



Burtonsville Town Square – Center Pad: Site Plan No. 820180200

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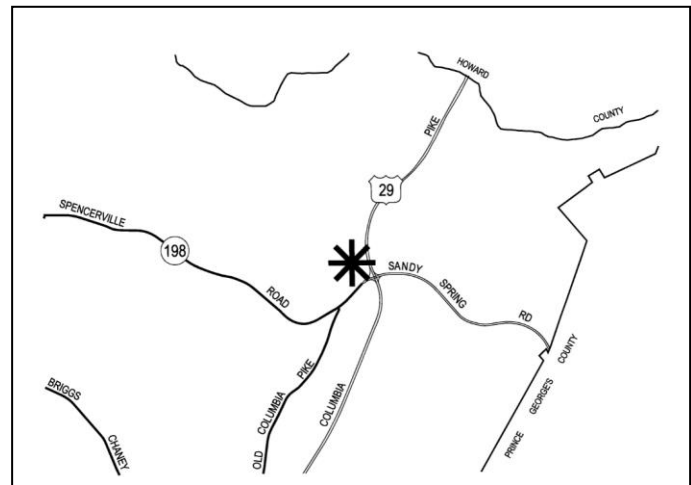
Completed: 10/26/18

Description

**Burtonsville Town Square – Center Pad: Site Plan No. 820180200:** Request to construct a 2,250 square foot restaurant with a drive-thru; 0.72 acres; CRT-1.5 C-1.0 R-1.25 H-70 Zone; located on the northwest quadrant of the intersection of Old Columbia Pike (MD-198), Columbia Pike (US-29), and Sandy Spring Road; 1997 Fairland Master Plan and 2012 Burtonsville Commercial Crossroads Neighborhood Plan.

*Recommendation – Approval with conditions*

**Applicant:** Burtonsville Center LLC  
**Acceptance Date:** June 7, 2018  
**Review Basis:** Chapter 59



Summary

- Staff recommends Approval with conditions to Site Plan 820180200.
- A restaurant with a drive-thru is a limited use in the Commercial Residential Town (CRT) zone and requires site plan review.
- The Application meets the limited use standards, Section 59-3.5.14.E Drive-Thru.
- The Application continues under the Adequate Public Facilities (APF) finding of Preliminary Plan 120041090, which remains valid until April 21, 2019.
- Staff does not support the waiver request for a long-term bike parking space.
- Staff supports the request to meet public open space requirements through a combination of on-site and off-site public open space improvements for a total of 16.3 percent.
- Staff has received citizen correspondence on the Application.

## SECTION 1 – RECOMMENDATIONS AND CONDITIONS

**SITE PLAN NO. 820180200:** Staff recommends approval of the Site Plan. All site development elements are shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC except as modified by the following conditions. The development must comply with the conditions of approval for Preliminary Plan No. 12004109B as listed in MCPB Resolution No. 09-67 dated June 25, 2009.

### Site Plan

- 1) Density  
This approval is limited to a 2,250 square foot restaurant with a drive-thru on the Subject Property.
  
- 2) Building Design
  - a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the illustrative elevations shown on the Certified Site Plan, as determined by M-NCPPC.
  - b) The final building design must provide at a minimum the following architectural elements as shown in the elevations and renderings:
    - i. A primary entrance along the south (front) elevation.
    - ii. A secondary entrance along the east elevation.
    - iii. An art feature along the east and the west elevations.
    - iv. Awnings above windows.
    - v. Materials limited to masonry or fiber cement along all façades.
    - vi. A water table along south, east, and west elevations
    - vii. Cornice along all elevations.
    - viii. Varying heights.
  - c) The building is limited to a maximum height of 30-feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.
  
- 3) Landscaping
  - a) The Applicant must replace the two flowering trees abutting the parking area with two large canopy shade trees and provide two additional shade trees abutting the drive thru lane.
  - b) The Applicant must provide tree pits with the minimum dimensions of 15-feet by 5-feet. The Applicant must provide tree grates with dimensions of approximately 5-feet by 5-feet with the remainder planted with groundcover.
  - c) The Applicant must install the on-site and off-site elements as shown on the landscape plans submitted to M-NCPPC or Staff approved equivalent prior to obtaining a Use and Occupancy Certificate.
  - d) The Applicant must install the plantings shown on the landscape plans submitted to M-NCPPC. Any variation in plant species or quantity needs approval of Staff.
  - e) The Applicant must install landscaping no later than the first growing season after obtaining a Use and Occupancy Certificate.

- 4) Lighting
- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All on-site exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
  - b) All on-site down-lights must have full cut-off fixtures.
  - c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
  - d) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- 5) Stormwater Management
- The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated May 9, 2018 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Stormwater Management easements and facilities.
- 6) Site Plan Surety and Maintenance Agreement
- Prior to issuance of any building permit or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 [59-D-3.5(d)] of the Montgomery County Zoning Ordinance, with the following provisions:
- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
  - b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site and off-site lighting, on-site and off-site brick paving, on-site and off-site furniture, trash enclosures, retaining walls, fences, railings, private hydrant systems, on-site and off-site sidewalks/bikeways, art features, and storm drainage facilities.
  - c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- 7) Development Program
- The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

- 8) Certified Site Plan  
Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:
- a) All on-site and off-site sidewalks must be a minimum of five-feet wide.
  - b) Include the stormwater management concept approval letter and other applicable agency letters, development program, and Site Plan resolution on the approval or cover sheet(s).
  - c) Dimension the existing right-of-way between the centerline and the Subject Property on all roads adjacent to the Subject Property on the Certified Site Plan.
  - d) Modify data table to reflect development standards approved by the Planning Board.
  - e) Ensure consistency of all details and layout between Site and Landscape plans.

### **Public Open Space, Facilities and Amenities**

- 9) Public Open Space, Facilities, and Amenities  
a) The Applicant shall provide a total of 5,070 square feet of Public Open Space (16.3 percent of net site plan area). On-site public open space must consist of 2,570 square feet and off-site open space must consist of 2,500 square feet as shown in Sheet 1 of the Open Space Exhibit.  
b) Prior to the issuance of a Use and Occupancy Certificate for the restaurant with drive-thru, all on-site and off-site open space areas including, but not limited to, street lamps, sidewalks, brick paving, benches, trash receptacles, and bicycle parking on the Subject Property must be completed.
- 10) Maintenance of Public Amenities  
The Applicant shall maintain all publicly accessible on-site and off-site amenities constructed as part of this Site Plan including, but not limited to seating, brick paving, lighting, and landscaping.

### **Transportation & Circulation**

- 11) Vehicular Circulation  
The Applicant must show on the Certified Site Plan a stop bar and stop sign at the end of all drive aisles intersecting roads and drive aisles in the Subject Property.
- 12) Pedestrian and Bicycle Circulation  
a) The Applicant must provide a minimum of one long-term bike parking space and one short-term publicly-accessible bike parking space.  
b) The long-term bike parking spaces must be in a secured bicycle locker or Staff approved equivalent and must be identified on the Certified Site Plan. Examples of acceptable parking include bicycle rooms, lockers, or racks in a protected area.  
c) The short-term publicly-accessible bike spaces must be inverted-U racks or Staff approved equivalent, installed in a location convenient to the main entrance, and the specific location of the short-term bike rack must be identified on the Certified Site Plan.  
d) All sidewalks and pedestrian paths within the site plan and in the off-site public open space must be a minimum of five-feet wide.

13) Fire and Rescue

The Planning Board accepts the recommendations of the MCDPS Fire Enforcement Section in its letter dated August 6, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Fire Code Enforcement Section provided the amendments do not conflict with other conditions of Site Plan approval.

## SECTION 2 – SITE LOCATION & DESCRIPTION

### Site Location

The 0.72-acre Subject Property (“Subject Property”) is centrally located within 27.21-acre Burtonsville Town Square Shopping Center (“Shopping Center”), of the 1997 *Fairland Master Plan* and 2012 *Burtonsville Commercial Crossroads Neighborhood Plan* (“Master Plans”) and the Shopping Center is split zoned-CRT-1.5 C-1.0 R-1.25 H-70 and RC as shown in Figure 1. The Shopping Center is located on the northwest quadrant of the intersection of Old Columbia Pike (Route-198) and Old Columbia Pike<sup>1</sup>. The Subject Property is located approximately 600-feet northwest from this intersection.

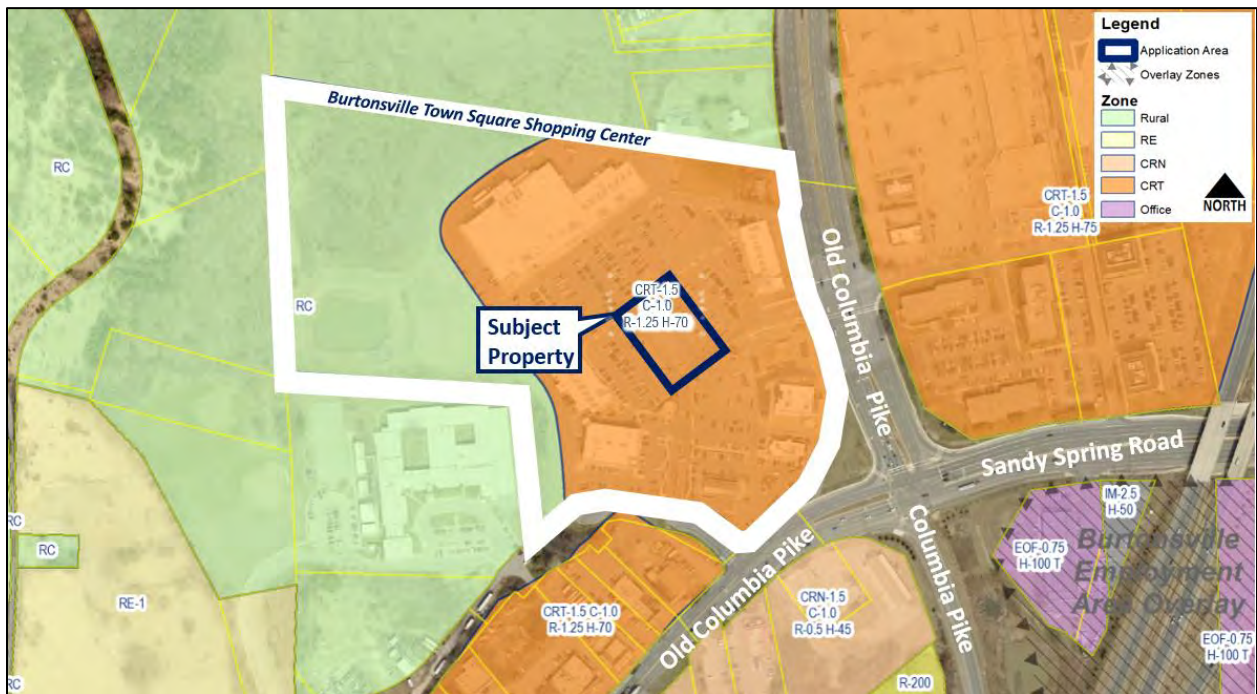


Figure 1 – Aerial Map with Zoning Districts

### Site Vicinity

To the north, outside of the Shopping Center, land uses consist of single-family detached homes, vacant land, and open space in the RC zone. To the east, the Burtonsville Crossing office park consists of restaurants, a financial institution, and office development in the CRT-1.5 C-1.0 R-1.25 H-75 zone. Land uses to the south consist of retail uses, a gas station with a convenience store, and restaurants in the CRT-1.5 C-1.0 R-1.25 H-70 and CRN-1.5 C-1.0 R-0.5 H-45 zones. To the west, land uses include the Burtonsville Elementary School, vacant land, and open space in the RC zone. Within the Shopping Center, the Subject Property is surrounded by surface parking. Beyond the surface parking there are restaurants to the northeast, various retail uses to the northwest, and restaurants to the southeast. Of these

<sup>1</sup> For the purposes of this Staff Report, Old Columbia Pike along the east of the Shopping Center will be identified as MD-198 and Old Columbia Pike along the south of the Shopping Center will be identified as Old Columbia Pike.

restaurants, two include drive-thrus. To the south and southwest, land uses include a bank with a drive-thru, a pharmacy with a drive-thru, additional restaurants, and retail uses.

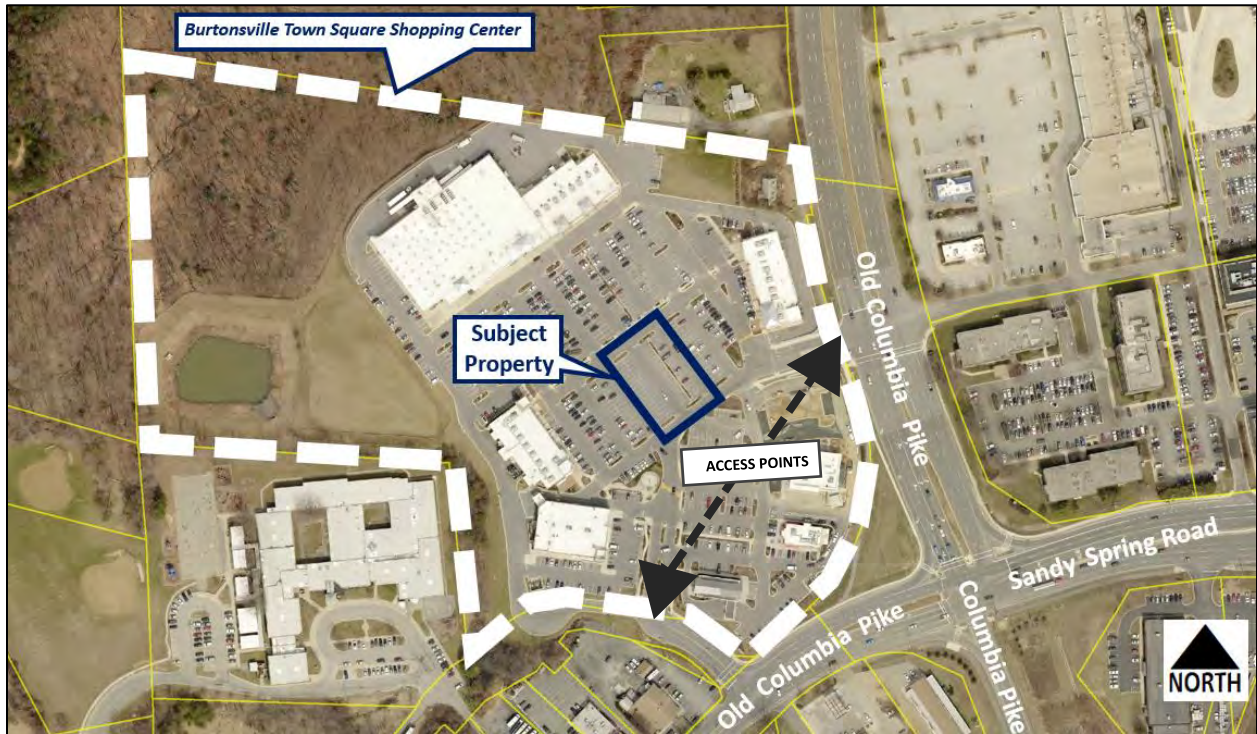


Figure 2 – Aerial View and Surrounding Uses

### Site Analysis

The Subject Property is zoned CRT-1.5 C-1.0 R-1.25 H-70 and currently developed with 68 surface parking spaces and bounded by drive aisles. Vehicular access to the Subject Property is provided from two existing access points, one on the east side of the Subject Property from MD-198 and one to south on Old Columbia Pike that are connected to internal drive aisles within the Shopping Center.

## SECTION 3 – APPLICATION AND PROPOSAL

### Previous Regulatory Approvals

#### Preliminary Plans

On March 26, 2006, the Planning Board approved Preliminary Plan No. 120041090 for the development of the property under C-2 zone for up to 250,000 square feet of retail space and 10,000 square feet of commercial office space on 27.21 acres of land. Of the 260,000 square feet of development approved by Preliminary Plan No. 120041090, approximately 136,040 square feet has been constructed. This approval also included a preliminary forest conservation plan.

On July 10, 2008, the Planning Board approved Preliminary Plan Amendment No. 12004109A to revise condition No. 6 from requiring the extension of an eight-foot-wide shared-use path and an eight-foot-wide tree panel on US 29 north of the property line to the PEPCO power line right of way.

On June 25, 2009, the Planning Board approved Preliminary Plan Amendment No. 12004109B to revise condition No. 4 of Corrected Opinion dated March 21, 2006 for the Shopping Center tying completion of the bike path to issuance of building permits (Attachment 3).

On February 19, 2014, the Forest Conservation Plan No. 12004109C was administratively approved by Staff for minor revisions.

In 2014, the property was rezoned from the C-2 zone to the CRT zone under the comprehensive rezoning of Montgomery County.

### Current Application

#### Site Plan 820180200

Site Plan No. 82018200 proposes approval to construct a restaurant with a drive-thru on an existing surface parking lot and is referred to as the application (“Application”).

#### Proposal

The Application consists of a 2,250 square foot restaurant with a drive-thru with a maximum height of 30-feet. The restaurant will be located along the primary drive aisle of the Shopping Center. The Subject Property is a pad site consisting of a total of 68 parking spaces bounded by drive aisles.

#### *Vehicular and Pedestrian Access*

Vehicular access to the Subject Property is currently provided from the east and south of the Subject Property off Old Columbia Pike and MD-198 connecting to an internal network of parking drive aisles. Access to the drive-thru is provided from a drive aisle located along the eastern side of the Subject Property. From this access point the drive-thru wraps around the rear of the building.

Pedestrian access to the restaurant is provided from existing sidewalks along MD-198 and Old Columbia Pike leading to sidewalks and crosswalks internal to the Shopping Center as shown in Figure 3, with additional pedestrian facilities to be constructed within the Subject Property as illustrated. The Applicant is proposing sidewalks surrounding the east and south side of the building as well as a crosswalk in the northeast and southeast corner of the Subject Property connecting to existing pedestrian connections within the shopping center.



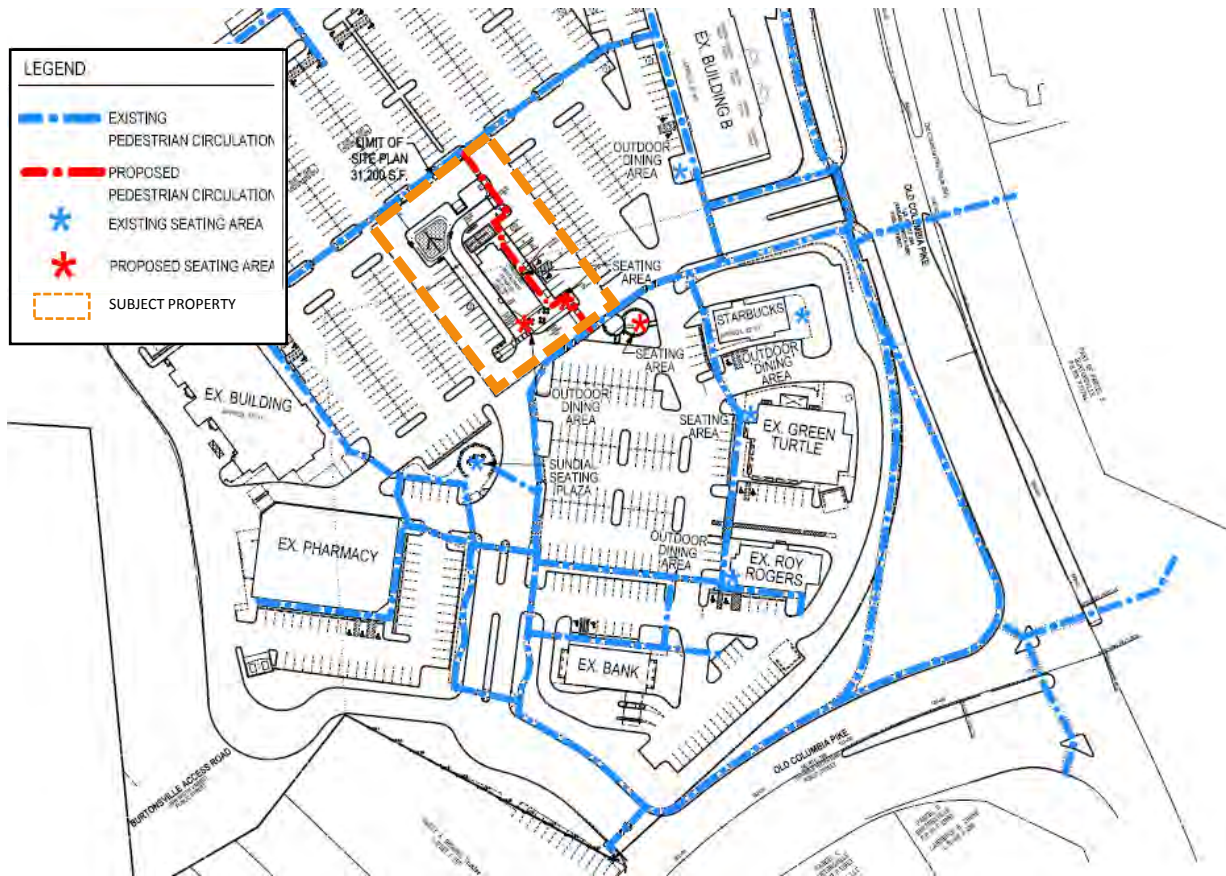


Figure 3 – Existing and Proposed Pedestrian Circulation

*Parking*

A total of 68 existing parking spaces will be removed from the Subject Property and replaced with the proposed restaurant. This application proposes 22 parking spaces to the east and west of the restaurant consisting of 20 standard spaces and two accessible spaces. Both the Subject Property and the larger Shopping Center will meet all parking requirements (Table 1). A bike rack is proposed southeast of the proposed restaurant for a total of two publicly accessible bike spaces. The Application does not provide a long-term bike parking space and the Applicant is instead requesting a waiver which is further discussed in the following section of this report. Staff is requesting one long-term bike parking space to comply with Ch. 59.6.2.3.F.

*Public Open Space*

The Application provides 16.3 percent of public open space located on-site and off-site consisting of a total of 5,070 square feet as shown in Figure 4 below.

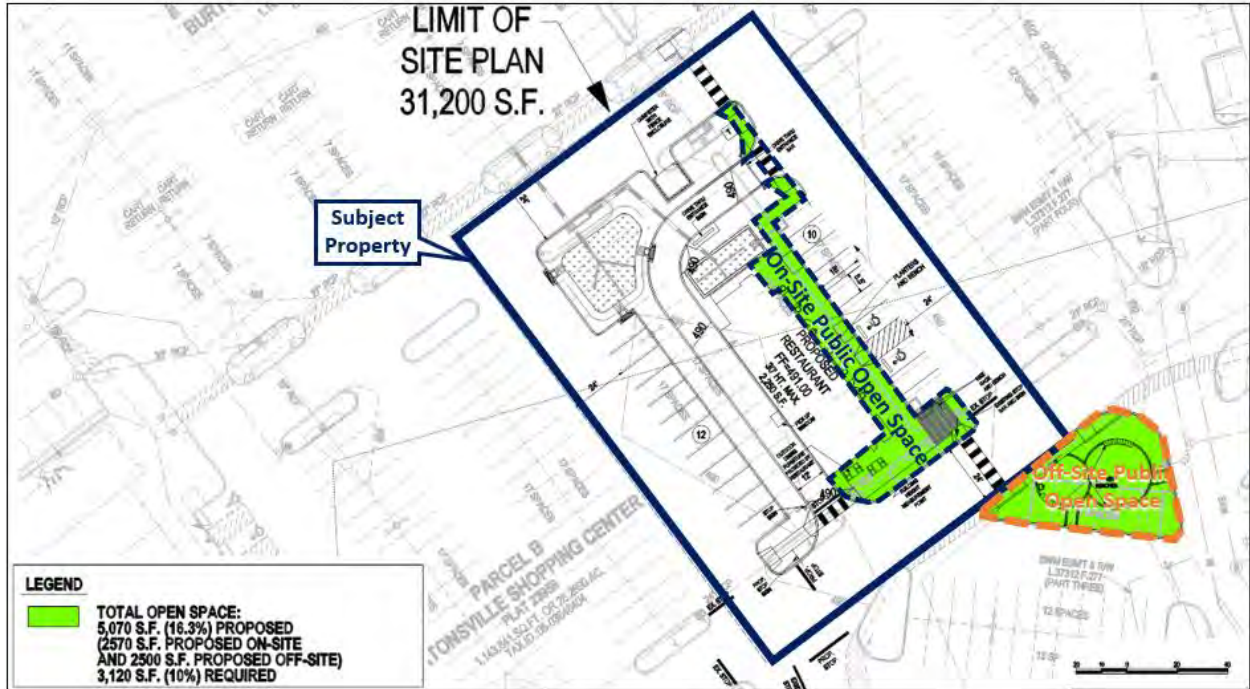


Figure 4 – Public Open Space Exhibit

As part of the proposed on-site public open space, a number of features are proposed, including benches and planters along the eastern elevation. Along the south (front) elevation two tables with seating, a bench, and textured paving is provided. The off-site public open space features two circular seating areas, landscaping, and textured paving as shown below in Figure 5 and 6.



Figure 5 – Proposed Seating Area



Figure 6 – Proposed Brick Paver Edging

**SECTION 4 – ANALYSIS AND FINDINGS - Site Plan No. 820180200**

**Findings – Chapter 59**

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

The Approval of the Site Plan findings will only apply to the Subject Property being reviewed as part of this Application.

2. *To approve a site plan, the Planning Board must find that the proposed development:*

- a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to the relevant conditions of Preliminary Plan No. 12004109B approved on June 25, 2009 by the Montgomery County Planning Board (MCPB Resolution No. 09-67) that is applicable to the Shopping Center. The Preliminary Plan approval limited office and retail development to 260,000 square-feet, 1.0 FAR, and five percent of internal landscaping within the parking area. The existing development within the Shopping Center, in addition to the proposed Application, results in 138,290 square-feet of development, 0.11 FAR, and 8.5 percent internal landscaping within the parking area. The table below demonstrates how the Shopping Center inclusive of the proposed Site Plan Application meets the previously approved Preliminary Plan limits.

*Table 1 – Development limits for the Burtonsville Town Square Shopping Center*

<b>Development Standards</b>	<b>Approved with Preliminary Plan No. 120041090, as amended</b>	<b>Overall with Site Plan Application No. 820180200</b>
Gross Tract Area	27.21 acres	27.21 acres
Development Program		
Retail (max.)	250,000 square feet	133,590 square feet
Office (max.)	10,000 square feet	4,700 square feet
Total	260,000	138,290 <sup>2</sup>
Parking	587	749
FAR	1.0	0.11
Internal Landscaping Parking Facility	5%	8.5%

*\* 2,250 square feet of the total development is for Site Plan No. 820180200*

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

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<sup>2</sup> 2,250 square feet of the total development is for Site Plan No. 820180200

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Subject Property’s zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements;*

Division 4.5. Commercial/Residential Zones, Use and Development Standards

The Application has been reviewed for compliance with the Montgomery County Code, Chapter 59 and the Application is in conformance with the use standards and development standards as shown in Table 2.

*Table 2 – Development Standards in the CRT Zone (Sect. 4.5.3.C.)*

<b>Development Standards</b>	<b>Required</b>	<b>Provided</b>
Max. Building Height	75-feet	30-feet
Public Open Space (min.)	10%	16.3% (5,070 square feet) <sup>3</sup>
<b>Lot &amp; Density</b>		
Lot Area	N/A	31,200
Lot width at front building line	N/A	216
Lot width at front lot line	N/A	216
<b>Density (max.)</b>		
Density, FAR	1.0	0.072 <sup>4</sup>
Building Area (square feet)		2,250 square feet
<b>Placement – Principal Building Setbacks (min.)</b>		
Front setback	0 feet	0 feet
Side street setback	0 feet	0 feet
Rear setback, Alley	4 feet	N/A
<b>Build-to Area, max. setback and min % of building façade</b>		
Front Setback	20 feet	20 feet <sup>5</sup> , modification requested
Building in front of street BTA	70%	100% <sup>6</sup> , modification requested
Side Street Setback	20 feet	modification requested

<sup>3</sup> The total public open space provided consists of 2,570 sq. ft. on-site and 2,500 sq. ft. off-site

<sup>4</sup> As calculated for the Subject Property

<sup>5</sup> Distance between the building façade and the main drive aisle. The closest distance from the Subject Property and the lot line is approximately 300-feet from the eastern lot line

<sup>6</sup> Calculation based on the limit of site plan

<b>Development Standards</b>	<b>Required</b>	<b>Provided</b>
Building in Side Street BTAA	35%	modification requested
<b>Building Orientation</b>		
Entrance Facing Street or Open Space	Required	Provided
Entrance Spacing (max.)	100 feet	20 feet
<b>Transparency, for Walls Facing a Street or Open Space</b>		
Ground story, front (min.)	40%	South Elevation: 40%
Blank Wall, front (max.)	35 feet	South Elevation: 35 feet
Ground Story, east side, (min.)	25%	East Elevation: 25%
Blank Wall, east side (max.)	35 feet	East Elevation: 35 feet
Ground Story, side/rear (min.)	35 feet	West Elevation: N/A North Elevation: N/A
Blank Wall, side/rear (max.)	35 feet	West Elevation: N/A North Elevation: N/A
<b>Parking Spaces Required (Section 6.2)</b>		
Total Vehicle Spaces	9 (min.) 27 (max.)	22
Bicycle Parking (short term)	1	2
Bicycle Parking (long-term)	1	0 <sup>7</sup>
Queuing Design Standards for Drive-Thru	5	7
<b>Parking Lot Area Canopy Coverage</b>	25%	25%

Division 4.5 Build-to Area (BTA)

The Applicant is requesting a modification from the Build-to Area requirements under Sect. 4.5.3.C of the Zoning Ordinance. A Build-to Area is defined by the Zoning Ordinance, “as the area on the lot from the lot line or right-of-way to the maximum setback where a certain percentage of the front or side street building façade must be located.” Under Sect. 4.5.3.C.3.b the BTA requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan:

- (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use;

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<sup>7</sup> Applicant is requesting a waiver from the required long-term bicycle space. As conditioned, a long-term bike space will be provided to meet the Zoning Ordinance bike parking requirements.

As part of the Applicant's statement of justification, the Applicant states that the deviation is necessary to accommodate the physical constraints of the shopping center. The existing buildings along MD-198 and Old Columbia Pike are oriented towards the surface parking lot. Further, the location of the Subject Property is centrally located within the surface parking lot and on a pad site. The Subject Property is also approximately 300-feet from the Shopping Center lot line and within the Shopping Center where rights-of-way are not shown on the subdivision record plat. For these reasons, the Applicant explains that a deviation from the BTA requirements is necessary.

Staff supports the Applicant's request due to the physical constraints discussed above. Further, staff also recognizes that the Shopping Center is constructed in such a way that development potential along MD-198 and Old Columbia Pike has been exhausted and therefore, does not provide enough room for development along a street. Although the Applicant does not meet the BTA requirements, the design of the south elevation was done in a manner to meet the intent of the BTA which is further discussed in the subsequent section.

(2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

As part of the Applicant's statement of justification, the Applicant states that although a deviation from the BTA is requested, the proposed Application will continue to meet the intent of the BTA to engage the surrounding publicly-accessible spaces such as streets, sidewalks and parks. The Application includes on-site public open space designed to engage with the off-site public open space that is proposed by the Applicant and adjacent to the Subject Property. The location of the off-site public open space area was identified to connect and engage with the restaurant. These spaces are connected by internal sidewalks that lead to a crosswalk to the sidewalk located in the off-site open space. The off-site open space includes seating areas with a total of two curved benches that were inspired by the design of the existing public open space that includes a circular seating area. The proposed open space also incorporates textured pavement along the perimeter of the proposed seating areas matching the textured pavement in the existing public open space area. Further, the off-site public open space includes pedestrian access in all directions resulting in an accessible public open space. As a result of its accessibility, the public open space adds to the public realm since the design provides connections from other commercial uses to access the space.

Staff supports the Applicant's justification based on the design elements that are incorporated that engage with the surrounding publicly accessible spaces.

### Division 3.5. Standards for Approval of a Drive-Thru

#### *Use Standards - Section 59-3.5.14.E Drive-Thru*

In addition to the development standards noted above, there are use standards for a drive-thru use. Staff finds that the drive-thru use meets the limited use standards as shown below:

- i. *A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any Property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.*

There are no vacant or improved residentially or agriculturally zoned properties within 100 feet of the drive-thru.

- ii. *For a Restaurant with a Drive-Thru, access to the site from a street with a residential classification is prohibited.*

The Application does not provide access to the Subject Property from a street with a residential classification, and therefore this section is not applicable.

- iii. *A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.*

The restaurant and drive-thru are bounded by drive aisles within a shopping center that does not include private or public streets. The main wall of the main building faces south, where the main entrance to the restaurant is located and abuts the Shopping Center's primary drive aisle, which functions as a street. The drive-thru service window, drive aisle and queuing area are not located between the primary drive aisle and the front main wall of the building.

- iv. *A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum three-foot-high wall or fence.*

The Application is not located on a corner lot and is centrally located within a 27.21-acre shopping center; therefore, this section is not applicable. Although this section does not apply, the Application includes various trees ranging in height between six and eight feet and shrubs ranging in height between one and a half and three feet north and west of the service window and stacking area to provide screening and to minimize the view of the service window and stacking area as shown in the rendering below.



Figure 7, Rendering of Southwest Corner

- v. *Site plan approval is required under Section 7.3.4*

Approval of this Site Plan application by the Planning Board will satisfy this requirement.

Division 6 – General Development Standards

- i. *Division 6.1. Site Access*

Vehicular access to the Subject Property will remain unchanged and will continue to be adequate for a restaurant with a drive-thru. Vehicle access to the Subject Property is provided at two locations. These access points are located east and south of the Subject Property off MD-198 and Old Columbia Pike and lead to internal drive aisles to the Shopping Center and to the Subject Property.

The Subject Property is currently accessed by pedestrians through existing sidewalks east and west of the Subject Property along MD-198 and Old Columbia Pike that connect to internal sidewalks in the shopping center as shown below. The proposed development improves upon the existing pedestrian infrastructure by adding sidewalks along the front (south) elevation and along the side (east) elevation for direct access to the restaurant (Figure 8 highlighted in red). The proposed sidewalk along the east will also provide a north-south connection to the existing pedestrian network within the shopping center. As conditioned, the Site Plan provides for safe and well-integrated parking and circulation within the Subject Property and within the larger Shopping Center.



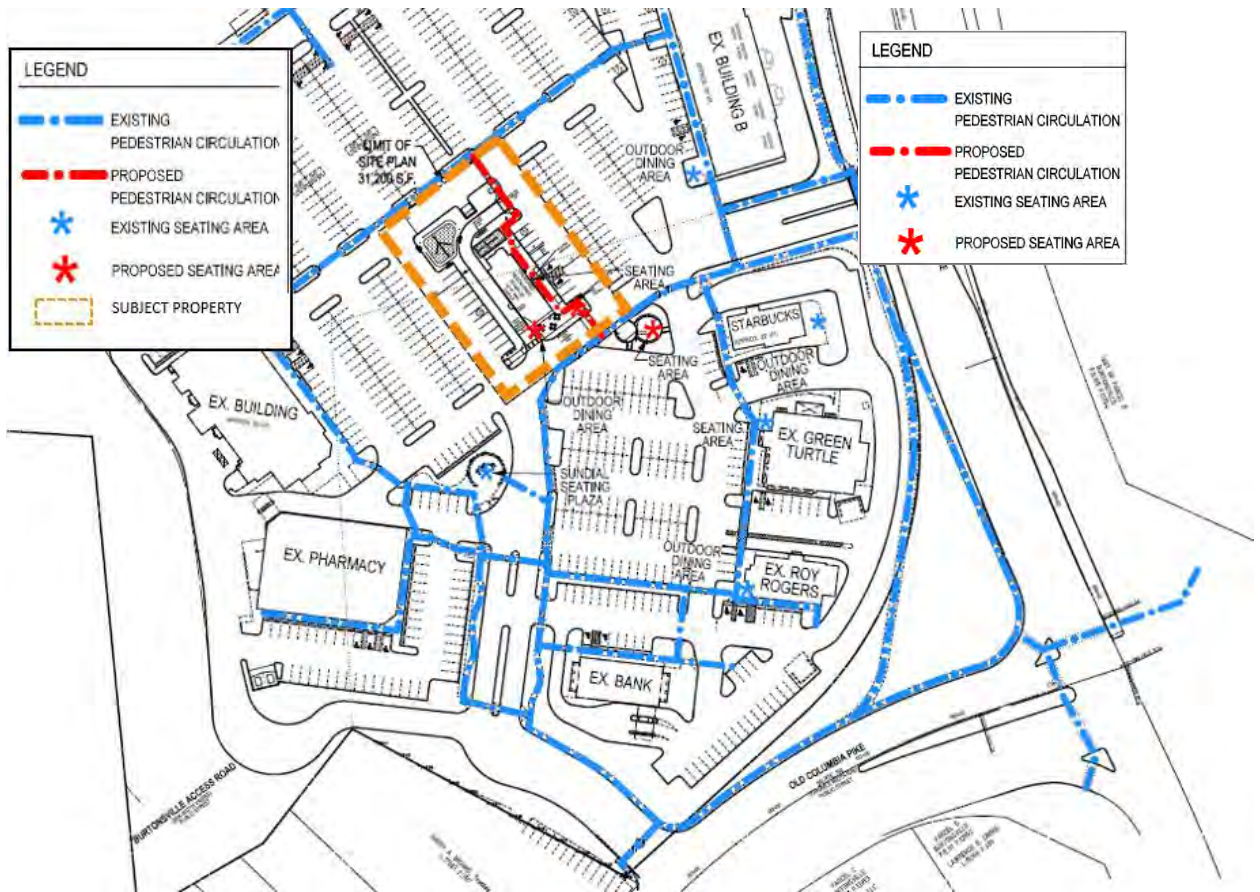


Figure 8, Existing and proposed pedestrian circulation

ii. *Division 6.2. Parking, Queuing, and Loading*

The Site Plan provides adequate parking, queuing and loading to serve the proposed development.

*Parking*

The Application meets the overall parking requirement for the proposed restaurant and drive-thru. The Application provides a total of 22 parking spaces where nine spaces is the minimum and 27 is the maximum spaces that are required. A total of 10 parking spaces are provided between the restaurant and the drive aisle east of the restaurant and a total of 12 parking spaces are provided between the drive-thru queuing area and drive aisle west of the Subject Property. The parking spaces located east of the restaurant will serve as the primary parking spaces since these spaces are located closest to the primary and secondary entrances. The parking spaces located along the west side of the restaurant will not be reserved for the restaurant and will be intended for all visitors to the shopping center. The Application provides an excess of 13 parking spaces that is beyond the minimum of what is required under the Zoning Ordinance. Further, the shopping center overall requires 587 spaces to accommodate existing uses and the proposed Application. With the proposed Application, the overall number of parking spaces available will continue to be adequate, totaling 749 spaces. The Application also includes a bike rack to accommodate two bikes;

however, the Application does not provide a long-term bike parking space and is instead requesting a waiver which staff does not support, as discussed herein.

*Queuing*

The Application will occupy a portion of the current central north-south drive aisle of the main shopping center parking lot. Vehicle access to the Subject Property is currently provided east and south of the Shopping Center from MD-198 and Old Columbia Pike. The proposed restaurant includes a drive-thru which will accept incoming vehicles from the north from an existing drive aisle, wrap around the rear of the restaurant, and have vehicles exit to the southwest of the Subject Property leading to the Shopping Center's main access drive. The drive-thru will provide a queuing capacity of seven cars, two more than the required amount under the Zoning Ordinance, which is adequate for the proposed development and will avoid conflict with the traffic flow within the Shopping Center. Vehicle circulation from the main shopping center driveway to the existing commercial uses will remain adequate, with seven drive aisles serving internal traffic.

*Loading*

A loading space is not proposed and is not required for the Application under the Zoning Ordinance.

iii. *Division 6.2.10 Bicycle Parking Waiver*

The Application meets the required number of short-term bike parking spaces pursuant to Division 6.2 of the Zoning Ordinance. As part of the Zoning Ordinance, the Application also requires a long-term bike parking space. The Applicant is requesting a waiver from providing a required long-term bike space. Section 6.2.10 states:

*(t)he deciding body may waive any requirements of Division 6.2, except the required parking in a Parking Lot District under Section 6.2.3.H1, if the alternative design satisfies Section 6.2.1. Any request for a waiver of the vehicle parking space requirement under Sect 2.4.B requires application notice under Section 7.5.2.*

As stated in the Statement of Justification, the Applicant suggests the provision of a long-term bicycle locker would occupy too much space on a small site. To accommodate a long-term bicycle parking space, the Applicant explains that the additional bicycle space provided by the bicycle rack accommodates the need for a long-term bicycle space. The second space provided by the bicycle rack will not be limited to employees but will also provide an additional space for the public.

Upon reviewing the Applicant's request, Staff does not support the waiver request since providing a bicycle rack to accommodate two bicycle spaces accomplishes the intent of the parking requirements under Sect. 6.2.1, which is to ensure adequate parking in a safe and efficient manner. Long-term bicycle parking is specifically meant to serve employees whereas short-term parking serves patrons and visitors, therefore one cannot replace the other. They are both necessary.

iv. *Division 6.3. Open Space and Recreation*

The Application meets public open space requirements through a combination of on-site

and off-site public open space improvements. The Zoning Ordinance requires that a minimum of ten percent or 3,120 square-feet of public open space be provided for this Subject Property. The Applicant is proposing 2,570 square feet of on-site and 2,500 square feet off-site for a total of 5,070 or 16.3 percent. The on-site public open space is primarily located east and south of the restaurant building. The proposed public open space abuts an existing pedestrian route, has a minimum width of 15-feet, includes seating and shading, and is continuous, meeting the design standards under Sect. 6.3.6B. Directly east of the restaurant, the public open space features several benches and planters as well as an art feature on the eastern façade. South of the restaurant includes tables with seating. In both areas awnings above windows are provided for shading. There are no recreation requirements since this is not a residential development.

v. *Division 6.3.6C – Off-Site Options*

In order to meet the public open space requirement, the Applicant is requesting to provide off-site open space under Sect. 6.3.6C. Pursuant to the Zoning Ordinance, the Planning Board may find that the requirement for public open space is satisfied in whole or in part by:

1. *making public park or public open space improvements in an area at least as large as the required public open space located within or near the applicable master plan area;*

The Zoning Ordinance requires ten percent of public open space and the total of the proposed off-site and on-site public open space combined is 16.3 percent, which is beyond the required amount. The location of the off-site public open space is also in an area that faces the on-site open space, which is easily connected and accessed via the proposed crosswalk and sidewalks.

Staff is supportive of the off-site public open space since the open space provided meets the intent of public open space under the Zoning Ordinance, and it will enhance the area and serve not just the proposed restaurant use but other uses within the Shopping Center.

vi. *Division 6.4. General Landscaping and Outdoor Lighting*

As conditioned, the landscaping and lighting is safe, adequate and efficient for the proposed use. As conditioned, the Subject Property is adequately landscaped with several shade and ornamental trees, as well as numerous deciduous and evergreen shrubs. The landscaping consists of shade trees in the public open space areas to provide shading. The Applicant also proposes trees along the western elevation ranging between 6 to 8 feet as well as shrubs to reduce visibility of the drive-thru from the surrounding commercial uses. The site also includes several shade trees that surround the bioretention facility located at the rear of the building. Further, the shade trees provided in the parking area will provide 25 percent of coverage and meet the canopy coverage requirement of the Zoning Ordinance.

The Subject Property is located within the Burtonsville Shopping Center. The photometric plan shows that illumination exceeds 0.5 footcandles outside the Subject Property; however, the Application is located within the Shopping Center parcel. Therefore, the proposed photometric plan demonstrates that the proposed development meets the

outdoor lighting requirement and is safe, adequate, and efficient as it provides adequate levels for safety without casting glare.

vii. *Division 6.5. Screening Requirements*

The Subject Property consists of a restaurant with a drive-thru and does not require screening since the Subject Property is located within a shopping center and surrounded by surface parking and commercial uses that are within the CRT-1.5, C-1.0, R-1.25, H-75 zone.

e. *satisfies the applicable requirements of:*

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

In accordance with Chapter 19, a letter dated August 31, 2017, from the Montgomery County Department of Permitting Services (DPS) found that the proposed stormwater management (SWM) concept for the development was acceptable. DPS has issued a Concept Reconfirmation letter dated May 9, 2018 stating that the original SWM concept has been reconfirmed. The SWM concept proposes to meet the required stormwater management goals via the use of on-site micro-bioretenion and the existing downstream wet pond.

ii. Chapter 22A, Forest Conservation

*The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Amendment meets all applicable requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding water resource protection. An amended Final Forest Conservation Plan (FFCP) was approved on February 19, 2014 as part of Preliminary Plan Amendment 12004109C. The FFCP is currently being amended to update and show the proposed Site Plan modifications within the approved limits of disturbance (LOD). The amended FFCP does not alter the existing forest conservation requirements that were previously approved.

f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

i. Parking and Circulation

The Site Plan provides for safe and well-integrated parking and circulation patterns on the Subject Property. The Application requires a minimum of nine parking spaces and a maximum of 27 parking spaces. The Application provides a total of 22 spaces, resulting in an excess of 13 spaces above the minimum that is required. The proposed parking is located between the building and the drive aisle east of the Subject Property as well as between the drive-thru queuing area and a drive aisle west of the Subject Property. The proposed parking is generally located along previously existing drive aisles and bays. With the proposed Application the shopping center continues to meet and exceed the overall parking requirement for the shopping center, offering 162 parking spaces beyond what is required. The proposed Application also includes one bicycle rack to accommodate two bicycle parking spaces located southwest of the Subject Property and located near the main entrance. Also as conditioned,

a long-term bike space will be provided to meet the Zoning Ordinance bike parking requirements.

As part of the Application, the existing drive aisles are maintained except for the center drive aisle resulting in minimal impact to vehicular circulation patterns. Since two of the three drive aisles will remain on the Subject Property, the existing circulation within the Shopping Center will continue to provide adequate circulation. The Applicant will also retain the circulation pattern by providing a stop sign at the exit area of the drive-thru. Further, crosswalks will be provided for pedestrian safety. The interior drive aisle intersection located southwest of the Subject Property has also been altered, as requested by staff, to allow full four-way movement from the current design to prevent vehicles from continuing straight when approaching from the south. All intersections as conditioned will have stop signs and stop bars for all approaches.

ii. Building Massing

The Site Plan proposes safe, well-integrated building massing within the Application Area and overall Shopping Center. The restaurant with drive-thru is being developed as a one-story building that is centrally located within the Subject Property and located along the primary drive aisle. Its height and location will continue to allow visibility to existing commercial uses within the shopping center. The location of the restaurant also takes advantage of the drive aisles within the shopping center for the proposed development and continue to allow several options to access the restaurant. Overall, the size of the proposed restaurant is consistent with the massing of commercial uses within the shopping center and the surrounding area.

The south (front) elevation fronts along the main drive aisle and avoids a blank wall appearance. Further, the restaurant is centrally located on the surface parking lot and the proposed Application consists of treatments along the south, east, and west elevations that articulates the masonry and fiber cement façade that is seen throughout the Shopping Center.



Figure 9, Architectural Elevations

iii. Public Open Spaces and Amenities

The primary public open space areas are located along the eastern and southern facades of the building. The proposed Application includes additional open space southwest of the restaurant which is prominently located at the entrance to the shopping center. It is located approximately 150-feet east of the existing public open space and is accessible by the existing and proposed pedestrian facilities for pedestrians to safely access the existing and proposed public open space.

- g. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Site Plan is in substantial conformance with the recommendations of the 1997 *Fairland Master Plan* and the 2012 *Burtonsville Crossroads Neighborhood Plan*. The Application meets several objectives of the Neighborhood Plan. Burtonsville Town Square currently includes significant portions of a loop road recommended previously in the 1997 *Fairland Master Plan* that will improve vehicle circulation. This project is located near the entrance to the center from Business Route 29 and includes sidewalks that will improve access to the area for pedestrians, enhancing connectivity, which is an important objective of the Master Plan. It also includes seating areas that can be used by patrons of several restaurants in this part of the center, enhancing its attractiveness as a destination and contributing to its sense of place. In addition, provision for additional businesses in the center help to improve the local economy and contribute to “completing” Burtonsville as a community.

The 2012 *Burtonsville Crossroads Neighborhood Plan* includes Burtonsville Town Square in its Village Center Business Route 29 Neighborhood. The Plan describes the neighborhood as consisting of “*larger properties that can be enhanced to create mixed-use residential and commercial uses with a new grid of streets, pedestrian and bicycle connections, and a more integrated park-and-ride facility* (p. 39)”. It recommends the CRT zone for the neighborhood to enable mixed-use redevelopment. Its focus in these recommendations was Burtonsville Crossing, on the east side of Business Route 29. At the same time, the Plan recognized that redevelopment was unlikely to occur at Burtonsville Town Square over the life of the Neighborhood Plan.

- h. *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 development 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 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;*

The Site Plan will continue to be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

Local Area Transportation Review (LATR)

The Application continues under the APF finding of Preliminary Plan 120041090, which limited the Subject Property to 285 AM peak hour trips and 1,168 PM peak hour trips. This APF finding remains valid until April 21, 2019. As part of this submission, the Applicant provided a Transportation Statement providing the trip generation rates as detailed in Table 3.

*Table 3 – Vehicular Trip Generation*

	AM Peak Hour Trips			PM Peak Hour Trips		
	In	Out	Total	In	Out	Total
<b>Proposed</b> 2,250 SF Fast Food Restaurant	36	33	<b>69</b>	30	28	<b>58</b>
<b>Pass-by Trip Credit (40%)</b>	15	14	<b>29</b>	12	12	<b>24</b>
<b>Existing Development</b> 136,040 SF Shopping Center	65	56	<b>121</b>	256	256	<b>512</b>
Original APF Approval	-	-	<b>285</b>	-	-	<b>1,168</b>
Net Remaining APF	-	-	<b>124</b>	-	-	<b>622</b>

<sup>1</sup> ITE 8th Edition, 934 "Fast Food Restaurant and Drive Through"

<sup>1</sup> ITE 8th Edition, 820 "Shopping Center"

The restaurant use will generate an estimated 40 AM net new peak hour trips and 34 net new PM peak hour trips. The development remains below the previously approved trip generation associated with Preliminary Plan 12004109B, with a remainder of 124 AM peak hour trips and 622 PM peak hour trips; therefore, the Application is exempt from additional LATR analysis.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The commercial use is surrounded by commercial development within the Shopping Center. Therefore, the Subject Property is compatible with existing, approved and adjacent development. Further, several drive-thrus currently exist in the Shopping Center that is

consistent with the proposed drive-thru. The architectural treatment of the building is also compatible with adjacent development since the façade of the building include materials consisting of masonry and fiber cement which are consistent with commercial development in the surrounding area.

3. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

This Site Plan includes a restaurant with a drive-thru for the Burtonsville Shopping Center. As part of the Application, the Applicant submitted a needs analysis report dated October 19, 2018, by Valbridge Property Advisors, a qualified real estate consulting firm (Attachment 9). The report concludes that a public need exists for the proposed restaurant and drive-thru due to an insufficient number of similar restaurants with drive-thru uses presently serving the existing population market area of Burtonsville and the overall County. The report also states the Application will not result in a multiplicity or saturation of similar uses in the general Burtonsville neighborhood.

4. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.



## SECTION 6: CITIZEN CORESPONDENCE AND ISSUES

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Site Plan was held on April 17, 2018 at the Burtonsville Town Square Shopping Center at the Restaurant Pad Site. To date Staff has received citizen correspondence from the West Laurel Civic Association (WLCA) and the Fairland Citizens Action Coalition (FCAC) with concerns regarding the proposed Application which are further discussed below. Since the comments were made, the Applicant has revised the plans to address the comments made by WLCA and FCAC which are also discussed below.

Placement: WLCA expressed concern over the location of the proposed restaurant in the middle of the center entrance of the parking lot, suggesting such a location would impede site circulation, forcing drivers entering from Old Columbia Pike to veer to the right or left and wind their way through parking spaces. Furthermore, it is suggested that the removal of the existing drive aisle removes one of the means to traverse the development, which is suggested to pose a safety hazard and promote speeding through the parking areas.

The Application area covers a portion of two rows of parking and three drive aisles. Although the Application Area covers three drive aisles, the two east and west drive aisles will continue to function for the most part as they currently do in providing cross access for the overall shopping center. The restaurant is located centrally in the Subject Property and designed with a narrow building footprint to eliminate impacts to the two remaining drive aisles. Addressing this issue, Staff recommended that the Applicant revise the layout to shift the new restaurant and drive-thru further west from the entrance along the east. Since this comment was made, the Applicant provided a new layout that shifted the Subject Property west (one drive aisle over) so that it is located further away from the main entrance. In addition to this recommendation, staff also recommended safety measures within the Subject Property and outside of the Subject Property to improve circulation. These measures include a realignment of the intersection at the southwest corner that is located just outside of the the Subject Property to accommodate a four-way intersection, allowing full movement in all directions as well as maintaining the existing stop bars and signs as seen throughout the parking lot. Staff has also included a development condition requiring stop bars and stop signs at intersections throughout the Subject Property.

Insufficient parking: WLCA has expressed concerns related to increased traffic that may result in insufficient parking. During the review, vehicular circulation was reviewed and staff believes that the proposed Application as conditioned will be able to safely and effectively handle internal traffic. The proposed Application is proposing a total of 22 parking spaces, resulting in 13 parking spaces in excess than what is required by the Zoning Ordinance. Furthermore, the shopping center requires a total of 587 parking spaces, whereas 749 parking spaces are provided, 162 spaces beyond what is required under the Zoning Ordinance.

Increased traffic: WLCA also expressed concerns related to the exterior flow of traffic from MD-198 and Old Columbia Pike since the proposed Application which may result in a back up causing significant opportunities for traffic accidents.

Under the APF granted as part of Preliminary Plan 120041090, 285 AM peak hour trips and 1,168 PM peak trips were allowed for the overall Burtonsville Town Square. With this Application, a total of 69 AM peak and 58 PM peak trips are anticipated as are result of the proposed use. With this

proposal the APF will continue to be below the approved APF. Further, the drive-thru entrance is located in the northeast portion of the Subject Property and the queuing area wraps the rear and east side of the building to accommodate seven vehicles which is two more than the required amount under the Zoning Ordinance.

Crowded shopping center: WLCA explains that the proposed Application makes a small shopping center overcrowded. WLCA's preference is for the proposed Application to be relocated in the shopping center to the east, or alternatively, have the old shopping center torn down and turned into parkland.

The Applicant explained that this location was selected due to the site's proximity to other retail and restaurants and provide convenient circulation for pedestrian and vehicle circulation. Further, the centrality of the restaurant in the selected location will maintain visibility to other commercial uses in the shopping center. Staff has reviewed the Application and as previously stated, found internal circulation to be adequate. As part of the Preliminary Plan approval, the existing shopping center has the opportunity to significantly add to its commercial uses; the current property owner has not expressed interest in converting the old shopping center on the east side of MD-198 into parkland.

Sign posting requirement:

As part of the community input, Staff received a call from the Fairland Citizens Action Coalition. One of the members expressed concerns related to the signs as part of the posting requirements. Specifically, the coalition had issues with the location and orientation of the signs (site postings) installed by the Applicant since it did not meet the sign posting requirement. The FCAC noted that the signs were improperly placed and a safety issue for pedestrians using the sidewalk.

Since Staff became aware of this issue, Staff confirmed at a site visit that the site postings (along MD-198 and Old Columbia Pike) were not placed properly on the site for the Burtonsville Town Square application since the signs were installed perpendicular and not parallel to the street. Soon after the confirmation was made by Staff, the Applicant was made aware of this issue and has since resolved the issue. The signs now meet the Administrative Procedures for Development and therefore, this issue is addressed.

## **SECTION 7: CONCLUSION**

The Application meets all requirements established in the Zoning Ordinance. Access and public facilities will be adequate to serve the proposed restaurant with a drive-thru, and the Application has been reviewed by other applicable county agencies, all of which have recommended approval of the Site Plan. Staff finds the Applicant has adequately addressed the recommendations of the *Fairland Master Plan* and the 2012 *Burtonsville Commercial Crossroads Neighborhood Plan*. Staff recommends approval of this Application, with the conditions as enumerated in the Staff Report.

### **ATTACHMENTS**

Attachment 1 – Statement of Justification

Attachment 2 – Site Plan

Attachment 3 – Preliminary Plan No. 12004109B Resolution

Attachment 4 – Forest Conservation Plan Approval 12004109C

Attachment 5 – MCDPS-Right-of-Way, Correspondence

Attachment 6 – MDSA, Correspondence

Attachment 7 – MCDPS, Fire Department Access and Water Supply Section Approval, August 6, 2018

Attachment 8 – MCDPS Stormwater Management Concept Approval, May 9, 2018

Attachment 9 – Needs Analysis

Attachment 10 – Citizen Correspondence

Attachment 11 – Extension Request

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June 5, 2018

Via ePlans

Casey Anderson, Chair  
Montgomery County Planning Board  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Burtonsville Center LLC, Owner and Applicant  
Restaurant Pad Site (the "Restaurant")  
Site Plan Application Statement of Justification ("SOJ")  
Site Plan No. 820180200  
Burtonsville Town Square (the "Center")

Dear Mr. Anderson and Members of the Planning Board:

We represent Burtonsville Center LLC, the Owner and Site Plan Applicant for a Drive-Thru as an accessory commercial use for a new restaurant on a new pad site. The Drive-Thru satisfies the Limited Use development standards and requires Site Plan approval.<sup>1</sup>

The new restaurant will be a one story building of up to approx. 2,250 sq. ft. of gross floor area.<sup>2</sup> The Drive-Thru and the new restaurant are collectively referred to as the "Restaurant." The Restaurant will be developed within an approx. 31,200 sq. ft. area as shown on the Site Plan (the "Site Plan Area") within the northerly end of the Center's parking field.

Please accept this letter as the Site Plan Statement of Justification for Site Plan Application No. 820180200 (the "Application") in compliance with the 2014 Zoning Ordinance, including the Fairland Master Plan, the Burtonsville Crossroads Neighborhood Plan, and the Subdivision Regulations.

This Statement of Justification is organized as follows:

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<sup>1</sup> Please see Section 3.5.14.E.2.a.v.

<sup>2</sup> This Statement of Justification uses approximate numbers. Where there is a difference between any number in this Statement of Justification and in the Site Plan, the Site Plan number controls.

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1. Zoning and Entitlement History

The Center is located at the northwest corner of MD 198/Spencerville/Sandy Spring Road and U.S. 29A/Old Columbia Pike in Burtonsville, Maryland 20866.

The subject 27.21 acres of land is shown on Subdivision Record Plat No. 23959. The result of legislative actions occurring after the recordation of the Subdivision Record Plat is that the entire Center is comprised of two zones:

(1) Commercial/Residential/Town CRT 1.5, C 1.0, R 1.25, H 75 (16.71 acres); and  
(2) Rural Cluster RC (10.50 acres).

Over 12 years ago, on March 21, 2006, the Planning Board approved Preliminary Plan No. 120041090, which was later amended, for the development of the commercially zoned property under the C-2 zone. The Preliminary Plan Resolution reads, "Limit redevelopment on the property as part of this preliminary plan to a shopping center consisting of 250,000 square feet of retail space<sup>3</sup> and 10,000 square feet of commercial office space." The underlying Preliminary Plan approval is grandfathered pursuant to Section 7.7.1, *et seq.*

In 2012, the Board of Appeals approved Special Exception No. S 2839 which authorized a drive-thru for a Roy Rogers. The Roy Rogers is located near MD 198.

In 2017, the Hearing Examiner approved a conditional use drive-thru as an accessory commercial use for a Starbucks store which recently opened and is operating along the Center's perimeter. The Starbucks store required a Conditional Use because of its proximity to the Center's perimeter. In contrast, the proposed Restaurant is located further away from the Center's perimeter and can satisfy the minimum setback requirements and other requirements that allow the Restaurant to be approved as a Limited Use.

The proposed Site Plan Application is being filed for the Drive-Thru use pursuant to the CRT zone provisions of Chapter 59 of the 2014 Montgomery County Zoning Ordinance (the "2014 Zoning Ordinance" or "Chapter 59"), as an accessory commercial use to the new restaurant, under Section 3.5.14.E.

The Drive-Thru satisfies the Limited Use standards as to its location: (1) it will be more than 100 feet from the Center's perimeter in all directions; (2) it will not have access to a residential street; (3) its service window, drive aisle, and queuing area will not be located between the Restaurant and the street.

The Applicant will be constructing changes to the Center's existing parking field, in an area of approximately 31,200 sq. ft. (the "Site Plan Area"). Modifying existing, grandfathered, physical improvements to accommodate the Drive-Thru accessory commercial use requires the Applicant to satisfy the applicable Site Plan standards, under the 2014 Zoning Ordinance.

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<sup>3</sup> The term retail was used to distinguish the commercial uses that would fall under the 250,000 sq. ft., including applicable considerations of parking spaces, trip generation, etc., from those pertaining to the 10,000 sq. ft. of commercial office space.

Even with the loss of some parking spaces to accommodate the Restaurant, the number of parking spaces within the Center's parking field will still exceed (in excess of 100 parking spaces) the Center's minimum parking requirement.

This Statement of Justification explains how the Drive-Thru meets the Limited Use criteria. Also, because the installation of the Drive-Thru requires changes to the Center's existing improvements, the Site Plan Application explains how the improvements to the Site Plan Area satisfy the relevant Site Plan criteria, under the 2014 Zoning Ordinance.

2. Site Description

The Center is at the northwest corner of MD 198/Spencerville/Sandy Spring Road and U.S. 29A/Old Columbia Pike in Burtonsville, Maryland 20866.

The Center's existing buildings consist of approximately 120,000 sq. ft. of completed construction and of approximately 16,000 sq. ft. still under construction. The buildings and associated parking are located on a 27.21 acre area.

There are no streams, wetlands, or known rare or endangered species present.

There are no historically significant structures or sites located on or near the Property.

The neighborhood surrounding the Center primarily consists of suburban and highway-oriented commercial uses including retail, restaurants, offices, and neighborhood services.

The Center's internal neighborhood consists of commercial establishments with associated surface parking. There are free standing buildings near the Center's perimeter that include: (1) a Starbucks with a drive-thru; (2) a Green Turtle without a drive-thru; (3) a Roy Rogers with a drive-thru; (4) a Capital One branch bank with a drive-thru. By contrast, the proposed Restaurant will be located internal to the Center within the northerly end of the Center's parking field. A Giant Food store and a CVS pharmacy are anchors in the Center.

More details about the site and the neighborhood are provided in the following tables.

<b>Site Description</b>	
Site Address	Old Columbia Pike, Burtonsville, MD 20866
Access	U.S. 29A/Old Columbia Pike and MD 198/Spencerville/Sandy Spring Road
Zoning	CRT



<b>Site Description</b>	
Land Use Description	Commercial Establishments
Master Plan:	Fairland Master Plan and Burtonsville Crossroads Neighborhood Plan
Septic Tier:	Tier 1: Sewer existing
Site Plan Area:	approx. 31,200 sq. ft./0.72 acres
Drive-Thru Parking Spaces:	Minimum of five (5) queuing spaces required for a Drive-Thru use. Section 6.2.7.A.1.

<b>Neighborhood Description</b>	
<b>Existing Zoning</b>	
Subject:	CRT
North	RC (Rural Cluster)
South	<ul style="list-style-type: none"> <li>• CRT-1.5, C-1.0, R-1.25, H-75 (Commercial Residential Town-1.5 Max. FAR, Nonresidential-1 Max. FAR, Residential-1.25 Max. FAR, Height Max. 75ft.)</li> <li>• CRN-0.5, C-0.5, R-0.25, H-35 (Commercial Residential Neighborhood-0.5 Max. FAR, Nonresidential-0.5 Max. FAR, Residential-0.25 Max. FAR, Height Max. 35 ft.)</li> <li>• R-200 (Residential 20,000 sq. ft. min. parcels)</li> <li>• EOF-0.75, H-100 T (Employment Office 0.75 Max. FAR, Height Max. 100ft.)</li> </ul>
East	<ul style="list-style-type: none"> <li>• CRT-1.5, C-1.0, R-1.25, H-75</li> <li>• EOF-075, H-100 T</li> <li>• IM-2.5, H-50 (Moderate Industrial 2.5 Max. FAR, Height Max. 50 ft.)</li> <li>• RC</li> </ul>
West	RC
<b>Existing Land Use</b>	
Subject:	Shopping center
North	Vacant/open space, residential detached dwellings
South:	Retail, industrial, institutional, research and development, residential detached dwellings
East	Retail, office, warehouse, residential detached dwellings
West	School, residential detached dwellings, vacant/open space

3. Proposed Use

The proposed Drive-Thru will be an accessory commercial use for a new restaurant on a new pad site within the northerly end of the Center's existing parking field. The Drive-Thru will include a service window, drive aisle, and queuing/stacking area that will accommodate no less than the minimum five (5) vehicles. Section 6.2.7.A.1.

Vehicular access to the Restaurant is internal to the Center. The existing vehicular and pedestrian configurations were approved and built as part of Preliminary Plan No. 120011090, which configurations were found to be in compliance with the Fairland Master Plan language at page 71 about providing "a pedestrian friendly design including outdoor seating, and streetscaping along store facades."

Pedestrian access is provided by way of internal walkways through the parking lots within the Center. As part of such existing internal pedestrian walkway network, pedestrian walkways, which will not be disturbed, run along Center's driveways on the north and south sides of the Site Plan Area.

The pedestrian walkway on the south side runs from Old Columbia Pike and connects to the eclectic, circular-shaped, micro park seating area where the former Post Office vault door serves as part of a "Stonehenge" sun dial. The pedestrian walkway continues to the sidewalk that runs along the CVS and the in line stores.

The pedestrian walkway on the north side runs from the Squisito pizza restaurant near the Center's Old Columbia Pike perimeter, through the parking area and connects to the streetscape along the northerly end of the in line stores on the west side of the site. The pedestrian walkway also leads to the north and connects to the pedestrian walkway along the Giant.

With a new pedestrian walkway running through the Site Plan Area, the Applicant proposes to connect the pedestrian walkways on the north and south and augment the pedestrian network. The Restaurant's improvements also will serve as a respite within the Center's parking field.

On the Site Plan, please see the Restaurant's outdoor seating area on its southerly side.

In short, the Restaurant will integrate well with the existing businesses and customers and add to the Center's activation.

4. Zoning Compliance<sup>4</sup>

4.1 The Drive-Thru Satisfies the Limited Use Standards

The following discussion explains how the Drive-Thru satisfies the standards for a Limited Use under Section 3.5.14.E.2. The standard is provided and is followed by an explanatory "Response."

- 4.1.1 Section 3.5.14.E.2.a. A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.

Response. As shown on the Site Plan, the Drive-Thru will be located at least 100 feet from the Center's perimeter in all directions.

- 4.1.2 Section 3.5.14.E.2.b. For a Restaurant with a drive-thru, access to the site from a street with a residential classification is prohibited.

Response. The Center is surrounded only by nonresidential streets, namely, MD 198/Spencerville/Sandy Spring Road and U.S. 29A/Old Columbia Pike, and the future Burtonsville Bypass Road.

- 4.1.3 Section 3.5.14.E.2.c. A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.

Response. The Drive-Thru service window, drive aisle, and stacking area will not be located between the Restaurant's southerly facing façade and MD 198/Spencerville/Sandy Spring Road.

- 4.1.4 Section 3.5.14.E.2.d. A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum 3 foot high wall or fence.

Response. As illustrated by the Site Plan, the Drive-Thru service window, drive aisle, and queuing area will not be located between the Restaurant's easterly facing façade and U.S. 29A/Old Columbia Pike.

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<sup>4</sup> Please note that the subsections of the zoning provisions that do not apply are omitted, in the interest of brevity.

4.1.5 Section 3.5.14.E.2.e. Site plan approval is required under Section 7.3.4.

Response. Noted. Please see Section 13.1.3 beginning at Page 14 of this SOJ, and see the other Site Plan Application materials.

4.2 Satisfying The Other CRT Zone Provisions

The following discussion explains how the Restaurant satisfies other CRT zone standards. Each standard is provided and is followed by an explanatory "Response."

4.2.1 Section 4.5.1.C., Commercial Residential Town (CRT)

The CRT zone is described as follows:

The CRT zone is intended for small downtown, mixed-use, pedestrian-oriented centers and edges of larger, more intense downtowns. Retail tenant ground floor footprints are limited to preserve the town center scale. Transit options may include light rail, Metro, and bus.

Response. The restaurant without the Drive-Thru component is a permitted use under the CRT zone. The Drive-Thru is an accessory commercial use that is permitted as a Limited Use under the CRT zone but requires Site Plan approval.

4.2.2 Section 4.5.2.A., Mapped Density and Height

Response. The Restaurant will be developed on land zoned CRT-1.5, C-1.0 R-1.25, H-75.

4.2.3 Section 4.5.3., Standard Method Development

Standard method is allowed only up to 1.0 FAR.

Response. As explained in Section 1, beginning at Page 3 of this SOJ, the Center was approved for up to 260,000 sq. ft. of commercial space. Approximately 120,000 sq. ft. has been constructed, and about 16,000 sq. ft. is under construction, for a total of about 136,000 sq. ft. The addition of the proposed Restaurant (approx. 2,250 sq. ft.) would increase the square footage to about 138,000 sq. ft. Including the addition of the proposed Restaurant, the Center then will have developed about 53% of the approved square footage (138,000/260,000) at

approximately a 0.19 FAR (138,000sq. ft.)/(16.71 acres of the CRT zoned Tract Area).

The entire Center's density is well less than the maximum 1.0 FAR allowed to be developed under the Standard Method in the CRT Zone.

The Application materials establish that the Restaurant will comply with the Standard Method of development standards, pursuant to Section 4.5.3.

As noted, Site Plan approval is required for the Drive-Thru.

5. Master Plan Compliance

Please see Section 1, beginning at Page 3 of this SOJ, for an explanation of how the Site Plan Application is in substantial compliance with the applicable Master Plans.

6. Transportation

Vehicular access to the Restaurant including the Drive-Thru will be internal to the Center. The existing vehicular and pedestrian configurations were approved and built as part of Preliminary Plan No. 120041090, as amended. The Drive-Thru queuing area will have at least the minimum five (5) vehicle queuing area. Pedestrian access will continue to be by way of internal pedestrian walkways through the parking lots. Please see the discussion about the pedestrian walkways, including the new pedestrian walkway through the Site Plan Area, at Section 3 beginning at Page 6 of this SOJ.

The record of the Center's entitlements reflect that the approved Preliminary Plan of Subdivision determined the adequacy of public facilities for up to 260,000 sq. ft. of commercial space. The APFO validity period does not expire until April 21, 2019 (unless extended) and thus is still in effect. Even with the development of the proposed Restaurant, the Center will still only be developed to about 138,000 sq. ft. which calculates to about 53% of its approved density. A detailed transportation review of the entire Center was conducted at the time of the Preliminary Plan Application. The proposed Restaurant with the Drive-Thru can be accommodated easily within the existing approved development density and APFO approval. There will be no significant impact to transportation and the Site Plan Application does not require additional transportation review.

7. Parking Including Bicycles

The Site Plan Application materials show how the modifications to the existing parking field will integrate the Site Plan Area with the parking field, the drive aisles and nearby stores, and will still provide ample parking spaces that exceed the minimum number of spaces required (in excess of 100 spaces) under Section 6.2.3 and Section 6.2.4.<sup>5</sup> Please see the development information included among the Site Plan Application materials.

Also, the Applicant is requesting a waiver from providing a bike locker. Please see Section 6.2.4 and Section 6.2.10. The Restaurant use is required to provide only 0.21 bicycle spaces with a minimum of one bicycle parking space. The related long term bicycle parking space requirement is 15% of the required space. The Applicant is proposing an outside bike rack capable of holding two bicycles. The bike rack would be located near the pedestrian walkway.

The Applicant's waiver request concerns eliminating the long term bicycle parking requirements which would require providing a bicycle locker.. A "long term" bicycle locker would occupy scarce space on a small site. The Applicant is proposing replacing the bicycle locker by providing a bike rack that would accommodate two bicycles instead of the minimum of one bicycle. The second bicycle space could be used not only by employees working at the Restaurant but also by the public. Providing a bike rack to accommodate two, rather than one, bicycle better accomplishes the parking requirements' intent under Section 6.2.1, which is to ensure adequate parking in a safe and efficient manner.

8. Landscaping

The Site Plan Application materials show how the Site Plan Area will be landscaped, and how it will satisfy the minimum open space requirement.

9. Outdoor Lighting

Please refer to the Site Plan Application plans concerning lighting.

10. Signs

The Applicant will comply with the applicable sign requirements provided under the Montgomery County Code.

11. Environment and Forest Conservation

The existing approved Forest Conservation Plan will remain unchanged.

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<sup>5</sup> The Applicant is utilizing the parking standards under Section 6.2.3 and Section 6.2.4, as allowed for grandfathered projects under Section 7.7.B.3.b.

12. Community Interaction

The Applicant duly notified the community and held a pre submission community meeting on Tuesday, April 17, 2018, from 6:45PM-7:45PM, at the Marilyn J. Praisner Library, 14910 Old Columbia Pike, Burtonsville, Maryland 20866. The Site Plan Application materials include a report about the topics discussed during the pre-submission community meeting.

13. Section 7.3.4.E.2. The Site Plan Application Provides the Planning Board With Evidence to Make the Necessary Findings

The following section describes how the Site Plan Application provides ample evidence to support the Planning Board's findings to approve the Site Plan Application. Below, each statutory finding is provided first and the explanation follows under "Response."

13.1.1 Section 7.3.4.E.2. To approve a site plan, the Planning Board must find that the proposed development:

13.1.2 Section 7.3.4.E.2.a. satisfies any previous approval that applies to the site;

Response. The Site Plan application satisfies Preliminary Plan No. 120041090, as amended, as evidenced by the Site Plan Application materials. The Center was approved under the C-2 zone under the 2004 Zoning Ordinance, and its Preliminary Plan was approved under the then applicable provisions of Chapter 50. Under the 2004 Zoning Ordinance, the Center's development did not require Site Plan approval. The Preliminary Plan approval continues to be in effect because it was grandfathered, pursuant to Section 7.7.1, *et seq.* of the 2014 Zoning Ordinance.

The Site Plan Application is in substantial conformance with both the 1997 Fairland Master Plan, the Master Plan in effect at the time of the Preliminary Plan approval, and the subsequent 2012 Burtonsville Crossroads Neighborhood Plan.

Regarding the Fairland Master Plan, please see pages 71-72, which address the recommendations for the then future, to be redeveloped, Burtonsville Town Square. At page 71, it reads, "The owners propose to modernize the Burtonsville Shopping Center with a pedestrian friendly design including outdoor seating, streetscaping along the store facades and along the eastern terminus of the loop road." The approved Preliminary Plan includes the "2004 Illustrative Circulation Plan" that shows the concept for providing

the pedestrian friendly design, which has since been constructed, as approved. As evidenced by the improvements shown within the Site Plan Area, including the landscaping plan and other plans, the proposed Site Plan integrates well with the existing pedestrian friendly design.

In addition to the Fairland Master Plan, the Center is located within the Burtonsville Crossroads Neighborhood Plan and the Village Center Business 29 Neighborhood subarea. The subarea consists of larger-sized properties including the Burtonsville Crossing Shopping Center, Burtonsville Office Park, a publicly-owned commuter park-and-ride lot, and the subject property, the Burtonsville Town Square.

The Burtonsville Crossroads Neighborhood Plan discusses interrelated themes to address challenges and opportunities with land development to create a more complete, connected, and sustainable community. The Restaurant is compatible with the following themes (policies) contained at page seven of the Burtonsville Crossroads Neighborhood Plan:

- *Connectivity-create an expanded network of streets, bikeways, and pedestrian routes.*

Please see the discussion of the proposed use at Section 3 beginning at Page 6 of this SOJ. The existing pedestrian walkways will be maintained. The Site Plan Area will provide a pedestrian respite within the parking area through the addition of a pedestrian walkway through the Site Plan Area. It will provide improved access for pedestrians walking between the pedestrian walkways to the north and south of the Site Plan Area. Accordingly, the Restaurant project will foster the policy.

- *Economy-improve the local economy with a mix of uses and new implementation tools.*

The Restaurant will complement the existing mix of uses in the "Village Center Business 29 Neighborhood" subarea as well as the mix of uses within the Center itself. Uses include a Giant supermarket, Dunkin Donuts, Petco animal supplies, Capital One Bank, Montgomery County Liquor and Wine, hair salon, and various other services and restaurants.

Also, the Restaurant will contribute to the local economy by adding a restaurant and Drive-Thru that will offer a dining alternative, accommodate busy customers, provide employment opportunities, and, thus, contribute to the County's tax base. As such, the Restaurant supports the policy.



*Environment-preserve tributary headwaters and maintain rural character.*

As shown by the application materials, the Restaurant will comply with the stormwater management plan approval conditions as approved by DPS. The Restaurant will be located within the approved limits of disturbance. The Center is not located in a rural edge area. Therefore, the Restaurant supports the policy.

13.1.3 Section 7.3.4.E.2.d. satisfies applicable use standards, development standards, and general requirements under this Chapter;

Response. The Restaurant's Site Plan Application materials evidence that it will satisfy applicable use standards, development standards, and general requirements under Chapter 59.

As for the standard method development standard regarding the Restaurant's build to area ("BTA"), Section 4.5.3.C.b., it provides that the Planning Board may modify the BTA requirement "to accommodate the physical constraints of the site." The Restaurant will be developed within the northerly end of the Center's parking field. It will be well inside of the Center's perimeter. Complying with the BTA's maximum distances from a right of way or an open space do not apply to the Restaurant. Thus, it is recommended that the MNCPPC Staff report include a discussion and/or a recommended modification among the Conditions of Approval to that effect. See also our recommended condition of approval addressing the BTA at Section 15.8 beginning at page 18 of this SOJ.

In addition to the other Application materials, please refer to Section 4, beginning at Page 8 of this SOJ, that addresses how the Drive-Thru complies with the applicable Limited Use development standards and how the Site Plan complies with the Site Plan related zoning development standards. Please also refer to Section 1, beginning at Page 3 of this SOJ that explains the zoning and entitlement history.

13.1.4 Section 7.3.4.E.2.e. satisfies the applicable requirements of Stormwater Management and Forest Conservation:

13.1.4.1 i. Chapter 19, Erosion, Sediment Control, and Stormwater Management;

Response. As noted earlier, the integration of the Restaurant into the Center's existing parking field requires minor modifications to the existing approved plans associated with Chapter 19. Please see

the Application materials that evidence DPS' correspondence indicating the conditions that will cause the Site Plan Application to be in compliance with Chapter 19.

13.1.4.2 ii. Chapter 22A, Forest Conservation.

Response. As noted earlier, the Restaurant's Site Plan Application does not affect the approved forest conservation plan. Please see the Application materials that evidence compliance with Chapter 22A.

13.1.5 Section 7.3.4.E.2.f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

Response. Earlier, it was noted that the Site Plan materials reflect how the Restaurant is integrated into the Center's parking and pedestrian system. Also, earlier, it was noted that the Preliminary Plan approval includes the 2004 Illustrative Circulation Plan, which shows the concept for having a pedestrian-friendly Center. The Site Plan materials reflect how the proposed Restaurant complies with the objective of having a safe and well organized vehicle circulation system. The Drive-Thru will have queuing storage for at least the minimum five (5) vehicles. The Drive-Thru aisle will have no impact on pedestrians walking from the parking field to the Restaurant. The new Restaurant and Drive-Thru will provide a pedestrian respite within the parking area and it will provide access for pedestrians moving between the pedestrian walkways to the north and south of the Site Plan Area.

Regarding the Restaurant's building mass, the building footprint will be only up to approx. 2,250 sq. ft. of gross floor area. Its height will be up to 30 feet tall. The Restaurant will be located within the existing parking field and a significant distance from the Center's perimeter. Also, the Restaurant will not be larger in mass than the structures located on the other pad sites, like Starbucks and the Green Turtle. Certainly, the Restaurant will be significantly less massive than the Giant Food store and the building that houses the in-line stores. The Restaurant's mass will be an insignificant addition to the Center.

The Site Plan Application materials evidence how the amenities will be provided within the Site Plan Area and, more generally, how the improvements within the Site Plan Area will satisfy the Site Plan Application requirements as a standalone Site Plan Application,

independent of the entire Center. For example, at least ten percent (10%) of the Site Plan Area will be devoted to open space.

Schematic architecture plans are being submitted with the Application materials. They illustrate compliance with the minimum development standards required under the 2014 Zoning Ordinance, Section 4.5.3.

For the above reasons, including as evidenced by the other Site Plan application materials, the Site Plan Application shows that the Restaurant, including the Drive-Thru, will be well integrated into the Center. The Center will continue to provide safe, well-integrated parking, circulation patterns, compatible building massing and attractive open spaces and site amenities.

13.1.6 Section 7.3.4.E.2.g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

Response. Please see the detailed explanation in Section 5, beginning at Page 10 of this SOJ, which explains how the Site Plan Application is in substantial conformance with the Fairland Master Plan and the Burtonsville Crossroads Neighborhood Plan.

13.1.7 Section 7.3.4.E.2.h. will be served by adequate public services and facilities.

Response. The Center's adequate public facilities approval is still in effect.

13.1.8 Section 7.3.4.E.2.j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.

Response. The Restaurant will be developed in the interior of the existing Burtonsville Town Square and will be surrounded by many buildings. As evidenced by the Site Plan Application materials, including schematic elevations, the landscape and lighting, and the general layout of the Site Plan Area, the Restaurant will be compatible with the Center's existing buildings and, to the extent that it will be visible off site, with the other commercial buildings within the Burtonsville Crossroads Neighborhood.

14. Section 7.3.4.E.3. The Planning Board May Find That A Need Exists for the Drive-Thru Restaurant.

The Planning Board may find that a need exists for the Restaurant, a convenience restaurant, that will offer a different menu, and more variety, and that will be

accessible via both a Drive-Thru and as a sit down restaurant. The Restaurant will serve mobile and busy workers and families where there is an insufficient number of similar uses presently serving the general Burtonsville area. The Restaurant at the Center will not result in a multiplicity or saturation of similar uses in the same general neighborhood.

15. Suggested Conditions of Approval

Based upon the Site Plan Application materials, the Applicant respectfully recommends the following conditions of approval:

15.1 Development of the Drive-Thru is limited to that shown on the Applicant's Site Plan Application materials dated \_\_\_\_\_.

15.2 Conformance with Prior Approvals

15.2.1 Preliminary Plan Conformance

The Applicant shall conform to the relevant conditions of approval set forth in Preliminary Plan No. 120041090, as amended, or as such Preliminary Plan may be amended pursuant to Chapter 50 or Chapter 59 of the Montgomery County Code.

15.2.2 Forest Conservation

The Planning Board accepts the MNCPPC Staff report that the exiting Forest Conservation Plan remains in full force and effect and is not affected by this Site Plan Application.

15.2.3 Stormwater Management

The Planning Board accepts the MCDPS Water Resources Section correspondence dated \_\_\_\_\_, 2018 that confirms that the Site Plan Application will conform with the stormwater management plan, as amended by DPS.

15.3 Open Space and Landscaping

The Applicant must provide a minimum of 10% of Open Space. Before issuance of the final Use and Occupancy Certificate, all on-site amenities including, but not limited to, lighting, sidewalks/pedestrian walkways, streetscape, and related improvements, hardscape, landscape, and open space amenities must be substantially completed, as determined by MNCPPC Staff, as illustrated on the Certified Site Plan. The Applicant must install the landscaping no later than the next growing season after completion of construction and site work.

15.4 Maintenance of Open Space and Landscaping

The Applicant is responsible for maintaining all publicly accessible amenities, including, but not limited to: Open Space, pedestrian walkways, landscaping and hardscape, as shown on the Certified Site Plan.

15.5 Transportation and Circulation

The Applicant must install the Drive-Thru service window, drive aisle, queuing area, and the other related transportation and circulation improvements as shown on the Certified Site Plan.

15.6 Fire and Rescue

The Applicant must comply with each of the recommendations of MCDPS Fire Code Enforcement Section.

15.7 Building Height

The maximum height of the Restaurant building is limited to 30 feet.

15.8 Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by MNCPPC Staff.

15.9 Lighting

Two existing light poles and fixtures, as identified on the Certified Site Plan, may be relocated to accommodate the Restaurant.

15.10 Site Plan Surety and Maintenance Agreement

Before issuance of any Building Permit or Sediment and Erosion Control Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount;
- b. The cost estimate must include applicable Site Plan elements that might include, but are not limited to, private roads, on-site bike

parking facilities, plant materials, on-site lighting, recreational facilities, site furniture, retaining walls, fences, railings, curbs, gutters, sidewalks, paths, bike ways, street trees, street lights, private utility and associated improvements; and

c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

d. The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan Sheets depicting the limits of development.

15.11 Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan, pursuant to Section 7.3.4.B.2.m.

15.12 Revisions for the Final Certified Site Plan

Before approval of the Certified Site Plan, the following information must be provided subject to Staff review and approval:

- a. Include the Preliminary Plan resolution, and Site Plan resolution and all applicable agency letters on the Certified Site Plan.
- b. Ensure consistency of all details and layout between the Site, Architecture, and Landscape plans.

16. Conclusion and Request for Approval

For all of the above reasons, we respectfully request that the Site Plan application be approved.

Thank you for your consideration.

Respectfully submitted,



Timothy Dugan



Megan Raker

TIMOTHY DUGAN ATTORNEY

301.230.5228 | tdugan@shulmanrogers.com

August 9, 2018

Via ePlans and Email

Casey Anderson, Chair  
Montgomery County Planning Board  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Burtonsville Center LLC, Owner and Applicant  
Restaurant Pad Site (the "Restaurant")  
Addendum to the Site Plan Application Statement of Justification ("Addendum")  
Site Plan No. 820180200  
Burtonsville Town Square (the "Center")

Dear Mr. Anderson and Members of the Planning Board:

We represent Burtonsville Center LLC, the Owner and Site Plan Applicant for a drive-thru as an accessory commercial use for a new restaurant on a new pad site.

Please consider this Addendum to the Statement of Justification. It explains the proposed use and the Applicant's changes to the original Site Plan design and amenities, implemented through the Applicant's productive collaboration with the MNCPPC Planning Staff. This Addendum replaces and expands Section 3 "Proposed Use" of the original Statement of Justification.

The proposed drive-thru will be an accessory commercial use for a new restaurant, on a new pad site, within the northerly end of the Center's existing parking field and its connections to the Center's vehicular and pedestrian network. The drive-thru will include a service window, drive aisle, and queuing/stacking area that will accommodate 7 vehicles, 2 more vehicles than the five (5) vehicles required. Section 6.2.7.A.1.

The Applicant chose the Restaurant's location so that it would be close enough to the other stores and restaurants to facilitate customers' convenient pedestrian and vehicular circulation, and, at the same time, to make the Restaurant visible without materially interrupting the views of the Center's other stores and restaurants. The Applicant adopted the MNCPPC Staff's recommendation to shift the Restaurant to the west and thus increase the distance between the Restaurant and the U.S. 29A/Old Columbia Pike access, with the objective of further enhancing internal vehicular circulation. The

Applicant determined that the Restaurant's shift would still accommodate vehicular and pedestrian circulation and maintain visibility. Also, the Site Plan shows that the Restaurant would be west of those two existing parking lot drive aisles that are closest to, and run parallel to, U.S. 29A/Old Columbia Pike.

In addition to suitable vehicular and pedestrian circulation, there will be ample parking. Even after the addition of the Restaurant, the Center will provide approximately 162 parking spaces more than the requirement, as indicated on the Site Plan cover sheet (ePlans#07-SITE-820180200-001).

The Site Plan's proposed public open space and additional walkways will enhance the Center's existing approved pedestrian circulation network and the customers' shopping and dining experience. Please see the Circulation Exhibit (ePlans #26-CIRC-820180200-001). Below to provide an understanding of the existing network into which the Restaurant will be introduced, we describe the existing walkways to the north and south, and subsequently, the Site Plan's new public open space and walkway connections.

The existing walkway on the north side of the Site Plan area begins near the Squisito pizza restaurant that is near the Center's U.S. 29A/Old Columbia Pike access. The walkway runs in front of the adjacent stores and then turns southwesterly and extends through the parking field. It leads to the streetscape along the stores on the west side of the site.

Across the driveway from the Site Plan's south side, the existing walkway extends from U.S. 29A/Old Columbia Pike and connects to the eclectic, circular-shaped, gathering/seating area where the former Post Office vault door serves as part of a "Stonehenge" sun dial. Similarly, it leads to the streetscape along the stores on the west side of the site.

The Site Plan will add to the Center's public open space and walkways. The new public open space will be about sixty percent (60%) greater than the Restaurant's requirement (10% of 31,200SF = 3,120SF). The Restaurant's on site public open space (about 2,570SF) when added to the off-site public open space (2,500SF) will exceed 5,000SF.

On site, the Restaurant will provide public open space through an outdoor seating/sidewalk café area along the south façade that will connect with two new walkways that will wrap around the south and east sides of the building. The new walkway on the south side will join the outdoor seating area and will also serve to provide pedestrian access for individuals parking in the 12 parking spaces located adjacent to the drive thru lane. The new adjoining walkway along the east side of the Restaurant will connect to the Center's existing walkways to the north and south, described earlier. Similar to the south walkway, the east walkway will be part of the Site

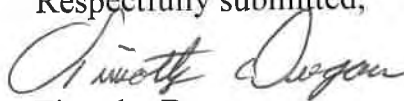


Plan's public open space, because of its connection to the Restaurant's outdoor seating area and the south walkway, its continuous adjacent proximity to the area where there is hardscape (planters and benches) along the east façade, and its landscaping (ground cover and trees) in and around the east side of the Restaurant. The outdoor seating area with its adjacent walkways will add a new public open space amenity and enhance the Center's existing pedestrian network.

The other public open space amenity will be to the southeast, off-site of the Site Plan area. The Applicant will be converting a six space parking island into an inviting, landscaped public seating and gathering area. The landscape plan shows two adjacent, circular public open areas with three curved wooden benches. The landscaping includes trees and ample ground cover.

The new public open space amenities and the additional walkway connections will knit together and activate the surrounding retail uses and while providing a respite for pedestrians. The Restaurant will integrate well with the existing businesses and customers and enhance the Center's shopping and dining experience. Thank you for your consideration.

Respectfully submitted,



Timothy Dugan

TIMOTHY DUGAN | ATTORNEY

( 301.230.5228 ) tdugan@shulmanrogers.com

August 31, 2018

Via ePlans and Email

Casey Anderson, Chair  
Montgomery County Planning Board  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Burtonsville Center LLC, Owner and Applicant  
Restaurant Pad Site (the "Restaurant")  
August 31, 2018 Addendum to the Site Plan Application Statement of Justification  
(the "August 31, 2018 Addendum")  
Site Plan No. 820180200  
Burtonsville Town Square (the "Center")

Dear Mr. Anderson and Members of the Planning Board:

We represent Burtonsville Center LLC, the Owner and Site Plan Applicant for a drive-thru as an accessory commercial use for a new restaurant on a new pad site.

Please consider this August 31, 2018 Addendum to the Statement of Justification (the "August 31, 2018 Addendum"). We incorporate by reference the Applicant's June 5, 2018 Statement of Justification (the "SOJ") and the Applicant's August 9, 2018 Addendum to the SOJ (the "August 9, 2018 Addendum").

We explain how the features of the proposed total public open space of approx. 5,070SF complies with the 2014 Zoning Ordinance. By way of background, the public open space requirement is 3,120SF. The Applicant proposes to provide approx. 2,570SF of public open space within the Site Plan's 31,200SF building envelope. Outside of such building envelope, a 24 feet pedestrian crosswalk across one of the shopping center's internal driveways, will connect approx. 2,500SF more public open space. Such area is described as "off-site" to differentiate its location from the area within the Site Plan building envelope. Using the term "off-site" also conforms with the framework of the 2014 Zoning Ordinance, as we explain below.

Under Section 59.6.3.6.A.2., "public open space" is defined as:

Public open space means space devoted to public use or enjoyment that attracts public appreciation due to its location and amenities.

Under Section 59.4.5.3.C, the public open space requirement for a general building for a tract greater than 10,000SF is 10%, as in the instant case. The minimum public open space requirement for the Site Plan area of 31,200SF is 3,120 SF. Again, the Applicant will provide a total of 5,070 SF of public open space.

The August 9, 2018 Addendum explains the features of the public open space areas in detail. The details are also found in the Site Plan application plans. In short, the public open spaces will be devoted to public use or enjoyment. They will attract public appreciation due to their locations near the new restaurant and drive thru and near the Starbucks, the Green Turtle, and other nearby restaurants and stores. They also will attract public attention because of the seating, landscaping and other amenities described in detail in the August 9, 2018 Addendum.

The two public open spaces meet the design requirements under Section 59.6.3.6.B.1. for standard method development. The spaces abut a public pedestrian route, which is the pedestrian network that runs through the Burtonsville Town Square. The public open space areas are a minimum of 15 feet wide. Seating and shade are provided. The public open space areas are contiguous. As noted earlier, a 24 feet pedestrian crosswalk connects them. They are located on either side of an internal driveway, in contrast to a public right of way. They are contiguous also because they are located within the same 27.21 acres described by a single subdivision record plat, Subdivision Record Plat No. 23959.

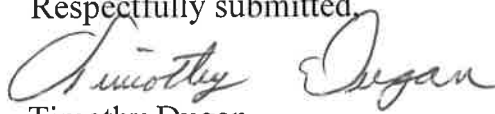
In addition to the public open space areas being contiguous, Section 59.6.3.6.C., "Off-Site Options," also allows the Applicant to count off-site public open space. Section 59.6.3.6.C. allows the Applicant to satisfy its public open space requirement (in this case, only 3,120 SF) *in whole or in part* by making "off site" public open space improvements that are "in an area at least as large as" the required public open space. The Applicant is proposing to provide approx. 5,070SF of public open space by providing "part" of such public open space off-site, but in an area that is indeed at least as large as the requirement. As evident, the total public open space area will be *substantially greater than* the 3,120SF requirement. Also, Section 59.6.3.6.C. provides that off-site public open space may be located within or outside of the Fairland Master Plan area, which is the master plan in effect when the Preliminary Plan was approved. Such off-site public open space also will be within the master plan area described in the more recent Burtonsville Crossroads Neighborhood Plan. In both cases, the off-site public open space will be located within the Burtonsville Town Square, which is located within both of the relevant master plans.

As we noted in the August 9, 2018 Addendum, the new public open space amenities and the additional walkway connections will knit together and activate the surrounding retail

uses and while providing a respite for pedestrians. The Restaurant will integrate well with the existing businesses and customers and enhance the Center's shopping and dining experience. Finally, we explain in this August 31, 2018 Addendum, the proposed public open space satisfies the 2014 Zoning Ordinance.

Thank you for your consideration.

Respectfully submitted,



Timothy Dugan

TIMOTHY DUGAN | ATTORNEY

! 301.230.5228 ! tdugan@shulmanrogers.com

September 5, 2018

Via ePlans and Email

Casey Anderson, Chair  
Montgomery County Planning Board  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Burtonsville Center LLC, Owner and Applicant  
Restaurant Pad Site (the "Restaurant")  
September 5, 2018 Addendum to the Site Plan Application Statement of  
Justification (the "September 5, 2018 Addendum")  
Site Plan No. 820180200  
Burtonsville Town Square (the "Center")

Dear Mr. Anderson and Members of the Planning Board:

We represent Burtonsville Center LLC, the Owner and Site Plan Applicant for a drive-thru as an accessory commercial use for a new restaurant on a new pad site.

Please consider this September 5, 2018 Addendum to the Statement of Justification (the "September 5, 2018 Addendum"). We incorporate by reference the Applicant's June 5, 2018 Statement of Justification (the "SOJ"), the Applicant's August 9, 2018 Addendum to the SOJ (the "August 9, 2018 Addendum"), and the Applicant's August 31, 2018 Addendum to the SOJ (the "August 31, 2018 Addendum").

The MNCPPC Staff asked us to elaborate our treatment of the Build To Area ("BTA") development standard. The Restaurant will be located well into the Center's interior, and, thus, a substantial distance from both public rights of way, i.e., MD 198/Spencerville/Sandy Spring Road and U.S. 29A/Old Columbia Pike. The Restaurant will be located more than 100 feet from the Center's lot line. The substantial distance from the lot line, along with satisfying other criteria, allows the restaurant and drive thru application to be approved as a Limited Use.

Preliminarily, despite our explanation of how the BTA standard may be considered under the circumstances, we are *not* convinced that the BTA standard is even applicable, and must be applied to the Restaurant. It is not uncommon that it is acknowledged that a certain Zoning Development standard does not apply. Nonetheless, we tried to address

how the BTA development standard could be considered. Please see the first sheet of the Site Plan. We indicate that the BTA standard, theoretically, could be applied to the façade facing the Center's main drive aisle. As noted on the Site Plan sheet, there is a twenty (20) feet distance between the building's façade closest to the main drive aisle, which meets the minimum distance standard. As for the Restaurant's BTA relative to any "side street," we indicate "N/A." Parking spaces flank the sides of the Restaurant.

The Zoning Ordinance, at Section 4.1.7.B.2., "Placement," "Build To Area," defines "Build To Area" as follows:

The build-to area is the area on the lot from the lot line or right-of-way to the maximum setback where a certain percentage of the front or side street building façade must be located.

The Zoning Ordinance, at Section 4.1.7.A.3. defines "Lot" as:

A lot is a contiguous area of land that is described by a plat recorded in the land records for which a building permit can be issued.

The Zoning Ordinance, at Section 1.4.2., defines "Lot Line" as:

A line bounding a lot.

The Zoning Ordinance, at 1.4.2., defines "Right-of-Way" as:

Land for the passage of people, vehicles, or utilities as shown on a record plat.

The Center is reflected on a single subdivision record lot. One continuous lot line runs around the perimeter. No rights-of-way are shown on the subdivision record plat within the Center. Considering the facts and the seemingly inapplicable Zoning Ordinance provisions, it seems that a logical and lawful interpretation would be to determine that the BTA does not apply to the Restaurant. Otherwise, all pad sites would have to crowd near the perimeter regardless of more suitable site layout considerations.

If it were determined that the BTA standard must be addressed, the Planning Board is authorized to modify the BTA standard to fit the circumstances, pursuant to the Zoning Ordinance at Section 4.5.3.C.3.b., "Placement," which reads as follows:

b. The Build-to Area requirements may be modified by the Planning Board during site plan review under Section 7.3.4. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from the Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design

elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

The Planning Board should find that the Restaurant deviates from the BTA requirements only to the extent that it is necessary to accommodate the physical constraints of the Center, pursuant to subparagraph b.(1) quoted above. Among the explanations contained in the August 9, 2018 Addendum, one is included that the Applicant chose the Restaurant's location so that it would be close enough to the other stores and restaurants to facilitate customers' convenient pedestrian and vehicular circulation, and, at the same time, to make the Restaurant visible without materially interrupting the views of the Center's other stores and restaurants. The physical constraints of the Center are primarily the other existing buildings and supporting parking and amenities and the size of the Center that make the logical and most suitable choice for locating the Restaurant in the Center's interior. The relatively recently developed suburban shopping center buildings and related improvements are oriented toward the Center's interior where the parking spaces are located, which is not uncommon for, again, a suburban shopping center. Minimum distances from the Center's perimeter lot line do not have the relevance that they might have for a different use where building close to the perimeter sidewalks, etc. for pedestrian access and for establishing a street's building line is more significant from an urban planning standpoint. The BTA requirement will be different only to the extent necessary under the circumstances to accommodate the Restaurant being located within the interior of the suburban shopping center.

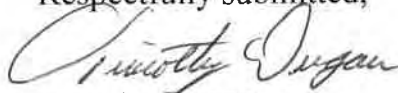
With respect to addressing subparagraph b.(2) above, it will be appropriate for the Planning Board to find that the site plan incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks. The circumstance that subparagraph b.(2) is intended to address is to make sure that the Restaurant's design elements engage the public, even though the Restaurant is not located within the standard BTA. The provision is intended to avoid circumstances where there would be a gap between the building and the public domain. The entire Site Plan "campus," the Restaurant and the public open space amenities, collectively are located together, but away from the property's perimeter. Thus, the objective is still being achieved, albeit under circumstances that may not have been contemplated by the Zoning Ordinance. Among the explanations contained in the August 9, 2018 Addendum and the August 31, 2018 Addendum, the Applicant describes the design elements of the proposed public open space and walkways. There are two interconnected public open space areas. One public open space area will wrap around the south and east facades of the Restaurant. The other public open space area is connected to the Restaurant by a crosswalk and will have two adjacent, circular public open space areas with three curved

benches, as well as trees and ample ground cover. The Planning Board will be able to find that the design elements are integrated with, and are next to or close by, the Restaurant and will engage the public and otherwise meet the intent of subparagraph b.(2).

In closing, as we have noted in earlier correspondence, the Restaurant, including the new public open space amenities and the additional walkway connections, will knit together and activate the surrounding retail uses and provide a respite for pedestrians. The Restaurant will integrate well with the existing businesses and customers and enhance the Center's shopping and dining experience.

Thank you for your consideration.

Respectfully submitted,

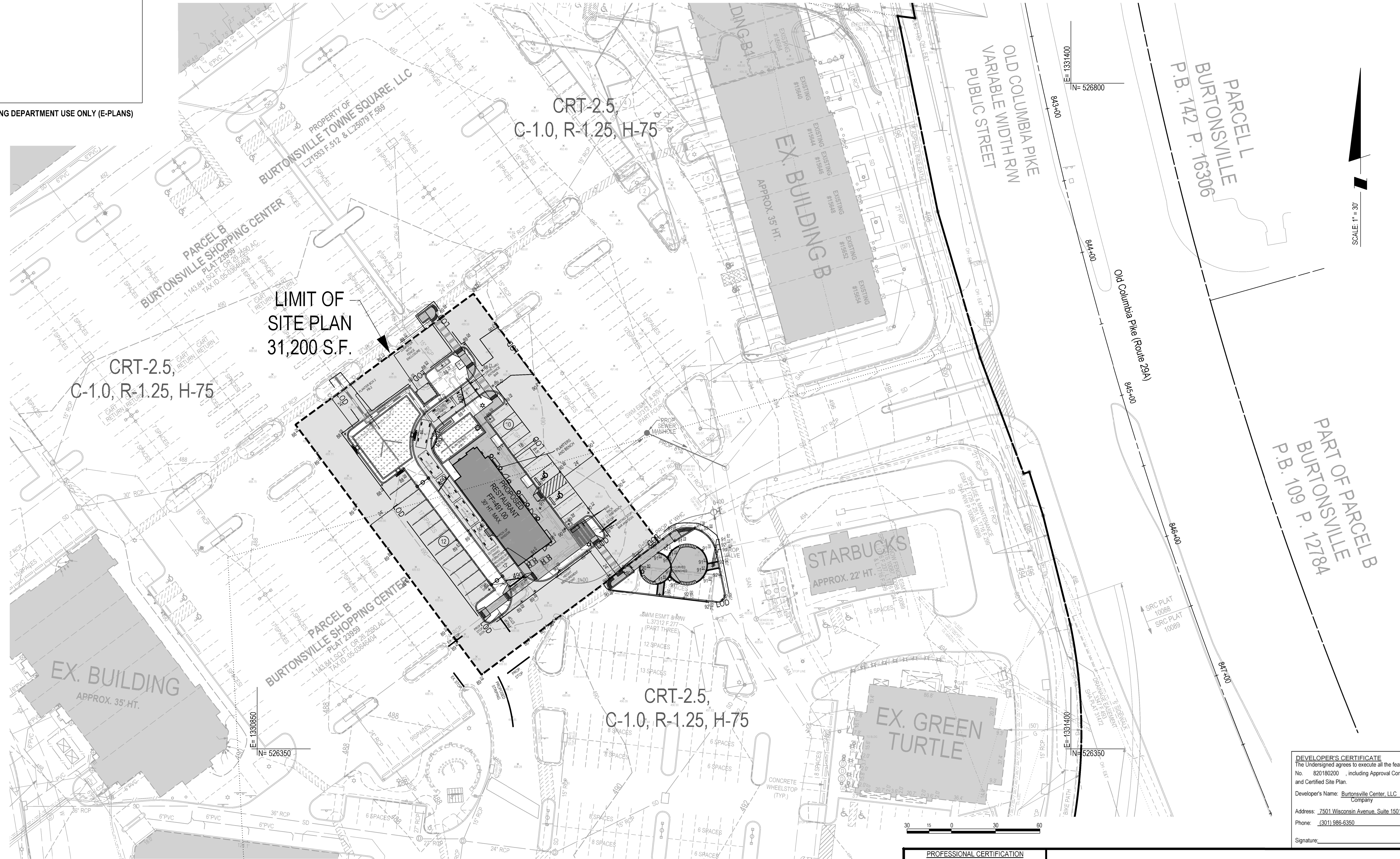


Timothy Dugan



REFERENCE GRID  
A B C D E F G H I J K L M N O

PLANNING DEPARTMENT USE ONLY (E-PLANS)



The original of this drawing document was prepared by Soltesz, Inc. (SOLTESZ). If this document was not obtained directly from SOLTESZ and/or it was transmitted electronically, SOLTESZ cannot guarantee that unauthorized changes and/or alterations were not made by others. A review of the information contained herein is required. Contact should be made directly with SOLTESZ. SOLTESZ makes no warranty, express or implied, concerning the accuracy of any information that has been transmitted by electronic means.

**DEVELOPER'S CERTIFICATE**  
The Undersigned agrees to execute all the features of the Site Plan Approval No. 820180200, including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: Burtonsville Center, LLC  
Company: Vince Burke  
Address: 7501 Wisconsin Avenue, Suite 1501E, Bethesda, MD 20814  
Phone: (301) 986-6350  
Signature: \_\_\_\_\_

**PROFESSIONAL CERTIFICATION**  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.  
LICENSE NO. 11164, EXPIRATION DATE: 11-21-2018



**SOLTESZ, INC.**  
Rockville Office  
2 Research Place, Suite 100  
Rockville, MD 20850  
P. 301.948.2750 F. 301.948.9067  
www.soltesz.com

Rockville  
Lanham  
Waldorf  
Leonardtown  
Frederick  
Soltesz DC, LLC

NO.	REVISIONS	BY	DATE

DATE: APRIL 2018 CAD STANDARDS VERSION: V8 - 2000  
DESIGNED: ECO TECHNICIAN: ECO CHECKED: KDL

**MISS UTILITY NOTE**  
INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

**OWNER/DEVELOPER/APPLICANT**  
BURTONSVILLE CENTER, LLC  
(OR) B.F. SAUL COMPANY  
7501 WISCONSIN AVENUE, SUITE 1501E  
BETHESDA, MD 20814  
P: (301) 986-6350  
VINCE BURKE / VICE PRESIDENT

MAP: 5168	GRID: A3
TAX MAP: KS 552	ZONING CATEGORY: 660A
WSSC 200' SHEET: 221NE04	
SITE DATUM: HORIZONTAL: NAD83 VERTICAL: NGVD29	

**SITE PLAN**

**SITE PLAN #820180200**  
**BURTONSVILLE TOWN SQUARE**  
**RESTAURANT PAD SITE**

COLESVILLE (5) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

Scale: 1" = 30'

SHEET **S1.2**

PROJECT NO. 1076-06-03



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

MCPB No. 09-67  
Preliminary Plan No. 12004109B  
Burtonsville Shopping Center  
Date of Hearing: June 25, 2009

JUN 26 2009

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on May 28, 2009, BMC Property Group ("Applicant"), filed an application to revise the previous conditions of approval to a previously approved preliminary plan located on 27.15 acres of land in the northwest quadrant of the intersection of Columbia Pike (US 29) and Spencerville Road (MD 198) ("Property" or "Subject Property"), in the Fairland Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 12004109B, Burtonsville Shopping Center ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 12, 2009, setting forth its analysis and recommendations for approval of the Application ("Staff Report"); and

WHEREAS, on June 25, 2009, Staff presented the Application to the Planning Board as a consent item for its review and action ("Hearing").

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan Amendment No. 12004109B to revise Condition #4 of the corrected opinion dated March 21, 2006, as follows:

1) Previous condition #4, shall be amended as follows:

4) Satisfy all preliminary plan conditions included in the State

APPROVED AS TO LEGAL SUFFICIENCY

*Christina Soren*  
M-NCPPC LEGAL DEPARTMENT

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

~~Highway Administration (SHA) letter dated June 7, 2005. All roadway/intersection improvements required by SHA shall be installed/constructed and in place prior to the release of any building permit associated with this preliminary plan.~~ All roadway/intersection improvements required by SHA shall be installed/constructed as required by SHA in coordination with MCDOT. The required 8-foot bikepath along the US 29A frontage, which must be constructed by the Applicant, must be installed and open for use prior to issuance of a building permit for the last 122,000 square feet of approved commercial use.

- 2) All other previous conditions of approval as contained in the Planning Board corrected Opinion dated March 21, 2006 remain in full force and effect.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The revision does not substantially change the plan. As determined by the Planning Board at the initial hearing for this project, the plan is in substantial conformance with the land use recommendations of the Fairland Master Plan.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

By virtue of a thorough review and recommendations of approval from all agencies including the Montgomery County Department of Public Works and Transportation, the Montgomery County Department of Permitting Services, the Maryland State Highway Administration and the Montgomery County Department of Fire and Rescue Services, this Preliminary Plan will be adequately served by public facilities.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The configuration of the lots was not changed as part of this Preliminary Plan revision. Lot shape, size, width and orientation remain in

compliance with Chapter 50.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

At the initial hearing, the Preliminary Plan was reviewed for compliance with Chapter 22A of the Montgomery County Code and found to comply with all requirements of that Chapter by the Planning Board. The revision required no changes to the forest conservation plan.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The Montgomery County Department of Permitting Services reviewed and approved a stormwater management concept for the entire project at the initial review. The concept was not changed as part of this revision and remains valid.

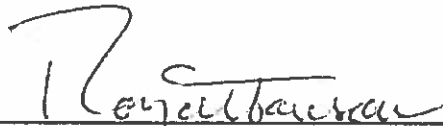
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board, and that the date of this Resolution is JUN 26 2009 (which is the date that this Resolution is mailed to all parties of record); and

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 Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

MCPB No. 09-67  
Preliminary Plan No. 12004109B  
Burtonsville Shopping Center  
Date of Hearing: June 25, 2009  
Page 4 of 4

### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Cryor, seconded by Commissioner Presley, with Chairman Hanson, Vice Chair Robinson, and Commissioners Cryor, Presley, and Alfandre present and voting in favor of the motion, at its regular meeting held on Thursday, June 25, 2009, in Silver Spring, Maryland.



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Royce Hanson, Chairman  
Montgomery County Planning Board



PLANNING DEPARTMENT USE ONLY (E-PLANS)

**LEGEND**

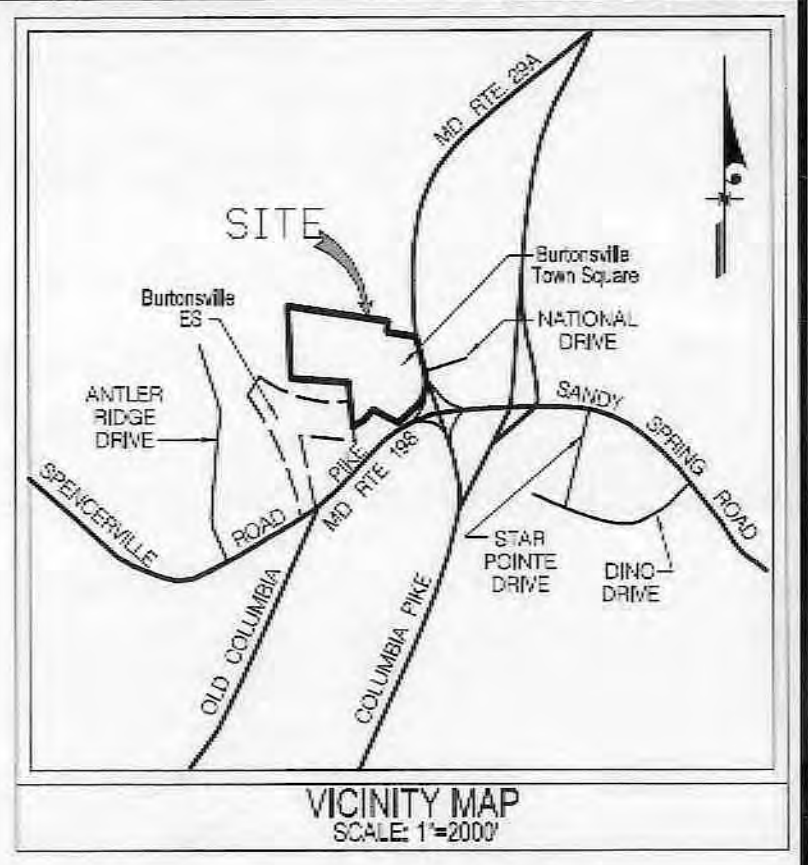
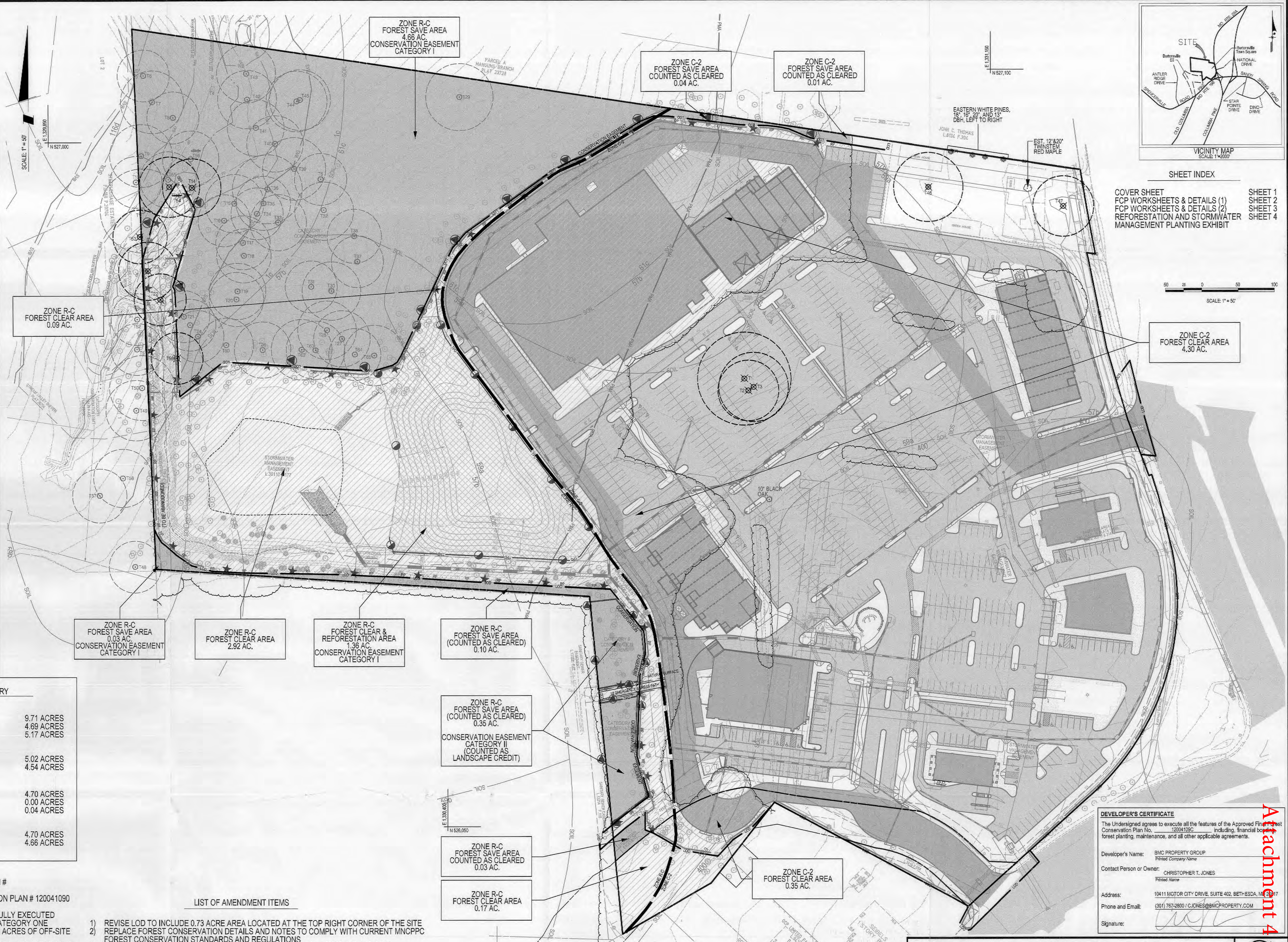
- PMA PAUTUXENT MANAGEMENT AREA BOUNDARY
- BUILDING RESTRICTION LINE
- ZONING LINE
- PROJECT BOUNDARY
- WATERS OF US
- EXISTING TREE LINE
- SVB STREAM VALLEY BUFFER
- EPHEMERAL DITCH (NOT WATERS OF THE U.S.)
- SLOPES 15-25% (NONE ON SITE)
- SLOPES >25%
- FOREST SAVE AREA (CATEGORY I CONSERVATION EASEMENT)
- FOREST SAVE AREA (COUNTED AS CLEARED)
- FOREST CLEARED
- REFORESTATION AREA (CATEGORY I CONSERVATION EASEMENT)
- EXISTING CONTOUR
- PROPOSED CONTOUR
- LOD LIMIT OF DISTURBANCE
- SSF TREE SAVE/SUPER SILT FENCE
- RP ROOT PRUNE
- TPD TREE PROTECTION FENCE (PERMANENT PROTECTION)
- REFORESTATION SIGN
- FOREST RETENTION SIGN
- CRITICAL ROOT ZONE
- SIGNIFICANT TREE TO REMAIN
- SIGNIFICANT TREE TO BE REMOVED
- SOIL TYPE & SOIL BOUNDARY LINE

**FOREST COVER SUMMARY**

R-C ZONE	EXISTING FOREST COVER	9.71 ACRES
	FOREST RETENTION AREA	4.69 ACRES
	FOREST RETENTION AREA (INCLUDING FOREST COUNTED AS CLEARED)	5.17 ACRES
	FOREST CLEARED	5.02 ACRES
	ACTUAL FOREST CLEARING	4.54 ACRES
C-2 ZONE	EXISTING FOREST COVER	4.70 ACRES
	FOREST RETENTION AREA	0.00 ACRES
	FOREST RETENTION AREA (INCLUDING FOREST COUNTED AS CLEARED)	0.04 ACRES
	FOREST CLEARED	4.70 ACRES
	ACTUAL FOREST CLEARING	4.66 ACRES

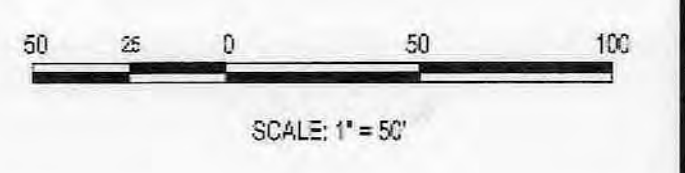
- NOTE:**
- FINAL FOREST CONSERVATION PLAN # 120041090 APPROVED 10/29/2008
  - PRELIMINARY FOREST CONSERVATION PLAN # 120041090 CONDITIONAL APPROVAL 7/21/2005
  - APPROVED FFCP # 120041090 WAS FULLY EXECUTED INCLUDING RECORDATION OF ALL CATEGORY ONE EASEMENTS AND PURCHASE OF 2.82 ACRES OF OFF-SITE FOREST MITIGATION
  - NO TREE VARIANCE IS NECESSARY FOR THIS AMENDMENT

- LIST OF AMENDMENT ITEMS**
- REVISE LOD TO INCLUDE 0.73 ACRE AREA LOCATED AT THE TOP RIGHT CORNER OF THE SITE
  - REPLACE FOREST CONSERVATION DETAILS AND NOTES TO COMPLY WITH CURRENT MNCPPC FOREST CONSERVATION STANDARDS AND REGULATIONS
  - ADD/REORDER SHEET SET TO ACCOMMODATE FOR ADDITIONAL NOTES AND DETAILS



**SHEET INDEX**

COVER SHEET	SHEET 1
FCP WORKSHEETS & DETAILS (1)	SHEET 2
FCP WORKSHEETS & DETAILS (2)	SHEET 3
REFORESTATION AND STORMWATER MANAGEMENT PLANTING EXHIBIT	SHEET 4



**DEVELOPER'S CERTIFICATE**

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120041090, including, financial bond for forest planning, maintenance, and all other applicable agreements.

Developer's Name: BMC PROPERTY GROUP  
Printed Company Name: \_\_\_\_\_

Contact Person or Owner: CHRISTOPHER T. JONES  
Printed Name: \_\_\_\_\_

Address: 10411 MOTOR CITY DRIVE, SUITE 402, BETHESDA, MD 20817  
Phone and Email: 301.767.2800 / CJONES@BMCPROPERTY.COM

Signature: \_\_\_\_\_

**SOLTESZ**

Rockville  
Lanham  
Waldorf  
Leandown

ROCKVILLE OFFICE  
2 Research Place, Suite 100  
Rockville, MD 20850  
P. 301.948.2750 F. 301.948.9067

www.soltesz.com

NO.	DESCRIPTION	DATE	BY	DATE
1	FCP AMENDMENT	NOV 2013	PMS	NOV 2013

DATE: NOV 2013  
DESIGNED: CSB/PMS  
CAD STANDARD: V8-2000  
TECHNICAL: PMS  
CHECKED: CSB

**MISS UTILITY NOTE**

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTRACTORS SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, HAND-DIGGED TEST PITS SHALL BE REQUIRED. IF CLEARANCES ARE LESS THAN TWELVE (12) INCHES, HAND-DIGGED TEST PITS SHALL BE REQUIRED. CLEARANCES LESS THAN TWELVE (12) INCHES SHALL REQUIRE REVISIONS TO THIS PLAN.

**DEVELOPER**

BMC Property Group  
Christopher T. Jones  
10411 Motor City Drive  
Suite 402  
Bethesda, MD, 20817  
301.767.2800, 301.767.2801 fax  
cjones@bmcproperty.com

COPYRIGHT ADD THE MAP PROFILE PERMITTEE USE NUMBER 2100 2008

MAP	NOV 2013	DATE	E.S. 318 Edition
KS 592	R-C-C-20RT	XXXX	
WS90 JCC 8-SET		XXXX	
221 NE 04		XXXX	
SITE DATUM		XXXX	
ORIENTAL			
VERTICAL			



**COVER SHEET**

FINAL FOREST CONSERVATION PLAN AMENDMENT 12004109C

**BURTONSVILLE TOWN SQUARE**

SPENCERVILLE ROAD (RT. 198) & COLUMBIA PIKE (RT. 29)

BURTONSVILLE ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

RECEIVED M-NCPPC  
MAR 3 2014  
PROJECT NO. 1319-00-01

1 OF 4

Attachment 4



FOREST CONSERVATION NOTES

FOREST CONSERVATION NOTES

- 1. The Natural Resource Inventory (Forest Stand Delineation (4-04388) was certified by M-NCPPC on January 5, 2005.
2. The locations of the Significant and Specimen Trees as shown on this plan were located using GPS survey. (USA) The locations of all trees 8 inches or greater within 25' of the LOD were field surveyed.
3. An on-site pre-construction meeting shall be required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins.
4. No clearing or grading shall begin before stress-reduction measures have been implemented.
5. A State of Maryland licensed tree expert, or International Society of Arboriculture certified arborist must perform all stress reduction measures.
6. Temporary tree protection devices shall be installed per the Forest Conservation Plan and prior to any construction activities.
7. Temporary protection devices shall be maintained and installed by the contractor for the duration of the construction project and must not be altered without prior approval of M-NCPPC.
8. Forest retention signs shall be installed as required by the M-NCPPC Inspector, or as shown on the approved Forest Conservation Plan.
9. Long-term protection devices will be installed per the Forest Conservation Plan and attached details.
10. Areas along the edge of retention areas and where determined by the tree care experts, are to be mulched with 3 inches of shredded mulch.
11. Periodic inspections by M-NCPPC will occur during the construction project.
12. At the completion of construction, M-NCPPC will inspect the site for compliance with the approved forest conservation plan.
13. The applicant is responsible for the maintenance of the plantings for a period of two years.
14. Contact M-NCPPC Inspector (301-455-4571) for site inspection after initial planting and at the end of the maintenance period.

PLANNING DEPARTMENT USE ONLY (E-PLANS)

C-2 ZONE: FOREST CONSERVATION WORKSHEET

FOREST CONSERVATION WORKSHEET

NET TRACT AREA:
A. Total tract area ... 17.45
B. Land dedication acres (parks, county facility, etc.) ... 0.00
C. Land dedication for roads or utilities (not being constructed by this plan) ... 0.73
D. Area to remain in commercial agricultural production/use ... 0.00
E. Other deductions (specify) ... 0.00
F. Net Tract Area ... 16.72

LAND USE CATEGORY: (from Trees Technical Manual)
Input the number "1" under the appropriate land use, limit to only one entry.

Table with columns: ARA, MDR, IDA, HDR, MPD, CIA. Values: 0, 0, 0, 0, 0, 1

G. Afforestation Threshold ... 15% x F = 2.51
H. Conservation Threshold ... 15% x F = 2.51

EXISTING FOREST COVER:

I. Existing forest cover ... 4.70
J. Area of forest above afforestation threshold ... 2.19
K. Area of forest above conservation threshold ... 2.19

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation ... 2.95
M. Clearing permitted without mitigation ... 1.75

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared ... 4.70
O. Total area of forest to be retained ... 0.00

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold ... 0.55
Q. Reforestation for clearing below conservation threshold ... 5.02
R. Credit for retention above conservation threshold ... 0.00
S. Total reforestation required ... 5.56
T. Total afforestation required ... 0.00
U. Credit for landscaping (may not exceed 20% of "S") ... 0.00
V. Total reforestation and afforestation required ... 5.56

worksheet updated 6/5/2002

R-C ZONE: FOREST CONSERVATION WORKSHEET

FOREST CONSERVATION WORKSHEET

NET TRACT AREA:
A. Total tract area ... 9.76
B. Land dedication acres (parks, county facility, etc.) ... 0.00
C. Land dedication for roads or utilities (not being constructed by this plan) ... 0.17
D. Area to remain in commercial agricultural production/use ... 0.00
E. Other deductions (specify) ... 0.00
F. Net Tract Area ... 9.59

LAND USE CATEGORY: (from Trees Technical Manual)
Input the number "1" under the appropriate land use, limit to only one entry.

Table with columns: ARA, MDR, IDA, HDR, MPD, CIA. Values: 0, 1, 0, 0, 0, 0

G. Afforestation Threshold ... 20% x F = 1.92
H. Conservation Threshold ... 25% x F = 2.40

EXISTING FOREST COVER:

I. Existing forest cover ... 9.71
J. Area of forest above afforestation threshold ... 7.79
K. Area of forest above conservation threshold ... 7.31

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation ... 3.86
M. Clearing permitted without mitigation ... 5.85

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared ... 5.02
O. Total area of forest to be retained ... 4.69

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold ... 1.26
Q. Reforestation for clearing below conservation threshold ... 5.02
R. Credit for retention above conservation threshold ... 2.29
S. Total reforestation required ... 5.00
T. Total afforestation required ... 0.00
U. Credit for landscaping (may not exceed 20% of "S") ... 0.00
V. Total reforestation and afforestation required ... 5.00

worksheet updated 8/5/2002

Forest Conservation Data Table - ZONE C-2

Table with columns: Number of Acres, Land Use & Thresholds, Total Channel Length, Average Buffer Width, Acres of Forest in Retained, Cleared, Planted.

1 Only Road or Utility ROWs not to be improved as part of development application.
2 Information from FCP Land Use Categories & Thresholds document.
3 Measured from stream edge to buffer edge.

Forest Conservation Data Table - ZONE RC

Table with columns: Number of Acres, Land Use & Thresholds, Total Channel Length, Average Buffer Width, Acres of Forest in Retained, Cleared, Planted.

1 Only Road or Utility ROWs not to be improved as part of development application.
2 Information from FCP Land Use Categories & Thresholds document.
3 Measured from stream edge to buffer edge.

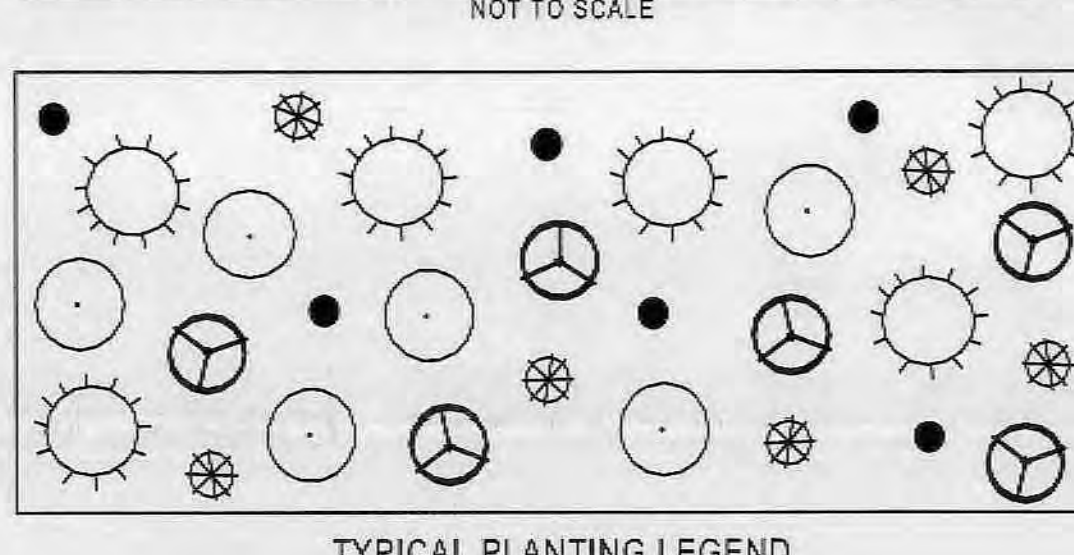
Burtonsville Shopping Center, Montgomery County, Maryland

Significant Trees, February 2002
T46 and T47 added per site visit in April 2005.
T56-T65 Added per site visit June 2008

Note: Trees were physically tagged with a corresponding number unless otherwise noted. Tags were generally placed on the south side of trees, at approximately a 5' height from base of trunk. Some tree locations are approximate; see the tree legend symbols to distinguish survey located trees from field approximated trees.

Table with columns: Tag #, Genus, Species, Common Name, DBH (inches), Health, Comments, Disposition. Lists trees T1 through T65.

AFFORESTATION / REFORESTATION TYPICAL DETAIL



PLANT LIST/RATIO FOR 1" CALIPER TREES. Table with columns: Species, Number/Acre, Total This Plan.

PLANT LIST/RATIO FOR 18-24" HEIGHT SHRUBS. Table with columns: Species, Number/Acre, Total This Plan.

NOTES:
200" 1" CALIPER TREES REQUIRED PER ACRE OF REFORESTATION/AFFORESTATION. USE BALL AND BURLAPPED OR CONTAINER GROWN TREES TO FULFILL PLANTING REQUIREMENTS.
33 18-24" SHRUBS REQUIRED PER ACRE OF REFORESTATION/AFFORESTATION. USE CONTAINER GROWN STOCK TO FULFILL PLANTING REQUIREMENT. SHRUBS TO BE EVENLY DISTRIBUTED OVER THE PLANTING AREA AND AMONG THE TREES.

- NOTES:
1) REFORESTATION / AFFORESTATION (C-2 ZONE) = 5.56 AC
2) CREDIT FOR FOREST RETENTION (R-C ZONE) = 1.03 AC
3) TOTAL REMAINING REFORESTATION REQUIREMENT = 4.36 AC (LINE 1 - LINE 2)
4) FOREST REFORESTATION = 1.36 AC
5) LANDSCAPE CREDIT = 0.35 AC
6) 2.82 AC OF OFFSITE FOREST MITIGATION PURCHASED AT TIME OF FCP # 120041090 APPROVAL

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 120041090 including, financial bonding, forest planting, maintenance, and all other applicable agreements.
Developer's Name: BMC PROPERTY GROUP
Contact Person or Owner: CHRISTOPHER T. JONES
Address: 10411 MOTOR CITY DRIVE, SUITE 402, BETHESDA, MD 20817
Phone and Email: (301) 762-2800 / CJONES@BMCPROPERTY.COM



Rockville Office
2 Research Place, Suite 100
Rockville, MD 20850
P. 301.946.2750 F. 301.946.9067

Table with columns: No., Description, Date, Designer, Checker, PMS, Date.

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AN AVAILABLE RECORD. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND BE RESPONSIBLE FOR OBTAINING THE "AS-BUILT" AND "AS-LOCATED" INFORMATION PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THE PLAN OR NINE (9) FEET, THE CONTRACTOR SHALL CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NINE FEET MAY REQUIRE REVISION TO THE PLAN.

DEVELOPER

BMC Property Group
Christopher T. Jones
10411 Motor City Drive
Suite 402
Bethesda MD, 20817
301.767.2800, 301.767.2801 fax
cjones@bmcproperty.com

\* NO PLANTING IS REQUIRED W/ THIS AMENDMENT

Table with columns: MAP, TAX ID, R-C/D-ZONE, HORIZONTAL, VERTICAL.



FCP WORKSHEETS & NOTES
FINAL FOREST CONSERVATION PLAN AMENDMENT 12004109C
BURTONSVILLE TOWN SQUARE
SPENCERVILLE ROAD (RT. 198) & COLUMBIA PIKE (RT. 29)
BURTONSVILLE ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

PLANTING NOTES

GENERAL CONDITIONS

GENERAL

I. SCOPE

A. The landscape contractor shall provide all materials, labor and equipment to complete all forestation work as shown on the plans, plant list and specifications.

II. STANDARDS

A. All plant material will conform to the current issue of the American Standard for Nursery Stock published by the American Nursery & Landscape Association (ANLA), and conform in general to representative species.  
B. The plant material must be selected from nurseries that have been inspected by state or federal agencies. Any certificates required must be provided to owner or representative upon delivery of materials.  
C. Installation shall be as specified on this Final Forest Conservation Plan (FFCP). All planting specifications and procedures not otherwise shown on the FFCP shall be in accordance with the standards set forth in the "Landscape Specification Guidelines," current edition, as developed by the Landscape Contractors Association, M.D., D.C., VA.  
D. Plant species shall be native to Maryland. Locally acclimated plants propagated from Mid Atlantic genetic stock and obtained from a nursery within 100 miles of the project site are preferred for hardiness and disease resistance.

III. SUBSTITUTIONS

A. If a plant is found not to be suitable or available, the landscape contractor is to notify the owner before bidding.  
B. The owner or representative is then required to select a reasonable alternate or to inform the landscape contractors of the availability of the original plant.  
C. If a substitute is selected, it must be of the same size, type and quality as the original plant.  
D. Substitutions to be made with written approval of MNCPPC.

IV. UTILITIES

A. The landscape contractor shall notify utility companies prior to construction and call "Miss Utility" at (800) 257-7777, to locate main utility lines.  
B. If there is a conflict with the utilities and the planting, the landscape contractor shall notify the owner immediately. Any cost of relocating caused by the contractor's failure to notify shall be borne by the contractor.

V. WORKMANSHIP

A. During planting, all areas shall be kept clean and neat, and all reasonable precautions shall be taken to avoid damage to existing plants, turf and structures.  
B. Upon completion, all debris and waste material resulting from planting operations shall be removed from the project and the area cleaned up.  
C. Any damaged areas shall be restored to their original condition at the cost of the contractor.

VI. PRODUCTS

PLANT MATERIALS

A. Balled and burlapped (B&B)  
i. Balled and burlapped plants shall be dug with firm natural balls of earth.  
ii. Ball sizes shall be in accordance with ANLA specifications.  
B. Container grown stock shall have been grown in a container long enough for the root system to have developed sufficiently to hold soil in the container together.  
C. Plants shall not be pruned prior to delivery to the site.  
D. All trees to be single stem. Trees shall be free of pests and disease. Trees shall be inspected for girdling roots. Small girdling roots may be cut, larger (greater than 1/4") will require rejection of the tree for planting stock.  
E. Promptly repair damage caused by planting operations.  
F. Plants which are not planted within a day after delivery should be protected from desiccation through shading, watering, shielding from wind, or other methods.  
G. Container stock may replace B&B as long as all other criteria are met.  
H. Anti-transpirants shall be applied on all materials dug while in foliage.

VII. MATERIALS

A. Anti-transpirants  
If used, anti-transpirants shall be an emulsifiable concentrate used to retard excess water loss without harming normal transpiration.  
B. Transplant Inoculant  
Inoculant containing Mycorrhizal fungi.  
C. Ball Fill Mixture  
Back fill mixture shall be 1/3 existing soil mixed with 1/3 organic material (or peat) and 1/3 topsoil.  
D. Top Soil  
i. If used, top soil shall be sandy loam and uniform in color and composition.  
ii. It shall be free of stones, roots, lumps, plants and other debris over 1.5".  
iii. It shall not contain toxic substances harmful to plant growth.  
iv. Top soil shall have a pH range of 5.0 to 7.0 and the organic matter shall be a minimum content of 1.0%.  
E. Organic Matter  
Organic Matter used in back fill shall be peat or other material approved by the landscape architect or owner.  
F. Mulch  
Wood chip mulch, free of dirt, dust, and other debris, comparable to material generated and used by MNCPPC.

EXECUTION

I. PLANTING SITE PREPARATION

A. Forestation plantings shall occur during the fall or spring planting season following the completion of all construction activities. Final site grading and stabilization within 50' of the forestation areas shall be completed before planting.  
B. Soil within any forestation area that has been compacted by construction activity or equipment shall be chisel plowed, disc harrowed or rototilled such that the full depth of compacted soil is loosened so that normal root growth may occur.  
C. Topsoil shall be spread to a depth of 6 inches in all areas of reforestation which are disturbed by grading operations. All areas to receive topsoil shall be scarified, and topsoil mixed thoroughly into the top 12 inches. Topsoil shall conform to specifications in MATERIALS.  
D. Bare ground areas shall be seeded per the permanent seeding specification on the Improvement Plans. Kentucky Fescue (Kentucky 31) is NOT to be used in any reforestation area or within any stream buffer.  
E. Just prior to planting, tall grasses and forbs shall be mowed to facilitate planting activities.  
F. Promptly repair damage caused by planting operations.  
G. Forestation plantings are to be installed in natural drifts as specified on the plant list.

IX. DEERWILDLIFE PROTECTION PROTOCOL

A. All trees are to be treated with Repellex tablets prior to installation. If plantings are treated with Repellex tablets less than 4 weeks prior to planting (or if plants are planted outside of the growing season), Repellex spray must be applied concurrent with planting. Tablets (and sprays as needed) to be applied at manufacturer's rates and suggested methods.  
B. Wire cages are to be used on all deciduous plantings, as per detail on this sheet.  
C. Plantings damaged by wildlife will be required to be replaced, if survival rates fall below 80%.

X. PREPARING THE TREE PIT

A. The tree pit must be 2.5 times the size of the root ball at the top or 2.5 times the width of the container diameter.  
B. The walls of the tree pit shall be dug so that they are scarified.  
C. The tree pit shall be deep enough to allow the root collar of the tree to be level with existing grade. Any loose soil at the bottom of the pit shall be tamped by hand or with the bucket of the backhoe.  
D. Refer to detail on this sheet for proper planting technique.

XI. BACKFILLING A TREE PIT

A. Cut rope or wire on ball of tree and pull burlap back to the edge of the root ball. Remove all plastic wraps and twine. Remove burlap 1/2 of the way down the root ball.  
B. Backfill tree pit with a soil mixture stated in the specifications.  
C. Mix soil amendments to mixture either prior to filling pit or as pit is being filled.  
D. Ensure plant remains straight during backfilling.  
E. The root collar of all trees shall be level with existing grade. The flared base of the trunk shall always remain above the surface and the roots should be covered with soil.  
F. Backfill sides of tree pit halfway with soil mixture and tamp as pit is being filled.  
G. Finish backfilling sides of tree pit and tamp firmly.  
H. Form a 4" saucer above existing grade and around the outer rim of the tree pit.  
I. Mulch top of root ball and saucer within 48 hours to a minimum depth of 2" and not to exceed 3".  
J. Water thoroughly the interior of the tree saucer until it is filled, even if it is raining. Provide enough water to ensure saturation of the root ball.  
K. Prune out any dead, conflicting or broken branches.  
L. Remove all tags, labels, stems, etc. from the tree.

PLANTING IN WATER AND SEWERLINE EASEMENTS:

A. No trees with tap roots shall be planted in the vicinity of pipes. Direct planting of trees over pipes shall be avoided.

X. PROTECTIVE DEVICES

A. Forestation area signs are to be installed concurrently with the plantings. Location and installation shall be per details and as shown on the Final Forest Conservation Plan.  
B. These protection devices shall remain in place and in good repair for the maintenance period, throughout the entire period of construction, or until the end user removes them, whichever is longer.

XI. SOIL TESTING

A. Contractor to perform soil test as per accepted methods by the local agricultural extension service.  
B. Samples to be tested by reputable lab.  
C. Contractor will be responsible for notifying owner of any problems or deficits determined by the test results.  
D. Plant failure based on soil deficits or problems due to failure of contractor to take samples will be replaced at the cost of the contractor after corrections have been made.

XVI. INSPECTION

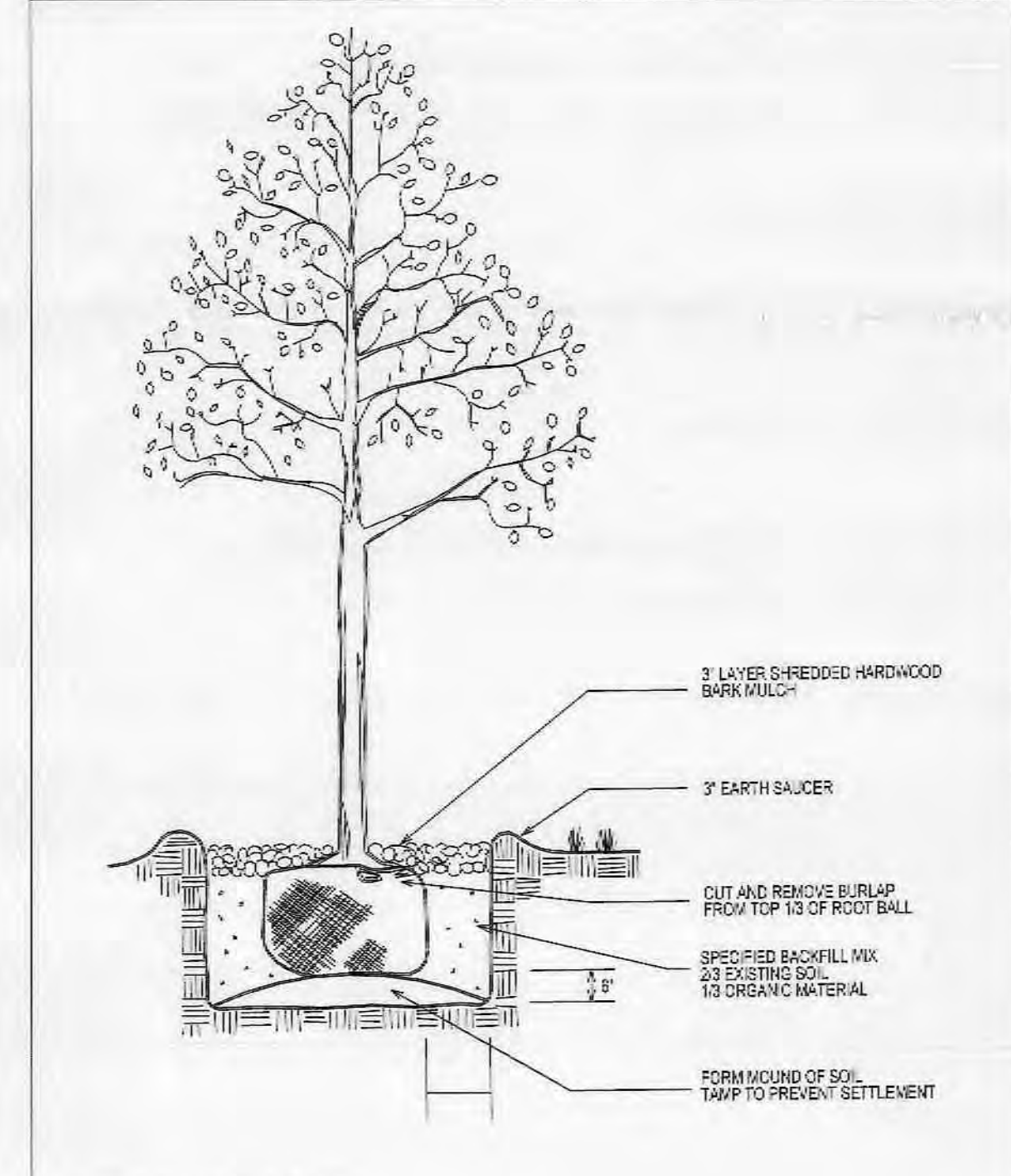
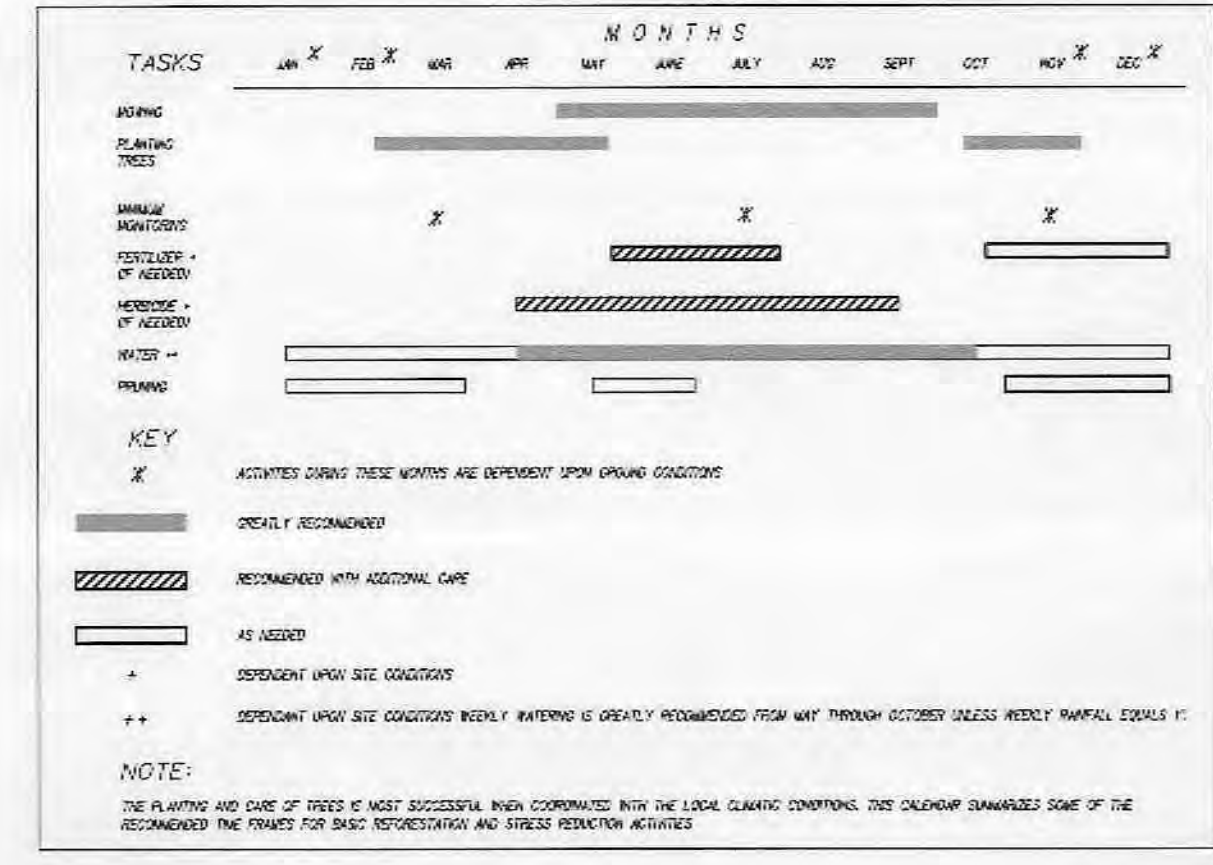
A. Plants not meeting stated requirements or damaged in handling or transportation may be rejected by the owner, owner's representative, or MNCPPC Inspector.

XVII. SUBMITTALS

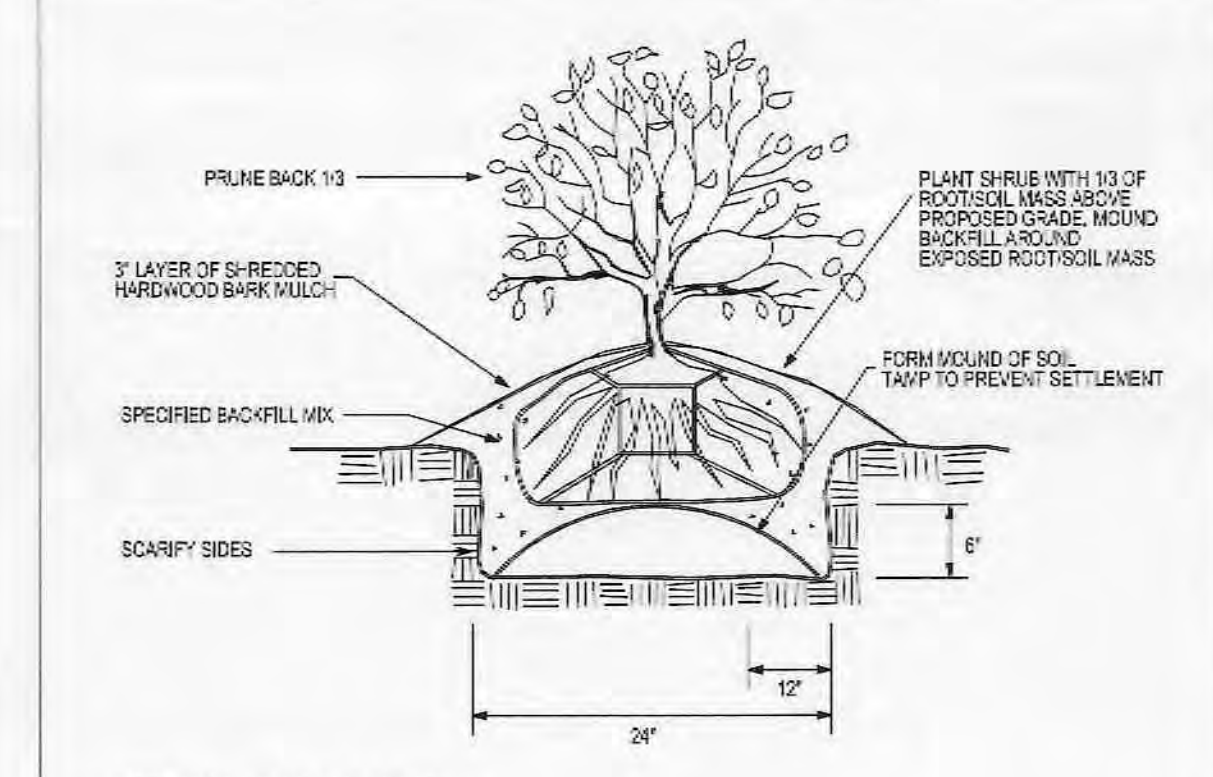
A. The landscape contractor is to make all required submittals to MNCPPC.

MONITORING/MAINTENANCE

A. A planting and inspection schedule, maintenance plan and monitoring agreement must be developed by the applicant and approved by MNCPPC prior to planting. This must include inspection for invasive species, tree and seed survival rates, and maintenance which includes watering, health pruning, insect, disease, wildlife treatment, and plant replacement as needed. The applicant is responsible for the maintenance of the plantings for 2 years. Contact the MNCPPC inspector at (301) 495-4571 for site inspection after initial planting and at the end of the 2-year maintenance period.



TREE PLANTING DETAIL NTS



BALL AND BURLAP SHRUB PLANTING DETAIL NTS

NOTE: BALL AND BURLAP SHRUBS AFTER SETTING PLANT REMOVE EXCESS BURLAP AND CUT BACK TOP 1/3 OF BURLAP.

Sequence of Events for Property Owners Required to Comply With Forest Conservation and/or Tree-Save Plans

Pre-Construction

- An on-site pre-construction meeting shall be required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner shall contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance and discuss tree protection and tree care measures. The developer's representative, construction superintendent, ISA certified arborist or Maryland licensed tree expert that will implement the tree protection measures, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.
- No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:
  - Root pruning
  - Crown Reduction or pruning
  - Watering
  - Fertilizing
  - Vertical mulching
  - Root aeration/mulching
 Measures not specified on the forest conservation plan may be required as determined by the forest conservation inspector in coordination with the arborist.
- A Maryland-licensed tree expert or an International Society of Arboriculture certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the forest conservation inspector or sent to the inspector at 6787 Georgia Ave., Silver Spring, MD 20910. The forest conservation inspector will determine the exact method to convey the stress reduction measures during the pre-construction meeting.
- Temporary tree protection devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. The forest conservation inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protection devices may include:
  - Chain link fence (four feet high)
  - Super silk fence with strung between support poles (minimum 4 feet high) with high visibility flagging
  - 1/4 gauge 2 inch x 4 inch welded wire fencing supported by size 1 bar poles (minimum 4 feet high) with high visibility flagging.
- Temporary protection devices shall be maintained and installed by the contractor for the duration of the construction project and must not be altered without prior approval from the forest conservation inspector. No equipment, trucks, materials or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior approval of the forest conservation inspector.
- Forest retention signs shall be installed as required by the forest conservation inspector, or as shown on the approved plan.
- Long-term protection devices will be installed per the Forest Conservation Plan/Tree Save Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measure to be installed.

During Construction

- Periodic inspections by the forest conservation inspector will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the forest conservation inspector, must be made within the timeframe established by the inspector.

Post-Construction

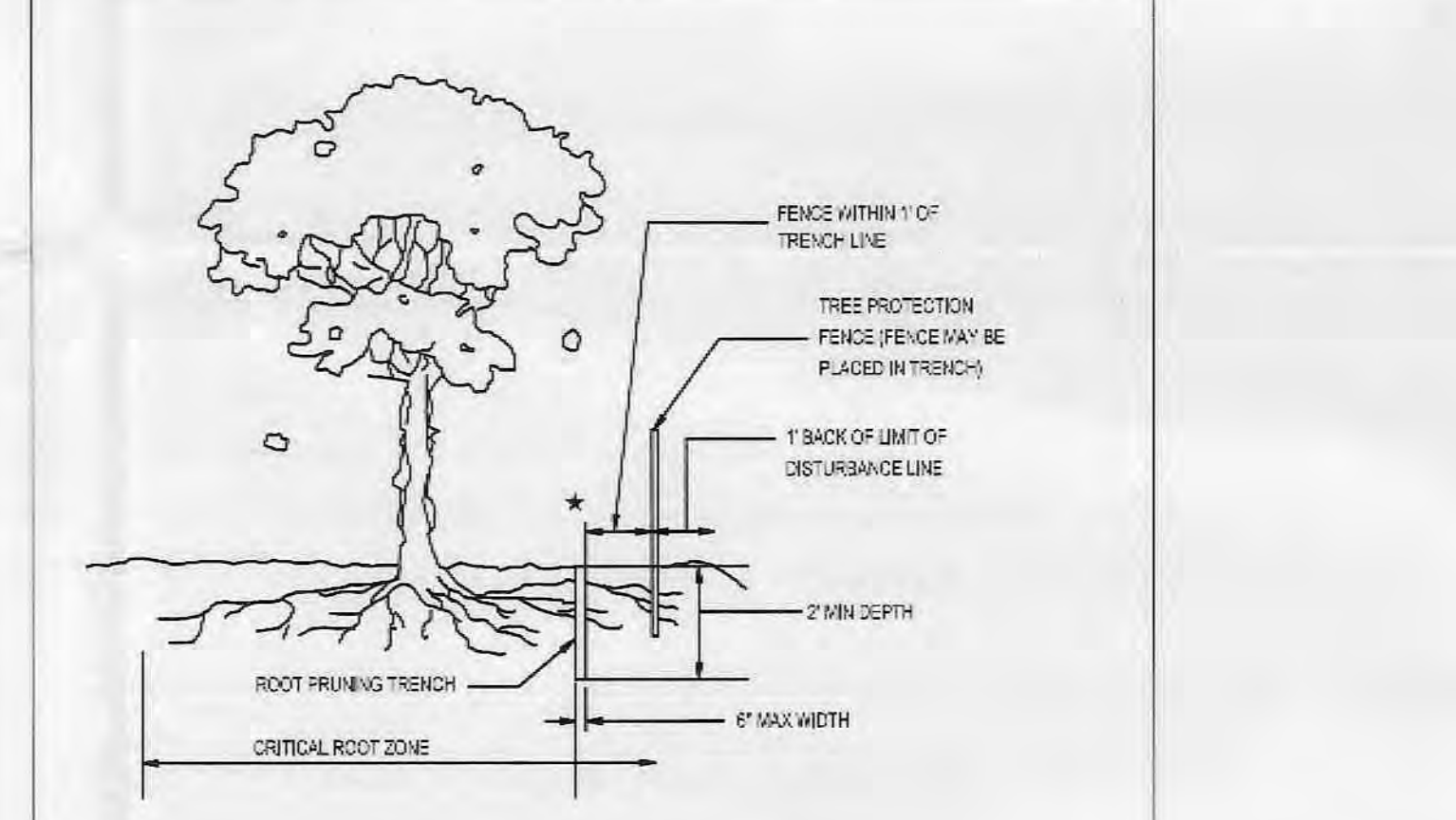
- After construction is completed, an inspection shall be requested. Corrective measures may include:
  - Removal and replacement of dead and dying trees
  - Pruning of dead or declining limbs
  - Soil aeration
  - Fertilization
  - Watering
  - Mound repair
  - Clean up of retention areas
- After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both the Department of Permitting Services and the forest conservation inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

INSPECTIONS

All field inspections must be requested by the applicant. Inspections must be conducted as follows:

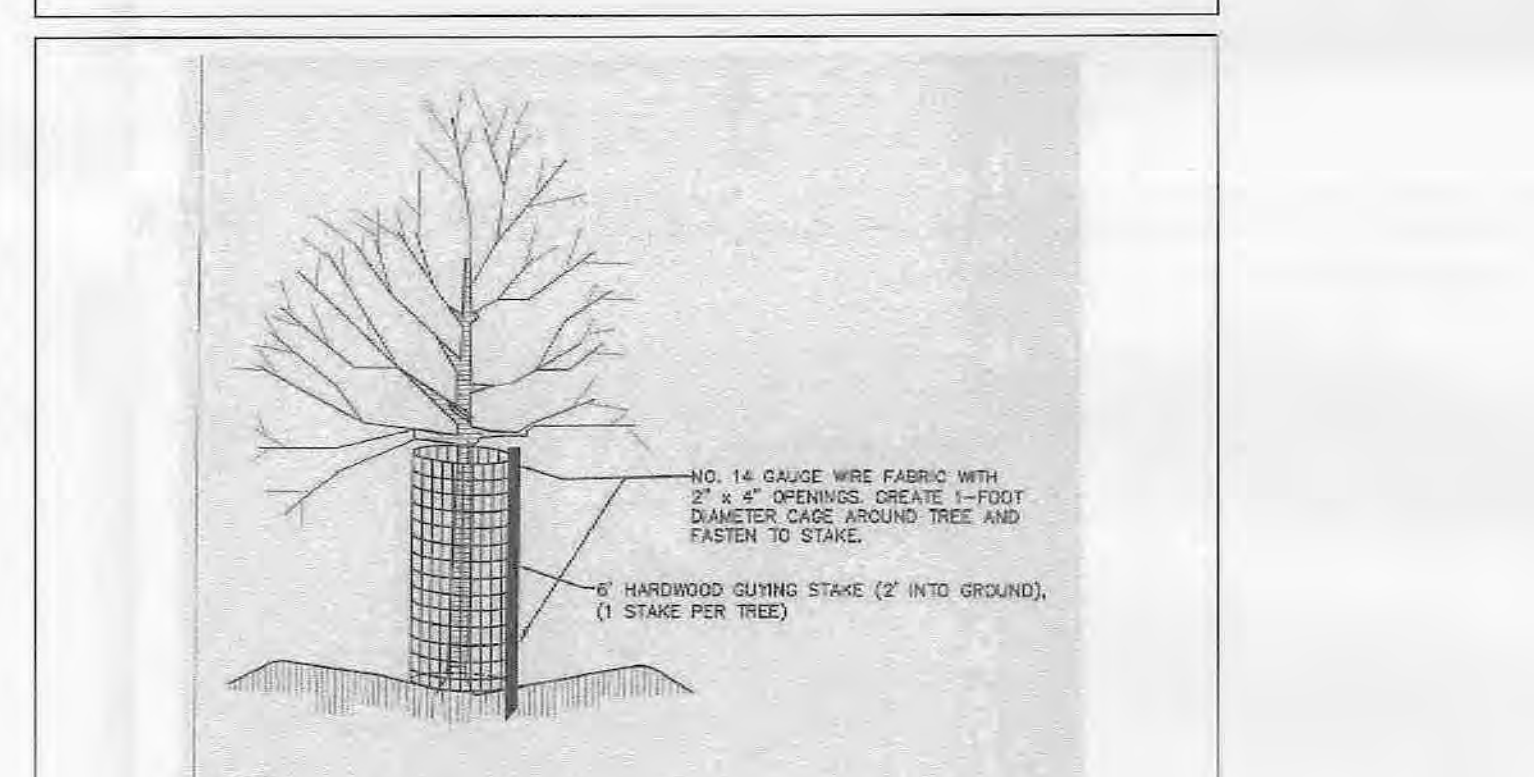
- Tree Save Plans and Forest Conservation Plans without Planting Requirements
- After the limits of disturbance have been staked and flagged, but before any clearing or grading begins
- After necessary stress reduction measures have been completed and protection measures have been installed, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.

- Additional Requirements for Plans with Planting Requirements
- Before the start of any required reforestation and afforestation planting
- After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period.
- At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.



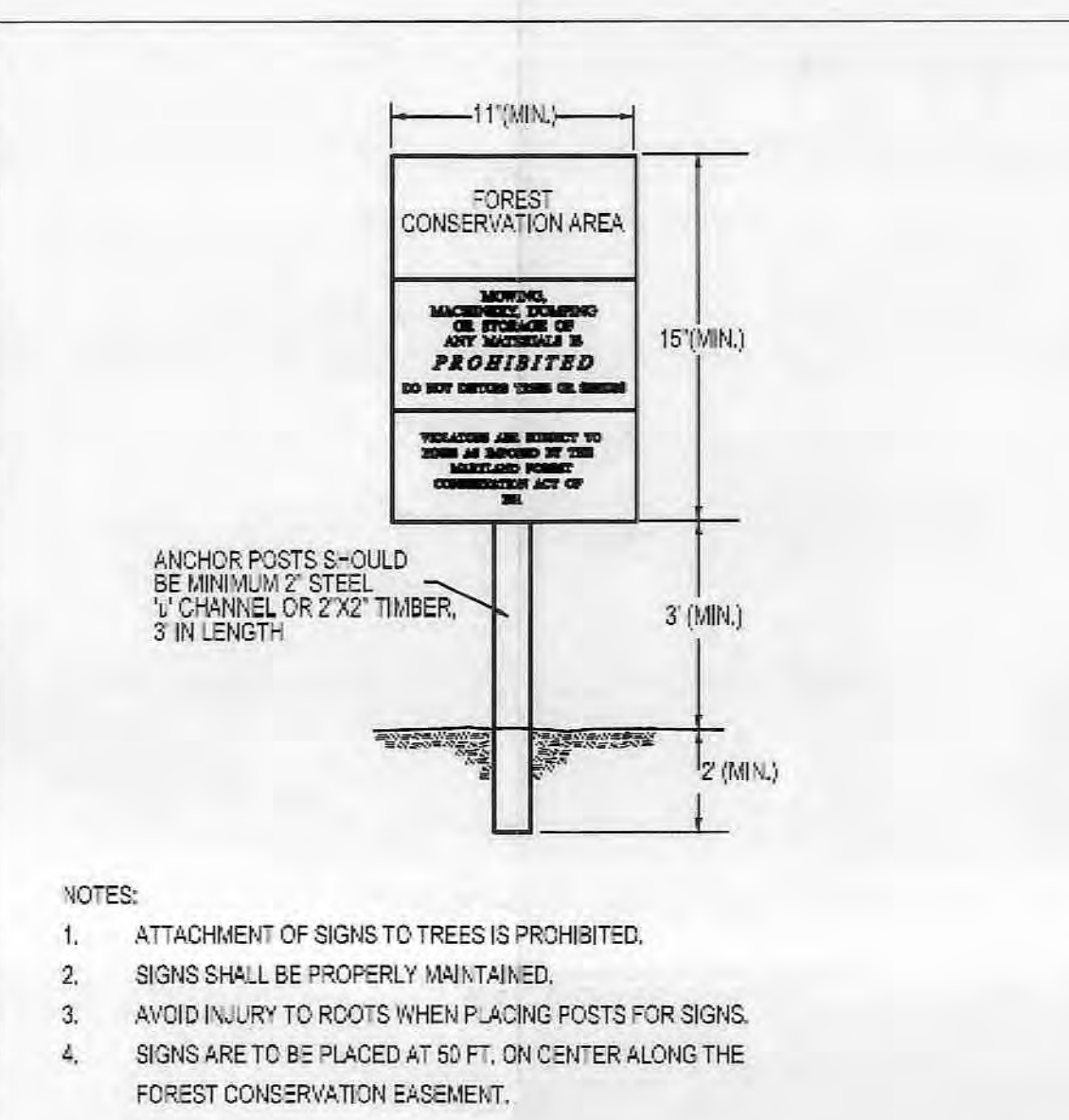
- NOTES:
- RETENTION AREAS WILL BE SET AS PART OF THE REVIEW PROCESS.
  - BOUNDARIES OF RETENTION AREAS SHOULD BE STAKED AND FLAGGED PRIOR TO TRENCHING.
  - EXACT LOCATION OF TRENCH SHOULD BE IDENTIFIED.
  - TRENCH SHOULD BE IMMEDIATELY BACKFILLED WITH SOIL REMOVED OR OTHER HIGH ORGANIC SOIL.
  - ROOTS SHOULD BE CLEANLY CUT USING VIBRATORY KNIFE OR OTHER ACCEPTABLE EQUIPMENT.

ROOT PRUNING DETAIL NTS

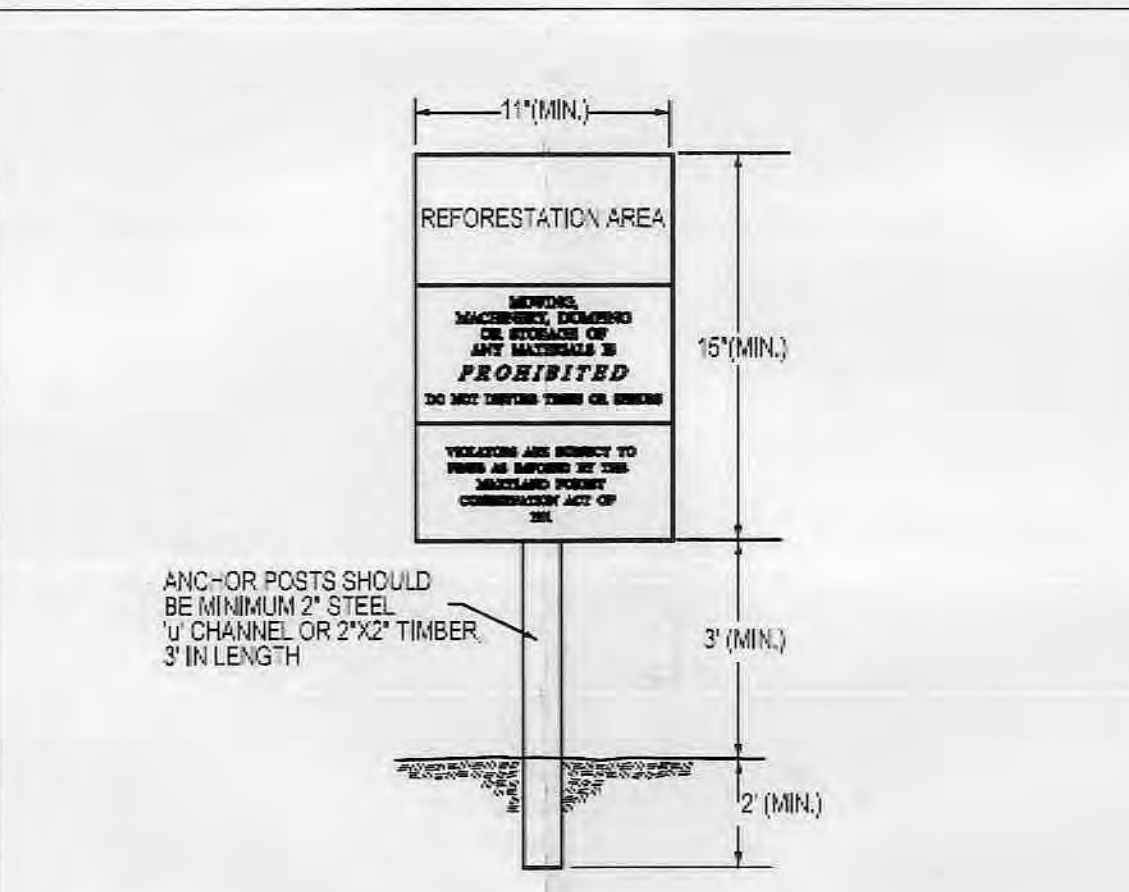


- NOTES:
- HEIGHT OF CASE SHALL BE 4- FEET (MIN).
  - CASE SHALL BE FASTENED TO STAKE WITH TWO (2) MIN. 1-INCH RELEASABLE CABLE TIES (ONE AT TOP AND ONE 6" (MIN.) ABOVE THE GROUND).
  - DO NOT DAMAGE TREE DURING INSTALLATION.
  - SUBSTITUTIONS MUST BE APPROVED BY FOREST ECOLOGIST.
  - CASES TO BE REMOVED AT DIRECTION OF FOREST ECOLOGIST.

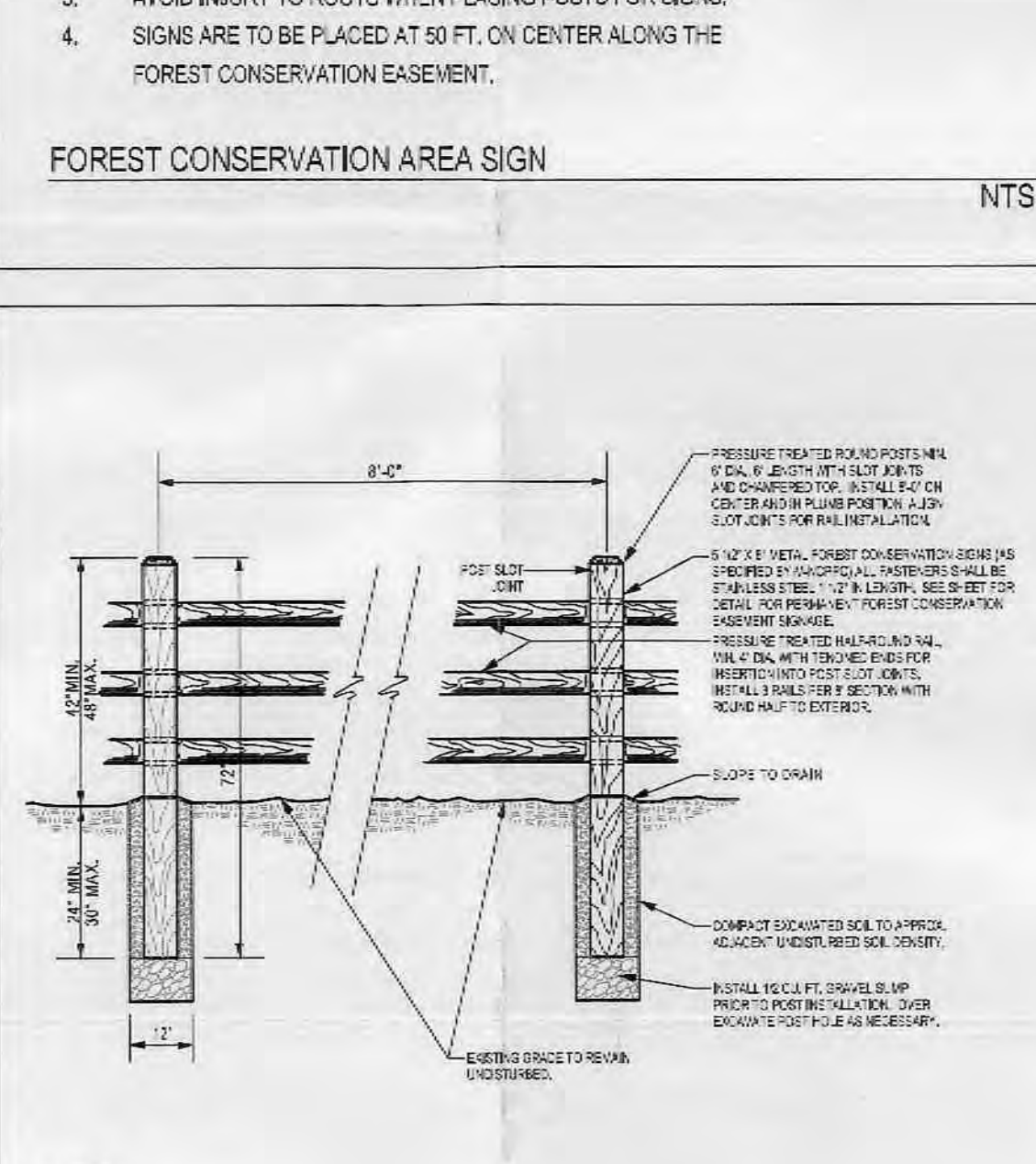
DEER PROTECTION FENCE NTS



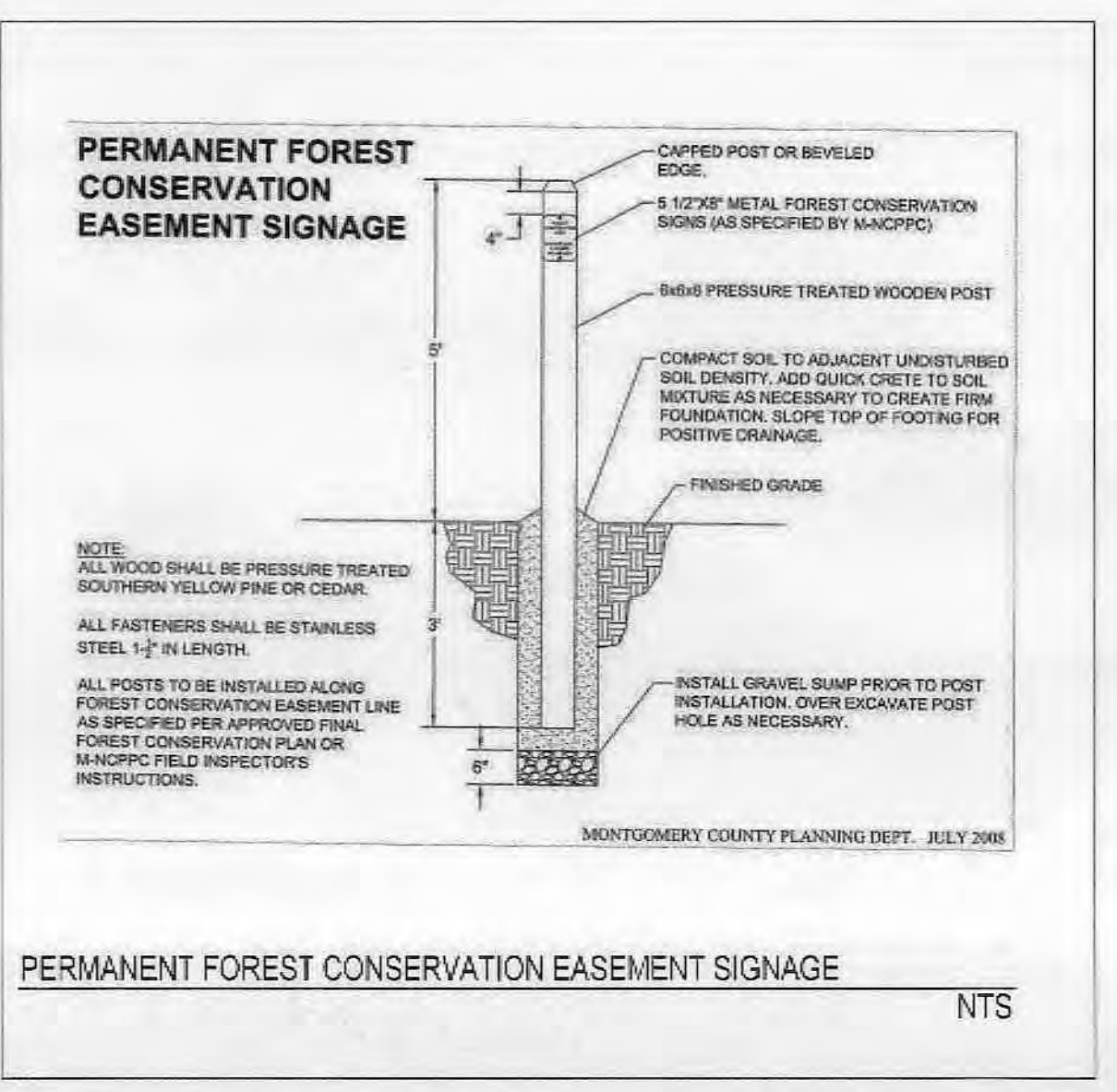
FOREST CONSERVATION AREA SIGN NTS



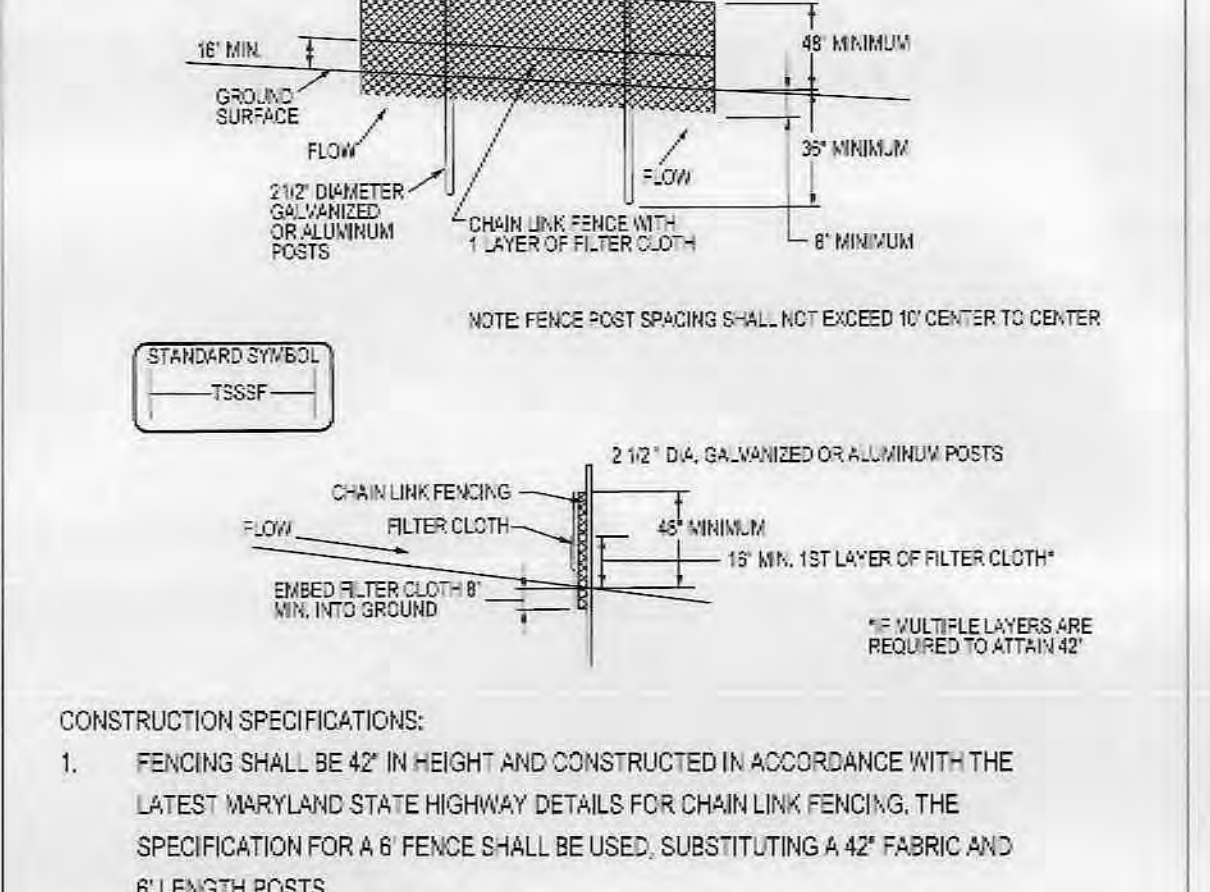
REFORESTATION AREA SIGN NTS



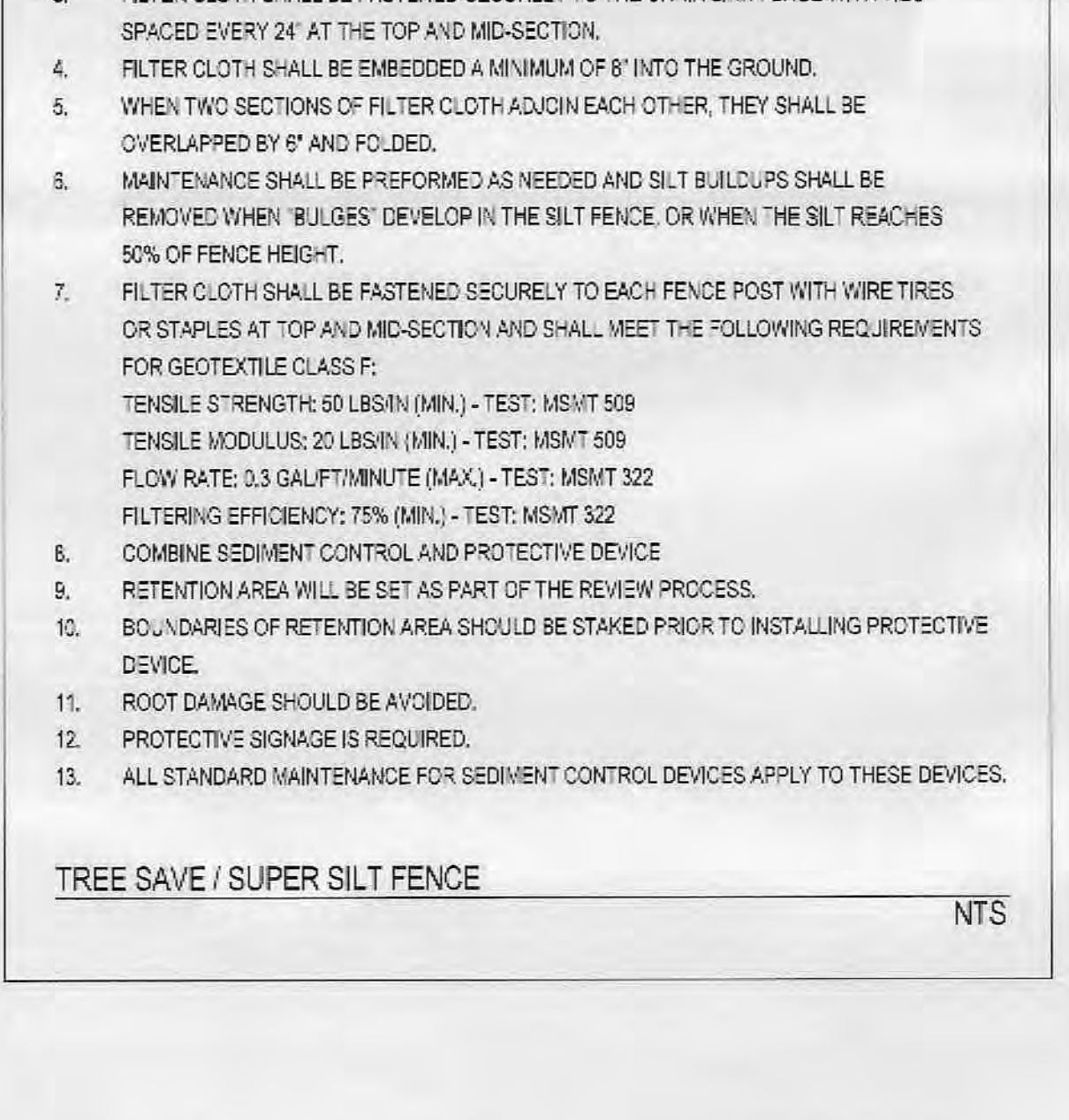
SPLIT RAIL FENCE DETAIL NTS



PERMANENT FOREST CONSERVATION EASEMENT SIGNAGE NTS



CHAIN LINK FENCE DETAIL NTS



TREE SAVE / SUPER SILT FENCE NTS

- CONSTRUCTION SPECIFICATIONS:
- FENCING SHALL BE 42" IN HEIGHT AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST MARYLAND STATE HIGHWAY DETAILS FOR CHAIN LINK FENCING. THE SPECIFICATION FOR A 6 FENCE SHALL BE USED, SUBSTITUTING A 42" FABRIC AND 6" LENGTH POSTS.
  - CHAIN LINK FENCE SHALL BE FASTENED SECURELY TO THE FENCE POSTS WITH WIRE TIES. THE LOWER TENSION WIRE, BRACE AND TRUSS RODS, DRIVE ANCHORS, AND POST CAPS ARE NOT FASTENED EXCEPT ON THE ENDS OF THE FENCE.
  - FILTER CLOTH SHALL BE FASTENED SECURELY TO THE CHAIN LINK FENCE WITH TIES SPACED EVERY 24" AT THE TOP AND MID-SECTION.
  - FILTER CLOTH SHALL BE EMBEDDED A MINIMUM OF 8" INTO THE GROUND.
  - WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER, THEY SHALL BE OVERLAPPED BY 6" AND FOLDED.
  - MAINTENANCE SHALL BE PERFORMED AS NEEDED AND SILT BUILDUPS SHALL BE REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE OR WHEN THE SILT REACHES 50% OF FENCE HEIGHT.
  - FILTER CLOTH SHALL BE FASTENED SECURELY TO EACH FENCE POST WITH WIRE TIES OR STAPLES AT TOP AND MID-SECTION AND SHALL MEET THE FOLLOWING REQUIREMENTS FOR GEOTEXTILE CLASS F:  
TENSILE STRENGTH: 60 LBS/IN (MIN.) - TEST: MSMT 509  
TENSILE MODULUS: 20 LBS/IN (MIN.) - TEST: MSMT 609  
FLOW RATE: 0.3 GAL/FT/MINUTE (MAX.) - TEST: MSMT 322  
FILTERING EFFICIENCY: 75% (MIN.) - TEST: MSMT 322
  - COMBINE SEDIMENT CONTROL AND PROTECTIVE DEVICE
  - RETENTION AREA WILL BE SET AS PART OF THE REVIEW PROCESS.
  - BOUNDARIES OF RETENTION AREA SHOULD BE STAKED PRIOR TO INSTALLING PROTECTIVE DEVICE.
  - ROOT DAMAGE SHOULD BE AVOIDED.
  - PROTECTIVE SIGNAGE IS REQUIRED.
  - ALL STANDARD MAINTENANCE FOR SEDIMENT CONTROL DEVICES APPLY TO THESE DEVICES.

**DEVELOPER'S CERTIFICATE**

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 12004109C, including, financial, liability bonding, forest planning, maintenance, and all other applicable agreements.

Developer's Name: BMC PROPERTY GROUP  
Printed Company Name

Contact Person or Owner: CHRISTOPHER T. JONES  
Printed Name

Address: 10411 MOTOR CITY DRIVE, SUITE 402, BETHESDA, MD 20817

Phone and Email: (301) 757-2900 / CJONES@BMCPROPERTY.COM

Signature: \_\_\_\_\_

ALL DOCUMENTS SAVED IN P:\1319001\DOCS\ENV\FSD\_FCP\FORREST CONSERVATION AMENDMENT

**SOLTESZ**  
Rockville  
Lanham  
Waldorf  
Leonardtown

Rockville Office  
2 Research Place, Suite 100  
Rockville, MD 20850  
P. 301.948.2750 F. 301.948.9067  
www.soltesz.com

NO.	FFCP AMENDMENT	DATE	BY	DATE	REVISIONS	DESIGNED: CSB/PMS	CAD STANDARD: PERSON: US - 2008	TECHNICAL: PMS	CHECKED: CSB
1	FFCP AMENDMENT	NOV 2013							

**MISS UTILITY NOTE**

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE LOCATION MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT MISS UTILITY AT LANDSCAPE CITY 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN 36 INCH ON THE HORIZONTAL OR 18 INCH VERTICALLY, IMMEDIATELY CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

**DEVELOPER**  
BMC Property Group  
Christopher T. Jones  
10411 Motor City Drive  
Suite 402  
Bethesda, MD 20817  
301.767.2800, 301.767.2801 fax  
cjones@bmcproperty.com

COPYRIGHT AND THE MAP PROPS PERMITTED USE NUMBER 01010101

MAP	32	DATE	8.8.11
TAX MAP	KS 682	ZONING CATEGORY	R-CC-20RT
WESS 200 SHEET			XXXX
22: NE 04			XXXX
NO. OF SHEETS			XXXX
VERTICAL			



**FCP WORKSHEETS & NOTES**

FINAL FOREST CONSERVATION PLAN AMENDMENT 12004109C  
BURTONSVILLE TOWN SQUARE  
SPENCERVILLE ROAD (RT. 198) & COLUMBIA PIKE (RT. 29)  
BURTONSVILLE ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

1" = NTS

SHEET 3 OF 4

RECEIVED M-NCPPC  
MAR 5 2014

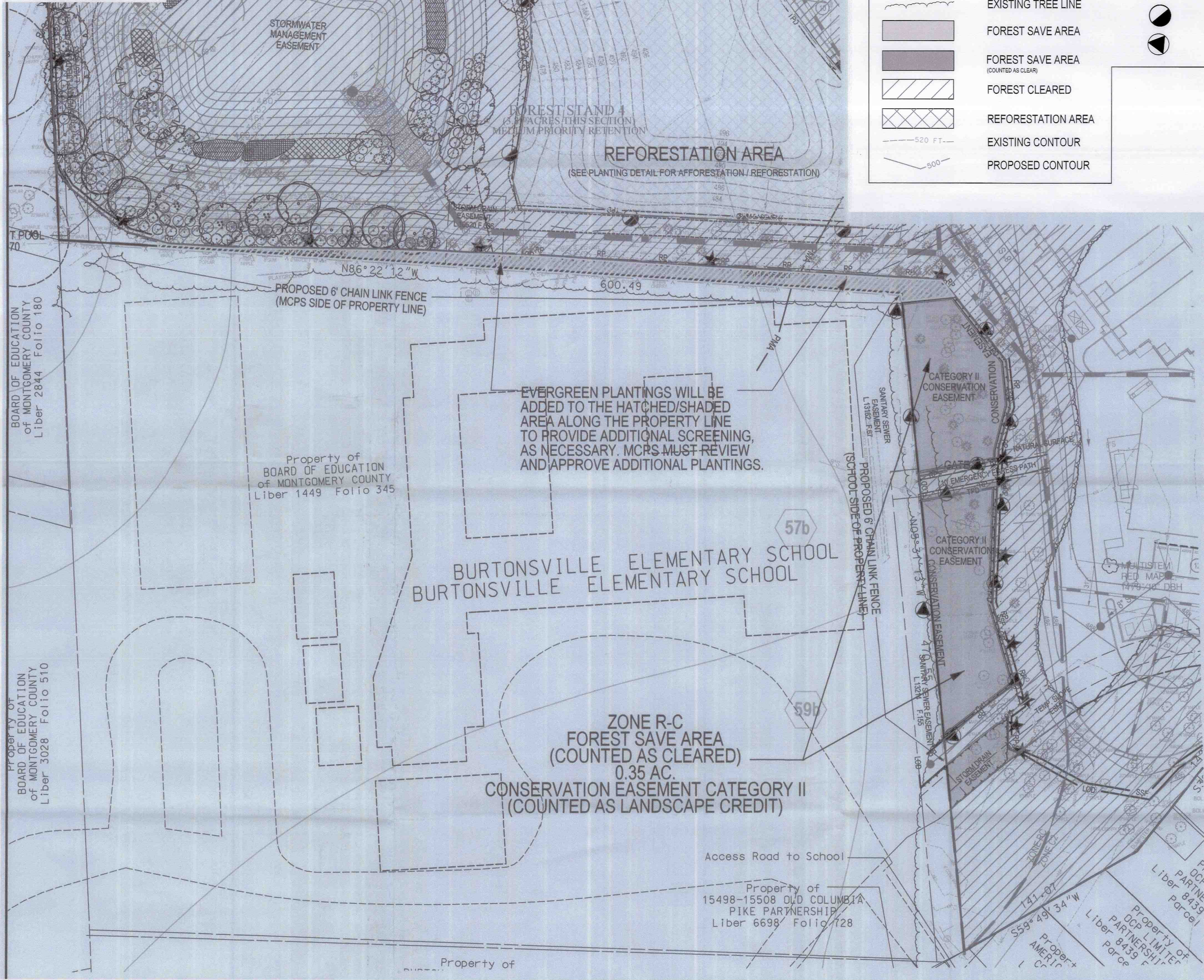
MONTGOMERY COUNTY PLANNING DEPARTMENT PROJECT NO. 1319-00-01

P:\1319001\ENGINEER\Forest Conservation Plans\08-BFCP-12004109C-003.sht Scale=50.0000 11.01. User=Scott PL Title=SPDF\_Grow\_150.plt Job Path=TEXT\_SUB.B1 11/26/2013 3:53:33 PM





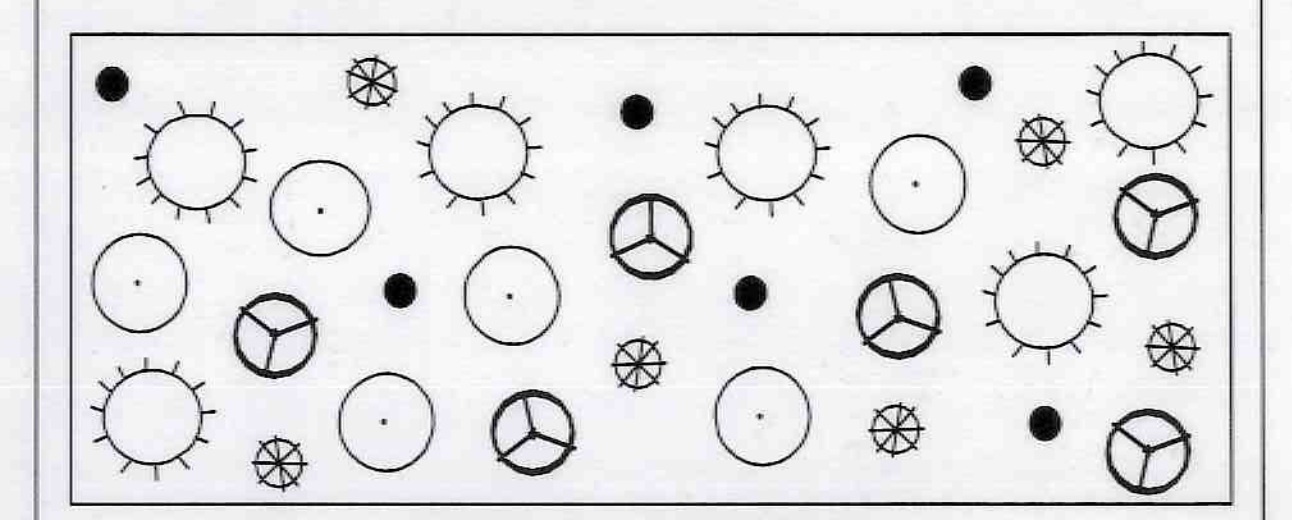
PLANNING DEPARTMENT USE ONLY (E-PLANS)



**LEGEND**

— PMA —	PAUTUXENT MANAGEMENT AREA BOUNDARY	— LOD —	LIMIT OF DISTURBANCE
— ZONING LINE —	ZONING LINE	— SSF —	TREE SAVE FENCE
— PROJECT BOUNDARY —	PROJECT BOUNDARY	★ RP	ROOT PRUNE
— EXISTING TREE LINE —	EXISTING TREE LINE	●	REFORESTATION SIGN
— FOREST SAVE AREA —	FOREST SAVE AREA	●	FOREST RETENTION SIGN
— FOREST SAVE AREA (COUNTED AS CLEAR) —	FOREST SAVE AREA (COUNTED AS CLEAR)		
— FOREST CLEARED —	FOREST CLEARED		
— REFORESTATION AREA —	REFORESTATION AREA		
— EXISTING CONTOUR —	EXISTING CONTOUR		
— PROPOSED CONTOUR —	PROPOSED CONTOUR		

**AFFORESTATION / REFORESTATION TYPICAL DETAIL**  
NOT TO SCALE



**PLANT LIST/RATIO FOR 1" CALIPER TREES**

REFORESTATION AREA PROVIDED	TOTAL PER MANUAL	TOTAL THIS PLAN
SPECIES	NUMBER/ACRE	NUMBER/ACRE
RED MAPLE	40 TREES	54 TREES
TULIP POPULAR	40 TREES	54 TREES
SWEET GUM	40 TREES	54 TREES
DOGWOOD	40 TREES	54 TREES
PIN OAK	40 TREES	54 TREES
<b>TOTAL PROVIDED</b>	<b>200 TREES</b>	<b>270 TREES</b>

**PLANT LIST/RATIO FOR 18-24" HEIGHT SHRUBS**

REFORESTATION AREA PROVIDED	TOTAL PER MANUAL	TOTAL THIS PLAN
SPECIES	NUMBER/ACRE	NUMBER/ACRE
SPICEBUSH	17 SHRUBS	23 SHRUBS
ELDERBERRY	16 SHRUBS	22 SHRUBS
<b>TOTAL PROVIDED</b>	<b>33 SHRUBS</b>	<b>45 SHRUBS</b>

**NOTES:**  
200 1" CALIPER TREES REQUIRED PER ACRE OF REFORESTATION/AFFORESTATION. USE BALL AND BURLAPPED OR CONTAINER GROWN STOCK TO FULFILL PLANTING REQUIREMENTS.  
33 18-24" SHRUBS REQUIRED PER ACRE OF REFORESTATION/AFFORESTATION. USE CONTAINER GROWN STOCK TO FULFILL PLANTING REQUIREMENTS. SHRUBS TO BE EVENLY DISTRIBUTED OVER THE PLANTING AREA AND AMONG THE TREES.

**STORMWATER FACILITY PLANT LIST**

TREE	SYM.	SCIENTIFIC NAME	COMMON NAME	SIZE	ROOT BALL	REMARKS
	AR	Acer rubrum	Red Maple	2" CAL	B&B	
	BP	Betula populifolia	Gray Birch	2" CAL	B&B	
	CC	Carpinus caroliniana	American Hornbeam	2" CAL	B&B	
	FP	Fraxinus pennsylvanica	Green Ash	2" CAL	B&B	
	SN	Salix nigra	Black Willow	2" CAL	B&B	
SHRUB	Coc	Cephalanthus occidentalis	Buttongum	18" - 30"	# 3 CONT.	
	HV	Hamamelis virginiana	Witchhazel	18" - 30"	# 3 CONT.	
	MPe	Morella pensylvanica	Bayberry	18" - 30"	# 3 CONT.	
	SCa	Sambucus canadensis	Elderberry	18" - 30"	# 3 CONT.	
	VDe	Viburnum dentatum	Arrowwood viburnum	18" - 30"	# 3 CONT.	
HERBACEOUS	ED	Eupatorium dubium	Joe-pye Weed	18" - 30"	# 1 CONT.	
	RH	Rudbeckia hirta	Black-eyed Susan	18" - 30"	# 1 CONT.	
	SC	Scirpus cyperinus	Woolgrass	18" - 30"	# 1 CONT.	

SCIRPUS CYPERINUS-WOOLGRASS- 1,245.92 SF (SEE PLANT LIST FOR FURTHER INFORMATION)

RUDECKIA HIRTA-BLACK EYED SUSAN- 1,613.41 SF (SEE PLANT LIST FOR FURTHER INFORMATION)

EUPATORIUM DUBIUM-JOE-PYE WEED- 1,455.41 SF (SEE PLANT LIST FOR FURTHER INFORMATION)

**NOTE: STORMWATER MANAGEMENT PLANTING SCHEDULE SHOWN HERE FOR REFERENCE ONLY. PLANTING PLAN IS SUBJECT TO CHANGES PENDING DPS & MCPS APPROVALS.**

**DEVELOPER'S CERTIFICATE**

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 12004109C including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: BMC PROPERTY GROUP  
Printed Company Name

Contact Person or Owner: CHRISTOPHER T. JONES  
Printed Name

Address: 10411 MOTOR CITY DRIVE, SUITE 402, BETHESDA, MD 20817

Phone and Email: (301) 767-2800 / CJONES@BMCPROPERTY.COM

Signature: *[Signature]*

**REFORESTATION AND STORMWATER MANAGEMENT PLANTING EXHIBIT**

**FINAL FOREST CONSERVATION PLAN AMENDMENT 12004109C**

**BURTONSVILLE TOWN SQUARE**

SPENCERVILLE ROAD (RT. 198) & COLUMBIA PIKE (RT. 29)

BURTONSVILLE ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

RECEIVED M-NCPPC MAR - 5 2014

PROJECT NO. 1319-00-01

SHEET 4 OF 4

**SOLTESZ**

Rockville Office  
2 Research Place, Suite 100  
Rockville, MD 20850  
P. 301.948.2750 F. 301.948.9067

Rockville  
Lanham  
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Leonardtown

Engineering  
Planning  
Environmental Sciences

www.soltesz.com

NO.	DATE	BY	DATE	REVISIONS
1	NOV 2013			FFCP AMENDMENT
				REVISIONS

DATE: NOV 2013  
DRAWN: CSB/PMS  
CHECKED: CSB

**MISS UTILITY NOTE**

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-277-7777 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHOEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

**DEVELOPER**

BMC Property Group  
Christopher T. Jones  
10411 Motor City Drive  
Suite 402  
Bethesda, MD 20817  
301.767.2800, 301.767.2801 fax  
cjones@bmcproperty.com

COPIRIGHT AND THE MAP PEOPLE PERMITTED USE NUMBER 2101200

MAP 32 GRID E & L 31st Edition

TAX MAP KS 962 ZONING CATEGORY: R-C/C-2/CRT

MSDC 200 SHEET 221 NE 04 XXXX

BITE DATUM XXXX

HORIZONTAL: XXXX

VERTICAL: XXXX

2-27-2014



Farhadi, Sam <Sam.Farhadi@montgomerycountymd.gov>



9/19/2018

**RE: Agency Memos - Burtonsville Town Square (Site Plan No. 820180200)**

**i** You replied to this message on 9/19/2018 11:46 AM.



Hi Angelica,

DPS-ROW did not have any comment on this site plan as it does not border a County maintained ROW. We defer to MSHA.

Please let me know if you have any question.

Thank you,

Sam





Gonzalez, Angelica

'Kwesi Woodroffe'

**Staff Memos - Burtonsville Town Square (Site Plan No. 820180200)**

This message was sent with High importance.

**From:** Kwesi Woodroffe <[kwoodroffe@sha.state.md.us](mailto:kwoodroffe@sha.state.md.us)>

**Sent:** Thursday, September 20, 2018 3:37 PM

**To:** Gonzalez, Angelica <[Angelica.Gonzalez@montgomeryplanning.org](mailto:Angelica.Gonzalez@montgomeryplanning.org)>

**Cc:** Van Alstyne, Chris <[Chris.VanAlstyne@montgomeryplanning.org](mailto:Chris.VanAlstyne@montgomeryplanning.org)>; Mark Loeffler <[MLoeffler@sha.state.md.us](mailto:MLoeffler@sha.state.md.us)>

**Subject:** RE: Staff Memos - First National Bank (Preliminary Plan Amendment No. 11985200A and Site Plan No. 820180140) / Burtonsville Town Square (Site Plan No. 820180200)

Angelica,

For Burtonsville Town Square, no work is being proposed in the state r/w, so I didn't have any comments or objection; that was stated in eplans.

I downloaded the plans for First National Bank and will provide them to Mark so they can be distributed for the necessary reviews.

Pranoy hasn't worked here since 2016.

**Kwesi Woodroffe**  
Maryland Department of Transportation  
State Highway Administration  
District 3 Access Management  
Regional Engineer  
9300 Kenilworth Avenue, Greenbelt, MD



---

**Department of Permitting Services**  
**Fire Department Access and Water Supply Comments**

---

**DATE:** 12-Aug-09  
**TO:** Keely Lauretti  
Loiederman Soltesz Associates, Inc  
**FROM:** Marie LaBaw  
**RE:** Burtonsville Town Square  
12004109 12004109B

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted 03-Aug-09. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* 12/4/12 Approval of amendment 12004109B ONLY \*\*\***

**\*\*\* 11/27/2017 Approval of adding buildings at 15650 Old Columbia Pike \*\*\***

**\*\*\* 8/6/2018 Approval of additional building on Center Pad \*\*\***

The original of this drawing document was prepared by Soltesz, Inc. (SOLTESZ). If this document was not obtained directly from SOLTESZ and/or it was transmitted electronically, SOLTESZ cannot guarantee that unauthorized changes and/or alterations were not made by others. If verification of the information contained hereon is needed, contact should be made directly with SOLTESZ. SOLTESZ makes no warranties, express or implied, concerning the accuracy of any information that has been transmitted by electronic means.

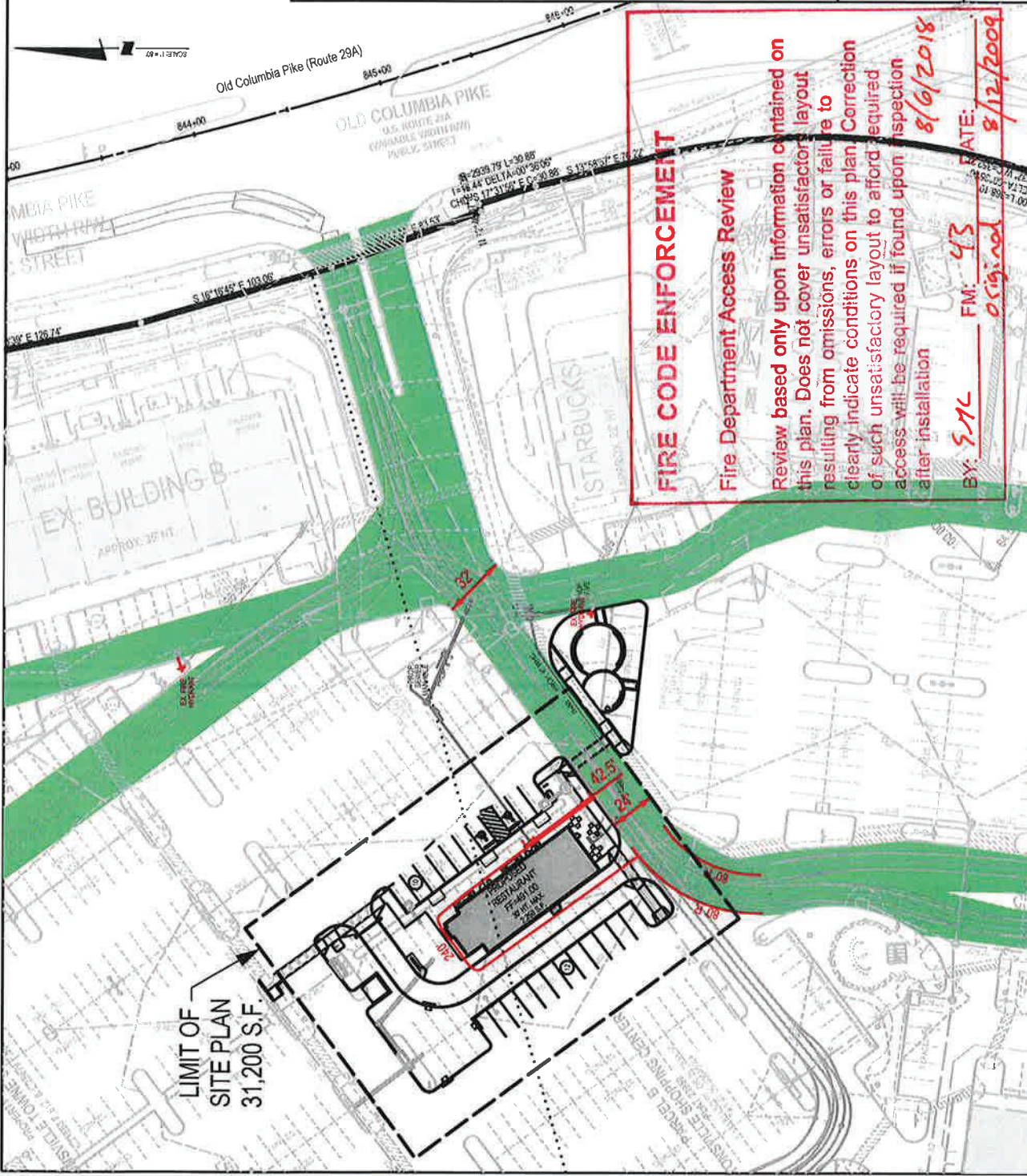


**SOLTESZ**  
 2 Research Place, Suite 100  
 Rockville, MD 20850  
 P. 301.948.2750 F. 301.948.9067  
 www.solteszco.com

FIRE ACCESS PLAN AMENDMENT  
**BURTONSVILLE TOWN SQUARE**  
 CENTER PAD  
 COLESVILLE (5TH) ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND

JOB NO. 1076-06-03 SCALE 1" = 80' DATE JULY 2018

SHEET 2 OF 2



**FIRE CODE ENFORCEMENT**  
 Fire Department Access Review  
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation. 8/6/2018  
 BY: *SML* FM: *YB* DATE: *8/12/2009*  
*original*

**LEGEND:**

- FIRE ACCESS LANE
- EXISTING FIRE HYDRANT

AT-29 GERMANTOWN feet  
 Width : 47.00  
 Track : 21.75  
 Lock to Lock Time : 7.00  
 Steering Angle : 33.20

**NOTES:**

1. THE FIRE ACCESS PLAN IS DESIGNED FOR USE BY AN AT-29 GERMANTOWN TRUCK.
2. THIS EXHIBIT IS FOR FIRE COVERAGE ONLY. PER CODE, THE MINIMUM 20' FIRE ACCESS LANE HAS BEEN PROVIDED.
3. MINIMUM 300' DISTANCE BETWEEN PROPOSED AND EXISTING FIRE HYDRANTS HAS BEEN MET.
4. FIRE ACCESSIBLE LANES MUST MEET MCFERS APPARATUS LOADING TO BE NO LESS THAN 85,000 LBS OR MEET TERTIARY ROAD SUBGRADE.
- 5.

**PROFESSIONAL CERTIFICATION**  
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.  
 LICENSE NO. 44048 EXPIRATION DATE: 6/12/19

08/03/2018

Old Columbia Pike (Route 29A)  
 MBIA PIKE  
 WOODHAWK STREET  
 EX-BUILDING B  
 STARBUCKS  
 RESTAURANT  
 FUTURE 100' WIDE WALKWAY  
 31,200 S.F. LIMIT OF SITE PLAN



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

May 9, 2018

Mr. Mahmut Agba, P.E.  
Soltetz Incorporated  
2 Research Place, Suite 100  
Rockville, MD 20850

Re: Stormwater Management  
**CONCEPT RECONFIRMATION**  
Burtonsville Town Square Phase  
II  
SWM Concept #:283068

Dear Mr. Agba:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated August 31, 2017 is hereby reconfirmed. Please adhere to all conditions required as part of that approval.

If you have any questions regarding these actions, please feel free to contact me at 240-777-6309.

Sincerely,

Thomas Weadon, Permit Services Specialist  
Water Resources Planning Section  
Division of Land Development Services

Cc: SM File #: 283068



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

August 31, 2017

Mr. Mahmut Agba, P.E.  
Soltesz Incorporated  
2 Research Court, Suite 100  
Rockville, MD 20850

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
Burtonsville Town Square, Phase II  
Preliminary Plan #: 120041090  
SM File #: 283068  
Tract Size/Zone: 27.6/C-2  
Total Concept Area: 1.7ac  
Lots/Block: N/A  
Parcel(s): N 862  
Watershed: Lower Patuxent

Dear Mr. Agba:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via the use of onsite micro bioretention and the existing downstream wet pond.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. The proposed development must provide a minimum of 1" treatment volume by ESD measures or a concept revision will be required.

This list may not be all-inclusive and may change based on available information at the time.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

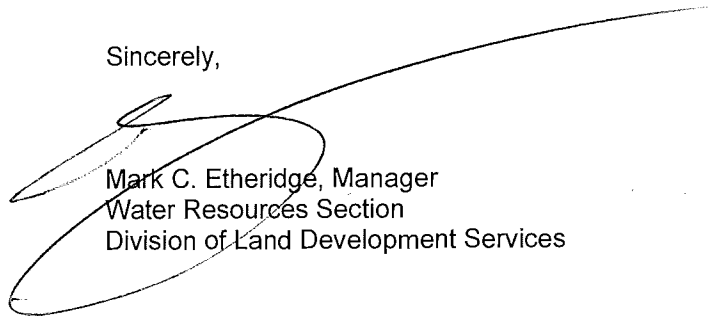


255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingservices](http://www.montgomerycountymd.gov/permittingservices)

Mr. Mahmut Agba, P.E.  
August 31, 2017  
Page 2 of 2

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Mark C. Etheridge', is written over the typed name and title.

Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: me TEW

cc: C. Conlon  
SM File # 283068

ESD Acres:	.85ac
STRUCTURAL Acres:	.85ac
WAIVED Acres:	N/A





**Valbridge**  
PROPERTY ADVISORS

## Need Analysis

**Proposed Taco Bell with Drive-Thru**  
Burtonsville Town Square  
15650 Old Columbia Pike  
Burtonsville, Maryland 20866

FOR  
**Saul Centers Inc.**  
7501 Wisconsin Ave, Ste 1500E  
Bethesda, MD 20814

**Valbridge Property Advisors |  
Baltimore Washington Metro**

11100 Dovedale Court  
Marriottsville, Maryland 21104  
443-333-5522  
443-333-5445 fax

*valbridge.com*

**BW01-18-0219**

:



11100 Dovedale Court  
Marriottsville, MD 21104  
443-333-5522 phone  
443-333-5445 fax  
valbridge.com

October 19, 2018

Mr. Brian Downie, Senior Vice President  
Burtonsville Center LLC  
7501 Wisconsin Avenue, Suite 1500E  
Bethesda, Maryland 20814

**SUBJECT: Fast Food Drive-Thru—Burtonsville Town Square  
NEED ANALYSIS**

Enclosed please find the Valbridge Property Advisors (Valbridge) analysis of the public need for the development of a fast food restaurant and drive-thru facility in the Burtonsville Town Square shopping center in the Burtonsville neighborhood of Montgomery County. Our analysis has been conducted in connection with the Saul Centers application for site approval to permit operation of its restaurant with drive-thru at this location.

Valbridge concludes that a public need exists for the proposed drive-thru facility and store due to an insufficient number of similar uses presently serving existing population concentrations in the county and that the proposed facility will not result in a multiplicity or saturation of similar uses in the Burtonsville neighborhood. We have reached this conclusion based on our analysis of demand and supply factors within the subject's Burtonsville trade area. The enclosed report summarizes our reasoning.

Please call me at (443) 333-5521 should you have any questions or comments.

Respectfully submitted,  
Valbridge Property Advisors |  
Baltimore Washington Metro

A handwritten signature in black ink, appearing to read 'Ed Steere', with a long horizontal line extending to the right.

Edward M. Steere, AICP  
Managing Director  
esteere@valbridge.com  
443-333-5521

## I. INTRODUCTION

Valbridge Property Advisors (Valbridge) has been engaged by Burtonsville Center LLC in connection with its petition to the Montgomery County for site plan approval, permitting the operation of a fast food restaurant with drive-thru facility in the Burtonsville Town Square shopping center in Burtonsville, Montgomery County.

### A. PURPOSE OF ASSIGNMENT

A Taco Bell store with drive-thru facility (subject) is planned for the Burtonsville Town Square shopping center at 15650 Old Columbia Pike in the unincorporated village of Burtonsville, MD. The store is planned as approximately 2,250 sq.ft. and a dedicated drive-thru lane accommodating seven vehicles.

Valbridge has been engaged to examine evidence of the public need for a drive-thru facility at this location. Presentation of sufficient evidence of public need for the use is required as a part of the site plan approval process.

Valbridge also addresses the Montgomery County Zoning Ordinance §7.3.4.E.3. standards for demonstrating proof of need for a site plan approval. A restaurant with a drive-thru use may be granted if it is found,

“that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood”.

In this report, we focus on the key issue of whether the proposed restaurant with drive-thru facility provides a service which accommodates the public need based on an analysis of competitive demand/supply factors within the subject’s immediate trade area as supported by market and economic information from reliable sources.

### B. SCOPE OF WORK

In conducting this analysis Valbridge has accomplished the following tasks:

- Reviewed available plans for the Taco Bell store and the shopping center;

- Inspected the subject site and trade area;
- Reviewed trade area household and income statistics developed by ESRI Business Information Solutions, Inc. (ESRI) a recognized national demographic research firm;
- Reviewed numerous standard reference texts concerning retail supply and demand, most particularly the U.S. Census Consumer Expenditure Survey (CES);
- Determined the geographic area from within which the subject typically will draw the majority of its customers;
- Consulted State Highway Administration traffic volume maps to determine traffic volumes in the Burtonsville area;
- Surveyed nearby drive-thru stores to develop information on their location, operational characteristics and other factors;
- Calculated demand and market share statistics relevant to the proposed drive-thru restaurant use and arrived at certain conclusions.

## **C. ORGANIZATION OF REPORT**

Following this Section I, Valbridge's report is organized in four sections as follows: Section II, site and location analysis; Section III, public need analysis; Section IV, demand/supply analysis; Section V, summary and conclusions.

## **D. QUALIFICATIONS OF CONSULTANT**

Valbridge is the largest independent real estate valuation firm in the continental United States, with 74 offices and more than 675 employees, of which more than 200 are MAI appraisers. We have experience and data on all types of real estate, including special purpose and portfolio assignments.

The principal-in-charge of this assignment has been Edward Steere, AICP, Managing Director. He has over 30 years of real estate development, finance and consulting experience. Most relevant to this assignment, Steere has successfully completed feasibility assessments for commercial opportunities throughout Maryland. Additional information on the firm and Steere are found in Appendix A at the end of this study.

## II. TACO BELL STORE DESCRIPTION & LOCATION

In this section, Valbridge describes the proposed Taco Bell store with drive-thru (subject), its shopping center and neighborhood environment.

### A. STORE DESCRIPTION

The Taco Bell store is a single story structure of approximately 2,250 sq.ft. offering in-store seating for customers and counter service, as well as a drive-through lane for ordering and pick-up. The pad site is in the center of the parking lot, sharing spaces with the remaining shopping center.

#### Site

The subject is located on a free-standing pad site in the center of the Burtonsville Town Square shopping center property. Entering from either the MD-29A or MD-198 entrances into the shopping center, customers are routed to the Taco Bell store through the shopping center's drive aisles.

An area of approximately 0.7 acres will be redeveloped to accommodate this use. The store's operations and 22 parking spaces are contained within this immediate area.

#### Yum! Brands Inc.<sup>1</sup>

Yum! Brands is the parent company for the chains of Taco Bell, Kentucky Fried Chicken (KFC) and Pizza Hut, with 45,084 stores worldwide. Yum! is a North Carolina registered corporation with principal offices in Kentucky. Each of the three restaurant chains are operated in a separate division. They have over 45,000 restaurants in more than 135 countries and territories worldwide. Each company "concept" (KFC, Taco Bell and Pizza Hut) operates the restaurant units either by the corporation, independent franchisees or licensees. There are individual franchises as well as master franchisees that own multiple units.

The Taco Bell units offer consumers the option of dining in or carry out and drive-through carry out. Taco Bell was started in 1962 and now operates in 27 countries. As of year-end 2017, there were 6,849 Taco Bell units, mostly in the United States, and also approximately 90% franchised. In 2016 Yum announced a goal to reach 98% franchised by the end of 2018.

---

<sup>1</sup> Form 10-K, Yum! Brands Inc., United States Securities and Exchange Commission, December 31, 2017.

Revenue for FY2017 was reported to be \$5,878 million for all of Yum! Brands. Taco Bell in particular grew by 485 units (5%) between FY2016-17 to a total of 10,145 units.

Taco Bell restaurants offer Mexican style fast food products in meal and individual item formats. This restaurant specializes in Mexican-style foods, including burritos, tacos, quesadillas, nachos, salads and breakfast items. Some stores are paired with the other concepts of KFC or Pizza Hut

## **B. BURTONSVILLE TOWN SQUARE**

The Burtonsville Town Square is a 137,000 sq.ft. shopping center located at 15650 Old Columbia Pike in Burtonsville, Montgomery County. It is the redevelopment of the former Burtonsville Shopping Center on the same site.

The shopping center is located in the northwest corner of the intersection of MD-29A and MD-198, both of which are designated Old Columbia Pike. MD-198 is named Spencerville Road to the west of the Burtonsville commercial district and Sandy Spring Road to the east. The center is located at the busy crossroads of the Burtonsville area, proximate to the restricted-access interchange with US-29 connecting Columbia (Howard County) on the North to Silver Spring on the South. Immediately adjoining the shopping center to the West is the Burtonsville Elementary School

The shopping center property consists of 27.17 gross acres of land. The center is anchored by a Giant supermarket and a CVS drugstore. Other tenants include Roy Rogers, Capitol One Bank, Petco, Zen Asian Grill, Hair Cuttery, Dunkin Donuts/Baskin Robbins, Greenan & Sons Jewelry, Squisitos Pizza, Greene Turtle, Montgomery County Liquor, Scott Trade, Verizon, Starbucks and more. Burtonsville Town Square opened in November 2010 and is now substantially fully leased.

## **C. BURTONSVILLE COMMERCIAL DISTRICT**

The Burtonsville Town Square shopping center is located within the larger Burtonsville commercial district, which has been changing in recent years since the realignment of US-29 in 2005. That realignment resulted in a loss of north-south traffic through the area. Other major uses within the Burtonsville commercial area include:

- Burtonsville Crossing - The approximately 130,000 sq.ft. shopping center is located immediately east of Burtonsville Town Square across US-29A. The center is awaiting redevelopment by ownership and retains an estimated 5% occupancy. Tenants include Pepino's Kitchen, and Burger King with drive-through lanes.

- Burtonsville Park & Ride - The Maryland Department of Transportation operates the 500-space commuter location behind Burtonsville Crossing.
- Burtonsville Office Park - The 117,000 sq.ft., 5-building office park is located in the northwest quadrant of the US-29/MD-198 interchange, adjacent to Burtonsville Crossing.
- Other Commercial - Zimmerman's Ace Hardware, Bedding Barn, 7 Eleven convenience store, McDonald's restaurant with drive-through lane, Jerry's Sub & Pizza, Subway, Papa John's pizza, Old Hickory Grille, Seibel's restaurant, and other small shops. Small neighborhood strip centers (Burtonsville Village Center, Old Columbia Center, Shops at Burtonsville) are located along Spencerville Road just west of Burtonsville Town Square. The new Star Pointe Plaza 14,650 sq.ft. is located at 4009 Sandy Spring Road just east of US-29.

According to its 2017 Traffic Volume Maps, the Maryland State Highway Administration (SHA) estimates that average daily traffic volumes are high in/near the Burtonsville commercial district including:

- US-29A north of MD-198 – 11,965 trips
- MD-198 at the Burtonsville Town Square center – 31,970
- MD-198 just west of US-29 – 37,000 trips
- US-29 just south of MD-198 – 66,451 trips

Traffic volumes on the immediate highway network enhance the convenience and desirability of the Burtonsville commercial district.

In addition, the Briggs Chaney Marketplace shopping center is located toward the southern end of the defined trade area at 13800-13881 Outlet Drive. The 192,000 sq.ft. supermarket-anchored center has tenants including: Global Food, Ross Dress For Less, Bank of America, Hair Cattery, Dunkin Donuts (future), Subway, McDonald's, Advance Auto, Yoyo's Cafe, Beauty Lane, America's Best Wings, Yoyo Café, Little Caesar's, and Mankira Coffee.

## **D. EVALUATION**

The Taco Bell restaurant with drive-thru will be located within the well planned Burtonsville Town Square shopping center. The Taco Bell restaurant will offer quality Mexican fast food and snacks for customers on-site as well as through its drive-thru window. The restaurant and shopping center are located within the Burtonsville commercial district, which serves as the retail and commercial center for nearby areas of Montgomery County, served by a robust highway network carrying significant volumes of traffic. While offering a variety of commercial uses, the district is currently home to a very small list of limited-service eating places with drive-thru which might be considered in the same food service category as the subject.

### III. PUBLIC NEED ANALYSIS

In this section, Valbridge reviews certain factors which are determinative of the ability of the subject Taco Bell restaurant with drive-thru to accommodate the public need. We estimate total demand for Mexican quick service restaurants (QSR) and limited-service eating places within the subject's trade area by defining the subject's trade area, its demographics and the likely propensity of its consumers to patronize such establishments.

#### A. TRADE AREA DEFINITION

We have defined the subject's trade area using a census tract analysis standard. The map on the following page illustrates the geographic area that is primarily served by the Burtonsville Town Square shopping center and from which it is likely to draw the majority of its customers. The Burtonsville trade area description and relevant demographic/economic data are provided by ESRI (Environmental Sciences Research Institute, Inc.), a recognized provider of GIS-based data.

We find that the defined Burtonsville trade area is highlighted by the interstate highway, Burtonsville and West Laurel business centers and suburban residential communities. The trade area extends as follows:

- North – Patuxent River (T. Howard Duckett Watershed) at the Howard County line.
- East – I-95 at West Laurel.
- South – Approximately along MD-200 Intercounty Connector.
- West – Along MD-182 Layhill Road and Ednor Road.

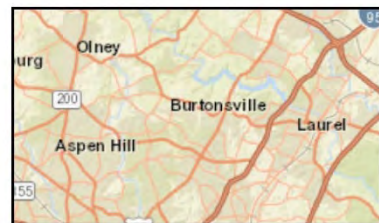
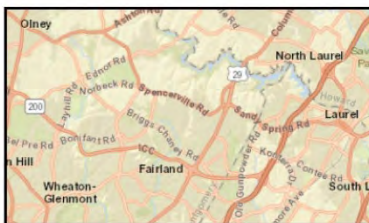
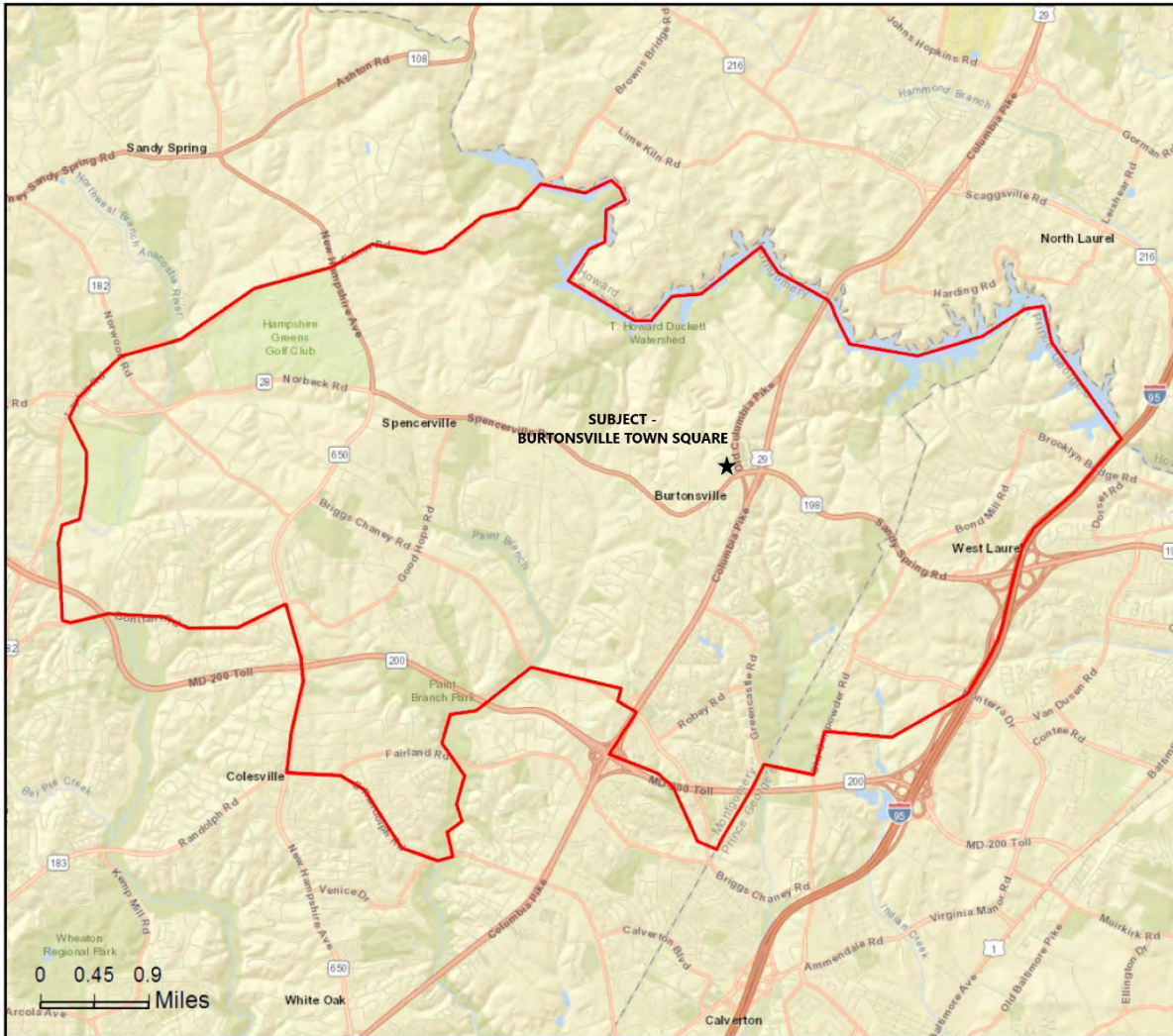
The Burtonsville trade area is relatively tightly delineated, stretching from the subject site approximately eight miles East-West and four miles North-South. The area captures the proximate residential and employment demand sources for the subject and does not include other commercial centers.



### Site Map

Burtonsville TS Taco Bell  
 240317014.08 (24031701408) et al.  
 Geography: Census Tract

Prepared by Esri



October 19, 2018

## B. TRADE AREA DEMOGRAPHICS

Using U. S. Census and ESRI statistics, we forecast the Burtonsville trade area’s population and household counts as follows:

Population & Households Burtonsville Trade Area				
	2000	2010	2018	2023
Population	44,985	48,435	51,196	52,868
Households	16,220	16,878	17,536	17,976

Source: U.S. Census 2000, 2010; ESRI 2018 estimate, 2023 forecast.

The Burtonsville trade area is populous and growing slowly in population and households, increasing by an estimated 440 households in the 2018-2023 period. We focus in particular on the number of households, since the household is the ultimate consumer purchasing unit in the U.S. economy.

ESRI describes additional socio-economic characteristics of the trade area households as follows:

Average Household Income (2018)	\$127,598
Average Household Size--Persons (2018)	2.91
Average Owner-Occupied Home Value (2018)	\$481,840
Homeownership Rate (2010)	67.7%
Average Vehicles per Household (2016)	1.0
Persons Age 25+ with at least Bachelor’s Degree (2018)	55.4%

The trade area, then, is fairly affluent. Trade area households earn a high average income, estimated at \$127,598 in 2018, forecast to expand to \$145,178 (13.8%) by 2023. High household incomes enable a very solid 67.7% homeownership rate with homes being valued at an average of \$481,840 in 2018. There was an average of 1.0 vehicles per household in 2016. Education levels are high, with over half (55.4%) of persons aged 25+ estimated to have at least a bachelor’s degree in 2018.

The Burtonsville trade area’s aggregate income is calculated as \$2,237,558,528 in 2018:

$$17,536 \text{ households} \times \$127,598 \text{ average income} = \$2,237,558,528$$

## C. RESIDENTIAL DEMAND

ESRI estimates that trade area households spent \$92.77 million on “Food Away from Home” in 2018 or \$5,290.41 per household on average. That figure is 57% above the national average.

Census reported in 2018 that 46.3% of all adults older than 18 years used a drive-through in a 6 month period. They further refined that Taco Bell patronage provided 25.0% of the supply. The average budget spent per household on “food away from home” in this market area in 2018 is \$5,290.41. Approximately 46.3% is drive-through, which equals \$2,449.46 per household. This is the volume of expense for all drive-through brands of food away from home. Since Taco Bell is calculated to accommodate 25.0% of that expense, we estimate that each household in this market area spends approximately \$612.37 per year at Taco Bell drive-through.

Average HH Expense for Fast Food	\$5,290.41
<u>Drive-Through Rate</u>	<u>x 46.3%</u>
Household Expense at Drive-Through	\$2,449.46
<u>Taco Bell Portion</u>	<u>x 25.0%</u>
Household Expense at Taco Bell Drive-Through	\$612.37

We, therefore, estimate total annual consumer spending on the principal categories of food sold through Taco Bell drive-through windows by households residing in the Burtonsville trade area as follows:

**\$612.37 average expenditure x 17,536 households = \$10,738,520**

Demand from resident households in the Burtonsville trade area for “Food Away from Home” at Taco Bell is, therefore, is estimated at approximately \$10.7 million annually in 2018. It is important to note that this demand is considered “potential” and not presently met in this market area, but likely absorbed by Taco Bells located in other markets, or by alternative fast food offerings, due to lack of choice.

We note that, based on its analysis of the trade area market dynamics (e.g., household incomes, consumer behavior), ESRI finds the residents to have a high propensity to patronize Taco Bell restaurants with drive-through facilities.

## **D. EMPLOYMENT DEMAND**

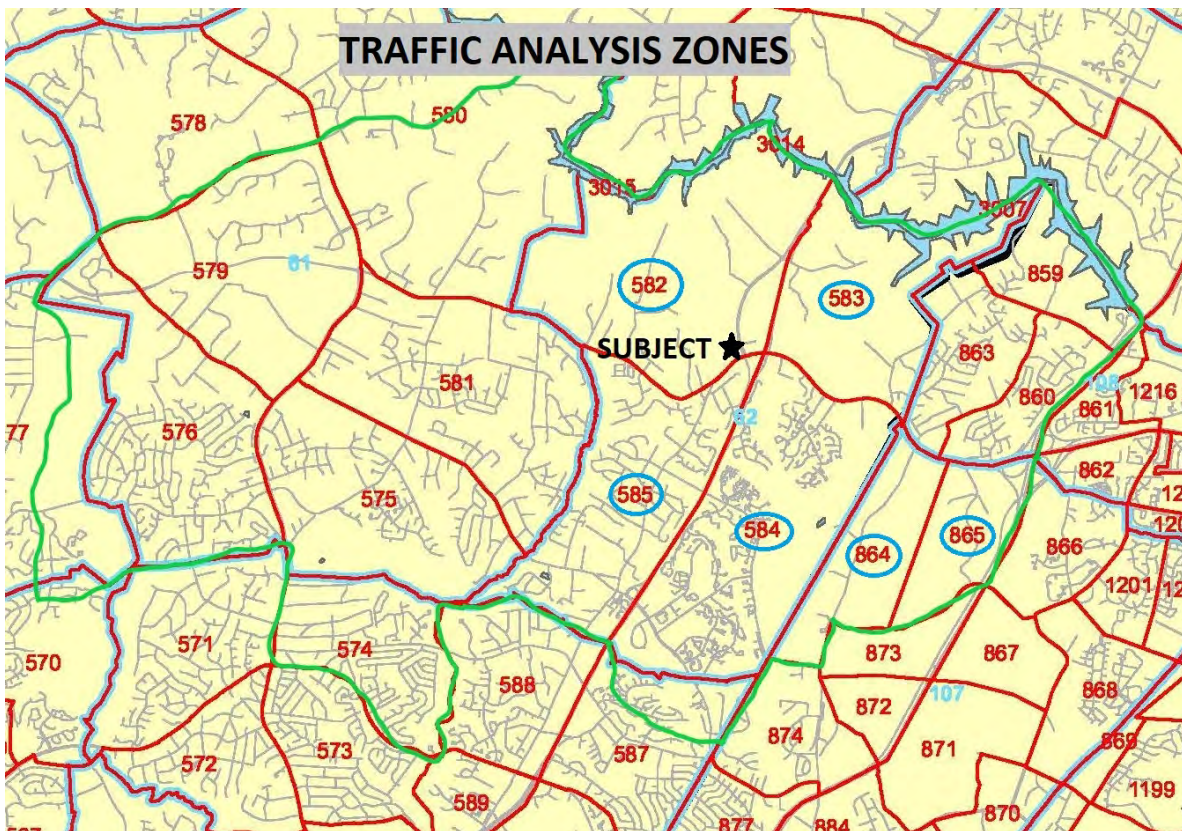
We refer to the MWCOG (Metropolitan Washington Council of Governments) Round 9.1 Cooperative Forecasts for an estimate of daytime employment within the defined Burtonsville trade area.

In particular, we identify TAZs (Traffic Analysis Zones) 582-585 in Montgomery County and TAZs 864 and 865 in Prince Georges County as containing most of the area’s jobs. TAZs 582-583 lie to the north of MD-198 and TAZs 584-585 lie to the south of MD-198 within the trade area. TAZs

864-865 lie between Columbia Pike (US-29) and I-95 south of MD-198. Daytime employment in the trade area is substantial and stable, with most commercial land having been built-out.

Employment Burtonsville Trade Area						
	2015	2020	2015-20 Change	2025	2020-25 Change	2015-25 Change
TAZ 582	2,279	2,285	+6	2,291	+6	+12
TAZ 583	167	168	+1	170	+2	+3
TAZ 584	2,720	2,752	+32	2,787	+35	+67
TAZ 585	1,264	1,271	+7	1,280	+9	+16
TAZ 864	401	401	--	401	--	--
TAZ 865	3,263	3,321	+58	3,421	+100	+158
<b>Total Employment</b>	<b>8,994</b>	<b>10,198</b>	<b>+104</b>	<b>10,350</b>	<b>+152</b>	<b>+256</b>

Source: MWCOCG, Round 9.1 Cooperative Forecast, Oct. 10, 2018



By computing annualized growth in the TAZ employment market area, we have determined there to be approximately 9,056 employees in 2018. The estimated 9,000+ workers in 2018 are certainly going to patronize Burtonsville limited-service eating spots for quick service food and meals. We

conservatively estimate their fast food/drive-in restaurant purchases at an average of \$7.00 per week (average local Taco Bell combo meal) as follows:

$$9,056 \text{ workers} \times \$7 \text{ per week} \times 50 \text{ weeks} = \$3,169,600$$

Support for area limited-service eating spots, then, is conservatively estimated at \$3.2 million annually from area workers. As noted above, Taco Bell meets 25.0% of the demand for fast food in this market:

$$\$3,169,600 \times 25.0\% = \$792,400$$

Therefore, conservatively, there is demand for nearly \$800,000 of Taco Bell food annually by employees in employment centers around Burtonsville.

## E. SUMMARY

In summary, Valbridge finds that there is significant demand for a Taco Bell restaurant with a drive-through within the Burtonsville trade area. Based on standard market research sources (e.g., U.S. Census, Consumer Expenditure Survey, ESRI data), we estimate total demand for the general categories of limited-service food offerings sold by Taco Bell from residents and workers in the Burtonsville trade area at in excess of \$11.5 million annually as follows:

<b>\$10,738,520</b>	<b>Residential Household Demand</b>
<b>+ 792,400</b>	<b>Worker Demand</b>
<b>\$11,530,920</b>	<b>Total Annual Demand</b>

This estimation is conservative, based upon the tabulated propensity for consumers to choose this venue over another in the same market area. Additionally the demand is calculated for the drive-through window only, and Census estimates that patrons entering a fast food restaurant for carry out or eat-in represent another 44.2% of the total adult population.

## IV. DEMAND/SUPPLY ANALYSIS

In this section, Valbridge analyzes the Taco Bell restaurant's competitive environment within the Burtonsville trade area. We then draw conclusions regarding accommodation of public need and saturation of similar uses in the trade area.

### A. SUPPLY

The limited-service restaurant industry is highly segmented. Though they compete directly for consumers' meal purchases, for example, Burger King and McDonald's or Dunkin' Donuts have developed distinct identities, product offerings, price niches, etc. which differentiate them from other quick-service competitors (e.g., Roy Rogers, Starbucks, Wendy's) and from each other. Taco Bell is distinctively a Mexican style concept, that no other local fast food chains replicate.

The requirement to show "need" is based upon a restaurant use with a drive-thru. There are no other Taco Bell or Mexican fast food restaurants with drive-throughs within the trade area. Even so, we have included the other fast food with drive-through uses within the trade area in this analysis.

#### **Other Taco Bell Restaurants**

There are no other Taco Bell's in the defined trade area. There are 10 Taco Bell restaurants within 11 miles of the Burtonsville Town Square site. Of those, all but one have a drive-through and one is combined with a Kentucky Fried Chicken (KFC), another is combined with Pizza Hut and one is in the eatery at the Westfield Wheaton shopping mall, without a drive-through. The closest Taco Bell is 5.3 miles south in the Calverton/Beltsville area at a high volume interchange of MD-212 with I-95. All of the other Taco Bells identified are strategically located in other more populated markets, serving populations that would not generally drive to Burtonsville for Mexican style fast food. Likewise the trade area of Burtonsville and the residential communities to the West are not conveniently served by Taco Bell in the present store placement around the metropolitan area.

#### **Drive-Thru Restaurants**

Other than the proposed Taco Bell in the Burtonsville Town Square shopping center, there is a small inventory of "fast food" limited-service eating establishments with drive-thru in the Burtonsville trade area which offer indirect competition to Taco Bell including:

- Roy Rogers – 15662 Old Columbia Pike – Pad site with drive-thru within the Burtonsville Town Square shopping center and adjacent to the subject.
- Starbucks – 15658 Old Columbia Pike – Pad site with drive-thru within the Burtonsville Town Square shopping center adjacent to the subject.
- Burger King - 15703 Columbia Pike - Pad site with drive-through within Burtonsville Crossing shopping center.
- McDonald's - 15569 Old Columbia Pike – Free-standing location with drive-through, immediately across the street from the Burtonsville Town Square shopping center.
- McDonald's - 13800 Outlet Drive - Pad site with drive-thru the Briggs Chaney Marketplace shopping center.
- Dunkin Donuts – 13804 Outlet Drive – Pad site with drive-thru in the Briggs Chaney Marketplace shopping center. This is under construction as a redevelopment of a former Wendy's site.
- McDonald's – 504 E Randolph Road – A freestanding site near the commercial intersection of New Hampshire Avenue and Randolph Road.
- Wendy's – 17 Vital Way – Free-standing location at the intersection of New Hampshire Avenue and Randolph Road.



The first four restaurants are all located proximate to the key Burtonsville intersection of MD-198 and US-29A. The subject's trade area favors the residential communities to the west of US-29 along Old Columbia Pike, which have easy links to the Burtonsville commercial district. None of these are typically evaluated as a significant competitor in the Mexican fast food category, but do compete for the general fast food expenditures.

We note that the Briggs Chaney Marketplace shopping center is located at the south end of the Burtonsville trade area. Though that center has two drive-thru restaurants (McDonald's and future Dunkin Donuts), we judge that much of the appeal of that shopping center and of those restaurants derives from the residential concentration to the east of US-29 and elsewhere in their drive-time trade area. Likewise for the McDonald's and Wendy's located at the intersection of Randolph Road and New Hampshire Avenue approximately 5.5 miles southwest of Burtonsville.

There is undoubtedly some overlap in the Burtonsville and Briggs Chaney portions of the trade area, especially when fast food preferences are taken into account. Nonetheless, we observe that McDonald's finds the two areas sufficiently distinct to have one restaurant in each.



### Other Mexican Restaurants

Valbridge has identified three other Mexican restaurants in the trade area:

- Chapalla – 15530 Old Columbia Pike – This is a full service “sit down” restaurant with carry out, located near the Burtonsville Town Square shopping center.
- El Sol – 13881 Outlet Drive #C – An in-line unit full service restaurant in the Briggs Chaney Marketplace, approximately 2.7 miles south of the subject.
- Don Ramon – 13816 Old Columbia Pike – A free-standing site at the intersection of Old Columbia Pike and Briggs Chaney Road, approximately 2.3 miles south of the subject.

These are full service, sit-down restaurants that do not offer fast food or drive-through accommodations and are only noted here for identifying other Mexican style food offerings in the trade area. There are also two Chipotle restaurants, north of the trade area in Fulton and south in Calverton. Although Chipotle is fast food, it is not offered through a drive-through operation.



## **Evaluation**

We find that there is not a saturation of similar uses across the Burtonsville trade area. The limited-service restaurant industry is highly segmented, with few entries in any given niche. The Taco Bell restaurant is well differentiated within the competitive marketplace:

- There are no other Taco Bell or Mexican style fast food restaurants with drive-through serving the Burtonsville community.
- In the “fast food with drive-through” segment of the industry again there is limited immediate competition, principally the small cluster of McDonald’s, Burger King, Roy Rogers and Starbucks locations in the commercial center of Burtonsville. Each of the nearby restaurants is only partially competitive with Taco Bell, given the distinct marketing strategies, product lines, etc. employed.

## **B. SALES COMPETITION**

The limited-service restaurant industry is intensely competitive nationally and locally. We judge that the estimated \$42.95 million in trade area consumer expenditures for drive-through “food away from home” likely available to Taco Bell and its competitors in the fast food/quick service categories are more than sufficient to support numerous competitors. That judgment is bolstered by the following:

- New coffee shop (i.e., Dunkin’ Donuts and Mankira Coffee) and drive-thru (i.e., Roy Rogers) competitors have been added in recent years with no apparent significant disruption to the marketplace.
- Most competitors contend only indirectly and across a limited number of product lines with the Taco Bell restaurant. For example, though McDonald’s, Burger King and Roy Rogers also offers a broad menu of meals and food products, at their drive-thrus—the total menu and marketing approach are significantly different from Taco Bell, limiting overlap and direct competition.

## **C. CONCLUSION**

Valbridge finds that the competitive environment for limited-service fast food restaurants with drive-thru benefits consumers by providing a broad range of product and price offerings. The Taco Bell restaurant occupies a distinct market niche within the competitive mix, contending only indirectly with most of the competitors. We judge that consumer spending on product lines offered by Taco Bell is more than sufficient to support multiple competitors in the same categories.

Indeed, new local competitors in the fast food meal categories have emerged in recent years—with no apparent significant impairment to existing operations.

We have determined, therefore, that a need exists for the proposed Taco Bell restaurant with drive-through use within the trade area due to an insufficient number of similar uses presently serving existing population concentrations in the County and the use at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.

## V. SUMMARY & CONCLUSION

Valbridge concludes that a need exists for the proposed Taco Bell restaurant with drive-thru use due to an insufficient number of similar uses presently serving existing population concentrations in the County and that the proposed fast food retailer will not result in a multiplicity or saturation of similar uses in the Burtonsville neighborhood. Our reasoning process is as follows:

- Taco Bell Restaurant - The Taco Bell restaurant with drive-thru will be located within the well planned Burtonsville Town Square shopping center. It will fill a large gap in the network of Mexican-style fast food restaurant offerings in the Washington, DC suburbs, and will complement the other existing fast food options in Burtonsville.

Taco Bell restaurants offer Mexican style fast food products in meal and individual item formats. This restaurant specializes in Mexican-style foods, including burritos, tacos, quesadillas, nachos, salads and breakfast items. Some stores are paired with the other concepts of KFC or Pizza Hut. However, this unit is proposed to be only a Taco Bell. The restaurant and shopping center are located within the Burtonsville commercial district, which serves as the retail and commercial center for nearby areas of Montgomery County, served by a robust highway network carrying high volumes of traffic. While offering a variety of commercial uses, the district is currently home to a very small list of limited-service eating places with drive-thru which might be considered in the same food service category as the subject.

- Demand Issues - There is significant demand for a Taco Bell restaurant within the Burtonsville trade area. Based on standard market research sources (e.g., U.S. Census, Consumer Expenditure Survey, ESRI data), we estimate total demand for the general categories of limited-service food offerings sold by Taco Bell from residents and workers in the Burtonsville trade area at in excess of \$11.5 million annually as follows:

<b>\$10,738,520</b>	<b>Residential Household Demand</b>
<b>+ 792,400</b>	<b>Worker Demand</b>
<b>\$11,530,920</b>	<b>Total Annual Demand</b>

- Demand/Supply Analysis - The competitive environment for limited-service fast food restaurants with drive-thru benefits consumers by providing a broad range of product and price offerings. The Taco Bell restaurant occupies a distinct market niche within the competitive mix, contending only indirectly with most of the competitors. We judge that consumer spending on product lines offered by Taco Bell is more than sufficient to support multiple competitors in the same categories. Indeed, new local competitors in the fast food

meal categories have emerged in recent years—with no apparent significant impairment to existing operations.

Valbridge has determined, therefore, that a need exists for the proposed Taco Bell restaurant with drive-through use within the trade area due to an insufficient number of similar uses presently serving existing population concentrations in the County and the use will not result in a multiplicity or saturation of similar uses in the same general neighborhood. The addition of this restaurant and drive through will better serve the community by reducing the traffic and congestion in other commercial centers, while bolstering the Burtonsville Commercial District, in conformance with county land use plans.

## **APPENDIX A**

### **Consultant Qualifications**

#### **Valbridge Property Advisors**

Valbridge is the largest national commercial real estate valuation and advisory services firm in North America with more than 675 professionals in 74 offices. We are a multifaceted, independent real estate consulting and appraisal firm covering all property types, including special-purpose and services from site acquisition to market feasibility to valuation. Our Marriottsville, Maryland office employs 13 professionals, of which three hold the MAI designation and other advanced degrees. Professional licenses are held by various members of the firm in Maryland, District of Columbia, Pennsylvania, Delaware and Virginia. Academic degrees and professional designations are combined with hands-on real estate investment, development and ownership expertise-- offering our clients many decades of accumulated counseling and valuation experience.

We provide clients with objective advice and practical assistance at every stage of decision-making on the development, use or reuse of all types of real estate. Our clients include corporations, institutions, real estate owners, builders, developers, and government entities. Our professional staff has an exceptional capability to use a vast array of information and resources to assist clients in making sound, timely decisions through the real estate planning, financing and development process.

The principal-in-charge of this assignment has been Edward Steere, AICP, MSRE, Managing Director. He has 30 years of planning, real estate development, and consulting experience. He has successfully completed market studies and economic and fiscal analyses for many development opportunities throughout the Mid-Atlantic in Maryland, Pennsylvania, Delaware and Virginia on behalf of public and private clients.

#### **Edward M. Steere, AICP**

Edward M. Steere, AICP is the senior consultant who completed this assignment. Mr. Steere has a broad professional background in planning and real estate acquired 30 years in the industry including: site design, entitlement, research, sales and marketing, development, financing and appraisal. His advisory assignments have encompassed: market and financial feasibility analyses of major real estate projects; land acquisition and marketing for residential development; tax-motivated and conventional financing for single family and multifamily residential projects; and advising public, non-profit and private clients concerning real estate decision-making.

Mr. Steere is qualified in analyzing the multitude of issues relating to residential and commercial real estate development, including: demographic and economic trends, financial analysis and property valuation, economic and fiscal impacts.

Mr. Steere has conducted real estate and market feasibility analyses throughout the Washington-Baltimore region. He has testified before administrative bodies concerning the public need for various kinds of commercial facilities and other planning issues in many of the jurisdictions in the Washington-Baltimore region.

**From:** [Melissa Daston](#)  
**To:** [Gonzalez, Angelica](#)  
**Cc:** [Berbert, Benjamin](#); [Brown, Angela](#)  
**Subject:** RE: Site Plan # 820180200 Burtonsville Town Square  
**Date:** Monday, June 25, 2018 4:44:41 PM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)

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Dear Ms. Gonzalez,

Thank you for the quick response to my inquiry regarding RE: Site Plan # 820180200 Burtonsville Town Square. You immediately cleared up the status of the project and clearly stated it's at the beginning of the process. When the West Laurel Civic Assn (WLCA) attended a meeting with the developers, they stated that the site plan was approved, that they owned the property and could do as they pleased - leaving us with the impression that this was a fait accompli.

The WLCA would like to go on record saying we are against the new building as proposed and have reservations in general. Here are our specific issues:

- 1) As drawn on the schematic provided by the developer the building is directly in the middle of the center entrance of the parking lot. This will force drivers entering from Old Columbia Pike to veer to the right or left and wend their way through parking spaces. It removes one of the two ways to traverse the development. We believe this will be a safety hazard and promote speeding through the parking areas.
- 2) Removal of parking spaces. As there are already 2 rather large scale building under construction between PETCO and the area with Dunkin Donuts, traffic which is already high will become higher. Many days there are no parking spaces near the Giant or Petco and removing more spaces and rerouting the main road will remove spaces that are already insufficient.
- 3) Exterior flow of traffic from Route 198 and Old Columbia Pike will back up causing significant opportunities for traffic accidents. Even without the additional new buildings plus Site Plan # 820180200 Burtonsville Town Square, it is difficult to enter and exit the existing shopping center. At a minimum as is, there is a requirement for a left hand arrow on northbound Old Columbia Pike to enter the shopping area. Adding more traffic will further exacerbate the current problem.
- 4) Aesthetically, this new addition makes a small shopping center crowded. Particularly with the empty shopping center across the street. We are interested in either more stores being located on the east side (old Giant shopping) or having the old shopping center torn down and the acres of pavement returned to parkland.

We are very interested in how this case proceeds. Once again thank you for letting the West Laurel Civic Assn comment during this initial review.



Melissa Daston  
Zoning Officer  
West Laurel Civic Assn  
[mdaston@gmail.com](mailto:mdaston@gmail.com)  
301-776-2314

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**From:** Gonzalez, Angelica [mailto:[angelica.gonzalez@montgomeryplanning.org](mailto:angelica.gonzalez@montgomeryplanning.org)]  
**Sent:** Wednesday, June 20, 2018 1:34 PM  
**To:** Melissa Daston  
**Cc:** Berbert, Benjamin; Brown, Angela  
**Subject:** RE: Site Plan # 820180200 Burtonsville Town Square

Good Afternoon Melissa,

Thank you for your email. I just left you a voicemail answering your questions related to the Burtonsville Town Square application. Please feel free to give me a call back or shoot me an email should you have any additional questions.

Thank You,

**Angelica P. Gonzalez**  
Planner Coordinator | Development Review | Area 3  
M-NCPPC Montgomery Planning Department  
8787 Georgia Avenue, Silver Spring, MD 20910  
Phone: 301.495.4583



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**From:** Brown, Angela  
**Sent:** Monday, June 18, 2018 3:54 PM  
**To:** Melissa Daston <[mdaston@gmail.com](mailto:mdaston@gmail.com)>  
**Cc:** Gonzalez, Angelica <[Angelica.Gonzalez@montgomeryplanning.org](mailto:Angelica.Gonzalez@montgomeryplanning.org)>; Berbert, Benjamin <[benjamin.berbert@montgomeryplanning.org](mailto:benjamin.berbert@montgomeryplanning.org)>  
**Subject:** RE: Site Plan # 820180200 Burtonsville Town Square

Ms. Daston,

The Application was accepted by our Intake Staff on 6/7/2018. The Lead reviewer was just assigned today. There have been No reviews yet. The Application is scheduled to go before our Development Review Committee for comments on July 3, 2018. Ms. Gonzalez will be the Lead Reviewer, and she is cc'd on this email. She will contact you.

Thank you,  
Angela Brown

**Angela P. Brown**

*Supervisor*

*Public Information, Addressing and Permit Review*

*Development Applications & Regulatory Coordination Division (DARC)*

*The Maryland National Capital Park & Planning Commission*

*301-495-4611 (Office)*

*301-495-1306 (Fax)*

[angela.brown@montgomeryplanning.org](mailto:angela.brown@montgomeryplanning.org)

[www.montgomeryplanning.org](http://www.montgomeryplanning.org)



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**From:** Melissa Daston <[mdaston@gmail.com](mailto:mdaston@gmail.com)>

**Sent:** Monday, June 18, 2018 3:08 PM

**To:** Brown, Angela <[Angela.Brown@montgomeryplanning.org](mailto:Angela.Brown@montgomeryplanning.org)>

**Subject:** Site Plan # 820180200 Burtonsville Town Square

Ms. Brown,

The West Laurel Civic Association received notification about this proposed development from Mr. Dugan (attorney for the applicant) last week. I am interested in talking with the planning staff review member who has been assigned this case. If not yet assigned, maybe you might help me:

1. What is the status of this proposal (where is it in the planning process)
2. Has the planning board staff completed their review? If not, who is the assignee and where is this in the process?
3. What is the best way for the West Laurel Civic Assn to provide input

Thank you.

Melissa Daston

301-776-2314

[Mdaston@gmail.com](mailto:Mdaston@gmail.com)



**Extension Review**

*Planning Director Review for Extensions 30 days or less*

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from Oct 11, 2018 until Nov 11, 2018.

  
Signature

7/20/18  
Date

*Planning Board Review for Extensions greater than 30 days*

The Montgomery County Planning Board reviewed the extension request on \_\_\_\_\_ and approved an extension for more than 30 days of the Planning Board public hearing date from \_\_\_\_\_ until \_\_\_\_\_.

TIMOTHY DUGAN ATTORNEY  
• 301.230.5228 | tdugan@shulmanrogers.com

July 17, 2018

By Email

Ms. Gwen Wright  
Planning Director  
Montgomery County Planning Department  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

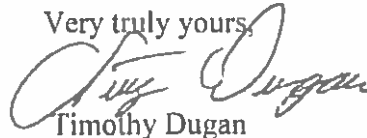
Re: Burtonsville Town Square  
Site Plan Application No. 820180200  
Planning Director's Regulatory Plan Extension Request for Up To Thirty (30) Days

Dear Ms. Wright:

Under Section 59.7.3.4.C., regarding Site Plan Application extensions, the Planning Director is authorized to grant an initial extension of the Planning Board's public hearing by up to thirty (30) days. On Monday, July 16, 2018, we met with the MNCPPC Planning Staff to present the Applicant's post DRC revisions and to discuss other possible refinements. Additional time would afford the Applicant time to evaluate possible further changes and would facilitate the subsequent review. Accordingly, attached is the Applicant's Regulatory Plan Extension Request. It requests the Planning Director to grant up to a thirty (30) day extension.

If granted, the Applicant expects to upload revised plans on or before Wednesday, August 1, 2018. The overall Site Plan review and approval timing would shift. The Planning Board hearing would occur on Thursday, October 25, 2018, *i.e.*, fourteen (14) days later than the originally scheduled hearing date. A full thirty (30) day extension would push the Planning Board hearing to Thursday, November 8, 2018. Again, the Applicant expects to use only fourteen (14) days and to upload on or before August 1, 2018. In closing, we appreciate the interaction with MNCPPC Staff, *et al.* and look forward to continuing to work with everyone. Thank you for your consideration.

Very truly yours,



Timothy Dugan

Enclosure: Regulatory Plan Extension Request

cc:

Ms. Angelica Gonzalez  
Ms. Sandra Pereira  
Mr. Douglas Johnsen  
Mr. Chris Van Alstyne  
Mr. Fred Boyd  
Mr. Richard Weaver

Mr. Brian Downie  
Mr. Vince Burke  
Ms. Keely Lauretti  
Mr. Phil Isaja  
Mr. Mahmut Agba

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