



Cheng Property, Local Map Amendment H-134

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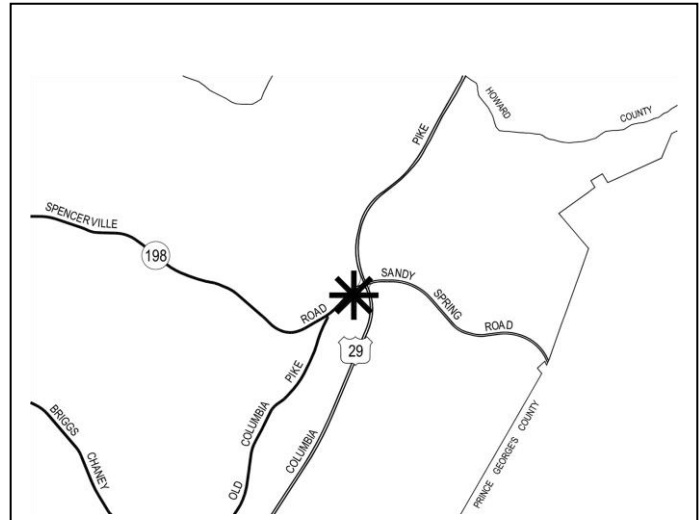
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Staff Report Date: 09/06/19

Description

- Request for a reclassification from CRN 1.5, C-1.0, R-0.5, H-45 to CRTF 1.5, C-1.0, R-0.5, H 45 to allow existing retail building to accommodate uses permitted in CRTF and to redevelop existing gas station and associated convenience store.
- Location: 15585 and 15595 Old Columbia Road, Burtonsville
- Current Zone: CRN 1.5, C-1.0, R-0.5, H-45
- Master Plan: 2012 Burtonsville Crossroads Neighborhood Plan
- Applicant: HONG CHENG, LLC & DONG YA, LLC.
- Filing Date: May 8, 2019
- Zoning Hearing Examiner's Public Hearing Date: September 30, 2019



Staff Recommendation: Approval of Local Map Amendment (LMA) H-134 and the associated Floating Zone Plan. Staff recommends that the following binding elements be included on the Floating Zone Plan.

Binding Elements:

Pursuant to Section 7.2.1.A.3 of the Montgomery County Zoning Ordinance, the Applicant is proposing the following binding elements in connection with this Local Map Amendment application:

1. Limitation on Uses. The following uses, otherwise permitted in the CRT zone, are prohibited:
 - a. Nursery (retail)
 - b. Ambulance, rescue squad (private)
 - c. Hospital
 - d. Funeral home
 - e. Hotel
 - f. Research and development
 - g. Structured parking
 - h. Conference center
 - i. Recreation and Entertainment facility major (over 1,000 person capacity)
 - j. Combination retail store (a department store with more than 85,000 sf)
 - k. Retail service establishment greater than 50,001 square feet
 - l. Light vehicle sales and rental (indoor)
 - m. Light vehicle sales and rental (outdoor)
 - n. Car wash
 - o. Vehicle service repair (major).
 - p. Dry cleaning
 - q. Medical scientific manufacturing and production
 - r. Bus, rail terminal/station
 - s. Taxi/limo facility
 - t. Utility distribution line
 - u. Self-storage facility
 - v. Warehouse storage facility
2. Buffer zone. 50' buffer zone abutting R-200 property, (may include stormwater management facilities)
3. Frontage Improvements. Project frontage improvements shall include the following: 10 foot shared-use path, and street trees.
4. Controlled Access. Eastern access will prohibit left turns; i.e., motor vehicles can only make right turns into the Property and right turns to exit the Property.
5. Future Access Road. The Floating Zone Plan shall include a reservation for future 40'foot wide private access road on the west side of the Property. No development shall be permitted within the reservation area.

Summary

The applicant, Hong Cheng, LLC & Dong Ya, LLC, is requesting a rezoning of 3.46 acres of land from the CRN 1.5, C-1.0, R-0.5, H-45 Zone to CRTF 1.5, C-1.0, R-0.5, H-45 zone, which allows the existing retail building to accommodate uses permitted in CRTF and to redevelop an existing gas station and associated convenience store. The Applicant proposes to build two additional fuel pumps and a 2,500 square foot expansion of the convince store under the Floating Zone Plan.

This LMA application was filed under the Zoning Ordinance requirements of Article 59-5 (Floating Zone Requirements) adopted by the County Council on March 5, 2014 and effective as of October 30, 2014. The proposed development requires District Council approval of the Local Map Amendment and Floating Zone Plan. If LMA H-134 is approved by the District Council, the proposed development could be instituted. Any new uses or construction would be subject to appropriate regulatory requirements.

The proposed floating zone plan meets the requirements of the proposed CRTF 1.5, C-1.0, R-0.5, H-45 zone in terms of the intent and purpose of the Floating Zones and in terms of compatibility with the surrounding neighborhoods. The proposal is also consistent with Master Plan recommendations of density, character, and environmental protection.

Staff recommends approval of the plan as submitted with the proposed binding elements set forth in this Staff Report. Final approval by the District Council will establish the requested Floating Zone on the property; final site layout, design, and other plan details will be established during the subsequent regulatory reviews and may result in a substantially different site layout.

I. PROPERTY DESCRIPTION

The 3.46-acre property consists of two parcels: N913 and N924 in the "Parcel C & Parcel D Subdivision," which are recorded among the land Records of Montgomery County in Plat Book 111 at plat no. 12953. The Site is on the south side of Old Columbia Pike (MD 198) in Burtonsville, west of Columbia Pike (US 29). The Property is currently developed with a gas filling station and convenience store on Parcel N913 and a retail/commercial building on Parcel N924. (See Figure 1.)

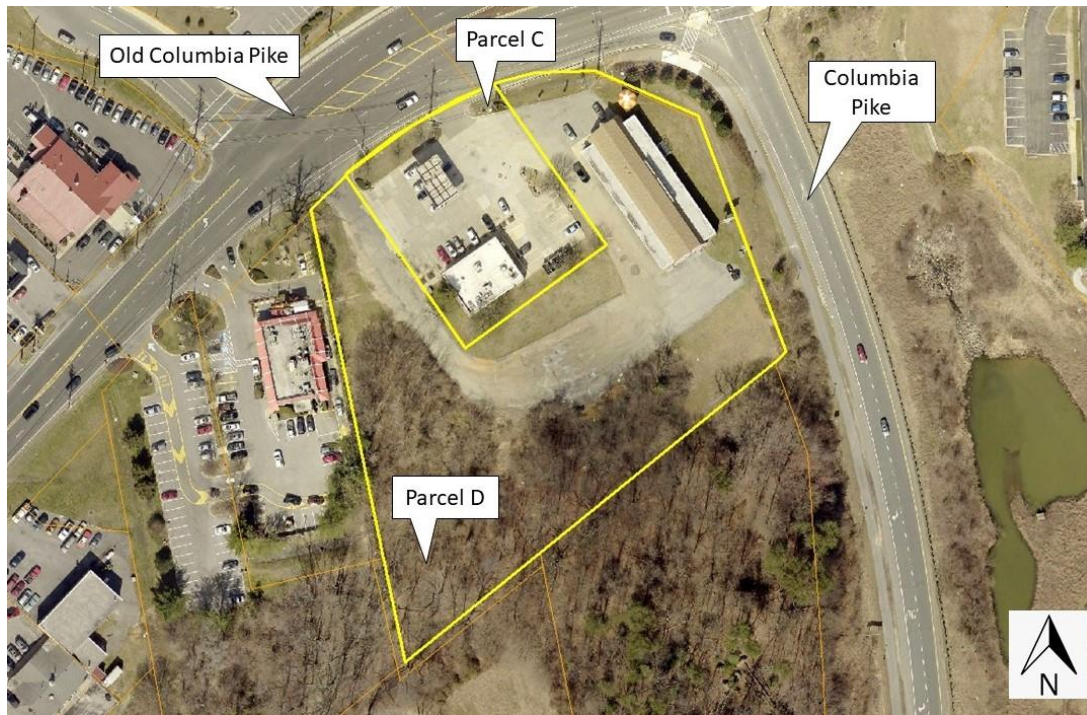


Figure 1. The subject property along Old Columbia Pike Burtonsville.

The Site topography is relatively flat, with elevations between 484 feet and 492 feet. There are no streams, wetlands, floodplains, or environmental buffers on the site. There is a 0.38-acre forest stand in the southwest corner of the Property. The Maryland Department of Natural Resources determined that there are no state or federal records for rare, threatened, or endangered species within the boundaries of the proposed project.

II. SURROUNDING AREA

The Property is generally bounded by Old Columbia Pike to the north, Columbia Pike to the east, a property improved with a McDonald's restaurant to the west, and two residential zoned parcels to the south - Parcel P60, the Morigi Property, and a 3.3-acre Parcel P47 owned by the Applicant, which provides a substantial tree buffer shown in Figure 2.

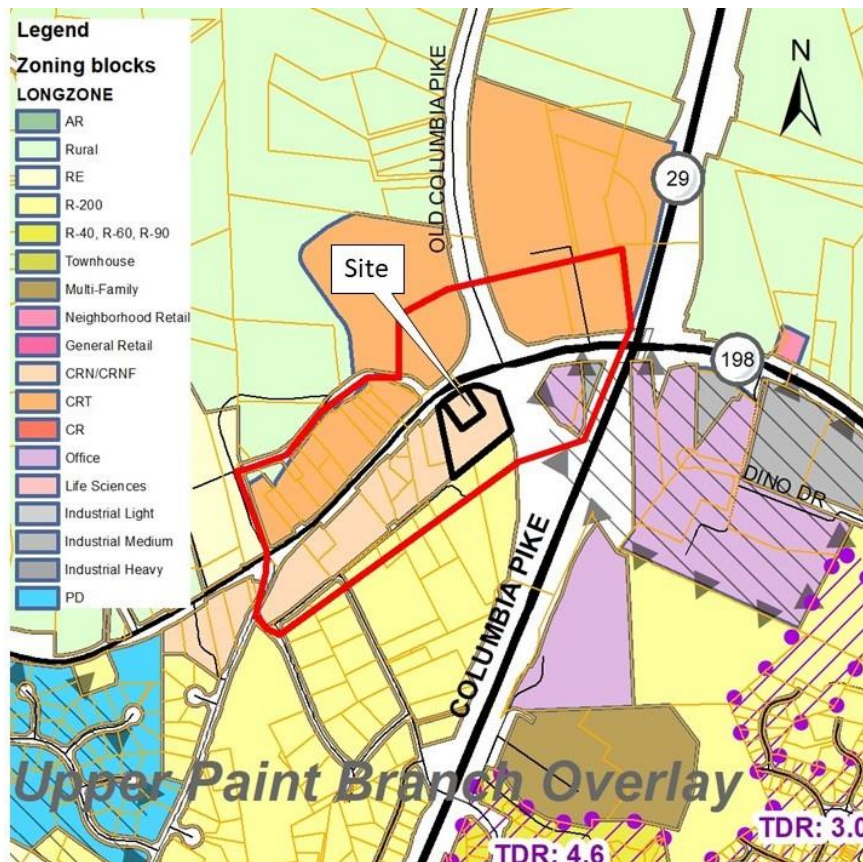


Figure 3. Zoning Map.

As Figure 3 shows, the developed properties surrounding the site are characterized by a mix of zones and development patterns with each of the four high visibility corners having distinct commercial features.

III. ZONING HISTORY

- Prior to 1974 the property was zoned C-2.
- The 1974 Rural East Sectional Map Amendment (F-926) confirmed the C-2 zoning.
- The 2012 Burtonsville Crossroads Neighborhood Plan (G-955) rezoned the Property from C-2 to CRN 1.5, C-1.0, R-0.5, H-45.
- The zoning remained the same (CRN 1.5, C-1.0, R-0.5, H-45) with the District-wide rezoning in 2014 (District Map Amendment G-956).

The current zoning of the surrounding area is shown in Figure 3.

IV. PROPOSAL

The Applicant is proposing to rezone the Property to the CRTF-1.5, C-1.0, R-0.5, H-45' (Commercial Residential Town Floating) Zone. Additionally, as depicted on the Floating Zone Plan, the Applicant seeks

The site plan illustrates the proposed development at 2505 Old Columbia Pike. Key features include:

- Parcel C:** 0.65 Ac. Contains the existing 2505 Old Columbia Pike Brick Building (11,111 SF, FFE: 44,430) and a proposed addition (2,500 SF).
- Parcel D:** 2.12 Ac. Contains the existing 2505 Old Columbia Pike Retail/Commercial Building (8,200 SF, FFE: 44,430) and a proposed addition (2,500 SF).
- Open Space:** A large green-shaded area on the left side of the plan.
- Filling Station Addition:** A purple-shaded area at the top of the plan.
- Convenience Store Addition:** A blue-shaded area at the bottom of the plan.
- Existing Structures:** 2505 Old Columbia Pike Brick Building, 2505 Old Columbia Pike Retail/Commercial Building, and 2505 Old Columbia Pike Fuel Building.
- Parking Lots:** Multiple parking lots are shown, including a large one on the left and several smaller ones on the right.
- Easements:** A forest conservation easement is shown on the left, and a driveway easement is shown at the bottom.
- Other Features:** A north arrow, a scale bar, and various annotations regarding easements, setbacks, and property lines.

The floating zone plan includes the addition of approximately 16,900 square feet of public open space that will be designated in connection with the subsequent regulatory approval. This public open space will front on Old Columbia Pike but will extend south into the property. The triangular shaped open space widens toward the south and provides a generously sized public open space that abuts public sidewalks or other public pedestrian routes, provides internal refuge from the busy activity along Old Columbia Pike and will be in a contiguous space. The open space will be improved with seating and shading, landscaping, pathways, non-structural stormwater management features and other elements appropriate for public gathering activities.

V. PUBLIC FACILITIES

A complete adequate public facilities analysis will be required at the time of subsequent regulatory review. The Property is in water and sewer categories that allow or anticipate development using public facilities. The submitted traffic study, discussed in the following transportation section, indicates that all studied intersections are operating within their limits set forth in the 2016-2020 Subdivision Staging Policy. The preliminary plan must determine that the subject application will be adequately served by all public facilities.

Water and Sewer

The subject property is in the W-1 water service category and is currently served by public water running along MD 198.

The subject property is located within the S-1 sewer service category. Sewer service to the property is connected to existing lines along MD 198.

Local water and sewer transmission and treatment capacity is adequate to serve the development.

Schools

This Project does not propose any residential uses, so the Annual School Test is not applicable for the review of this Local Map Amendment application.

Other Public Facilities

The Montgomery County Fire & Rescue Service operates Station 15 at 13900 Old Columbia Pike in Burtonsville, Maryland.

The Subject Property is in Montgomery County Police Department's 3rd District. The 3rd District station, located at 1002 Milestone Drive in Silver Spring, is 6 miles from the site by road.

VI. MASTER PLAN

The Property is subject to the objectives and recommendations outlined in the 2012 Approved and Adopted Burtonsville Crossroads Neighborhood Plan (the "Master Plan"). Prior to the adoption of the Master Plan, the Property was zoned General Commercial ("C-2"). The Master Plan recommended rezoning of the Property to CRN. The Property is distinctive because of its intersection-based orientation and setback from the R-200 properties along Tolson Place.

When the Property is compared to other properties that share similar attributes, the proposed CRTF zone is a reasonable adjustment consistent with the Master Plan's objectives. A greater latitude of uses is appropriate given the Property's location and provides greater flexibility to pursue redevelopment that will help make Burtonsville a "complete community." (Master Plan, pg. 7).

Main Street MD 198 and the Public Green

The Master Plan divides the Burtonsville Planning Area into three distinct neighborhoods: 1) Main Street MD 198 and the Public Green; 2) Village Center Business 29; and 3) the Rural Edge. The Property is located within Main Street MD 198 and the Public Green neighborhood (hereinafter the "Neighborhood"), which is envisioned as a "pedestrian-oriented place" that supports a variety of retail uses. (Master Plan, pg. 34-35). Notably, the requested Local Map Amendment will further this vision with an improved streetscape and replacement of the Mattress Store. The Master Plan recommended the properties on the south side of Old Columbia Pike for CRN zoning to assure adequate transitions to the residential neighborhoods along Tolson Place. The Applicant contends that the Master Plan's consideration of the Property, in the same light as the other sites located on the south side of Old Columbia Pike, fails to consider the Property's distinguishing features.

Located at the southwest corner of the Old Columbia Pike/Business 29 intersection, the Property is highly visible and accessible to motorists. Most importantly, the uses on the Property are approximately 425 feet from the closest residence and 625 feet from the cluster of homes along Tolson Place that the CRN zoning was intended to protect. In addition, a substantial tree buffer to the south/southwest creates a significant barrier between the Property and the residential neighborhood along Tolson Place.

In contrast, the Property is similar to the commercial properties located along the north side of Old Columbia Pike. Like the Burtonsville Town Shopping Center ("Shopping Center"), which confronts the Property to the north across Old Columbia Pike, the Property is intersection-oriented with high visibility. In accordance with the Master Plan, the Shopping Center and other properties on the north side of MD Route 198 are zoned CRT. As the Master Plan recognizes, the CRT zone provides "the opportunity to expand the range of land uses."

The Property is in a much better position to accommodate a wide range of land uses than its current CRN zoning would allow. While not as large as the Shopping Center, the Property shares the same level of visibility and accessibility that can support a wider mix of uses. More than 332 feet of the Property's frontage abuts Business 29. Yet, it is the only commercial site within the Master Plan area with frontage on Business 29 that is not zoned CRT. While the Property's southern boundary either abuts a heavily wooded parcel owned by the Applicant or is proposed for forest conservation, the western boundary abuts a drive-thru McDonald's and the northern boundary confronts the Shopping Center. Like the other CRT zoned sites, the Property is surrounded by uses that will not in any way be adversely affected by the uses permitted in the CRT Zone. The proposed floating zone would allow development that is compatible with the Property's surroundings.

Master Plan Themes

The foremost objective of the Neighborhood Plan is to "foster the creation of a complete community designed at a scale to serve the surrounding area with small businesses, retail, local services, and offices, residential and open spaces for local events, conservation, and recreation." (Master Plan, pg. 5). The Property is well-positioned to help create a "complete community", especially if it is rezoned to CRTF.

Recommendations in the Master Plan are framed around the following four themes: 1) economy; 2) connectivity; 3) design; 4) environment. A wider latitude of uses will allow any development on the Property to advance the following Master Plan objectives and achieve substantial conformance:

Economy

Improve the local economy with a mix of uses and new implementation tools.

The wider range of uses permitted by the CRTF Zone will encourage the adaptive reuse of the existing mattress store and will help attract Burtonsville residents and visitors onto the Main Street, given that the Property is highly visible from Business 29. The CRTF will help support a major intersection that is anchored by a strong mix of uses.

Connectivity

Create an expanded network of streets, bikeways, and pedestrian routes.

Redevelopment on the Property will provide for the enhancement of the streetscape along the south side of Old Columbia Pike (MD 198). Further, the rezoning provides the opportunity for a future dedication that will improve circulation between sites for vehicles, bicycles, and pedestrians. This dedication would help to establish a desired local street network in the future.

Design

Create an identity that will help foster a sense of place.

The CRTF Zone provides the Applicant with greater flexibility to implement a design that attracts potential tenants and facilitates, a pedestrian environment via public open space, and frontage improvements. The rezoning will provide the opportunity to upgrade the existing filling station and convenience store. In addition, it will improve the chance to re-tenant the mattress store and renovate the existing building with a more visually appealing design.

Environment

*Infill or redevelopment will meet the most current environmental site design requirements.
[neighborhood-specific recommendation, pg. 36]*

Any redevelopment of the Property will satisfy the current environmental site design requirements. Currently, there are no on-site environmental protections in terms of storm water management. The upgrading of the filling station will provide state of the art stormwater management facilities and will thus be an environmental benefit. In addition, the redevelopment of the Property following the rezoning will result in an upgraded streetscape, including street trees, along Old Columbia Pike.

As discussed below, the proposed development satisfies several general objectives for the Main Street Neighborhood, as well as specific recommendations for the Property.

VII. TRANSPORTATION

Site Location and Vehicular Access Points

The Application proposes two access points on MD 198/Old Columbia Pike. The western access point lies across from the entrance to the Burtonsville Town Square shopping center. As mentioned, a limited peak period signal warrant analysis strongly indicates the need for a traffic signal at this location. A full signal warrant analysis will be required as part of any subsequent development application for the Subject Property. The segment of MD 198 is the subject of the ongoing SHA-led MD 28/MD 198 Corridor Planning Study. As part of this study, SHA recently improved the MD 198/Burtonsville Town Square Access/West Site Access (Identified as Intersection 4 in the Applicant's traffic study in Figure 5 below), implementing a westbound left turn lane on MD 198 into the subject property and eliminated exiting left turn movements from the site.

Figure 5 – Study Area Intersections



The easternmost access point is proposed to remain right-in-right-out. Given the proximity to the eastern access, heavy merge movements to access the US 29 on-ramp and the proposed crossing of the master-planned shared use path along the property frontage, additional study of the safety and adequacy of this access point is recommended as part of any future development.

Master-Planned Roadways, Bikeways, and Transitways

MD 198 is classified as a 4-lane major highway with a master planned 120-foot right-of-way. Any subsequent subdivision plan must ensure full dedication. The forthcoming MD 28/ MD 198 Corridor Planning Study will recommend additional future improvements.

The Application proposes a 10-foot wide shared use path to run along the northern frontage of the Subject Property along Old Columbia Pike in line with the recommendation of the 2018 Bicycle Master

Plan. This will connect to existing shared use path facilities that run south along US 29 and east along MD 198.

There are no transit services operating along MD 198. Montgomery County's US-29 Flash BRT will offer service from the current Burtonsville Park and Ride approximately ¼ mile to the northeast.

Pedestrian and Bicycle Facilities

Pedestrian and bike access through the Burtonsville town center is limited. Sidewalks are currently absent along MD 128 through the town center. A single north-south marked crosswalk on MD 128 exists within ¼ mile of the subject property. Existing bike facilities are built immediately to the south and east of the Subject Property along US 29 and MD 128, respectively.

Local Area Transportation Review (LATR)

The Application submitted a traffic study dated April 15, 2019. Although an Adequate Public Facilities finding for transportation is not required at this time, the study demonstrates that access and circulation can be improved to acceptable levels as a result of mitigation to be provided by a subsequent development application. An additional full transportation study will be required for a full APF finding as part of any future development application to determine necessary mitigation.

The study was conducted assuming a larger than anticipated scale of development, expanding the current fueling station to 12 pumps from eight and roughly doubling the size of the proposed retail from the existing 8,100 sf to a "test scenario" scale of 19,750 sf use in order to 'stress test' the local road network. This study followed the LATR guidelines recommended ITE Trip Generation 10th Edition, which projected a net increase for the AM and PM peak hours of 49 and 144 vehicle trips and 68 and 200 person-trips respectively:

Table 1
Summary of Site Vehicle Trip Generation
15585/15595 Old Columbia Pike Property

Trip Generation	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
Proposed						
Convenience Market with Fueling						
Pumps (12)	124	123	247	137	136	273
<i>Pass By (Credit)</i>	(77)	(76)	(153)	(77)	(76)	(153)
19,750 SF Retail	12	7	19	78	84	162
<i>Pass By (Credit)</i>				(27)	(29)	(55)
Total	59	54	113	112	115	227
Existing (Credit)						
Convenience Market with Fueling						
Pumps (12)	(82)	(82)	(164)	(92)	(92)	(184)
<i>Pass By</i>	51	51	102	51	51	102
8,100 SF Mattress Store	(1)	(1)	(2)	(2)	(2)	(4)
<i>Pass By</i>				1	1	1
Total	(84)	(84)	(168)	(94)	(94)	(188)
Net New Trips	27	22	49	71	74	144

Source: Wells and Associates. Traffic Statement, dated April 15, 2019

Five intersections (identified in Figure 5) above were studied for adequacy against LATR delay standards for the study area using HCM methodology):

Table 2
Summary of Intersection Delay
15585/15595 Old Columbia Pike Property

Intersection	Operating Condition	Policy Area HCM Congestion Threshold	Average Delay AM	Average Delay PM
1) MD 198 / US 29 NB Ramp	Signalized	59 Seconds	29 (C)	33.3 (C)
2) MD 198/ Old Columbia Pike/ US 29 SB Ramp	Signalized	71 Seconds	24.6 (C)	49.4 (D)
3) MD 198/ East Site Access	Unsignalized	71 Seconds	0.3 (A)	0.4 (A)
4) MD 198/ Burtonsville Town Square Access/ West Site Access	Unsignalized	71 Seconds	13.4 (B)	Unavailable*
5) MD 198/ Burtonsville elementary School access/Old Columbia Pike (west)	Signalized	71 Seconds	34.44 (C)	31.6 (C)

Source: Wells and Associates. Traffic Statement, dated April 15, 2019

*Data unavailable due to inability to compute high conflict in turning movements

Intersections 1, 2, 3, and 5 do not exceed LATR thresholds of delay. HCM estimates were not able to be computed for the PM hour for Intersection 4 (MD 198/ Burtonsville Town Square Access/West Site Access) due to the high levels of conflict in turning movements, particularly for left turns. It is likely infeasible to safely make such movements during the PM peak commuting hours. Given the existing congestion at Intersection 4, which also operates as the site's western access, the traffic study included a limited peak-period signal warrant analysis for the intersection with results included below:

Table 3
Peak Period Signal Warrant Analysis

Warrant	Requirements	Existing Conditions	Background	Total Future	Meets Warrant
4-hour Vehicular Volume	4 hours	5 hours	6 hours	6 hours	Yes
Peak Hour Delay	1 hr; ≥4 veh-hrs	5 hours; 20 veh-hrs	5 hours; 20 veh-hrs	5 hours; 20 veh-hrs	Yes
Peak Hour Volume	1 hour	5 hours	5 hours	5 hours	Yes

This limited peak-period analysis confirmed that the intersection would meet three warrants for peak period traffic: four-hour vehicular volume, peak hour delay, and peak hour volume. Additional limited analysis suggested the intersection would likely meet additional warrants. The applicant has agreed to perform a full signal warrant analysis as part of any subsequent development application to be submitted to the State Highway Administration (SHA) for determination of the need for a signal at this location. Staff recognizes that this section of MD 198 through downtown Burtonsville is heavily congested during the peak travel hours and offers limited safe pedestrian and bike movement. Given the level of congestion through this corridor and following community requests for traffic calming, Staff recommends that SHA approve any request for a signal at this location and requests the Board send a letter of support. Staff additionally cautions that additional development on the subject property may be contingent on the placement of a signal at this location.

VIII. ENVIRONMENT

Environmental Guidelines

The Property is located within Little Paint Branch watershed, a Use Class I-P watershed. The Countywide Stream Protection Strategy (CSPS) rates the condition of streams in this watershed as good. A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved on January 17, 2019. There are no streams, floodplains, or wetlands (or their buffers) on the site. There is one stand of forest on the site consisting 0.38 acres. There are no significant or specimen trees onsite but there are three within 100 feet of the Subject Property. This proposal is subject to a forest conservation plan, which has been submitted with this Application.

Conformance with Environmental Guidelines

The subject property is located near a major intersection (MD-29 and MD-198) and contains no sensitive features to protect.

Forest Conservation

A Preliminary Forest Conservation Plan (PFCP) H-134 for the Application was submitted as part of the Application (Attachment A).

This Property is requesting to be zoned CRTF, which is assigned a Land Use Category of Mixed-Use Development Areas (MDP) in the Land Use Table of the Environmental Guidelines. This gives the Property an afforestation requirement of 15 percent of the net tract and a conservation threshold of 15 percent.

The total tract area including offsite work is 3.58 acres, all of which is subject to the forest conservation worksheet requirements.

The PFCP shows 0.38 acre of forest within the net tract area and proposes 0.06 acre of forest removal and 0.32 acre of forest retention. Accordingly, the Forest Conservation Worksheet results in a 0.28-acre afforestation/reforestation requirement. This requirement will be met onsite with new forest plantings adjacent to the existing forest area. All retained and planted forest on the Property will be placed in a Category I conservation easement.

IX. EVALUATION AND FINDINGS

Section 5.1.2. Intent Statement

The Residential Floating, Commercial/Residential Floating, Employment Floating, and Industrial Floating zones are intended to provide an alternative to development under the restrictions of the Euclidean zones mapped by Sectional Map Amendment (the Agricultural, Rural Residential, Residential, Commercial/Residential, Employment, Industrial, and Overlay zones). To obtain a Floating zone, an applicant must obtain approval of a Local Map Amendment under Section 7.2.1. The intent of the Floating zones is to:

A. Implement comprehensive planning objectives by:

- 1. furthering the goals of the general plan, applicable master plan, and functional master plans;*
- 2. ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements;*
- 3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property.*

As described in detail in Section VI, the Project advances several recommendations outlined in the Master Plan. Overall, the Master Plan aims to revitalize and activate the Main Street Neighborhood with commercial uses, while preserving the existing residential character of the community to the west. The Project will not deter or frustrate the execution of this vision. Retention and redevelopment of the existing filling station and convenience store is logical given the Property's prominent and convenient location at the southwest corner of the Old Columbia Pike/Business 29 intersection. Furthermore, as discussed in Section IV, the public facilities will be adequate to accommodate the proposed development.

B. Encourage the appropriate use of land by:

- 1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;*
- 2. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and*
- 3. ensuring that development satisfies basic sustainability requirements, including open space standards and environmental protection and mitigation.*

The change in zoning from CRN to CRTF will allow for a wider array of potential uses for the Property. Through the binding elements, the Applicant agrees to restrict potential additional uses to ensure compatibility. Importantly, the density will remain the same. In this instance, the floating zone is being used to address an effective oversight in the adoption of the Master Plan. Given the characteristics of the Property – its corner location at a major intersection; distance from the

residential uses to the west and the substantial tree buffer surrounding the Property, it is appropriate for the Property to be rezoned to CRTF consistent with the properties to the north and northeast and also consistent with its former C-2 zoning.

C. Ensure protection of established neighborhoods by:

- 1. establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;*
- 2. providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and*
- 3. allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.*

Overall, the CRN and CRT Zones are very similar. In the subject case, the change in the zoning is even less distinguishable given that there is no requested change to either the existing density or height; instead, the rezoning will allow the existing use to continue without the cloud of a nonconforming use status. The proposed binding element limits the uses of the Property, thus ensuring compatibility with the adjacent neighborhood. Moreover, the existing heavily wooded tree buffer provides a natural barrier and will continue to protect the residential properties further to the west from the proposed uses on the Property. Notably, the Applicant has not received any complaints from these residences regarding the operation of the Property. Given that the operation under the CRT Zone will be comparable, there is no reason to anticipate that new issues or complaints would arise.

Section 5.1.3. Applicability

A. A Floating zone must not be approved for property that is in an Agricultural or Rural Residential zone.

A Floating zone can be approved for the Property; the Property is zoned CRN-1.5, C-1.0, R-0.5, H-45' and is not in an Agricultural or Rural Residential Zone.

B. If a Floating zone is recommended in a master plan, there are no prerequisites for an application. For properties with a master plan recommendation for a Floating zone for which an application can no longer be made as of October 30, 2014, the following table identifies the equivalent Floating zones for which an applicant may apply...

The Master Plan does not recommend the CRNF Floating Zone for the Property.

C. *If a Floating zone is not recommended in a master plan, the following apply:*

1. *The maximum allowed density is based on the base zone and on the size of the tract as stated in Division 5.2 through Division 5.5. Any density bonus requested under Chapter 25A may be added to the density allowed under Division 5.2 through Division 5.5 and included in the units per acre or FAR of the zone requested.*

a. *The maximum allowed density is based on the base zone and the size of the tract as stated in Division 5.3;*

Pursuant to Section 5.3.5.A, given the Property's base zoning and tract area, the maximum overall density allowed on the Property is 1.5 FAR, and within the overall maximum permitted density, the commercial and residential density is limited to a maximum of 1.25 FAR. As noted, the total FAR proposed for the Project remains unchanged from the current CRN Zone, an overall density of 1.5 and C-1.0, R-0.5, and H-45. There is no residential density proposed for the Project.

b. *When requesting a Floating Zone for a property with a non-Residential base zone there are no prerequisites for an application.*

The Property has a non-residential base zone of CRN. There are therefore no prerequisites for this Local Map Amendment application.

2. *Residential Base Zone*

a. *When requesting a Townhouse Floating (TF) zone, Apartment Floating (AF) zone, or Commercial Residential Neighborhood Floating (CRNF) zone for a property with a Residential base zone:*

i. *The property must front on a nonresidential street or must confront or abut a property that is in a Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone;*

Not applicable.

ii. *The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D.*

Not applicable

3. *Non-Residential Base Zone*

When requesting a Floating zone for a property with a non-Residential base zone there are no prerequisites for an application.

Since the base zone is CRN, no prerequisites are required for the application.

Section 5.3.2. Purpose

The purpose of the CRTF zone is to:

- A. allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;*
- B. allow flexibility in uses for a site; and*
- C. provide mixed-use development that is compatible with adjacent development*

The purposes of the CRN Zone (the existing zoning of the Property) and the proposed CRTF Zone are identical: to accommodate flexible mixed-use development that allows for a variety of uses. Identical to the CRN Zone, the CRTF Zone provides for a range of densities and heights, which allows for flexibility to respond to various settings and ensure compatibility with adjacent development.

Section 5.3.5. Development Standards

As the following table illustrates, the proposed Project will satisfy the development standards for standard method of development in the CRTF Zone:

Division 5.3	Development Standard	Permitted/ Required	Provided
5.3.5.A	Density of Development (a) Maximum Overall FAR (b) Commercial or Residential Density	Established by Pre-Existing Euclidean Zone (CRN) 1.5 FAR X 3.46 Ac = 226,076 SF Total Density: 1.5 FAR 226,076 SF C – 1.25 FAR x 3.46 Ac = 188,3978 SF R – 1.25 FAR x 3.46 Ac. = 188,3978 SF	CRTF-1.5, C-1.0, R-0.5, H-45 0.087 FAR – 13,200 SF Total Density: 0.87 FAR 13,200 SF C - .087 FAR – 13,200 SF R - 0.0 FAR
5.3.5.B	Height	Established by Floating Zone Plan	45' maximum building height

Division 5.3	Development Standard	Permitted/ Required	Provided
5.3.5.B	Setbacks (minimum)	<p>Site Boundary -Established by Floating Zone Plan</p> <p>All other setbacks to be establish by site plan approval process</p>	<p>Front – 0’</p> <p>Side Street – 0’</p> <p>Side (Abutting CRN) – 0’</p> <p>Rear (abutting R-200) – 45’</p> <p>All other setbacks established at site plan</p>
5.3.5.C	Lot Size	Established by Floating Zone Plan	0.50 Ac. Minimum – Commercial Lot
5.3.5.D	<p>General Requirements</p> <ul style="list-style-type: none"> • Parking, screening, and landscaping. • Open Space 	<p>As required under Article 59-6</p> <p>10% Public Open Space = 0.35 Ac.</p>	<p>As proposed, Project will meet parking, screening & landscape requirements in Article 59-6</p> <p>10% minimum, 0.35 Ac.</p>
5.3.5.E	Public Benefits	Required if development greater of 1.0 FAR or 10,000 sf of GFA in CRTF Zone	As proposed, Project will not exceed 1.0 FAR. If Project exceeds 1.0 FAR, public benefit points will be required.

A. Density

1. *If a Floating zone is recommended in a master plan, density must not exceed that recommendation.*

Not applicable

2. *If a Floating zone is not recommended in a master plan, the following density limits apply.*

CRN Greater than 3 acres

Total Density: 1.5 FAR

C or R Density: 1.25

3. *An applicant may limit density below the maximum allowed by Section 5.3.5.A to support the necessary findings of approval under Section 7.2.1.*

The applicant does not need to additionally restrict density to support the necessary findings of approval under Section 7.2.1.

B. Setback and Height

1. *If a Floating zone is recommended in a master plan, height must not exceed that recommendation.*

Not applicable

2. *Setbacks from the site boundary and maximum height are established by the floating zone plan. All other setbacks are established by the site plan approval process under Section 7.3.4.*

3. *Height must satisfy the compatibility standards for the applicable building type under Section 4.1.8.B.*

C. Lot Size

Minimum lot sizes are established by the site plan approval process under Section 7.3.4.

D. General Requirements

1. *Parking, recreation facilities, screening, and landscaping must be provided under Article 59-6 as required for the Euclidean zone that establishes uses under Section 5.3.3.*

2. *Open Space*

- a. *If public benefits are not required under Section 5.3.5.E, open space must be provided under Section 4.5.3.C.1 (for standard method) as required for the Euclidean zone that establishes uses under Section 5.3.3.*
- b. *If public benefits are required under Section 5.3.5.E, open space must be provided under Section 4.5.4.B.1 (for optional method) as required for the Euclidean zone that establishes uses under Section 5.3.3.*

3. *The floating zone plan may provide for additional parking, open space, recreation facilities, screening, or landscaping or further restrict lighting to allow the District Council to make the necessary findings of approval under Section 7.2.1.*

E. Public Benefits

1. *Public Benefits Required*

- a. *Development above the greater of 1.0 FAR or 10,000 square feet of gross floor area in the CRTF zone requires public benefits.*

Not applicable

- b. *Development above the greater of 0.5 FAR or 10,000 square feet of gross floor area in the CRF zone requires public benefits.*

Not applicable

- c. *When public benefits are required by development in the Commercial/Residential Floating zones, a sketch plan must be submitted under Section 7.3.3.*

Public benefits are not required as part of this application.

Section 7.2.1.E. Necessary Findings

1. *A Floating zone application that satisfies Article 59-5 may not be sufficient to require approval of the application.*

As shown above, the application satisfies the requirements of Article 59-5 and is sufficient for approval.

2. *For a Floating zone application, the District Council must find that the floating zone plan will:*
 - a. *substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;*

As discussed in Section VI above, the Project substantially conforms to the Master Plan.

- b. *further the public interest;*

As a result of the location of the Property, there is high demand for a filling station on the Property and it is the Applicant's intent to continue the existing use on the Property. While the existing filling station may be renovated (within limits) under the existing zoning as a nonconforming use, the rezoning to CRT will be in the public interest by allowing greater flexibility for an expanded filling station on the Property, consistent with all current requirements. In addition, this will ensure an improved appearance of the Property, with an improved streetscape. Moreover, the rezoning will allow for greater flexibility to repurpose the existing Mattress Store with a new use which will allow for the renovation of the existing architecturally unappealing structure.

- c. *satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;*

As described throughout this report, the Project will satisfy the intent, purpose and specific standards of the CRTF Floating Zone and the Zoning Ordinance. For all the reasons discussed in this Report, the requested Floating zone is appropriate at this location.

- d. *be compatible with existing and approved adjacent development;*

As discussed in this report, the proposed uses are appropriate given the Property's auto-oriented location at the southwest corner of the prominent Old Columbia Pike/Business 29 intersection. From a land use perspective and in terms of operation and orientation, the Property is more similar to the CRT-zoned shopping center that confronts the Property to the north as well as the other CRT properties to the northeast, than the commercial properties to the west that are also zoned CRN. Given the existing uses on the Property, the rezoning will not result in a significant change to the operation, use or physical layout of the Property. Any development pursuant to the CRT Zone will continue to be compatible with the surrounding neighborhood.

The Project's site layout and activity will continue to be oriented toward Old Columbia Pike. The remaining heavily wooded tree buffer will remain and will be enhanced with reforestation plantings, and this natural barrier combined with the distance of more than 425 feet from the

activity center of the Property to the closest residential home ensures compatibility. Notably the Property is more than 625 feet away from the concentration of residential uses to the west.

- e. generate traffic that does not exceed the critical lane volume or volume/ capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and*

The Applicant submitted a traffic study concurrently with this report, which demonstrates that all of the studied intersections except MD 198 and the Shopping Center Access drive intersection will operate within acceptable levels. The traffic study concludes that the Shopping Center Access intersection can be mitigated with the installation of a signal.

- f. when applying a non-Residential Floating zone to a property previously under a Residential Detached zone, not adversely affect the character of the surrounding neighborhood.*

The Application is not requesting the application of a non-residential Floating zone to a property previously under a Residential Detached Zone, making this subsection inapplicable to this Local Map Amendment application.

- 3. *For a Euclidean zone application, the District Council must find:*
 - a. a substantial change in the character of the neighborhood since the original zoning or comprehensive rezoning, or that a mistake was made by the District Council when it applied the existing zoning;*
 - b. the requested zone is in the public interest; and*
 - c. the requested zone is compatible with the surrounding area.*

Not applicable.

X. COMMUNITY CONCERNS

The Applicant recognizes the importance of community engagement and held a community meeting on March 12, 2019. Five individuals attended the meeting. The Applicant described the purpose of the rezoning to accommodate the future redevelopment of the gas station and a wider array of uses for the Mattress Store. The attendees inquired about the limitations on the gas station as a nonconforming use and the existing and proposed stormwater management on the Property. The attendees expressed no objection to the Local Map Amendment or the future use of the Property.

XI. RECOMMENDATION

Staff recommends approval of the proposed plan for the following reasons:

- The plan substantially conforms to the applicable master plan.
- The plan furthers the public interest by providing the mix of land uses that will help redevelopment and bring strong community image as recommended by the Master Plan, by

allowing for future flexibility to encourage the site's development, and providing additional pedestrian connectivity and public open space.

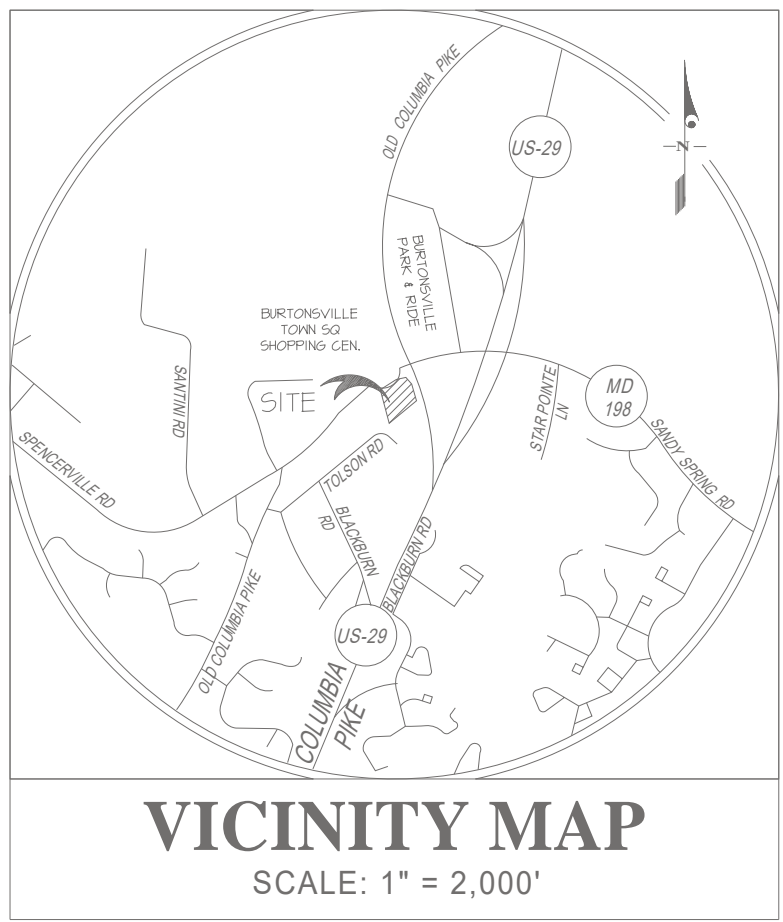
- The plan satisfies the intent and standards of the proposed CRTF zone.
- The proposed development establishes compatibility with the existing adjacent development through unit orientation, spacing, height, site setback, and forest buffers.
- The proposed development will not exceed the critical lane volume standard.

XII. ATTACHMENTS

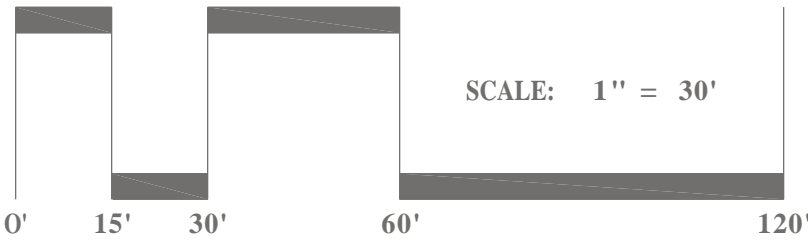
A. Plans and Drawings

B. Forest Conservation Plan

Attachment A



DESIGNED BY	KAF				
DRAWN BY	KAB				
CHECKED BY	KAF				
DATE		REVISION	BY	APPR.	



PREPARED FOR: Kuo-Chien Cheng 9106 Shad Lane Potomac, MD 20854 301-928-2429	SCALE 1"=30'	ZONING SEE PLAN NOTES	ILLUSTRATIVE RENDERING BURTONSVILLE - CHENG PROPERTY PARCELS 'C' & 'D' PLAT No. 12853 15585 & 15595 OLD COLUMBIA PIKE BURTONSVILLE, MD 20866		G. L. W. FILE No. 18060
	DATE APRIL 2019	TAX MAP - GRID KS-562	COLESVILLE ELECTION DISTRICT No. 5 MONTGOMERY COUNTY, MARYLAND		SHEET 1 OF 1

L:\CADD\DRAWINGS\18060\PLANS BY GLW\EXHIBITS\RENDER\18060-RENDER_30x42.dwg
DATE: 04/25/2019 2:38 PM USER: SAKEDU/2019 2:11 PM PLOT: 18060.dwg 14x22 1/8" 14x22 1/8" 14x22 1/8" 14x22 1/8"

GENERAL NOTES

- Owner/ Applicant: Kuo-Chien Cheng
9106 Shad Lane
Potomac, MD 20854
- Boundary survey by: Gutschick, Little, & Weber, P.A., AUGUST 6, 2018
- Topography by: Gutschick, Little, & Weber, P.A., AUGUST 6, 2018
- Master Plan: Burtonsville Crossroads Neighborhood Master Plan, 2012
- NR/PSD by: Gutschick, Little, & Weber, P.A.
NR/PSD Plan No. 420190100
Approved: January 17, 2019
- Watershed & Use Class: Little Point Branch (I)
- There is no floodplain on site per FEMA Map #24031C0385D.
- There are no wetlands on site.
- There are no known Special Protection Areas (SPA) or PMA Areas on site.
- There are no known Rare, Threatened or Endangered Species on site.
- The property is not listed on the Locational Atlas and Index of Historic Sites.
- The property is not located in an Overlay Zone.
- Parcel N113 & N124
Existing Water Category: W-1
Existing Sewer Category: S-1
- Parcel N113 & N124
Proposed Water Category: W-1
Proposed Sewer Category: S-1
- Utility Companies:
Gas - Washington Gas
Electric - BGE
Water & Sewer - M&C
Telephone/Internet/Cable - Verizon, Comcast

SITE DATA

Existing Site Area: 3.46 Ac.
Parcel N113 (Parcel 'C') 0.65 Ac.
Parcel N124 (Parcel 'D') 2.12 Ac.
Previous dedications: 0.04 Ac.

Existing Zoning: CRN-1.5, C-1.0, R-0.5, H-45 Commercial Residential Neighborhood
Existing Use: Parcel C - Commercial - Vehicle Service Filling Station and Retail/ Service
Parcel D - Commercial - Retail Sales & Services

Proposed Zone: CRTF (Commercial Residential Town - Floating)
CRTF, C-1.0, R-0.5, H-45

Proposed Use: Parcel C - Commercial - Vehicle Service Filling Station, Retail/ Service
Parcel D - Commercial - Vehicle Service- Repair (Minor)

Proposed Development Type: Standard Method

Development Program: Any redevelopment of the gas station and convenience store will occur in one phase. In connection with the re-use of the Retail/ Commercial building, depending on the ultimate use of that structure, Site Plan approval may be required. It is likely that the redevelopment of the gas station and convenience store and the re-tenancing of the Retail/ Commercial building would occur at different times.

Development Program

Existing Commercial Uses:

Gas Station/ Convenience Store: 2500 SF
Retail/ Commercial: 8,200 SF
Total: 10,700 SF

Proposed Commercial Uses:

Gas Station/ Convenience Store: 2500 SF
Building Addition to Convenience Store: 2500 SF
Retail/ Commercial: 8,200 SF
Total: 13,200 SF

DEVELOPMENT STANDARDS - CRTF ZONE

FAR (Floor Area Ratio)	Allowed/Required	Proposed
Commercial:	1.0 FAR (150,116 SF Max.)	0.06 FAR (± 13,200 SF)
Residential:	0.5 FAR (75,594 SF Max.)	0.00 FAR (0 SF Max.)
TOTAL FAR:	1.50 FAR (226,011 SF Max.)	0.06 FAR (13,200 SF)
Building Height:	Per Master Plan recommendation 45' Max Ht.	45' Max. Ht.
Open Space:	10% min.	10% Public Open Space
Setbacks:		
Front:	Site Boundary	0'
Side Street:	Established	0'
Side (Abutting CRN):	by Floating	0'
Rear (abutting R-200):	Zone Plan	45'

Note: All other setbacks to be established by site plan approval process.

Vehicle Parking Required:

Retail/ Service Establishment & Filling Station:	(5,000 X 3.5 - 6.0 Sp./ 1,000 SF)	18 Sp. min - 30 Sp. max
Retail/ Commercial:	(8,200 X 3.5 - 6.0 Sp./ 1,000 SF)	29 Sp. min - 50 Sp. max
Total Parking Required:		47 Sp. min - 80 Sp. max.
Total Parking Provided:		71 Sp.

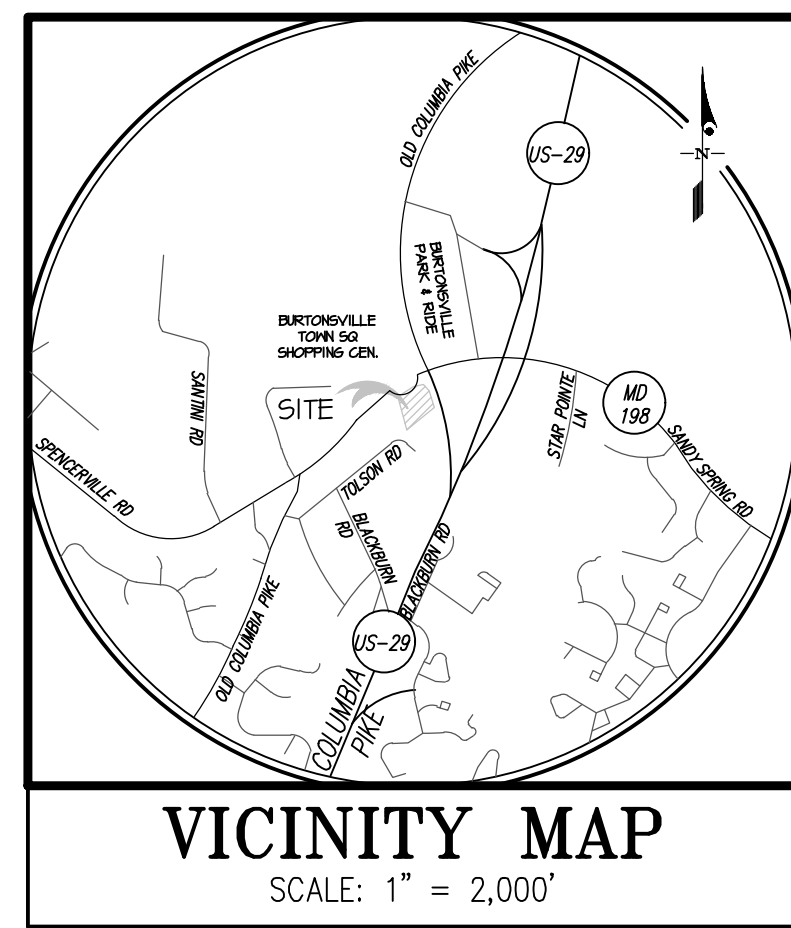
Handicap Parking:

Total Required: (2 per 26-50 Sp. provided)	2 Sp.
Total Provided:	2 Sp.

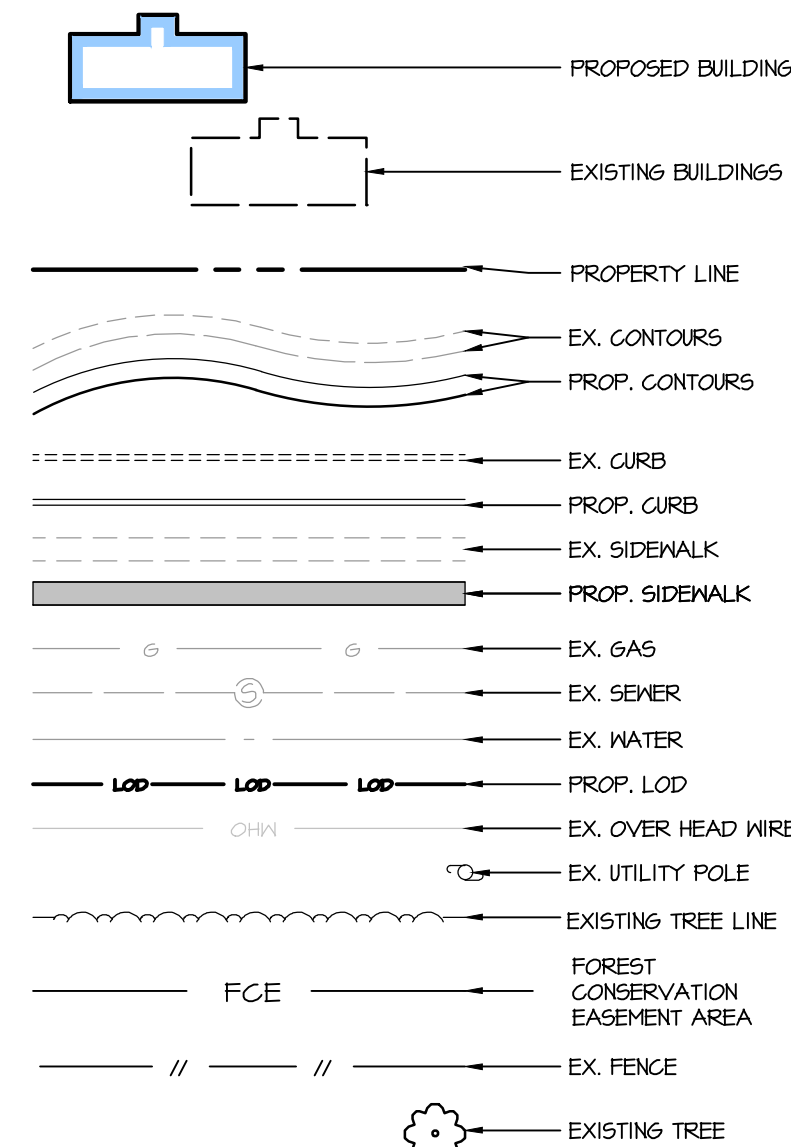
Van Accessible Handicap Spaces:

Total Required: (1 Sp./ 6 HC Sp.)	1 Sp.
Total Provided:	1 Sp.

All Parking Shall Conform To Zoning Code Standards.



LEGEND



BINDING ELEMENTS:

- Limitation on Uses. The following uses, otherwise permitted in the CRTF Zone, are prohibited:
 - Winery (Retail)
 - Ambulance, Rescue Squad (Private)
 - Hospital
 - Funeral Home, Undertaker
 - Hotel
 - Research and Development
 - Structured parking
 - Conference Center
 - Recreation and Entertainment facility major (over 1,000 person capacity)
 - Combination retail store
 - Retail service establishment greater than 50,001
 - Light vehicle sales and rental (indoor)
 - Light vehicle sales and rental (outdoor)
 - Car wash
 - Vehicle service repair (major)
 - Dry cleaning
 - Medical scientific manufacturing and production
 - Bus, rail terminal/station
 - Taxi/limo facility
 - Utility distribution line
 - Self-storage facility
 - Warehouse storage facility

The following uses, are permitted subject to Site Plan approval:

- Residential care facility (4-16 persons)
- Private educational institution
- Private club
- Clinic - more than 4 medical practitioners
- Medical dental laboratory
- Recreation entertainment facility (less than 1,000 person capacity)
- Retail service establishment, 15,001 SF - 50,000 SF
- Public utility storage

As a result of the above binding elements, the following uses (in addition to those uses permitted currently in both the CRN and CRTF zones that are not listed) will be permitted in the CRTF zoned property:

- Cultural institution
- Restaurant
- Health club
- Retail service establishment 5,001 SF - 15,000 SF

The following uses will be permitted as a limited use:

- Vehicle service repair (minor)
- Drive-thru*

The following uses will be permitted subject to conditional use approval:

- Filling station
- Drive-thru*

* Drive-thru is allowed as a L/C in the CRTF zone.

- Buffer zone. Forest Conservation buffer zone along southern property line abutting R-200 property.

- Frontage Improvements. Project frontage improvements shall include the following: 10' shared-use path and street trees.

- Controlled Access. Eastern access will prohibit left turns; i.e., motor vehicles can only make right turns into the Property and right turns to exit the Property.

- Future Access Road. The Floating Zone Plan shall include a reservation for future private access road on the west side of the Property. No development shall be permitted within the reservation area.

PROFESSIONAL CERTIFICATION

I hereby certify that these plans 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.: 29914
Expiration Date: January 20, 2020

Date

Tim M. Longfellow
Professional Engineer
Gutschick, Little & Weber, P.A.

PREPARED FOR:

Kuo-Chien Cheng
9106 Shad Lane
Potomac, MD 20854
301-928-2429

SCALE

1"=30'

DATE

APRIL 2019

ZONING

SEE PLAN NOTES

TAX MAP

KS-562

FLOATING ZONE PLAN

BURTONSVILLE - CHENG PROPERTY
PARCELS 'C' & 'D'
PLAT No. 12853
15585 & 15595 OLD COLUMBIA PIKE BURTONSVILLE, MD 20866

COLESVILLE ELECTION DISTRICT No. 5

MONTGOMERY COUNTY, MARYLAND

G. L. W. FILE No.

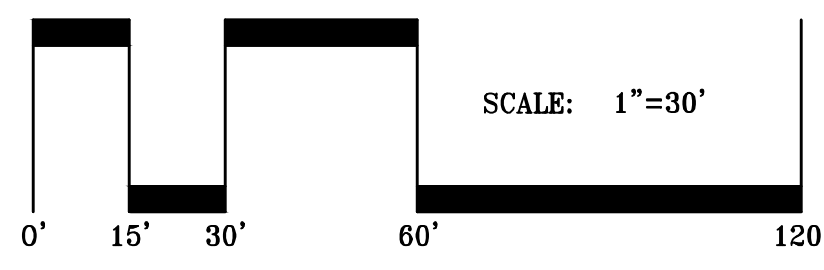
18060

SHEET

1 OF 1



DESIGNED BY	KAF				
DRAWN BY	KAB				
CHECKED BY	KAF	8/17/19	Revised parking lot, public and private sidewalks, and retaining walls.	LME	KAF
DATE			REVISION	BY	APPR.



Section 6.3.3. Allowed and Prohibited Features in Open Space

A. Allowed Features

The following table summarizes the allowed features in each type of open space:

Feature	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
Conservation area or land trust for natural, archeological or historical resources	A	A	x	x
Open space such as a lawn, garden, ornamental planting area, patio, walk and pathway	x	A	A	A
Open space such as a plaza, promenade, arcade, urban park, or town square	x	x	A	A
Pedestrian or non-motorized multipurpose trail	x	A	A	A
Natural resource-based recreation	x	A	A	A
Facility-based recreation	x	A	A	A
Public space or amenity recommended by an approved urban renewal plan	x	x	A	x
Above-ground utility rights-of-way	A	A	A	A
Water body, such as a lake, pond, and floodway	A	A	x	x
Non-structural, natural, and ESO stormwater management facility	A	A	A	A
Utility	A	A	A	A
Other conservation-oriented use compatible with the purposes of Division 6.3	A	A	A	A

KEY: A = Allowed in open space x = Not allowed in open space

B. Prohibited Features

An open space must not include:

- a street;
- a parking or maneuvering area for vehicles;
- an individual wastewater disposal area, or drain field for community systems;
- a Transitory Use;
- any activity prohibited by the applicable deciding body and recorded on the legal instrument providing for permanent protection; or
- any use prohibited in rural open space under Section 6.3.4.A.4.

Section 6.3.6. Public Open Space

A. General Requirements

1. Applicability

Any development with an apartment, multi use, or general building type in a Commercial/Residential, LSC, Commercial/Residential Floating, or LSCF zone must provide the required public open space under the applicable development standards.

2. Defined

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

3. Public Open Space Alternatives

- Development with a civic and institutional use in the LSC zone may provide up to 50% of the required public open space as amenity open space under Section 6.3.7, if the Planning Board finds that the amenity open space better serves the public interest due to health and safety concerns.
- Up to 5% of public open space may be used for outdoor café areas.

B. Design Requirements

1. Standard Method Development

Under standard method development, public open space must:

- abut a public sidewalk or other public pedestrian route;
- be a minimum of 15 feet wide;
- include seating and shade; and
- be in a contiguous space.

2. Optional Method Development

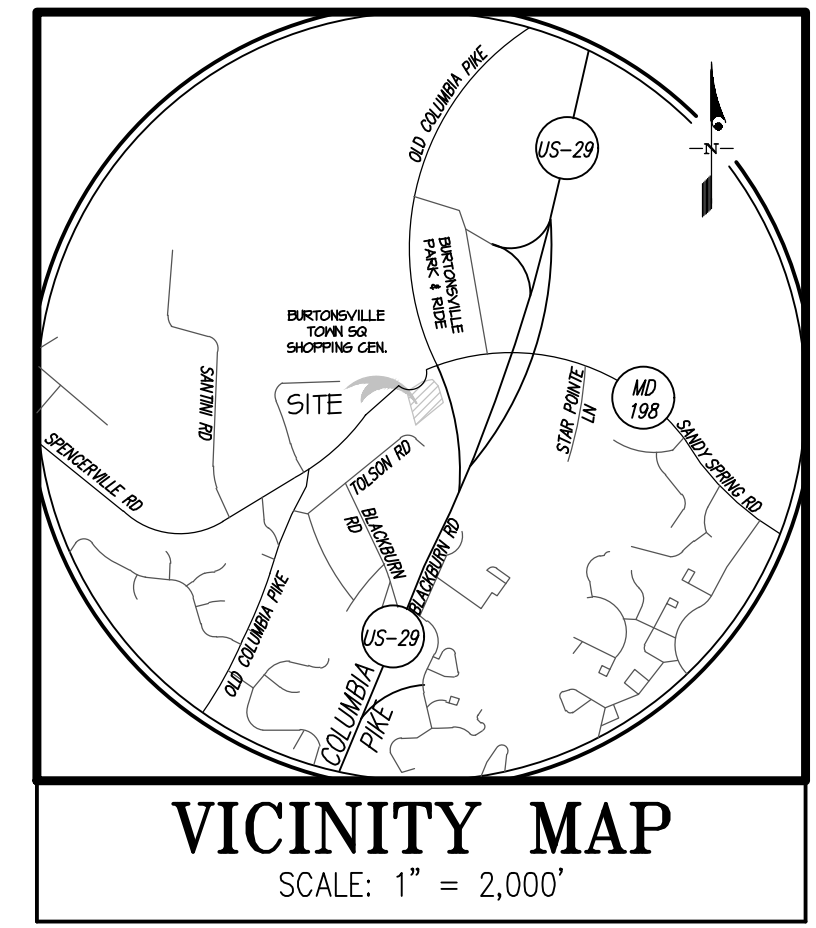
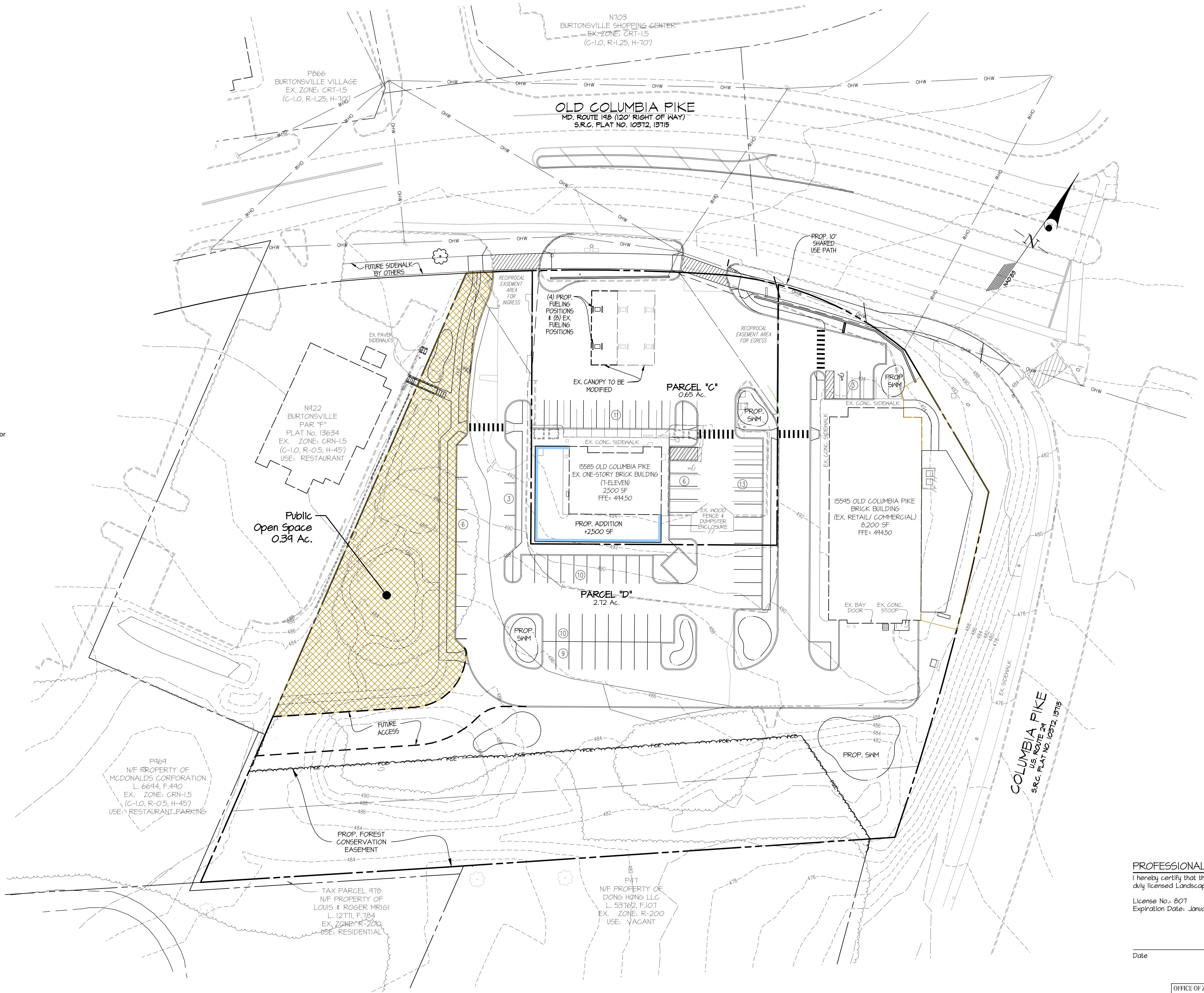
Under optional method development, public open space must:

- abut a public sidewalk or other public pedestrian route;
- include space for pedestrian circulation, landscaping, seating, shade, water features, artwork, or recreation; and
- be in a contiguous space or spaces that abut other public open space or sidewalks or pedestrian routes and are not so fragmented and disconnected that they do not satisfy the intent of Division 6.3.

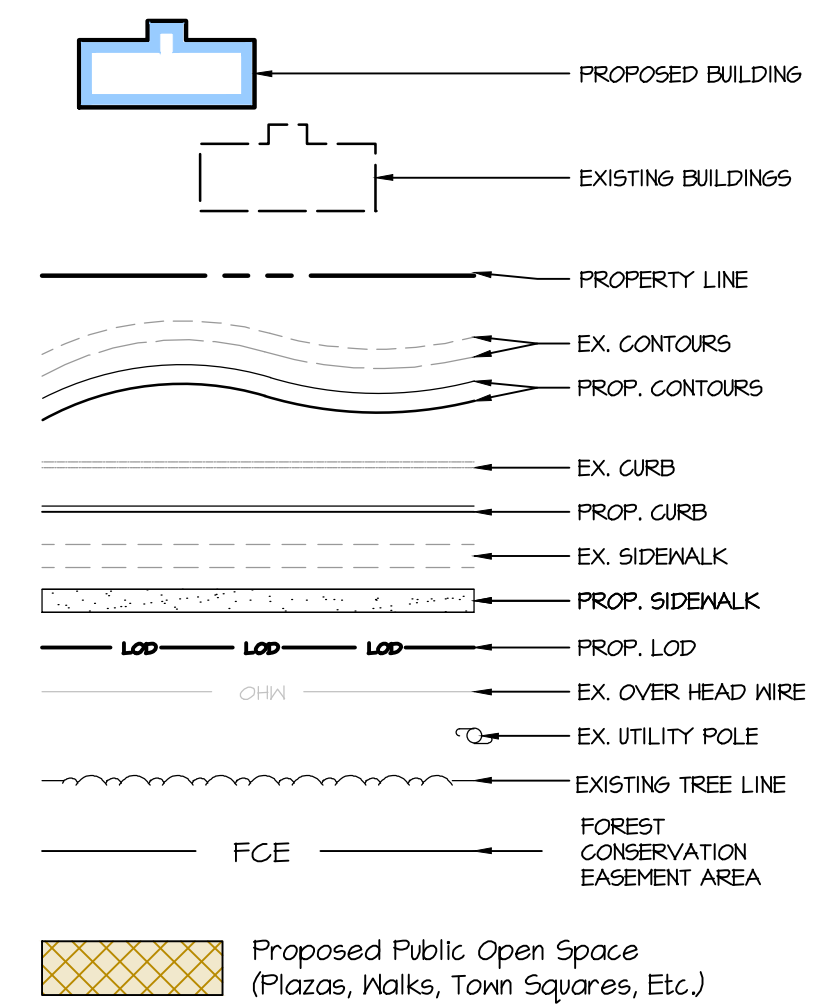
C. Off-Site Options

The Planning Board may find that the requirement for public open space is satisfied in whole or in part by:

- 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; or
- paying all or part of the cost to design, construct, renovate, restore, install, or operate a public open space located within or near the applicable master plan area if the payment:
 - equals the cost of constructing the same amount of public open space and any associated amenity on-site per square foot plus the fair market value of the land per square foot;
 - implements the open space, recreation, and cultural goals of the applicable master plan; and
 - is made within 30 days after the release of any building permit for the subject application.



LEGEND



SITE DATA

Public Open Space
Commercial Area: 3.31 Ac.
Required (10%): 0.34 Ac.
Provided (10%): 0.34 Ac.

PROFESSIONAL CERTIFICATION

I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Landscape Architect under the laws of the State of Maryland.

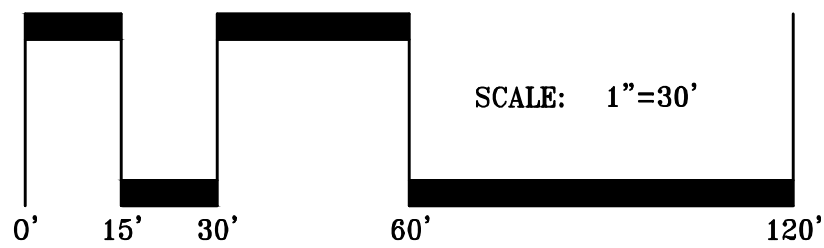
License No.: 807
Expiration Date: January 4, 2020

Date: _____
Kevin A. Foster
Landscape Architect
Gutschick, Little & Neber, P.A.

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION
THIS IS A TRUE COPY OF THE FLOATING ZONE PLAN EXHIBIT
NUMBER _____ APPROVED BY THE DISTRICT COUNCIL ON
_____ BY RESOLUTION NUMBER _____
IN APPLICATION NUMBER _____
HEARING EXAMINER _____ DATE _____
HEARING EXAMINER'S NAME PRINTED _____



DESIGNED BY	KAF				
DRAWN BY	KAB				
CHECKED BY	KAF	8/1/19	Revised layout	LME	KAF
DATE				BY	APPR.
			REVISION		



PREPARED FOR:
Kuo-Chien Cheng
9106 Shad Lane
Potomac, MD 20854
301-928-2429

SCALE	1"=30'
DATE	APRIL 2019
ZONING	SEE PLAN NOTES
TAX MAP	KS-562

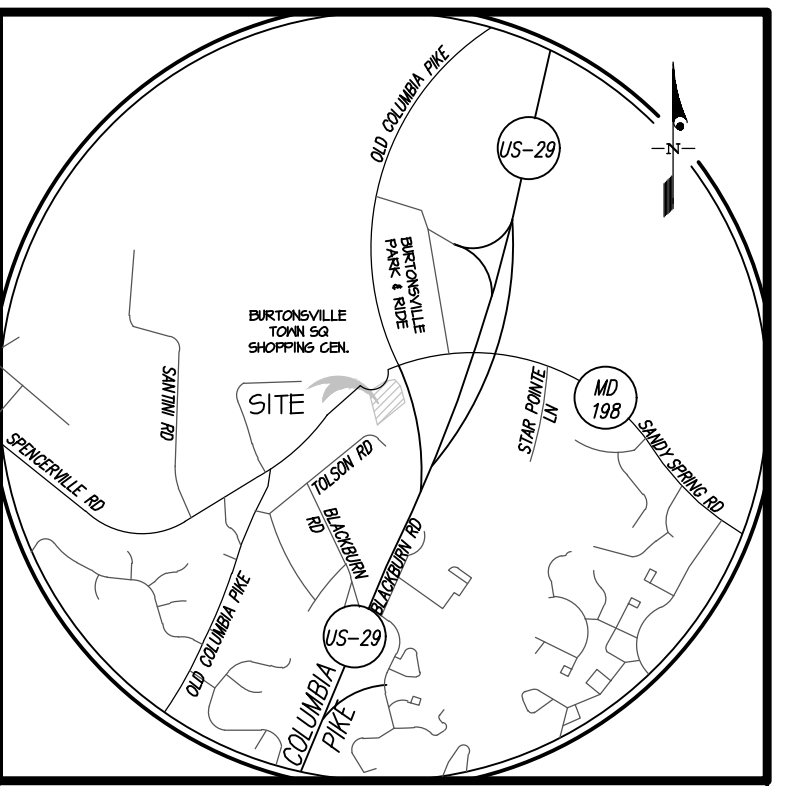
FLOATING ZONE PLAN - OPEN SPACE EXHIBIT

BURTONSVILLE - CHENG PROPERTY
PARCELS 'C' & 'D'
PLAT No. 12853
15585 & 15595 OLD COLUMBIA PIKE BURTONSVILLE, MD 20866

COLESVILLE ELECTION DISTRICT No. 5

MONTGOMERY COUNTY, MARYLAND

G. L. W. FILE No.	18060
SHEET	1 OF 1



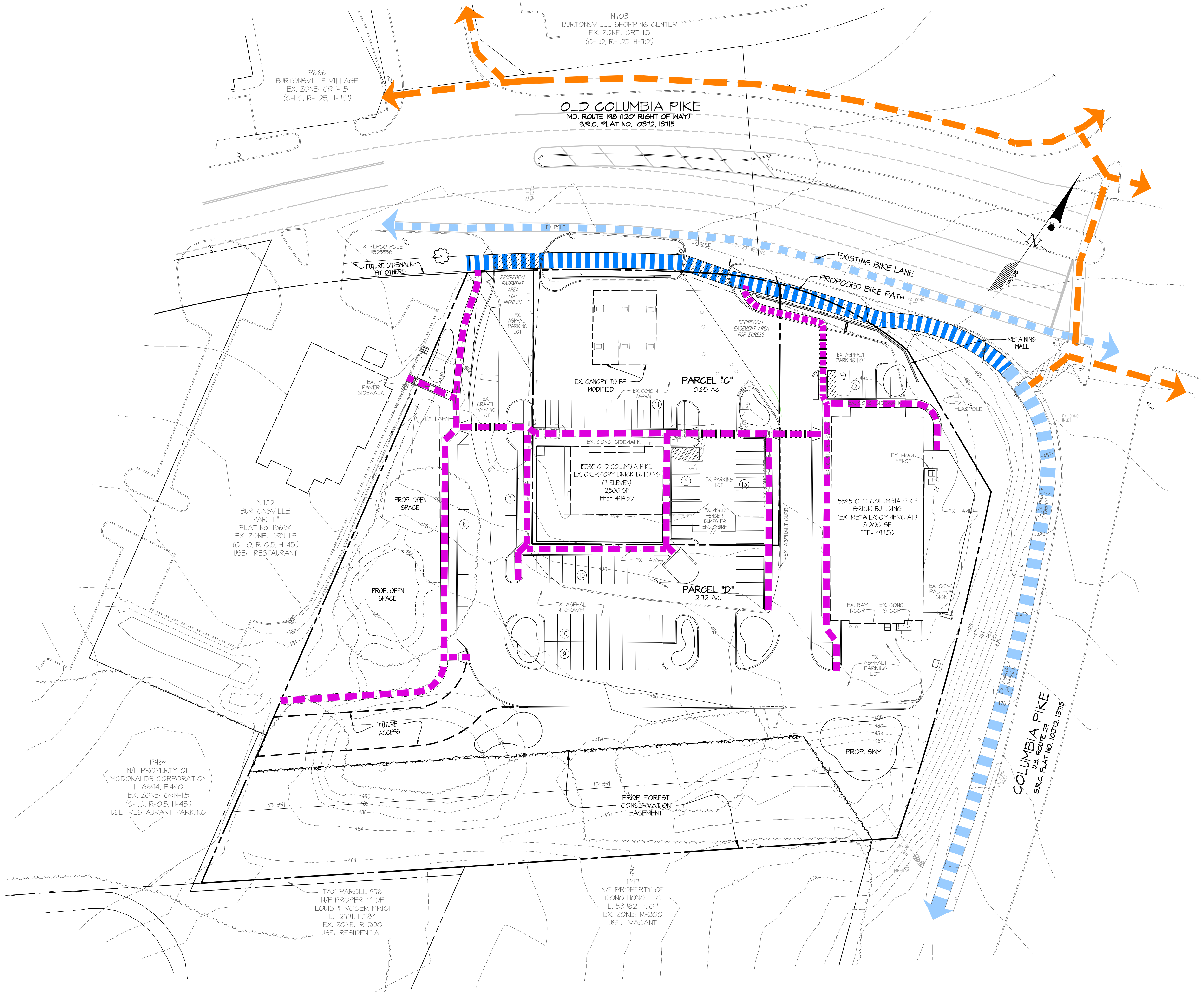
VICINITY MAP

SCALE: 1" = 2,000'

MESG GRID: 22INE04 - TAX MAP: KS-562

LEGEND

- PROPOSED BUILDING
- EXISTING BUILDINGS
- PROPERTY LINE
- EX. CONTOURS
- PROP. CONTOURS
- EX. STREAM
- EX. CURB
- PROP. CURB
- EX. SIDEWALK
- PROP. SIDEWALK
- EX. ELECTRIC
- EX. GAS
- EX. SEWER
- PROP. SEWER
- EX. WATER
- PROP. WATER
- EX. STORM DRAIN
- PROP. STORM DRAIN
- EX. LOD
- EX. OVER HEAD WIRE
- EX. UTILITY POLE
- EXISTING TREE LINE
- PROP. TREE LINE
- MAPPED SOILS BOUNDARY LINE
- FCE FOREST CONSERVATION EASEMENT AREA
- EX. FENCE
- US WATERS OF US
- EMERGENCY STREAM
- SB STREAM BUFFER
- WETLAND
- WETLAND BUFFER
- EXISTING TREE
- PROPOSED PUBLIC SIDEWALK
- EXISTING PUBLIC SIDEWALK
- EXISTING SHARED BIKE/ PEDESTRIAN PATH
- PROPOSED SHARED BIKE/ PEDESTRIAN PATH



PROFESSIONAL CERTIFICATION

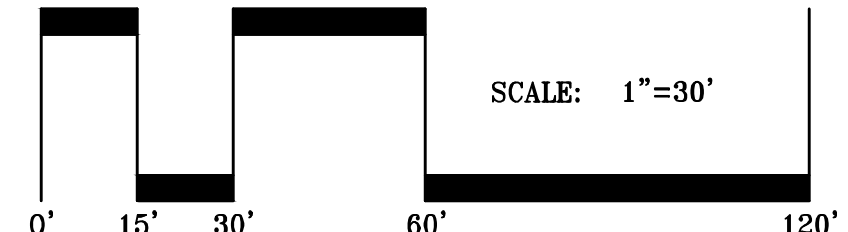
I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Landscape Architect under the laws of the State of Maryland.

License No.: 807
Expiration Date: January 9, 2020

Date: Kevin A. Foster
Landscape Architect
Gutschick, Little & Weber, P.A.

GLW
PLANNING | ENGINEERING | SURVEYING
3809 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20866 | GLWPA.COM
PHONE: 301-421-4024 | BALT: 410-880-1800 | DC/VA: 301-589-2524 | FAX: 301-421-4188

DESIGNED BY	KAF				
DRAWN BY	KAB				
CHECKED BY	KAF	8/1/19	Revised layout	LME	KAF
DATE				BY	APPR.
REVISION					



PREPARED FOR:
Kuo-Chien Cheng
9106 Shad Lane
Potomac, MD 20854
301-928-2429

SCALE	1"=30'
DATE	APRIL 2019
ZONING	SEE PLAN NOTES
TAX MAP	KS-562

FLOATING ZONE PLAN - CIRCULATION EXHIBIT
BURTONSVILLE - CHENG PROPERTY
PARCELS 'C' & 'D'
PLAT No. 12853
15585 & 15595 OLD COLUMBIA PIKE BURTONSVILLE, MD 20866
COLESVILLE ELECTION DISTRICT No. 5
MONTGOMERY COUNTY, MARYLAND
G. L. W. FILE No. 18060
SHEET 1 OF 1



SCALE: 1" = 2,000'

WSSC GRID: 22INE04 - TAX MAP: KS-562

LEGEND

- | | |
|--|---|
| | EX. BUILDING |
| | PROP. COMMERCIAL BUILDING |
| | EX. CURB |
| | PROP. CURB |
| | EX. SIDEWALK |
| | PROP. SIDEWALK |
| | EX. SEWER |
| | PROP. SEWER |
| | EX. WATER |
| | PROP. WATER |
| | EX. STORM DRAIN |
| | PROP. STORM DRAIN |
| | PROP. FIRE ACCESS ROUTE |
| | EX. FIRE HYDRANT |
| | PROP. FIRE HYDRANT |
| | PROP. TURNING RADIUS |
| | PROP. ACCESS PAVEMENT MILE (SIDE TO CURB) |
| | MAIN SIDE-HINGED DOOR |



I hereby certify that these plans 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.: 29914
Expiration Date: January 20, 2020

Date _____

Tim M. Longfellow
Professional Engineer
Gutschick, Little & Weber, P.A.

FIRE ACCESS PLAN

BURTONSVILLE - CHENG PROPERTY
PARCELS 'C' & 'D'
PLAT No. 12853

COLESVILLE ELECTION DISTRICT No. 5

MONTGOMERY COUNTY, MARYLAND

G. L. W. FILE No

1806C

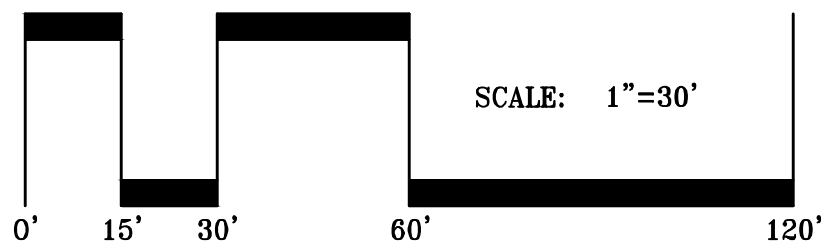
SHEET

1 OF 1



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DESIGNED BY:				
KAB				
DRAWN BY:				
KAB				
CHECKED BY:				
KAF	8/1/19	Revised layout		
	DATE	REVISION	LME BY	KAF APPR.



PREPARED FOR:
Kuo-Chien Cheng
9106 Shad Lane
Potomac, MD 20854
301-928-2429

SCALE

1"=30'

ZONING

SEE PLAIN
NOTES

DATE _____

TAX MAP - GRID

Land Use Report
Local Map Amendment
15585 and 15595 Old Columbia Pike
Burtonsville, Maryland

May 3, 2019

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Land Use Report
Local Map Amendment
15585 and 15595 Old Columbia Pike
Burtonsville, MD

May 3, 2019

I. Overview

This Land Use Report (the “Report”) is submitted on behalf of Dong Ya, LLC and Hong Chen LLC¹ (collectively, the “Applicant”) in support of this Local Map Amendment application (the “Application”) to rezone the property located at 15585 and 15595 Old Columbia Pike in the southwest corner of the intersection of Maryland Route 198 (hereinafter referred to as “Old Columbia Pike”) and U.S. 29A (“Business 29”) in Burtonsville, Maryland (hereinafter the “Property”). Specifically, the Applicant requests approval of a Local Map Amendment for the application of a Floating Zone to rezone the Property from the CRN 1.5, C-1.0, R-0.5, H-45 to the CRT Floating Zone (“CRTF”) CRTF 1.5, C-1.0, R-0.5, and H-45) (the “Local Map Amendment”).

Subsequent to approval of the Local Map Amendment, the Applicant will seek Conditional Use approval from the Office of Zoning and Administrative Hearings (“OZAH”) to permit the redevelopment and modernization of the filling station use and associated convenience store (“C-Store”) that currently exist on the Property subject to Special Exception approval S-847-A (attached as “Exhibit A”).² In addition to the sustained operation of the filling station use, the rezoning will allow a broader array of uses to occupy the existing retail structure on the Property (the “Project”). As discussed in more detail below, the Project will help to revitalize the Property, improve the Old Columbia Pike streetscape, and ensure that this high-demand use that is appropriately located will have the needed flexibility to upgrade and continue to operate.

II. Background

The impetus for this Application is twofold. First, to provide the Applicant with the ability to adaptively reuse the building currently occupied by the Mattress & More Liquidators retail store (the “Mattress Store”), to accommodate the wider array of uses permitted in the CRT Zone. Second, to provide the existing filling station and C-Store use with greater latitude to redevelop. As discussed in greater detail below, the existing filling station and associated C-Store is a nonconforming use, as a result of the rezoning of the Property from C-2 to CRN. As such, pursuant to Zoning Ordinance Section 7.7.2.A the use may not be expanded, which restricts the future redevelopment of the Property to accommodate the existing uses. As a

¹ Koo-Chien Cheng (husband) and Sin-Pei Cheng (wife) collectively own 100 percent of the interest in both LLCs.

² Pursuant to Section 3.1.6 of the Montgomery County Zoning Ordinance (the “Zoning Ordinance”), a filling station is not permitted in the CRN Zone; it is permitted as a conditional use in the CRT Zone.

nonconforming use, the Applicant would be precluded from expanding the size of the existing 2,496 square foot C-Store, from reorienting the filling station use and C-Store use in such a manner that it would expand the land area to occupy a portion of the Property not currently subject to the Conditional Use (i.e. a portion of Parcel N924 that surrounds the Conditional Use site) or to increase the number of filling stations.

The Property is located at an extremely busy intersection in the southwest intersection of Business 29 and Old Columbia Pike and is less than 1,000 feet from newly constructed Columbia Pike through which approximately 110,000 vehicles pass on a daily basis. As a result, many vehicles rely on the conveniently located filling station and C-Store on the Property which do a robust business. Consequently, the owner intends to continue the current use of the Property, either pursuant to the existing zoning, which limits the extent to which the use may be redeveloped, or pursuant to the CRTF zone, that would allow a wholesale redevelopment and modernization of the filling station and C-Store, pursuant to Conditional Use approval.

On December 4, 2012, the County Council, sitting as the District Council for the Burtonsville planning area of the Maryland-Washington Regional District in Montgomery County, rezoned the Property from the General Commercial zone (“C-2”) to the Commercial/Residential Neighborhood zone (“CRN”).³ Unfortunately, the change from C-2 to CRN, which effectively downzoned the Property, failed to take into account the Property’s distinctive features, including its location and existing uses. Based on the objectives and recommendations outlined in the *2012 Approved and Adopted Burtonsville Crossroads Neighborhood Plan* (the “Master Plan”), it appears that the Property was rezoned to CRN in an effort to distance the uses from a residential neighborhood located to the south/southeast of the Property along Tolson Place. The existing uses on the Subject Property are more than ± 450 feet from the closest residence and ± 625 feet to the next closest cluster of homes along Tolson Place. The Property is distinguishable from the other similarly zoned commercial properties situated along the south side of Old Columbia Pike. The Property’s location at the intersection of two heavily traveled roads, its distance from the residential area, and the existing forested area that buffers the Property on the south and west as a result of the trees on the Property and the heavily wooded parcel to the south owned by the Applicant, make it capable of accommodating the wider range of uses allowed by the CRT Zone in a manner compatible with the surrounding area. Moreover, the proposed CRTF Zone is much more akin to the Property’s previous C-2 zoning. Thus, this Application is intended to accommodate the existing filling station use and C-Store as well as a new potential use in the existing retail structure, consistent and compatible with the long standing use of the Property. At the same time, the Application will allow for upgrades to the Property that will further the goals of the Master Plan.

Unfortunately, because the Applicant has limited experience with real estate related issues, he was not active during the master planning process. Had the Applicant actively participated in the Master Plan process he would have made the case for a zoning classification more comparable to the existing C-2 zone. That is, to the CRT zone, which was the zone recommended for the similarly situated sites to the north and northeast of the Property. This

³ See Resolution No. 17-628, which implemented the zoning recommendations of the *2012 Burtonsville Crossroads Master Plan*.

Application presents an opportunity to revise the zoning to allow for uses appropriate for the Property, given its location. Importantly, the proposed rezoning does not involve an increase in either the allowable density or heights; it simply allows greater latitude with respect to the allowable uses. Ultimately, the Project will contribute to the revitalization of Main Street MD 198 South⁴, as is articulated in the Master Plan, and have a positive impact on the overall Burtonsville planning area.

III. Property Description

A. Site Location & Existing Conditions

The Property is located at the southwest corner of the intersection of Business 29⁵ and Old Columbia Pike. The Property is comprised of two individual parcels: 15585 Old Columbia Pike, known as Parcel C (N913), and 15595 Old Columbia Pike, known as Parcel D (N924) in the “Parcels C & D Burtonsville” Subdivision, as per the plat of subdivision recorded among the Land Records of Montgomery County, Maryland in Plat Book 111 at Plat 12953. The Property is generally bounded by Old Columbia Pike to the north, Business 29 to the east, a property with a McDonald's restaurant to the west, and two residentially zoned parcels (R-200) to the south, Parcel P60, the Morigi Property and a 3.3 acre Parcel P47 owned by the Applicant, which provides a substantial tree buffer.

As shown on the Floating Zone Plan, the two parcels that comprise the Property total approximately 146,936.59 square feet (or 3.37 acres) of net lot area. Including prior dedications, the Property has a gross tract area of approximately 150,788 square feet (or 3.4614 acres).

The Property currently is improved with a 7-Eleven C-Store and corresponding filling station and the Mattress Store. According to the Maryland State Department of Assessments and Taxation (“SDAT”) records, the existing Mattress Store building was constructed in 1981 and contains approximately 8,208 square feet of floor area. According to SDAT records, the existing C-Store was built in approximately 1983 and has approximately 2,496 square feet of floor area. A significant portion of the southwest corner of the Property is forested, approximately 0.38 acres.

The Property has frontage along two public right-of-ways: Old Columbia Pike to the north and Business 29 to the east. Currently, vehicular access is made possible via two access points (with sufficient width for both ingress and egress) along the Old Columbia Pike frontage.

There is a shared use path along the Business 29 frontage for both pedestrians and cyclists.

B. Zoning and Permitted Uses

⁴ Main Street MD 198 South is a specific area of the Main Street MD 198 and the Public Green Neighborhood, which is one of the three distinct neighborhoods established by the Master Plan.

⁵ In 2005, U.S. Route 29 was relocated to the east of the original intersection with MD 198 to accommodate an increase volume of through traffic. The 0.92-mile bypassed section of the old road is officially designated US 29A.

This Local Map Amendment requests approval for the application of a Floating zone to the Property, to rezone the Property from CRN-1.5, C-1.0, R-0.5, H-45 to CRTF-1.5, C-1.0, R-0.5, H-45.

Pursuant to Section 3.1.6 of the Zoning Ordinance, a filling station is permitted as a conditional use in the CRT Zone. As noted, under the current CRN Zone, the existing filling station and C-Store may not be expanded. Given the age and condition of the existing uses, coupled with the expiration of 7-Eleven's lease within the next five years, it is the Applicant's desire to upgrade and modernize the filling station and C-Store facilities. Approval of the CRTF application will provide the needed latitude and flexibility to upgrade the uses to current standards. In addition, the CRTF Zone will allow a wider array of uses on the Property to occupy the existing retail structure. As set forth below in Section VI, this Application satisfies all of the applicable use standards in the CRTF Zone.

C. Surrounding Zoning and Land Uses

The Property's immediate surroundings are more specifically described as follows:

- North: Confronting the Property to the north, across Old Columbia Pike, is Burtonsville Town Square – a large shopping center that consists of a variety of commercial uses, including retail and restaurants, and anchored by a Giant Food grocery store. The shopping center is zoned CRT-1.5, C-1.0, R-1.25, H-70.
- East: To the east is the Burtonsville Employment Area Overlay, which allows the development of a compatible mix of office, commercial, light industrial, and nonresidential uses within a designated employment area. (See Section 4.9.3.A of the Zoning Ordinance). Confronting the Property to the east, across Business 29, is a Zimmerman's Ace Hardware store.
- South: Abutting the Properties to the south are two R-200 zoned properties. Parcel P60 consisting of 3.7 acres is owned by Louise Morigi, and Parcel P47, consisting of 3.38 acres is owned by the Applicant. Parcel P47 is forested and provides a significant tree buffer that protects the R-200 zoned residential properties located further to the southwest.
- West: The property to the west shares the same zoning and density allowances as the Property (CRN-1.5, C-1.0, R-0.5, H-45), and is currently improved with a McDonald's restaurant and associated surface parking.

The Property shares the same CRN zoning (CRN-1.5, C-1.0, R-0.5, H-45) as the other commercial properties located further to the west of the Property, along the south side of Old Columbia Pike (the "Main Street South Properties"). From east to west, the Main Street South Properties extend from the Business 29 intersection to the point at which Old Columbia Pike transitions into Spencerville Road. Unlike the Property, the majority of the Main Street South Properties are less than 100 feet from the closest residences, and immediately confront the

residential community. The light industrial/commercial structures on those sites are situated less than 20 feet from Tolson Place and thus have an immediate and obvious impact on the residential community. In contrast, the Property with its intersection orientation and distance from the residential area is more similar to the Burtonsville shopping center and other commercial properties to the north, thus providing support for the Property to share the same CRT zoning as these sites.

IV. Proposed Development

A. Overview

As noted, it is the Applicant's intent to continue to devote the Property to the filling station and C-Store uses, given its location at the southwest corner of a prominent and highly-trafficked intersection in Burtonsville, which have consistently conducted a very strong business. In addition, the Applicant seeks a new tenant for the existing Mattress Store and the rezoning will enhance the retail options on the Property. At the same time, it is recognized that there are certain uses permitted in the CRT zone that may not be appropriate on the Property. As such, in connection with the Floating Zone application, the Applicant proposes the following binding element:

The following uses, otherwise permitted in the CRT zone, are prohibited on the Property:

1. Ambulance, Rescue Squad (Private)
2. Hospital
3. Funeral Home, Undertaker
4. Structured parking
5. Combination retail store
6. Retail service establishment greater than 50,001 square feet
7. Vehicle service repair (major)

The Property's location makes it a convenient destination for motorists traveling along two major roadways. U.S. Route 29 is a common alternative to I-95 for motorists traveling to and from Washington, D.C. and Baltimore. Whether a motorist is traveling shorter distances within the Burtonsville neighborhood, or greater distances along U.S. Route 29, the Property is an accessible destination that can serve as a "one-stop-shop." The expansion and continued operation of the C-Store also will further economic activity that is envisioned for this area of Burtonsville. Accordingly, approval of this Local Map Amendment will enable the Applicant to provide all of the aforementioned uses on the Property, which is well positioned to attract Burtonsville residents and regional visitors.

In addition, the Project provides an opportunity to accommodate a future road network. Given the size of the Property and the fact that the Applicant owns the residential land that abuts the Property to the south, the Maryland-National Capital Park and Planning Commission Staff requested that the Applicant agree to reserve land area for a future right-of-way that will contribute to a more integrated road network in this area of Burtonsville in the future. The Project also creates an opportunity to improve the Old Columbia Pike streetscape and cultivate a

more pedestrian-friendly environment that is consistent with the goals of the Master Plan. The Project's conformance with these objectives is discussed in greater detail below in Section V.

To ensure the Project will not have any adverse impacts on the surrounding neighborhood, the Project will retain and utilize the two access points along Old Columbia Pike. The Project also will provide adequate parking on-site to accommodate the uses on the Property.

B. Architecture Design

As noted, assuming approval of the rezoning, the Applicant intends to reuse the building currently occupied by the Mattress Store for a new retail use. While the structure will remain, the building will be redesigned to eliminate the barn-like appearance and provide a more relevant, up to date design. The rezoning will also allow for an upgrading of the existing filling station in the future, including a new C-Store. Any redevelopment of the Property will include enhancements to the streetscape, to include installation of a 10 foot shared use path along MD Route 198 and installation of street trees in furtherance of the Master Plan.

C. Parking and Circulation

The Applicant will provide a sufficient number of on-site parking spaces to accommodate the various uses of the Property and comply with the parking requirements of Sections 5.3.5.D.1 and 6.2.4.B. The ultimate number of parking spaces will be determined by the use that occupies the Mattress Store and the ultimate size of the C-Store.

As mentioned above, vehicular access to the Property is currently provided from two separate access points along Old Columbia Pike. The more westerly access point accommodates both right and left turns into and out of the Property; the more easterly access point can only accommodate right turns into and out of the Property. These two curb cuts along Old Columbia Pike will remain.

D. Civil Engineering

From a civil engineering perspective, the Project complies with the requirements and goals of the CRTF Zone.

1. Natural Resource Inventory/Forest Stand Delineation

The Property is subject to the requirements of Chapter 22A of the Montgomery County Code (the "Forest Conservation Law"). Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) No. 420190900 was submitted and approved by M-NCPPC on 01/17/2019.

2. Stormwater Management Concept Plan

The Project will comply with the requirements of Chapter 19 of the Montgomery County Code (the "Stormwater Management Law") at the time of development, and a Stormwater Management Strategy has been developed and will be submitted with the future plan.

3. Sediment and Erosion Control

A Sediment and Erosion Control Plan will be prepared and submitted to DPS for approval after Stormwater Management Concept approval and prior to commencement of construction on the Property.

4. Adequate Public Facilities

There are currently adequate public facilities (“APF”) to accommodate the existing uses on the Property and any redevelopment will require that APF be evaluated as part of the required Preliminary Plan. The traffic study submitted concurrently with this Local Map Amendment application was based on a future “test case scenario” that assumed the expansion of the gas station from 8 to 12 pump stations and the replacement of the existing Mattress Store with 19,750 square feet of retail. As noted throughout the report, the likely redevelopment scenario is the increase in the pump stations to 12 pumps and the repurposing of the Mattress Store with a new tenant. However, the test case scenario was evaluated since currently under the existing CRN zone, the owner would have the ability to increase the retail on the property and wanted to avoid a scenario whereby the rezoning from CRN to CRT would result in a restriction in future expansion of the retail. It should be emphasized that any future development of the property – either under the likely development scenario or the test case scenario will require an evaluation of adequate public facilities. The traffic study concludes that under the test case scenario, all studied intersections, except for the MD 198/Shopping Center Access/West Site access intersection will continue to operate at acceptable levels and that the Shopping Center Access intersection is likely currently failing. The traffic study concludes that the Shopping Center Access intersection would be mitigated by the installation of a traffic signal, but MD SHA previously declined signalization at this location. Absent a light at this intersection, visitors to the Property currently and in the future desiring to make a left out of the Property onto westbound MD 198 will continue to compensate by making a right turn out of the Property and then making a U-turn at the intersection of MD 198 and U.S. 29A (Old Columbia Pike).

The Project involves no residential uses. Therefore the current FY 2016 Subdivision Staging Policy Schools Test is not relevant for purposes of evaluating this Local Map Amendment application.

The Property is already serviced by existing water and sewer. The Property is located within water and sewer categories W-1 and S-1. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission (“WSSC”) through connection to the existing water and sewer lines.

Electric, gas and telecommunications services will also be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently operating in accordance with the Annual Growth Policy and will continue to be sufficient following construction of the Project.

V. Master Plan Conformance

The Property is subject to the objectives and recommendations outlined in the 2012 *Approved and Adopted Burtonsville Crossroads Neighborhood Plan* (the "Master Plan"). Prior to the adoption of the Master Plan, the Property was zoned General Commercial ("C-2"). This zoning classification (and corresponding permitted uses) was much more analogous to the proposed CRTF Zone than the Property's current CRN zoning. But as previously discussed, the Applicant was not an active participant in the planning process, and the Property's propensity to support commercial activity was not emphasized. Consequently, the Master Plan recommended a downzoning of the Property to CRN – an oversight that does not accurately reflect the Property's intersection-based orientation and other distinctive features. When the Property is likened to other properties that share similar attributes, the proposed CRTF zone is a reasonable adjustment consistent with the Master Plan's objectives. A greater latitude of uses is appropriate given the Property's location, and provides the Applicant with greater flexibility to pursue redevelopment that will help make Burtonsville a "complete community." (*Master Plan*, pg. 7).

A. Main Street MD 198 and the Public Green

The Master Plan divides the Burtonsville Planning Area into three distinct neighborhoods: 1) Main Street MD 198 and the Public Green; 2) Village Center Business 29; and 3) the Rural Edge. The Property is located within Main Street MD 198 and the Public Green neighborhood (hereinafter the "Neighborhood"), which is envisioned as a "pedestrian-oriented place" that supports a variety of retail uses. (*Master Plan*, pg. 34-35). Notably, the requested Local Map Amendment will further this vision with an improved streetscape and replacement of the Mattress Store. The Master Plan recommended the properties on the south side of Old Columbia Pike for CRN zoning to assure adequate transitions to the residential neighborhoods along Tolson Place. The Applicant contends that the Master Plan's consideration of the Property in the same light as the other sites located on the south side of Old Columbia Pike fails to consider the Property's distinguishing features. Oriented at the southwest corner of the Old Columbia Pike/Business 29 intersection, the Property is highly visible and accessible to motorists. Most importantly, the uses on the Property are approximately ± 425 feet from the closet resident and ± 625 feet from the cluster of residential homes along Tolson Place that the CRN zoning was intended to protect. In addition, a substantial tree buffer to the south/southwest creates a significant barrier between the Property and the residential neighborhood along Tolson Place. The basis for the CRN zoning simply does not apply to the Property.

In contrast, the Property is more similar to the properties located along the north side of Old Columbia Pike. Like the Burtonsville Town Shopping Center ("Shopping Center"), the property that confronts the Property to the north across Old Columbia Pike, the Property is intersection-oriented with high visibility.⁶ In accordance with the Master Plan, the Shopping Center and other properties on the north side of MD Route 198 are zoned CRT. As the Master Plan recognizes, the CRT zone provides "the opportunity to expand the range of land uses."

⁶ The Burtonsville Town Square Shopping Center ("Shopping Center") is located within a different Master Plan neighborhood, the Village Center Business 29 Neighborhood. However, the Applicant draws upon this property for comparison given its intersection-orientation and CRT zoning that the Property could accommodate. The Master Plan rezoned the Shopping Center from C-2 to its current CRT zoning.

The Property is in a much better position to accommodate a wide range of land uses than its current CRN zoning would allow. While not as large as the Shopping Center, the Property shares the same level of visibility and accessibility that can support a wider mix of uses. More than 332 feet of the Property's frontage abuts Business 29. Yet, it is the only commercial site within the Master Plan area with frontage on Business 29 that is not zoned CRT. While the Property's southern boundary either abuts a heavily wooded parcel owned by the Applicant or is proposed for forest conservation, the western boundary abuts a drive-thru McDonald's and the northern boundary confronts the Shopping Center. Like the other CRT zoned sites, the Property is surrounded by uses that will not in any way be adversely affected by the uses permitted in the CRT Zone. The proposed floating zone would allow development that is compatible with the Property's surroundings.

B. Master Plan Themes

The foremost objective of the Neighborhood Plan is to "foster the creation of a complete community designed at a scale to serve the surrounding area with small businesses, retail, local services, and offices, residential and open spaces for local events, conservation, and recreation." (*Master Plan*, pg. 5). The Property is well-positioned to help create a "complete community", especially if it is rezoned to CRTF. Recommendations in the Master Plan are framed around the following four themes: 1) economy; 2) connectivity; 3) design; 4) environment. A wider latitude of uses will allow any development on the Property to advance the following Master Plan objectives and achieve substantial conformance:

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

The wider range of uses permitted by the CRTF will encourage the adaptive reuse of the Mattress Store and will help attract Burtonsville residents and visitors into the Main Street, given that the Property is highly visible from Business 29. The CRTF will help support a major intersection that is anchored by a strong mix of uses.

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

Redevelopment on the Property will provide for the enhancement of the streetscape along the south side of Old Columbia Pike. Further, the rezoning provides the opportunity for a future dedication that will improve circulation between sites for vehicles, bicycles, and pedestrians. This dedication would help to establish a desired local street network in the future.

- **Design**
Create an identity that will help foster a sense of place.

The CRTF zone provides the Applicant with greater flexibility to implement a design that attracts business and facilitates a pedestrian environment. The rezoning will provide the opportunity to upgrade the existing filling station and C-Store. In addition, it will improve the chance to re-tenant the Mattress Store and renovate the existing building with a more visually

appealing design.

- **Environment**
Infill or redevelopment will meet the most current environmental site design requirements. [neighborhood-specific recommendation, pg. 36]

Any redevelopment of the Property will satisfy the current environmental site design requirements. Currently, there are no on-site environmental protections in terms of storm water management. The upgrading of the filling station will provide state of the art stormwater management facilities, and will thus be an environmental benefit. In addition, the redevelopment of the Property following the rezoning will result in an upgraded streetscape, including street trees, along Old Columbia Pike.

As discussed below, the proposed development satisfies several general objectives for the Main Street Neighborhood, as well as specific recommendations for the Property.

VI. Zoning Ordinance Conformance

A. Intent

Section 5.1.2 of the Zoning Ordinance states that Commercial/Residential Floating zones are intended to provide an alternative to development under the restrictions of the Euclidean zones mapped by Sectional Map Amendment. The Project embodies the following specific intentions of the Floating Zones:

1. **Implement Comprehensive Planning Objectives.** *Implement comprehensive planning objectives by (1) furthering the goals of the general plan, applicable master plan and functional master plans; (2) ensuring that the proposed uses are in balance with and supported by the existing and planning infrastructure in the general plan, applicable master plan, functional master plan staging and applicable public facilities requirements; and (3) allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the Property.*

As described in detail in Section V, the Project advances several recommendations outlined in the Master Plan. Overall, the Master Plan aims to revitalize and activate the Main Street Neighborhood with commercial uses, while preserving the existing residential character of the community to the west. The Project will not deter or frustrate the execution of this vision. Retention and redevelopment of the existing filling station and C-Store is logical given the Property's prominent and convenient location at the southwest corner of the Old Columbia Pike/Business 29 intersection. Furthermore, as discussed in Section IV, the public facilities will be adequate to accommodate the proposed development.

2. **Encourage Appropriate Use of Land.** *Encourage the appropriate use of land by (1) providing flexible applicability to respond to changing*

economic, demographic and planning trends that occur between comprehensive District or Sectional Map Amendments; (2) allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and (3) ensuring that development satisfies basic sustainability requirements.

The change in zoning from CRN to CRT will simply allow for a wider array of potential uses for the Property and through the binding elements, the Applicant agrees to restrict the potential additional uses, to ensure compatibility. Importantly, the density will remain the same. In this instance, the floating zone is being used to address an effective oversight in the adoption of the Master Plan. Given the characteristics of the Property – its corner location at a major intersection; distance from the residential uses to the west and the substantial tree buffer surrounding the Property, it was appropriate for the Property to be rezoned to CRT consistent with the properties to the north and northeast and also consistent with its former C-2 zoning.

3. **Ensure Protection of Established Neighborhoods.** *Ensure protection of established neighborhoods by (1) establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density and uses; (2) providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and (3) allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.*

Overall, the CRN and CRT Zones are very similar. In the subject case, the change in the zoning is even less distinguishable given that there is no requested change to either the existing density or height; instead, the rezoning will allow the existing use to continue without the cloud of a nonconforming use status. The proposed binding element limits the uses of the Property, thus ensuring compatibility with the adjacent neighborhood. Moreover, the existing heavily wooded tree buffer provides a natural barrier and will continue to protect the residential properties further to the west from the proposed uses on the Property. Notably, the Applicant has not received any complaints from these residences -- more than 425 feet away, regarding the operation of the Property. Given that the operation under the CRT Zone will be comparable, there is no reason to anticipate that this will change.

B. Applicability

1. *A Floating zone must not be approved for property that is in an Agricultural or Rural Residential zone. (Section 1.3.A)*

A Floating zone can be approved for the Property; the Property is zoned CRN-1.5, C-1.0, R-0.5, H-45' and is thus not in an Agricultural or Rural Residential Zone.

2. *If a Floating zone is recommended in a master plan, there are no prerequisites for an application. (Section 1.3.B)*

The Master Plan does not recommend the CRNF Floating Zone for the Property.

3. *If a Floating zone is not recommended in a master plan: (Section 1.3.C.3)*

1. *The maximum allowed density is based on the base zone and the size of the tract as stated in Division 5.3;*

Pursuant to Section 5.3.5.A, given the Property's base zoning and tract area, the maximum overall density allowed on the Property is 1.5 FAR, and within the overall maximum permitted density, the commercial and residential density is limited a maximum of 1.25 FAR. As noted, the total FAR proposed for the Project remains unchanged from the current CRN Zone – an overall density of 1.5 and C-1.0, R-0.5, and H-45. There is no residential density proposed for the Project.

2. *When requesting a Floating Zone for a property with a non-Residential base zone there are no prerequisites for an application.*

The Property has a non-residential base zone of CRN. There are therefore no prerequisites for this Local Map Amendment application.

C. Purposes of the CRTF Zone

Importantly, the purposes of the CRNF (the existing zoning of the Property) and the proposed CRTF are identical: to accommodate flexible mixed-use development that allows for a variety of uses. Identical to the CRN Zone, the CRTF Zone provides for a range of densities and heights, which allows for flexibility to respond to various settings and ensure compatibility with adjacent development.

D. Development Standards – Section 5.3.5

As the following table illustrates, the proposed Project will satisfy the development standards for standard method of development in the CRTF Zone:

Division 5.3	Development Standard	Permitted/ Required	Provided
5.3.5.A	Density of Development	Established by Pre-Existing Euclidean Zone (CRN)	CRTF-1.5, C-1.0, R-0.5, H-45
	(a) Maximum Overall FAR	1.5 FAR X 3.46 Ac = 226,077 SF	0.058 FAR – 13,200 SF
	(b) Commercial or Residential Density	Total Density: 1.5 FAR 226,077 SF	Total Density: 0.87 FAR 13,200 SF
		C – 1.0 FAR x 3.46 Ac = 150,718 SF	C - .058 FAR – 13,200 SF
		R – 0.50 FAR x 3.46 Ac. = 75,359 SF	R - 0.0 FAR

Division 5.3	Development Standard	Permitted/ Required	Provided
5.3.5.B	Height	Established by Floating Zone Plan	45' maximum building height
5.3.5.B	Setbacks (minimum)	Site Boundary -Established by Floating Zone Plan All other setbacks to be establish by site plan approval process	Front – 0' Side Street – 0' Side (Abutting CRN) – 0' Rear (abutting R-200) – 45' All other setbacks established at site plan
5.3.5.C	Lot Size	Established by Floating Zone Plan	0.50 Ac. Minimum – Commercial Lot
5.3.5.D	General Requirements <ul style="list-style-type: none"> Parking, screening, and landscaping. Open Space 	As required under Article 59-6 10% Public Open Space = 0.35 Ac.	As proposed, Project will meet parking, screening & landscape requirements in Article 59-6 10% minimum, 0.35 Ac.
5.3.5.E	Public Benefits	Required if development greater of 1.0 FAR or 10,000 sf of GFA in CRTF Zone	As proposed, Project will not exceed 1.0 FAR. If Project exceeds 1.0 FAR, public benefit points will be required.

VII. Findings for Approval

A zoning map change to apply a Floating Zone to an individual property requires approval of a Local Map Amendment. Pursuant to Section 7.2.1.E, for a Floating Zone application, the District Council must find that the floating zone plan will:

- [Section 7.2.1.E.2.a] substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;*

As discussed in Section V above, the Project substantially conforms with the Master Plan.

- [Section 7.2.1.E.2.b] further the public interest;*

As a result of the location of the Property, there is high demand for a filling station on the Property and it is the Applicant's intent to continue this use on the Property. While the existing filling station may be renovated (within limits) under the existing zoning as a nonconforming use, the rezoning to CRT will be in the public interest by allowing greater flexibility for a new filling station on the Property, consistent with all current requirements. In addition, this will ensure an improved appearance of the Property, with an improved streetscape. Moreover, the rezoning will allow for greater flexibility to repurpose the existing Mattress Store with a new use which will allow for the renovation of the existing architecturally unappealing structure.

- *[Section 7.2.1.E.2.c] satisfy the intent and standards of the proposed zone, and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;*

As described throughout this report, the Project will satisfy the intent, purpose and specific standards of the CRTF Floating Zone and the Zoning Ordinance. For all the reasons discussed in this Report, the requested Floating zone is appropriate at this location.

- *[Section 7.2.1.E.2.d] be compatible with existing and approved adjacent development;*

As discussed in this report, the proposed uses are appropriate given the Property's auto-oriented location at the southwest corner of the prominent Old Columbia Pike/Business 29 intersection. From a land use perspective, in terms of operation and orientation, the Property is more similar to the CRT-zoned shopping center that confronts the Property to the north as well as the other CRT properties to the northeast, than the commercial properties to the west that are also zoned CRN. Given the existing uses on the Property, the rezoning will not result in a significant change to the operation, use or physical layout of the Property. Any development pursuant to the CRT Zone will continue to be compatible with the surrounding neighborhood.

The Project's site layout and activity will continue to be oriented toward Old Columbia Pike. The remaining heavily wooded tree buffer will remain and will be enhanced with reforestation plantings, and this natural barrier combined with the distance of more than 425 feet from the activity center of the Property to the closest residential home ensures compatibility. Notably the Property is more than 625 feet away from the concentration of residential uses to the west.

- *[Section 7.2.1.E.2.e] generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and*

The Applicant is submitting a traffic study concurrently with this report, which demonstrates that all of the studied intersections except MD 198 and the Shopping Center Access drive intersection will operate with acceptable levels. The traffic study concludes that the Shopping Center Access intersection can be mitigated with the installation of a signal.

- *[Section 7.2.1.E.2.f] when applying a non-Residential Floating zone to a property previously under a Residential Detached zone, not adversely affect the character of the surrounding neighborhood.*

The Application is not requesting the application of a non-residential Floating zone to a property previously under a Residential Detached Zone, making this subsection inapplicable to this Local Map Amendment application.

VIII. Binding Elements

Pursuant to Section 7.2.1.A.3 of the Montgomery County Zoning Ordinance, the Applicant is proposing the following binding elements in connection with this Local Map Amendment application:

- 1. Limitation on Uses.** The following uses, otherwise permitted in the CRT zone, are prohibited:
 - A. Ambulance, Rescue Squad (Private)
 - B. Hospital
 - C. Funeral Home, Undertaker
 - D. Structured parking
 - E. Combination retail store
 - F. Retail service establishment greater than 50,001 square feet
 - G. Vehicle service repair (major)
- 2. Buffer zone.** 50' buffer zone abutting R-200 property, (may include stormwater management facilities)
- 3. Frontage Improvements.** Project frontage improvements shall include the following: 10 foot shared-use path, and street trees.
- 4. Controlled Access.** Eastern access will prohibit left turns; *i.e.*, motor vehicles can only make right turns into the Property and right turns to exit the Property.
- 5. Future Access Road.** The Floating Zone Plan shall include a reservation for future 40' foot wide private access road on the west side of the Property. No development shall be permitted within the reservation area.

IX. Community Outreach

The Applicant recognizes the importance of community engagement and held a community meeting on March 12, 2019. Five individuals attended the meeting. The Applicant described the purpose of the rezoning to accommodate the future redevelopment of the gas station and a wider array of uses for the Mattress Store. The attendees inquired about the limitations on the gas station as a nonconforming use and the existing and proposed stormwater management on the Property. The attendees expressed no objection to the Local Map Amendment or the future use of the Property

X. Conclusion

The proposed rezoning represents only a minor change in order to provide more flexibility with respect to the permitted uses on the Property, which uses have been restricted by proposed Binding Element Number 1 to ensure compatibility. Moreover, the redevelopment of the filling station and C-Store will be subject to Conditional Use approval, thus ensuring the proper review and oversight of the future uses on the Property. The proposed development complies with the relevant provisions of the Zoning Ordinance for the CRTF Zone, and substantially conforms to the Master Plan's recommendations and intent for this area of Burtonsville. The rezoning will allow for greater flexibility in connection with the continued use of the Property to serve the fueling needs of both Burtonsville residents and the travelers along Business 29. In addition, the rezoning will allow for a wider array of options to adaptively reuse the existing Mattress Store structure, which will also allow for the renovation of the building. For these reasons, we respectfully request approval of this Local Map Amendment.

Patricia A. Harris, Esq.
(301) 841-3832
paharris@lerchearly.com

August 2, 2019

Via Hand Delivery

Ms. Lynn Robeson, Esq.
Zoning Hearing Examiner
Office of Zoning & Administrative Hearings
100 Maryland Avenue, Suite 200
Rockville, Md. 20850

Re: Submission of Revised Plans – LMA H-134
15585 and 15595 Old Columbia Pike, Burtonsville, Maryland (the “Property”)

Dear Ms. Robeson:

On behalf of Hong Cheng, LLC and Dong Ya, LLC, the owners of the above-referenced property (the “Applicant”), we are submitting the following revised plans to the record of LMA H-134:

1. Floating Zone Plan
2. Open Space Exhibit
3. Circulation Exhibit
4. Fire Access Exhibit
5. Preliminary Forest Conservation Plan

The Applicant has been working closely with M-NCPPC Staff over the past few months and the enclosed plans reflect the following revisions to address Staff’s comments:

1. The proposed access road to the south of the Property has been discontinued and a continuous forest conservation buffer along the southern boundary of the Property is imposed;
2. A future opportunity for inter-parcel access to the site to the west of the Property, currently improved with a McDonald’s is provided;
3. The public open space located along the eastern Property line has been consolidated and clarified;
4. The parking and circulation at the rear of the Property has been improved;
5. Complete pedestrian circulation on the Property is delineated; and
6. The binding elements have been revised with respect to the allowable uses (See Attachment A).

In addition, Staff requested that the Applicant provide an exhibit providing a general sense of the Property upon redevelopment. Accordingly, we are transmitting the enclosed illustrative perspective to be included in the record.

Sincerely,



Patricia Harris

Encls.

cc: Mr. Anthony Cheng
Mr. Fred Boyd
Mr. Josh Penn

ATTACHMENT A

Local Map Amendment 15585 and 15595 Columbia Pike Proposed Binding Elements Regarding Use

The following uses, otherwise permitted in the CRT Zone, are prohibited on the Property:

1. Nursery (retail)
2. Ambulance
3. Hospital
4. Funeral home
5. Hotel
6. Research and development
7. Structured parking
8. Conference center
9. Recreation and Entertainment facility major (over 1,000 person capacity)
10. Combination retail store (a department store with more than 85,000 sf)
11. Retail service establishment greater than 50,001 square feet
12. Light vehicle sales and rental (indoor)
13. Light vehicle sales and rental (outdoor)
14. Car wash
15. Vehicle service repair (major).
16. Dry cleaning
17. Medical scientific manufacturing and production
18. Bus, rail terminal/station
19. Taxi/limo facility
20. Utility distribution line
21. Self-storage facility
22. Warehouse storage facility

The following uses, are permitted subject to Site Plan approval:

1. Residential care facility (9-16 persons)
2. Private Educational Institution
3. Private club
4. Clinic - more than 4 medical practitioners
5. Medical dental laboratory
6. Recreation entertainment facility (less than 1,000 person capacity)
7. Retail service establishment 15,001 sf – 50,000
8. Public utility storage

As a result of the above binding elements, the following uses (in addition to those uses permitted currently in both the CRN and CRT zones that are not listed) will be permitted in the CRT zoned property:

1. Cultural institution
2. Restaurant
3. Health club
4. Retail service establishment 5,001-15,000 sf

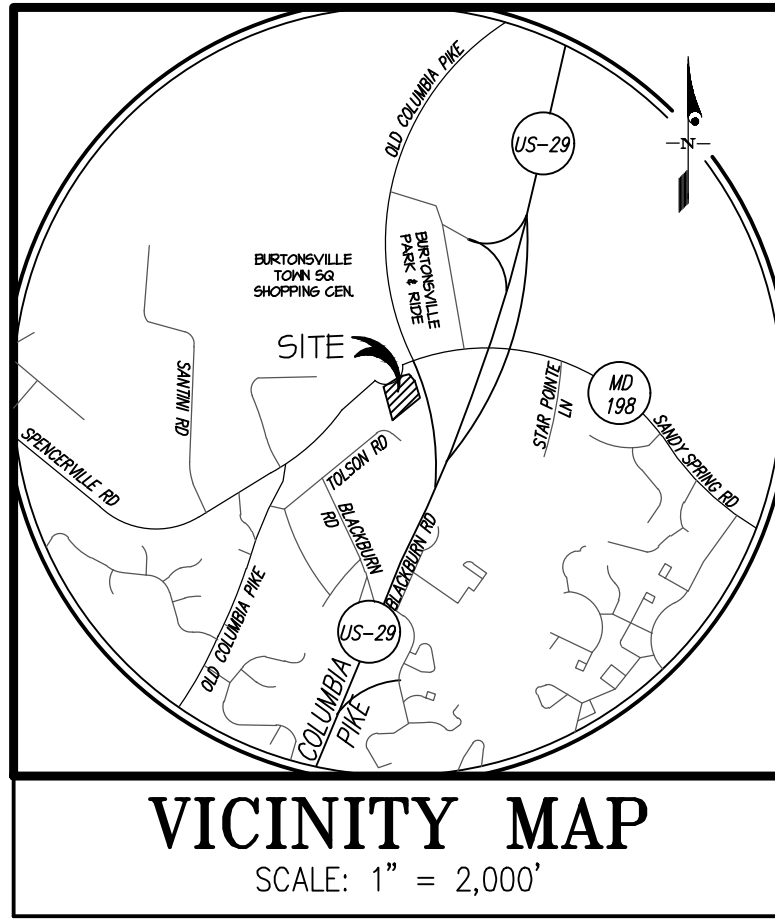
The following uses will be permitted as limited uses:

1. Vehicle service repair (minor)
2. Drive-thru*

The following uses will be permitted subject to conditional use approval:

1. Filling station
2. Drive-thru*

*Drive through is allowed as a L/C use in the CRT zone.



GENERAL NOTES

- Owner/Applicant: Kuo-Chien Cheng
4106 Shad Lane
Potomac, MD 20854
- Boundary survey by: Gutschick, Little, & Heber, P.A., August 6, 2018
- Topography by: Gutschick, Little, & Heber, P.A., August 6, 2018
- Master Plan: Burtonsville Groceries Neighborhood Master Plan, 2012
- NR/FSO by: Gutschick, Little, & Heber, P.A.
NR/FSO Plan No. 420140400
Approved: January 17, 2019
- Watershed 4 Use Class: Little Point Branch (I)
- There are no known Special Protection Areas (SPA) or PMA Areas on site.
- There is no floodplain on site per FEMA Map #24031C0305SD.
- There are no wetlands on site.
- There are no known Rare, Threatened or Endangered Species on site.
- The property is not listed on the Locational Atlas and Index of Historic Sites.
- Parcel N1815 & N1824
Existing Water Category: H-1
Existing Sewer Category: S-1
- Parcel N1815 & N1824
Proposed Water Category: H-1
Proposed Sewer Category: S-1
- Utility Companies: Gas - Washington Gas
Electric - BGE
Water & Sewer - WESG
Telephone/Internet/Cable - Verizon, Comcast
- There are no trees listed in the 2017-2018 Register of Champion Trees, Montgomery County, Maryland.
- The field survey was performed on October 30, 2018 by Lee Eubank of Gutschick, Little & Heber P.A. Trees were measured with a D-Tape.

SITE DATA

Existing Site Area: 3.46 Ac.
Parcel N1815 (Parcel 'C') 0.65 Ac.
Parcel N1824 (Parcel 'D') 2.12 Ac.
Previous dedications 0.04 Ac.

Existing Zoning: CRN-15 (C-1.0, R-0.5, H-45) Commercial Residential Neighborhood
Existing Use: Parcel C - Commercial - Vehicle Service Filling Station, Retail/ Service
Parcel D - Commercial - Retail Sales & Services

Proposed Zone: CRTF (Commercial Residential Town - Floating)
CRTF, C-1.0, R-0.5, H-45)

Proposed Use: Parcel C - Commercial - Vehicle Service Filling Station, Retail/ Service
Parcel D - Commercial - Vehicle Service - Repair (Minor)

Proposed Development Type: Standard Method

Development Program: Any redevelopment of the gas station and convenience store will occur in one phase. In connection with the re-use of the Retail/ Commercial building, depending on the ultimate use of that structure, Site Plan approval may be required. It is likely that the redevelopment of the gas station and convenience store and the re-tenancing of the Retail/ Commercial building would occur at different times.

FOREST CONSERVATION WORKSHEET

NET TRACT AREA:	
A. Total tract area ... 3.41 Ac. Ex. Site Area + Offsite Disturbance	3.58
B. Land dedication acres (parks, county facility, etc.) ...	0.00
C. Land dedication for roads or utilities (not being constructed by this plan) ...	0.00
D. Area to remain in commercial agricultural production use ...	0.00
E. Other deductions (specify) ...	0.00
F. Net Tract Area ...	3.58

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

ARA	MDR	IDA	HDR	MPD	CIA
0	0	0	0	0	0

G. Afforestation Threshold ...		15%	x F =	0.54
H. Conservation Threshold ...		20%	x F =	0.72

EXISTING FOREST COVER:

I. Existing forest cover ...	0.38
J. Area of forest above afforestation threshold ...	0.00
K. Area of forest above conservation threshold ...	0.00

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation ...	0.00
M. Clearing permitted without mitigation ...	0.00

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared ...	0.05
O. Total area of forest to be retained ...	0.33

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold ...	0.00
Q. Reforestation for clearing below conservation threshold ...	0.10
R. Credit for retention above conservation threshold ...	0.00
S. Total reforestation required ...	0.10
T. Total afforestation required ...	0.16
U. Credit for landscaping (may not exceed 20% of "S") ...	0.00
V. Total reforestation and afforestation required ...	0.26
Total reforestation and afforestation provided	0.31

AFFORESTATION		ACREAGE	
ESMT No.	AREA	CREDITED	NON CREDITED
1	A-1	0.04	
	A-2	0.27	
	SUBTOTAL	0.31	0.00

FOREST RETENTION		ACREAGE	
ESMT No.	AREA	CREDITED	NON CREDITED
1	B-1	0.33	
	SUBTOTAL	0.33	0.00

FOREST PROVIDED		ACREAGE	
AREA	ACREAGE	RETENTION	ACREAGE
	0.31		0.33
	SUBTOTAL		0.64

FOREST CLEARING		ACREAGE	
AREA	ACREAGE	C-1	0.05
	SUBTOTAL		0.05

OFFSITE DISTURBANCE		ACREAGE	
AREA	ACREAGE	D-1	0.10
		D-2	0.01
	SUBTOTAL		0.11

DEVELOPER'S CERTIFICATE

The undersigned agrees to execute all the features of the Approved Preliminary Forest Conservation Plan No. XXXXXXXX, including financial, bonding, forest planning, maintenance and all other applicable agreements.

Developer's Name: Kuo-Chien Cheng

Contact Person or Owner: Kuo-Chien Cheng

Address: 4106 Shad Lane
Potomac, MD 20854

Phone: (301) 428-2424

Signature: Kuo-Chien Cheng

PRELIMINARY FOREST CONSERVATION PLAN		G. L. W. FILE No.
BURTONSVILLE - CHENG PROPERTY PARCELS 'C' & 'D' PLAT No. 12853 15585 & 15595 OLD COLUMBIA PIKE BURTONSVILLE, MD 20866		18060
COLESVILLE ELECTION DISTRICT No. 5		SHEET
MONTGOMERY COUNTY, MARYLAND		1 OF 1

PREPARED FOR:	
Kuo-Chien Cheng 9106 Shad Lane Potomac, MD 20854 301-928-2429	

SCALE	ZONING
1"=30'	SEE SITE PLAN NOTES
DATE	TAX MAP - GRID
APRIL 2019	KS-562

TREE PROTECTION FENCE DETAIL	
Not to scale	

NOTES	
1. PRACTICE MAY BE COMBINED WITH SEDIMENT CONTROL FENCING. 2. LOCATION AND LIMITS OF FENCING SHOULD BE COORDINATED IN FIELD WITH ARBORIST. 3. BOUNDARIES OF PROTECTION AREA SHOULD BE STAKED PRIOR TO INSTALLING PROTECTIVE DEVICE. 4. ROOT DAMAGE SHOULD BE AVOIDED. 5. PROTECTION SIGNAGE IS REQUIRED. 6. FENCING SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.	

1. TEMPORARY TREE PROTECTION FENCE	
NT.S.	

2. ROOT PRUNING	
NT.S.	

NOTES	
1. RETENTION AREAS WILL BE SET AS PART OF THE REVIEW PROCESS AND PRECONSTRUCTION MEETING. 2. BOUNDARIES OF RETENTION AREAS MUST BE STAKED AT THE PRECONSTRUCTION MEETING AND FLAGGED PRIOR TO TRENCHING. 3. EXACT LOCATION OF TRENCH SHALL BE DETERMINED IN THE FIELD IN COORDINATION WITH THE FOREST CONSERVATION (FC) INSPECTOR. 4. TRENCH SHOULD BE IMMEDIATELY BACKFILLED WITH EXCAVATED SOIL OR OTHER ORGANIC SOIL AS SPECIFIED PER PLAN OR BY THE FC INSPECTOR. 5. ROOTS SHALL BE CLEANLY CUT USING VIBRATORY KNIFE OR OTHER ACCEPTABLE EQUIPMENT. 6. ALL PRUNING MUST BE EXECUTED WITH LOD SHOWN ON PLANS OR AS AUTHORIZED IN WRITING BY THE FC INSPECTOR.	

MAPPED SOIL TYPES	
MAP UNIT	DESCRIPTION
5TB	Chillum silt loam, 3 to 8% Slopes
400	Urban Land
5TD*	Chillum silt loam, 15 to 25 % slopes

SCALE	ZONING
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