

**MEMORANDUM TO:** Mayor and City Council  
Planning Commission

**FROM:** Samuel Copelan, Planner II

**DATE:** February 6, 2025

**SUBJECT:** Preliminary Background Report  
Application SDP-9896-2024:  
10003 and 10009 Fields Road

**APPLICANT/OWNER**

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**TAX MAP REFERENCE:**

Tax Assessment Map # FS42

**TAX ACCOUNT NUMBERS:**

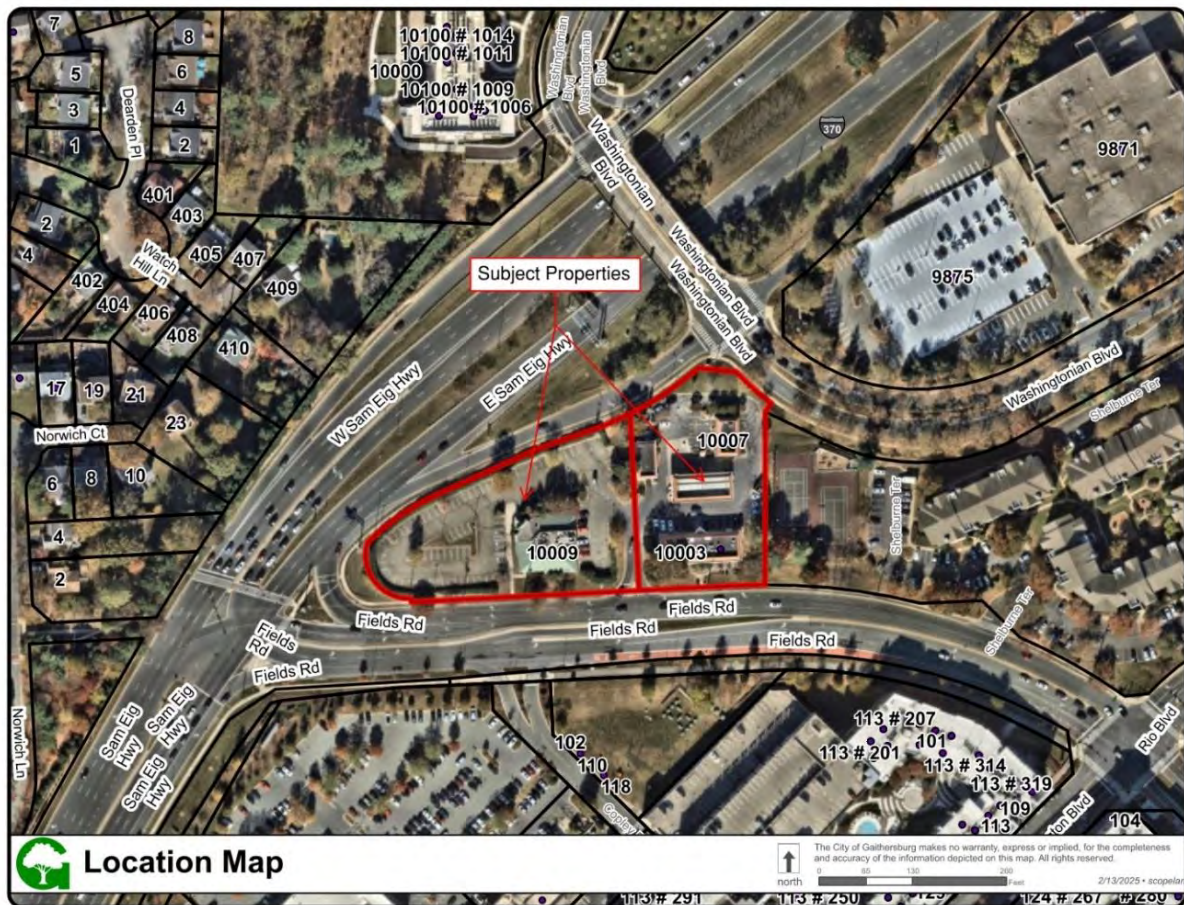
ID # 09-03204385  
ID # 09-03204374

## REQUEST

Bohler Engineering (“Applicant”) submitted Schematic Development Plan (SDP) application, SDP-9896-2024 on August 2, 2024 (Exhibit #1). Application SDP-9896-2024 proposes a 5,106 square-foot car wash facility and associated site improvements. This application was reviewed under the Zoning Ordinance in effect at the time of submission in accordance with § 24-1.2 of the 2024 City Zoning Ordinance Update, “Any application, including an sketch plans, schematic development plans or site development plans included therein, that is submitted prior to the effective date of the 2024 City Zoning Ordinance Update and that is deemed valid and complete and includes all application’s submission shall be reviewed by the planning division, planning commission, city council and all other relevant city agencies pursuant to the standards of the zoning code in effect at the time of the application’s submission, as long as the submission proceeds for review and approval withing two (2) years of its submission.”

## LOCATION

The subject area of the application (“Subject Properties”) is located at 10003 and 10009 Fields Road, which contains two lots (Tax account numbers 09-03204385 and 09-03204374). The tax lot containing 10003 Fields Road also has buildings addressed as 10005 and 10007



Location Map

Fields Road. The Subject Properties are bounded by Fields Road to the South, Sam Eig Highway to the West and North, and Washingtonian Boulevard to the northeast. The Subject Properties are zoned MXD (Mixed Use Development).

## **REQUIRED ACTIONS**

Approval of SDP-9896-2024 by the City Council is dependent upon the findings required under § 24-160D.10 (b) of the City Code as follows:

(b) *The city council shall approve a schematic development plan only upon the finding that:*

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

*(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*

*(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*

*(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*

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

*(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*

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

Therefore, the Applicant has the burden of showing that the application complies with the purpose and intent of the MXD Zone and the master plan. Additionally, evidence must be shown that the application will be compatible and harmonious with the surrounding planned and existing land uses and will accomplish the objectives, minimum standards, and requirements of the zone.

As part of the application package, the Applicant has submitted a project statement of justification (Exhibit #11). The letter outlines the project narrative and required findings in compliance with the MXD zone.

# ANNEXATION, ZONING AND SITE PLAN HISTORY:

## Annexation and Zoning

The Subject Properties were annexed into the City of Gaithersburg by the Mayor and City Council as part of the Washingtonian Center, Bechtel, Marriott, and Chevron Properties with Annexation Application X-159 on March 4, 1991, by Resolution R-20-91 (Exhibit #28). The Annexation Agreement (Exhibit #29) allowed development of the Washingtonian area with a total of 4,525,000 square feet of mixed commercial use under the Mixed-Use Development Zone as set forth in the Schematic Development Plan attached to the Annexation Agreement. The plan noted the Subject Properties as a pad site and service station. At the time of annexation, the Mayor and City Council established MXD (Mixed Use Development) zoning for the Subject Properties with Ordinance O-04-91. Exhibit "I" from the X-159 Annexation Agreement is the Sketch Plan for the Subject Properties (Exhibit #30).

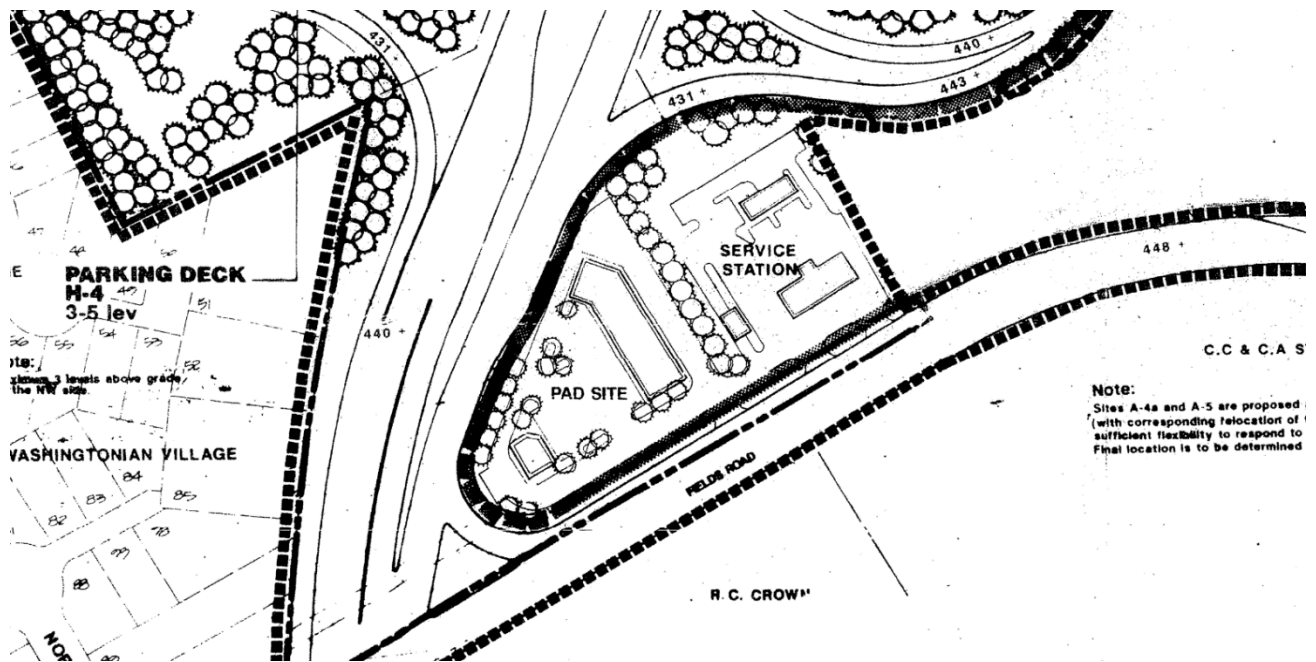


Image of Exhibit "I" from the X-159 Annexation Agreement. The Subject Properties are shown as a pad site and as a service station.

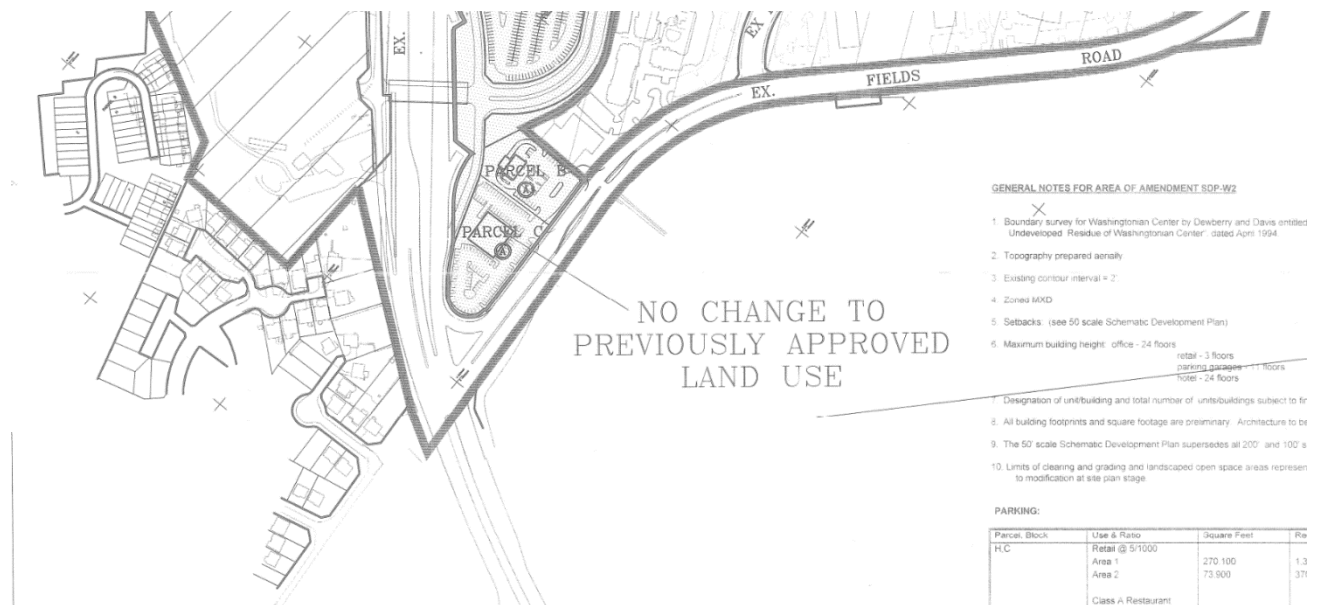
The Annexation Agreement has been amended several times as shown in the chart below:

<b>Annexation Agreement X-159 Amendments</b>	<b>Date Approved</b>
Amendment to Annexation Agreement	1/10/1992
Addendum #1	2/26/1998
Third Amendment	11/15/2013
Fourth Amendment	6/18/2018
Fifth Amendment	12/6/2018
Sixth Amendment	9/19/2022

## Site Plan History

### Schematic Development Plan: SDP-W2

On May 5, 1997, the City Council approved Schematic Development Plan SDP-W2 with Resolution R-48-97 (Exhibit #31), which approved the Washingtonian Center for 356,343 square feet of retail and restaurant uses in a “main street” style concept. The SDP-W2 plans (Exhibit #32) show the Subject Properties with a note that reads “No change to previously approved land use”. The plans noted a gas station/mini-mart and restaurant uses on the Subject Properties.

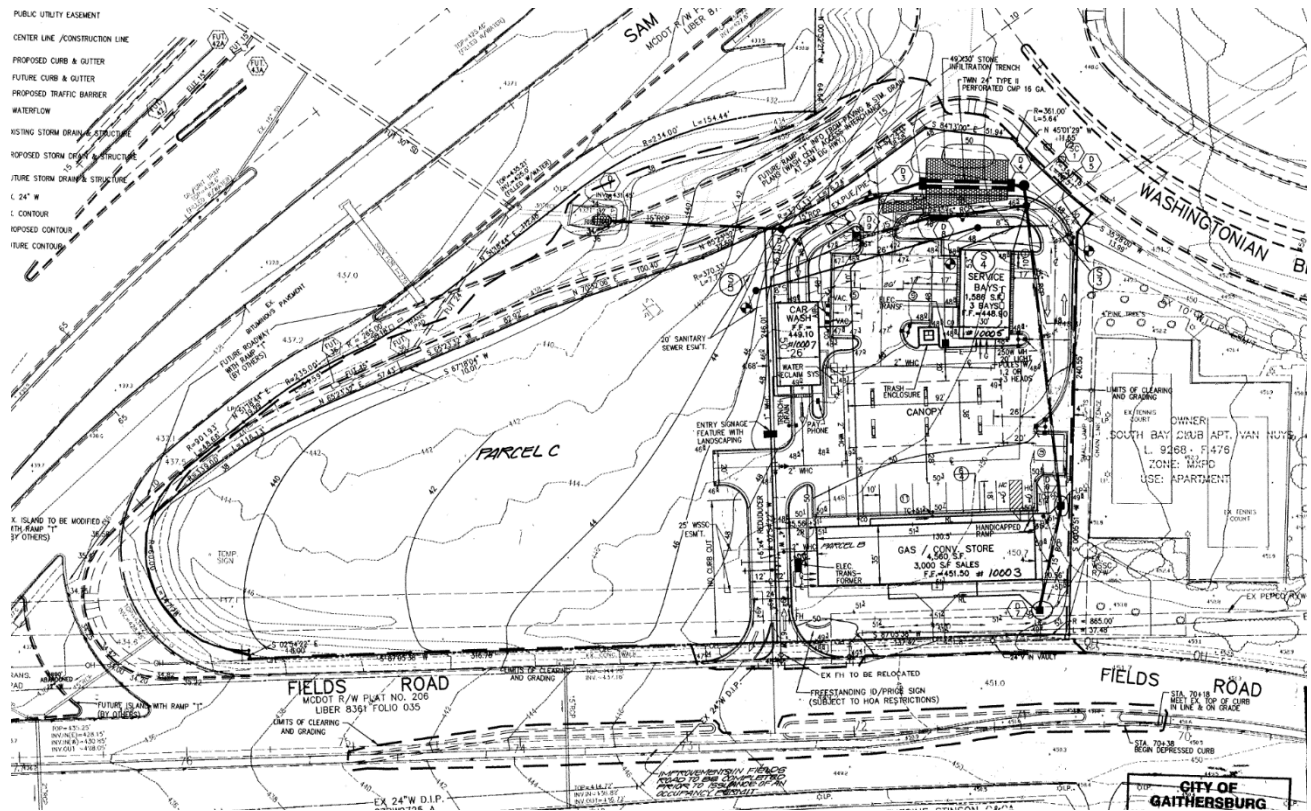


*Schematic Development Plan SDP-W2 shows “No change to the previously approved land use” for the Subject Properties.*

On June 3, 1998, the Planning Commission approved Amendment to SDP-W2 to approve an additional 103,657 square feet of retail/restaurant space, thereby increasing total square footage for SDP-W2 to 460,000 square feet, located at Parcel H, Block C, with Planning Commission Resolution PCR-SDP-W2 (Exhibit #33). The SDP amendment was a result of a proposal in Site Plan W-1106, approved by Planning Commission Resolution PCR-W-1106, which exceeds the 356,343 square foot maximum development allowed for the retail portion of the Washingtonian Center by the approved SDP-W2. This amendment to the schematic development plan did not impact the Subject Properties.

## Final Site Plan: W-1082

On September 4, 1997, the Planning Commission approved Final Site Plan W-1082 for 10003 Fields Road for a gas station, convenience store, lube center, and car wash (Exhibit #34). This final site plan also included the common drive aisle between 10003 Fields Road with 10009 Fields Road; this reciprocal access easement was recorded in Liber 15686 Folio 699 on March 26, 1998 (Exhibit #35).



Final Site Plan W-1082 shows the gas station parcel with a shared access to the lot addressed as 10009 Fields Road.

Since the final site plan approval, W-1082 has received the following amendment to final site plan approvals:

Record Number	Description	Approving Body	Date
W-1082 (A)	Change to convenience store building footprint (no additional square footage) and changes to address	Planning Staff	9/4/1997
W-1082 (B)	Sign Package	Planning Commission	2/4/1998
AFP-09-026	Remove the Chevron canopy and monument signs and install W Express signs/Washingtonian signs.	Planning Commission	2/3/2010

Final Site Plan: W-1125

On March 10, 1999, the Planning Commission approved Final Site Plan W-1125 for a 5,565 square foot restaurant at 10009 Fields Road (Exhibit #36).

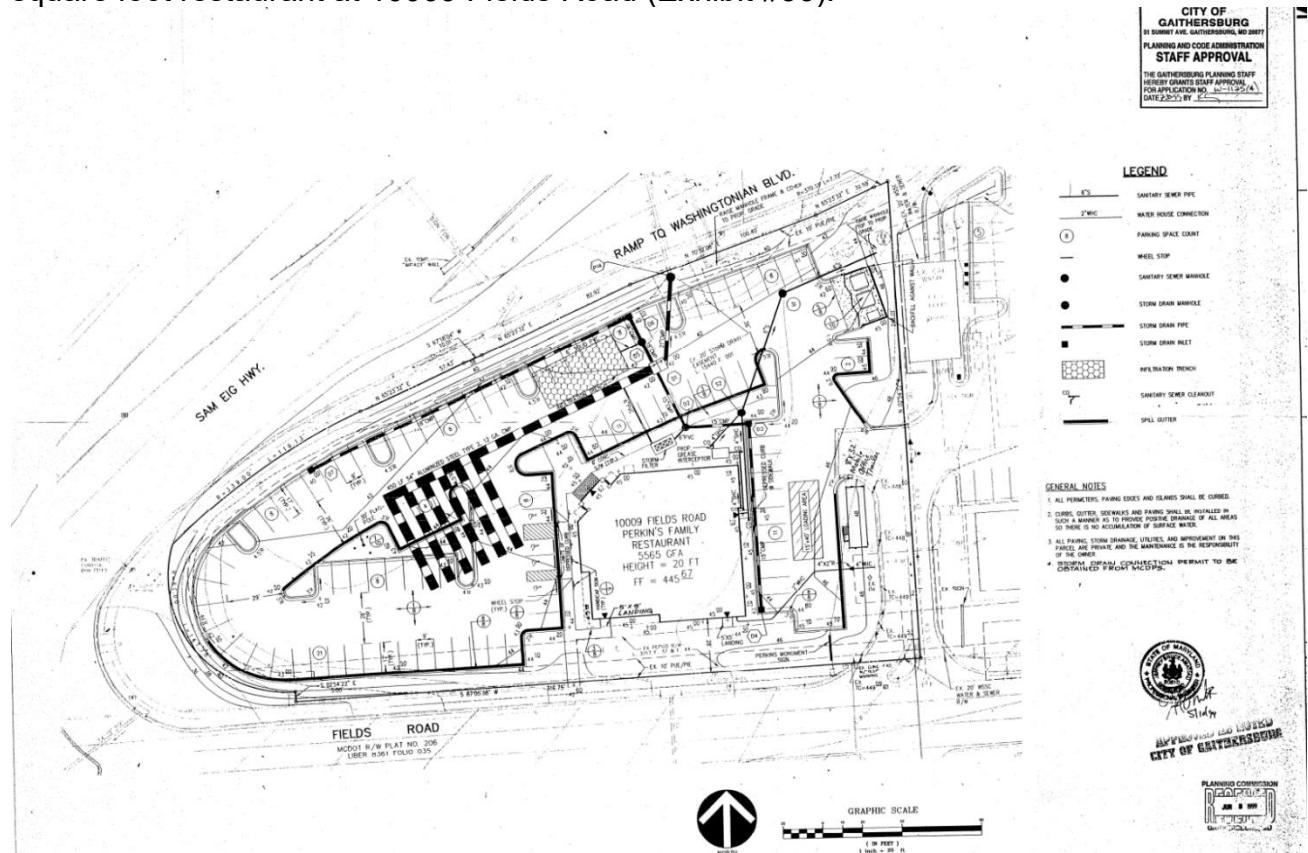


Image showing the Perkin's Family Restaurant on Final Site Plan W-1125.

Since the final site plan approval, W-1125 has received the following amendment to final site plan approvals:

Record Number	Description	Approving Body	Date
W-1125 (A)	Office Trailer	Planning Staff	7/29/1999
STF-04-056	Store front canopy	Planning Staff	7/30/2004

## Master Plan

The Subject Properties are included in the 1997 Master Plan as Neighborhood 3, Study Area 6, Land Use Option 15 (Exhibit #37), which reads as follows:

**Designate** *Parcels B & C, Block A (The Subject Properties) as commercial/industrial-research-office (Map Designation 15). This designation will allow a use that is consistent with a mixed use commercial development such as office, restaurants, and highway convenience services. This map designation has high visibility and easy access to surrounding roads which would be a benefit to future office development. Uses that are encouraged on this site would be high-rise office buildings with ancillary commercial/retail business within the office building structure. A landscape buffer shall be included in any site development plan between the tennis courts of the Oakwood Apartments and Map Designation 15.*

### **Land Use and Zoning Actions:**

- Adopted **commercial/industrial-research-office** land use designation
- Zoning remains **MXD**

The Subject Properties were not included in the 2009 Master Plan as a specific map designation. The 2009 Master Plan designates the Subject Properties with a commercial/industrial-research-office land use designation.

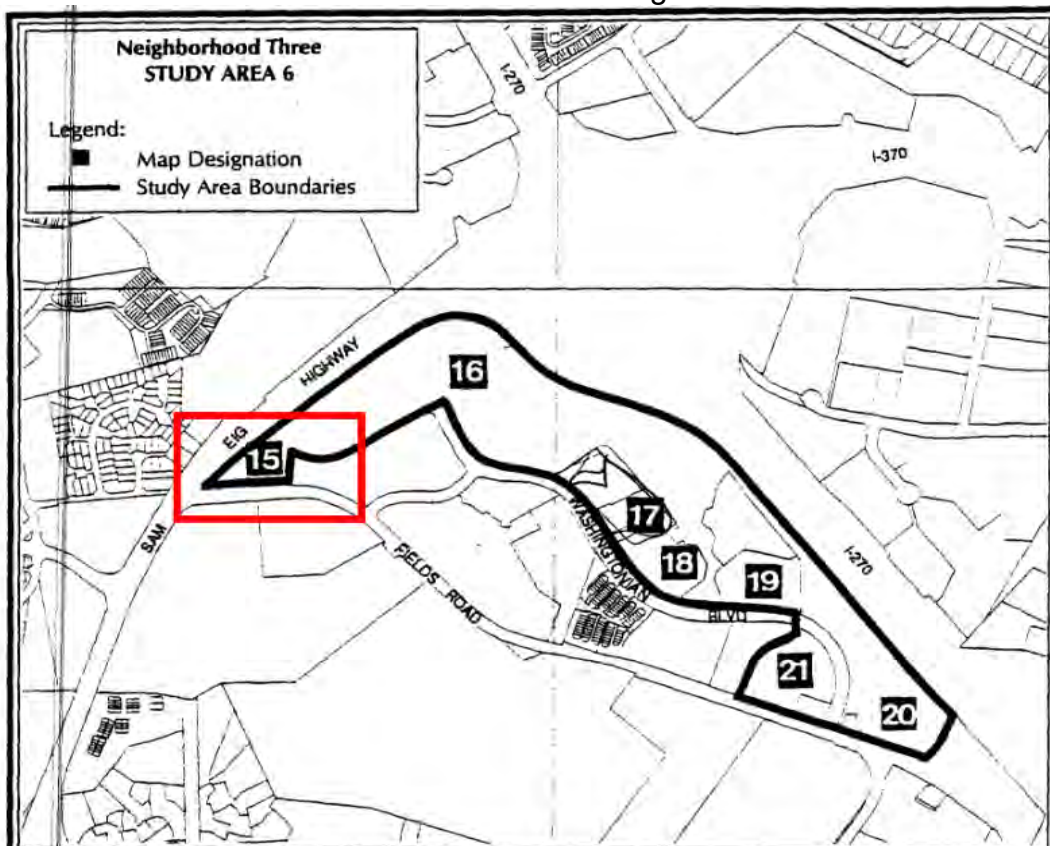


Image from the 1997 Master Plan identifying the two parcels as Map Designation 15 in Study Area 6.

In the statement of justification, the Applicant provided justification on how the proposed car wash use is in conformance with the Master Plan recommendation, with each point summarized as follows (Exhibit #11):

- Car wash is a commercial use, which is in conformance with the Commercial/industrial-research-office designation.
- The term “highway convenience services” is not a defined term in the Zoning Code and the Applicant was unable to find a definition in any other planning related resources. The Applicant interprets it to mean uses that benefit from proximity to a highway and that provide a convenience to the customer as a result of the location. The Applicant is of the opinion that the reference to “highway” also suggests that uses should be auto-oriented, which further supports the interpretation that the desirable location for a car wash is a site that is proximate and convenient to a highway instead of proximate and convenient to a road with lower road classification.
- Uses in the recommendation are “encouraged” and not “required”.
- Approving the Schematic Development Plan only requires the plan to be “substantially” in accordance with the Master Plan.

The Applicant also provided justification on how the Master Plan recommendation is no longer relevant. Pursuant to Section 20-18(a) of the City Code, the Planning Commission can find that events have occurred to render the master plan recommendation no longer relevant. The Applicant provided the following justifications:

- There is no development in the high-rise suburban office market. All leading real-estate reports shows there continues to be increase of office vacancies in Montgomery County and there is no office space under construction in the entire suburban Maryland market. The suburban office market development was declining prior to the pandemic and the on-set and aftermath of the pandemic obliterated any possibility of a viable suburban office market. Due to the size and irregular shape of the Property, it is not feasible to construct a high-rise office building with the necessary parking.
- Surplus of retail and restaurant space on the market, including much more desirable space in the nearby Crown development that have available ground floor retail spaces. The location of the Property, which is surrounded by roads and removed from the central activity of the area, does not make it a desirable retail or restaurant location as evidenced by the owner’s inability to attract a user to the Property.

## Staff Comments

Staff finds it unusual that the Applicant has submitted justification both for and against the proposed plan's conformance with the Master Plan recommendations. Staff maintains the position that the proposed SDP is not in conformance with the Master Plan. The Master Plan recommends a mixed-use commercial development that incorporates a variety of uses, including office space, restaurants, and highway-oriented convenience services. Staff interprets this guidance to mean that the Subject Properties should function cohesively as a mixed-use commercial development. However, the proposed SDP expands auto-centric uses, which Staff does not believe aligns with the Master Plan's intended vision for mixed use site.

Additionally, Staff disagrees with the Applicant's opinion that the Master Plan recommendation is no longer relevant. The Subject Properties were designated for Commercial/Industrial-Research-Office use in the 1997 Master Plan, and this designation was reaffirmed in the 2009 Master Plan, reinforcing the long-term vision for this area. The Master Plan is intended to provide guidance over an extended period, recognizing that market conditions fluctuate but that planning principles should remain consistent to support sustainable growth. While it may be true that office and restaurant developments are not currently occurring at a significant rate, this does not preclude the possibility of future office or restaurant development as market demands evolve. Dismissing the Master Plan's recommendation solely based on current market trends undermines the long-term planning framework and vision.

Given these considerations, Staff believes that a thorough discussion is warranted during the public hearing to determine whether the proposed project aligns with the intent of the Master Plan or if there is a legitimate basis for reconsidering the Master Plan's relevance in this context.



2009 Master Plan Land Use map

## **GENERAL INFORMATION**

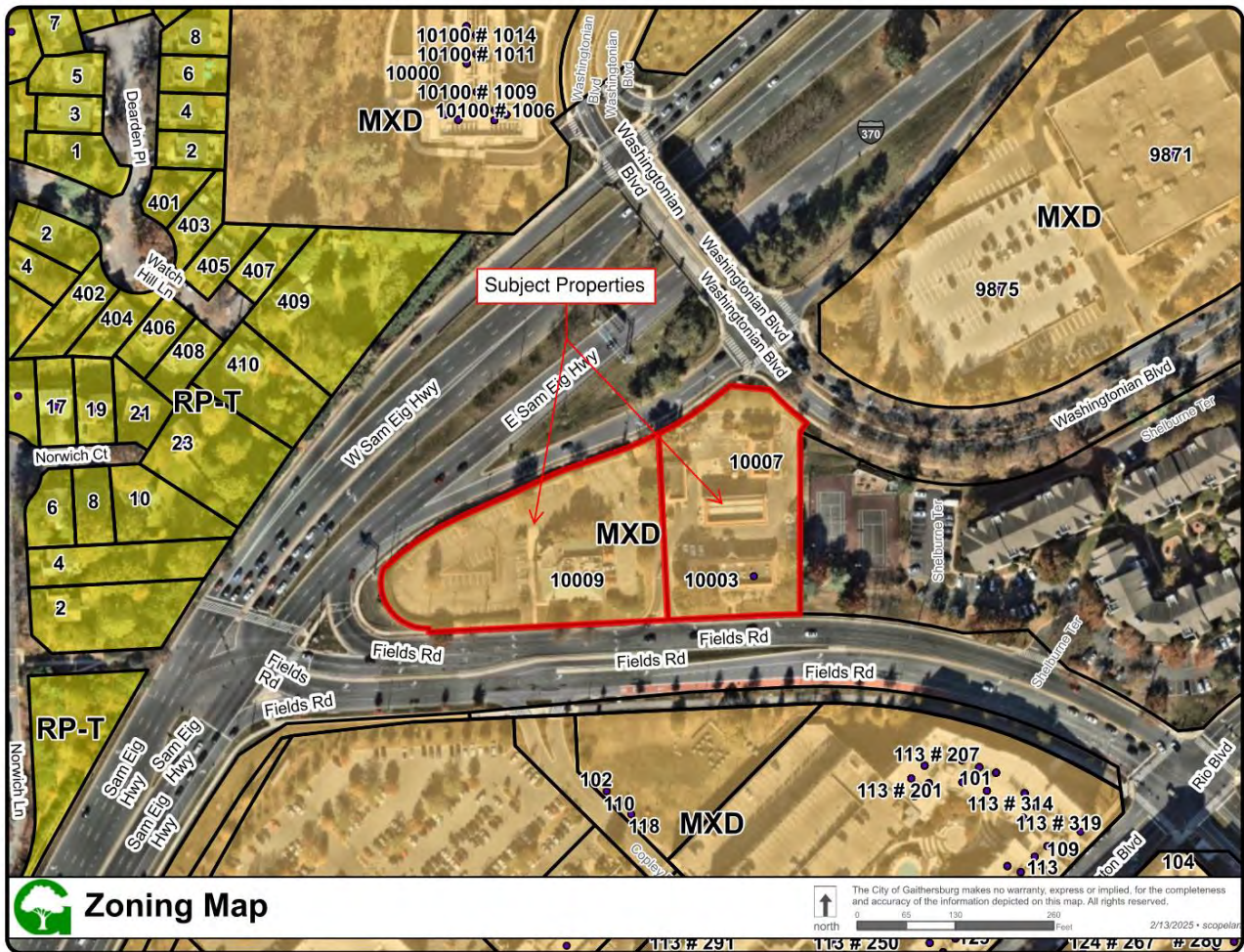
### **SURROUNDING LAND USE/PHYSICAL CHARACTERISTICS:**

The Subject Properties consist of approximately 2.68-acres and are located between Fields Road, Sam Eig Highway, and Washingtonian Boulevard. The Property addressed at 10009 Fields Road contains a vacant restaurant, and the Property addressed at 10003 Fields Road contains a gas station, convenience store with a dry cleaner and a restaurant, lube center, and a car wash. The Subject Properties share a common entrance onto Fields Road that is recorded in Liber 15686 Folio 699 (Exhibit #35). The Subject Properties are currently constrained by the following easements:

<b>Easement Name</b>	<b>Description</b>	<b>Full Description Location</b>	<b>Date Recorded</b>
Utility Easement	Twenty-foot utility easement for PEPCO on the south side of the 10009 Fields Road Property.	Liber 3717 Folio 44	2/26/1968
Public Utility and Improvement Easement	Ten-foot Public Utility and Public Improvement Easement located on the external boundaries with frontage of the 10009 Fields Road Property	Liber 3834 Folio 457 Liber 15041 Folio 712 Plat # 20526	2/17/1969
Storm Drainage Easement and Right of Way	Storm drain easement for Montgomery County on the north side of the 10009 Fields Road Property.	Liber 15440 Folio 1	1/7/1998
Stormwater Easement and Right of Way	Stormwater management easement for Montgomery County on the north side of the 10009 Fields Road Property.	Liber 15567 Folio 538	2/17/1998
Sanitary Sewer Easement	Sanitary Sewer Easement for WSSC on the north side of both Subject Properties.	Liber 15773 Folio 194	3/18/1998
Water Easement	Water Easement for WSSC on the south side of the 10009 Fields Road Property.	Liber 15773 Folio 194	3/18/1998
General Easement	Reciprocal Access Easement, Sign Easement, and Landscape Easement for both of the Subject Properties to use the shared drive aisle from Fields Road.	Liber 15686 Folio 699	3/26/1998

The following table demonstrates the land use and zoning for the surrounding properties

<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	Mixed Use Development (MXD)	Commercial/ Industrial-Research-Office
East	Montgomery County Zoning Commercial Residential Town (CRT-1.0)	Residential
South	Mixed Use Development (MXD)	Mixed Use
West	Medium Density Residential (RP-T)	Medium-Low Density Residential



Zoning Map

## **NATURAL RESOURCES INVENTORY AND FOREST STAND DELINEATION**

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) reflecting current conditions was approved on February 11, 2025, as application ENV-9836-2024 (Exhibit #23a-b). The Subject Properties are within the Muddy Branch watershed. The approved NRI confirms that no floodplains, wetlands, environmental buffers, forest, or streams exist on site. There is one (1) specimen tree on the Property at 10003 Fields Road, which is a pin oak (*Quercus Palustris*) with a DBH of 33 inches in fair condition. This specimen tree is located adjacent to the convenience store and is not impacted by the Subject Application.

No rare, threatened, or endangered species were located on site, and the Properties are not identified as a historic or cultural site in the Maryland Inventory of Historic Properties, the National Register of Historic Places, or within the City.

## **ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):**

In accordance with § 24-244, "Applicability," this plan is subject to the APFO requirements because it is proposing additional development that is not part of a current schematic development plan.

### **Traffic Impacts (§ 24-245)**

The Applicant has submitted a Traffic Impact Study (TIS), TRF-9900-2024, performed by The Traffic Group (Exhibit #16). According to the TIS, the proposed development will generate an additional 40 AM and 62 PM peak hour trips. The analysis concludes that there is sufficient transportation capacity to accommodate the proposed development. Department of Public Works (DPW) reviewed and approved the traffic impact study (Exhibit #19). Therefore, the application complies with the City's Adequate Public Facilities requirements for traffic impacts.

### **Schools (§ 24-246)**

The proposed development will be for a new commercial building; therefore, it will have no impact on the school system. Therefore, the proposed application, is exempt for the school test.

### **Water and Sewer Services and Public Utilities (§ 24-247)**

The subject SDP area is located within water category W-1 (public water available) and sewer category S-1 (public sewer available), and thus satisfies the requirements of § 24-247 for water and sewer.

### **Fire and Emergency Services (§ 24-248)**

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

- Station 8 (Gaithersburg)
- Station 31 (Rockville)
- Station 32 (Travilah)

Therefore, the site complies with the requirements for fire and emergency services.

# SCHEMATIC DEVELOPMENT PLAN PROPOSAL:

## Site Plan

The Applicant is requesting approval to demolish the existing restaurant building at 10009 Fields Road and construct a new 5,106 square-foot automatic car wash facility (Exhibit #12a-p). The plan will maintain the existing site entrance from a shared access from Fields Road. The site plan includes a 120 square-foot trash enclosure and twenty-two (22) vacuum stall parking spaces.

The plan also includes the removal of an existing car wash building at 10003 Fields Road. The building will be replaced with ten (10) new parking spaces. The existing lube center's drive-thru lane will be extended to facilitate circulation.

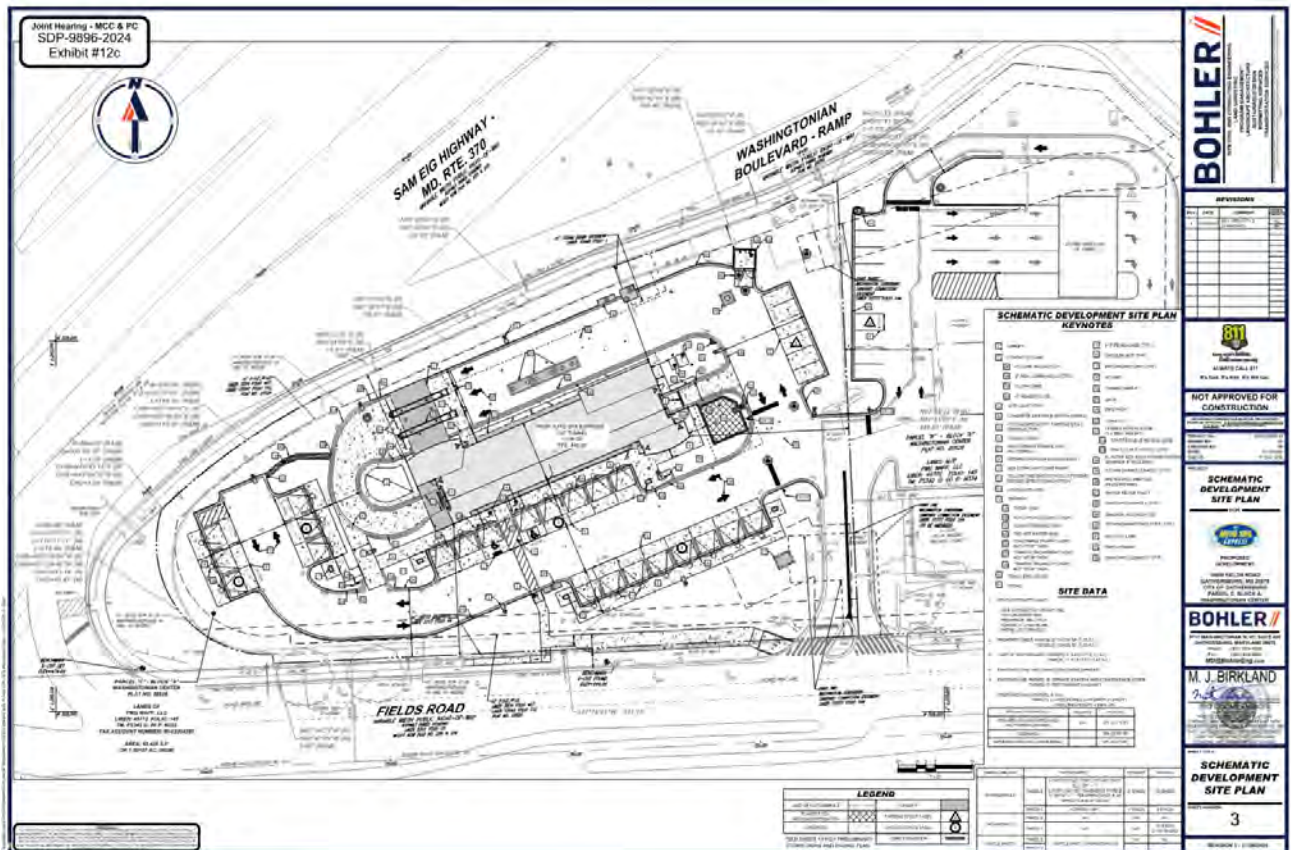


Exhibit #12c shows the overall site plan.

## Parking

Parking is facilitated through on-site surface spaces. Pursuant to § 24-160D.8(a) of the City Code, the council, at the time of schematic development plan review, shall determine the appropriate approximate number of spaces. At the time of final site plan approval, the commission shall determine the final number of spaces. Pursuant to § 24-219 of the City

Code, the proposed car wash use at 10009 Fields Road is required to provide three (3) spaces and twenty-eight (28) spaces will be provided. The Site includes twenty-two (22) vacuum spaces and six (6) employee spaces. The plans also include a bike rack that can hold up to two (2) bicycles in the front of the building. The removal of the existing car wash at 10003 Fields Road will provide an additional five (5) spaces on the Property, which will be a total of twenty-seven (27) parking spaces on the gas station property.

### Vehicle Circulation & Stacking

The Applicant submitted a revised vehicle circulation plan (Exhibit #20) to show how a passenger vehicle, garbage truck, and fire truck can access the entirety of the Subject Properties.

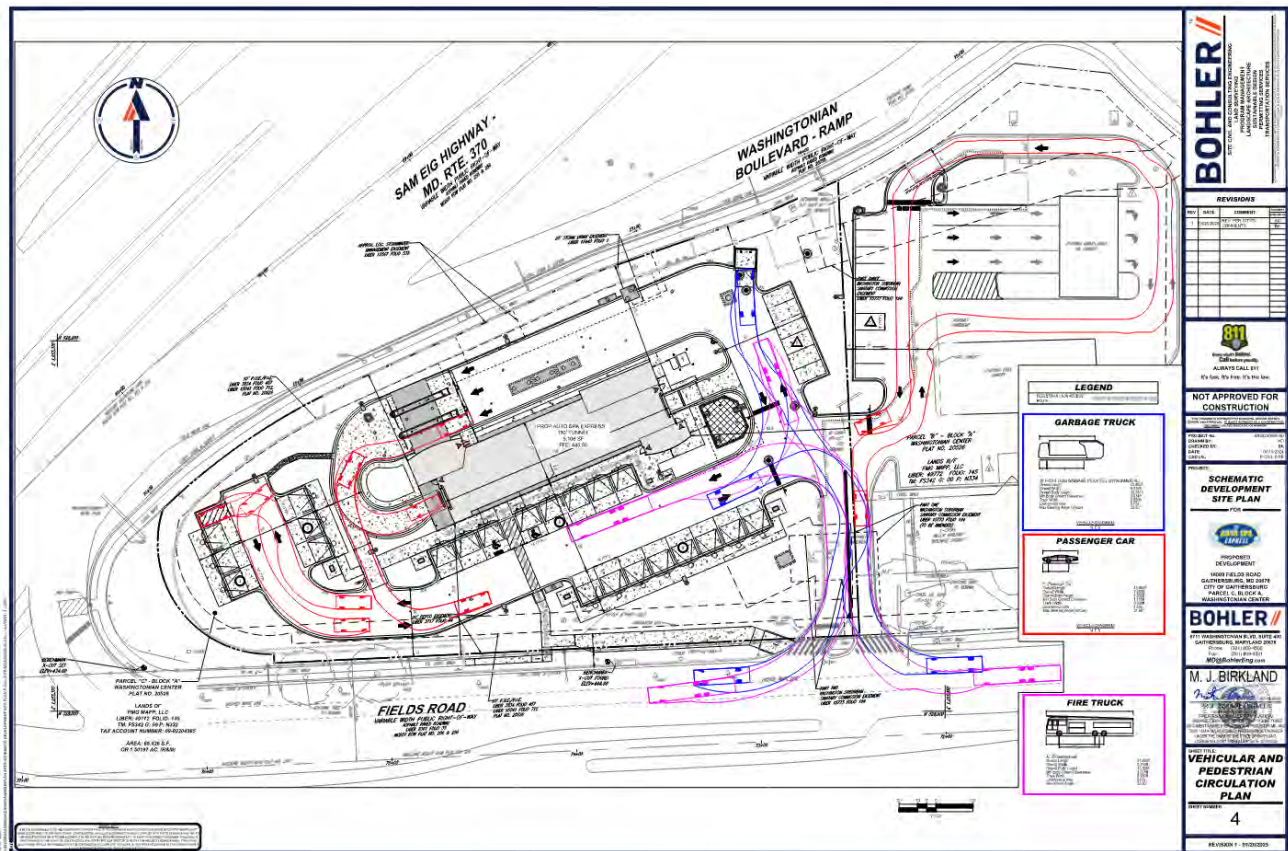


Exhibit #20 shows the vehicle turning movements.

The Applicant has submitted a circulation plan to demonstrate adequate pedestrian and vehicular circulation throughout the site as a part of Exhibit #12. 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 shows the project will accommodate thirty-five (35) cars through triple stacked lanes measuring a combined total of approximately 540 feet.

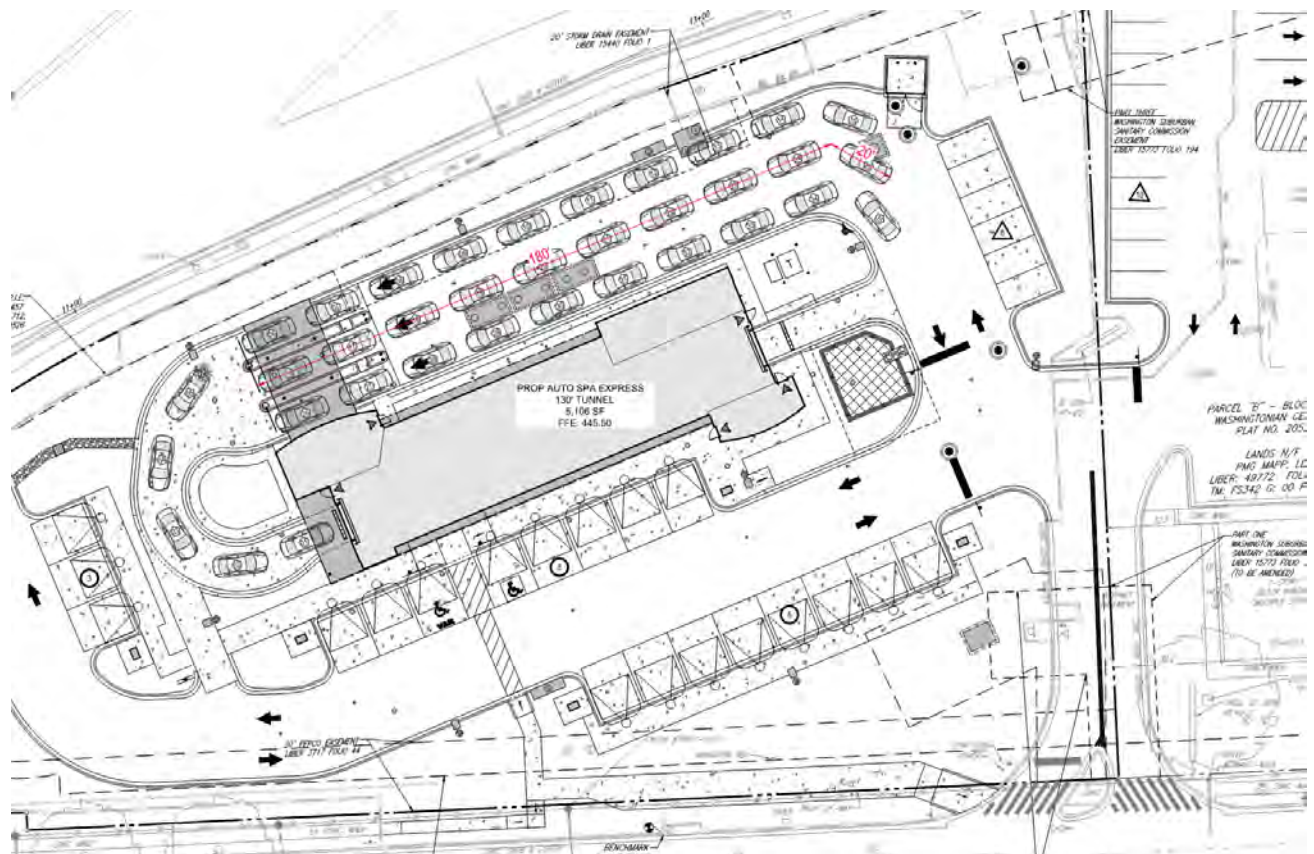


Exhibit #12e showing the proposed stacking plan

## Green Space

The Applicant has submitted a green space plan as part of Exhibit #12 pursuant to the requirements of § 24-160D.9(b). Section 24-160D.6(a) states,

*“The minimum green area requirement, which shall include designated parks, public and private open space, active and passive recreational areas, for the commercial/employment/industrial portion of a mixed use development shall be not less than twenty-five (25) percent of the total area devoted to commercial/employment. Industrial uses, except that comparable amenities and/or facilities may be provided in lieu of green area if the city council determines that such amenities are sufficient to accomplish the purposes of the zone, and would be more beneficial to the proposed development than strict adherence to the specific green area requirement.”*

The Development Code requires a minimum of 25 percent green area for non-residential properties in the MXD zone, and the Applicant is currently proposing 42 percent green area for the car wash site. The exact green area value may fluctuate as the Applicant refines the plans for the Planning Commission’s recommendation; however, Staff doesn’t believe that this should be a substantial difference from what is currently being presented. The lot containing the gas station will increase the green area, since the car wash will be demolished and replaced with a parking lot that contains green area.

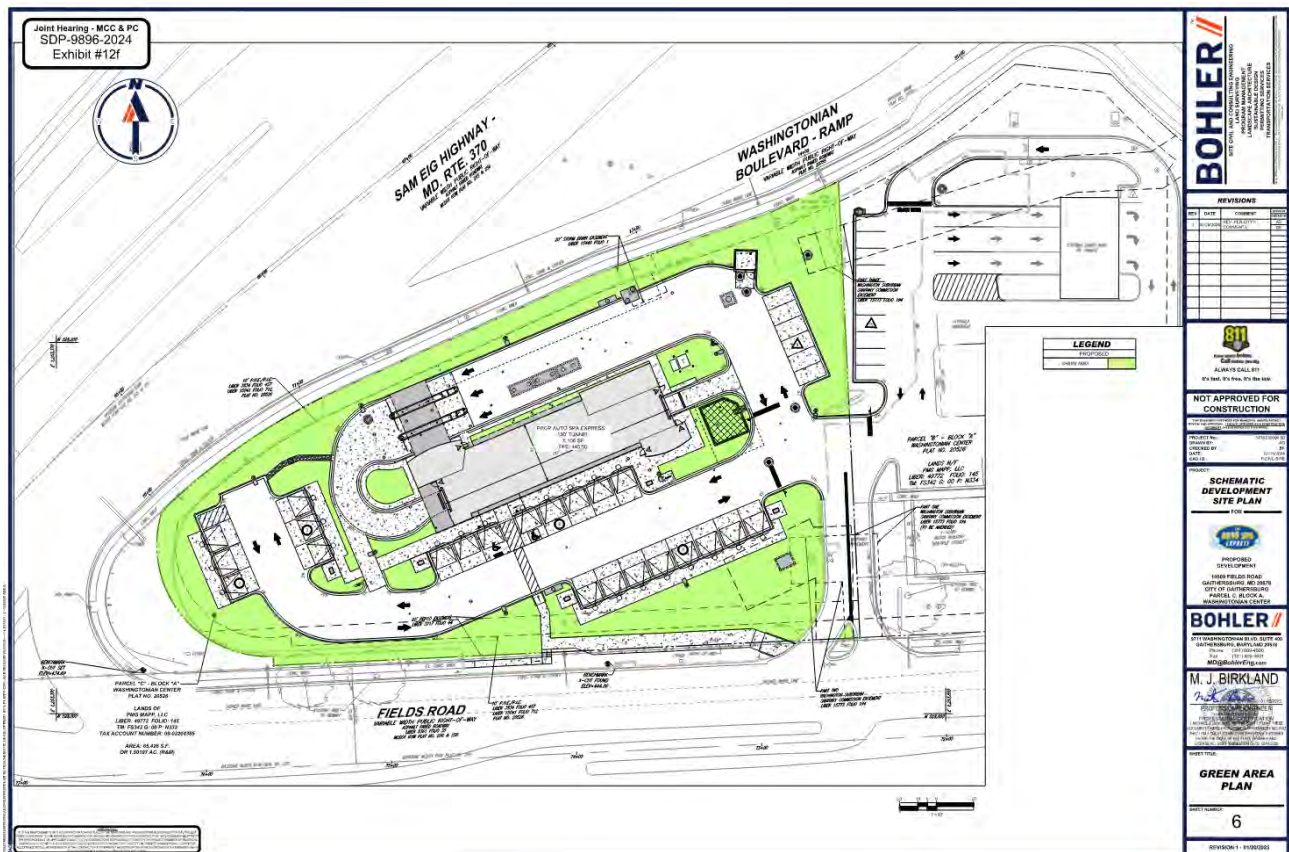


Exhibit #12f showing the proposed green area locations

## Utility Plan

The utility plan shows that a WSSC sewer easement is proposed to be modified in size close to Fields Road (Exhibit #12). A portion of the Stormwater Management easement along the north side of 10009 Fields Road is proposed to be extinguished. The Applicant will be required to provide sign-off from all utility companies on the preliminary utility plan prior to schematic development plan approval.

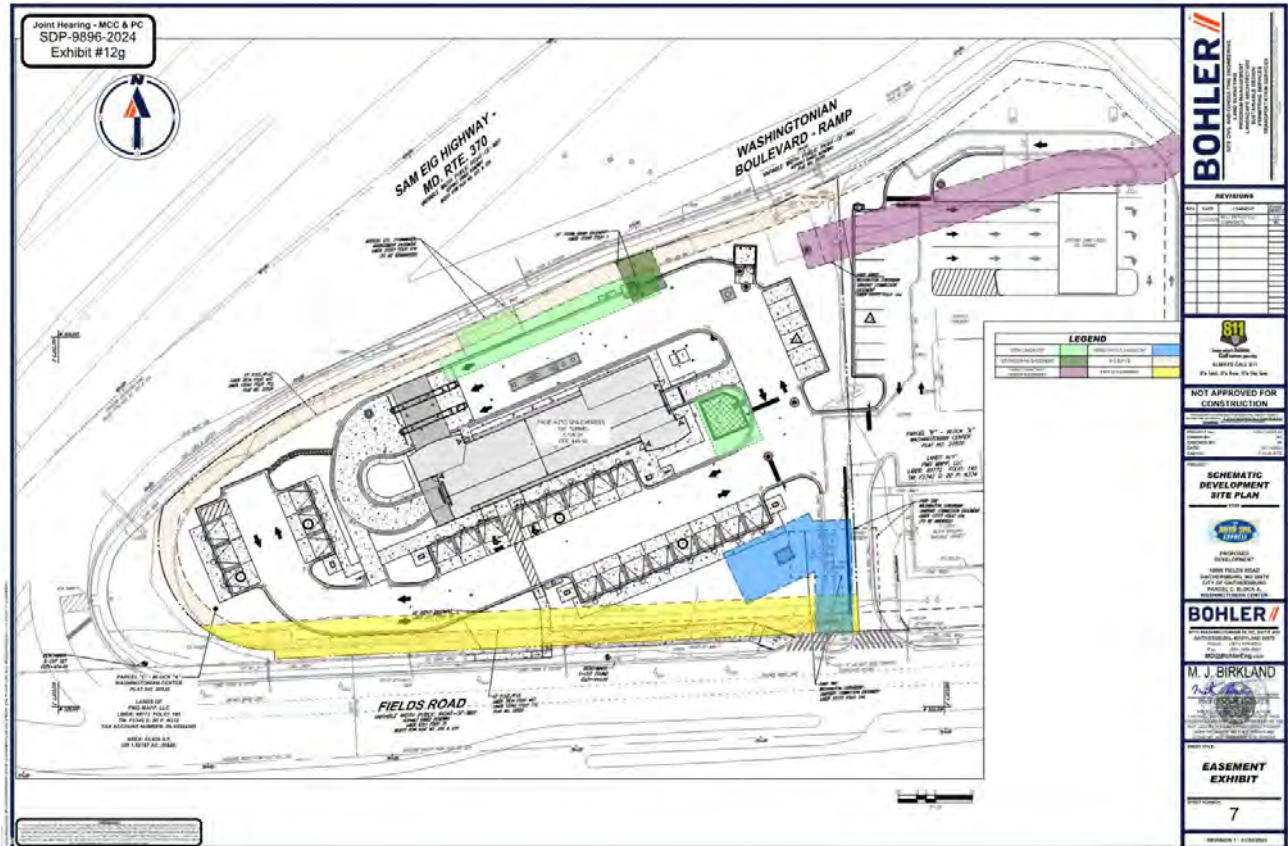


Exhibit #12g showing the Utility plan.

# Preliminary Forest Conservation Plan

The Applicant has provided a preliminary forest conservation plan (Exhibit #14a-c) to show the proposed trees for 10009 Fields Road. The Applicant has proposed fourteen (14) different types of canopy trees, which include red maples (*Acer Rubrum*), tulip trees (*Liriodendron Tulipifera*), and American elms (*Ulmus Americana* 'Princeton'). The project is required to provide 0.23-acres of canopy coverage, and the Applicant is proposing 0.26-acres of canopy coverage.

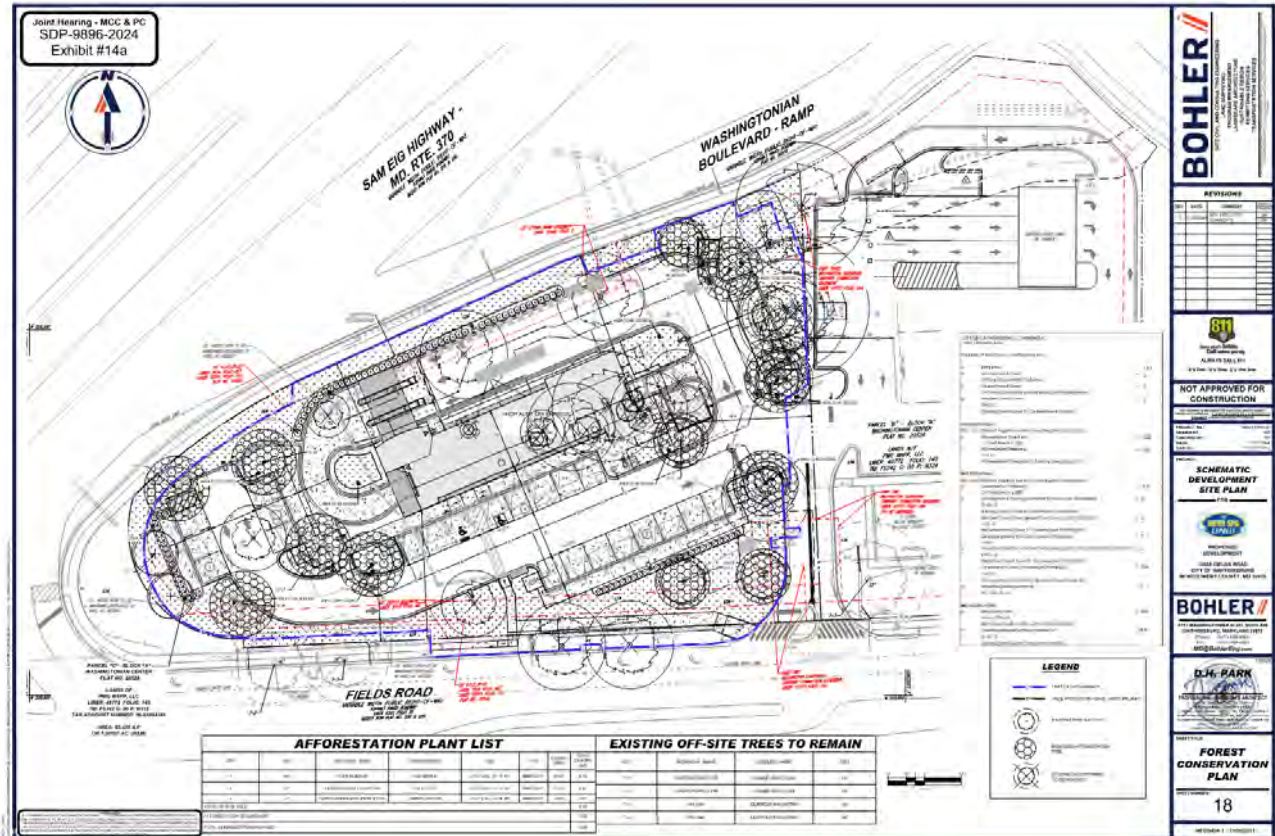


Exhibit 14a showing the preliminary forest conservation plan.



## Architectural Elevations

The Applicant has submitted preliminary architectural elevations for the car wash (Exhibit #13a-b). The proposed building will be one-story tall that measures 28-feet in height. The proposed facades are pre-finished metal panels, fiber cement panels, glass, and a stone-veneer water table.

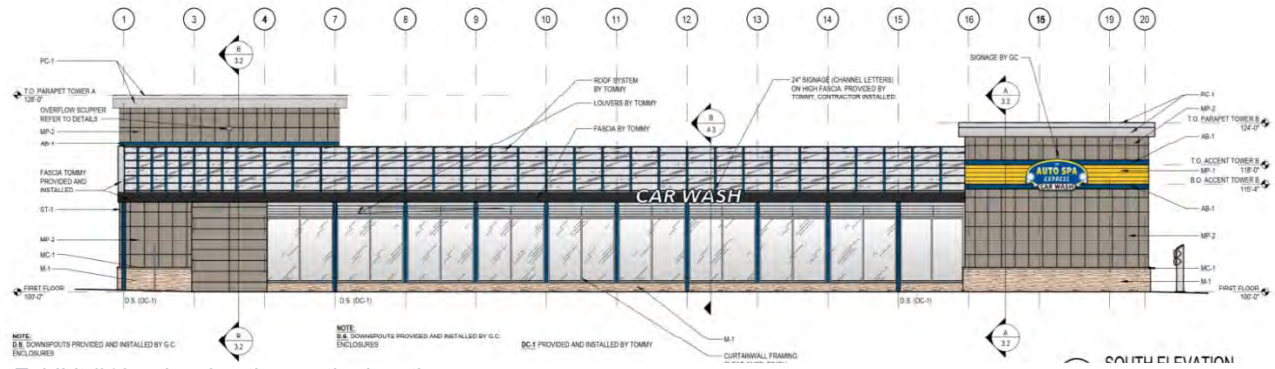


Exhibit #13a showing the south elevation

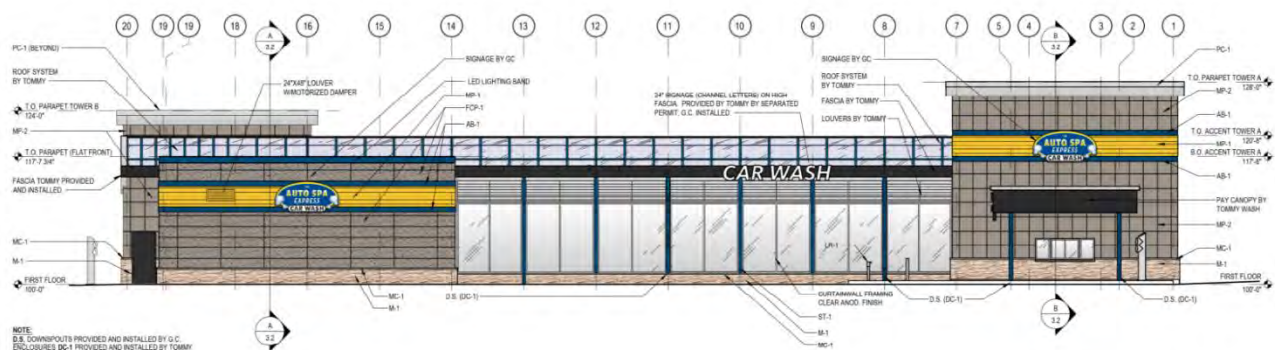


Exhibit #13a showing the north elevation

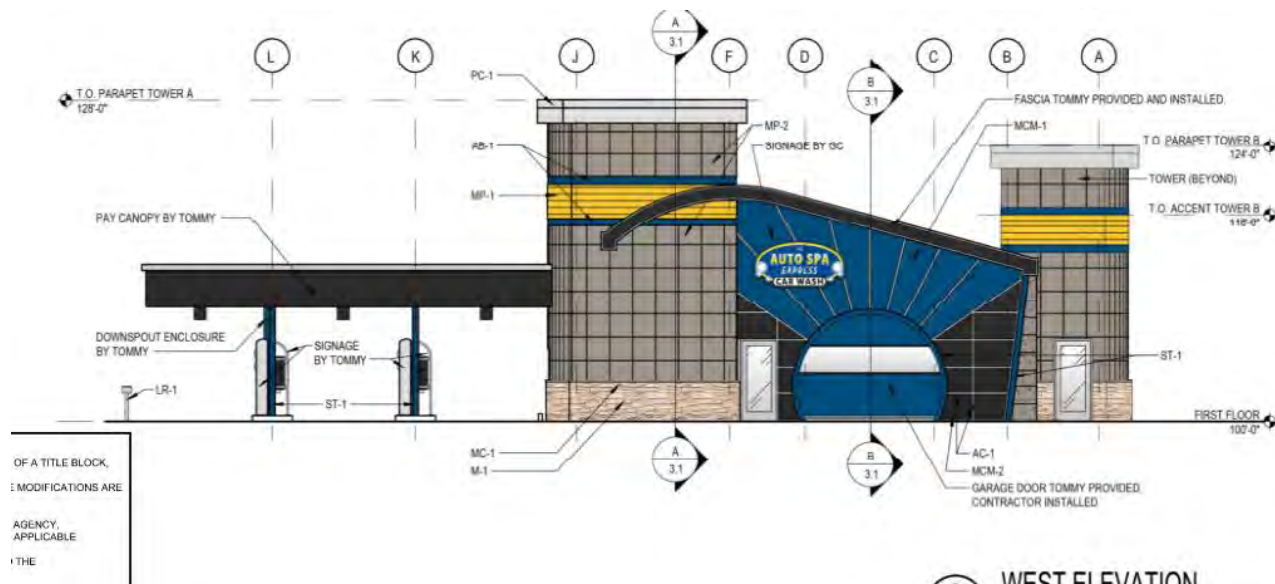


Exhibit #13a showing the west elevation

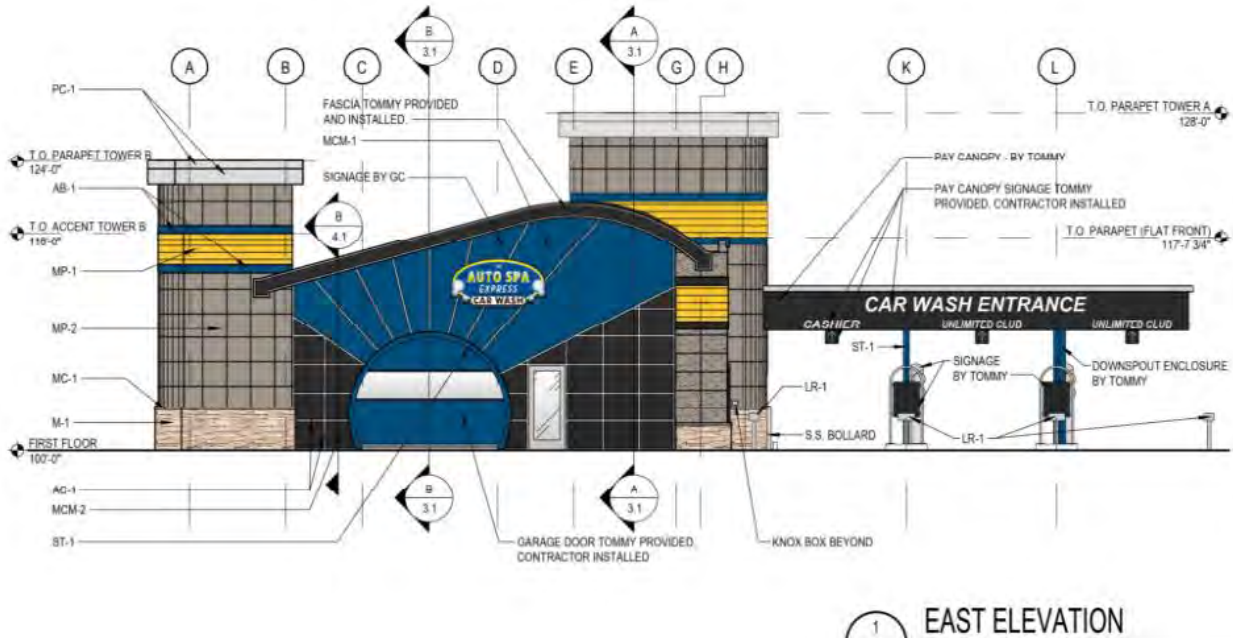


Exhibit #13a showing the east elevation

## Stormwater Management and Sediment & Erosion Control

In accordance with the requirement for the submission of a Schematic Development Plan, Section 24-160D.9(b), the Applicant has submitted a preliminary stormwater management plan and sediment erosion control plan applications SEC-9834-2025 and SWM-9835-2025 (Exhibits #42 and #43). The Department of Public Works staff is currently reviewing both plans. The Applicant is anticipated to have the preliminary plans approved prior to the closing of the record for the Planning Commission.

### **SUMMARY:**

The Applicant has submitted for consideration schematic development plan application SDP-9896-2024. This is a complete application as defined by § 24-160D.9.(b)(1), of the City Code. A joint public hearing with the Mayor and City Council and Planning Commission has been scheduled for March 17, 2025.

Because this is the initial public hearing and Staff continues to complete their analysis of the proposed project, no formal recommendation is provided at this time. A recommendation will be provided by Staff prior to the Planning Commission's recommendation discussion. That being said, Staff has identified the following points of interest for the Council's consideration, which should be considered in more depth:

1. Discussion on if the use is in conformance with the Master Plan.

For the purpose of concluding the public hearing, Staff recommends:

1. The Planning Commission make a motion to hold the record open until 5:00 PM on April 9, 2025 (23 days) with anticipated recommendation to the Mayor and City Council tentatively scheduled for April 16, 2025.
2. The Mayor and City Council make a motion to hold the record open until 5:00 PM on April 29, 2025 (43 days) with anticipated Policy Discussion tentatively scheduled for May 19, 2025.