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June 2, 2022

Jim Wasilak, AICP

Chief of Zoning

City of Rockville Department of Planning and Development Services

111 Maryland Avenue

Rockville, Maryland 20850

Re: Level II Site Plan and Nonconforming Alteration Approval Application for Flagship Car Wash at 975 Rollins Avenue, Rockville, MD 20852 – Project Narrative

Dear Mr. Wasilak:

Flagship Maryland Propco, LLC (“Applicant”) is filing this Level II Site Plan and Nonconforming Alteration Approval Application for Flagship Carwash at 975 Rollins Avenue, Rockville (the “Application”) pursuant to Chapter 25 of the City Code (the “Zoning Ordinance”). The Application proposes certain revisions to the existing carwash located on the Property to include: 1) the demolition of the existing self-service carwash; 2) installation of self-service vacuums and full-service finishing spaces; and 3) improvements to onsite circulation. These revisions, along with certain attendant operational changes, will improve the function of the existing carwash use (the “Project”).

The Property

The Property is generally located in the northeast quadrant of the intersection of Chapman Avenue and Bou Avenue. The Property consists of approximately 2.2 net acres (96,086 square feet) of land and is more particularly described as Parcels D and E, Washington-Rockville Industrial Park, as shown on Plat No. 22066 recorded among the Land Records of Montgomery County, Maryland on December 21, 2021 (the “Record Plat”). Parcels D and E are separated by Rollins Avenue, which bisects the Property.

The Property is within the MXTD (Mixed-Use Transit District) zone and is subject to the recommendations of the *2016 Rockville Pike Neighborhood Plan* (the “Pike Plan”) and *Rockville 2040: Comprehensive Plan of the City of Rockville, Maryland* (“2040 Plan”).

The Property is improved as both a mechanical carwash facility and a self-service carwash facility. Both of these facilities are located on the “Parcel E” portion of the Property. The “Parcel D” portion of the Property is unimproved and partially covered with a swath of trees.

Surrounding Area

The Property sits just north and east of the boundary line between the City of Rockville and Montgomery County, such that the land to its south and west are within Montgomery County. To the Property's immediate southeast is a vacant parcel of land within Montgomery County's CR-2.0 C-0.5 R-1.5 H-200 zone. Confronting the Property across Bou Avenue to the southeast is a multifamily building within Montgomery County's CR-2.0 C-0.5 R-1.5 H-200 zone. The adjacent properties to the north are within the City of Rockville and are zoned MXTD. These properties are occupied by retail and office uses.

Previous Approvals

The previous approvals for the Property are as follows:

- Special Exception SPX1998-00269 (the "Special Exception"): The Special Exception was approved with conditions by the City of Rockville Board of Appeals on June 5, 1999.
- Use Permit USE1999-00603 (the "Use Permit"): The Use Permit was approved by the City of Rockville Planning Commission on March 22, 2000.

The Special Exception and the Use Permit allow for the construction of mechanical and self-service carwash facilities on the Property. At the time of these approvals, the Property was located within the RPC (Rockville Pike Commercial) zone. As noted in the letter from the Board of Appeals approving the Special Exception, carwashes were permitted as special exceptions in the RPC zone. Subsequently, the Property was rezoned to the MXTD zone. While a mechanical carwash is not a permitted use in the MXTD zone, the Zoning Ordinance allows for extant nonconforming uses to continue. *See* Zoning Ordinance § 25.08.05.c.

Project Description

The Applicant proposes to make revisions to the existing carwash use on the Property that will improve its function. The Applicant proposes to retain the existing 11,581-square-foot mechanical carwash tunnel on the Property and demolish the self-service carwash. In place of the self-service carwash, the Applicant will install 25 self-service vacuum spaces and six full-service¹ finishing spaces. Seating for customers will be provided adjacent to the full-service finishing spaces.

Additionally, the Applicant intends to revise the configuration of the site to improve access and circulation. As with the current configuration, vehicles will enter the site via a driveway² off Rollins Avenue. Vehicles will then be channelized into a single lane. This single lane will subsequently divide into two then three stacking lanes as shown on the site plan. In total, the

¹ In the full-service area, employees will finish cleaning the interior of vehicles for patrons who select that option.

² The existing driveway will be narrowed to 25 feet.

stacking lanes will accommodate 32 vehicles. Vehicles will be directed to exit these stacking lanes to circulate through a roundabout and then enter into one of the lanes within the wash tunnel. Upon exiting the wash tunnel, vehicles will either exit the Property onto Rollins Avenue or turn right and enter the vacuum area.

The Project also entails significant operational changes to the carwash use. First, with the removal of the self-service carwash, carwash hours will be reduced from 7:00 AM - 11:00 PM to 8:00 AM - 6:30 PM. Second, the Project moves vacuuming and full-service operations to after patrons cycle through the wash tunnel. Currently, employees vacuum patrons' cars before they enter the wash tunnel. This creates the risk of off-site queuing at peak times. Moving vacuuming to after cars cycle through the wash tunnel and making it primarily self-service will eliminate this issue.

As part of this submission, the Applicant has also submitted an on-site Transportation Report, which details the adequacy of site access and circulation.

Compliance with Non-Conforming Use Findings - Section 25.08.08.c.2(b) of the Zoning Ordinance

The Project complies with Section 25.08.08.c.2(b) of the Zoning Ordinance as follows:

- i. There exists documentation of the existence and extent of the nonconforming zoning status of the use or development standard.*

The mechanical and self-service carwash uses are legal non-conforming uses. Specifically, as noted above, the use and existing improvements on the Property were approved via the Special Exception and the Use Permit at a time when the Property was within the RPC zone. Subsequent to these approvals, the Property was rezoned to the MXTD zone rendering the mechanical and self-service carwash uses on the Property nonconforming. The nonconforming status of the mechanical and self-service carwash uses has been acknowledged by the City in a letter from the City's Chief of Zoning, R. James Wasilak, AICP, to Jamie N. Miller of Miles & Stockbridge P.C. dated October 18, 2021 regarding Zoning Confirmation for 975 Rollins Avenue, Rockville, Maryland 20852 ([Attachment 1](#)).

- ii. The proposed nonconformity alteration does not exceed that amount reasonably necessary to accomplish the purpose of the structural alteration expansion, or enlargement as permitted by subsection 25.08.06.b.3(b).*

The proposed alterations do not exceed that amount reasonably necessary to accomplish the purpose of the structural alteration expansion, or enlargement as permitted by subsection 25.08.06.b.3(b). Subsection 25.08.06.b.3(a) of the Zoning Ordinance allows alterations to: (i) "maintain the building, structure or site in safe repair;" (ii) "improve the facade of the building or structure so as to enhance its appearance;" or (iii) "comply with the requirements of the Americans

with Disabilities Act or other safety code requirements.” The Project will maintain the site in “safe repair.” Zoning Ordinance § 25.08.06.b.3(a)(i). As detailed above, the proposed revisions to the site, along with the attendant operational changes, will improve the function of the carwash, making on-site circulation safer and more efficient. Specifically, the removal of the self-service carwash and the attendant reduction in hours will reduce the overall intensity of the activities on the Property. Additionally, noise reduction will be achieved through the installation of a central vacuum system. Finally, changes to the on-site circulation and relocation of vacuuming operations to after the wash tunnel will reduce the risk of off-site queuing.

- iii. The proposed nonconforming alteration is compatible with the general character of the surrounding neighborhood or zone.*

The proposed nonconforming alteration is compatible with the general character of the surrounding neighborhood. While the surrounding neighborhood has been zoned for mixed use development, commercial uses – particularly uses oriented to automobiles – remain predominant. The proposed alterations to the nonconforming mechanical carwash use on the Property are compatible and complementary of the existing uses in the neighborhood. Specifically, the Project will reduce the intensity and potential negative externalities of the carwash use. The removal of the self-service carwash, installation of a central vacuum system, and proposed operational changes will reduce the potential for off-site queuing and noise.

- iv. The proposed nonconforming alteration will not have negative impacts on the public health, safety, aesthetics, and welfare of the nearby properties.*

The Project will not have negative impacts on the public health, safety, aesthetics, and welfare of the nearby properties. The proposed alterations to the nonconforming carwash use will improve its function. Aesthetic improvements will be achieved through landscaping as shown on the Landscape Plan. Additionally, the Project includes improvements to safety and general welfare. Specifically, the queuing and stacking area for the mechanical carwash will be improved to allow for more efficient, orderly, and safe on-site circulation. Additionally, the removal of the self-service carwash will reduce the overall intensity and capacity of the carwash use on the Property. Specifically, as shown on the Comprehensive Transportation Review Scoping Form, due to the removal of the self-service carwash, the Project will result in net negative trips. Finally, the access driveway off Rollins Avenue will be narrowed to approximately 25 feet minimizing the stretch of driveway that pedestrians must traverse along Rollins Avenue thereby increasing pedestrian safety.

- v. *The proposed nonconforming alteration will be consistent with the purpose and intent of the zone in which the property is located and of the plan.*

MXTD Zone

The proposed nonconforming alteration will be consistent with several purposes of the MXTD zone. Two key purposes of the MXTD zone are: 1) “to allow for a mix of different types of land uses in a compatible manner, both vertically and horizontally;” and 2) “to promote a variety of uses in close proximity to each other in compliance with the master plan's recommendations.” Zoning Ordinance § 25.13.01. Continuing the existing mechanical carwash use on the Property will serve and complement the residential and retail uses in the vicinity. The purposes of the MXTD zone also emphasize the establishment uses that “will not create a nuisance for other uses within the same development.” The Project will minimize potential nuisances of the mechanical carwash use in that it will improve the on-site circulation, limit hours of operation, reduce traffic to the site, and reduce noise emanating from the Property.

Pike Plan

Broadly, the Pike Plan envisions the plan area transforming from a commercial corridor to mixed-use, multimodal corridor. The Property is located within the South Pike neighborhood of the plan area, which the Pike Plan anticipates will experience the most growth and transformation. Pike Plan p. 1-7, 1-9–1-10. Compared to the Pike Plan’s vision, the Project is modest in scale, but nonetheless consistent with the Plan. As noted in the Pike Plan, the area surrounding the Property is currently largely commercial, but is anticipated to redevelop with a mix of uses, including residential use. *Id.* The Project will prepare the carwash for the mixed-use future of the surrounding area. In particular, the Project will: 1) substantially reduce the evening hours of the carwash; 2) reduce the risk of off-site queuing by moving vacuuming to after the wash tunnel; 3) reduce noise by installing a central vacuum system; and 4) reduce the overall intensity of the carwash by demolishing the self-service carwash bays.

The Project is also consistent with several other recommendations of the Pike Plan as follows:

- The Pike Plan also recommends making the corridor more “environmentally friendly,” including through the reduction of impervious surfaces. *Id.* at 3-3. The Project will reduce impervious surfaces.
- The Pike Plan recommends supporting and continuing the “Pike’s commercial and retail success.” *Id.* at 3-5. The carwash on the Property is part of the successful commercial fabric of the Rockville Pike corridor.
- The Pike Plan recommends ensuring a mix of uses. *Id.* at 4-32. The carwash use contributes to the overall mix of uses within the plan area.

- The Pike Plan recommends ensuring adequate public facilities. *Id.* at 4-34 – 35. The Project reduces the burden on the City’s public facilities. As shown on the Comprehensive Transportation Review Scoping Form included with this Application, the Project will reduce the number of trips to the Property. Additionally, as discussed in the Traffic Report, on-site queuing and loading are designed to avoid placing additional burdens on the City’s street network.
- The Pike Plan envisions that, as its implementation continues, less parking than currently required will be needed. *Id.* at 4-40. The Project provides less parking than required³ because the Property is located within convenient walking distance of a number of transportation options, including the Twinbrook Metro Station. In the Applicant’s experience, employees utilize mass transit. Customers do not require parking, as there is no reason for them to linger on the Property after cycling through the wash tunnel and vacuuming their vehicles.

2040 Plan

The 2040 Plan places the Property in Planning Area 9 – Rockville Pike. 2040 Comprehensive Plan, pg. 351. The Property is designated as “Office Commercial Residential Mix” (“OCRM”) on the Land Use Policy Map. 2040 Plan, pg. 257. OCRM “is the most flexible category, allowing a wide choice in mixing office, commercial, and residential uses. Uses such as research & development, breweries, distilleries, and small manufacturing may be appropriate if they do not adversely impact surrounding properties.” 2040 Plan, pg. 252. Other than this land use designation, the 2040 Plan does not provide further specific recommendations for the Property.

In general, the 2040 Plan articulates the goal of supporting a robust commercial base. The 2040 Plan defines commercial uses to include “all types of businesses that provide direct customer services and sales.” 2040 Plan, pg. 42. This would include the mechanical carwash use on the Property, which provides vehicle cleaning services to its customers. The Project will improve the appearance and function of the carwash, thus ensuring its ability to serve customers for years to come as part of the City’s “robust commercial base.”

- vi. *For nonconforming alteration approvals that trigger conformance with current parking requirements pursuant to article 16, the Planning Commission may waive the current parking requirement and allow the maintenance of the existing nonconforming parking status through the grant of the nonconformity alteration approval, if the Commission finds that:*

³ As discussed in this Justification Statement, the Zoning Ordinance allows the Planning Commission to approve less than the required number of parking spaces because the Property’s pedestrian access is within seven-tenths of a mile of the Twinbrook Metro Station entrance.

- 1. It is not practicable to provide the required parking onsite in a manner that preserves neighborhood character;*
- 2. Preserving the nonconforming parking status is the best solution to provide consistency with the goals, policies, and intent of the plan.*

Under the current parking standards, 17 parking spaces are required. 13 parking spaces are proposed. However, because the Property is zoned MXTD and its main pedestrian access is located within seven-tenths of a mile (3,696 feet) walking distance of the Twinbrook Metro Station, the Planning Commission may reduce the minimum parking requirement. Zoning Ordinance § 25.16.03(h)(1)(a). The Applicant requests that the Planning Commission approve such a reduction. As previously noted, in the Applicant's experience, the 15 on-site employees generally take public transit rather than driving to work. Customers of the carwash have no reason to park on-site. Rather, they cycle through the wash tunnel, vacuum their vehicles, and then leave. Therefore, parking will be adequate as proposed.

The current parking requirements also require that the Applicant provide reservoir or queuing spaces equal to five times the simultaneous capacity of the carwash. Per the calculation on the Site Plan, 32 reservoir spaces are required and 32 are provided.

Compliance with Site Plan Findings - Section 25.07.01.a.3(a) of the Zoning Ordinance

- i. Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development;*

As noted above, the Project consists of improvements to the existing carwash, which will have a positive impact on the health and safety of those working in the neighborhood. Chiefly, by razing the self-service carwash, the intensity of the use will be diminished in terms of the number of vehicular trips to the site and the hours of operation. Additionally, improvements to the onsite circulation and operational improvements for the carwash will increase the efficiency with which drivers access the Property, minimizing the risk of off-site queuing. In particular, the Project moves vacuum and full-service operations to after patrons cycle through the wash tunnel. This operational change will minimize the chances of off-site queuing for the carwash use. Finally, noise impacts of the Project will be minimal. In particular, the proposed vacuum system is designed to be relatively quiet in that the central vacuum system and its motors will be located inside an equipment room. The individual vacuum stations outside the building will be powered by the central vacuum and, in and of themselves, will produce very little noise.

- ii. *Be detrimental to the public welfare or injurious to property or improvements to the neighborhood;*

The Project will enhance the public welfare and benefit the improvements in the surrounding area. As detailed above, the Project will improve the function of the existing carwash on the Property and is, therefore, beneficial to the public welfare. The carwash use is wholly compatible with the adjacent commercial uses that include various retail and office uses, as well as the Metrorail and CSX tracks. Further, the carwash use complements nearby multifamily residential uses by providing conveniently located car cleaning services. Additionally, as described in detail above, the Project entails operational improvements to the carwash, as well as the demolition of the self-service carwash, which will result in a reduction in the intensity, noise, and hours of the use.

- iii. *Overburden existing and programmed public facilities as set forth in [article 20](#) of this chapter and as provided in the adopted adequate public facilities standards;*

The Project will be served by adequate public facilities in accordance with the City's Adequate Public Facilities Ordinance (codified in Article 20 of the Zoning Ordinance) and Adequate Public Facilities Standards ("APFS").⁴ As shown in the Comprehensive Transportation Review scoping form submitted with this Application, the Project will not burden the traffic and transportation infrastructure. In fact, due to the razing of the self-service carwash bays, the Project will result in net negative peak hour and Saturday trips to and from the Property. Furthermore, as discussed in the Transportation Report, the Project will improve circulation and access such that queuing for the carwash will not burden the adjacent street network.

The Project will also be served by existing public water and sewer facilities, which are adequate, as well as adequate public safety and fire and rescue facilities. The nearest fire station is approximately 0.3 miles away. The nearest police station is approximately 2.8 miles away.

- iv. *Adversely affect the natural resources or environment of the City or surrounding areas;*

The Project will not adversely affect the natural resources or environment of the City or surrounding areas. The Project results in a reduction in impervious surface on the Property. As shown on the Stormwater Management Concept Plan submitted with this Application, the existing stormwater management facilities are adequate to serve the Project. Furthermore, as shown on the Preliminary Forest Conservation Plan included with this Application, the Project complies with the City's forest conservation requirements.

⁴ Under Section 25.20.01.b of the Zoning Ordinance, any development within the City must comply with the APFS.

v. *Be in conflict with the Plan;*

As discussed above, the Project is not in conflict with the Pike Plan or the 2040 Comprehensive Plan.

vi. *Constitute a violation of any provision of this Chapter or other applicable law; or*

The Project will comply with the Zoning Ordinance and other provisions of applicable law. The Project consists of revisions to a non-conforming use that also includes development standards non-conformities. Pursuant to Zoning Ordinance § 25.08.06(f)(1), these nonconformities may continue unless “more than fifty (50) percent of the gross floor area of a building or structure, or more than fifty (50) percent of the net lot area of a site, that includes a development standards nonconformity [. . .] [i]s altered or reconstructed.” The Project does not entail alteration of more than 50% of the gross floor area or 50% of the net lot area of the Property. Therefore, it need not comply with the MXTD zone standards.

As noted above, adequate parking is also provided. While 17 spaces are required and 13 spaces are provided, the Applicant is requesting that the Planning Commission approve an four space reduction in the parking requirement pursuant to Section 25.16.03(h)(1)(a) of the Zoning Ordinance. The Applicant believes such a reduction is appropriate given the Property’s location within seven-tenths of a mile from the Twinbrook Metro Station entrance.

Additionally, the Project achieves compliance with the applicable provisions of Article 17 of the Zoning Ordinance, as applicable.⁵ As shown on the Landscape Plan, the Project provides all required landscape and screening in accordance with the City’s Landscaping, Screening and Lighting Manual and the Forest and Tree Preservation Ordinance (Chapter 10.5 of the City Code). Additionally, the proposed dumpster will be screened by enclosures, as required. Zoning Ordinance § 25.17.02(e).

vii. *Be incompatible with the surrounding uses or properties.*

The Project is surrounded by properties which are in City and County mixed-use zones that are largely improved with commercial uses, with the exception of the condominium building located across Bou Avenue from the Property. The Project will improve the function of the existing carwash on the Property, allowing for a more convenient experience for carwash users. In particular, the Project will reduce noise, hours of operation, the potential for off-site queuing, and traffic associated with the carwash use. This will make the carwash use more compatible with the surrounding uses and properties.

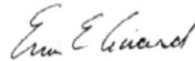
⁵ The Project will provide 18.54% open space – more than the 15% required within the MXTD zone. However, the existing development currently does not conform to the MXTD zone standards for public use space.

Conclusion

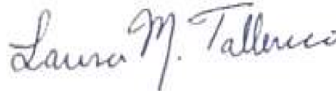
As reviewed above, the Project, as proposed in the Application, complies with relevant provisions of the City Code and applicable laws, and will be compatible with surrounding uses and properties. The Applicant looks forward to working with the City to advance the Project through the development review process.

Sincerely,

MILES & STOCKBRIDGE P.C.



Erin E. Girard



Laura M. Talerico

Attachment

cc. Mr. Nelson Ortiz
Mr. Guy Paolozzi
Mr. Devid Malek
Mr. Herbert McClary
Mr. Michael Norton
Ms. Pranisha Karanjit
Mr. Bhoopendra Prakash



City of
Rockville
Get Into It

111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000
www.rockvillemd.gov

October 18, 2021

Jamie N. Miller
Miles & Stockbridge
100 Light Street
Baltimore, Maryland 21202

Re: Zoning Confirmation for 975 Rollins Avenue, Rockville, Maryland 20852

Dear Ms. Miller:

In response to your request for a zoning confirmation letter regarding the above-referenced property, the following is provided.

1. The property is located in the MXTD (Mixed-Use Transit District) Zone, pursuant to the City of Rockville Zoning Ordinance and Zoning Map, both of which were adopted on December 15, 2008, and became effective on March 16, 2009, as amended. A mix of residential, retail and office uses are permitted in the zone, per Sec. 25.13.03.
2. Use and development of the site as a mechanical car wash is not permitted in the MXTD Zone, and as such the use of the property is considered to be nonconforming. As such, any proposed alteration, expansion or enlargement of a nonconforming use must comply with the nonconforming use approval requirements in Sec. 25.08.08 of the Zoning Ordinance. The nonconforming use may continue to exist but the right to continue expires if damage or destruction of the building exceeds 50 percent of the structure; the nonconforming use is replaced by a permitted, conditional or special exception use, or the use ceases for at least three calendar months, which may be extended per Sec. 25.08.05.c.
3. The use of the subject property was approved by Special Exception SPX1998-00269, which was approved by the City of Rockville Board of Appeals on June 5, 1999. Development of the property is also governed by Use Permit USE1999-00603, which was approved by the City of Rockville Planning Commission on March 22, 2000. The approval allowed for construction of a mechanical and self-service car wash facility on the subject property. Copies of the approval letters and the approved site plan are enclosed.
4. The property is a record lot known as Parcel E of the Washington-Rockville Industrial Park subdivision. The lot was recorded as Plat 22066 on December 21,

2021. As such, the property may be conveyed without further subdivision approval.
5. The property appears to comply with general development standards and requirements for the use. However, the zoning regulations that apply to this property have changed since approval of the governing Use Permit, and the site may not comply with certain requirements of the City's current Zoning Ordinance, such as requirements for public use space and parking lot landscaping and buffering, which did not exist when the development was approved. If the property were to be occupied by a conforming use, the provisions related to development standards nonconformities (Sec. 25.08.06) would be applicable.
 6. As of this writing, there are no zoning, fire or building code violations for the subject property, nor are there past violations that remain unabated.

Should you have additional questions, please feel free to contact me at 240-314-8211 or by email at jwasilak@rockvillemd.gov.

Sincerely,



R. James Wasilak, AICP
Chief of Zoning

Enclosure: Approval letters and use permit plan



City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364

Community Planning and
Development Services
(301) 309-3200
TDD (301) 309-3187
FAX (301) 762-7153

Inspection Services
(301) 309-3250

Planning Division
(301) 309-3200

Landlord Tenant
(301) 309-3200

June 30, 1999

c/o Mr. Donald Hinton
L and T, L.L.C.
200-B Monroe Street
Rockville, Maryland 20854

Re: Special Exception SPX98-0269
n/e corner of Chapman & Bou Avenues

Dear Mr. Hinton:

At its June 5th 1999 meeting, the City of Rockville Board of Appeals held a public hearing on your application request. The request is a proposal to develop the referenced property for the use and operation of a mechanical and self-serve car wash facility, to be located within the requested RPC (Rockville Pike Commercial) zone. The Board voted to approve the application request for the reasons as stated in the staff report, the evidence provided, and testimony presented at the public hearing. The approval of the application is subject to the following conditions:

1. Approval of annexation petition ANX97-0125 by the Mayor and Council, subject to all conditions and/or agreements related to the annexation approval. Special exception approval is effective as of the effective date of the annexation.
2. The project must be developed in accordance with requirements of the City's Forest and Tree Preservation Ordinance. The proposed site landscape plan should be incorporated and/or coordinated with the site Forest Conservation Plan.
3. In accordance with Section 25-438(d) of the City's Zoning Ordinance, not less than 10 percent of the net lot area must be landscaped. The applicant must replace any plantings that may be removed to accommodate future site frontage road widening and improvements, insuring the subject site complies with said requirements of the Ordinance.
4. In addition to the plantings and screening set forth in the plans submitted in connection with the special exception application, fencing and/or supplemental plantings must be installed along the site's northern property line, to serve as visual and physical screening between the proposed site use and abutting land uses to the north.
5. All activities related to the car wash business must take place on the site and not on public street rights-of-way.
6. When customer demand is high, the applicant shall assign an employee to continually monitor the number of customer vehicles waiting to access the wash facilities and insure that there is no traffic queuing of customer vehicles into abutting public street rights-of-way (r/w). At such time when customer demand is high, a temporary sign, the contents of which shall be subject to approval by the Sign Review Board, shall be deployed by the

MAYOR
Rose G. Krasnow

COUNCIL
Robert E. Dorsey
Glennon J. Harrison
James T. Marrinan
Robert J. Wright

CITY MANAGER
W. Mark Pentz

CITY CLERK
Claire F. Funkhouser

CITY ATTORNEY
Paul T. Glasgow

applicant, advising motorists that queuing of traffic on Chapman and Rollins Avenue is prohibited.

7. The applicant will make a monetary contribution in the amount of \$30,000 payable to the City of Rockville for street improvements, including the construction of sidewalk along the site's Chapman and Bou Avenues street frontages and for construction of a bike trail along the west-side of Chapman Avenue, the section located between Twinbrook Parkway and Bou Avenue. This monetary contribution will be held in escrow and later forwarded to Montgomery County at the time these two streets are improved, widened, and reconstructed in accordance with county public road standards.

Note, the applicant will also be responsible for any additional monetary contribution as may be required by the annexation agreement that will be approved in conjunction with ANX97-0125.

8. Applicant will make a payment of ten (10) cents a square foot of proposed building space, per year, to be applied toward a transportation management program for ten (10) years.

9. Proposed site lighting must be installed and directed inward on the subject site, so as to not create glare on the planned residential (apartment) units that will be constructed on the neighboring Montrose Crossing Shopping Center site, or other existing and planned uses on adjacent sites.

10. The proposed site use must be operated in substantial accordance with the information described in the subject special exception request and per the plans submitted with the request, including right-of-way dedication as shown by the cross-hatching on the special exception plans.

11. Hours of operation will be limited to the following: a) 7:00 a.m. to 7:00 p.m. for the proposed mechanical car wash facility, and b) 7:00 a.m. to 11:00 p.m. for the self-service car wash facility.

12. At the time of use permit, the Department of Public Works will determine the need for dedication of right-of-way for widening Rollins Avenue, for which the applicant is responsible.

The Board's decision and action was based on the following evidence of record and findings of fact:

1. While the subject property has yet to be formally annexed from the County into the City, the City's Master Plan designation of the site area in which the property is located is for Rockville Pike Corridor Mixed Use Development land usage. The Board was informed by staff that the applicant's annexation agreement will be considered by the Mayor and Council in the near future. If found to be acceptable by the Mayor and Council, a

resolution will be adopted formally approving both the agreement and associated annexation petition. Upon annexation, the property will be assigned the RPC (Rockville Pike Commercial) zoning classification. To insure the site use complies with applicable requirements of the Ordinance and other laws of the City, the applicant's special exception approval officially becomes effective at the time the property is formally annexed into the City, with the requested RPC zoning classification.

2. Based on the physical and commercial character of the site area, it was the determination of the Board that the planned use was an appropriate use of the subject property. There was no evidence presented that the use will adversely affect the health and safety of persons working, visiting, and/or patronizing businesses within the site area. However, in discussing the development proposal's traffic study and its assessment of impacts on abutting street intersections, the Board questioned whether the level of service that those intersections presently operate at would be reduced or adversely impacted by vehicular traffic generated by the operation of the proposed car wash facility. The applicant's traffic consultant testified that based on his traffic analysis, vehicular traffic generated by the planned use should not substantially impact or lower the level of service at which those street intersections now operate. While staff affirmed in principal, the consultant's assessment, it was noted that the capacity of the intersection of Rollins and Chapman Avenues would be greatly impacted by site generated traffic. To insure that this street intersection operate safely and efficiently, the applicant will be required to dedicate additional right-of-way (r/w) on the north side of Rollins Avenue, install a new right turn lane, if the Department of Public Works finds that such improvements are needed to insure the intersection operates at an acceptable and safe level of service.

While traffic generation in and around the site area was of primary concern, other issues and concerns raised by the Board of Appeals included but were not limited to the following: proposed site lighting and landscaping, layout and design of the site, methods for deterring traffic queuing of customer vehicles into abutting public street r/w, design features of car wash building facilities, method for recycling of waste wash from wash facilities, etc. The applicant and/or his consultant/s responded to each of those concerns. The applicant noted that the proposed wash facilities had been designed based on his numerous years of business experience and in conjunction with city and county staff input. For example, the proposed on-site vehicle stacking lanes are designed to accommodate 72 vehicles, thus making it unlikely that vehicles will stack out into abutting public street r/w. Further, the applicant affirmed that an employee will be assigned to monitor onsite-stacking lanes during periods of high customer usage to make certain that vehicles are not stacking up onto the abutting street r/w, when attempting to access the wash facilities.

3. In rendering its decision in this special exception case, respective Board members noted that many of their concerns regarding the planned site development and future operational activities of the car wash, would be addressed via the applicant's compliance with the conditions of approval of the subject application request. At this initial stage in the land development process, the Board found no evidence presented that the site use would greatly overburden public facilities, be detrimental to the use or development of

Donald Hinton

Page 4

June 30, 1999

neighboring properties, or alter the character of the site area. In accordance with the evidence and testimony provided the Board found that the proposed use was needed due to an insufficient number of similar uses in the city. It was further determined that the applicant's special exception petition satisfied applicable findings of Section 25-353 of the Zoning Ordinance, i.e., special development and use standards applicable to the planned site use. The Board voted to approve SPX98-0269 subject to the conditions as referenced in this correspondence. Lastly, it is important to note that the special exception becomes effective on the date the applicant's pending annexation petition ANX97-0125 becomes effective, as per the Mayor and Council's approval.

The applicant is advised that the Board's action does not constitute approval by any agency or department having regulatory authority over the project development or operation of the proposed business use. Section 25-54 of the Ordinance requires **a use permit must be filed within six (6) months of the date of the Board's decision or application approval will expire.** If however, the applicant can show good cause the Board may grant a total of two (2) time extensions, each not to exceed six (6) months respectively.

By Direction of the City of Rockville
Board of Appeals

Castor D. Chasten

Castor D. Chasten
Staff Liaison

/cdc

cc: Board of Appeals
Planning Commission
John DiGiovanni, Montgomery Co. Dept. of Public Works & Transportation
Linda Mac Dermid, Chief of Inspection Services
Claire Funkhouser, City Clerk
Paul Glasgow, City Attorney
Margaret Hall, Planner I
Jody Kline, Miller, Miller, & Canby
Kathleen Mitchell, Director of Community Planning & Dev. Services
Robert Spalding, Chief of Planning
Bob Van Zant, Public Works Administrator

March 24, 2000

City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364

Community Planning and
Development Services
(301) 309-3200
TDD (301) 309-3187
FAX (301) 762-7153

Inspection Services
(301) 309-3250

Planning Division
(301) 309-3200

Landlord Tenant
(301) 309-3200

Don V. Hinton
L and T, L.L.C.
785 Hungerford Drive
Rockville, Maryland 20850

Re: Use Permit Application USE99-0603
Northeast corner of Chapman and Bou Avenues

Dear Mr. Hinton:

At its March 22, 2000 meeting, the City of Rockville Planning Commission considered and voted to approve the referenced application request subject to certain conditions. The Commission's approval allows for the subject property, which is located in the RPC (Rockville Pike Commercial) zone to be redeveloped for the operation of a mechanical and self-serve car wash facility, as described in the evidence presented and testimony provided at the Commission's afore referenced meeting. The Commission voted to approve the application subject to the applicant's compliance with the following conditions:

1. The applicant must submit to the Chief of Planning eleven (11) copies of the site and building plans revised to illustrate that the following site development issues have been satisfactorily addressed:

a. The following notes are to be added on the site grading and layout plan: a) The business use will be operated in substantial accordance with the descriptions and representations set forth in the applicant's previously approved Special Exception SPX98-0269, i.e., hours of operation, number of employees, monitoring of customer vehicles to insure customer vehicles waiting for service do not form queues into abutting public street rights-of-ways, etc. b) The applicant and/or his assigns will comply with all agreements and terms of the property's annexation agreement, associated with the Mayor and Council's approval of Annexation Petition ANX97-0125.

b. The project must be developed in accordance with requirements of the City's Forest and Tree Preservation Ordinance. The proposed site landscape plan should be incorporated and/or coordinated with the site's Forest Conservation Plan.

c. In accordance with Section 25-438(d) of the City's Zoning Ordinance, not less than 10 percent of the net lot area of the subject property must be landscaped. The landscape plans must denote the percentage of site landscaping required and provided. Also, the applicant must replace any plantings that may be removed to accommodate future site frontage roadway widening and improvements, insuring the subject site complies with requirements of the Ordinance.

MAYOR
Rose G. Krasnow

COUNCIL
Robert E. Dorsey
Glennon J. Harrison
James T. Marrinan
Robert J. Wright

CITY MANAGER
W. Mark Pentz

CITY CLERK
Claire F. Funkhouser

CITY ATTORNEY
Paul T. Glasgow

- d. In addition to proposed plantings, if fencing is to be provided along the site's northern property line, an elevation drawing denoting the height and type of fence to be constructed along said lot line should be provided on the landscape plan.
- e. All activities related to the car wash business must take place on the site and not on public street rights-of-way.
- f. The applicant will make a monetary contribution in the amount of \$30,000 payable to the City of Rockville for street improvements, including the construction of sidewalk on the site's Chapman Avenue and Bou Avenue street frontages and for construction of a bike trail along the west-side of Chapman Avenue, the section located between Twinbrook Parkway and Bou Avenue. This monetary contribution will be held in escrow and later forwarded to Montgomery County at the time these two streets are improved, widen, and reconstructed in accordance with County public street standards.
- g. Applicant will make a yearly payment to the City of Rockville of ten (10) cents a square foot of proposed building space, for a period of ten (10) years, to be applied toward a transportation management program. Payment will commence at the time occupancy permits are issued for the proposed applicant business.
- h. Add the following note to the proposed site lighting plan: "Proposed site lighting will be installed and directed inward on the subject site, so as to not create glare on the planned residential (apartments) units that will be constructed on the neighboring Montrose Crossing Shopping Center to the south of the subject site, or other existing and planned uses on adjacent sites."
- i. The five (5) foot future right-of-way area along the site's Bou Avenue frontage must be clearly shown and denoted on the site grading and layout plan.
- j. If the applicant installs a flag pole on the subject site, it may not exceed 30 feet in height, as measured from the surface grade of the site area where located.

2. The Department of Public Works (DPW) requires the following information be provided and/or action taken:

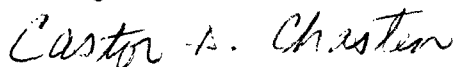
- a. Post bonds and obtain applicable permits from DPW for public improvements, sediment control, and stormwater management.
- b. On-site stormwater management must be designed for both quantity and quality control. Note, wash water used in the operation of the proposed business facility must be recycled.
- c. Appropriate permits must be obtained from Montgomery County Department of Public Works & Transportation for work within county rights-of-way (r/w) and for connection to county storm drain system.

- d. In accordance with previously approved SPX98-0269 and ANX97-0125, appropriate street right-of-way must be dedicated on Rollins, Chapman, and Bou Avenues. Note, in the event Montgomery County widens Bou Avenue along the southeastern side of the property in an amount greater than 35 feet from the center line of Bou Avenue, the subject property owner/s or their assigns, shall negotiate diligently and in good faith with the County, so that it may purchase an additional five (5) feet of right-of-way from the subject property, for the planned construction of the County's Bou Avenue-Nebel Street extension project.
- e. Sidewalk must be provided within the city's r/w on Rollins Avenue and the site entrance constructed per City of Rockville design standards.
- f. Traffic control and markings on Rollins Avenue will be determined and directed by DPW.

3. In accordance with the City Forest and Tree Preservation Ordinance, the applicant must submit a "forest conservation plan" for review and approval. At issue with the subject development proposal, is the need for off-site reforestation requirements and the difficulty of finding locations for such reforestation.

The applicant should be advised that Section 25-193(d) of the Zoning Ordinance require **"construction or operation of the proposed site use must commence within two (2) years of the date of the application's approval or the use permit becomes void."** However, if the applicant can show good cause the Planning Commission may grant a total of two (2) time extensions, each not to each one (1) year in duration.

By Direction of the City of Rockville
Planning Commission



Castor D. Chasten
Planner III

/cdc

cc: Board of Appeals
Planning Commission
John DiGiovanni, Mont.Co. Dept. of Pub.Works & Transportation
Linda Mac Dermid, Chief of Inspection Services
Paul Glasgow, City Attorney
Jody Kline, Miller, Miller & Canby
Steve Mader, City Forester
Julia Novak, Deputy City Manager
Robert Spalding, Chief of Planning
Mark Wessel, Civil Engineer – DPW
Margaret Kaii Ziegler, Mont.Co. Dept. of Park & Planning

P.S. Applicant must read and return the following statement:

Note: Building permits will be issued only when all of the afore noted conditions of approval have been met/satisfied and a copy of the following acknowledgement has been signed/executed by the applicant and returned to the City's Community Planning Office. Please be advised that Commission approval does not constitute approval by any other agency or department having jurisdiction over the proposed site development and or use.

I ACKNOWLEDGE RECEIPT OF USE PERMIT USE1999-0603 AND AGREE TO FULLY COMPLY WITH ALL CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE PLANNING COMMISSION.

(Applicant's Signature)

(Please Print – Applicant's Name)

SITE DATA

GROSS TRACT AREA = 2.29 ACRES
 ZONING: ROCKVILLE PIKE CORRIDOR
 PROPOSED USE: CAR WASH
 PARKING PROVIDED: 27
 HANDICAP PARKING PROVIDED: 2
 STACKING SPACES PROVIDED: 72
 FINISHING SPACES PROVIDED: 30

CONSTRUCTION NOTES

- PRIOR TO THE CLEARING OF TREES, INSTALLATION OF SEDIMENT CONTROL MEASURES, OR GRADING, A PRE-CONSTRUCTION MEETING MUST BE CONDUCTED ON-SITE WITH THE CITY OF ROCKVILLE SEDIMENT CONTROL INSPECTOR (301-304-3339) AND THE CITY FORESTER (301-304-3030). 48 HOUR NOTICE IS REQUIRED.
- ALL CONSTRUCTION TO BE PERFORMED IN ACCORDANCE WITH APPLICABLE CITY OF ROCKVILLE, MONTGOMERY COUNTY, AND MARYLAND STATE HIGHWAY ADMINISTRATION STANDARDS AND SPECIFICATIONS.
- ALL CURB AND GUTTER TO BE FICDOT STANDARD MC-100.01
- ALL SIDEWALK TO BE 4" THICK, MSHA #2 CONCRETE, PER MC-100.01.
- ALL ON-SITE BITUMINOUS CONCRETE PAVEMENT TO CONSIST OF 3" BASE COURSE AND A 2" SURFACE COURSE PLACED ON AN APPROVED 4" GRAVEL (CR6) BASE. PAVEMENT IN CITY RIGHT-OF-WAY SHALL BE PER CITY OF ROCKVILLE STANDARD DETAIL #48.
- INFORMATION CONCERNING UNDERGROUND UTILITIES HAS BEEN OBTAINED FROM AVAILABLE RECORDS. CONTRACTOR SHALL VERIFY EXACT LOCATION OF ALL UTILITIES AS REQUIRED FOR CONSTRUCTION OF IMPROVEMENTS.
- WHERE PROPOSED CONSTRUCTION MEETS EXISTING PAVEMENT OR SIDEWALK, THE LINE AND GRADE OF THE PROPOSED CONSTRUCTION SHALL BE ADJUSTED AS REQUIRED TO PROVIDE A SMOOTH TRANSITION HORIZONTALLY AND VERTICALLY TO MEET EXISTING GRADES OR AS DIRECTED BY THE CITY OF ROCKVILLE INSPECTOR.
- BEFORE BEGINNING CONSTRUCTION, CONTACT "MISS UTILITY" AT 1 (800) 257-7777 AND THE CITY UTILITIES SUPERINTENDENT AT (301) 304-3048 AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION OR CONSTRUCTION.
- ALL FINAL GRADING SHALL BE ACCOMPLISHED SO AS TO PRECLUDE THE PONDING OF WATER.
- COORDINATE ALL WORK WITH ALL TRADES. SEE ARCHITECTURAL AND T/E/P DRAWINGS FOR ADDITIONAL INFORMATION.

SIGNAGE NOTES

- CONTRACTOR SHALL CLEAR VEGETATION AS REQUIRED FOR PROPER SITE DISTANCE AT THE INTERSECTION OF ROLLINS AVENUE AND CHAPMAN AVENUE (BOTH SIDES) AS DIRECTED BY CITY OF ROCKVILLE DPM.
- SIGNAGE INDICATED SHALL BE PROVIDED IN CONJUNCTION WITH AND COORDINATED WITH OWNERS REQUIRED FACILITY SIGNAGE.

GRADING AND LAYOUT PLAN

SCALE: 1" = 30'

GENERAL NOTES

- THE BUSINESS USE WILL BE OPERATED IN SUBSTANTIAL ACCORDANCE WITH THE DESCRIPTIONS AND REPRESENTATIONS SET FORTH IN THE APPLICANT'S PREVIOUSLY APPROVED SPECIAL EXCEPTION SP908-0264, I.E. HOURS OF OPERATION, NUMBER OF EMPLOYEES, MONITORING OF CUSTOMER VEHICLES TO INSURE CUSTOMER VEHICLES WAITING FOR SERVICE DO NOT FORM QUEUES INTO ADJUTING PUBLIC STREET RIGHT-OF-WAYS, ETC.
- THE APPLICANT AND/OR HIS ASSIGNEES WILL COMPLY WITH ALL AGREEMENTS AND TERMS OF THE PROPERTY'S ANNEXATION AGREEMENT, ASSOCIATED WITH THE FAVOR AND COUNCIL'S APPROVAL OF ANNEXATION PETITION ANX97-025.
- ON-SITE STORMWATER MANAGEMENT HAS BEEN PROVIDED FOR BOTH QUALITY AND QUANTITY CONTROL. SEE DWS C-7, D & 9.
- WASH WATER USED IN THE OPERATION OF THE FACILITY MUST BE RECYCLED. SEE DWS C-12 FOR ADDITIONAL INFORMATION.
- TRAFFIC CONTROL AND MARKINGS ON ROLLINS AVENUE SHALL BE DETERMINED AND DIRECTED BY CITY OF ROCKVILLE DPM. USE THERMOPLASTIC LANE MARKINGS AS INDICATED ON PLAN. MATERIAL FOR THIS WORK SHALL MEET THE REQUIREMENTS OF AASHTO M249.

MA Engineering Consultants, Inc. ENGINEERS PLANNERS SURVEYORS DESIGNATORS 200 N. LITTLE FALLS ST., SUITE 100 FALLS CHURCH, VA 22044 PHONE: (703) 841-1981 FAX: (703) 841-1982 E-MAIL: info@maec.com		PROJECT NO. 99003SP1 SHEET NO. C-2 DATE 10/01/2000
BOU PROPERTY CAR WASH ROCKVILLE, MD		10/01/2000

MAEC FILE #99003SP1



ANNEXATION AGREEMENT -- ANX97-0125
 SPECIAL EXCEPTION (SP908-0264)

GRADING AND LAYOUT PLAN

FLAGSHIP CARWASH CENTER
 BOU PROPERTY
 ROCKVILLE, MARYLAND

PREPARED FOR

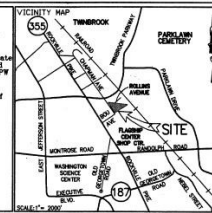
L & T, LLC
 C/O MR. DON HINTON
 785 HUNGERFORD DRIVE
 ROCKVILLE, MARYLAND
 TEL: (301) 738-2010



811 RUSSELL AVENUE
 SUITE 303
 GAITHERSBURG, MD 20879
 FAX: (301) 918-8844
 TEL: (301) 516-0650
 E-MAIL: HAINES@GMAIL.COM

REVISIONS

- 8/7/2000 Revised per City of Rockville Planning Commission comments on 3/22/2000.
- 10/2/2000 Revised to incorporate architectural modifications and to address City of Rockville DPM comments.
- 12/21/2000 Revised per City of Rockville DPM final review comments.



WATERSHED	ROCK CREEK	WATER CLASS	2
TRIBUTARY	#9	200 SHEET	215N06
TAX MAP	00563	200 SHEET	215N06
SCALE	1"=30'	DATE	OCTOBER 2000
PROJECT	99009	SHEET NO.	2 of 15