
STAFF COMMENTS FOR PLANNING COMMISSION

REPORT DATE: November 13, 2024

RESPONSIBLE STAFF: Jasmine Forbes,
Planner III

PUBLIC MEETING DATE

November 20, 2024

APPLICATION NUMBER

SP-9915-2024

SUMMARY OF REQUEST-PRELIMINARY/FINAL SITE PLAN

The Applicant is requesting to construct a 11,378 square foot automatic car wash facility.

APPLICANT

Brett Schaechter,
Whip Clean, LLC.

SUBJECT PROPERTY ADDRESS

391 Muddy Branch Road
Festival at Muddy Branch Shopping
Center

ZONE

C-2 (General Commercial)

EXISTING LAND USE

Commercial

STAFF RECOMMENDATION

Staff recommends **THAT THE PLANNING COMMISSION, BASED ON THE EXHIBITS SUBMITTED, THE APPLICANT'S TESTIMONY, THE STAFF REPORT, FINDINGS, AND RECOMMENDATION, GRANT SP-9915-2024, PRELIMINARY AND FINAL SITE PLAN APPROVAL, MINOR SIGN WAIVER APPROVAL, AND ENV-9916-2024 FINAL FOREST CONSERVATION PLAN , FINDING IT IN CONFORMANCE WITH §§§ 24-12.6(E), 24-12.6(G) AND 24-8.7(A)(1) OF THE CITY'S ZONING ORDINANCE WITH TWO (2) CONDITIONS.**

Approve

Approve With Conditions

Deny

Defer

Enclosures:

Staff Comments and Location Map

Exhibits

Exhibit #1: Application

Exhibit #2: Site Plans

Exhibit #3: Lighting Plan

Exhibit #4: Landscape Plans

Exhibit #5: Forest Conservation Plan

Exhibit #6: Elevations and Floor Plans

Exhibit #7: Retaining Wall Plans

Exhibit #8: Vacuum Detail Sheets

Exhibit #9: Directional Sign Exhibit

Exhibit #10: Sign Waiver Request

Exhibit #11: Condo Approval Letter

Exhibit #12: Traffic Statement

Exhibit #13: Email Correspondence from DPW

Exhibit #14: Approved NRI

Exhibit #15: Notifications



Location Map

STAFF ANALYSIS

I. BACKGROUND:

The Applicant, Brett Schaechter of Whip Clean, LLC., submitted Preliminary and Final Site Plan Application SP-9915-2024 requesting approval for a 11,378 square foot automatic car wash facility on a vacant lot within the Festival at Muddy Branch Shopping Center (Exhibit #1). The Applicant received Concept Site Plan SP-9374-2022 approval from the Planning Commission on March 6, 2024, for the automatic carwash. The Applicant has received approval from the condominium association for the proposed use (Exhibit #11).

II. SCOPE OF REVIEW:

This application comes before the Planning Commission in accordance with § 24-12.6(B)(3) of the City Code. Section 24-12.6(B)(3) states the following:

“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.”

The Applicant is also requesting approval of Final Forest Conservation Plan application ENV-9916-2024. Pursuant to Chapter 22 of the City Code, the Planning Commission must review and approved Forest Conservation Plans.

Lastly, the Applicant is requesting a minor sign waiver for directional signs. Pursuant to § 24-8.16(4), the Planning Commission may grant a minor waiver to allow a directional sign with a sign face that exceeds six (6) square feet in size. Section 24-8.7(A)(1) includes the findings that must be met to approve a minor waiver. These findings include:

- (a) Such deviation will not have an adverse impact on the health, safety and general welfare of the City, its residents and businesses, the public and the surrounding properties, and
- (b) Such deviation will not be a hazard to traffic, vehicles or pedestrians, and
- (c) Such deviation is necessary due to the location, obstructions or other factors that adversely impact the visibility of the sign, and
- (d) Such deviation is in conformance with the purposes of Article 8- Signage Standards

III. SITE PLAN ANALYSIS AND FINDINGS:

In accordance with § 24-12.6(E) 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 § 24-12.6(G) of the City Code. Accordingly, Staff provides the following comments and findings for Planning Commission consideration:

Location

The shopping center is located at the corner of Muddy Branch Road and West Side Drive. The Property is accessible from Muddy Branch Road and West Side Drive.

Zoning and Site Plan History

Annexation and Zoning

The Subject Property was annexed into the City of Gaithersburg as part of Annexation Petition X-074, on December 31, 1965, by Resolution R-14-65. At the time of annexation, the Property was zoned C-2 (General Commercial) and R-20 (Medium Density Residential) by Resolution R-22-65. On March 28, 1977, the Mayor and City Council approved Zoning Map Amendment Z-193 to rezone a section of the Property that was zoned R-20 to the C-2 zone by Resolution R-12-77. On December 17, 1990, the Mayor and City Council approved Zoning Map Amendment Z-267 by Ordinance O-25-90 to rezone a section of the Property (Best Friends Pet Hotel) from C-2 to C-3 (Highway Commercial) Zone. That section was rezoned back to C-2 zone as part of the 1997 Neighborhood Three Master Plan.

Site Plan History

On April 8, 1987, Planning Commission approved Final Site Plan S-790 for a 158,110 square feet retail use and 15,000 square feet restaurant use. On April 17, 1991, the Planning Commission approved Final Site Plan application S-941 for a 5,089 square foot service station/snack shop/car wash at the Subject Site. The service station was never constructed. On July 16, 1997, the Planning Commission approved Final Site Plan application S-1070 for a 16,000 square foot pet hotel. The Property has received other amendments which include outdoor seating, change in use, minor exterior and site revisions, landscape plan revisions, parking lot changes, and revisions to the shopping center freestanding signs. On March 6, 2024, the Planning Commission approved Concept Site Plan application SP-9374-2022 for a new automatic car wash facility.

Surrounding Land Use and Zoning

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

Direction	Zoning	Land Use
North	State Right-of way	Interstate I-270
South	R-20 (Medium Density Residential)	Residential
East	State Right-of-way	Interstate I-270
West	Montgomery County Zone- R-200	NIST



Zoning Map

Master Plan

The 1997 Master Plan included the Subject Property as part of Neighborhood Three, Study Area 1, and Map Designation 1. The Master Plan states the following regarding the Subject Property:

"Retain the commercial designation on the 25-acre Festival at Muddy Branch Shopping Center (Map Designation 1). This is consistent with its 1974 land use designation. A small 1.1 acre lot within the Festival Center is currently zoned C-3 (Highway Commercial) and could be rezoned to C-2 (General Commercial) during the comprehensive rezoning process. As background information, the rezoning Z-267 changed the 1.1 acre parcel from C-2 to C-3 for the specific use of a Mobil Service Station. In the 1991, a text amendment (T-280) was adopted by the City Council that allows automobile filling stations to be located in the C-2 (General Commercial) Zone. That text amendment allows an automobile filling station in the C-2 zone only if it receives a conditional use permit. A permit can be issued only after the Planning Commission recommends and the City Council approves and application."

Land Use and Zoning Actions

- *Retained commercial land use designation*
- *Property rezoned to C-2*

The 2003 Master Plan included the Subject Property as Special Study 2. The Master Plan states the following regarding the Subject Property:

"The majority of the shopping center is developed. There is an undeveloped area intended for future commercial development. Potential development of this property should bring economic growth to the City and needed services to the neighborhood. A substantial down-slope from Muddy Branch Road to the shopping center makes visibility of the shopping center difficult. Techniques to make the shopping center more visible and/or more of presence to pass-by traffic should be explored with the property owner. The future widening of Interstate 270 may cause the need for expansion of the I-270 right-of-way into the site which may affect existing buildings and parking areas."

Land Use and Zoning Action

- *Retain the commercial designation*
- *Retain property in the C-2 zone.*

The Subject Property was not included in the 2009 Master Plan as a specific map designation. The 2009 Master Plans land use map designates the land use for the Subject Property as commercial.

Adequate Public Facilities Ordinance (APFO)

Traffic Impacts (§ 24-245)

In accordance with the City's Adequate Public Facilities Ordinance, a Traffic Impact Study (TIS) is required if any redevelopment project that generates more than thirty (30) peak AM and PM trips. During Concept Site Plan review, the Applicant submitted a traffic statement and noted that the proposed car wash use will not generate additional thirty (30) peak AM and PM trips (Exhibit #12). Department of Public Works Staff reviewed the traffic impact statement and concur with the Applicant's findings and determined that a traffic impact statement is not required (Exhibit #13). Therefore, the proposed application complies with the requirements for the Adequate Public Facilities ordinance for traffic impacts.

Schools (§ 24-246)

The proposed use of an automatic car wash will not generate any students. Therefore, there will be no impact to schools and the schools test for adequate facilities is not required.

Water & Sewer (§ 24-247)

The Subject Property is currently serviced by water and sewer categories of W-1 and S-1 and thus satisfies the requirement of water and sewer.

Emergency Services (§ 24-248)

The following three stations provide ten-minute response times to the subject property:

- Station 32- Travilah
- Station 31 – Rockville
- Station 8 – Gaithersburg

Therefore, the site complies with the requirements for the Adequate Public Facilities requirements for Emergency Services.

Site Plan

The Applicant is requesting approval for a new 11,378 square foot automatic car wash (Exhibit #2). The automatic car wash is a full-service car wash. The site plan also includes the following site improvements:

- Trash Enclosure;
- Five stormwater facilities;
- Eleven vacuum stall parking spaces;
- Five perpendicular parking spaces used by employees to detail clean vehicles; and
- Retaining walls clad in keystone to the north and west side of the Site

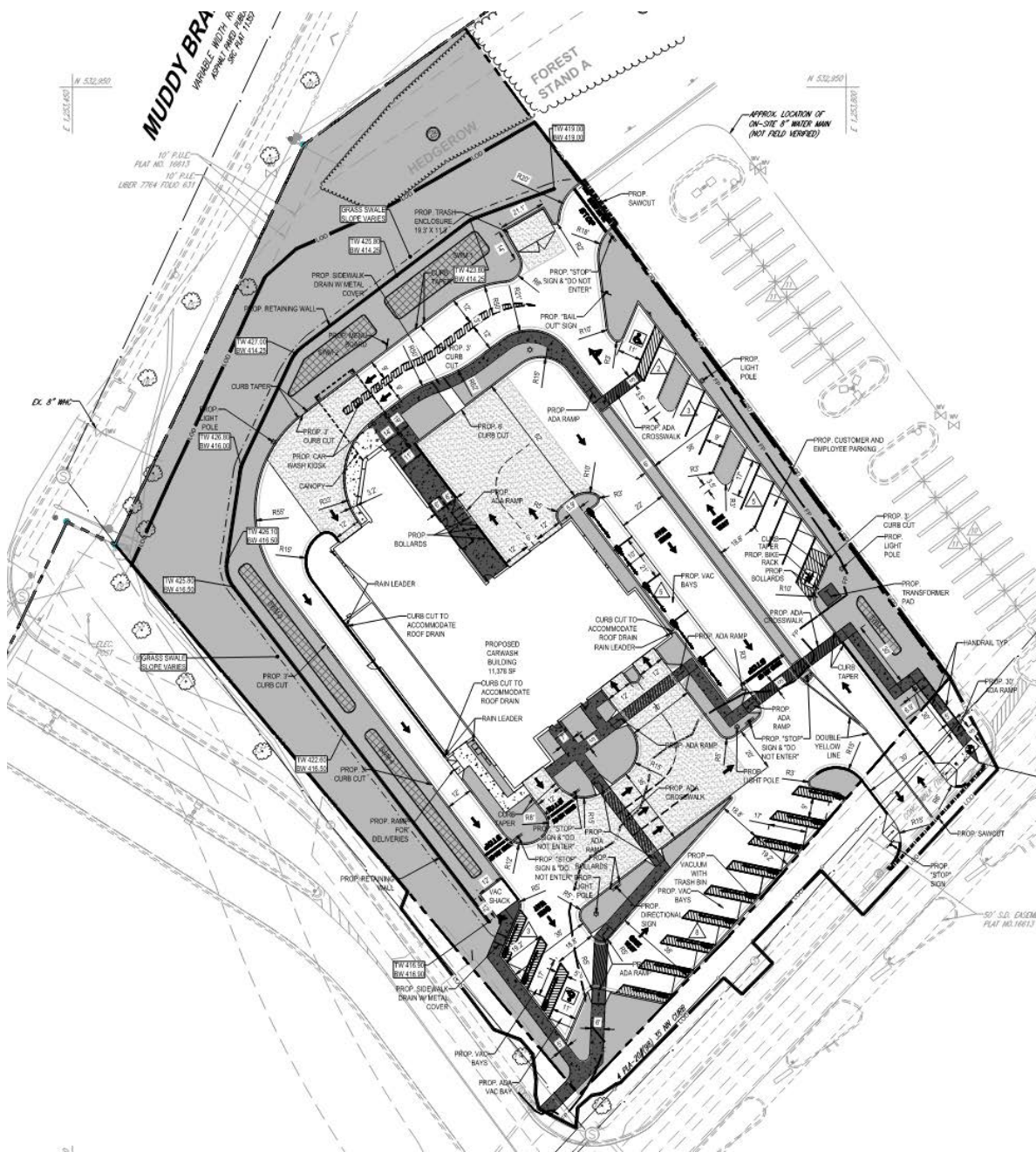


Exhibit #2: Site Plan (Sheet 104-1)

The Applicant has provided the following table demonstrating how the site plan meets the C-2 zone requirements.

SITE ANALYSIS

<u>C-2 DESIGN CRITERIA</u>	<u>REQUIRED</u>	<u>PROVIDED</u>
MIN. GREEN AREA:	10% (9,409 SF)	37,145 SF
MIN. FRONTAGE:	125 LF	347 LF
MIN NET AREA:	15,000 SF	94,092 SF
MAX LOT COVERAGE:	70% (66,170 SF)	11,378 SF
DRIVEWAY WIDTH:	12'	12'
INGRESS STACKING:	6	21
EGRESS STACKING:	2	4
MAX FAR	1.5	0.13
MAX. BLDG HEIGHT	150 FEET	30 FEET
FRONT SETBACK	N/A	107 FEET
SIDE SETBACK	0 FEET	74 FEET
REAR SETBACK	0 FEET	90 FEET

Exhibit #2: C-2 Design Criteria Table (Sheet 104-1)

According to the City's Best Practices Memo for drive-through lanes, car centric establishments (car wash), should have a minimum stacking length of 200 feet. The Applicant has demonstrated that the project will accommodate nineteen (19) cars through double-stacked lanes measuring a combined total of approximately 300 feet.

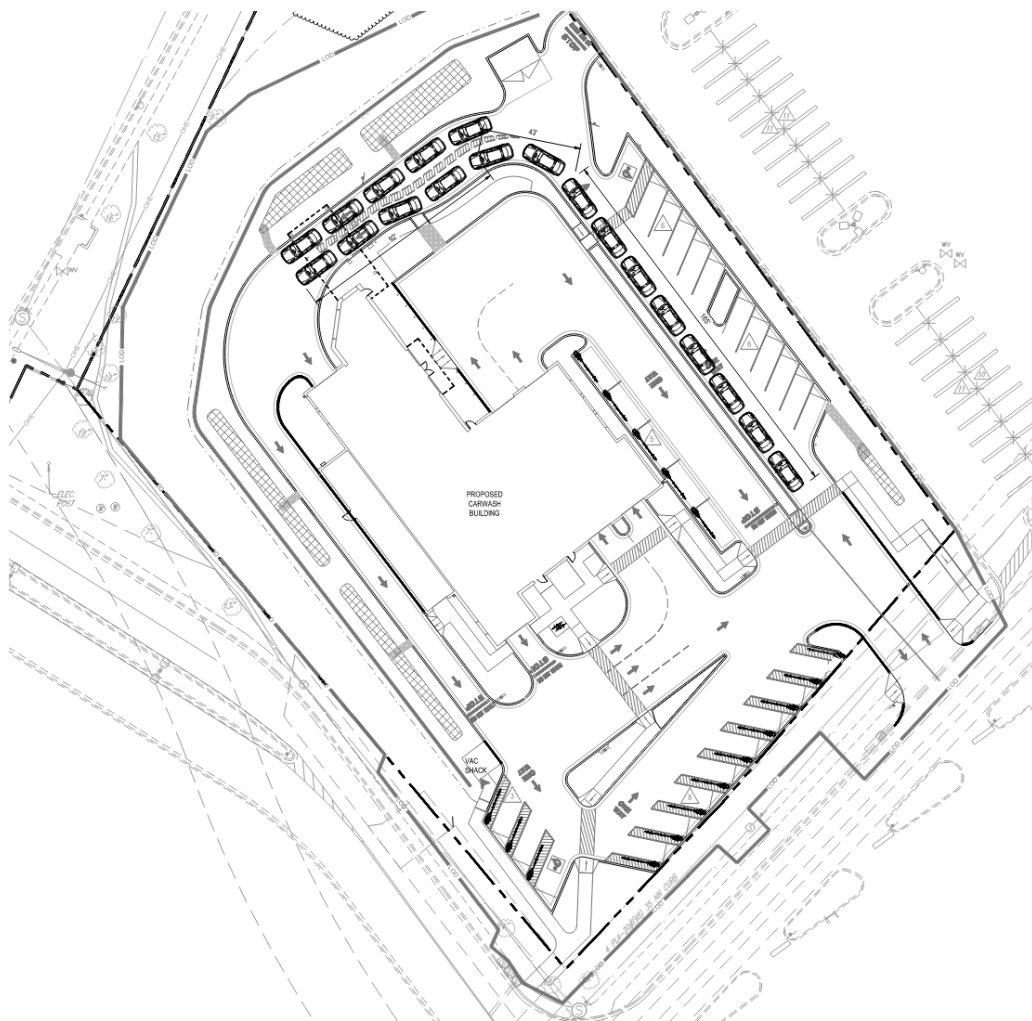


Exhibit #2: Vehicle Stacking Exhibit (Sheet 110-2)

Staff Comments

Staff is supportive of the proposed automatic car wash facility. The site is in conformance with the development standards for the C-2 zone. The site plan will facilitate a new business in the City, which will contribute to the City's overall economic health. The proposed use will enhance a piece of land within the Festival at Buddy Branch that has been vacant. Staff is of the opinion the proposed plan will have no adverse impacts to the adjacent properties. While Staff is supportive of the proposed plans, Planning Staff and Department of Public Works (DPW) Staff have noted some minor revisions related to the site plan. These comments include minor mark ups and drafting errors. While these comments must be addressed prior to final signature of the plans, Staff is of the opinion these changes are minor enough that the plans can still be approved by the Planning Commission with a condition of approval.

Parking

Parking is facilitated through on-site surface spaces. Pursuant to § 24-7.2(C) of the City Code, the project is required to provide twenty-four (24) spaces and twenty-six (26) spaces are provided. The Property will accommodate ten (10) angled spaces for employees and customers to the east of the Site. To the south of the Site, the plan proposes eleven (11) spaces for vacuum stalls. The Property also includes two bicycle racks to the east of the Property.

Pursuant to § 24-7.5(K)(a) of the City Code, at least thirty (30) percent of all surface parking lots shall be covered by tree canopy. The Applicant is required to provide 5,652 square feet of tree canopy cover and will provide 6,310 square feet (33.5%).

Staff Comments

Staff is supportive of the proposed parking layout and finds that the Property will provide adequate parking for the proposed use. The plan is in compliance with the mandatory thirty (30) percent canopy coverage requirement for parking lots.

Forest Conservation Plan and Landscape Plan

As part of the Preliminary/Final Site Plan submission, the Applicant submitted Final Forest Conservation application ENV-9916-2024 in compliance with Chapter 22, Trees and Forest Conservation of the City Code (Exhibit #5). The required afforestation of 0.326 acres (14,179 square feet) will be achieved thorough canopy coverage credit. The canopy credit will be reached by planting 0.337 acres (14,700 square feet) of trees throughout the Property.

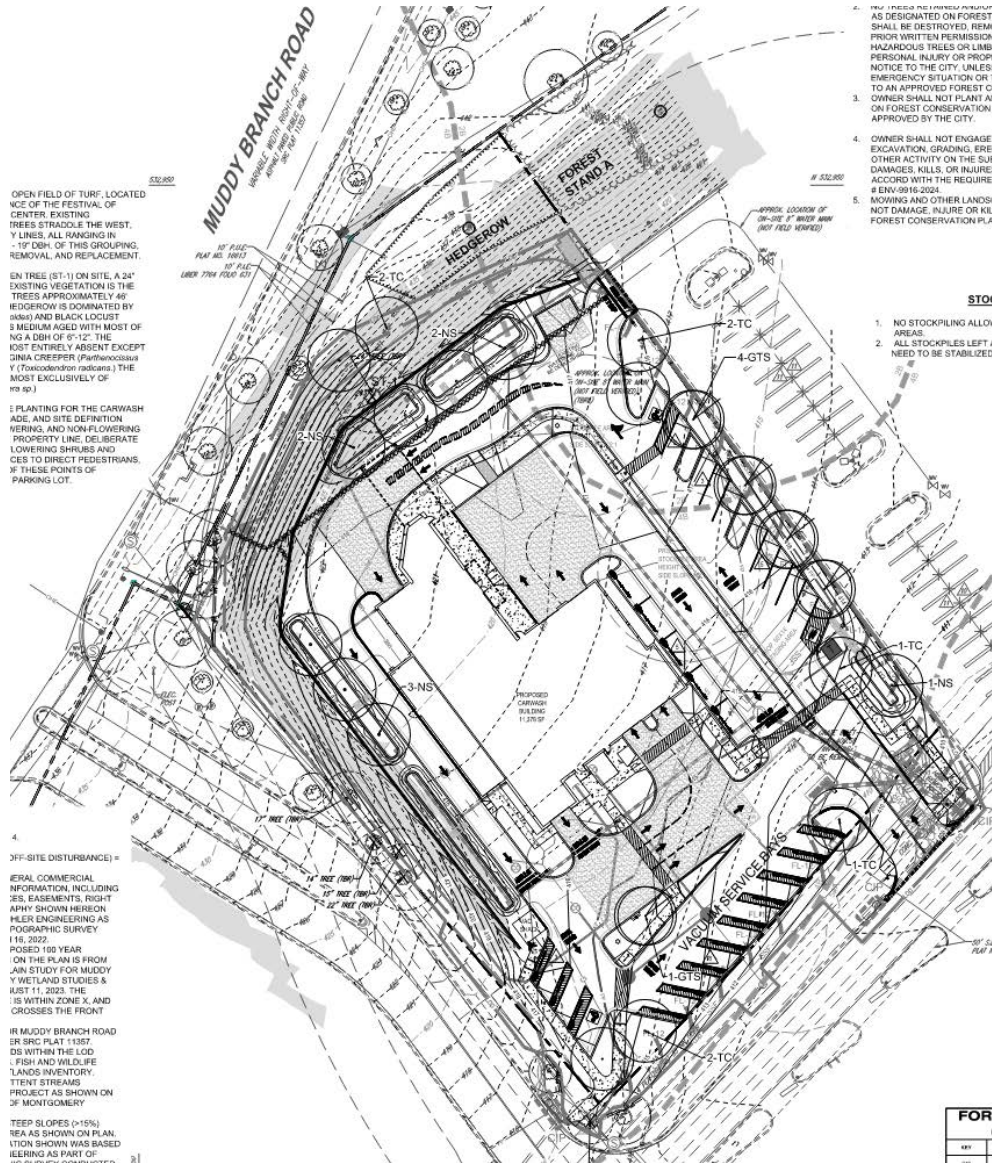


Exhibit #5: Forest Conservation Plan

FOREST CONSERVATION CANOPY CREDIT			
KEY	QTY	CANOPY (SF)	CREDIT (SF)
GTS	5	700	3,500
NS	8	700	5,600
TC	8	700	5,600
TOTAL CREDIT			14,700/ 0.337 AC

FCP TREE SCHEDULE								
KEY	QTY	BOTANICAL	COMMON NAME	SIZE	ROOT CONDITION	NATIVE	SPACING	REMARKS
SHADE TREES								
GTS	5	<i>Gleditsia triacanthos 'inermis'</i> 'Shademaster'	SHADEMASTER HONEYLOCUST	3" cal.	B&B	Non-Native	As Shown Min. 25' O.C.	Full branching, heavy
NS	8	<i>Nyssa sylvatica</i>	BLACKGUM	3" cal.	B&B	Native	As Shown Min. 25' O.C.	Full branching, heavy
TC	8	<i>Tilia cordata</i>	LITTLE LEAF LINDEN	3" cal.	B&B	Non-native	As Shown Min. 25' O.C.	Full branching, heavy

Exhibit #5: Forest Conservation Canopy Credit Table

Shade Trees

- Shademaster Honeylocust
- Little Leaf Linden

Ornamental Trees

- Centennial Star Magnolia

Shrubs

- Blue Princess Holly
- Henry's Garnet Sweetspire
- Burkwood Viburnum
- Koreanspice Viburnum

Ornamental Grasses, Perennials & Groundcovers

- Creeping Philox
- Zagreb Threadleaf Tickseed

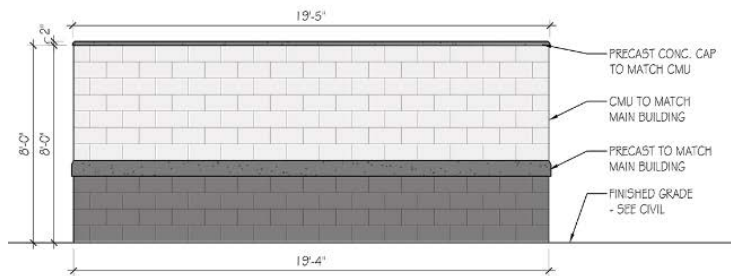
Staff Comments

Staff supports the proposed forest conservation plan and landscape plan. The proposed 0.337 acres of canopy credit will meet the forest conservation plan requirements. The combinations of shrubs and trees will create a diverse and interesting landscape. While Staff is supportive of the proposed plans, Environmental Services Staff have noted some minor revisions related to the landscape plan. While these comments must be addressed prior to final signature of the plans, Staff is of the opinion these changes are minor enough that the plans can still be approved by the Planning Commission with a condition of approval.

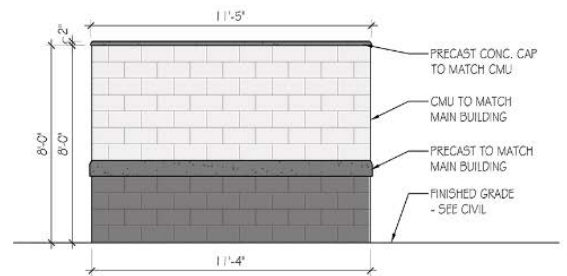
Architecture

The total height of the building will be thirty (30) feet (Exhibit #6). The proposed materials for the building include concrete masonry unit (CMU), exterior insulation finishing system (EIFS), aluminum composite materials (ACM) panels and anodized storefront windows. The signage shown on the elevations are for illustrative purposes only. Final building sign locations and size will be reviewed in a separate sign permit application.

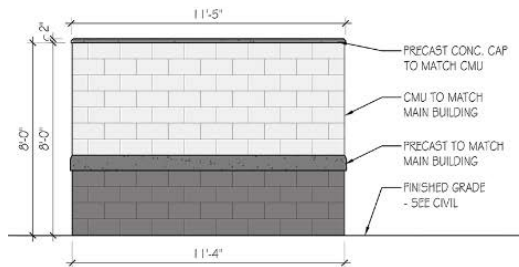
The trash enclosure on the north side of the Property will be eight (8) feet in height and clad in a steel gate and CMU to match the building. The vacuum shack to the south of the Property will be 9'-4" in height and clad in CMU to match the building.



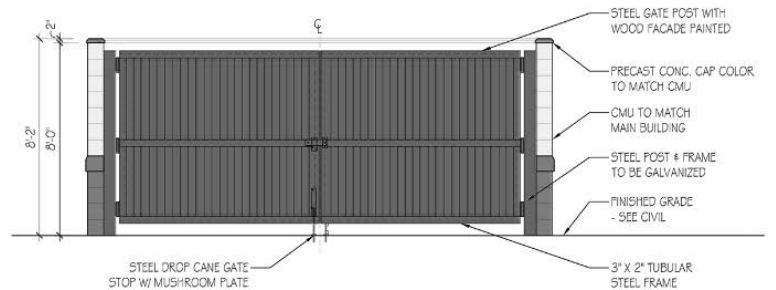
TRASH ENCLOSURE
BACK ELEVATION



TRASH ENCLOSURE
SIDE ELEVATION

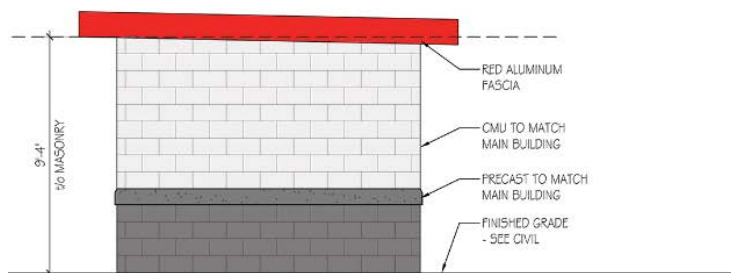


TRASH ENCLOSURE
SIDE ELEVATION

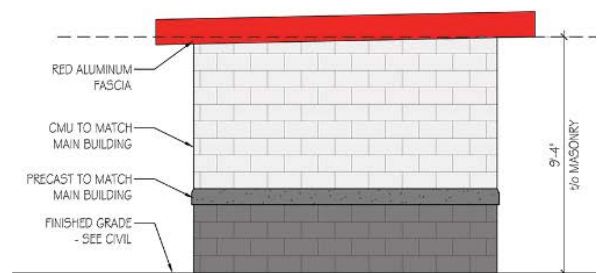


TRASH ENCLOSURE
FRONT ELEVATION

Exhibit #6: Trash Enclosure Elevations (Sheet A4)

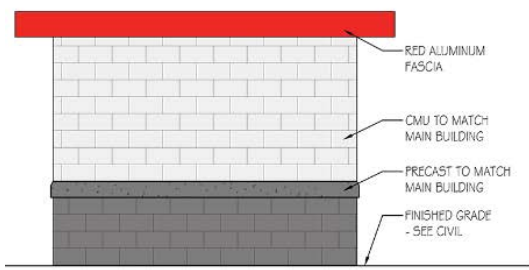


VACUUM SHACK
SIDE ELEVATION

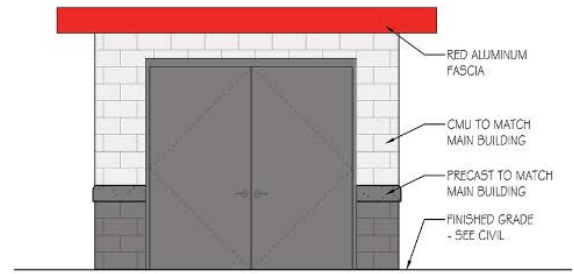


VACUUM SHACK
SIDE ELEVATION

Exhibit #6: Vacuum Shack Elevations (Sheet A-5)



VACUUM SHACK
BACK ELEVATION



VACUUM SHACK
FRONT ELEVATION

Exhibit #6: Vacuum Shack Elevations (Sheet A-5)

Staff Comments

Staff is supportive of the proposed building elevations and is of the opinion that the design of the building will be compatible with the existing buildings within the shopping center. Overall, the proposed building will not adversely affect the character of the adjacent properties.

Signage

As part of the site plan submission, the Applicant submitted a plan showing the locations of directional signs (Exhibit #6). The purpose of the directional signs are to guide vehicular traffic on the Property. The Applicant is proposing to install ten (10) directional signs that are approximately 17.97 square feet. The City Sign Ordinance permits a maximum surface area of six (6) square feet for directional signs. Pursuant to § 24-8.16(2), the Planning Commission may approve a directional sign shown on a final site development plan that does not conform to subsection (1), but may limit the total number of such signs. The code further notes in § 24-8.16(4), the Planning Commission may grant a minor waiver to allow a directional sign with a sign face that exceeds six (6) square feet in size.

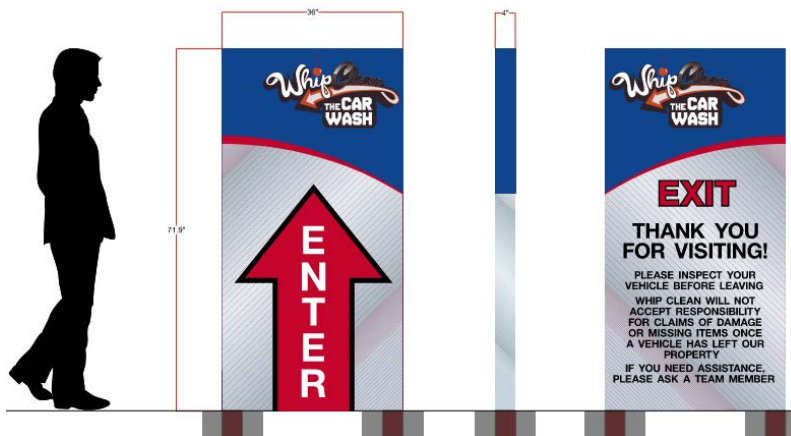


Exhibit #9: Directional Sign Detail

Staff is of the opinion that the signs are appropriately scaled for the site and are necessary to help guide customers. The signs will not obstruct sight lines of vehicles.

- (b) Such deviation will not be a hazard to traffic, vehicles or pedestrians; and

The Applicant notes that the purpose of the signs is to show the safest paths and drive lanes for customers to navigate on the Property. Therefore, will not be a hazard to vehicles and pedestrians.

Staff is of the opinion that the signs are appropriately scaled for the layout of the Property and are necessary to help vehicles move safely through the site. The proposed increase in signage and size will not pose a safety hazard or have an adverse impact but will promote safety for vehicles on the Property.

- (c) Such deviation is necessary due to location, obstructions or other factors that adversely impact the visibility of the sign; and

The Applicant notes that due to the car wash use, the amount and size of the signs are necessary to provide clear instructions to customers. The signs will assist in vehicle queuing that is critical to efficient production while maintaining a safe environment for vehicles and pedestrians.

Staff is of the opinion that the directional signs serve as a guide for customers on the Property. The signs contain important information for identification to queuing lines and vacuum spaces. The signs will provide clear directions to these entrances and minimize confusion and help them effectively navigate the Property.

- (d) Such deviation is in conformance with the purposes of Article 8- Signage Standards

- (1) Promote pedestrian and vehicular safety by allowing people to locate goods, services, facilities, and geographic areas without difficulty, danger, or confusion;
- (2) Enhance the unique character of the city by maintaining and complementing the aesthetic, built, and natural environments;
- (3) Protect property values by preventing damage from signs, avoiding visual clutter, and ensuring compatibility with the surrounding land uses;
- (4) Prevent signage from becoming a public nuisance, creating blight, or posing hazards through unregulated construction, placement, and display;

- (5) Create an attractive business climate that fosters economic vitality and sustainability;
- (6) Appear and act as an accessory and incidental use to the primary use on the property;
- (7) Communicate legibly and effectively under the circumstances in which they are seen;
- (8) Preserve public property and rights-of-way and its authorized users and franchisees; and
- (9) Minimize the possible adverse effect of signs on nearby public and private property.

As noted in the Applicant's Waiver Request and Justification statement, the signs will improve the customers safety and experience on the Property. Due to the car wash being a full-service facility, the signs are designed and located in areas to provide customers with clear instruction and direction on the Property.

Staff is of the opinion that the signage as proposed does comply with the purposes listed above. The signage promotes wayfinding and helps drivers navigate the Property without posing a safety hazard. The signs are designed in a way that adds visual interest and enhances the movement on the Property. The proposed signs are illegible and concisely communicate the intended message.

IV. SUMMARY OF FINDINGS:

Staff is supportive of the submitted Preliminary and Final Site Plan application SP-9915-2024. The proposed plan is in conformance with the development requirements in the C-2 zone. The site plan will facilitate a new business in the City, which will contribute to the City's overall economic health. The proposed use will enhance a piece of land within the Festival at Buddy Branch that has been vacant for many years. Lastly, the plan will not have any adverse impacts to the existing shopping center or adjacent properties. Staff is supportive of Forest Conservation ENV-9916-2024 and finds that the Applicant will achieve the forest conservation requirements through canopy coverage credit. Lastly Staff is supportive the minor signage waiver request for the directional signs. Staff finds that the signage promotes wayfinding and helps drivers navigate the Property without posing a safety hazard. The signs are designed in a way that adds visual interest and enhances the movement on the Property.

V. CONCLUSION:

Staff recommends **THAT THE PLANNING COMMISSION, BASED ON THE EXHIBITS SUBMITTED, THE APPLICANT'S TESTIMONY, THE STAFF REPORT, FINDINGS, AND RECOMMENDATION, GRANT SP-9915-2024, PRELIMINARY AND FINAL SITE PLAN APPROVAL, MINOR SIGN WAIVER APPROVAL, AND ENV-9916-2024 FINAL FOREST CONSERVATION PLAN , FINDING IT IN CONFORMANCE WITH §§§ 24-12.6(E), 24-12.6(G) AND 24-8.7(A)(1) OF THE CITY'S ZONING ORDINANCE WITH TWO (2) CONDITIONS:**

1. Applicant must submit revised site plans to address Staff comments related to site plan and landscape plan clean up, to be approved by Planning and Department of Public Works Staff, prior to final signature of the plans; and
2. Applicant must provide a third-party certification of the retaining wall plans, prior to issuance of a site development permit.