

LAND USE REPORT

JULY 26, 2024

This Land Use Report is submitted on behalf of 26203 Ridge, LLC doing business as Sam's Car Wash (the "Petitioner") in connection with its request pursuant to Section 7.3.1 of the Montgomery County Zoning Ordinance ("Zoning Ordinance") to permit a car wash use (per Section 3.5.13.B of the Zoning Ordinance) at the property located at 26203 Ridge Road in Damascus, Maryland (the "Property") (the "Project"). The Petitioner is proposing to redevelop the Property with express car wash including vacuuming/detailing stations.

As discussed in this Report, the proposed use will satisfy the applicable development standards of the underlying Commercial/Residential Town ("CRT") Zone and the use standards contained in Section 3.5.13.B (as applicable). The Project substantially conforms to the *2006 Approved and Adopted Damascus Master Plan* (the "Master Plan").

I. DESCRIPTION OF PROPERTY AND SURROUNDING AREA

a. Property Location, Characteristics, and Existing Conditions

The Property is located along Ridge Road (MD-27), approximately 200 feet southwest of Damascus Boulevard. The Property has a net lot area of approximately .89 acres, and is more particularly known as Parcel "A" in the "Damascus" subdivision as recorded among the Land Records of Montgomery County, Maryland at Plat No. 12452.

The Property is currently improved with a single-story bank building with three drive-thru lanes located under a canopy structure and associated surface parking. Per State Department of Assessment and Taxation records, the existing building is approximately 3,473 square feet of above-grade floor area.

The Property is surrounded by CRT zoned properties. Confronting the Property, across Ridge Road, are multiple commercial properties including a single story commercial building, a building supply company, a home improvement company, two small commercial buildings, and a gasoline station. Abutting the Property to the north is a small, two story commercial building and an automotive service center. Beyond the commercial building and service center, there is a local

fast-food restaurant, a gas station, and an automotive parts store. Directly to the east is a property owned by WSSC, on which is sited the iconic Damascus Water Tower. Immediately to the south of the Property is a County owned storage warehouse facility which houses County vehicles, a salt dome, and a fueling station. Farther beyond to the south is a Starbucks with a drive-thru, a single-story commercial building, and a large commercial center.

b. Zoning and Permitted Uses

The Certified Zoning Map, submitted concurrently with this Report, confirms the Property is currently zoned CRT-1.75, C-1.0, R-0.75, H-55T. Pursuant to Section 59.3.1.6 of the Zoning Ordinance a Car Wash is permitted as a Conditional Use within the CRT zone, subject to the requirements contained in Section 3.5.13.B of the Zoning Ordinance. The Petitioner is seeking to obtain approval of a Conditional Use to allow for the proposed car wash use of the Property.

II. PRIOR APPROVAL AND ZONING

On May 3, 1979, the Planning Board approved Preliminary Plan No. 119790990 for a bank use. This plan, which required dedicated right of way for the widening of Ridge Road (MD Route No. 27), created Parcel “A” that was recorded in the Land Records as Plat 12452. At the time of the Preliminary Plan approval, the Property was zoned C-2. Through the Master Plan process, the Property was rezoned to Mixed-Use Town Center Zone (MXTC) in 2006. In 2014, as part of the County-wide rezoning, the Property was rezoned to Commercial/Residential Town (CRT-1.75, C-1.0, R-0.75, H-55T).

III. REQUEST FOR CONDITIONAL USE APPROVAL

Petitioner respectfully seeks Conditional Use approval from the Hearing Examiner for a Car Wash. The existing building will be partially razed to create two structures. One portion of the existing building, located at the front of the Property, will remain and provide office space for the Project. This space will also provide future potential retail uses as demand and opportunities permit. The second portion of the existing building will be expanded to the east to create a 3,684 square foot structure that will house the car wash. Along the northern side of the new carwash structure, there will be eighteen (18) vacuum/detailing stations.

The existing vehicular access will remain unchanged as part of this application. The existing southern vehicular access will be a one way ingress which will divide into three (3) queuing lanes allowing for the stacking of roughly 30 vehicles. The property egress is the existing northern access point which will provide left and right turning opportunities out of the Property. There will be 18 parking spaces reserved for the vacuum/detailing stations and four employee parking spaces that are required per Section 6.2.4 of the Zoning Ordinance. In particular, the Zoning Ordinance requires a minimum of one parking space per each employee and there will be a maximum of four (4) employees at any given time.

A traffic statement, prepared by Galloway and submitted concurrently with this Report, determines that the proposed use will create fewer peak hour person trips than the current bank use. The arrival and departure times for the proposed car wash use are spread over the course of the day. The peak traffic is anticipated to occur during the weekend when the area wide traffic volumes are less. The Property will provide safe and efficient internal circulation on-site for the customers.

IV. STATEMENT OF OPERATIONS

The Project will provide a much needed self-service neighborhood carwash. Except for some gas station accessory use carwashes, there are no other car wash facilities in the Damascus area, of which Petitioner is aware. Detailed operational information is provided in the Statement of Operations, submitted concurrently with this Land Use Report.

Sam's Car Wash will be an express car wash that is quick, easy and fully automated. The operational process will start with the customers driving up to the self-service pay stations that are equipped with license plate recognition cameras and automatic gates for queuing. A customer service representative is there to greet the customers and answer any questions they may have, as well as aid in selecting their wash preference or signing up for a monthly membership. Following payment, customers will then be automatically queued as they circle around to enter the wash and exit in less than 5 minutes. A loader will guide the customer onto the conveyor to transport the vehicles through the wash tunnel. Customers wishing to use only the vacuum services or exit without a car wash are routed around the car wash entrance to the exit drive aisle.

V. MASTER PLAN RECOMMENDATIONS

The Property falls within the boundaries of the 2006 Damascus Master Plan and there are no site-specific recommendations for it. The Property is located within the Town Center area for which the Master Plan's major goal is to "provide opportunities for mixed-use development that enhances the ability to support more locally based retail and to provide a greater variety of housing." The Master Plan recommends that "commercial uses be concentrated with the historic core and near Main Street, while allowing a broad range of appropriate commercial, office, and residential and light industrial uses." Finally, the Master Plan seeks to protect views of Damascus focal points, including the WSSC Water Tower.

The Project supports the Master Plan's recommendations by activating an abandoned bank property with a much needed and neighborhood-serving commercial use. The Project is complementary to the adjacent industrial County uses and provides a nice transition to other commercial and residential uses in the surrounding area. The Project also respects established views of the Water Tower by maintain current building heights. For the reasons discussed herein, the proposed Conditional Use is in substantial conformance with the goals and recommendations of the Master Plan.

VI. ZONING ORDINANCE REQUIREMENTS

The Project will satisfy the applicable standards of the Zoning Ordinance for a Car Wash use in the CRT-1.75 C-1.0 R-0.75 H-55T Zone, including the Conditional Use standards set forth in Article 59-3, the development standards set forth in Article 59-4, and the general development requirements set forth in Article 59-6.

A. Compliance with Standards in Article 59-3

The Project complies with the Conditional Use standards for a Car Wash, as applicable, contained in Section 3.5.13.B.2. of the Zoning Ordinance:

- a. *Where a Car Wash is allowed as a limited use, it must satisfy the following standards:*
 - i. *When a Car Wash occupies a corner lot, driveways must be located a minimum of 20 feet from the intersection of the rights-of-way.*

The Property does not occupy a corner lot. The Property is an interior lot located on Ridge Road approximately 208 feet southwest from the intersection with Damascus Lane.

ii. Obstructions which adversely affect visibility at intersections or to the Car Wash driveways are prohibited.

The visibility from the Property driveways will not be obstructed by proposed site improvements including the proposed replacement signage. The proposed landscaping along the Property frontage have and will be maintained at a low profile allowing for full visibility of oncoming pedestrians, bicycles and vehicles.

iii. All driveways must be perpendicular to the curb or street line.

The two existing driveways will be retained for the proposed Car Wash use and are perpendicular to Ridge Road. The southern driveway will service as the ingress into the Property. The northern driveway, the Property's egress, will allow for right and left vehicular turning movements out of the Property.

iv. Vehicle stacking space must be equivalent to 5 times the vehicle capacity of the automatic car wash or 3 times the vehicle capacity of the manual car wash bays.

The proposed vehicle stacking allows for 3 lanes of 10 cars at the pay stations for a total of 30 vehicles with stacking space for 5 vehicles prior to entering the automated car wash. The proposed automated car wash will have the capacity to cycle 62 vehicles every 60 minutes through the facility maintaining no more than the maximum vehicle stacking permitted.

v. The applicant must demonstrate that the vehicles using the Car Wash will not queue off-site.

The vehicles will be processed through the automated car wash at a rate of 62 vehicles an hour. Once a vehicle moves through the car wash, the customer may move into one of the vacuuming/finishing stations to complete the cleaning process or exit the Property. Customers will be requested to limit their time vacuuming/finishing their vehicles to 2.5 minutes. The entire cleaning process is estimated to take 2.5 minutes per vehicle, moving vehicles through the process at a rate that will prevent any need for off-site queuing.

vi. Where the subject lot abuts or confronts a property zoned Residential that is vacant or improved with a residential use:

(a) All buildings must be set back a minimum of 100 feet from the abutting residential lot line; and

(b) All parking and drive aisles for vehicles must be set back a minimum of 50 feet from the abutting residential lot line.

The Property is not located abutting or confronting any residential zoning. The surrounding properties are all zoned CRT.

b. Where a Car Wash is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards and Section 7.3.1, Conditional Use.

The proposed Car Wash meets the limited use standards as listed above and Section 7.3.1, Conditional Use.

B. Compliance with Standards in Article 59-4

As demonstrated below, the Project complies with the development standards for the CRT Zone, as provided in Section 59-4.5 of the Zoning Ordinance:

TABLE 1 – ZONING ORDINANCE COMPLIANCE			
Article 59-4. Development Standards for Euclidean Zones		Permitted/ Required	Proposed
Division 4.5. Commercial/ Residential Zones	Section 4.5.3. Commercial Residential Town Zone (CRT)		
	C. CRT Zone, Standard Method Development Standards		
	1. Site	General	
	• Opens Space, tract > 10,000 SF	10%	5.6% (existing)*
	2. Lot and Density		
	• Lot (min.)		
	Lot area	N/A	38,900 SF
	Lot width at front building line	N/A	142.89'
	Lot width at front lot line	N/A	142.89'
	• Density (max)		
	Density (FAR - Commercial)	1.0 The lesser of: mapped FAR or the greater of 10,000 SF or 1.0 FAR	.112

• Coverage (max)		
Lot	N/A	11.2%
3. Placement		
Principal Building Setbacks (min)		
• Front setback	0'	30.3'
• Side setback	0'	45.6'
• Sum of side setbacks	0'	78.1'
• Rear setback	0'	58.3'
Accessory Structure Setbacks (min)		
• Front setback	0'	N/A
• Side setback	equal to Principal Building Setback	N/A
• Rear setback	equal to Principal Building Setback	N/A
Parking Setbacks for Surface Parking Lots (min)		
• Front setback	must be behind front building line of building in the BTA	14.1' (existing)*
• Side setback	must accommodate landscaping required under Section 6.2.9	Min 1' (no closer than existing conditions)*
• Rear setback	must accommodate landscaping	6.2' (existing)*

	required under Section 6.2.9	
Build-to Area (BTA, max setback and min % of building façade)		
• Front setback	20'	30.3' (existing)*
• Building in front street BTA	70%	0% (existing)*
4. Height		
Height (max)		
• Principal building Measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof <u>and</u> if lot is $\geq 40,000$ SF	55'T	30'
• Accessory Structure	55'T	N/A
5. Form		
Massing (max)		
Units permitted in one row	N/A	N/A
Building Orientation		
• Entrance facing street or open space	Required	
• Entrance spacing (max)	100'	60.2'
Transparency, for Walls facing a Street or Open Space		
• Ground story, front (min)	40%	40%
• Ground story, side/rear (min)	25%	25%
• Upper story (min)	20%	N/A
• Blank wall, front (max)	35'	10'
• Blank wall, side/rear (max)	35'	33'

Allowed Building Elements		
• Gallery/Awning	Yes	N/A
• Porch/Stoop	Yes	N/A
• Balcony	Yes	N/A

*Existing elements are permitted to remain per Section 59.7.7.1 of the Zoning Ordinance.

C. Compliance with Standards in Article 59-6

As demonstrated below, and on the attached Conditional Use Plan, the Project complies with the general development standards contained in Section 59-6 of the Zoning Ordinance:

Article 59-6 General Development Requirements		Permitted/ Required	Proposed
Division 6.1 Site Access	Section 6.1.4 Driveway Access		
	A. Driveway dimensions must satisfy the following:	One Way: 12' min.; 18' max. Two Way: 20' min. 32' max.	One Way: 21' (existing)* Two Way: 24'
	D. A maximum of 2 driveways may be permitted for every 300 feet of site frontage along any street.		Existing*
Division 6.2 Parking, Queuing and Loading	Section 6.2.4 Parking Requirements		
	Car Wash – Vehicle Parking Spaces	Baseline 1 space min.; 2.50 spaces max. (Per 1,000 SF GFA)	4 spaces (Staff) 20 spaces (Vacuum stations)

Bicycle Parking Spaces	Not required	N/A
Section 6.2.5 Vehicle Parking Design Standards		
E. Size of Spaces		
See Section 6.2.5.E for detailed requirements.	8.5 x 18 FT	8.5 x 18 feet
G. Drive Aisles		
See Section 6.2.5.G for detailed requirements.	20' min.	One Way: 12' Two Way: 24.5'
Section 6.2.9.L Parking Lot Requirements for 10 or More Spaces		
1. Landscaped Area		
<p>a. A surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5% of the total area of the surface parking lot. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.</p> <p>b. A maximum of 20 parking spaces may be located between islands.</p> <p>c. A landscaped area may be used from stormwater management ESD facility.</p>	Existing features*	
<p>2. Tree Canopy</p> <p>Each parking lot must maintain a minimum tree canopy of 25% coverage at 20 years of growth, as defined by the Planning Board's Trees Technical Manual, as amended.</p>	10% existing*	
<p>3. Perimeter Planting (not abutting an Agricultural, Rural Residential or Residential Detached zoned property that is vacant or improved with an agricultural or residential use)</p>	Yes	

	Must be a minimum of 6 feet wide, contain a hedge or low wall a minimum of 3 feet high; and have a canopy tree planted for 30 feet on center (unless the property abuts another parking lot, in which case a perimeter planting area is not required)		
	4. Lighting		
	Parking lot lighting must satisfy Section 6.4.4, General Outdoor Lighting Requirements.	Existing lighting to be utilized*	
Division 6.3 Open Space and Recreation	Section 6.3.6. Public Open Space		
	B. Design Requirements 1. Standard Method Development Under standard method development, public open space must: a. abut a public sidewalk or other public pedestrian route; b. be a minimum of 15 feet wide; c. include seating and shade; and d. be in a contiguous space.	Existing features*	
Section 6.3.8. Open Space Landscaping and Outdoor Lighting	B. Open Space Landscaping Requirements:	Native Species: Preferred Permeable Area: 10% (min) Tree Canopy: 10% (min)	Existing features*
	C. Open Space Lighting: 2.b In public open space and amenity open space, illumination at the property line must be 0.5 footcandles or less if the subject property abuts any other property, excluding street lights within the right-of-way.	0.5 footcandles or less	0.5 footcandles
Division 6.5 Screening Requirements	Section 6.5.3. Screening Requirements		
	A. Location – Applicable along lot line shared with an abutting property that is vacant or improved with agricultural or residential use.	N/A	

*Existing elements are permitted to remain per Section 59.7.7.1 of the Zoning Ordinance.

As illustrated above, the Project will satisfy applicable Zoning Ordinance requirements for a Car Wash in the CRT Zone, as applicable.

Although not addressed above, a minimal amount of signage – including the replacement of a single freestanding pole sign is proposed and is to be located in front of the building between the vehicular ingress and egress points. The Petitioner understands that any new signage to be provided on the Property will be subject to review by DPS, and must be provided in accordance with the applicable Zoning Ordinance requirements and procedures for Division 6.7.

I. REQUIRED FINDINGS (SECTION 7.3.1.E)

This Land Use Report confirms that the proposed Car Wash will satisfy the required findings for Conditional Use approval specified in Zoning Ordinance Section 7.3.1.E.

a. Section 7.3.1.E.1.a. [The conditional use] satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;

The proposed Conditional Use will replace the existing bank building. The 1979 Preliminary Plan approval allowed for a commercial use in the C-2 zone and provided right of way dedication for the widening of Ridge Road. The proposed Conditional Use will continue a commercial use on the Property. The dedication of the right of way was completed at the time of the record plat.

b. Section 7.3.1.E.1.b. [The conditional use] satisfies the requirements of the zone, use standards under Article 59-3, and applicable general requirements under Article 59-6;

As discussed fully in Section VI of this Report, the proposed use complies with the applicable requirements of the CRT Zone, including the conditional use standards for Car Wash set forth in Section 59.3.5.13.B of the Zoning Ordinance and the general requirements of Article 59-6.

c. Section 7.3.1.E.1.c. [The conditional use] substantially conforms with the recommendations of the applicable master plan;

The proposed use substantially complies with the Master Plan, as discussed in Section V of this Report.

- d. *Section 7.3.1.E.1.d. [The conditional use] is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;*

The Conditional Use will provide a community-serving use through the reuse of the existing building. The proposed site improvements will remove the existing drive-thru canopy decreasing the existing building's massing along Ridge Road. The razing of the drive-thru canopy will provide a larger view shed of the Damascus Water Tower. As such, the Car Wash will be compatible with the Surrounding Neighborhood.

- e. *Section 7.3.1.E.1.e. [The conditional use] will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;*

The Property is surrounded by CRT zoned properties. The nearest Residential Detached zone is located beyond the CRT-zoned properties confronting the Property across Ridge Road. The reuse of the existing structure and minimal modification to the façade will maintain the character of the Property. As such, the proposed Conditional Use will not have any adverse effects on the character of the surrounding area. Furthermore, as described herein, the Conditional Use substantially conforms to the recommendations of the Master Plan.

- f. *Section 7.3.1.E.1.f. [The conditional use] will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and: (i) if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, or (ii) if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage.*

A preliminary plan of subdivision was approved in 1979 and does not need to be amended as part of this Petition. As such, the Petitioner's traffic and civil engineers confirm in this Report that the Project will continue to be served by adequate public facilities.

The Traffic Statement, submitted concurrently with this Report, demonstrates that the Conditional Use will have no net increase on peak hour traffic associated with the Project. The Property is located within water and sewer categories W-1 and S-1 and is consequently served by existing water and sewer. We note that the Project will include a reclaim system with three 1,500 gallon tanks that will allow for reclamation of 90% of the water use in the wash process. Electric, gas and telecommunications services will also be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently operating in accordance with the Growth and Infrastructure Policy and will continue to be sufficient. We will be installing a reclaim system with (3) 1500 gallon tanks and will be using reclaim for 90% of the wash process

- g. Section 7.3.1.E.1.g. [The conditional use] will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories: (i) the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood; (ii) traffic, noise, odors, dust, illumination, or a lack of parking; or (iii) the health, safety, or welfare of neighboring residents, visitors, or employees.*

The Zoning Ordinance defines inherent adverse effects, as “[a]dverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or the scale of operations.” (See Zoning Ordinance Section 1.4.2). The Zoning Ordinance is clear that inherent adverse effects alone do not constitute a sufficient basis for denial of a Conditional Use, and must be evaluated in combination with non-inherent adverse effects. Non-inherent adverse effects are defined as “[a]dverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.” (See Zoning Ordinance Section 1.4.2).

This Report finds each of these inherent effects of the Conditional Use will be acceptable and appropriate for the proposed location:

- Physical Structures;
- Traffic to and From the Site by Staff and Customers;
- Noise associated with the use;
- Potential for queuing vehicles on site;
- Environmental impacts that may include fumes from idling vehicles and high water use.

Petitioner is not aware of any additional inherent effects associated with the Car Wash. As such and as illustrated above, the proposed Conditional Use will not result in adverse effects over and above the above-described inherent impacts.

Additionally, this Land Use Report has not identified any non-inherent adverse effects associated with the Conditional Use at the proposed location. This Land Use Report therefore finds that the Conditional Use will not cause undue harm to the surrounding neighborhood. The Conditional Use will not interfere with the use or enjoyment of the surrounding properties, result in undue traffic, noise, or odors, and will not interfere in any way with the health, safety, or welfare of the visitors or employees.

VII. ENVIRONMENTAL

In connection with the proposed Conditional Use application, a Natural Resources Inventory / Forest Stand Delineation was approved by M-NCPPC on March 1, 2024. The Existing Conditions Plan demonstrates that there are no forested areas on-site. There are no known rare, threatened, or endangered species on site. Due to development type, the Project is subject to the Montgomery County Forest Conservation laws and does not qualify for an exemption. A forest conservation plan is submitted as part of this application.

The Conditional Use application proposes a total of 28,702 square feet of land disturbance. As such, the Project will require stormwater management and sediment/erosion control. The Property is not in a Special Protection Area, so no separate water quality monitoring plan is required.

VIII. CONCLUSION

The Project meets or exceeds all of the criteria and standards for a Car Wash in the CRT Zone, as set forth in Divisions 59-3, 59-4, 59-6, and 59-7 of the Zoning Ordinance. For these reasons and for other reasons discussed herein, this Land Use Report supports approval of the Conditional Use as proposed.