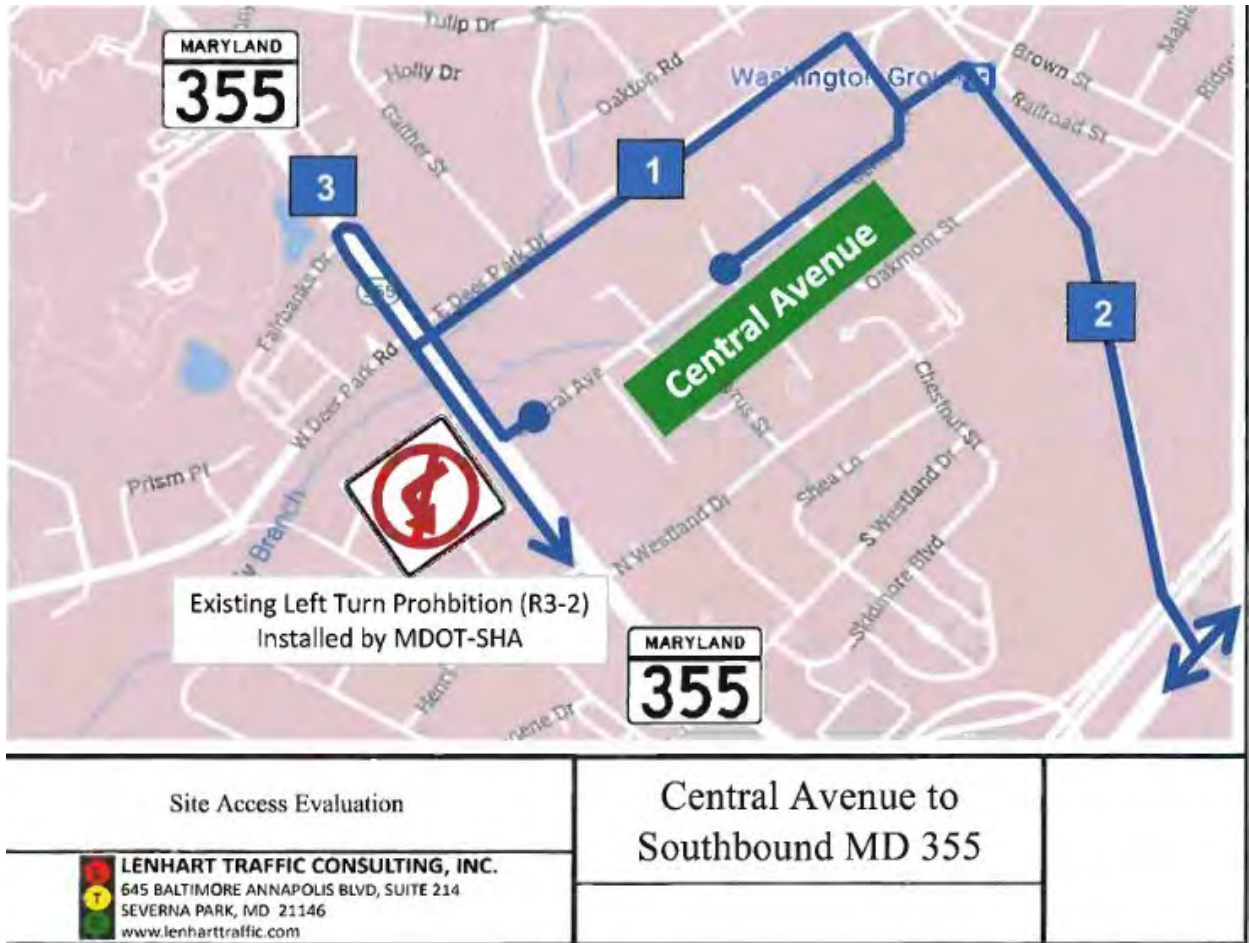


Exhibit #177: Site Access Evaluation Exhibit (Page 20)

Staff concurs with the Applicant's response concerning egress and stacking concerns and notes routes leaving the subject property may change depending on necessary improvements to the intersection of Central Avenue and South Frederick Avenue. The Applicant has demonstrated that there is adequate stacking length within the drive-through to ensure there will be no vehicle backups on Central Avenue and South Frederick Avenue. There is adequate circulation on the site that there will be no vehicle conflict within the parking lot. The Applicant's site access evaluation exhibit demonstrates that there are additional safe routes that the car wash customers that can take get to southbound on Frederick Avenue. As previously noted in the traffic impact section, once a traffic impact study has been submitted, it will be determine whether physical improvements are warranted. Routes leaving the subject property may change depending on any improvements to the intersection of Central Avenue and South Frederick Avenue

Staff Comments

Staff has reviewed the Applicant's response letter and is of the opinion that they have adequately address the comments raised by the Mayor and City Council for Concept Site Plan approval. Staff has also reviewed all written public comments received and notes most of the community's concerns are not required to be addressed at the concept site plan stage and therefore will be addressed in the next site plan application phases. There will be additional opportunity to provide public comment on this project as it progress through the site plan process. Of note, the Applicant will be required to provide information and studies on traffic, light, and noise during the subsequent site plan submissions. The proposed car wash is a commercial development located along South Frederick Avenue which is a major arterial road that contains similar uses. In the CD zone, all uses listed as permitted and not solely as a special exception or conditional use in all zoning districts are permitted. Automatic car wash is a permitted use in the C-2 (General Commercial) zone. The proposed architecture will be compatible and harmonious with the surrounding properties by providing similar materials that in keeps with the "residential character" with the adjacent properties. Staff is supportive of the tree removal waiver for the specimen tree (Red Oak) which measures forty (40) inches DBH. The removal of the tree is necessary to develop the site. The approved Natural Resources Inventory (NRI) notes that the tree is in poor condition. Staff is also supportive of the environmental waiver which is needed to construct and maintain a retaining wall and micro-biorention planter box. The encroachment is only temporary and no permanent structures or improvements are proposed within the environmental buffers. The disturbance will not involve any clearing or grading within the buffer boundaries. Staff would like to note the Applicant's willingness to work on revisions to the plan to ensure no improvements are within the environmental buffers. Staff recommends that the Mayor and City Council approve Concept Site Plan application SP-8819-2021.

STAFF FINDINGS, ANALYSIS AND RECOMMENDATION

FINDINGS:

Approval of SP-8819-2021, by the City Council is dependent upon the findings required under § 24-160G.7(b) of the City Code. The following outlines the required findings and justifications for a City Council approval of application SP-8819-2021.

- (1) The plan is substantially in accord with architectural, signage, lighting, streetscape , parking and other regulations, requirements and guidelines adopted by the city council for applicable corridor area:

The proposed plan will meet the development standards of the CD zone by maintaining the existing pedestrian sidewalk along South Frederick Avenue and Central Avenue. The maximum building height permitted in the Southern Residential District is three stories and cannot exceed thirty-five feet in height.

The height of the building will be two-stories and thirty-five feet. Neither proposed heights will exceed the maximum height permitted as outlined in the Frederick Avenue Master Plan for the Southern Residential District. The proposed architecture of the building will be compatible and harmonious with the residential character of the surrounding neighborhood by utilizing similar building materials such as brick and stone.

(2) The plan meets of accomplishes the purposes, objectives and minimum standards and requirements of the zone:

- a) Application SP-8819-2021 will improve the Properties with a commercial use, which is consistent with the 2001 Frederick Avenue Corridor Land Use Plan.
- b) Application SP-8891-2021 will provide a commercial car wash use, which is a use similarly found along Frederick Avenue, which is considered a Commercial Throughway per the City's *Street Design Standards and Traffic Calming Best Practices* regulation (adopted 2019). Commercial Throughway's are substantial roadways that allow regional commuters to travel across/ through town. Traffic along Commercial Throughways tends to be relatively fast and buildings are not located close to the street. Their function to facilitate the movement of vehicular traffic and major transit routes, as such these are not conducive for on-street parking or separated bike facilities. These streets should provide significant comfortable pedestrian and biking amenities. .
- c) Application SP-8819-2021 proposes a 5,617 square foot automatic car wash building, which is below the maximum 7,000 square feet of building area as noted in the Frederick Avenue Corridor Land Use Plan. The building will contain materials such as brick and stone, which is compatible with existing commercial and residential buildings found along the Frederick Avenue corridor.
- d) Application SP-8819-2021 will be developed in an appropriate scale of development by providing a building height that is thirty-five feet which will not exceed the permitted height of thirty-five feet as outlined in the Frederick Avenue Master Plan for the Southern Residential District.
- e) The Applicant has noted parking waivers to three sections of the City Code will be requested at the next stages of the entitlement process. Pursuant to the Section 24-160G.4(e) it is appropriate to grant parking waivers at either the schematic development plan or final site plan.

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

The Properties were included in the 2001 Frederick Avenue Corridor Land Use Plan within the Southern Residential District as part of the larger Map

Designation D. Map Designation D designated the land use as commercial-office-residential. The master plan stated the following:

Retain parcels P103, P114, P115, N155, P116, N171, N206 and N261 (Map Designation D) as commercial-office-residential. In the 1997 Neighborhood One Land Use Plan these 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 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.

Land Use and Zoning Recommendations:

- *Adopt commercial-office-residential land use designation*
- *Rezone parcels to CD*

The car wash is a commercial use, as permitted under the Master Plan's land use and zoning recommendations. The car wash is located along Frederick Avenue which is a commercial corridor and a six lane arterial road, where similar uses can be found. Residential character pertains to aesthetics of redevelopment and not uses. The proposed car wash is a small scale commercial use that will be 5,617 square feet which is less than the 7,000 square foot maximum as recommended in the master plan. The car wash building size is a small scale and is respectful with the surrounding properties. The plan includes a new ingress/egress entrance on Central Avenue per the requirements in the master plan and Annexation Agreement X-150. The maximum building height permitted in the Southern Residential District is three stories and cannot exceed thirty-five feet in height. The height of the building will be two-stories and thirty-five feet. The proposed architecture of the building will maintain the residential character of the area by providing building materials such as brick and stone, which is compatible with the existing buildings along South Frederick Avenue and the adjacent properties. The building massing and pitched roof is also consistent with the residential character of the area.

(4) The plan will internally and externally compatible and harmonious with existing and planned uses in the CD zoned area and adjacent areas:

The application is compatible and harmonious with the adjacent area. The overall small size, scale, and residential character of the building architecture is respectful with the surrounding properties. The car wash is located along

Frederick Avenue which is a commercial corridor, where similar uses can be found. The proposed car wash will be located along a Commercial Thoroughway with existing commercial, office and residential uses. The proposed plan will maintain existing sidewalks along South Frederick Avenue and Central Avenue. The Applicant is committed to providing a clean, environmentally conscious and well-managed operation to ensure that proposed use is harmonious with the surrounding area. The layout of the building and other site improvements will ensure that there will be no impacts to the existing environmental buffers on the Properties and the adjacent residential community. Granting the tree removal variance and the environmental waiver will not negatively impact the existing Properties and the surrounding properties. The Properties are adjacent to an existing forest area which will provide a natural buffer between the car wash and the residential community to the northeast. The proposed drive lane can accommodate 31 cars in the double-stacked lanes, therefore will not cause any vehicle back up on South Frederick Avenue and Central Avenue.

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

This application complies with the City's adequate public facilities requirements, as follows:

1. **Traffic Impacts-** According to the Applicant's APFO statement, the automatic car wash facility will generate more than thirty (30) peak hour trips, therefore a traffic impact study will be required with any future site plan submissions. The Applicant is committed to make the necessary traffic improvements depending on the outcome of the traffic impact study.
2. **Adequacy of School Capacity-** The proposed development is 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.
3. **Water and Sewer Services and Public Utilities-** The Properties are currently served by Category W-1 and S-1 of Washington Suburban Sanitary Commission (WSSC) services. As such, water and sewer services are adequately provided to the properties.
4. **Fire and Emergency Services-** The Properties are located within a ten-minute response time of Station 3 (Rockville), Station 8 (Gaithersburg), Station 28 (Gaithersburg) and Station 32 (Travilah). Therefore the project, complies with adequate public facilities for fire and emergency services.

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

The car wash will be constructed in one phase. There is adequate public facilities to service the proposed car wash. Therefore, no staging or phasing is required for implementation of the plan.

- (7) That the plan, if approved, would be in the public interest:

The plan will enhance the Properties to facilitate a new business in the City, which will contribute to the City's overall economic health and generate additional tax revenues. The project will establish a new employer within the City and will stimulate underutilized properties within the Frederick Avenue corridor consistent with the FY22 adopted Strategic Plan. The proposed car wash building and site has been designed to not encroach into the existing environmental buffers. The only encroachment that will occur is for the construction and maintenance of the retaining wall and micro-biorention planter box. The preliminary forest conservation plan proposes fulfilling the 0.18 acres of required afforestation in the rear of the Properties along the stream valley buffer, wetland buffer and floodplain buffer. This will build off an existing forest conservation easement and further protect and enhance sensitive environmental areas. The plan will not impact any existing pedestrian connections along South Frederick Avenue and Central Avenue. The Properties are adjacent to existing forest area which will provide a natural buffer between the car wash and the residential community to the northeast.

Additionally, SP-8819-2021 fulfills many objectives of the City FY '22 Strategic Plan including:

Economic Development: Support large-scale assemblages and infill development to accelerate implementation of the City Master Plan and the Frederick Avenue Corridor and Vicinity Capacity Study; Retain existing and attract new employers.

Planning and Development: Attract quality development by ensuring maintenance of existing neighborhoods; Ensure compatible development patterns that are phased and constructed in a manner that creates the least amount of disruption as part of the entitlement process.

- (8) The existing buildings with historic significance are considered for preservation and retention pursuant to the City's historic preservation ordinance:

The two homes located on the Subject Properties were not included or identified as a historic resource or a potential historic resource in the 2018 Historic Preservation Master Plan. With that said, the two existing homes are more than 50 years old, therefore will be required to be reviewed by the Historic District Commission prior to issuance of a demolition permit.

CONCLUSION

Staff is supportive of the submitted Concept Site Plan application SP-8819-2021. The plans meet the requirements for a Concept Site Plan approval. This application is the first stage of the site plan process and the Applicant will provide the required information about traffic, light and noise in the next site plan submission. The plan meets and accomplished the purposes, objectives and minimal standards and requirements of the CD zone. Additionally, the proposed plan furthers the visions and goals of the Frederick Avenue Corridor Master Plan by providing a commercial use that is similarly found along South Frederick Avenue which is a Commercial Throughway. The proposed architecture will be compatible and harmonious with the surrounding properties by providing similar materials such as stone and brick that fits the “residential character” as noted in the annexation agreement and master plan. The maximum building height permitted in the Southern Residential District is three stories and cannot exceed thirty-five feet in height. The height of the building will be two-stories and thirty-five feet. Staff is supportive of the tree removal waiver for the specimen tree (Red Oak) that measures forty (40) inches DBH. The removal of the tree is needed to construct the car wash building and the tree is in poor condition. Staff is also supportive of the environmental waiver which is needed to construct and maintain a retaining wall and stormwater management facilities. This impact is only temporary and no permanent structures or improvements are proposed within the environmental buffers. The disturbance will not involve any clearing or grading within the buffer boundaries. Lastly, the Applicant is committed to making the necessary traffic improvements to ensure that the proposed car wash will not have any negative impacts to the surrounding properties.

Staff recommends THAT THE CITY COUNCIL, BASED ON THE EVIDENCE AND TESTIMONY SUBMITTED TO THE RECORD AND THE FINDINGS IN THE FINAL STAFF ANALYSIS, APPROVE SP-8819-2021, FINDING IT IN CONFORMANCE WITH § 24-160G.7(B) OF THE CITY’S ZONING ORDINANCE.

Staff recommends THAT THE CITY COUNCIL, BASED ON THE EVIDENCE AND TESTIMONY SUBMITTED TO THE RECORD AND THE FINDINGS IN THE FINAL STAFF ANALYSIS, APPROVE THE TREE REMOVAL VARIANCE, FINDING IT IN CONFORMANCE WITH § 22 OF THE CITY’S ZONING ORDINANCE.

Staff recommends THAT THE CITY COUNCIL, BASED ON THE EVIDENCE AND TESTIMONY SUBMITTED TO THE RECORD AND THE FINDINGS IN THE FINAL STAFF ANALYSIS APPROVE THE ENVIRONMENTAL WAIVER, FINDING IT IN CONFORMANCE WITH § 38 OF THE CITY’S ENVIRONMENTAL STANDARDS FOR DEVELOPMENT REGULATION.