

BURTONSVILLE CROSSING SHOPPING CENTER SITE PLAN AMENDMENT NO. 81985104A



Description

Amendment to allow for redeveloping the Burtonsville Shopping Center by demolishing 7,600 square feet of existing retail uses and relocating that retail square footage into two new pad sites with Drive-Thrus including improvements to open space, landscaping, lighting, and pedestrian circulation.

No. 81985104A

Completed: 11-23-2022

MCPB

Item No. 10

12-1-2022

2425 Reddie Drive

Floor 14

Wheaton, MD 20902



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Summary

- Staff recommends **approval with conditions**
- In 1985, the Planning Board approved a preliminary plan and site plan for the construction of this 130,000 square foot shopping center.
- The Application provides a new centralized Public Use Space with outdoor seating and a stage that is located on axis with the main access off Old Columbia Pike and provides connectivity to the Burtonsville Park & Ride lot on the adjacent property to the east.
- In support of the Bicycle Master Plan and the County’s Vision Zero priorities, the Applicant will remove one travel lane and an accel/decel lane along the frontage, significantly reducing the cross section of the northbound side of Old Columbia Pike to reduce highway speeds to a safer level.
- The Applicant will construct a 11-foot-wide sidepath with 10-foot-wide green buffer across the frontage of the Subject Property on Old Columbia Pike.
- The Applicant will construct an interim dual-way separated bike lanes immediately to the south of the Subject Property, running from National Drive to MD 198, which will replace an existing accel/decel lane along Old Columbia Pike.
- Reviewed under the standards of the Zoning Ordinance in effect before October 30, 2014 which was CRT-1.5, pursuant to Section 7.7.1.B.3.
- Staff has received no community correspondence on this Application.

LOCATION

15701 Old Columbia Pike

MASTER PLAN/ZONE

2012 *Burtonsville Crossroads Neighborhood Plan*

CRT-1.5, C-1.0, R-1.25, H-75

PROPERTY SIZE

13.35 acres (amendment area 6.90 acres)

APPLICANT

Burtonsville (E&A), LLC

ACCEPTANCE DATE

August 24, 2022

REVIEW BASIS

Chapters 59, 22A and 19

Subject to the procedures and standards on the 2004 Zoning Ordinance

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

SITE PLAN NO. 81985104A:

Staff recommends approval of Site Plan Amendment No. 81985104A under the standard method of development. In 1985, the Planning Board approved a preliminary plan and site plan for the construction of this 130,000 square foot shopping center. While Site Plan Amendment 81985104A is limited to 7,600 feet of new commercial square footage, the shopping center as a whole continues to be comprised on 130,000 square feet of commercial uses. As a result, under the Zoning Ordinance the use is still classified as Retail/Service Establishment (120,001 square feet and over) even though this amendment changes less area and building square footage.

All site development elements shown on the latest electronic version of the Site Plan as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹

The following conditions apply to this Site Plan Amendment area only. All previous conditions for the shopping center and other standalone buildings remain in full force and effect:

Conditions applied as part of this Application:

Density, Height & Housing

1. Density
The Site Plan Amendment is limited to a maximum of 7,600 square feet of Retail/Service Establishment (120,001 square feet and over) per Section 59.3.5.11.B, Restaurant per Section 59.3.5.3.B, and two additional Drive-Thrus as accessory uses per Section 59.3.5.14.E, on 6.90 acres.
2. Height
The development is limited to a maximum height of 45 feet, as measured from the building height measuring points, as illustrated on the Certified Site Plan.

Adequate Public Facilities

3. The Adequate Public Facilities (“APF”) review for this Site Plan will remain valid for eight (8) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

County Agency Approvals

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated October 11, 2022 and incorporates them as conditions of approval.

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

The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS, Fire Department Access and Water Supply Section may amend if the amendment does not conflict with other conditions of Site Plan approval.

5. The Planning Board has reviewed and accepts the recommendations of the MCDPS – Water Resources Section in its stormwater management concept letter dated September 26, 2022 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Site Plan approval.
6. The Planning Board has reviewed and accepts the recommendations of the MCDPS - Right-of-Way Section (DPS-ROW) in its memo dated September 6, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its memo approving the Traffic Impact Study (TIS) dated November 22, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which MCDOT may amend if the amendments do not conflict with other conditions of Site Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (SHA) in its review of the frontage improvement along Old Columbia Pike email dated October 14, 2022 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by SHA if the amendment does not conflict with any other conditions of the Site Plan approval.

Green Space, Facilities and Amenities

9. Public Use Space, Facilities, and Amenities

The Applicant must provide a minimum of 1.85 acres of Public Use Space (71% of the limits of disturbance) on-site as shown on the Certified Site Plan based on Section 59-C-15.73 of the 2004 Zoning Ordinance.

10. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities within the Subject Property including, but not limited to, landscaping, benches, retaining walls, stairways, bike racks, entertainment facilities such as the stage, trash cans, lighting, fences, mailboxes, walkways and other hardscapes.

Site Plan

11. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

12. Lighting

- a. Before approval of a Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c. Deflectors will be installed on fixtures when required to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way and private roads.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

Transportation & Circulation

13. Before the issuance of a Use and Occupancy Certificate for Building A-1, the Applicant must construct the following improvements and satisfy all necessary requirements of MCDPS and/or MDSHA:
 - a. An 11-foot-wide sidepath with 10-foot-wide street buffer across the frontage of the Subject Property along Old Columbia Pike as shown in the Certified Site Plan.
 - b. Removal of pavement to include removal of one existing travel lane and one accel/decel lane on Old Columbia Pike as shown on the Certified Site Plan.
 - c. Provision of street trees and stormwater management as shown on the Certified Site Plan along Old Columbia Pike.
 - d. Improvement of the southern leg of the National Drive (southern portion) / Old Columbia Pike intersection to include a pedestrian refuge island and new curb ramps.
 - e. Stripping and flexposts, if necessary, for an 8-ft wide two-way interim separated bikeway with 4-ft wide buffer along Old Columbia Pike as shown on the Certified Site Plan to connect from MD 198 to National Drive, or comparable alternative improvement as reviewed and approved by Staff.
14. Before the issuance of a Use and Occupancy Certificate for Building A-2, the Applicant must construct the following improvements and satisfy all necessary requirements of MCDPS and/or MDSHA:

- a. Improvement of the eastern leg of the National Drive (southern portion) / Old Columbia Pike intersection to include curb extensions as shown on the Certified Site Plan.
- b. A sidewalk with tree panel along the northern side of National Drive (south) connecting from Old Columbia Pike to the main shopping center.

15. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit for Buildings A-1 or A-2, sediment control permit, or Use and Occupancy Certificate for Buildings A-1 or A-2 (whichever comes first), the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with 59-D-3.5(d) of the Montgomery County Zoning Ordinance in effect before October 29, 2014, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, trash enclosures, retaining walls, fences, railings, private roads, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and streetlights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

16. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before Certified Site Plan approval.

17. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the stormwater management concept approval letter, approved Fire Department Access Plan, DPS Right-of-Way approval letter, development program, Planning Board Opinion dated May 9, 1985 for Preliminary Plan No. 119842430 on the approval or cover sheet(s).
- b. Add the following notes:
 - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
 - ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of

- the right-of-way permit drawings by the Department of Permitting Services and/or the Maryland State Highway Administration.”
- iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the MCDPS responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur prior to any site development work commencement and prior to any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
 - c. Ensure consistency of all details and layout between Site, Lighting, and Landscape plans.
 - d. Provide the following transportation and circulation modifications:
 - i. The 11-foot-wide sidepath with 10-foot-wide street buffer across the frontage of the Subject Property along Old Columbia Pike.
 - ii. The removal of pavement to include removal of one existing travel lane and one accel/decel lane along Old Columbia Pike.
 - iii. Location of street trees and stormwater management for the sidepath along Old Columbia Pike.
 - iv. A sidewalk with tree panel along the northern side of National Drive (south) connecting from Old Columbia Pike to the main shopping center. Final design to be approved by Staff.
 - v. Improvements to the eastern leg of the National Drive (south) / Old Columbia Pike intersection to include a protected crossing with curb extensions with mountable outer curbs with radii of 15 ft., as well as bikeable ADA crossing ramps.
 - vi. Improvement of the southern leg of the National Drive (south) / Old Columbia Pike intersection to protected crossing standards to include a pedestrian refuge island and improved ADA curb ramps.
 - vii. An 8-ft wide, two-way interim separated bikeway with 4-ft wide buffer along Old Columbia Pike to connect from MD 198 to National Drive, or comparable alternative improvement as approved by Planning Staff.
 - e. Label new pads sites with “Retail/Service Establishment or Restaurant use” on all relevant plan sheets.
 - f. Update data table to include a 45-foot maximum building height.

SECTION 2: SITE LOCATION AND DESCRIPTION

SITE LOCATION AND VICINITY

The Property is located at 15701 Old Columbia Pike (“Subject Property” or “Property”). The Property is identified as Parcel “L” on Plat No. 16306. The Subject Property is located within the 2012 *Burtonsville Crossroads Neighborhood Plan* (“Neighborhood Plan”).

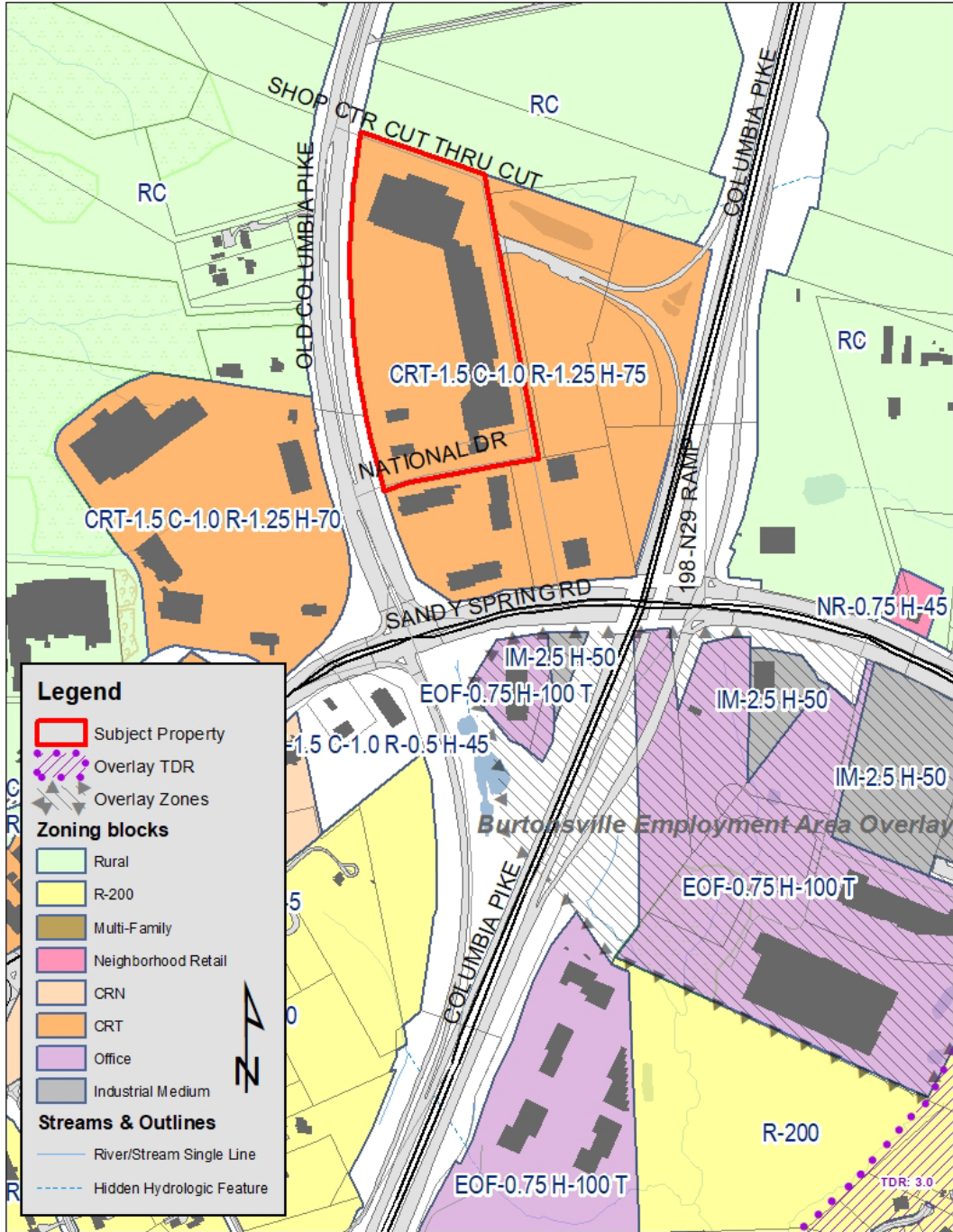


Figure 1- Vicinity

The Subject Property is located in the CRT-1.5, C-1.0, R-1.25, H-75 zone and is currently improved with a shopping center consisting of approximately 130,000 square feet that is largely unoccupied. The Property is bounded to the north by undeveloped property in the RC Zone. The remaining boundaries of the Subject Property abut properties in the CRT zone. To the east is the Burtonsville Park and Ride transit station owned by Montgomery County. To the south are other commercial office uses. Across Old Columbia Pike is the Burtonsville Town Square shopping center.

The Subject Property contains no forest, specimen trees, wetlands, or streams.



Figure 2 – Aerial View

SECTION 3: COMMUNITY CORRESPONDENCE

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. The Applicant sent out notification letters to all surrounding property owners and civic associations. A public meeting was not required by this Site Plan Amendment.

As of the date of this report, Staff has received no community correspondence in writing.

SECTION 4: APPLICATIONS AND PROPOSAL

PREVIOUS APPROVALS

Preliminary Plan 119842430

On May 9, 1985, the Planning Board approved Preliminary Plan No. 119842430 to create one lot limited to 130,000 square feet of shopping center uses on 11.80 acres in the C-1 zone (Attachment D). This preliminary plan also included intersection improvements on Old Columbia Pike.

Site Plan 81985140

On December 4, 1985, the Planning Board approved Site Plan No. 819851040 (Attachment E) to allow for construction of the shopping center with up to 130,000 square feet on 13.35 acres in the C-1 zone consistent with the approved preliminary plan. The construction of the shopping center was completed in 1988.

CURRENT APPLICATION

Site Plan 81985104A

The Applicant proposes to redevelop 6.90 acres of the existing shopping center by demolishing a 7,600 square foot area in the center of the existing shopping center to create a community gathering space. This 7,600 square feet of demolished commercial space in the center of the existing shopping center will be reallocated to two new free standing pad sites with new drive-thru accessory uses on the front of the Property for Retail/Service Establishment or Restaurant uses (“Application”).

ELIGIBILITY

While eligible to be reviewed under the zone (C-1) that the original applications were approved under, the Applicant has chosen to be reviewed under the CRT-1.5 zone, which was placed on the Property with the adoption of the 2012 Neighborhood Plan, and which was in effect prior to October 30, 2014, when the new Zoning Ordinance was adopted.

SITE PLAN AMENDMENT LIMITS

The Application covers only 6.9 acres of the 13.35-acre tract of the Burtonsville Crossing Shopping Center. For clarity purposes in this Staff Report, the term “Subject Property” or “Property” shall refer to the 6.90 acres included in this Application.

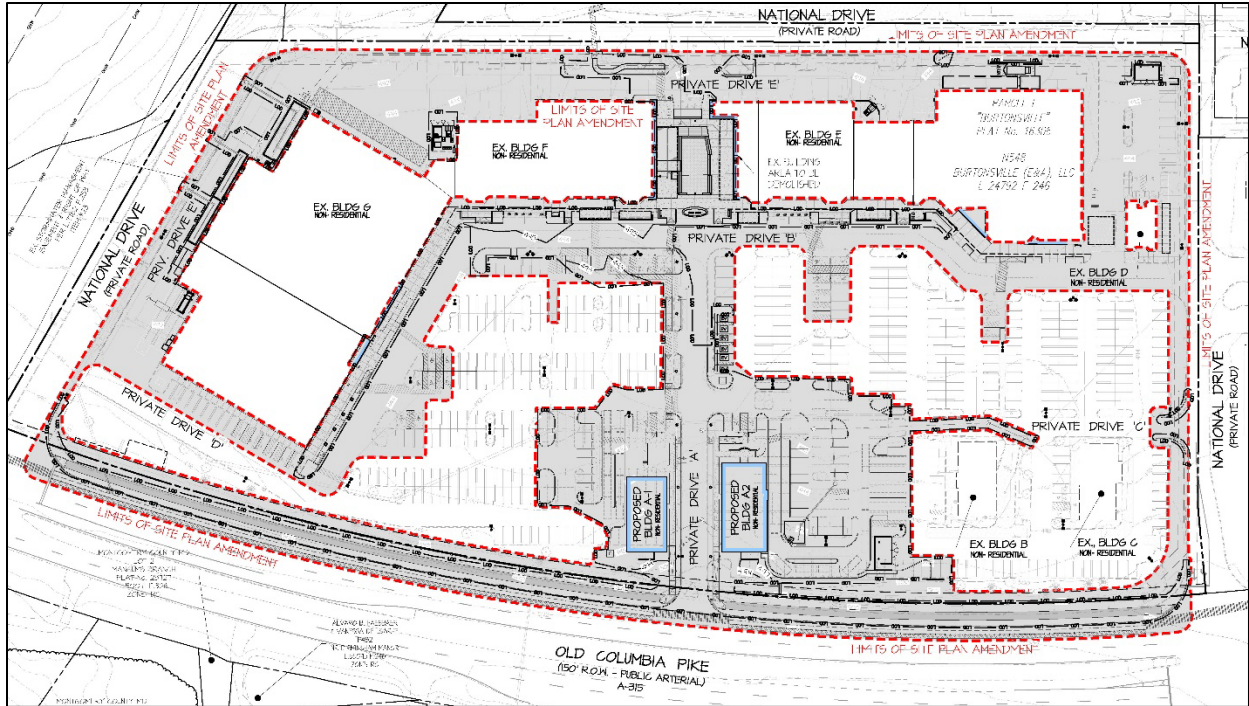


Figure 3 - Amendment Area

Separately from this Site Plan Amendment, the Applicant intends to make façade improvements to the existing buildings to enhance the aesthetics of the shopping center. These interim improvements are not subject to review as part of this Site Plan because they are outside the boundary of the amendment area. Additionally, Site Plan 819851040 approved in 1985 did not include any approved architectural drawings or conditions relating to architectural or building design. As a result, moving forward with façade and exterior building improvements is not a violation of any previous approval.



Figure 4 – Site Plan Rendering

SECTION 5: ANALYSIS AND FINDINGS, 59-D-3.4

Pursuant to the legacy provisions of Section 59.7.6.1.B.3 of the Zoning Ordinance, this Site Plan Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.

1. THE SITE PLAN CONFORMS TO ALL NON-ILLUSTRATIVE ELEMENTS OF A DEVELOPMENT PLAN OR DIAGRAMMATIC PLAN, AND ALL BINDING ELEMENTS OF A SCHEMATIC DEVELOPMENT PLAN, CERTIFIED BY THE HEARING EXAMINER UNDER SECTION 59-D-1.64, OR IS CONSISTENT WITH AN APPROVED PROJECT PLAN FOR THE OPTIONAL METHOD OF DEVELOPMENT, IF REQUIRED, UNLESS THE PLANNING BOARD EXPRESSLY MODIFIES ANY ELEMENT OF THE PROJECT PLAN.

The Subject Property is not subject to a development plan, diagrammatic plan, project plan, or any binding elements of a schematic development plan certified by the Hearing Examiner under Section 59-D-1.64 of the Zoning Ordinance in effect before October 29, 2014.

2. THE SITE PLAN MEETS ALL OF THE REQUIREMENTS OF THE ZONE IN WHICH IT IS LOCATED AND WHERE APPLICABLE CONFORMS TO AN URBAN RENEWAL PLAN APPROVED UNDER CHAPTER 56;

Since Site Plan No. 819851040 was approved by the Planning Board on December 4, 1985, under the 2004 Zoning Ordinance, this Application qualifies for the legacy provisions contained within Section 59.7.6.1.B.3 of the Zoning Ordinance currently in effect, which state:

B. Application Approved or Filed for Approval before October 30, 2014

2. Amendment of an Approved Plan or Modification of an Application Pending before October 30, 2014
 - a. Until October 30, 2039, an applicant may apply to amend any previously approved plan or modify an application pending before October 30, 2014 (listed in Section 7.7.1.B.1 or Section 7.7.1.B.2) under the development standards and procedures of the property's zoning on October 29, 2014, if the amendment:
 - i. does not increase the approved density or building height, unless allowed under Section 7.7.1.C; and
 - ii. either:
 - (a) retains at least the approved setback from property in a Residential Detached zone that is vacant or improved with a Single-Unit Living use; or
 - (b) satisfies the setback required by its zoning on the date the amendment or the permit is submitted; and
 - iii. does not increase the tract area.
 - b. An applicant may apply to amend the parking requirements of a previously approved application (listed in Section 7.7.1.B.1 or 7.7.1.B.2) in a manner that satisfies the parking requirements of Section 6.2.3 and Section 6.2.4.
 - c. Without regard to the limitations of this section, a special exception approved under the code in effect on or before October 29, 2014 may be expanded under the applicable standards and procedures of the code in effect on October 29, 2014.

These legacy provisions in the Zoning Ordinance allow this Application to be reviewed under the development standards in effect on October 29, 2014 because the original Site Plan 819851040 was approved in December of 1985 and is still valid. However, Section 59.7.7.1.A states:

A. Existing Structure, Site Design, or Use on October 30, 2014

1. Structure and Site Design

A legal structure or site design existing on October 30, 2014 that does not meet the zoning standards on or after October 30, 2014 is conforming and may be continued, renovated, repaired, or reconstructed if the floor area, height, and footprint of the structure are not increased, except as provided for in Section 7.7.1.C for structures in Commercial/Residential, Employment, or Industrial zones, or Section 7.7.1.D.5 for structures in Residential Detached zones.

2. Use

- a. Except for a Registered Living Unit, any use that was conforming or not nonconforming on October 29, 2014 and that would otherwise be made nonconforming by the application of zoning on October 30, 2014 is conforming, but may not expand.
- b. Any allowed use, up to the density limits established by the current zoning, may be located in a building or structure deemed conforming under Section 7.7.1.A.1.

This section of the Zoning Ordinance allows previous conforming structures and site design to remain as non-conformities. However, new uses must meet the current standards in the use table

under Section 59.3.1.6 in terms of permitted, non-permitted, limited or conditional use for a particular zone. Existing uses on a property that existed before October 29, 2014 are allowed to continue either as conforming or legacy non-conforming uses.

a. Use Standards

CRT Zone – Retail/Service Establishment (120,001 square feet and over)

Under Section 59.3.1.6 of the Zoning Ordinance in effect after October 30, 2014, Retail/Service Establishment (120,001 square feet and over) is a limited use in the CRT zone. Section 59.3.5.11.B.iii and iv regulates Retail/Service Establishment (120,001 square feet and over) in the CRT zone with the following requirements:

- iii. *In the CRT, GR, and NR zones, if the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 7.3.4.*

This requirement is satisfied with this Application.

- iv. *In the CRT, CR, GR, and NR zones, where a development is located within 1/2 mile of a Metro station entrance and has a minimum 50,000 square foot footprint or a minimum of 100,000 square feet of all gross floor area designed for a single user, it must satisfy the following standards:*

This requirement and the sub-sections herein do not apply because the development is not located within ½ mile of a Metro station entrance.

CRT Zone - Restaurant

Under Section 59.3.1.6 of the Zoning Ordinance in effect after October 30, 2014, a Restaurant use is a permitted use in the CRT zone with no specific use standards to be met.

CRT Zone - Drive Thru

Under Section 59.3.1.6 of the Zoning Ordinance in effect after October 30, 2014, Drive-Thru is a limited/conditional use in the CRT zone. The Drive-Thrus in this Application meet the requirements for a limited use. Section 59.3.5.14.E.2.a regulates Drive-Thrus as a limited use in the CRT zone with the following standards:

- a. Where a Drive-Thru is allowed as a limited use, it must satisfy the following standards:
 - i. *A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.*

All proposed Drive-Thrus are located more than 100 feet from any property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones

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

The Subject Property does not take access from a street with a residential classification.

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

The Drive-Thru service windows, drive aisles, and queuing areas are not located between the street and front main wall of the main building.

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

Each Drive-Thru is not located on a corner lot so this requirement does not apply. However, each Drive-Thru is screened by landscaping.

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

This Application satisfies this requirement.

- v. *A conditional use application for a Drive-Thru may be filed with the Hearing Examiner if the limited use standards under Section 3.5.14.E.2.a.i through Section 3.5.14.E.2.a.iv cannot be met.*

The Drive-Thrus in this Application met the requirements for a limited use. As a result, a conditional use application is not required.

b. Development Standards

As permitted, the Applicant has requested that the Application be reviewed under the development standards of the 2004 Zoning Ordinance in effect before October 29, 2014 under the CRT-1.5 zone which was put in place as part of the 2012 Neighborhood Plan. The Application is consistent with approved Preliminary Plan No. 119842430 as well as satisfies the applicable development standards as shown in the following data table:

Table 1 – Development Data Table

Development Data	
Zoning	CRT-1.5 Zone (reviewed under the 2004 Zoning Ordinance in effect prior to 10/29/2014)
Site Area	6.90 acres (total property 13.35 acres)

Uses	Permitted (as allowed by Zoning Ordinance in effect on October 20, 2014)	Approved with Preliminary Plan	Proposed with Site Plan
Commercial			
Retail/Service Establishment (120,001 square feet and over)	No limit	130,000 sq. ft.	130,000 sq. ft.
Max. Building Height			
	75 feet	N/A	45 feet
Lot Area (min)			
Retail/Service Establishment (120,001 square feet and over)	N/A	N/A	N/A
Principal Building Setback (min.)			
Front	0 feet	N/A	0 feet
Side (abutting RC zone)	25 feet min.	N/A	25 feet
Rear (abutting CRT zone)	0 feet	N/A	0 feet
Side (abutting CRT zone)	0 feet	N/A	0 feet
Side (all other)	0 feet	N/A	0 feet
Rear (all other)	0 feet	N/A	0 feet
Min. Open Space			
Public Use Space (59-C-15.73) (based on limits of disturbance ("LOD") of 2.59 acres)	10% min of LOD (0.26 acres)	N/A	71% (1.85 acres)
Parking Requirements (min)²			
	Metric Rate	Required	Provided
Commercial			
Grocery (23,200 sq. ft.)	3.5 – 6 spaces/ 1,000 sq. ft.		
Restaurant (26,132 sq. ft.)	4 -12 spaces/1,000 sq. ft. patron area		
Health Club (33,415 sq. ft.)	1-5 spaces/1,000 sq. ft.		
Retail/Services (46,363 sq. ft.)	3.5 -6 spaces/ 1,000 sq. ft.		
Meter/Storage Rooms (990 sq. ft.)	0 spaces		

² Pursuant to Section 59.7.7.1.B.3.h of the 2014 Zoning Ordinance, "An applicant may apply to amend the parking requirements of a previously approved application...in a manner that satisfies the parking requirements of the Section 6.2.3 and Section 6.2.4."

Total	343-776 spaces	N/A	541 spaces
Handicapped Parking	11 spaces	N/A	30 spaces
Van Accessible Handicap	3 spaces	N/A	8 spaces
Motorcycle Parking	10 spaces	N/A	10 spaces
Car Share Spaces	5 spaces		5 spaces
Electric Vehicle Parking	6 spaces		6 spaces
Bicycle Parking			
Short Term	14 spaces	N/A	16 spaces
Long Term	3 spaces	N/A	3 spaces

3. THE LOCATIONS OF BUILDING AND STRUCTURE, OPEN SPACES, LANDSCAPING, RECREATION FACILITIES, AND PEDESTRIAN AND VEHICULAR CIRCULATION SYSTEMS ARE ADEQUATE, SAFE, AND EFFICIENT;

LOCATION OF BUILDINGS AND STRUCTURES

As conditioned, the location of buildings and structures is adequate, safe, and efficient. The new restaurant pad sites totaling 7,600 square feet are located along the frontage of the Property on Old Columbia Pike on either side of the main entrance to the shopping center, which frames the entrance and highlights it as a gateway. The Drive-Thrus are not located between the street and the front main wall of the main building as prohibited by the Zoning Ordinance and they are adequately screened from Old Columbia Pike with a retaining wall and trees and shrubbery. This centralized entrance extends into the Property as a corridor from the public right-of-way for pedestrians to access the new pad sites as well as the existing shopping center buildings in the rear.

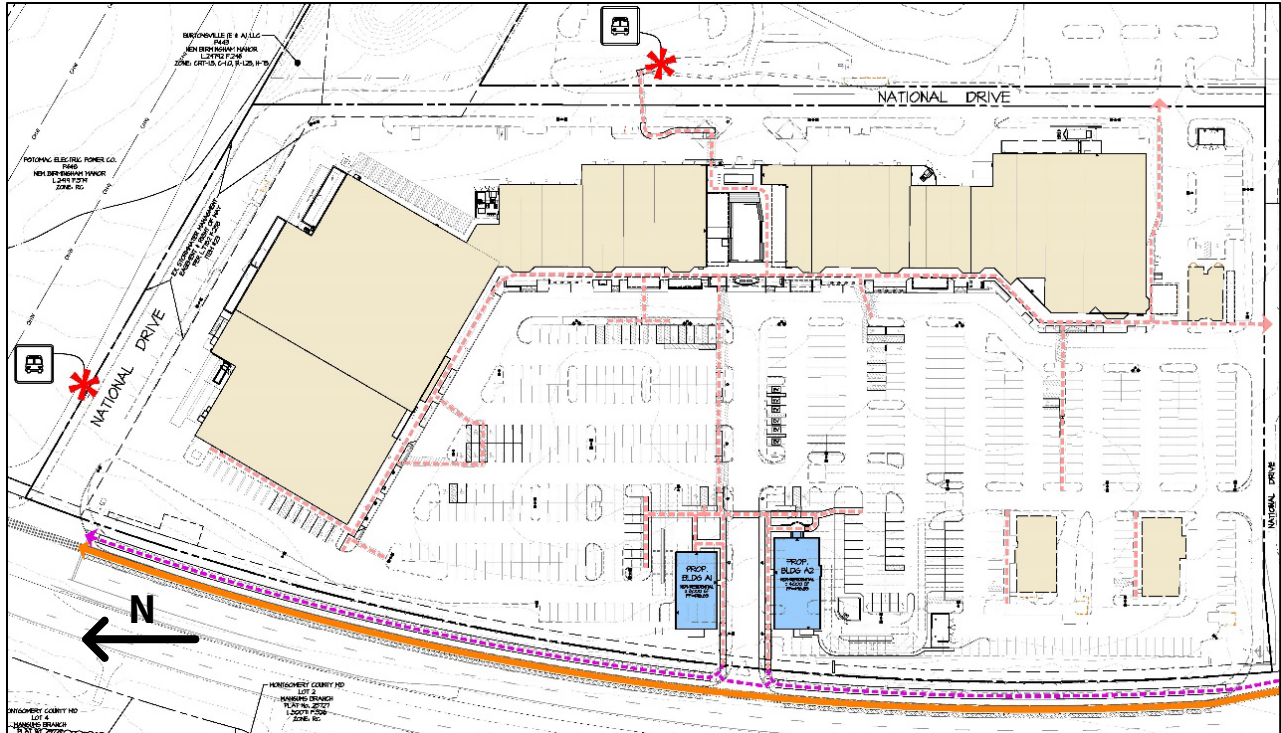
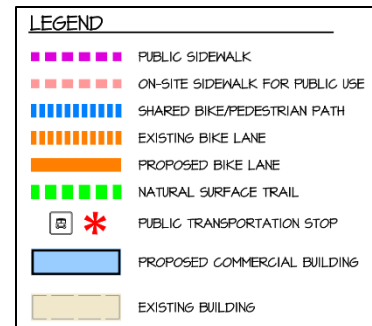


Figure 5 – Pedestrian Circulation



LOCATION OF OPEN SPACES AND LANDSCAPING

Open Spaces and Public Use Space

The location of the open spaces is adequate, safe, and efficient. Under Section 59-C-15.73, the Public Use Space requirement is 10% of the limits of disturbance for a tract larger than 3 acres.

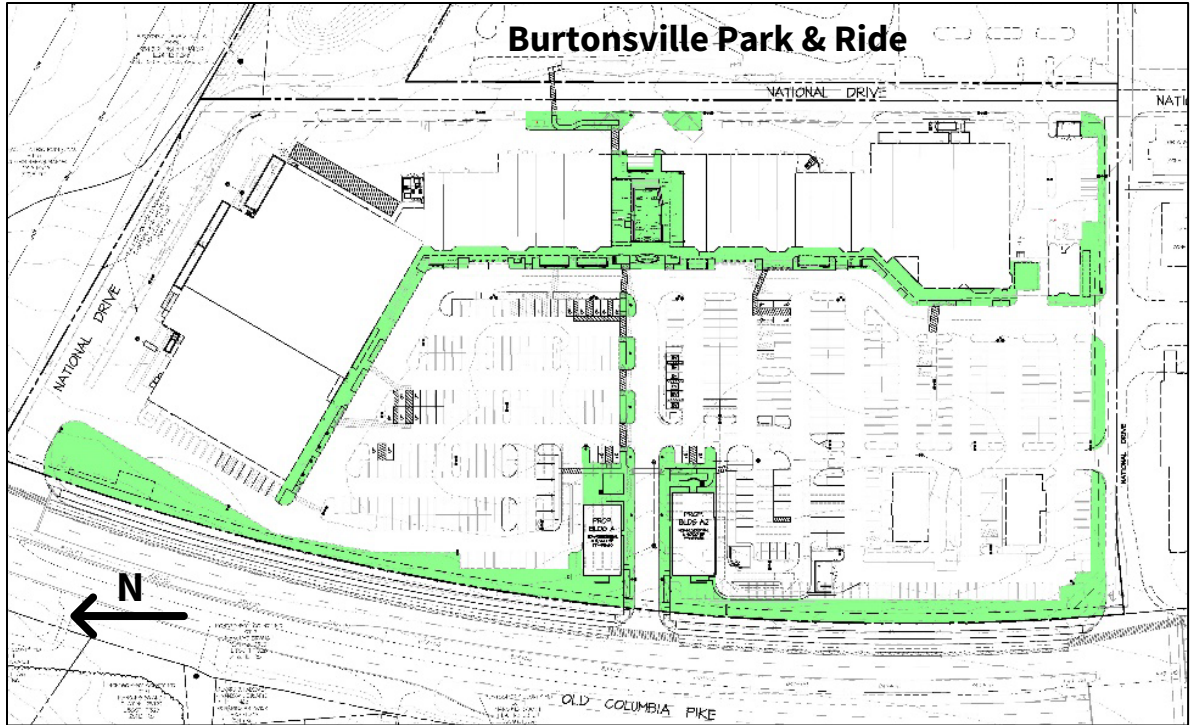


Figure 6 – Public Use Space/Green Space

This Site Plan Amendment exceeds the required amount of Public Use Space within the 2.59 acres of disturbance by providing 71%, approximately 1.85 acres. The largest area of Public Use Space is the new centralized open space created as part of this Application which provides outdoor seating to serve adjacent restaurants, seating for the public, landscaping, and a stage for temporary entertainment activities.



Figure 7 – Architectural Elevation of the rear of the existing shopping center with the new centralized open space

This Public Use Space is centralized within the shopping center and is located on axis with the main entry into the shopping center. Furthermore, this Public Use Space provides a pedestrian corridor to the Burtonsville Park & Ride lot on the adjacent property to the east. In the future, in addition to pedestrian connectivity, this open space can also accommodate vehicular connectivity to the adjacent property to the east. New sidewalks along the central access point will safely shuttle pedestrians from the Old Columbia Pike right-of-way through the Subject Property to the Park & Ride station.



Figure 8 – Rendering of Community Gathering Space

Landscaping and Lighting

The location and quantity of the proposed landscaping is adequate, safe, and efficient on the Subject Property. The Site Plan is proposing landscaping to beautify the parking lot with landscape islands, enhance the look of the streetscape along Old Columbia Pike, enhance Public Use Space, and provide shade throughout the Property. All existing and proposed buildings have extensive foundation plantings and minor shade/ornamental trees along pedestrian circulation routes helping to soften the edges of the buildings and provide shade. The Site Plan includes a new central Public Use Space with outdoor seating reserved for restaurants, public seating areas, a small, elevated stage area. Shade trees and concrete planting boxes provide an attractive gathering space for the public. The parking lot islands, landscape areas, and boundaries of parking lot areas have major shade trees with ground plantings.

The 2012 Neighborhood Plan recommends a landscaped area along Old Columbia Pike between the road and the sidewalk (p. 41). Since privately maintained landscaping is not allowed within the public right-of-way, the Applicant proposes grass and trees in the general area adjacent to right-of-way with a focus on shrubs and additional plantings on the other side of the sidewalk. This, along

with reducing the scale of the roadway and the addition of a bikeway and landscape buffer will fulfill the Neighborhood Plan vision.

The Neighborhood Plan also seeks to reduce imperviousness (Page 7 and 32). The existing development has an impervious level of 82% or 5.65 acres. The Applicant proposes to reduce the imperviousness to 5.14 acres or approximately 74% of the amendment area by increasing the square footage of landscaped islands particularly near the centralized entrance.

Lastly, the Neighborhood Plan recommends additional tree canopy in parking lots and near major roads (Page 32). The Applicant proposes to significantly increase the canopy cover in the areas of the Property that are being redeveloped and along Old Columbia Pike. In addition, they commit to replanting original landscape trees that have died throughout the rest of the Subject Property as shown in Figure 9.

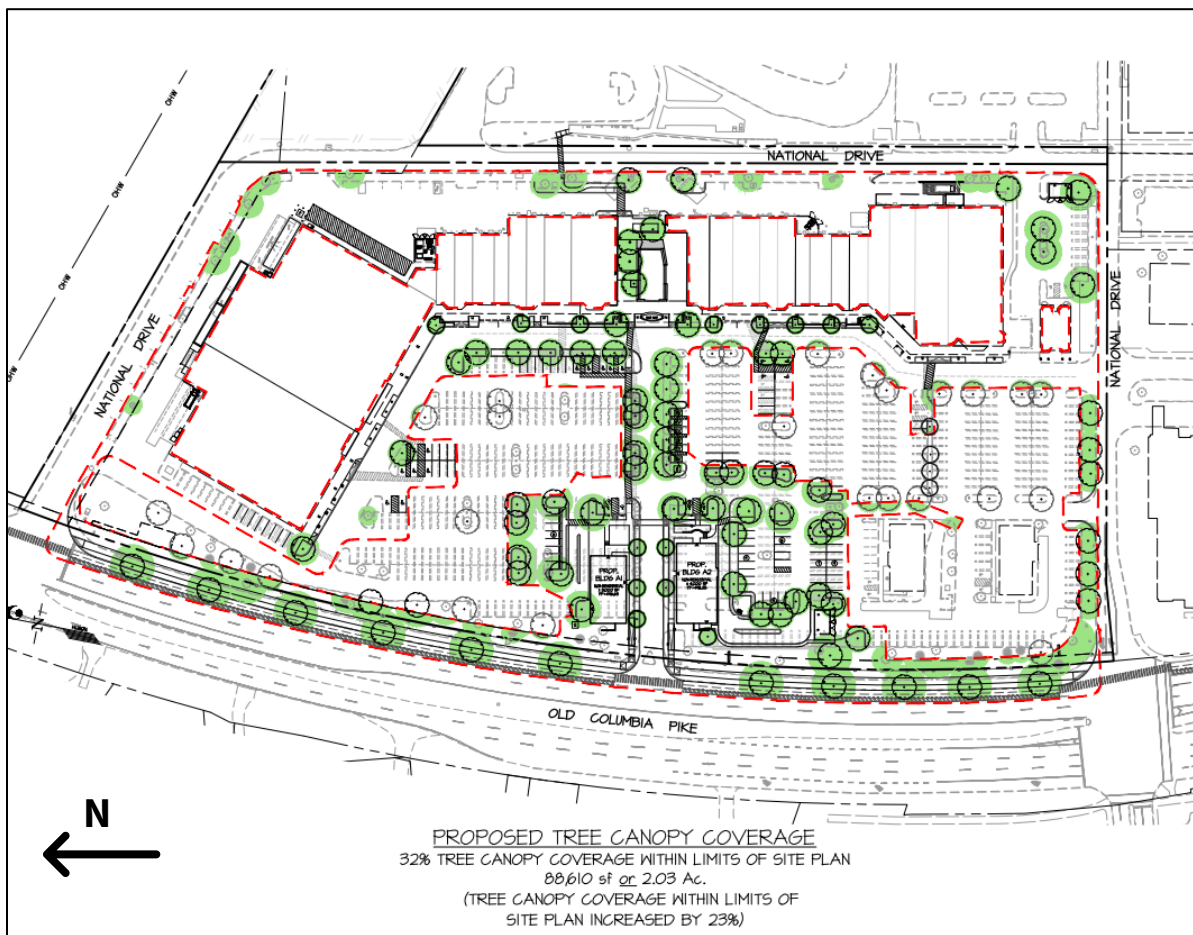


Figure 9 – Landscape Plan

The lighting provided with this Application is safe, adequate, and efficient for ensuring good nighttime visibility within the parking areas and around buildings without negatively impacting adjacent properties. The proposed lighting for the Site Plan is a combination of free-standing poles located within the parking lot. Open spaces around buildings use wall-mounted luminaires and twelve-foot light post to match the pedestrian scale of the open space areas.

RECREATION FACILITIES

As a commercial Application without any residential component, the requirements of the Recreation Guidelines do not apply.

PEDESTRIAN, BIKE AND VEHICULAR CIRCULATION

Vehicle Circulation

All roads and access drives for the development within the site plan area are private. The Subject Property will be accessed via three existing access points on Old Columbia Pike (Figure 10). The first access point is located at the northwest corner the Subject Property at National Drive, which loops around the rear of the Property through the Burtonsville Park & Ride, and intersects Old Columbia Pike again to the south, approximately 450 feet from Sandy Spring Road (MD 198). The main access point into the property is provided via an entrance/exit point on Old Columbia Pike in between the other two access points. This entrance will terminate at the proposed open/gathering space. A through connection further connecting to the adjoining BRT Station and redevelopment to occur on the adjoining property will be considered in subsequent applications for the shopping center. Vehicular circulation will be safe for the proposed use.

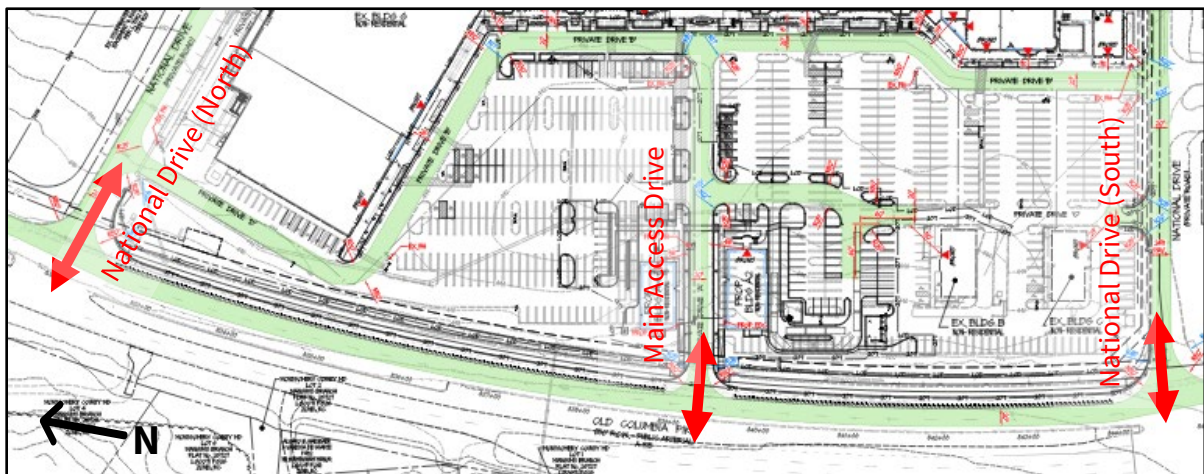


Figure 10 – Location of Three Access Points

Bike and Pedestrian Circulation

The Subject Property will be served by a network of internal and external sidewalks within the shopping center area as well as along Old Columbia Pike (red lines in Figure 11).

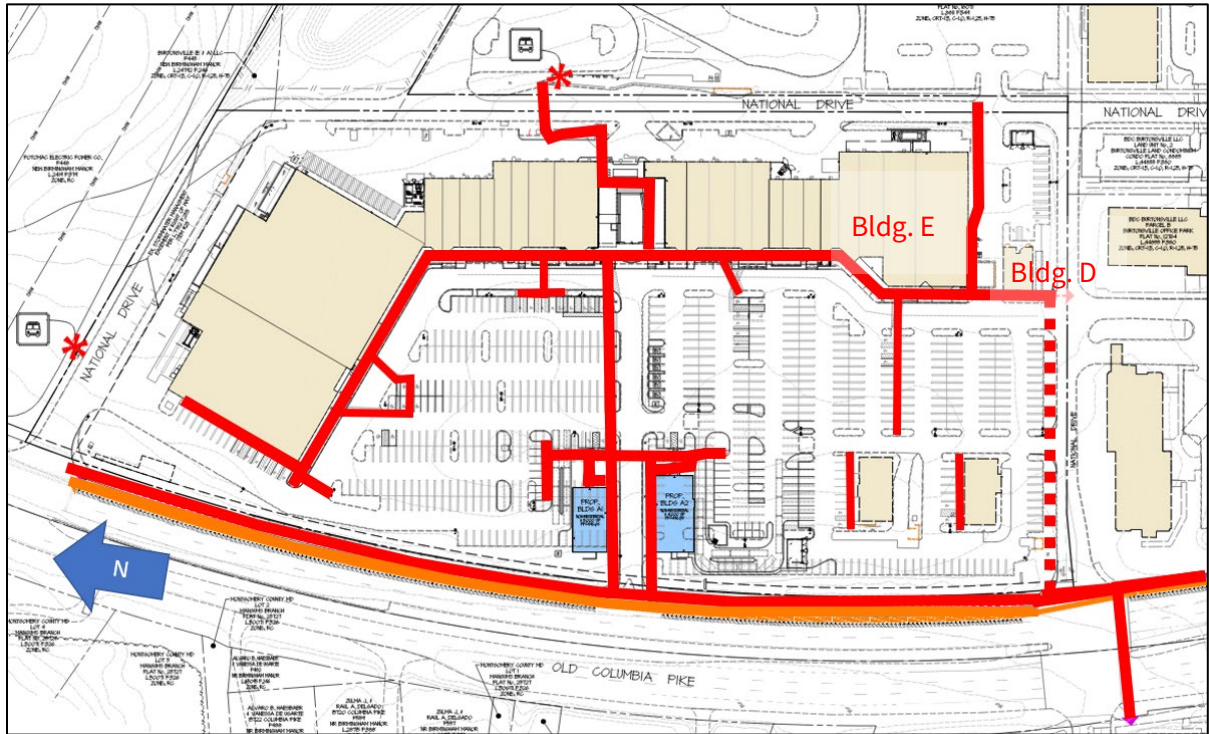


Figure 11: Bike and Pedestrian Circulation

Internal sidewalks exist along the front of the main retail center area. Sidewalk extends on the north side of the central driveway to connect the proposed restaurant uses to the main shopping area. Two connections are provided to the adjoining Park & Ride facilities via the public open space located at the center of the Property as well as along the southern edge of the shopping center. As conditioned, a sidewalk will also be constructed along the north side of National Drive (dotted red line in Figure 11). The resulting connection provides adequate pedestrian circulation for the proposed use.

In addition to the short-term bicycle parking using traditional bike racks, the Site Plan proposes three long-term bicycle parking lockers in the southeast corner of the Property between existing Buildings D and E (Figure 11 & 12).

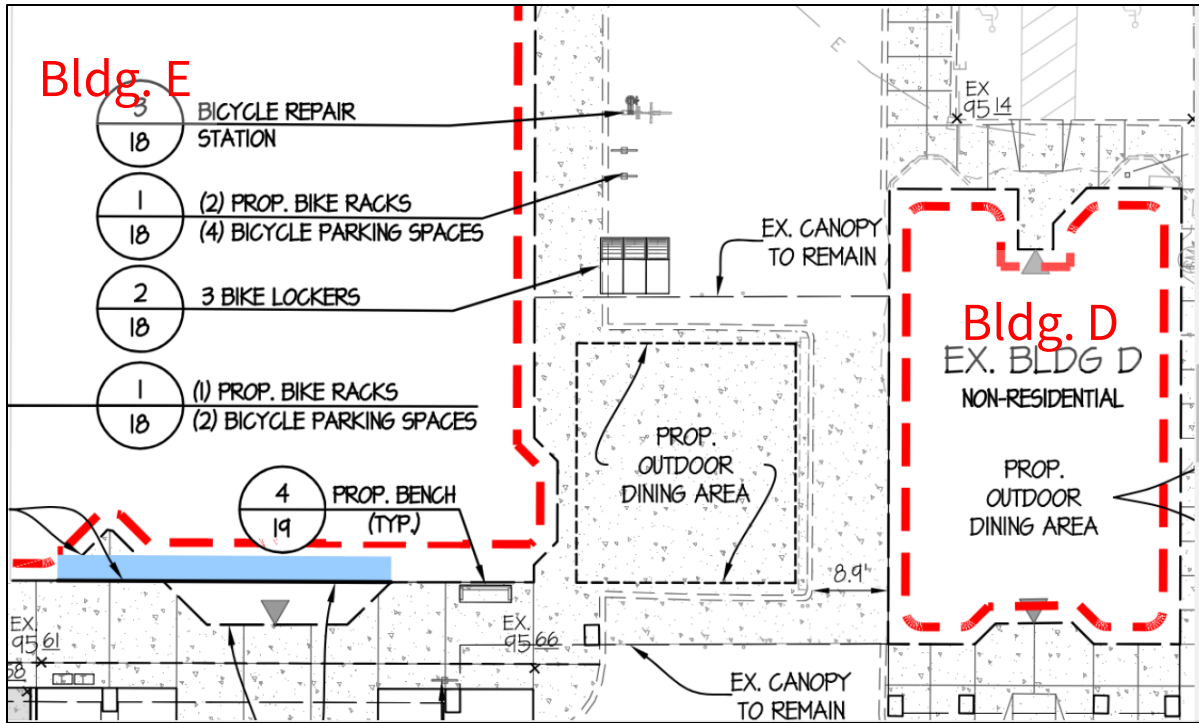


Figure 12 – Long-term bicycle parking, repair station, and area of short-term bicycle parking

The Bicycle Master Plan recommends the construction of two-way separated bike lanes along the Property’s frontage with Old Columbia Pike. In support of this recommendation, as well as in support of the County’s Vision Zero priorities, the Applicant will remove one travel lane and an accel/decel lane along the frontage, significantly reducing the cross section of the northbound side of Old Columbia Pike to reduce highway speeds to a safer level. This area of removed pavement is to remain unencumbered until a later project can construct a complete bike facility along this section of road. Construction of the separated bike lanes are not required as part of this Application due to the limited scale of the proposal, as well as the inability to connect the facility to any bikeway to the north.

As an interim condition, the sidewalk along the frontage of the Subject Property is to be constructed as an 11-ft wide sidepath, which is wide enough to accommodate both pedestrian and bicycle users. Given the low predicted volume of bicycle trips, this will be adequate to support bike and pedestrian users.

Adequate Public Facilities

Transportation will be adequate for the proposed use. The APF for the 130,000 square foot shopping center was approved under Preliminary Plan No. 119842430. Due to the addition of new retail uses with drive-thrus, there is an overall increase in trip generation beyond the original APF approval. This Application does not amend the Preliminary Plan; therefore, the APF review conducted under the Site Plan proceeds under Ch.59-D-3 of the Zoning Code, which in turn requires that the Application follow the 2020 Growth and Infrastructure Policy (GIP) and 2022 Local Area Transportation Review (LATR). The Application will generate an additional 22 AM and 102 PM person trips during peak period hours, exceeding the 50 peak-hour person trip threshold set by the 2022

LATR guideline, requiring a multimodal transportation study. This area-wide study was conducted and submitted on June 23, 2022.

*Table 2: Trip Generation – Person Trips**

Development	Measure	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing							
Shopping Plaza w/ Supermarket	129,140 sf	283	173	456	532	577	1109
Proposed							
Shopping Plaza w/ Supermarket	121,983	267	164	431	506	548	1054
Drive-in Bank	3,500 sf	20	15	35	37	37	74
Fast Casual Restaurant	4,500 sf	3	3	6	31	25	56
Net New Vehicle Trips	--	7	9	16	41	33	74
Net New Person Trips	--	10	12	22	55	47	102

*Trip generation rates are based on the ITE Trip Generation Manual, 10th Edition and adjusted as detailed in the 2022 LATR guidelines. Figures are rounded to nearest whole number. Source: Lenhart Traffic Consulting, Inc. Traffic Impact Analysis June 23, 2022.

The Application has been reviewed by the Montgomery County Department of Permitting Services, Fire Department Access, and Water Supply office. The Application has received an approved Fire Access Plan based in the letter dated October 11, 2022 (Attachment F). The Fire Access Plan provides adequacy accessible for fire protection from each access point along Old Columbia Pike. The driving aisles and access drive surrounding all buildings are fire access compliant.

The 2022 LATR Guidelines and supporting LATR-Proportionality Guide limits off-site mitigation improvements to \$32,900. Following the recommendations contained in the Transportation Study, the Applicant proposes to construct an interim dual-way separated bike lanes immediately to the south of the Subject Property, running from National Drive (south access point) to MD 198. This will replace an existing accel-decel lane along Old Columbia Pike.

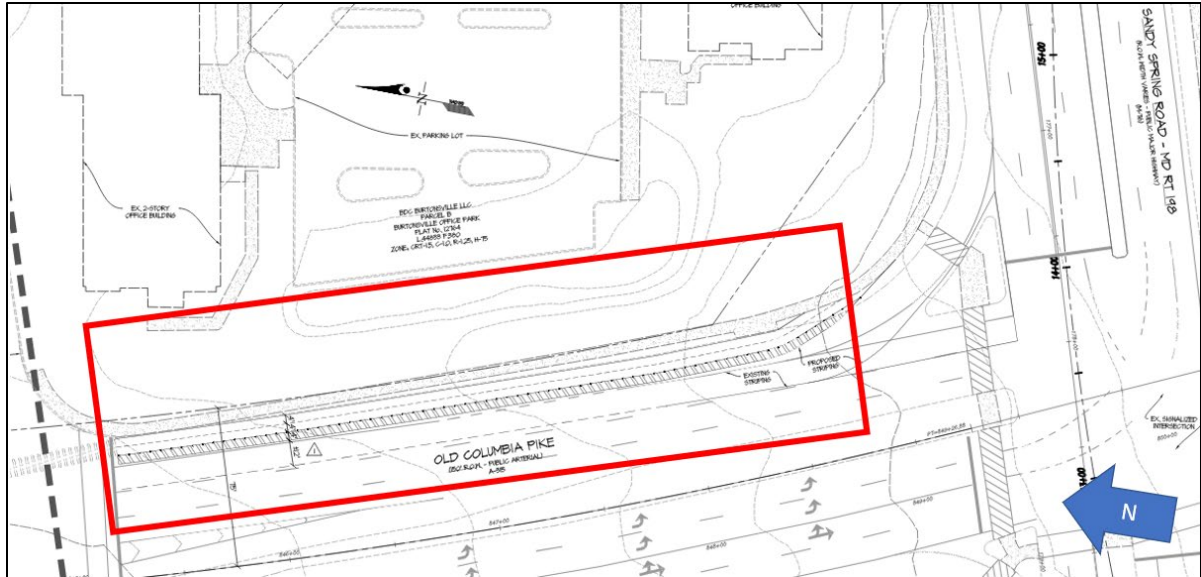


Figure 13: Off-Site Interim Separated Bikeway Improvement

4. EACH STRUCTURE AND USE IS COMPATIBLE WITH OTHER USES AND OTHER SITE PLANS, AND WITH EXISTING AND PROPOSED ADJACENT DEVELOPMENT; AND

The proposed uses and structures for the Subject Property are compatible with other uses, site plans, existing, and proposed development on adjacent properties. The Application is also compatible with the character of the surrounding properties, while the proposed uses and structures are consistent with the Neighborhood Plan and previous approvals. The Subject Property is adjacent to no existing residential uses. To the east is the Burtonsville Park and Ride/transit center which creates a synergy between the shopping center and access to transit. This provides access to shopping, groceries, and job opportunities for all people in the community. There are commercial office uses directly to south of the Subject Property. These uses are compatible with each other, and the structures are of similar height and massing. Across Old Columbia Pike is another shopping center consisting of similar uses and activities as the Subject Property. To the north is property zoned RC but is currently undeveloped. All of these uses and their associated structures help to provide a variety of services that work together to provide for the daily needs of the community.

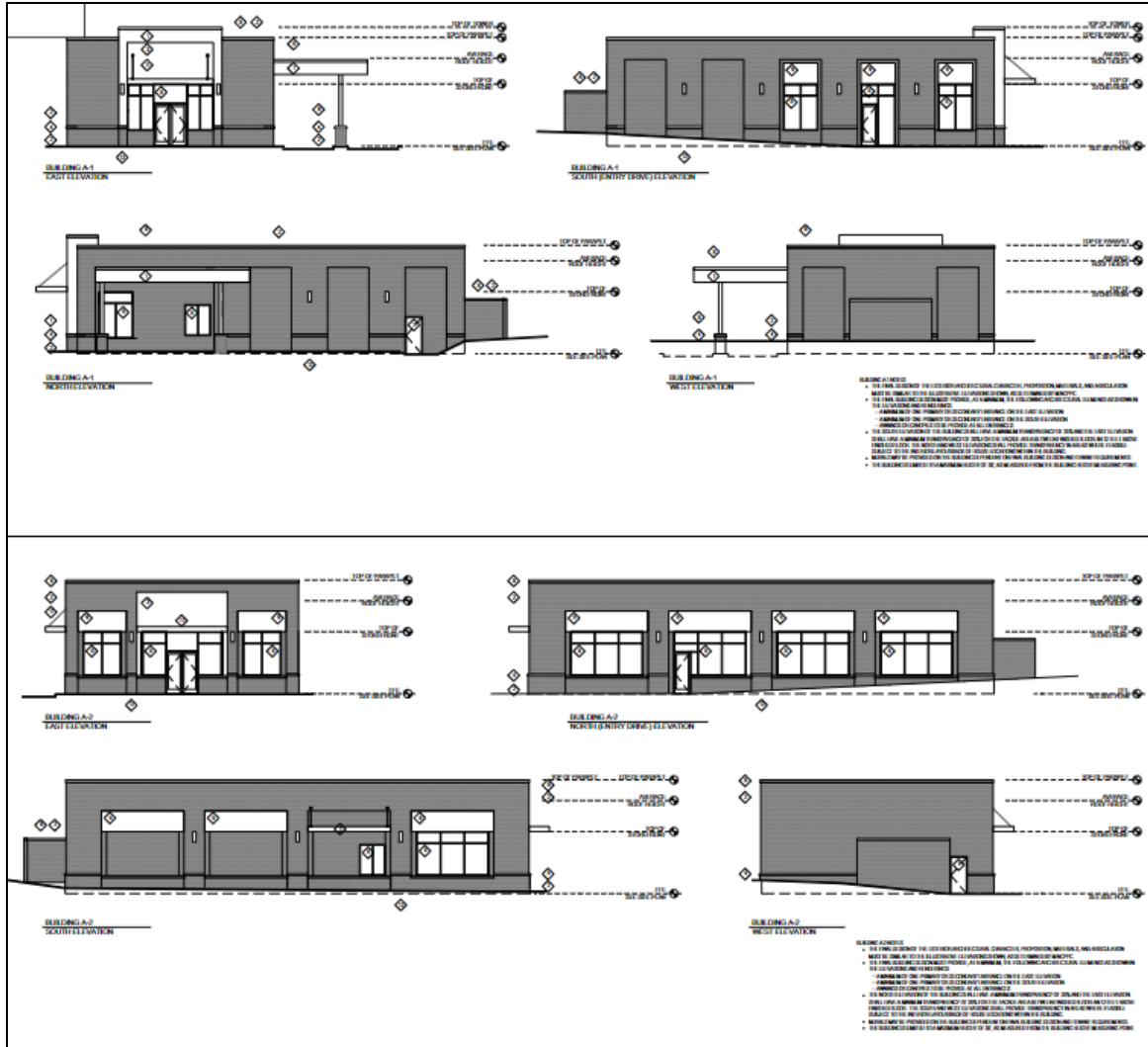


Figure 14 – Proposed Architectural Elevations for Buildings A-1 and A-2

5. THE SITE PLAN MEETS ALL APPLICABLE REQUIREMENTS OF CHAPTER 22A REGARDING FOREST CONSERVATION, CHAPTER 19 REGARDING WATER RESOURCE PROTECTION, AND ANY OTHER APPLICABLE LAWS.

Environmental Guidelines

The Subject Property is located in the Lower Patuxent River watershed and is upstream of the Rocky Gorge reservoir. The existing development predates current Environmental Guidelines for the protection of this watershed. As part of the 2012 Burtonsville Village Center Neighborhood with a high-density zone, the Primary Management Area and the associated impervious restrictions do not apply to this Application.

Forest Conservation

The existing development predates the Forest Conservation Law so there is no existing Forest Conservation Plan for this Property.

On May 26, 2022, Forest Conservation Exemption 42022201E was confirmed (Attachment C). The Application qualifies for an exemption from the requirement to submit a Forest Conservation Plan in Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law) under Section 22A-5(t)(1), as it is for the modification to an existing nonresidential developed property. Additionally, the proposed construction activity adheres to the following criteria for the exemption: (1) no more than 5,000 square feet of forest is ever cleared at one time or cumulatively after an exemption is issued; (2) the modification does not result in the cutting, clearing, or grading of any forest in a stream buffer or located on a property in a special protection area which must submit a water quality plan; (3) the modification does not require approval of a preliminary plan of a subdivision; and (4) the modification does not increase the developed area by more than 50% and the existing development is maintained.

WATER RESOURCE PROTECTION, CHAPTER 19

The Application received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on September 26, 2022 (Attachment H). The Application will meet stormwater management goals through the use ESD using micro-bioretenion and the structural control via the existing Burtonsville Crossing pond.

SECTION 6: CONCLUSION

The Site Plan complies with the general requirements and findings of the Zoning Ordinance for the CRT-1.5 zone in the 2004 Zoning Ordinance. The Application is not subject to a development plan, diagrammatic plan, project plan, or any binding elements of a schematic development plan and plan meets all of the requirements of the zone in which it is located. The locations of building and structure, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient. Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development. Finally, the approved Forest Conservation Exemption meets all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Therefore, Staff recommends approval of Site Plan No. 81985104A with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A – Statement of Justification

Attachment B – Site Plan Composite

Attachment C – Approval Forest Conservation Exemption

Attachment D – MCPB Opinion dated May 9, 1985, for Preliminary Plan No. 119842430

Attachment E – MCPB Resolution date December 4, 1985, for Site Plan No. 819851040

Attachment F – DPS Fire Dept. Access and Water Supply Approval Letter and Plan, October 11, 2022

Attachment G – MCDOT TIS Approval Letter, November 22, 2022

Attachment H – SHA Approval Email, October 14, 2022

Attachment I – MCDPS Stormwater Concept Approval Letter, September 26, 2022
Attachment J – DPS Right-of-Way Approval Letter, September 6, 2022

**JUSTIFICATION STATEMENT FOR
BURTONSVILLE CROSSING SHOPPING CENTER
LIMITED MAJOR SITE PLAN AMENDMENT NO. 81985104A**

June 2022

I. INTRODUCTION

The Applicant, Burtonsville (E&A), LLC (“Applicant”), by their attorneys, Miles & Stockbridge, P.C., submits this Justification Statement to demonstrate conformance of the proposed amendment with all applicable review requirements and criteria. The subject property, known in the community as the Burtonsville Crossing Shopping Center, is comprised of approximately 15.60 acres located at 15701 Old Columbia Pike, Burtonsville, MD 20866 and is more particularly described as Parcel L, Burtonsville, as shown on Plat No. 16306 recorded among the Land Records of Montgomery County, Maryland (“Land Records”) on December 23, 1986 (the “Property”). The Property is zoned CRT-1.5 C-1.0 R-1.25 H-75 and lies within the boundaries of the *Burtonsville Crossroads Neighborhood Plan* approved and adopted in December 2012 (“Neighborhood Plan”).

The center has been in decline and largely vacant for the past several years, but this Limited Major Site Plan Amendment application (“Site Plan Amendment”) represents an important first step towards its revitalization. As described more fully below, the proposed amendment will demolish a portion of the in-line retail to create a new community gathering space, add two new retail buildings without increasing overall density, make minor adjustments to areas of the building façade, enhance pedestrian and vehicular circulation, and introduce new landscaping, tree cover and improved lighting to the site (the “Project”). Pursuant to Section 59.7.7.1.B.3.a¹ of the

¹ Section 59.7.7.1.B.3.a of the Zoning Ordinance (Amendment of an Approved Plan or Modification of an Application Pending before October 30, 2014) provides, in relevant part:

Until October 30, 2039, an applicant may apply to amend any previously approved plan...under the development standards and procedures of the property's zoning on October 29, 2014, if the amendment:

i. does not increase the approved density or building height, unless allowed under Section 7.7.1.C; and

ii. either:

(a) retains at least the approved setback from property in a Residential Detached zone that is vacant or improved with a Single-Unit Living use; or

Montgomery County Zoning Ordinance (“Zoning Ordinance”), the Site Plan Amendment is being sought pursuant to the standards of the CRT zone from the Zoning Ordinance in effect on October 29, 2014 (“2004 Zoning Ordinance”). The Applicant respectfully requests that the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission (“Planning Board”) grant approval of the requested Site Plan Amendment application (“Application”) to allow for the revitalization of the center to begin.

II. BACKGROUND

Preliminary Plan No. 119842430 was approved for the Property on May 9, 1985, allowing for the construction of a 130,000 square foot shopping center, and was subsequently amended in December 1988 to make adjustments to required intersection improvements. (“Preliminary Plan”). Site Plan No. 819851040 was approved on December 4, 1985 (“Site Plan”) (the Site Plan and Preliminary Plan, collectively, the “Previous Entitlements”). At the time of the Previous Entitlements, the Property was zoned C-1. Pursuant to the required conditions of approval for the Preliminary Plan, an Agreement was later entered into in 1986 that limited the development on the Property to 130,000 square feet of gross leasable area without the successful completion of an adequate public facilities review, which agreement is recorded in the Land Records at liber 7450, folio 759.

Since the approval of the Previous Entitlements, the Property was rezoned to CRT-1.5 C-1.0 R-1.25 H-75 in accordance with the recommendations of the Neighborhood Plan. Subsequently, Montgomery County comprehensively revised its Zoning Ordinance (ZTA 13-04, adopted on March 4, 2014 and effective October 30, 2014) and zoning map (District Map

(b) satisfies the setback required by its zoning on the date the amendment or the permit is submitted; and

iii. does not increase the tract area.

As shown on the materials included with the Application, the amendments to the Previous Entitlements do not increase the approved density or building height, satisfy all applicable setback requirements, and do not increase the tract area.

Amendment G-956, adopted on July 15, 2014, the “2014 District Map Amendment”), which processes altered the provisions of the CRT zone.

III. EXISTING CHARACTERISTICS

The Property is located on the east side of Old Columbia Pike (referred to in the Neighborhood Plan as Business 29), approximately 500 feet north of its intersection with Sandy Spring Road. It is bounded by Old Columbia Pike and confronting single-family detached dwellings in the Rural Cluster (RC) zone and a retail center in the CRT-1.5 C-1.0 R-1.25 H-70 zone to the west, National Drive and utility lines in the RC zone to the north, National Drive and a County Park and Ride and bus station in the CRT-1.5 C-1.0 R-1.25 H-75 zone to the east, and National Drive and confronting office uses with surface parking in the CRT-1.5 C-1.0 R-1.25 H-75 zone to the south.

Existing development on the Property consists of approximately 130,000 square feet of commercial uses located in a main retail strip center and three pad site buildings. There is also a large surface parking lot with 690 parking spaces that serves the existing center. The surface parking lot runs the length of the Property’s Old Columbia Pike frontage and is screened by a green panel with trees.

The main access to the Property is provided via a single curb cut along Old Columbia Pike leading to the main entrance drive. Additional access is provided from National Drive via two curb cuts along the Property’s southern frontage and one curb cut along the Property’s northern frontage. Loading access is provided to the rear of the retail strip center via National Drive.

IV. THE SITE PLAN AMENDMENT

A. Project Description

As noted above, the Site Plan Amendment is the first step in the revitalization of the Burtonsville Crossing Shopping Center. The Project will modernize the appearance of the center through place-making improvements intended to transform it into an activity center for the Burtonsville community. The Project will also lay the groundwork for the Neighborhood Plan’s long-term vision for the Property through incorporation of a design that begins to form the grid of blocks recommended in the plan. Finally, the Project will significantly improve pedestrian and bicycle circulation to and around the Property.

The Project proposes the removal of approximately 7600 square feet from the existing retail center building and the creation of a new community gathering space in the highly visible location at the terminus of the main entrance drive. The community gathering space is anticipated to be flanked by active restaurant and/or retail uses, creating the sense of an inviting outdoor room. It will include varied seating opportunities including tree-shaded seating, more traditional outdoor dining, porch swings, and co-working café-style seating. At the center of the community gathering space will be a multi-purpose green with a stage that can be utilized for community events, performances, and movie nights. As shown on the Site Plan, the community gathering space will provide a direct connection across National Drive to the bus station and Park and Ride.

The Project also proposes replacing the 7600 square feet removed from the center with two new commercial buildings with drive-throughs along a new interior entrance drive, and minor bump-outs of the existing building façade at the north and south ends, as shown on the Site Plan. The new stand-alone buildings will be placed adjacent to Old Columbia Pike and flank the main entry drive to the Property. This placement will activate the Property's Old Columbia Pike frontage, which is currently dominated by surface parking. The proposed drive-throughs and associated queuing lanes will be located to the sides and rear of the buildings so as not to detract from street-activation. Although no tenants have yet been selected for these new buildings, the Site Plan Amendment includes architectural elevations that the Applicant believes will be able to accommodate any user.

Finally, the Project makes several improvements to the public realm. Specifically, the breezeway running the length of the retail strip center will be widened to allow for outdoor dining and other seating opportunities and landscaping will also be added to enhance this area. To accommodate new fast-casual restaurants, "grab-and-go" pick-up areas will be added along the breezeway. New signage is also proposed to enliven the Project and provide wayfinding. Most significantly, a large sign bearing the words "Burtonsville Crossing" is proposed at the end of the main entrance drive and gateway to the new community gathering space. Opportunities for public art and murals will be incorporated into the shopping center as well.

B. Circulation

(1) Vehicular

The Site Plan Amendment maintains the existing access points for the Property and enhances vehicular circulation patterns onsite. The orientation of the new buildings and the

creation of the new entrance street reduce vehicular conflict points and streamline entry into the site. Access to the proposed drive-throughs will be through the surface parking area. Adequate queuing spaces for each drive-through will be provided to avoid overflow.

(2) Pedestrian

The Site Plan Amendment will also enhance on- and off-site pedestrian circulation. There is currently no pedestrian infrastructure serving the Property's Old Columbia Pike frontage. The Applicant is proposing to construct a 8-foot wide sidewalk along the entirety of the Old Columbia Pike frontage to provide pedestrian facilities where none currently exist. This sidewalk will connect to a new sidewalk along the new entrance drive to connect the frontage to both the new commercial buildings and the main retail center. Finally, the new community space will provide pedestrian connection from the front of the center to the Park and Ride and bus station to the rear. All of these improvements will significantly improve pedestrian circulation throughout the site and adjacent area.

(3) Bicycle

Bicycle access to the Property will continue to be provided via the curb cut off of Old Columbia Pike. A new bikeway, with buffer, is proposed to replace a travel lane along the Property's Old Columbia Pike frontage to create a bicycle connection where none currently exist. Finally, as shown on the Site Plan, more than the required number of bicycle parking spaces will be provided on-site.

B. Environmental Protection and Enhancement

(1) Forest Conservation

Pursuant to the exemption letter dated May 26, 2022, a copy of which is included on the Site Plan, the Project is exempt from the forest conservation requirements of Chapter 22A of the Montgomery County Code.

(2) Storm Water Management

The Property currently provides stormwater management controls via an existing pond facility located northeast of the shopping center, which treats the existing impervious surface areas. The Project will significantly improve stormwater management on the Property by incorporating new micro-bioretenion facilities into the existing and proposed development. The new environmentally sensitive practices will provide treatment of existing and proposed rooftop areas

in accordance with the current stormwater management regulations, while also continuing to benefit from the existing stormwater management pond facility.

V. NEIGHBORHOOD PLAN

The Project will further the goals and objectives of the Neighborhood Plan, including applicable plan-wide, neighborhood and Property- specific recommendations, as explained below.

A. Neighborhood Plan-Wide Recommendations

- *Connectivity: Business 29 could serve as the Village Center's "spine," with safe and attractive crossings, a planted median, and a linear green along the roadway, features that will improve the area's character and function.* (Neighborhood Plan at p. 17)

As reviewed above, the Project includes significant improvements to the Property's Old Columbia Pike frontage, including a new eight-foot sidewalk, a new separated bikeway, and landscape buffers. The proposed landscape buffers, in addition to the existing tree-lined green strip adjacent to the right-of-way that will be retained, meet the intent of the Neighborhood Plan's recommendation for a linear green.

- *Connectivity: Connect to the park-and-ride lot and regional transit.* *Id.* at 17.

The Project will provide a new pedestrian connection between the center and the Park and Ride lot and bus station through the new community space.

- *Connectivity: improve street character.* *Id.*

As noted above, the Project will improve the street character along Old Columbia Pike. First, it will locate two new commercial buildings along the Property's Old Columbia Pike frontage to activate the street. The Project will also implement new pedestrian and bicycle facilities and landscapes buffer areas along its Old Columbia Pike frontage, all of which will improve street character and make the Property's frontage friendlier to pedestrian and bicycle activity.

- *Connectivity: improving business 29 - dual bikeway along the east and west sides, and street trees in the median and along both sides Id. at 21.*

The Project includes a proposed 8 foot wide bikeway along the east side of Business 29 (Old Columbia Pike) to be separated from the vehicular travel lanes by a four-foot green strip. An additional six foot landscape buffer will then separate the bike lane from the sidewalk.

- *Design: In addition, public spaces should be located on the two shopping center sites to provide high quality private or public open space as a part of their redevelopment. Id. at 24.*

As described herein, the Project incorporates attractive new open space into the existing shopping center to activate and enliven it. This new space will become a gathering spot for community events, performances, and movie nights. Additionally, as described in detail above, the Project includes the enhancement and widening of the existing breezeway running the length of the retail strip center to accommodate seating and outdoor dining opportunities.

- *Environment: Reducing imperviousness has been established as the appropriate method to protect environmentally sensitive areas. Id. at 32.*

Through the thoughtful redevelopment of the shopping center and implementation of the Bikeway Master Plan, the shopping center will realize a reduction in existing impervious area. The storefront enhancements will include the addition of green areas that will break up the current concrete expanse. Additionally, the overall landscape enhancements throughout the site plan area will provide some additional shade opportunities that will reduce the heat island impact for the Property.

B. Village Center Business 29 Neighborhood

The Property is located within the Village Center Business 29 Neighborhood of the Neighborhood Plan. The Project furthers the recommendations for this specific area as follows:

- *This neighborhood consists of larger properties that can be enhanced to create mixed-use residential and commercial uses with a new grid of streets, pedestrian and bicycle connections, and a more integrated park-and-ride facility. Id. at 39.*

The Project represents an important first step towards achieving these objectives. The Project will revitalize the existing commercial uses on the Property in a manner that also begins to create the desired street grid, and will incorporate significant upgrades to pedestrian and bicycle facilities. The Project also integrates the desired connectivity to the Park and Ride through the new pedestrian connection in the community gathering space.

- *[R]etail visibility from [. . .] Business 29. Id. at 40.*

The Project locates two new commercial buildings along the Property's Business 29 (Old Columbia Pike) frontage, in furtherance of this objective.

- *[I]nterim development should provide growth opportunities for existing businesses. Id.*

As noted, the current center is largely vacant. Those businesses remaining will benefit from the increased activity and enhanced amenities that the Project proposes.

- *[D]ual bikeway along Business 29 with bike lanes and a linear greenway along Business 29 that includes a continuous lawn panel, a sidewalk on the east side, and a shared use path along the west side north to the PEPCO right-of-way.*

As previously noted, the Project achieves these objectives through the incorporation of a new separated bikeway, a pedestrian path, and green buffers.

- *[P]edestrian connections to the park-and-ride lot and future BRT station (under study). Id.*

The Project provides a pedestrian connection to the Park and Ride and BRT station through the community gathering space.

- *[S]treetscape that allows visibility for shops and signs from Business 29. Id.*

The Project locates two new retail buildings directly adjacent to the Property's Old Columbia Pike frontage. To increase visibility of the remainder of the retail strip center from the Property's Old Columbia Pike frontage, new signage will be added by the retail tenants.

C. Property-specific recommendations

The Neighborhood Plan envisions the eventual redevelopment of the Property with a mixed-use Project to include residential uses. However, it also makes a series of interim

recommendations for its revitalization. The Project meets these interim recommendations and lays the groundwork for the Neighborhood Plan's eventual transformative vision, as described below.

- *Since significant redevelopment may not occur in the near-term, the Plan supports interim development that can enhance the economic viability of the center. Id. at 41.*

The very intent of the Site Plan Amendment is to enhance the economic vitality of the center, as described above.

- *In the near-term, the center needs to attract a strong anchor in the old Giant space. Id.*

The Applicant has secured a strong new grocery anchor for a portion of the former Giant space and is in the process of securing additional junior anchors for the Property. The grocery anchor is an impetus for the additional leasing efforts.

- *[T]o facilitate the timely construction of a new anchor tenant, a small increase in the permissible square footage may be necessary subject to review by the Planning Board. Id.*

As described above, the new retail pads will replace the same area removed for the new community space, with no increase in the overall square footage on the Property.

- *New building sites and drive-thru uses with screened parking may be appropriate along Business 29 if they do not compromise the Plan's long-term vision;*

The Project proposes two new building sites with drive-throughs along Old Columbia Pike. The drive-throughs and parking associated with the buildings will be located to the sides and/or rear of the building so as not to compromise the Neighborhood Plan's long-term vision for the Property. These new buildings will serve to activate the Property's Old Columbia Pike frontage, which is currently dominated by surface parking.

- *locating surface parking to the side and behind buildings is recommended in the long term; however, screening surface parking located in the front of retail stores is acceptable in the near term;*

As noted, no new surface parking is proposed between the proposed new buildings and Old Columbia Pike. As shown on the landscape plan included with the Application, significant new plantings will be provided along the Property frontage, which will help screen the existing surface parking areas on the Property.

- *ensure that any site expansions do not compromise the Plan's long term visions for future open spaces and streetscape locations;*

The Project will not compromise the Plan's long-term vision for future open space and streetscape locations, but rather advances them through the incorporation of a new private street spine through the center of the Property and an important new community gathering space at its terminus.

- *[A]dditional access to Business 29. Id.*

The Project does not propose, but also does not preclude, future additional access to Old Columbia Pike in later phases.

- *Transit access improvements to the park-and-ride lot. Id.*

The Project provides pedestrian access to the Park and Ride from the proposed community gathering space.

- *Optional method development should include a visible public gathering space surrounded by active uses that draw pedestrians from the park-and-ride lot and from local streets. The space must be integrated into the streetscape and its final placement is flexible.*

While not an optional method development, the Project provides the community gathering space envisioned, which will be surrounded by active restaurant and/or retail uses. These uses will draw pedestrians from the adjacent BRT station and Park and Ride through the proposed pedestrian connection.

- *Landscaped area along Business 29 between the road and the sidewalk.*

As shown on the street cross-sections included with the Application, a six-foot wide landscape buffer is proposed between the bikeway and the sidewalk, in conformance with this recommendation.

VI. FINDINGS REQUIRED FOR SITE PLAN APPROVAL

Section 59-D-3.4(c) of the Zoning Ordinance provides the findings that the Planning Board must make before approving a site plan application. The following is an analysis of how the Site Plan Amendment satisfies these required findings:²

- (1) *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning board expressly modifies any element of the project plan;*

The Property is not subject to any of the listed entitlements.

- (2) *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56;*

As shown on the Development Data Table on the Site Plan Cover Sheet, the Site Plan Amendment meets all of the requirements of the CRT zone. As noted, the principal change proposed with the Amendment is the replacement of approximately 7600 square feet of retail in the middle of the center with a new community amenity space, construction of two new commercial buildings with drive-throughs along the Property's Old Columbia Pike frontage, and minor adjustments to the existing center's façade. The Project will retain the commercial nature of the site, will result in no net increase in density and will remain within the limits of the Property's CRT-1.5 C-1.0 R-1.25 H-75 zoning.

With respect to the proposed drive-throughs associated with the new buildings, the Applicant notes that all requirements of the CRT zone applicable to drive-throughs have been satisfied. Specifically, Section 59-C-15.634 requires that: "(a) no part of any a drive-through facility, including the stacking area, may be located within 100 feet of a property line shared with one-family [. . .] or agriculturally [. . .] zoned land; and (b) no drive-through service window, drive aisle, and stacking area may be located between the street and the main front wall of the main building." 2004 Zoning Ordinance § 59-C-15.634.³ As shown on the Site Plan, neither building

² We note that the Site Plan Amendment is proceeding as a Limited Major Amendment and does not alter the intent or objectives of the Previous Entitlements.

³ 2004 Zoning Ordinance § 59-C-15.634 also requires that: "no drive-through service window, drive aisle, or stacking area may be located between the street and the side wall of the main building

proposes placement of the service window, drive aisle or stacking area between the building and either the internal street or Old Columbia Pike, and all such facilities are located over 100 feet from the closest residentially zoned land, across Old Columbia Pike to the west.

- (3) *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

Although the Amendment retains much of the existing center and its related infrastructure, it improves the landscape, open space and safety and efficiency of existing pedestrian and vehicular circulation patterns. With respect to building location, the Project locates two new buildings along the Property's Old Columbia Pike frontage, where they will replace surface parking and activate that streetscape. The drive through and queuing areas for these new buildings are positioned to avoid pedestrian and vehicular conflicts. As shown on the Public Use Space Exhibit, the quantity and quality of open space on the Property will be significantly improved by the Amendment, and will be anchored by the new community gathering space in the heart of the center. The Landscape Plan also depicts the significant improvements to landscaping at the center proposed by the Amendment.

The Project significantly improves pedestrian and bicycle circulation around and through the site by adding both a separated bikeway and sidewalk along Old Columbia Pike and sidewalk along the new main entrance drive to connect the Property frontage to the new commercial buildings and existing center beyond. These improvements will greatly improve the safety, efficiency, and adequacy of circulation patterns, as there is currently no pedestrian or bicycle infrastructure along the Property's Old Columbia Pike frontage or the main entrance drive. A further enhancement to pedestrian safety and efficiency is the connection to the BRT Station and Park and Ride via the community gathering space, which will include a clearly marked crosswalk.

Vehicular circulation patterns will also be safe, efficient, and adequate. Vehicular access and circulation patterns will be simplified through the closure of some curb cuts within the center, reducing potential points of conflict.

- (4) *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development;*

on a corner lot unless permanently screened from any street by a 5-foot or higher wall or fence.” The Property is not a corner lot. Therefore, this requirement does not apply.

The proposed new buildings and changes to the existing shopping center are compatible with other uses and other site plans, and with existing and proposed adjacent development. Development in the area surrounding the Property is largely of a commercial character and forms the main commercial center of Burtonsville. As noted above, the Property is currently defined by its aging and partially vacant retail strip center. The Project represents a first step in transforming the Property from its current state to an attractive and vibrant activity center serving the surrounding Burtonsville community. As described in detail herein, the Project will revitalize the existing shopping center by creating new open space, improving pedestrian and bicycle access, and activating the Property's Old Columbia Pike frontage with new commercial uses. In this manner, the Project will not only revitalize the Property, but also will enhance the overall commercial area.

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

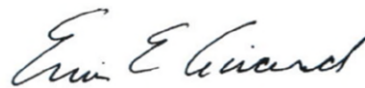
As noted above, the Project is exempt from Forest Conservation (Chapter 22A) requirements. With regard to Stormwater Management (Chapter 19), the Project proposes to enhance stormwater management by introducing new micro-bioretenion facilities throughout the site. These new facilities will provide a level of stormwater management redundancy for the shopping center.

VII. CONCLUSION

Based on the foregoing, the Applicant respectfully requests that the Planning Board approve the Site Plan Amendment.

Respectfully submitted,

Miles & Stockbridge PC



Erin E. Girard
Laura M. Tallerico
11 N. Washington Street, Suite 700
Rockville, Maryland 20850
(301) 517-4804 (Girard)
(301) 517-4833 (Tallerico)

Attachment B

LEGEND

- EX. BUILDING (TO BE REMOVED)
- EX. BUILDING (TO REMAIN)
- PROP. BUILDING (NON-RESIDENTIAL)
- EX. STREAM
- EX. CURB
- PROP. CURB
- EX. SIDEWALK
- PROP. SIDEWALK
- LOD
- FCE
- LIMITS OF SITE PLAN AMENDMENT

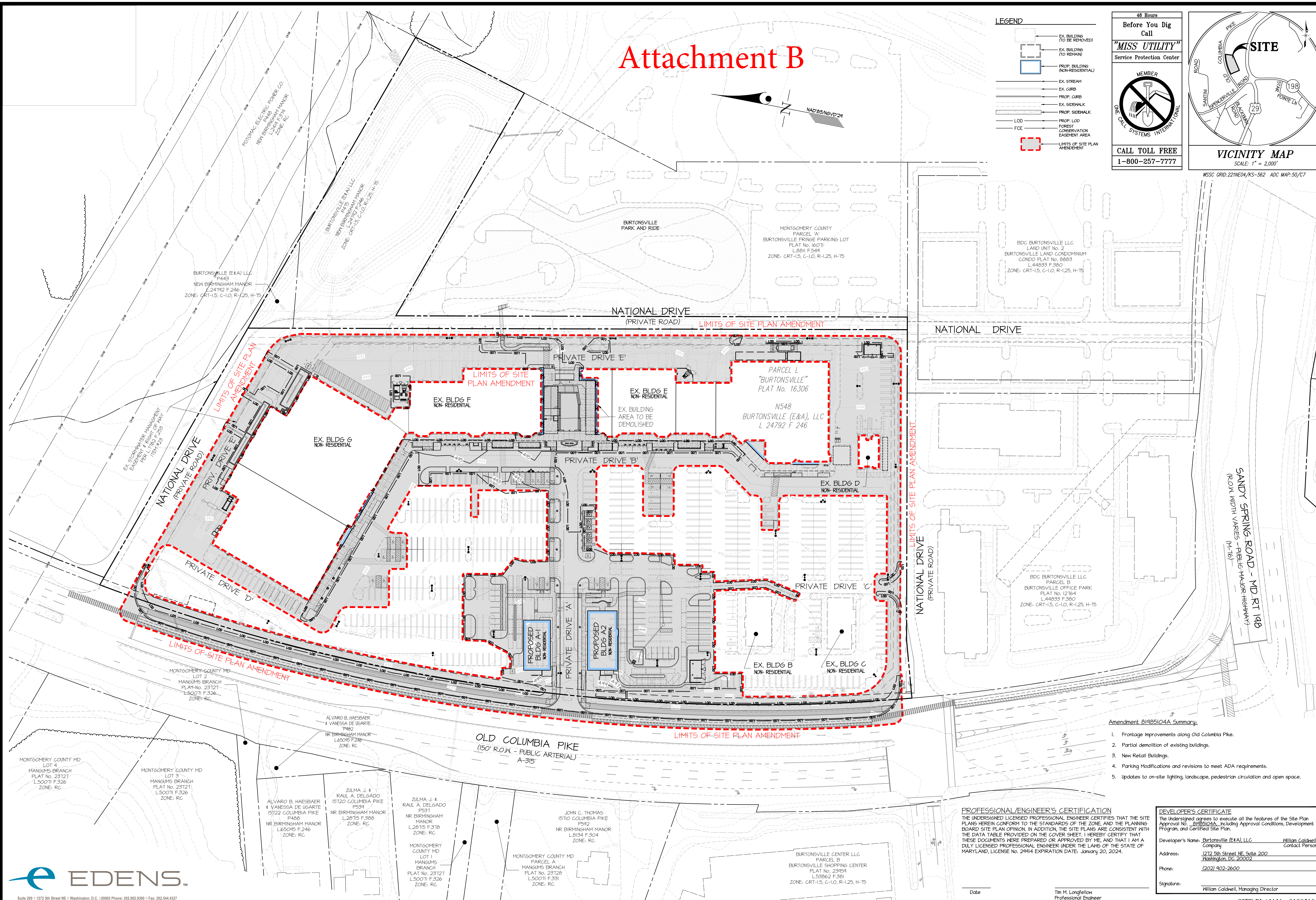
48 Hours
Before You Dig
Call
"MISS UTILITY"
Service Protection Center

MEMBER
ONE CALL SYSTEMS INTERNATIONAL

CALL TOLL FREE
1-800-257-7777

VICINITY MAP
SCALE: 1" = 2,000'

WSSC GRID: 221NE04/KS-562 ADC MAP: 50/C7



- Amendment 81985104A Summary:**
1. Frontage improvements along Old Columbia Pike.
 2. Partial demolition of existing buildings.
 3. New Retail Buildings.
 4. Parking Modifications and revisions to meet ADA requirements.
 5. Updates to on-site lighting, landscape, pedestrian circulation and open space.

PROFESSIONAL ENGINEER'S CERTIFICATION
The undersigned, licensed PROFESSIONAL ENGINEER CERTIFIES THAT THE SITE PLANS HEREIN CONFORM TO THE STANDARDS OF THE ZONE, AND THE PLANNING BOARD SITE PLAN OPINION. IN ADDITION, THE SITE PLANS ARE CONSISTENT WITH THE DATA TABLE PROVIDED ON THE COVER SHEET. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE No. 29194 EXPIRATION DATE: January 20, 2024.

DEVELOPER'S CERTIFICATE
The undersigned agrees to execute all the features of the Site Plan Approval No. 81985104A, including Approval Conditions, Development Program, and Certified Site Plan.

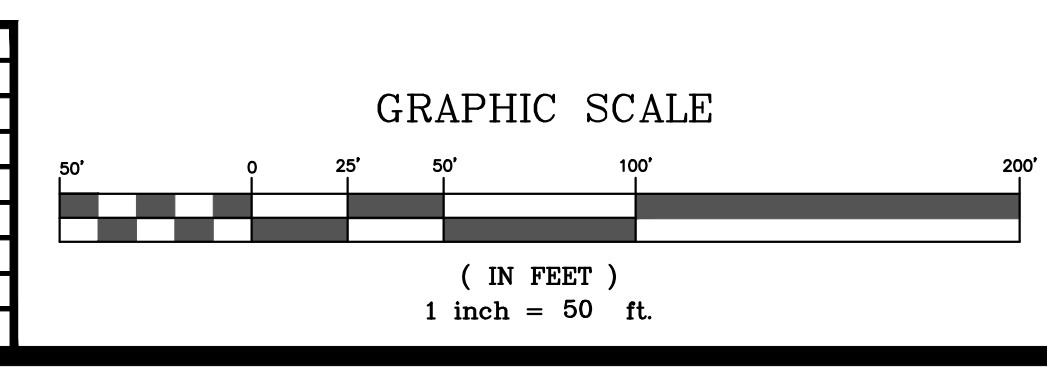
Developer's Name: Burtonville (E&A), LLC William Caldwell, Contact Person
Address: 1272 5th Street NE, Suite 200 Washington, DC 20002
Phone: (202) 902-2600
Signature: William Caldwell, Managing Director

Date: _____
Tim M. Longfellow
Professional Engineer
Gutschick, Little & Neber, P.A.

EDENS
Suite 200 • 1272 5th Street NE • Washington, D.C. • 20002 Phone: 202.902.9300 • Fax: 202.544.4327

GLW
PLANNING [ENGINEERING] SURVEYING
3809 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20896 | GLWPA.COM
PHONE: 301-421-6024 | BALT: 410-880-1850 | DC/VA: 301-489-2524 | FAX: 301-421-4138

DESIGNED BY	DATE	REVISION	BY	APPR.
KAB				
TML				



PREPARED FOR:
Burtonville (E&A), LLC
1272 5th Street NE
Suite 200
Washington, DC 20002
Attn: Jim McKenney
202-902-2600

SCALE	1"=50'
DATE	JUNE 2022
ZONING	CR1-1.5 (C-1.0 R-125, H-75)
TAX MAP - GRID	K5-562

COMPOSITE PLAN

BURTONSVILLE CROSSING SHOPPING CENTER
PARCEL 'L' - BURTONSVILLE
Plat No. 16306
Deed Book 24792 Page 246

COLESVILLE ELECTION DISTRICT No. 05
MONTGOMERY COUNTY, MARYLAND

G. L. W. FILE No. 16028
SHEET 4 OF 25

**May 26, 2022****Keith Bennett**3909 National Drive Suite 250
Burtonsville, MD 20866**Dear Mr. Bennett,**

On May 11, 2022, Intake and Regulatory Coordination staff of the Montgomery County Planning Department received an Existing Conditions Plan for a revitalization of an existing shopping center at 15179 Old Columbia Pike. The Forest Conservation Exemption and Existing Conditions Plan number for the project is 42022201E. Review of the forest conservation exemption is complete. No forest or forest stream buffer will be impacted by the project. No significant or specimen trees will be cleared.

The project is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(t)(1) because the modification is taking place to an existing non-residential developed property. Additionally, the proposed construction activity adheres to the following: (1) no more than 5,000 square feet of forest is ever cleared at one time or cumulatively after an exemption is issued; (2) the modification does not result in the cutting, clearing, or grading of any forest in a stream buffer or located on a property in a special protection area which must submit a water quality plan; (3) the modification does not require approval of a preliminary plan of a subdivision; and (4) the modification does not increase the developed area by more than 50% and the existing development is maintained.

Forest Conservation Exemption Request No. 42022201E for the revitalization project 15179 Old Columbia Pike is confirmed. The Existing Conditions Plan submitted for the project is approved, with the following conditions:

- Hold a preconstruction meeting with a forest conservation inspector, a Maryland Licensed Tree Expert, the property owner's representative, construction superintendent, and a Montgomery County Department of Permitting Services (DPS) sediment control inspector to review the staked limits of disturbance
- Install tree protection fencing and root prune where necessary, and have it inspected by a qualified tree professional

Any changes from the confirmed exemption and approved plan may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications to the approved plans, a separate amendment may be required for Montgomery County Planning Department review and approval prior to those activities occurring.

Sincerely,

Kara Farthing

Kara Farthing

Forest Conservation Inspector

240.772.6453



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20907

MONTGOMERY COUNTY PLANNING BOARD

OPINION

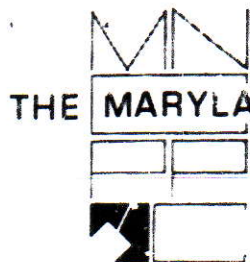
Preliminary Plan 1-84243
NAME OF PLAN: BURTONSVILLE

On 11-06-84, BURTONSVILLE LTD. PART. , submitted an application for the approval of a preliminary plan of subdivision of property in the C1 zone. The application proposed to create 1 lots on 11.80 ACRES of land. The application was designated Preliminary Plan 1-84243. On 04-25-85, Preliminary Plan 1-84243 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing , the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-84243 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-84243, subject to the following conditions:

1. Covenant with Planning Board limiting development to 130,000 square feet shopping center and requiring construction contract for intersection improvements described in 4/18/85 Trans. Div. memo prior to construction of shopping center
2. SHA approval of access to site
3. Conditions of DEP SWM approval
4. Necessary easements
5. No clearing, grading or recording of lots prior to site plan approval by Montgomery County Planning Board unless O-M portion of property is rezoned to non-site plan zone

Date of Mailing: May 9, 1985

Date of Mailing: December 7, 1988



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760
MONTGOMERY COUNTY PLANNING BOARD
OPINION

Projects and Preliminary Plan Nos.:

1-84243	Burtonsville
1-84244	Parsley Tract
1-83203	McKnew Property
1-84185	Burtonsville Industrial Park
1-85018	Conway Property

Action: Revisions to conditions of Approval for Preliminary Plan Nos. 1-84243, 1-84244, 1-83203, 1-84185, 1-85018.

(Motion by Commissioner Floreen; Seconded by Chairman Christeller; with a vote of 5-0; in favor; with no Commissioners voting against).

On February 18, 1988, the above listed Preliminary Plans were brought before the Montgomery County Planning Board for a public hearing to consider a request by the applicants for revision to conditions of approval previously imposed by the Planning Board.

At the February 18, 1988 public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the request for revision.

This hearing followed by several months the Planning Board's hearing of December 17, 1987 requested by the owners and developers of properties of the above listed properties. At that time, the applicants presented these approved preliminary plans to the Planning Board to receive the Board's concurrence that, for purposes of meeting the requirements of the Adequate Public Facilities Ordinance (APFO) (Section 50-35(k) of the Subdivision Regulations), conditions relating to the U.S. Route 29/and MD. Route 198 intersection improvements were satisfied.

On December 17, the Planning Board determined that the applicants had not satisfied the previously adopted conditions for fulfilling the requirements of the APFO and reaffirmed conditions of approval previously adopted by the Planning Board for each of these preliminary plans. Therefore, this meeting of February 18, 1988 was requested by the applicants for approvals of a traffic mitigation program which would permit development to build on and occupy certain properties prior to the full improvement of the U.S. 29 and MD. 198 intersection.

In a memorandum dated February 12, 1988, Staff of the Planning Board's Transportation Planning Division analyzed the applicant's proposal outlined for the Planning Board and recommended a three-phase traffic alleviation program. Based on a proposal whereby the developers, MCDOT, and the SHA participate in phased implementation of park-and-ride lots, express bus services, and intersection improvements, staff recommended approval of amendments to the existing preliminary plan conditions for the subject properties. Staff also provided to the Planning Board several statistical tables for the purposes of showing traffic levels before, during, and after the intersection improvements required. Staff testified that the prevailing rationale for this approach was to make certain that no development could be scheduled which would result in a worsening of the existing traffic condition.

Staff testified in detail about its proposed three-phase traffic alleviation plan. Basically, the plan called for providing traffic alleviation measures before the release of building permits and use and occupancy permits for each of the subject properties. Staff testified that release of building permits (for residential units) and use and occupancy permits (for retail, office, and warehouse space) would be released following completion of:

1. In Phase I, a temporary park-and-ride lot with a designated number of express buses to serve it, and a temporary north bound lane at the intersection;
2. In Phase II, a larger permanent park-and-ride lot with more frequent larger capacity bus service; and
3. In Phase III, the State Highway Administration improvements to the intersection.

In written and oral testimony, the applicants provided their response to the staff proposal. The applicants acknowledged there was general agreement regarding certain interim transportation improvements that the applicants, in cooperation with MCDOT, are in a position to provide (ex: a temporary park-and-ride lot and an additional temporary north bound lane on U.S. Route 29). The applicants also stated that there was agreement regarding completion and implementation dates for the permanent transportation improvements anticipated by the previously approved preliminary plans. The applicants, however, stated several disagreements with staff's proposed plan.

The applicants prepared and presented to the Planning Board a traffic analysis which they believed describes the net traffic impact of the developments and the relief provided by the transportation improvements through July, 1989 when the intersection improvements are scheduled for completion. The applicant explained that the report demonstrated the minimal traffic impact these developments will have given the extent of the transportation improvements being provided.

Second, the applicants testified on their position that the Planning Board has discretionary authority to sequence the occupancy of their developments consistent with the traffic analysis provided by their traffic engineer, and that the Planning Board can find that all planned transportation improvements are adequate since these are all planned to be in place within seventeen months.

Third, the applicants urged the Planning Board to adopt suggested Phase IA development limitations (Table 1) rather than Phase IB development limitations (Table 2) which is preferred and recommended by Transportation Division staff. The applicants claim that Phase IB is based mistakenly on the assumption that the temporary lot will operate at full fare from its initial day of operation.

The applicants also stated their disagreement with staff's proposal that the APFO development limitations on the McKnew Property occur at release of building permits, rather than at occupancy of dwelling units. The applicants requested that the Planning Board adjust this limitation to final inspection. This suggestion was based on the reasoning that the construction generated no new traffic and occupancy, which does generate new traffic, could be prevented until the agreed upon transportation improvements are complete and in operation.

Planning Board staff testified in response to the applicant's traffic analysis. The applicants proposed that the Planning Board count the State Highway Administration's intersection improvements as a credit toward the alleviation of the traffic to be generated by these properties. Staff stated that under the procedures employed by the Planning Board in administering the Annual Growth Policy, a State road improvement is first counted as a credit toward removing whatever background traffic already exists before it is applied against the traffic newly generated by the applicants' development. The applicants testified that when all improvements are completed a better traffic situation than now exists will be in place. In support of their position, the applicants cited the table titled "Critical Volume Calculation for U.S. 29 and MD 198" (See Attachment 1) and compared the background conditions (LOS F/CLV 2277) with background conditions plus site traffic plus intersection improvements plus commuter parking lot improvements (LOS F/CLV 1777) to demonstrate the anticipated traffic improvements where the level of service remains at "F" but the critical lane volume of traffic is reduced.

Staff stated to the Planning Board that the applicants presented an incorrect comparison. Rather, the correct comparison is between background conditions plus intersection improvements (LOS F/CLV 1571) and background conditions plus site traffic plus intersection improvements plus community parking lot improvements (LOS F/CLV 1777). Staff concluded that, in fact, traffic conditions worsened following the proposed development.

Staff also concluded if the subject plans were being reviewed as new applications for subdivision today, the staff would recommend denial based on the resulting traffic numbers and the APF requirement that subdivisions being approved cannot make an existing failing intersection condition worse.

The Planning Board Chairman addressed the Planning Board's statutorily mandated role in administering the Adequate Public Facilities Ordinance through the Annual Growth Policy. Both the APF and the AGP regulate how and when the proposed "end state" development, as provided in a Master Plan, is reached. The Chairman stated that the issue before the Planning Board is one of vehicular traffic along the U.S. 29 corridor as well as the requirement that adequate public facilities be in place to serve development before additional vehicles are on the road.

The staff provided oral and written testimony as to its preference for Phase IB over Phase IA. In its memorandum of February 12th and as subsequently discussed with the Planning Board, the Staff presented its recommendation of how development could proceed in conjunction with phased-in traffic alleviation measures and stated as follows:

The difference between the Phase IA and Phase IB alternatives in the attached tables reflects the discontinuance of free bus fares by May 1, 1988. Phase IB assumes that the full 80 cents fare is imposed at the temporary park-and-ride lot. Our recommended conditions of approval reflect the more restrictive Phase IB conditions, to account for the possibility that the free bus fare at the temporary lot will be discontinued before the permanent lot is completed and ready for service. The predictions of park-and-ride lot effectiveness for various changes in bus fare and headway assumptions (in terms of trips removed in the critical lanes of the US 29/MD 198 intersection) are based on MDCOT surveys conducted at the Briggs Chaney park-and-ride lot and research studies from other parts of the nation.

We understand that the applicants prefer a more accelerated building construction and occupancy schedule than we have shown. However, it is the Staff's opinion that the recommended building construction and occupancy schedules shown in Tables 1-4 allow development to proceed at a reasonable and realistic pace consistent with the County's adequate public facilities regulations.

Staff also stated in its February 12th memorandum its reasoning for differing with the applicants and its preference that progress in the phasing of development be linked to building permits instead of occupancy:

In particular, the Development Group prefers an accelerated schedule for building permit approvals. We can appreciate the developer's desire to build

as many of its units as possible during the upcoming construction season, particularly if market conditions are good. We are faced with the reality, however, that the Development Group is currently in violation of its preliminary plan conditions. The existing conditions (approved by the Planning Board on September 14, 1984) require that the full intersection improvement be completed "by the time 200 dwelling units are complete or when 3 years have elapsed from the date of site plan approval and execution of a site plan enforcement agreement, or by the time the Critical Lane Volume of intersection reaches 1,525, whichever occurs first."

It is our Staff's understanding that the Department of Environmental Protection has already released to The Development Group approximately 284 building permits, and that approximately 274 units are already occupied.

Another important limiting factor in the timing of building permits for The Development Group is its progress toward achievement of the performance goal for the developer's ridesharing program (East Montgomery County Share-A-Ride). The goal requires that the percentage of total dwelling units occupied be comparable to the percentage of the trip reduction goal achieved. At present, we have credited the ridesharing program for achieving approximately 56% of its goal. The Staff's recommended building permit schedule for The Development Group reflects, in part, the ridesharing program's expected rate of progress (based on the trendline over the past 1 1/2 years) toward achieving its final trip reduction goal.

Based upon the testimony and evidence presented by representatives of the applicants and by staff, the Montgomery County Planning Board finds:

1. That traffic alleviation measures are necessary and appropriate in order for the applicants to meet the conditions adopted for these preliminary plans to comply with the requirements of the Adequate Public Facilities Ordinance.
2. That the Three Phase Traffic Alleviation Plan recommended by staff is the plan which best provides these traffic alleviation measures since it best reflects the authority of the Planning Board under the APFO and the AGP for allowing development to proceed while providing road facilities to accommodate newly generated traffic.
3. That the Three Phase Traffic Alleviation Plan recommended by staff will be modified to reflect the applicant's proposal that APFO development limitations for the residential developments occur at the time of release of final inspection rather than building permits

as proposed by staff.

Additionally, the Montgomery County Planning Board finds that the preliminary plans are in accordance with the purposes and requirements of the subdivision regulations and, therefore,

● approves revised Preliminary Plan 1-84185, (Burtonsville Industrial Park), subject to:

- 1) Agreement with Planning Board limiting development to 136,500 square feet of office space and 113,500 square feet of warehouse space.
- 2) Agreement with the Planning Board requiring implementation of Three Phase Traffic Mitigation Program as outlined in 2-12-88 Transportation Division memo and which memo is hereby amended to require that Phase II (as set forth in said memo) cannot begin until the passenger equivalent of Table 3 of the memo is achieved.
- 3) Dedication and construction of Dino Drive (80' right-of-way) through property with ingress/egress easements provided for property to north and south with alignment to be determined at site plan.
- 4) SHA requirements for access to site.
- 5) No clearing, grading or recording of lots prior to site plan approval by MCPB.
- 6) Necessary easements.
- 7) Conditions of DEP stormwater management approval.
- 8) Establishment of a separate building lot for each of the 4 proposed buildings.

● approves revised Preliminary Plan 1-84243 (Burtonsville-Giant Shopping Center) subject to:

- 1) Agreement with Planning Board Limiting Development to 173,000 Square Foot Shopping Center and requiring implementation of Three Phase Traffic Mitigation Program as outlined in 2-12-88 Transportation Division memo, and which memo is hereby amended to require that Phase II (as set forth in said memo) cannot begin until the passenger equivalent of Table 3 of the memo is achieved.
- 2) SHA approval of Access to Site.
- 3) Conditions of DEP Stormwater Management approval.

- 4) Necessary Easements.
- 5) No clearing, grading or recording of Lots prior to Site Plan approval, by Montgomery County Planning Board unless O-M Portion of Property is rezoned to non-site Plan Zone.

● approves revised Preliminary Plan 1-83203 (McKnew Property), subject to:

- 1) Agreement with Planning Board requiring implementation of Home-Based Personalized Ridesharing Program per Transportation Division memo dated 12-20-84 and requiring implementation of Three Phase Traffic Mitigation Program as Outlined in 2-12-88 Transportation Division memo and which memo is hereby amended to require that Phase II (as set forth in said memo) cannot begin until the passenger equivalent or Table 3 of the memo is achieved.
- 2) Dedication and Construction of McKnew Road
- 3) No clearing, grading or recording of Lots prior to site plan approval.
- 4) Number and location of units to be determined at site plan.
- 5) Dedication of local park and passive recreation area to M-NCPPC with grading and recreational opportunities to be addressed at site plan. Must include small parcel off of street "J" for connection to Fairland Regional Park.
- 6) Planning Board waiver to permit more than 60 percent townhouses, subject to Condition #3.
- 7) 335 TDR's and 84 MPDU's required subject to Condition #3.
- 8) Necessary Easements.
- 9) Record Plats to include a minimum of 111.5 acres subject to Condition #3.
- 10) A Staging Agreement with the Planning Board in which the applicant agrees to follow a specific schedule of occupancy, to refrain from requesting final inspection on units in excess of that schedule, and to be bound to a financial penalty if occupancy exceeds the schedule.

● approves revised Preliminary Plan 1-85018 (Conway Property), subject to:

- 1) Agreement with Planning Board requiring implementation

in 2-12-88 Transportation Division memo, and which memo is hereby amended to require that Phase II (as set forth in said memo) cannot begin until the passenger equivalent of Table 3 of the memo is achieved.

- 2) Extend "B" Street to Rushing Property.
- 3) All streets to be public.
- 4) Conditions of DEP Stormwater Management approval.
- 5) No clearing, grading or recording of Lots prior to site plan approval by Montgomery County Planning Board.
- 6) Number and location of units to be determined at site plan.
- 7) 32 TDR's and 10 MPDU's required subject to Condition #6.
- 8) Necessary Easements.

o approves revised Preliminary Plan 1-84244 (Parsley Tract) for 2 outlots ONLY, subject to:

- 1) Necessary Easements.

The Three Phase Traffic Mitigation Program as provided in the 2-12-88 Transportation Division Memorandum (as revised by the Planning Board on 2-25-88) with which the applicant must agree is set forth in Attachment 2 and is made a part of this Opinion.

Date of Mailing: December 7, 1988



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD
OPINION

Projects and Preliminary Plan Nos.:

- 1-84243 Burtonsville
- 1-83203 McKnew Property
- 1-85185 Burtonsville Industrial Park
- 1-85018 Conway Property

Action: Revisions to conditions of Approval for the above Preliminary Plans Nos. 1-84243, 1-83203, 1-85185, 1-85018. (Motion by Commissioner Floreen, Seconded by Commissioner Keeney, with a vote of 5-0. No Commissioners voted against.)

On August 4, 1988, the above listed preliminary plans were brought before the Montgomery County Planning Board for a public hearing to consider a request by the applicants for revision to conditions of approval for these plans previously improved by the Planning Board. At this public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the request for revision.

On February 16, 1988, the Planning Board modified its previous conditions of approval of these preliminary plans by adopting the Three Phase Traffic Alleviation Plan. This Plan was recommended by the Board's Transportation Division staff but modified to reflect the applicants' proposal that APFO development limitations for the residential properties occur at the time of release of final inspection rather than building permits.

The Planning Board and its staff stated the reasons for considering these proposed revisions as follows: (1) the signing of purchase contracts between Ryan Homes (McKnew Property) and prospective homeowners who allege that Ryan Homes did not fully disclose the preliminary plan constraints regarding final inspections and (2) commencement of less than adequate express bus service which prevented timely achievement of the ridership goal.

In its memorandum of July 29, 1988, staff of the Planning Board's Transportation Planning Division provided its recommendation and rationale for these revisions:

It appears to staff that the prospective home-

owners who have signed contracts with Ryan Homes are not at fault and therefore should not be inconvenienced further. Although the County's Consumer Affairs Office has negotiated an arrangement with Ryan Homes to provide limited compensation for the prospective homeowners, there is no real substitute for eliminating the disruption in their lives and allowing them to move into their new homes. Therefore, staff recommends that the 134 prospective homeowners listed in Attachment E be allowed to proceed to final inspection and settlement. Adding 134 to the 330 units already occupied would result in a total of 464 occupied units on the McKnew Property.

Our staff's experience with this case has shown that attempting to enforce development at final inspection, as was requested by the developer, is impractical. While we have seen no evidence that the developer violated the mandated limit for final inspections, we were not able to prevent the homebuilder from continuing to sign purchase contracts, applying for building permits, and allegedly raising prospective homeowners' expectations as though no limit existed. Staff is also finding it extremely difficult to obtain correct information from County DEP and the developers on the status of final inspections and occupancies of homes. Coscan-Washington, Inc., for instance, has provided us only one monthly tally on the status of its homes over the past three months. That one tally was submitted only after much prodding, and ultimately turned out to be incomplete. The developers' agreement requires monthly certifications regarding the status of final inspections. For the above important reasons, our staff recommends revising the conditions of approval for the two residential developments so that certain traffic alleviation measures must take place by building permit rather than final inspection.

The Planning Board Chairman stated that the issues surrounding this group of preliminary plans are complex. Basically, the Planning Board's actions to date were based on its legislatively mandated role of not allowing development to proceed until traffic facilities are adequate to accommodate the traffic newly generated. The Chairman also stated that in its February 18, 1988 action on these plans the Planning Board revised conditions of approval for the preliminary plan so that no units would proceed through final inspection until the requirements for traffic alleviation are met. The Chairman noted, however, that the conditions placed upon the developer had not been met. Therefore, under these same conditions there could be no final inspection of these homes even though individuals had signed contracts of purchase with Ryan. Thus, the proposed

revision of conditions is to allow these purchasers to occupy their homes. Commissioner Floreen stated that the public needs protection in such matters since it is generally not knowledgeable of the complexities of traffic requirements that could restrict or impact the sales, purchase, or occupancy of residences.

The applicant for the McKnew Property testified as to events in this matter. Homes were sold since the developers were optimistic that the goals for traffic alleviation could be met. The applicant also testified that the program for traffic improvements was changed by the Planning Board in its February 18, 1988 action and that a large number of homebuyers already had contracts of purchase. The Planning Board members, however, reminded this applicant that there was no evidence presented at the prior meeting that this project could proceed with development beyond the limitations imposed by the Board in the conditions of approval. Additionally, the February 18, 1988 hearing with the Planning Board was called at the request of the preliminary plan applicants for the purpose of revising their respective plans. Planning Board members stated that this applicant clearly proceeded with its project contrary to its responsibility to adhere to the conditions of preliminary plan approval.

The applicant agreed with Attachment E (attached to this Opinion, and referred hereto, as Attachment 1) of the transportation staff's memorandum of July 29, 1988 that a total of 134 homes had been contracted for which no final inspections could occur. Staging the delivery of these homes was scheduled from July, 1988 through February, 1989. The most critical purchases were those 96 families awaiting settlement in July, 1988 and August, 1988.

Chairman Christeller reiterated staff's recommendation that the Planning Board revise the prior conditions of approval to allow occupancy of the 134 units so these purchasers would no longer be adversely impacted, and that the Board also link progress in development to building permits rather than final inspections as the means for precluding this type of situation from occurring again.

The representative from Ryan Homes, Inc., which sold the homes to the 134 purchasers without properly advising them of the condition for final inspection, stated the significance of the problem and his company's intention of settling on all 96 homes by August 31. Ryan Homes, Inc. also stated that it will provide weekly status reports to the Planning Board on its progress in these settlements.

The developers also proposed adjusting the morning peak hour for the purposes of evaluating achievement of the bus ridership goal and using a time period of 1 hour and 15

minutes of bus ridership rather than 1 hour exactly. In its memorandum, Transportation Division staff stated its position on these proposals:

Our staff also disagrees with the developers' proposal to make the morning peak hours "flexible" for the purposes of evaluating achievement of the bus ridership goal. Picking the hour between 6:00 AM and 9:00 AM that has the most bus passengers does not necessarily correspond to the street traffic peak hour. That is particularly true in cases such as this, when express bus services cater primarily to the extra early riders destined for Washington, D.C. An adjustment we are willing to recommend, however, is to shift the peak hour, for bus ridership evaluation purposes from 7:30 - 8:30 AM to 7:00 - 8:00 AM. Although the street peak hour in the area has normally been during 7:30 - 8:30 AM, we are allowing for the fact that former auto drivers would need to board the bus somewhat earlier in order to compensate for the additional time associated with using the bus. The 7:00 - 8:00 AM period is the earliest evaluation hour we can justify.

In addition, developers have suggested that we evaluate the peak hour and 15 minutes of bus ridership rather than 1 hour exactly. Our staff's only reaction at this point is that it is an unreasonable request. If the rationale for expanding the peak hour evaluation period is that it would capture buses that are early or late, then our staff would have to look at the peak 1 hour and 15 minutes of development-generated traffic in our traffic studies as well to account for early or late auto driver arrivals. Such a suggestion is clearly inconsistent with previous development approvals.

The Planning Board also disagreed with extending the standard 60 minute peak hour to 1 hour and 15 minutes unless there was a similar increase in the bus ridership requirements.

The second issue considered by the Planning Board was the applicants' request that occupancy of their development be based on the partial achievement traffic road reduction goals as provided for in Phase II of the Planning Board's action of February 18, 1988.

The applicants testified that while their ridership goal was still approximately 15 people away from meeting peak hour demands there was overall improvement of ridership

in the Route 29 corridor. The applicants were not asking for relief from the obligation of meeting performance standards but, instead, were asking for an interim step, i.e., phasing which would be established by taking into account the applicants' traffic alleviation achievements to date. In its July 29, 1988 memorandum, Transportation Division staff recommended against the applicants' proposal and offered the following reasoning:

Our staff does not agree with the developers' proposal that all the developers should be allowed to increase the number of occupancies beyond what the Planning Board approved in February. We recognize the importance of allowing a certain number of prospective homeowners to move into the McKnew Property, however, we have not seen any compelling reason to accelerate occupancies on the other properties. The developers contend that they should all be given credit for the percentage of the bus ridership goal that has currently been achieved. We have told them, however, that meeting the total bus ridership goal of 166 passengers in the peak hour in Phase II is merely "catching up" for the amount of development that has already taken place in Phase I of the combined properties. We point out that the requirement for 166 passengers corresponds to the 184 guaranteed seats required in Section B(1)(b) of the existing Phase I conditions of preliminary plan approval.

Regarding the applicant's claim that its efforts have provided for overall improvement of ridership in the Route 29 corridor, staff stated in its memorandum as follows:

Our staff also wishes to point out that there has been a substantial decrease in usage of the Briggs Chaney park-and-ride lot. Since the commencement of free Ride-On express bus service from the Burtonsville park-and-ride lot, there has been a decline of 50-100 cars at Briggs Chaney. We cannot attribute the change to seasonal factors since we understand that there was no significant decrease in usage of the Briggs Chaney lot during the summer of 1987. Since the one-way fare from Briggs Chaney is now eighty cents, we conclude that there has been a substantial diversion of park-and-ride lot users to Burtonsville in order to take advantage of the free fare at that location.

The applicants also cited potential problems with meeting the conditions for intersection improvements in Phase III due to the State and County governments considering possible HOV lane requirements. The applicants

testified that they prefer that the conditions state a date certain when the limitations imposed by the Planning Board will end. Therefore, the applicants proposed a substitute for Phase III of subsidizing bus ridership until the end of the year. The Planning Board responded that it found no reason to alter the current conditions at this time.

During the public hearing, the Planning Board received copies of a letter dated August 2, 1988 from Mr. D. Bob Pearson, Vice President, Division Manager, Ryland Group, Inc., to Mr. Eric Larsen of the Montgomery County Department of Housing and Community Development, Moderately Priced Housing Program. (See Attachment 2). The letter stated Ryland's request to withdraw from the offering of Moderately Priced Dwelling Units (MPDUs) in the Valley Stream Estates subdivision. Ryland was the purchaser of finished lots from one of the applicants (Coscan-Washington, Inc.) on the Conway property. Ryland cited the failure of Coscan to meet the bus ridership goals previously required by the Planning Board and the resulting limitation of final inspection to 50 of the 75 dwelling units expected for this property.

While Coscan Washington, Inc. was notified of this public hearing, no representative was present, nor was any representative present from Ryland. The Planning Board did hear testimony from staff of the county's Department of Housing and Community Development concerning the proposed cancellation of the 10 MPDUs. To address the Planning Board's concern for completion of the MPDUs, the Board's staff recommended revision to item #2 in the July 29 Transportation Division memorandum to reflect the requirement for completion of 10 MPDUs. A member of the public testified as to his understanding of this situation as a representative of an MPDU purchase in the Ryland development. Planning Board members stated their interest in acting on this matter which Coscan Washington could respond to at a subsequent Planning Board session.

Based upon the testimony and evidence presented by representatives of the applicants and by staff, the Montgomery County Planning Board finds:

- (1) That final inspection of the additional 134 units on the McKnew Property be permitted as recommended by staff in order to eliminate disruption to these home purchasers and expedite occupancy.
- (2) That the Planning Board agrees with its staff's recommendation that there are no compelling reasons to justify the acceleration of occupancies of the subject properties (other than the McKnew Property).
- (3) That there are substantial and significant

difficulties involved when conditions of preliminary plan approval require completion of traffic alleviation measures at final inspection and, therefore, the Planning Board agrees with staff's recommendation that these traffic alleviation measures must be completed instead at building permit.

(4) That the position of Ryland Group, Inc. that contracts with purchasers of MPDUs on the Conway Property are to be cancelled is contrary to previous actions by the Planning Board.

(5) That the Three Phase Traffic Alleviation Program (as initially approved by the Planning Board on February 25, 1988) as presented by Transportation Division Staff in its Memorandum of July 29, be amended as follows:

(a) Revise Section B(3)(b) of the existing Phase I conditions so that the Development Group may increase the number of requests for building permits to no more than 464 of the 669 dwelling units planned on the McKnew Property, subject to the limitations of the ridesharing agreement.

(b) Revise Section B(3)(c) of the existing Phase I conditions so that Coscan-Washington, Inc. is restricted to requests for building permits rather than final inspections for up to 50 dwellings units on the Conway Property. However, no further building permits are to be issued beyond what had been issued as of August 4, 1988, except for MPDUs, and there shall be no further final inspections on any other buildings until completion of final inspection of all MPDUs.

(c) Revise Section C (1)(b) so that the A.M. peak hour is stated explicitly to be 7:00 a.m. - 8:00 a.m.

(d) Revise Section C(2)(b) of the existing Phase II conditions so that the Development Group is restricted to requests for building permits rather than final inspections for up to 6 additional dwelling units on the McKnew Property, subject to the limitations of the ridesharing agreement.

(e) Revise Section D(3)(a) of the existing Phase III conditions so that the Development Group is restricted to requests for building permits rather than final inspections for up

to 199 additional dwelling units on the McKnew Property, subject to the limitations of the ridesharing agreement.

(f) Delete section F of the existing conditions.

(g) Add a new section F that requires the Developers to provide free express bus service from Burtonsville to Silver Spring until these conditions are further changed.

Additionally, the Montgomery County Planning Board finds that the preliminary plans are in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50 of the Montgomery County Code) and, therefore

● approves revised Preliminary Plan No. 1-84185 (Burtonsville Industrial Park) subject to the following conditions:

- (1) Agreement with Planning Board Limiting Development to 136,500 Square Feet of Office Space and 113,500 Square Feet of Warehouse Space and Requiring Implementation of Traffic Mitigation Program as outlined in 7-29-88 Transportation Division Memo and revised by the Planning Board;
- (2) Dedication and construction of Dino Drive (80' Right-of-Way) through property with ingress/ egress easements provided for property to north and south with alignment to be determined at site plan;
- (3) SHA requirements for access to site;
- (4) No clearing, grading or recording of lots prior to site plan approval by MCPB;
- (5) Necessary easements;
- (6) Conditions of DEP Stormwater Management approval;

● approves revised Preliminary Plan No. 1-84243 (Burtonsville) subject to the following conditions:

- (1) Agreement with Planning Board Limiting Development to 173,500 Square Feet Shopping Center and Requiring Implementation of Traffic Mitigation Program as outlined in 7-29-88 Transportation Division Memo and revised by Planning Board
- (2) SHA approval of access to site

- (3) Conditions of DEP stormwater management approval
- (4) Necessary easements
- (5) No clearing, grading or recording of lots prior to site plan approval by Montgomery County Planning Board unless O-M portion of property is rezoned to non-site plan zone.

● approves revised Preliminary Plan No. 1-85018
(Conway Property) subject to:

- (1) Agreement with Planning Board Requiring Implementation of Traffic Mitigation Program as outlined in 7-29-88 Transportation Division Memo as revised by the Planning Board;
- (2) Extend "B" street to rushing property;
- (3) All streets to be public;
- (4) Conditions of DEP Stormwater Management approval;
- (5) No clearing, grading or recording of lots prior to site plan approval by Montgomery County Planning Board;
- (6) Number and location of units to be determined at site plan;
- (7) 32 TDR's and 10 MPDU's required subject to Condition #6;
- (8) Necessary Easements.

● approves revised Preliminary Plan No. 1-83203
(McKnew Property) subject to the following conditions:

- (1) Agreement with Planning Board Requiring Implementation of Home-Based Personalized Ride-sharing Program per Transportation Division Memo Dated 12-20-84 and Requiring Implementation of Traffic Mitigation Program as Outlined in 7-29-88 Transportation Division Memo as revised by the Planning Board;
- (2) No clearing, grading or recording of lots prior to site plan approval;

- (3) Number and location of units to be determined at site plan;
- (4) Dedication of local park and passive recreation area to M-NCPPC with grading and recreation opportunities to be addressed at site plan. Must include small parcel off of street, "J" for connection to Fairland Regional Park;
- (5) Planning Board waiver to permit more than 60 percent townhouses, subject to Condition #3;
- (6) 335 TDR's and 84 MPDUs required subject to Condition #3;
- (7) Necessary easements;
- (8) Record plats to include a minimum of 111.5 acres subject to Conditions #3.

A:•opin•PP84243

Date of Mailing: December 8, 1988



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Projects and Preliminary Plan Nos.:

1-84243 Burtonsville
1-84244 Parsley Tract
1-83203 McKnew Property
1-84185 Burtonsville Industrial Park
1-85018 Conway Property

Action: Affirm existing conditions of Approval for the above Preliminary Plans. (Motion by Commissioner Keeney, Seconded by Commissioner Henry, with a vote of 5-0. No Commissioners voted against.)

On December 17, 1987, the above listed preliminary plans were brought before the Montgomery County Planning Board for a public hearing to consider a request by the applicants for revisions to conditions of approval adopted by the Planning Board when these plans were previously approved. The applicants presented these approved preliminary plans to the Planning Board to receive the Board's concurrence that, for the purposes of meeting the requirements of the Adequate Public Facilities Ordinance (APFO) (Section 50-35(k) of the Subdivision Regulations), conditions relating to the US Route 29 and Md. Route 198 intersection improvements were satisfied.

Two issues were presented to the Planning Board. First, the applicants were requesting that the Planning Board approve the staged development of their properties prior to the completion of road and parking lot improvements anticipated within seventeen months. Second, since the Parsley Tract was now planned for use as a park-and-ride lot, the applicants were requesting that the development potential for this site be transferred to the Burtonsville property. Therefore, the 125,000 square feet of office space on the Parsley Tract would convert to approximately 43,000 square feet of retail on the Burtonsville Shopping Center. This transfer is permissible when there is common ownership of the properties as in this case.

The Planning Board's staff reviewed the applicant's traffic study proposing the substitution of the park-and-ride lot for the intersection improvements. Staff's analysis concluded that the park-and-ride facility is not an equal substitute for the intersection improvements and does

not bring the intersection up to acceptable levels of service. Staff testified that even when the park-and-ride lot is completed there will still be a failing situation at the intersection until the Maryland State Highway Administration (SHA) actually completes the intersection improvements. Additionally, staff stated that even if the lot were an equal substitute it was not scheduled for completion until the summer of 1988. Therefore, Transportation staff recommended that the applicant's request for staged development be denied. Subdivision staff recommended that conditions previously adopted by the Planning Board for each of these preliminary plans, with some modifications, be approved.

The Planning Board discussed with its staff the manner in which the provisions of the Annual Growth Policy are used in order to allow development while ensuring the adequacy of public facilities. Staff testified that when a developer asks the Planning Board to exercise its ceiling flexibility threshold in the Annual Growth Policy, the road improvements required of the applicant must be completed simultaneously with the development coming on line so that at no point does the situation get any worse than it would be without the project.

Mr. McGarry, Director, Montgomery Department of Transportation, testified to his department's interest in working with the applicants to provide the park-and-ride lot and the associated bus service in 1988 and get the intersection improvements through SHA in 1989. Mr. McGarry acknowledged that the intersection improvements would have been under construction by the applicant if his department had not intervened with its plan to obtain the park-and-ride lot.

The applicants, as represented by counsel, also testified. There is no dispute that the intersection by itself would have been sufficient to take care of the volume produced by the proposed development. The applicants noted, however, that at the behest of the County's Transportation Department they cooperated in providing a park-and-ride facility which was to be conveyed to the County shortly. As a result of the County's intervention, SHA would be undertaking the intersection improvements. Therefore, the facilities required by the Planning Board for alleviating traffic would not be in place if development proceeded. The applicant's position, therefore, was that all the conditions previously imposed by the Planning Board in order to alleviate anticipated traffic, while not complete, are ongoing or scheduled for completion. As a result, the applicants requested that their development go forward.

The applicants and the Planning Board disagreed over whether the Planning Board had the discretion to permit

development before adequate public facilities are in place. Chairman Christeller stated that the Annual Growth Policy requires that for ceiling flexibility, the capacity addition must be scheduled for completion at the same time or before the proposed development is to be completed and that the application must be approved under local area review standards. The applicants testified that the Planning Board could exercise its discretion and approve development prior to completion of these facilities. Board members responded that allowing such development would violate the local area review standards because subdivision may only be approved if they do not worsen the existing traffic situation. The applicant subsequently acknowledged that there would be non-compliance with the requirements of the APFO statute. The Planning Board stated that the waiver provisions described by the applicant cannot be used to waive the requirements of the adequate public facilities ordinance. The Board, staff, and the applicants continued with extensive discussion on whether occupancy of these projects can occur prior to the completion of the anticipated traffic alleviation facilities. The Board stated that the applicants did not provide staff with data on the feasibility of substituting the park-and-ride lot for the intersection improvements. Since data was not presented in a timely manner the Planning Board did not now have the opportunity to provide solutions through the mechanism of the AGP.

The applicants and Planning Board staff disagreed on the traffic estimates prepared by the staff. The applicants testified that the staff's calculations were very conservative and that the impact of the park-and-ride lot would, in reality, be better than indicated. Planning Board staff explained in detail the calculation methodology used in estimating future traffic for this area.

The applicants reiterated that given the anticipated completion of the park-and-ride lot and the intersection improvements, that the Planning Board should make a finding of adequacy of public facilities since these improvements are funded. In response, the Planning Board Chairman referred to the relevant portion of the FY88 Annual Growth Policy which states:

In administering the Local Area Review (LAR), the Planning Board must not approve a subdivision if it finds that an unacceptable peak hour level of service will result after taking into account existing roads, programmed roads, available or programmed mass transportation and improvements, and improvements to be provided by the applicant. If the subdivision will affect an intersection, or roadway link for which congestion is already unacceptable, then the subdivision may only be approved if it does not make the situation worse.

(Emphasis added).

The Planning Board stated that this provision offered no caveats or discretion in its implementation. While the applicants indicated that the scheduled improvements met the previously imposed conditions of subdivision approval, the Planning Board reminded the applicants that these conditions stated that such improvements had to be in place before occupancy and this requirement addressed the whole purpose of the APFO.

Based upon the testimony and evidence presented by representatives of the applicants and by staff, the Montgomery County Planning Board finds:

1. The park-and-ride facility is not an equal substitute for the intersection improvements required by the previously approved conditions of approval and does not bring the intersection up to acceptable levels.

2. The FY-88 Annual Growth Policy permits the Planning Board to approve a subdivision only if such approval does not worsen the existing traffic situation and does not provide the Planning Board with discretion to waiver from this requirement.

3. There is no adequacy of public facilities, as determined by the AGP and APFO, resulting from the applicant's proposal due to the fact that an existing failing intersection would worsen during the short term.

4. That the traffic calculation methodology used by Planning Board staff in its December 17 memorandum to determine the impact of the occupancy of these projects is accepted by the Planning Board as the approach for use in determining the adequacy of public facilities.

In accordance with the purposes and requirements of the subdivision regulations, the Planning Board affirms the existing conditions of approval for Preliminary Plan Nos. 1-84243, 1-84244, 1-83203, 1-84185, and 1-85018 as follows:

A. Approves Preliminary Plan 1-84243 (Burtonsville) subject to:

- (1) Agreement with the Planning Board Limiting Development to 130,000 square feet shopping center and requiring completion of construction of intersection improvements described in 4-18-86 Transportation Division Memo (or park-and-ride lot

if approved by Planning Board) prior to occupancy of shopping center.

- (2) SHA approval of access to site
- (3) Conditions of DEP stormwater management approval
- (4) Necessary easements
- (5) No clearing, grading or recording of lots prior to site plan approval by Montgomery County Planning Board unless O-M portion of property is rezoned to non-site plan zone.

B. Approves Preliminary Plan No. 1-84244, (Parsley Tract), subject to:

- (1) Agreement with the Planning Board Limiting Development to 125,000 square feet office park and requiring completion of construction of intersection improvements described in 4-18-85 Transportation Division Memo (or park-and-ride lot if approved by Planning Board) prior to occupancy of office park (125,000 square feet assigned to Parcel 3 - No development associated with Parcel 2).
- (2) Placement of 4 acres on Parcel 3 in reservation for period of 3 years as agreed to by applicant or such earlier date as plans for fringe parking lot are approved.
- (3) SHA approval of access to site.
- (4) Conditions of DEP stormwater management approval.
- (5) No clearing, grading (except as approved by staff) or recording of lots prior to site plan review by Montgomery County Planning Board.
- (6) Necessary easement

C. Approves Preliminary Plan No. 1-83203 (McKnew Property), including waiver of overlength cul-de-sac, subject to:

- (1) Dedication and construction of McKnew Road, improvements to U.S. Rte. 29 at MD. Route 198, and implementation of home-based, personalized ridesharing program per Transportation Division Memo dated 12-20-84

with the understanding that subsequent applicants can join in improvements.

- (2) No clearing, grading or recording of lots prior to site plan approval
- (3) Number and location of units to be determined at site plan
- (4) Dedication of local park and passive recreation area to M-NCPPC with grading and recreation opportunities to be addressed at site plan. Must include small parcel off of street "J" for connection to Fairland Regional Park
- (5) Planning Board waiver to permit more than 60 percent townhouses, subject to Condition #3
- (6) 335 TDR's and 84 MPDUs required subject to Condition #3
- (7) Necessary easements
- (8) Record plats to include a minimum of 111.5 acres subject to Conditions #3

D. Approves Preliminary Plan 1-84185 (Burtonsville Industrial Park) subject to:

- (1) Pro-rata participation in Route 29/Route 198 intersection improvement per 2/7/86 Transportation Division Memorandum.
- (2) Site plan enforcement agreement to indicate that intersection improvement will be completed prior to occupancy and limiting development to 115,000 square feet of general office use, 170,000 square feet of general warehouse use, and 60,000 square feet of mini-warehouse use with reference on record plat.
- (3) Dedication and construction of Dino Drive (80' Right-of-Way) through property with ingress/egress easements provided for property to north and south with alignment to be determined at site plan
- (4) SHA requirements for access to site
- (5) No clearing, grading or recording of lots prior to site plan approval by MCPB
- (6) Necessary easements

- (7) Conditions of DEP Stormwater Management approval

E. Approves Preliminary Plan No. 1-85018 (Conway Property) subject to:

- (1) Participation in Intersection Improvements at U.S. Route 29 and MD. Route 198 per Transportation Division Memo, dated 4/18/85.
- (2) Extend "B" street to rushing property
- (3) All 'streets to be public
- (4) Conditions of DEP Stormwater Management approval
- (5) No clearing, grading or recording of lots prior to site plan approval by Montgomery County Planning Board
- (6) Number and location of units to be determined at site plan
- (7) 32 TDR's and 10 MPDU's required subject to Condition #6
- (8) Necessary Easements



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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MONTGOMERY COUNTY PLANNING BOARD

OPINION

Site Plan Review #8-85104

Project Burtonsville Ltd. Partnership Property, Parcels 3 & 4

On October 9, 1985, A. M. Thomas & Associates submitted an application for the approval of a site plan for property in the C-1/O-M zone. The application was designated Site Plan Review #8-85104.

On December 4, 1985, Site Plan Review #8-85104 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. the site plan meets all of the requirements of the zone in which it is located;
2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe and efficient;
3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
4. the Site Plan is consistent with the approved Zoning Case G-466.

and approves Site Plan Review #8-85104 subject to the following conditions:

1. Submittal of Development Program and Site Plan Enforcement Agreement that are acceptable to staff.
2. Provide attractive plantings of native species trees and shrubs where possible for stormwater management pond within Parcel 3 that are acceptable to staff.

3. Submittal of Storm Drain, Stormwater Management and Sediment Control Plans and computations as requested in a November 21, 1985 memo by M-NCPPC Environmental Planning Division. All plans shall be reviewed by and acceptable to staff.

Attachment F



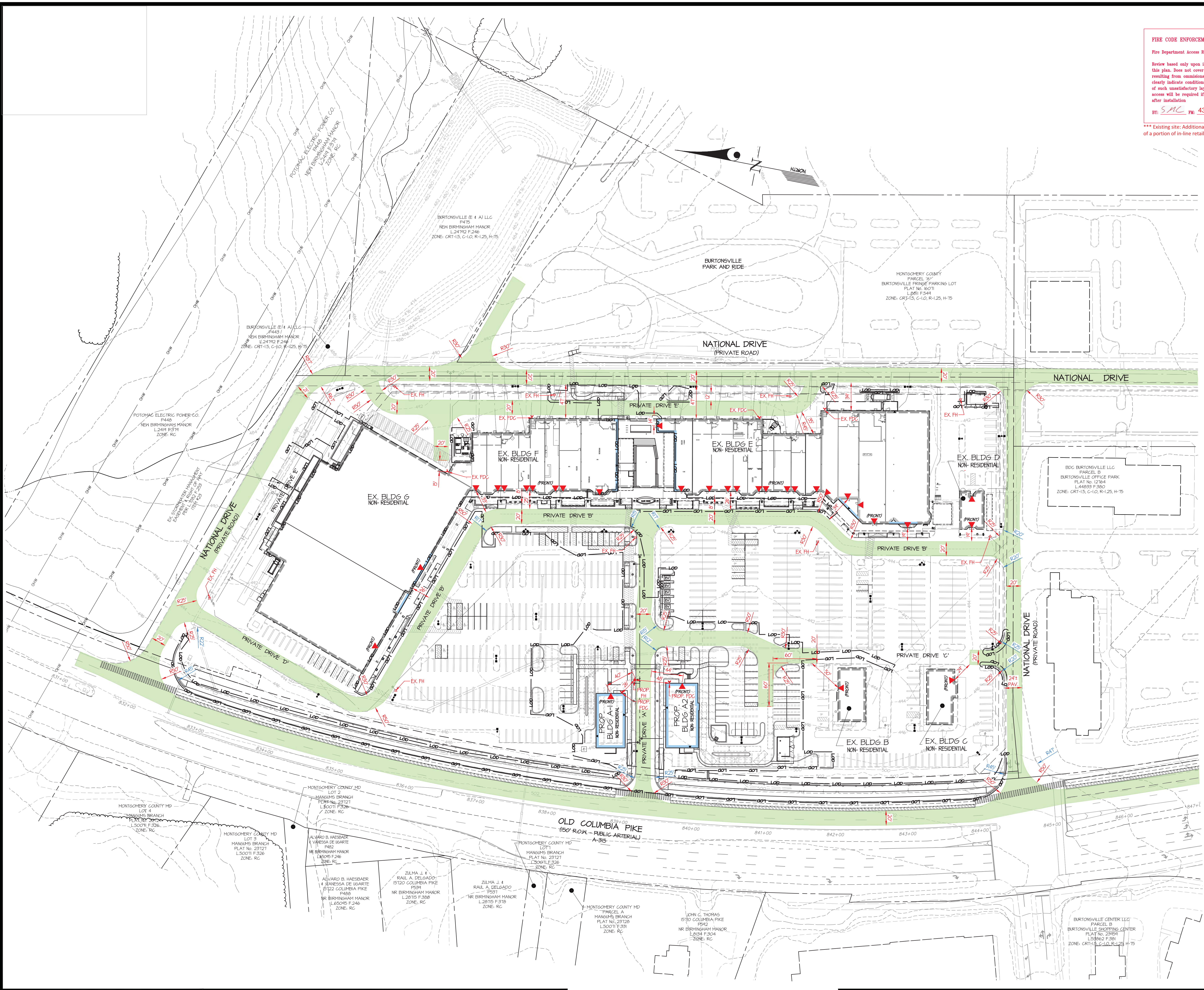
Department of Permitting Services Fire Department Access and Water Supply Comments

DATE: 11-Oct-22
TO: Tim Longfellow
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: Burtonsville Crossing Shopping Center - modifications to an existing site
81985104A

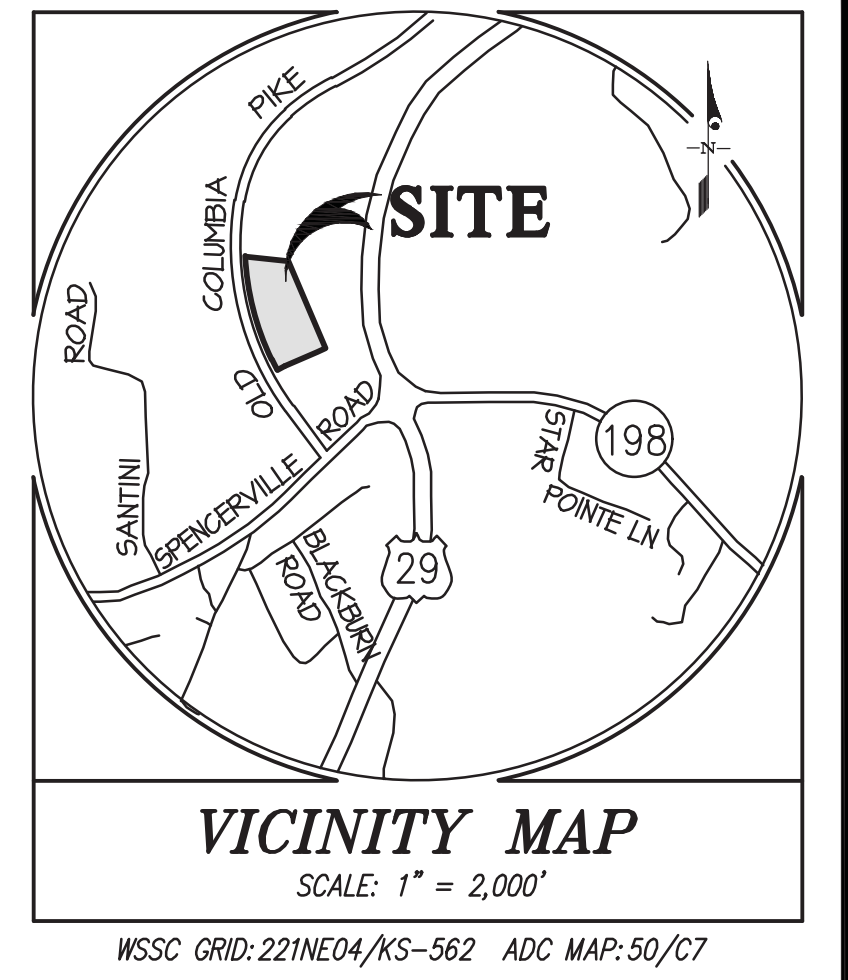
PLAN APPROVED

1. Review based only upon information contained on the plan submitted **03-Oct-22** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Existing site: Additional two buildings & removal of a portion of in-line retail *****



FIRE CODE ENFORCEMENT
 Fire Department Access Review
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
 BY: **SAC** PG. 43 DATE: 10/11/2022
 *** Existing site: Additional two buildings & removal of a portion of in-line retail ***



LEGEND

[Symbol]	EX. BUILDING
[Symbol]	PROP. BUILDING
[Symbol]	EX. CURB
[Symbol]	PROP. CURB
[Symbol]	EX. SIDEWALK
[Symbol]	PROP. SIDEWALK
[Symbol]	EX. SEWER
[Symbol]	PROP. SEWER
[Symbol]	EX. WATER
[Symbol]	PROP. WATER
[Symbol]	EX. STORM DRAIN
[Symbol]	PROP. STORM DRAIN
[Symbol]	PROP. FIRE ACCESS ROUTE
[Symbol]	MAIN ENTRANCE DOOR
[Symbol]	PROP. FIRE HYDRANT
[Symbol]	PROP. TURNING RADIUS
[Symbol]	PROP. CURB RADIUS
[Symbol]	PROP. ACCESS PAVEMENT WIDTH (CURB TO CURB)



July 27, 2022
 Marie LaBaw, P.E.
 Department of Permitting Services
 Fire Department Access and Water Supply
 2425 Reede Drive, 7th Floor
 Wheaton, Maryland 20902
 Re: Site Plan Amendment No. 81985104A
 Burtonsville Crossing Shopping Center - Fire Access Plan

Ms. LaBaw:
 The following is a description of the items that have been revised as part of the Site Plan Amendment No. 81984104A. The proposed amendment will demolish a portion of the in-line retail to create a new community gathering space. Two new retail buildings will be added without increasing overall density and frontage improvements are proposed along Old Columbia Pike. Pedestrian and vehicular circulation patterns will be enhanced, in addition to onsite lighting and landscape.
 In summary, the proposed changes to the previous approval and additions contained within Site Plan Amendment 81984104A meet fire department access code requirements and do not negatively impact the existing development. The proposed Amendment conforms to the requirements of the Montgomery County Regulations, Fire Safety Code Section 22.00.05.
 Based on the above, the applicant respectfully requests your approval of this application.

Sincerely,

 Tim M. Longfellow, P.E.
 Principal

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, 2024

3909 National Drive, Suite 250 Burtonsville, MD 20886 301.421.4024 410.880.9320 GLWPA.COM

PROFESSIONAL ENGINEER'S CERTIFICATION
 THE UNDERSIGNED LICENSED PROFESSIONAL ENGINEER CERTIFIES THAT THE SITE PLANS HEREIN CONFORM TO THE STANDARDS OF THE ZONE, AND THE PLANNING BOARD SITE PLAN OPINION. IN ADDITION, THE SITE PLANS ARE CONSISTENT WITH THE DATA TABLE PROVIDED ON THE COVER SHEET. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 24914 EXPIRATION DATE: January 20, 2024.

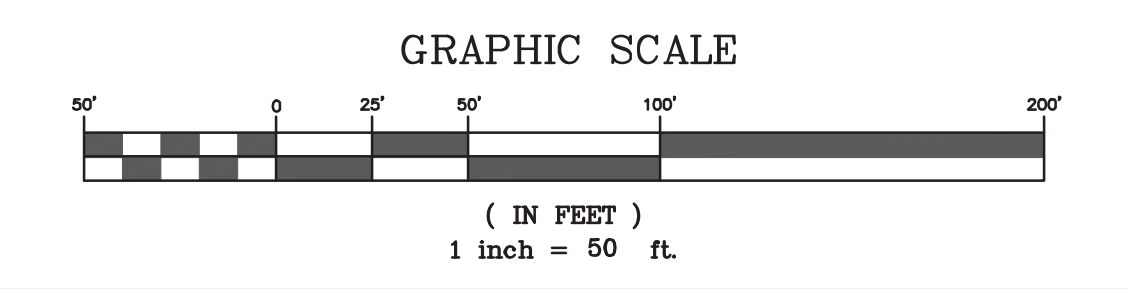
10/9/2022 Date

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

DEVELOPER'S CERTIFICATE
 The undersigned agrees to execute all the features of the Site Plan Approval No. 81985104A, including Approval Conditions, Development Program, and Certified Site Plan.
 Developer's Name: Burtonsville (E&A) LLC William Caldwell, Contact Person
 Address: 1272 5th Street NE, Suite 200
Washington, DC 20002
 Phone: (202) 902-2600
 Signature: William Caldwell, Managing Director

GLW
 PLANNING | ENGINEERING | SURVEYING
 3909 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20886 | GLWPA.COM
 PHONE: 301.421.4024 | BALT.: 410.880.1800 | DC/VA: 202.499.2324 | FAX: 301.421.4188

DESIGNED BY	DATE	REVISION	BY	APPR.
KAB				
TML				



PREPARED FOR:
 Burtonsville (E&A), LLC
 1272 5th Street NE
 Suite 200
 Washington, DC 20002
 Attn: Jim McKenney
 202-902-2600

SCALE: 1" = 50'
 DATE: JUNE, 2022
 ZONING: CRT-0.75
 C-0.5, R-0.25, H-3ST & R-90
 TAX MAP - GRID: K5-562

FIRE ACCESS PLAN
BURTONSVILLE CROSSING SHOPPING CENTER
 PARCEL 'L' - BURTONSVILLE
 Plat No. 16306
 Deed Book 24792 Page 246
 COLESVILLE ELECTION DISTRICT No. 05
 MONTGOMERY COUNTY, MARYLAND
 G. L. W. FILE No. 16028
 SHEET 1 OF 1



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

November 22, 2022

Mr. Chris Van Alstyne, Transportation Planner
Up-County Planning Division
The Maryland-National Capital
Park & Planning Commission
2425 Reddie Drive
Wheaton, Maryland 20902

RE: Burtonsville Crossing Shopping Center
 Traffic Impact Study Review

Dear Mr. Van Alstyne:

We have completed our review of the Local Area Transportation Review and Transportation Policy Area Review (TIS) report for the Burtonsville Crossing located in Burtonsville Town Center Policy Area. This study, dated June 23, 2022, was prepared by Lenhart Traffic Consulting. The applicant proposes to redevelop the existing 129,140 square foot shopping center that is mostly vacant at this time. A portion of the shopping center will be removed, and two pad sites will be added to the site with the redevelopment resulting in 121,983 square feet of retail space, a 3,500 square foot bank and a 4,500 square foot fast casual restaurant.

This site is located in the Burtonsville Town Center Policy Area, which is designated as an Orange Policy Area per the current 2020-2024 Growth and Infrastructure Policy. The redevelopment of the site will increase peak hour trips by more than 50. The site is accessed via several points along National Drive, which borders the site on the north, east and south sides.

We offer the following comments:

General Comment:

1. We defer to the Maryland State Highway Administration (MDSHA) for comments regarding intersections maintained by MDSHA jurisdictions with the exception the maintenance and operation of traffic signal on state-maintained roadways.

Office of the Director

101 Monroe Street, 10th Floor, Rockville, MD 20850 · 240-777-7170 · 240-777-7178 Fax
www.montgomerycountymd.gov/mcdot

Adequacy Determination

1. Per the 2020-2024 Growth and Infrastructure Policy adopted on November 16, 2020 (Council Resolution # 19-655) the motor vehicle, pedestrian system, bicycle system and transit adequacy tests are required for the subject site.

Motor System Adequacy

1. The Burtonsville Town Center Transportation Policy Area is an Orange Policy Area, and each studied intersection must be evaluated using the Highway Capacity Manual (HCM) methodology. Under the LATR guidelines, this policy area has a maximum average delay of 71 seconds or less to be considered adequate.
2. Peak hour turning movement counts were conducted on Tuesday, May 24, 2022.
3. No background developments were identified that would impact the studied intersections.
4. The property is mostly vacant at the writing of the report.
5. The applicant's consultant studied seven intersections, including three vehicular access points.
6. The consultant found that all of the intersections operate under the 71 second delay. We concur with the consultant's findings.

Pedestrian System Adequacy

1. Based on the Pedestrian Adequacy analysis, the site will evaluate within 750-foot walkshed from the site frontage.
2. For the Pedestrian Level of Comfort (PLOC), the consultant stated that they are required to evaluate 3000 linear feet. The evaluation included several segments that were on private property, which should not have been included in the report. There are multiple segments that the consultant lists as uncomfortable. The applicant is not proposing to fix any of these improvements.
3. For street lighting, the consultant mapped the existing street lights and stated that they will "provide street lighting to meet the applicable standards within the walkshed, within the established maximum cost of offsite improvements."
4. For ADA Compliance, the consultant provided a map of observations in the vicinity of the site. Details of the specific ADA compliance issues and recommended mitigation to be coordinate with M-NCPPC.

Bicycle System Adequacy

1. Based on the Bicycle System Adequacy analysis, the site has a 750-foot study area from the site frontage. Bicycle system adequacy is defined as providing a low Level of Traffic Stress (LTS-2) for bicyclists.

2. The applicant is proposing to construct a separated bike lane along northbound Old Columbia Pike as part of the redevelopment of the site from the intersection with MD-198 through the site frontage. “Between MD-198 and National Drive the second lane from the right lane will be replaced with the separated bike lane and the east most lane will terminate at National Drive, becoming a right-turn only lane. A separate analysis, to be submitted at a later time, is being prepared to support the replacement of the two east most through lanes with the separated bike lane and sidewalk.”
3. This analysis will need to be submitted to MDSHA for their review and approval. MCDOT recommends planning staff require the submission with the first building permit submission to DPS.
4. In addition, MCDOT recognizes that there is a bus stop in this location. The applicant must make the bus stop ADA compliant, which usually is making it a “floating bus stop.” The applicant will need to coordinate with MCDOT and MDSHA to determine the necessary improvements.

Bus Transit System Adequacy

1. Based on the Bus Transit System Adequacy analysis, the study area is 1,000 feet from the site frontage and two shelters/amenities must be constructed. There are three bus stops locations within the study area and two of them have shelters.
2. The consultant recommends that they provide bus facility improvements at the bus stop without the shelter.
3. We concur with the consultant’s recommendation that improvements be provided at the one bus stop without a shelter. All the work should be completed prior to the use and occupancy permit for the first building. Please contact Mr. Wayne Miller of our Division of Transit Services at 240-777-5836 or at Wayne.Miller2@montgomerycountymd.gov.

Vision Zero Statement

1. An evaluation of vision zero standards included a review of accidents and speed studies. The High Injury Networks (HIN) per the Montgomery County Vision Zero website indicated that the portion of MD 198 within the study area is included in the MD-198 Speed Limit Reduction Project, which has reduced the speed limit along MD 198 between Dino Drive and Piney Orchard Road by 5 MPH. This project is complete.
2. Crash data from 2015-2019 shows that there were very few bicycle or pedestrian crashes within the study area, none of which were considered severe or fatal.
3. The consultant conducted speed studies along Old Columbia Pike and at two locations along MD -198. The studies along MD-198 west of Old Columbia Pike were found to be in excess of the 20 percent threshold. The consultant states that “coordination between MNCPPC and the applicant will determine if further speed reduction measures should be implemented at this location.

Mr. Van Alstyne
Burtonsville Crossing
November 22, 2022
Page 4

SUMMARY

1. We concur with the consultant's conclusions regarding the pedestrian, vision zero, transit and bicycle system adequacy as long as the applicant continues to coordinate improvements with MCDOT, MDSHA and MNCPPC.
2. The applicant will be addressing the identified off-site Pedestrian, Bicycle and Transit facility deficiencies by either constructing these or through a fee-in-lieu.

Thank you for the opportunity to review this report. If you have any questions or comments regarding this letter, please contact Rebecca.torma@montgomerycountymd.gov or (240) 777-7170.

Sincerely,

Brenda M. Pardo

Brenda M. Pardo, Engineer III
Development Review Team
Office of Transportation Policy

[SharePoint\teams\DOT\Director's Office\Development Review\rebecca\developments/Burtonsville Crossing TIS review.docx](#)

cc:e: Correspondence folder FY 2023

Attachment H

From: [Kwesi Woodroffe](#)
To: [Sigworth, Ryan](#)
Cc: [Tim Longfellow](#); [Nick Driban](#)
Subject: Re: Burtonsville Crossing Shopping Center - Site Plan Amendment 81985104A & 22APM0028XX
Date: Friday, October 14, 2022 8:48:50 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
Importance: High

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good morning Mr. Sigworth.
MDOTSHA is currently reviewing the Traffic Study for the subject project. The proposed improvements are conditionally approved; however, MDOTSHA reserves the right to provide comments on the detailed engineering plans during the Access Permit plan review process, which could possibly require some minor revisions.
Thanks, Kwesi

Kwesi Woodroffe
Regional Engineer
District 3 Access Management
MDOT State Highway Administration
KWoodroffe@mdot.maryland.gov
301-513-7347 (Direct)
1-888-228-5003 – toll free
Office Hours
M-Thurs.: 6:30a-3:30p
Fr: 6:30a-10:30a
9300 Kenilworth Avenue,
Greenbelt, MD 20770
<http://www.roads.maryland.gov>





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

September 26, 2022

Mr. Will Newman
GLW
3909 National Drive
Suite 250
Burtonsville, MD 20866

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Burtonsville Crossing
Address: 15071 Old Columbia Pike
MNCPPC #: 81985104A
SM File #: 288336
Tract Size/Zone: 679,624 sf/15.6 Ac./CRT-1.5
Total Concept Area: 100,037 sf/2.30 Ac.
Parcel(s): J
Watershed and Class: Lower Patuxent/I-P
Type of Development: Redevelopment

Dear Mr. Newman:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP using micro-bioretenion and, and structural control via existing Burtonsville Crossing pond.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. The detailed plan must utilize the latest DPS guidance.
5. Stormwater Management for improvements in the MDOT-SHA right-of-way are subject to review and approval by MDOT-SHA.

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



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. Will Newman
September 26, 2022
Page 2 of 2

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

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

If you have any questions regarding these actions, please feel free to contact Sherryl Mitchell at 240-777-5206 or sherryl.mitchell@montgomerycountymd.gov.

Sincerely,

Mark Etheridge

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

MCE: scm

cc: N. Braunstein
SM File # 288336

ESD: Required/Provided 11,589 cf / 6,012 cf
PE: Target/Achieved: 2.2"/2.2"
STRUCTURAL: 5,577 cf
WAIVED: N/A

DPS-ROW CONDITIONS OF APPROVAL

September 6, 2022

81985104A BURTONSVILLE CROSSING SHOPPING CTR.

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan files:

“07-BSITE-81985104A-004.pdf” uploaded on/ dated **“7/22/2022”** and

the followings need to be conditions of the certified site plan:

1. Access and improvements for Old Columbia Pike per MSHA.
2. Please contact MCDOT-Transit Mr. Wayne Miller at 240 777-5836 to see how/ if a restroom for the transit staff can be provided.