



**WLR Automotive Group, Inc. -- 10009 Fields Road
Schematic Development Plan
Statement of Justification
August 2, 2024**

I. Introduction and Property Description

On behalf of WLR Automotive Group, Inc. (“Applicant” or “WLR”) and with the consent of PMG MAPP, LLC, the owner of 10009 Fields Road (the “Property”), we submit this Schematic Development Plan application to accommodate an Auto Spa Express (i.e. a car wash) on the Property. The Property is zoned Mixed-Use Development (“MXD”).

The Property is identified as Parcel N332, Block A, as reflected on Plat No. 20526 recorded among the Land Records of Montgomery County on October 16, 1997. The peninsular-shaped Property is located at the intersection of Fields Road and Sam Eig Highway, with Fields Road bordering the Property on the south and the Washington Boulevard Ramp and Sam Eig Highway bordering the Property to the west and north. The Property is bordered on the east by 10005 Fields Road, a 51,305 square foot parcel also owned by PMG which is improved with a 12-fueling station gas station, a car wash, a three-bay drive-through oil change facility and a restaurant.

The Property contains a total of 65,426 square feet of land area and is currently improved with a 5,885 square foot structure constructed in 1999 located in the southeast corner of the Property and surrounded by surface parking spaces. Access to the Property is provided off of a driveway shared with the 10005 Fields Road site that intersects with Fields Road. The structure on the Property was devoted to restaurant use for just over twenty years until the most recent tenant vacated the Property in 2020. Since that time, and despite efforts by the owner to secure another tenant, the Property has remained vacant.

II. Zoning History

The Property is part of the original Washingtonian Center, which was annexed into the City of Gaithersburg in 1991. The relevant zoning approvals pertaining to the Property are as follows:

- Annexation X-159, approved by Resolution R-20-91 effective April 19, 1991 and in accordance with an Annexation Agreement dated July 9, 1991. In connection with the Annexation, the Washingtonian Center, including the Property, were zoned MXD. Pursuant to the Annexation Agreement, the Washingtonian Center was approved for a minimum of 4,525,000 square feet of development, including 400,000 square feet of retail/commercial use, for all properties subject to the Annexation.
- Original Schematic Development Plan (the “Sketch Plan”), referred to as Exhibit I to the Annexation Agreement (Exhibit A)

- W-1125(H) – Staff Approval dated July 30, 1999, approving a 5,565 square foot restaurant structure on the Property (Exhibit B)

III. Development Proposal

The Applicant proposes the development of an Auto Spa Express car wash on the Property. The Property has been vacant for four years and the new use, which will include a modern design and generous landscaping, will provide activity and vibrancy and a needed boost to this vacant, languishing corner Property. The existing car wash located on the adjacent 10005 Fields Road site will be discontinued and effectively relocated to the Property, thus resulting in no overall increase in the number of car washes in the area, or for that matter, within the City.

The proposed development on the Property will include the following:

- 5,106 square foot tunnel shaped structure to accommodate the car wash
- 23 vacuum spaces, including one ADA vacuum space
- 9 parking spaces
- 44 percent green area

(Collectively, the “Project”).

The proposed car wash tunnel structure will be 5,106 square feet and located in the center of the Property. The structure will be of modern design constructed primarily with glass and steel and it is intentionally designed to be visually interesting. To this end, the vacuum stalls that are situated to the west and south of the car wash structure resemble modern sculptures.

Recognizing the importance of first impressions and the aesthetic of an establishment, the Applicant, which has 29 operating facilities throughout the mid-Atlantic region (Maryland, West Virginia and Southern Pennsylvania), pays special attention to the landscaping at its facilities. As a result, the overall appearance of the Property is important to the Applicant and to this end, the landscaping on the Property is a priority. The overall green area of 44 percent will greatly exceed the 25 percent requirement. The Project proposes 12 canopy trees to satisfy the Property’s afforestation requirement. No reforestation is required since no forest is being removed. Nine of the afforestation trees are also counted toward parking lot trees required within areas of parking lot landscaping. The Project will retain four existing street trees along Field’s Road, and provide three on-site trees in-lieu of street trees, due to existing utility conflicts along the right-of-way. In addition, adjacent to the western tip of the peninsula shaped Property is just under 3,000 square feet that is within the Montgomery County Department of Transportation (“MC-DOT”) right-of-way. In connection with the processing of the subject application, the Applicant will explore with MC-DOT the ability to landscape (or otherwise improve) this area in order to upgrade the overall appearance of the Property. This area is particularly important given that its orientation serves as a gateway.

The anticipated typical operating hours for the use are as follows: Monday through Saturday 7:00 A.M. to 8:00 P.M. and Sunday 8:00 A.M. to 6:00 P.M. There will be

approximately 20 total employees associated with the use, with approximately five employees on the Property during the peak shift.

Car wash customers will enter the Property from Fields Road and circle around the building in a counter-clockwise direction, where three approach lanes will lead to the payment kiosk on the north side of the building. Two lanes are for the “unlimited club” customers (no payment required; vehicles proceed based on license plate recognition) and the third lane provides a cashier for those vehicles who are not unlimited club members. Vehicles then enter the west side of the building in a single file with the customer remaining in the vehicle and proceed through the car wash on an automatic tracking device. The entire operation, from payment until exiting the car wash takes approximately 3.5 minutes. Upon exiting the car wash, customers may use one of the 23 vacuum spaces to clean their vehicle’s interior and on average, customers take less than 5 minutes to self-clean their vehicles.

Based on their experience at their other facilities, the Applicant anticipates that the queuing during peak hours will not extend beyond the northeast corner of the Property. This area, from the northeast corner to the payment kiosk, can accommodate 34 vehicles. Beyond this point, there is room in the drive aisle on the Property for an additional five vehicles, in the remote chance that the anticipated queue is exceeded.

In connection with the Schematic Development Plan the Applicant has submitted Stormwater Management Concept and Preliminary Plan #: SWM-9835-2024 and Sediment and Erosion Control Concept and Preliminary Plan #: SEC-9834-2024.

The Property is subject to the following recorded easements that are identified on the Schematic Development Plans and will remain in place:

- Liber 3834, folio 457 – PUE PIE
- Liber 15041, folio 712 – PUE PIE
- Liber 3717, folio 44 – Pepco Easement
- Liber 15773, folio 194 - WSSC

IV. Compliance with Zoning Code Section 24-160D.10

The Project complies with the criteria of Section 24-160D.10(b) as follows:

(1) The plan is substantially in accord with the approved sketch plan; and

The existing commercial structure on the Property is 5,885 square feet and the proposed car wash structure is less than this, at 5,106 square feet. Thus, the square footage is in accord with the commercial densities originally allocated to the Property. As indicated by the Sketch Plan (Exhibit A), there was very little focus on the Property at the time of the original approvals of the overall Washingtonian Center site. The primary attention was focused on the area northeast of Washingtonian Boulevard and southwest of I-270. The Sketch Plan simply

indicates that the Property will consist of a structure and surface parking. The proposed Project is substantially in accord with this proposal.

(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

The proposed carwash is a permitted use in the MXD Zone. Section 24-160D.3(b) provides that all uses by right in certain specified zones, including the C-2 zone, are permitted uses in the MXD Zone. Section 242-117 allows car washes in the C-2 zone and as such, the car wash use is a permitted use in the subject MXD Zone.

The general purpose of the MXD Zone is to provide a more flexible approach to the comprehensive design and development of multi-use projects. More specifically, the Zoning Ordinance encourages the orderly staged development of large-scale multi-use projects; design flexibility, and the integration and internal and external compatibility of applicable residential and nonresidential uses. The Property is effectively a peninsula, surrounded on two sides by an eight lane major highway and access ramp and on the south by the six lane Fields Road. The only adjoining parcel, 10005 Fields Road, is devoted primarily to auto-related uses – a gas station, lube center and car wash, and it also includes a restaurant. Locating one auto-centric use next to several others furthers the goal of achieving orderly staged development. Given the adjacent uses, there is no better location for a car wash than in this location.

The Zoning Ordinance also calls for locating commercial uses convenient to residential areas. In this regard, the proposed use is appropriately located next to other auto-related uses upon which the surrounding residential population is dependent. The proposed car wash will replace the existing car wash on the adjacent 10005 Fields Road site and will be conveniently located for the benefit of the surrounding residential population.

The MXD Zone does not specify minimum location and development requirements, and instead relies on the recommendations of the applicable master plan or other imposed special conditions to the extent such are provided. If not provided, as is the situation in the subject case with respect to the setback, height and buffer areas, such will be established in connection with the Schematic Development Plan. The Zoning Ordinance does provide that the proposed building shall not be closer than 60 feet from any adjoining residential zoned area. The closest residential area does not adjoin the Property, but rather is located more than 350 feet to the west, across Sam Eig Highway. The proposed height of the building is 28 feet and while the MXD Zone does not impose setback requirements, we note that the building will be setback 70.81 feet from Fields Road, 49.32 feet from the Washingtonian Boulevard Ramp and Sam Eig Highway and 85.84 feet to the adjacent property line to the east. Given the surrounding uses, no buffer zone is proposed. The MXD Zone requires a minimum green area of 25 percent and the proposed use provides a generous 44 percent, thus meeting this requirement. In addition, whereas the Zoning Ordinance requires that 10 percent of the parking lot be landscaped, the Applicant is proposing 14.7 percent landscaping in the parking lot.

The Zoning Code requires that a car wash use provide four parking spaces and the Project will provide nine parking spaces, in addition to the 23 vacuum stalls located along to the west and south of the car wash structure.

(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

The proposed Project is in accord with the recommendation of the City’s Master Plan. The 1997 City of Gaithersburg Neighborhood Three Land Use Plan (page 22) designates the Property as Area 15. The Land Use Plan designates Area 15 for commercial-industrial-research-office uses and the car wash, as a commercial use, is in accord with this designation.¹ The Master Plan provides additional narrative with respect to Area 15 and notes that the commercial-industrial-research-office use designation “will allow a use that is consistent with a mixed use commercial development such as office, restaurants and *highway convenience services*.” (Emphasis added). “Highway convenience services” is not a defined term in the Zoning Code and the Applicant was unable to find a definition in any other zoning ordinance or in other planning and development related sources such as publications provided by the Urban Land Institute or the American Planning Association. However, the plain meaning of the phrase is clear; it refers to uses that benefit from proximity to a highway and that provide a convenience to the customer as a result of the location. The term also suggests that the uses should be auto-oriented. This interpretation is supported by the fact that the gas station and the car wash on the adjacent site (also located within Area 15) were constructed right after the adoption of the 1997 Master Plan and thus it is assumed that those uses were found to be consistent with the “highway convenience services” recommendation. Further support for the interpretation is the fact that the desirable location for a car wash use is a site that is proximate and convenient to a highway instead of proximate and convenient to a road with a lower classification.²

Moreover, it is recognized that the Master Plan is a guide; not a statute. While the Master Plan identifies the intended general uses for the Property – commercial-industrial-research-office, the additional language that follows is suggestive, not a directive. This is evident in that the Master Plan simply “encourages” potential uses (“Uses that are *encouraged* on this site would be high-rise office buildings with ancillary commercial/retail business within the office building structure”) and suggests certain uses (“...*such as* office, restaurants and highway convenience services.”). Nowhere does the Master Plan state that the uses “shall be” a certain use. It must also be pointed out that when the City approved the gas station, car wash and other uses on the adjacent site in 1998, they significantly limited the development options on the Property given the limited remaining land area.

¹ The 2003 Master Plan continued the “commercial/industrial-research-office” land use recommendation and noted the Property was improved with a commercial restaurant use.

² The City denied a proposed car wash at 601-607 North Frederick at the intersection of North Frederick and Central Avenue in part because the site fronted on a neighborhood residential road.

Finally, unlike Zoning Ordinance Section 24-12.5(F)(1)(a) above that requires that “the plan be *substantially* in accord with the Sketch Plan,” Subsection (c) provides only that the plan be “in accord with the Master Plan.” This distinction is an important one and indicates the latitude in evaluating Master Plan compliance.

(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

Since the adoption of the Washingtonian Center Plan in 1991, the Property has been slated for commercial use and up until four years ago, the Property accommodated a small restaurant. Vacant properties anywhere detract from an area and the four year vacancy of the Property is no exception. Despite the owner’s best efforts, it has been very difficult to find a new tenant for the Property. As the City well understands, the retail market is challenging and the relatively small size of the Property limits any viable retail use. The surrounding busy roads makes it undesirable for any restaurant use that wants to include outdoor dining. Likewise, the commercial office building market in this area is essentially non-existent and the Property is too small to accommodate a residential use. The continued vacancy results in an underutilized site that is visually unappealing and contributes to a lack of vibrancy in the area.

The proposed use provides an opportunity to backfill this vacant Property with a use that will provide a needed service to the surrounding residential population as well as the nearby employees and visitors to the Washingtonian Center. At the same time, the proposed use will improve the Property with an interesting, modern designed building on a generously, well landscaped site that will be compatible with the surrounding uses. As explained, the Property is bordered by busy roads and the only abutting land uses are the uses to the east at 10005 Fields Road that currently include a gas station, lube center, car wash and restaurant, with the existing car wash use eliminated upon the establishment of the proposed car wash. The site to the south of the Property across Fields Road is a surface parking lot supporting a grocery store that is set back approximately 360 feet from the Property and a multi-family building that is buffered by a multi-story parking structure with the multi-family building located approximately 420 feet from the Property. The only other confronting uses are the single family residences located to the east, more than 350 feet from the Property across Sam Eig Highway. The distance of the proposed car wash to these confronting uses and the intervening roads in between ensure that the use will not adversely affect these existing uses. And, recognizing that a car wash provides a needed service, there is no more appropriate location for the car wash than adjacent to other auto-centric uses, such as those on the adjacent site. This is especially true given that the existing car wash will be discontinued and therefore the overall number of car washes in the City will not increase as a result of the subject proposal.

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

As indicated by the Traffic Impact Study (“TIS”) dated May 10, 2024 prepared by The Traffic Group, the Property is projected to generate 40 A.M. and 62 P.M. peak hour trips, which

results in a study area of one signalized intersection in each direction. Based on Gaithersburg’s determination that a Critical Lane Volume of 1425 or less is adequate, the TIS determined that there is an adequate level of service at each of the subject intersections and that there is no need for any improvements.

In addition, The Traffic Group observed the vehicular patterns at the “T” intersection access road that leads to the Property and the adjacent 10005 Fields site, and did not observe any queueing in this area. With respect to the left turns onto the access road from Fields Road, The Traffic Group found that at peak hour there were 23 “U” turns and 57 left turns in for a total of 80 movements, or 1.3 vehicles per minute. The addition of 31 movements into the Property at peak hour, and assuming all trips come from eastbound Fields Road (which obviously would not be the case) would result in 1.85 vehicles per minute – less than one car every 30 seconds. The TIS concludes that the existing infrastructure can accommodate the proposed car wash use.

There are adequate utilities, including water, electric and gas to support the Project. The City of Gaithersburg Police Station is located at 16 S. Summit Avenue, 3.8 miles from the Property while the City’s Washington Grove Volunteer Fire Department at 801 Russell Avenue is located 4.8 miles from the Property. The Montgomery County Fire Station 32 is located at 9615 Darnestown Road roughly 2.2 miles from the Property and the County’s police department, District 1, is located at 100 Edison Park Drive, roughly 3 miles from the Property.

(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

The Project will be constructed in a single phase.

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

The Plan will be in the public interest in that it will: 1. Convert a vacant parcel into a viable use; 2. Provide a conveniently located needed service to the surrounding population; and 3. Appropriately locate an auto-centric use next to other auto-centric uses. Another measure of the Project being in the public interest is its consistency with the City’s goals and intents set forth in its 2022 Strategic Plan. In this regard, the Project is consistent with the following Strategic Plan goals:

- Develop Gaithersburg as a regional employment center that attracts and supports an array of entrepreneurial and established businesses from a variety of industries.
- Implement strategies that encourage reinvestment in aging commercial and multi-family properties.
- Improve connectivity of people to services, activities, employment and points of interest.

While the Project is small-scale, it is consistent with the economic development strategies of the City. The Property is currently a vacant, unused parcel. The Project is a reinvestment in the Property and will provide a needed service to the residents, employees and visitors of Gaithersburg. In addition, the Project will include up to 20 overall employees (five on the Property at one time). Locating the needed car wash in this location next to other auto-centric uses, provides a conveniently located, highway oriented service.

V. Filing Materials

The following materials are submitted in connection with the Schematic Development Plan:

- A. Schematic Development Plan Application and Fee
- B. Owner's Authorization Letter
- C. Schematic Development Plan
- D. Traffic Impact Study
- E. Natural Resources and Forest Stand Delineation

VI. Conclusion

The proposed Schematic Development Plan is consistent with the Sketch Plan, in compliance with the Zoning Code requirements, in accord with the 1997 Master Plan and compatible with the surrounding uses. For these reasons, we respectfully request the Mayor and Council's approval of the Schematic Development Plan.

**SCHEMATIC
DEVELOPMENT PLAN**

NOV. 1999



**EXHIBIT
A
Reduced**

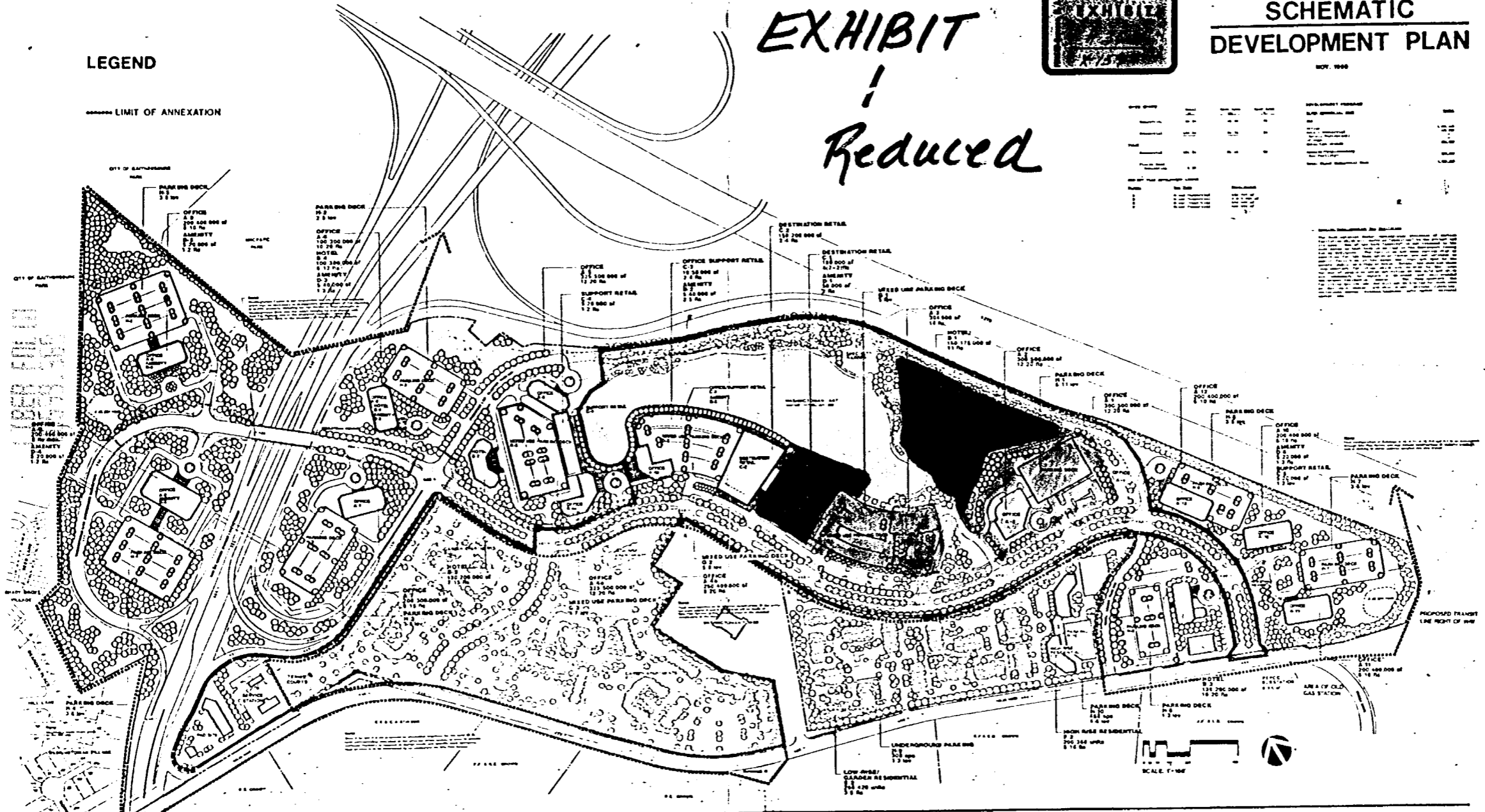
LEGEND

----- LIMIT OF ANNEXATION

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (ACRES)	EST. COST (\$)	EST. VALUE (\$)
1	OFFICE	1,100,000	25.2	110,000,000	110,000,000
2	OFFICE	1,100,000	25.2	110,000,000	110,000,000
3	OFFICE	1,100,000	25.2	110,000,000	110,000,000
4	OFFICE	1,100,000	25.2	110,000,000	110,000,000
5	OFFICE	1,100,000	25.2	110,000,000	110,000,000
6	OFFICE	1,100,000	25.2	110,000,000	110,000,000
7	OFFICE	1,100,000	25.2	110,000,000	110,000,000
8	OFFICE	1,100,000	25.2	110,000,000	110,000,000
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97	OFFICE	1,100,000	25.2	110,000,000	110,000,000
98	OFFICE	1,100,000	25.2	110,000,000	110,000,000
99	OFFICE	1,100,000	25.2	110,000,000	110,000,000
100	OFFICE	1,100,000	25.2	110,000,000	110,000,000

GENERAL NOTES AND SPECIFICATIONS

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
2. ALL UTILITIES SHALL BE DEPTH TESTED AND RECORDED PRIOR TO CONSTRUCTION.
3. ALL FOUNDATIONS SHALL BE DESIGNED BY A LICENSED PROFESSIONAL ENGINEER.
4. ALL STRUCTURES SHALL BE DESIGNED BY A LICENSED PROFESSIONAL ARCHITECT.
5. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT AND ENGINEER.
6. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT AND ENGINEER.
7. ALL UTILITIES SHALL BE PROTECTED AND RELOCATED AS NECESSARY.
8. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
9. ALL TRAFFIC CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
10. ALL NEIGHBORHOOD TRAILWAYS SHALL BE MAINTAINED AND PROTECTED.



WASHINGTONIAN CENTER

Developed by Armanin and Co., Gaithersburg, Maryland
PARKING PROVIDED
COMMERCIAL STRUCTURED
SURFACE

TOTAL
10,832
677

- WCD/WASHINGTONIAN CENTER DEVELOPMENT LIMITED PARTNERSHIP
- WILP/WASHINGTONIAN INVESTORS LIMITED PARTNERSHIP
- GALP/GAITHERSBURG ASSOCIATES LIMITED PARTNERSHIP (BECHTEL)
- AIRLINE FOODS, INC. (MARRIOTT)
- GDA/GAITHERSBURG DEVELOPMENT ASSOCIATES LIMITED PARTNERSHIP (BECHTEL)

Helmuth, Obata & Kassabaum, P.C.
 Project Partners
 DayQuarry & Davis
 Civil Engineers
 Design Architect: Associates, Inc.
 Transport Partners

CITY OF GAITHERSBURG
 31 SUMMIT AVE. GAITHERSBURG, MD 20877
PLANNING AND CODE ADMINISTRATION
STAFF APPROVAL
 THE GAITHERSBURG PLANNING STAFF
 HEREBY GRANTS STAFF APPROVAL
 FOR APPLICATION NO. W-1125(A)
 DATE 7/30/99 BY KS

VIVA
 ENGINEERS PLANNERS LANDSCAPE ARCHITECTS SURVEYORS CONSTRUCTION INSPECTORS
 VIVA, INCORPORATED
 1180 GREENSBORO DRIVE SUITE 203 WHELAN, VIRGINIA 22102
 (703)442-7800 FAX (703)781-2787
 WHELAN, VA. BETHESDA, MD

PERKIN'S FAMILY RESTAURANT
 PARCEL "C", BLOCK "A"
 WASHINGTONIAN CENTER
 GAITHERSBURG (9TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

SITE AND GRADING PLAN

VIVA REVISIONS

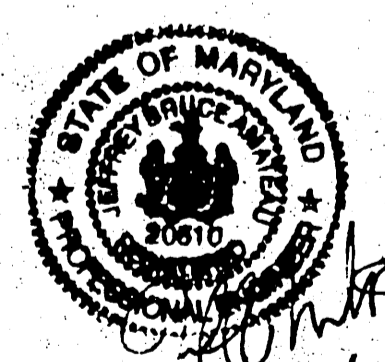
DATE: FEB. 12, 1999
CK'D: JBA DWN: ABC
SCALE: 1"=20'
PROJECT/FILE NO. 6194
SHEET NO. 3

LEGEND

- 6"S SANITARY SEWER PIPE
- 2"WHC WATER HOUSE CONNECTION
- (8) PARKING SPACE COUNT
- WHEEL STOP
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- STORM DRAIN PIPE
- STORM DRAIN INLET
- INFILTRATION TRENCH
- SANITARY SEWER CLEANOUT
- SPILL GUTTER

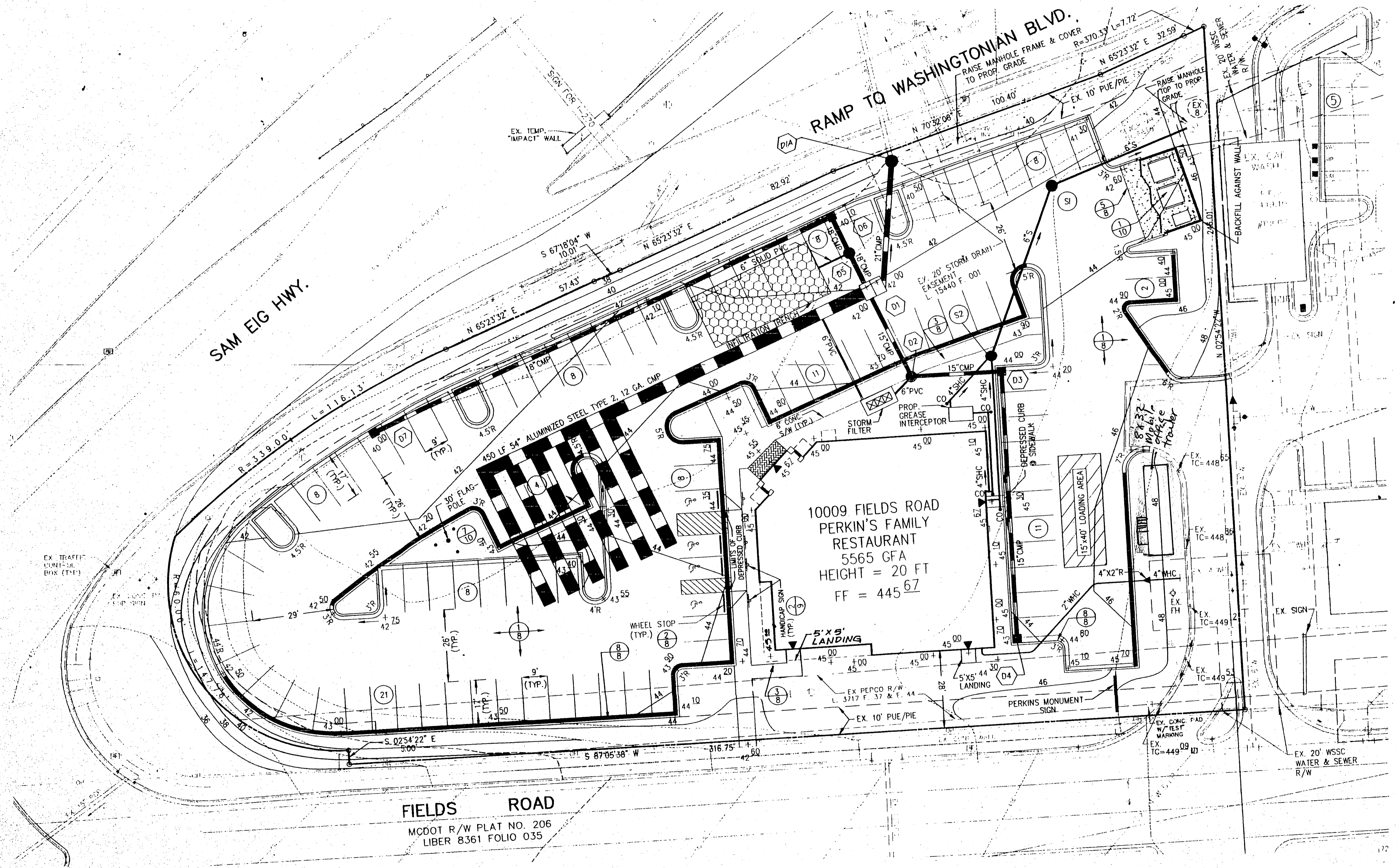
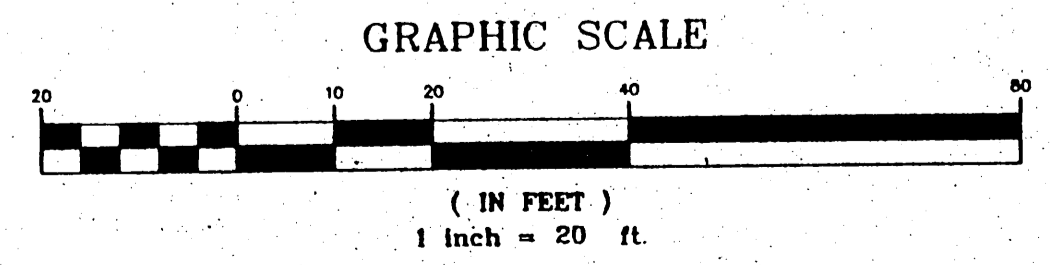
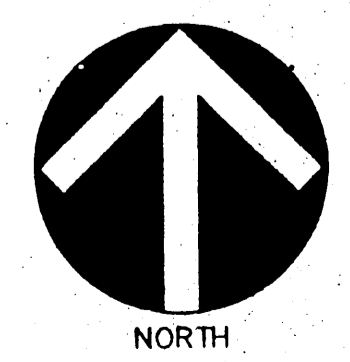
GENERAL NOTES

1. ALL PERIMETERS, PAVING EDGES AND ISLANDS SHALL BE CURBED.
2. CURBS, GUTTER, SIDEWALKS AND PAVING SHALL BE INSTALLED IN SUCH A MANNER AS TO PROVIDE POSITIVE DRAINAGE OF ALL AREAS SO THERE IS NO ACCUMULATION OF SURFACE WATER.
3. ALL PAVING, STORM DRAINAGE, UTILITIES, AND IMPROVEMENT ON THIS PARCEL ARE PRIVATE AND THE MAINTENANCE IS THE RESPONSIBILITY OF THE OWNER.
4. STORM DRAIN CONNECTION PERMIT TO BE OBTAINED FROM MCDPS.



APPROVED AND SIGNED
 CITY OF GAITHERSBURG

PLANNING COMMISSION
REAPPROVED
 JUN 8 1999
 GAITHERSBURG, MD



10009 FIELDS ROAD
 PERKIN'S FAMILY RESTAURANT
 5565 GFA
 HEIGHT = 20 FT
 FF = 445.67

FIELDS ROAD
 MCDOT R/W PLAT NO. 206
 LIBER 8361 FOLIO 035