



**Consent Item #**  
**MCPB 4-26-07**

**MEMORANDUM**

DATE: April 13, 2007  
 TO: Montgomery County Planning Board  
 VIA: Rose Krasnow, Chief  
 Development Review Division  
 FROM: Robert A. Kronenberg, Acting *RAK*  
 Supervisor  
 Development Review Division  
 (301) 495-2187



REVIEW TYPE: **Site Plan Amendment**  
 CASE #: **82005008A**  
 PROJECT NAME: Burdoft Property  
 APPLYING FOR: Amendment to 1) modify the paved section within the approved 70-foot-wide right-of-way for Vital Way and; 2) remove a sign previously approved on the site plan.

REVIEW BASIS: Div. 59-D-2.6 of Montgomery County Zoning Ordinance for Minor Plan Amendments

ZONE: C-1  
 LOCATION: Located on the southeast quadrant of the intersection with Randolph Road and Vital Way  
 MASTER PLAN: White Oak Master Plan  
 APPLICANT: Randolph New Hampshire Retail Center LLC  
 FILING DATE: December 1, 2006  
 HEARING DATE: April 26, 2007

**STAFF RECOMMENDATION:** Approval of the proposed amendments to Site Plan 820050080 and approval of the attached draft Planning Board Resolution for the Site Plan 82005008A.

## **BACKGROUND**

The Site Plan (820050080) for Burdoft Property, was presented to the Planning Board on April 21, 2005 (Planning Board Opinion dated June 6, 2005) for approval of 5,096 square feet of commercial office and 5,096 square feet of commercial retail, including restaurant use, on 0.55 acres in the C-1 Zone. The Certified Site Plan has not been approved but is required to be approved before the amended Certified Site Plan is approved.

## **PROPOSED AMENDMENT**

An amendment was filed on December 1, 2006, along with a public notice dated December 4, 2006 to adjacent and confronting property owners that outlines specific changes to the approved site plan. The changes were prompted by the Department of Public Works and Transportation (DPWT) for changes to the right-of-way for Vital Way. The previously approved site plan identified Vital Way as a Commercial Business District street with a 70-foot-wide right-of-way, as specifically called out in the White Oak Master Plan. Improvements shown were in accordance with the County's standard for commercial business district streets. However, a discrepancy exists between the Master Plan and the County standard (MC Standard No. 214.01), with respect to total right-of-way width.

In order to resolve the discrepancy in total right-of-way width, without dedicating additional right-of-way, the Applicant is proposing to improve Vital Way in accordance with the County's standard for Commercial/Industrial Roadway with modifications. The total right-of-way remains 70 feet wide with two 12-foot-wide travel lanes and two 8-foot-wide parking lanes. The standard will be modified to include the tree pits with amended soil panels and a 10-foot-wide walkway, in-lieu-of the standard lawn panel. In addition to correcting the standard detail and associated improvements within the right-of-way, the Applicant is requesting to remove the sign previously located in the northwest quadrant of the site. The proposed amendment requests the following modification:

- 1) modify the paved section within the approved 70-foot-wide right-of-way for Vital Way as approved by DPWT; and
- 2) Remove a sign previously approved on the site plan.

## **PUBLIC NOTICE**

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on December 4, 2006. The notice gave the interested parties 15 days to review and comment on the amended site plan. Staff received recommendation letters accepting the plan changes from Environmental Planning, Community-Based Planning and Transportation Planning, as well as DPWT for the changes to the right-of-way. Staff also received a letter from the Greater Colesville Citizens Association dated February 17, 2007 stating no exceptions are taken with the changes proposed.

## **STAFF REVIEW AND RECOMMENDATION**

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

The changes are consistent with the Master Plan vision for Vital Way and vehicular circulation and efficiency. Staff indicated approval of the amended items specified in the Applicant's request.

Staff recommends **APPROVAL** of the Minor Site Plan Amendment for Burdoft Property (Site Plan No. 82005008A) for modifications to the approved site plan.

## **ATTACHMENTS**

- A. Site Description and Vicinity
- B. Notice and Pre-submission Meeting Notes
- C. Draft Planning Board Resolutio

## ATTACHMENT A

### Site Description and Vicinity

The 0.55 acre property is located in the southeastern quadrant of the intersection of Randolph Road and Vital Way in Colesville, Maryland. The entire intersection of Randolph Road and New Hampshire Avenue (MD 650) is zoned C-1, as well as the commercial properties on the southwest side of Vital Way, including the Marymount Animal Hospital and a commercial strip center. The Beer and Wine store and their associated parking are located directly to the north of the site while the China Dynasty restaurant is located on the property line to the southeast. The Wolf Acres community (plat book W, page 45) beyond the commercial properties on Vital Way consists of half-acre lots and is zoned R-200. Vital Way bifurcates the commercial establishments and is vehicular cut-through for southbound MD 650 traffic.

The northwest side of the intersection of the two major roads is comprised of the Colesville Shopping Center and gas station and the townhouse community of Nottingham Woods (plat book 569, page 44), zoned PD-7. The northeast quadrant consists of a mix of commercial and retail properties including a strip retail center and a McDonald's.

The southeastern quadrant of the major intersection consists of a number of commercial uses including a gas station, drug store and bank (plat book 189, page 43), anchored by the Carol Acres community (plat book 189, page 43) directly to the east.



The site contains an existing two-story house, garage and shed, with a consistent grade elevation difference from north to south by approximately eight feet. Current access to the site is from Vital Way. The site is zoned C-1. A five-foot-wide sidewalk currently exists on Vital Way along the property frontage and an existing 6-foot-wide sidewalk exists on Randolph Road.

**ATTACHMENT B**



**Benning & Associates, Inc.**  
Land Planning Consultants

December 1, 2006

Mr. Michael Ma, Supervisor  
Site Plan Section of the Development Review Division  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

8933 Shady Grove Court  
Gaithersburg, Md. 20877  
(301) 948-0240

Re: Burdoff Property (8-05008)

Dear Mr. Ma,

We are hereby submitting an application to amend an approved Site Plan for the subject property. This amendment is primarily intended to adjust and clarify proposed public improvements for Vital Way which immediately abuts the property. At this time, we are also eliminating a freestanding sign shown on earlier plans for the site.

The previously approved Site Plan identified Vital Way as a Commercial Business District street with a 70' right-of-way as specifically called for in the White Oak Master Plan. Improvements shown were in accordance with the County's standard for commercial business district streets. However, a discrepancy exists between the Master Plan and the normal County standard for commercial business district streets (MC Standard No. 214.01). The discrepancy is in total right-of-way width. The Master Plan calls for a total right-of-way of 70' for Vital Way while the County standard for 214.01 calls for a 80'.

In order to resolve this discrepancy while staying consistent with the streetscape improvements envisioned in the Master Plan, our plan now calls for Vital Way to be improved in accordance with the County's standard for a Commercial / Industrial Roadway with modifications. The total right-of-way width for Vital Way will be 70' with two 12' travel lanes and two 8' parking lanes. The standard will be modified to include tree pits and a 10' sidewalk along the curb as shown on our plan rather than the normal lawn panel and 5' sidewalk.

On the original approved Site Plan, a freestanding sign was shown in the northeast corner of the site along Randolph Road. We are no longer proposing a freestanding sign for this site which has been removed from the amended Site Plan.

Please let me know if anything further is needed at this time for your review of this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'David W. McKee', is written over a circular stamp or seal.

David W. McKee



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 07-33  
Site Plan No. 82005008A  
Project Name: Burdoft Property  
Hearing Date: April 26, 2007

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on December 1, 2006, Randolph New Hampshire Retail Center LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 82005008A ("Amendment") for approval of the following modifications:

- 1) Modify the paved section within the approved 70-foot-wide right-of-way for Vital Way, as approved by DPWT; and
- 2) Remove a sign previously approved on the site plan.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated April 13, 2007 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on April 26, 2007, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82005008A; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is \_\_\_\_\_ (which is the date that this opinion is mailed to all parties of record); and

APPROVED AS TO LEGAL SUFFICIENCY  
*Ryb 4/16/07*  
M-NCPPC LEGAL DEPARTMENT

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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