



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

MCPB No. 18-117
Site Plan No. 820180200
Burtonsville Town Square – Center Pad
Date of Hearing: November 8, 2018

NOV 27 2018

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on June 7, 2018, Burtonsville Center LLC (“Applicant”) filed an application for approval of a site plan to construct a 2,250 square-foot restaurant with a drive-thru on 0.72 acres of CRT-1.5 C-1.0 R-1.25 H-70 zoned-land, located approximately on the northwest quadrant of the intersection of Old Columbia Pike, Columbia Pike and Sandy Spring Road (“Subject Property”), in the Burtonsville Policy Area and 1997 Fairland Master Plan and 2012 Burtonsville Commercial Crossroads Neighborhood Plan (“Master Plans”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820180200, Burtonsville Town Square – Center Pad (“Site Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 26, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 8, 2018 the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on November 8, 2018, The Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez, with a vote of 4-0, Commissioners Anderson, Cichy, Fani-Gonzalez, Patterson voting in favor, with Commissioners Dreyfuss absent.

Approved as to
Legal Sufficiency:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820180200 to construct a 2,250 square foot restaurant with a drive-thru on the Subject Property, subject to the following conditions:¹(HS1).

- 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 all 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 shall require the approval of Staff.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- e) The Applicant must install landscaping no later than the first growing season after obtaining a Use and Occupancy Certificate.
- f) Prior to Certified Site Plan, the Applicant must minimize hardscaped area and increase landscaped area in the offsite public open space area, while still maintaining seating and a hardscaped path for circulation.

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 must be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation 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) The stormwater management concept approval letter and other applicable agency letters, the development program, and Site Plan resolution must be included 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 within 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 include inverted-U racks or Staff-approved equivalent, installed in a location convenient to the main entrance. 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 area 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 that the amendments do not conflict with other conditions of Site Plan approval.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Burtonsville Town Square — Center Pad, Site Plan No. 820180200, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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 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 Site Plan Application, meets the previously approved Preliminary Plan limits.

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

Development Standards	Approved with Preliminary Plan No. 120041090, as amended	Overall with Approved Site Plan Application No. 820180200
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 ²
Parking	587	749

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

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;*

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.)

Development Standards	Required	Approved by the Planning Board and Binding on the Applicant
Max. Building Height	75-feet	30-feet
Public Open Space (min.)	10%	16.3% (5,070 square feet) ³
Lot & Density		
Lot Area	N/A	31,200 square feet
Lot width at front building line	N/A	216 feet
Lot width at front lot line	N/A	216 feet
Density (max.)		

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

Development Standards	Required	Approved by the Planning Board and Binding on the Applicant
Density, FAR	1.0	0.072 ⁴
Building Area (square feet)		2,250 square feet
Placement – Principal Building Setbacks (min.)		
Front setback	0 feet	0 feet
Side street setback	0 feet	0 feet
Rear setback, Alley	4 feet	N/A
Build-to Area, max. setback and min % of building façade		
Front Setback	20 feet	20 feet ⁵ , modification requested
Building in front of street BTA	70%	100% ⁶ , modification requested
Side Street Setback	20 feet	modification requested
Building in Side Street BTA	35%	modification requested
Building Orientation		
Entrance Facing Street or Open Space	Required	Provided
Entrance Spacing (max.)	100 feet	20 feet
Transparency, for Walls Facing a Street or Open Space		
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
Parking Spaces Required (Section 6.2)		

⁴ As calculated for the Subject Property

⁵Distance 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

⁶Calculation based on the limit of site plan

Development Standards	Required	Approved by the Planning Board and Binding on the Applicant
Total Vehicle Spaces	9 (min.) 27 (max.)	22
Bicycle Parking (short term)	1	2
Bicycle Parking (long-term)	1	1 ⁷
Queuing Design Standards for Drive-Thru	5	7
Parking Lot Area Canopy Coverage	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 (BTA) 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;

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 located 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.

⁷As conditioned, a long-term bike space will be provided to meet the Zoning Ordinance bike parking requirements prior to certified site plan.

The Planning Board supports the Applicant's request due to the physical constraints discussed above. Further, the Planning Board 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.

The Application will incorporate design elements that 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 located 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 into the off-site open space. The off-site open space includes seating areas with two curved benches inspired by the design of the existing public open space circular seating area. The open space also incorporates textured pavement along the perimeter of the seating areas. Further, the off-site public open space includes pedestrian access in all directions. As a result, the public open space adds to the overall public realm, since the design provides access to the space from other commercial uses.

The Planning Board supports the deviation from the required BTA based on the design elements that are incorporated which 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. The Planning Board finds that the drive-thru use meets the limited use standards 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 also 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.

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. The Application 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. The sidewalk along the east elevation 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.

ii. Division 6.2. Parking, Queuing, and Loading

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

Parking

The Application meets the overall parking requirement for the restaurant and drive-thru. The Application provides a total of 22 parking spaces where nine (9) spaces is the minimum and 27 is the maximum number of spaces that are required under the Zoning Ordinance. 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 but will be intended for all visitors to the shopping center. The Application provides an excess of 13 parking spaces beyond the minimum of what is required under the Zoning Ordinance. Further, the shopping center requires 587 spaces overall to accommodate existing uses. The number of parking spaces that is provided for the shopping center, inclusive of the parking spaces provided by the restaurant with a drive-thru is 749 parking spaces. Therefore, the number of parking spaces that are provided will continue to be adequate. The Application includes providing 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 the Planning Board does not support, as discussed herein.

Queuing

The Application occupies a portion of the current central north-south drive aisle of the main shopping center parking lot. Vehicle access to the Subject Property is provided east and south of the Shopping Center from MD-198 and Old Columbia Pike. The restaurant includes a drive-thru which accepts incoming vehicles from the north from an existing drive aisle, wraps around the rear of the restaurant, and has 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 required under the Zoning Ordinance, which is adequate for the Application 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 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 pursuant to Section 6.2.10.

The Planning Board 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 both patrons and visitors, therefore one cannot replace the other. They are both necessary. The Board finds that the Applicants alternative design does not satisfy the requirements of 6.2.1 of the Zoning Ordinance.⁸

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

⁸ Chapter 59 Section 6.2.10. Parking Waiver. The deciding body may waive any requirement of Division 6.2, except the required parking in a Parking Lot district under Section 6.2.3.H.1, if the alternative design satisfies Section 6.2.1. Any request for a waiver of the vehicle parking space requirement under Section 6.2.4.B requires application notice under Section 7.5.2.D.

Zoning Ordinance requires a minimum of ten-percent, or 3,120 square-foot of public open space be provided for this Subject Property. The Application includes 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 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. 6.3.6.B. Directly east of the restaurant, the public open space features several benches and planters as well as an art feature on the eastern façade. The area 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 6.3.6.C. – Off-Site Options*

In order to meet the public open space requirements, the Applicant is requesting to provide off-site open space under Sect. 6.3.6.C. 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 off-site and on-site public open space combined is 16.3 percent, which is above the required amount. The location of the off-site public open space is also in an area that faces the on-site open space and is easily connected and accessed via the new crosswalk and sidewalks.

The Planning Board as described is supportive of the off-site public open space since the open space meets the intent of public open space under the Zoning Ordinance, as it will enhance the area and serve not just the restaurant use, but also 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 Subject Property. As conditioned, the Subject Property is adequately landscaped with several shade and ornamental trees, as well as numerous deciduous and evergreen shrubs. The landscaping plan includes shade trees in the public open space areas to provide shading.

The Application also includes trees along the western elevation ranging between six to eight 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 under 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 photometric plan demonstrates that the Application meets the outdoor lighting requirement and is safe, adequate, and efficient, as it provides adequate levels of illumination 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:

1. 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 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-bioretention and the existing downstream wet pond.

2. 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 was

amended to update and show the 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 (9) 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 number required. The 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 parking is generally located along previously existing drive aisles and bays. With the 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 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 will be 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 been altered, as requested by Staff, to allow full four-way movement from the current design, and 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 provides 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 for 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 Applications and continues to allow several options to access the restaurant. Overall, the size of the 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 Application consists of treatments along the south, east, and west elevations that articulate the masonry and fiber cement façade seen throughout the Shopping Center.

iii. *Public Open Spaces and Amenities*

The primary public open space areas are located along the eastern and southern facades of the building. The 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 new pedestrian facilities for pedestrians to safely access the existing and new 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, 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 120041090B, 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.

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 are consistent with the drive-thru being built. The architectural treatment of the building is also compatible with adjacent development since the façade of the building includes 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. The report concludes that a public need exists for the new restaurant and drive-thru due to an insufficient number of similar restaurants with drive-thru uses presently serving the existing population 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.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 27 2018 (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).

* * * * *

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 Vice Chair Dreyfuss, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, November 15, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board