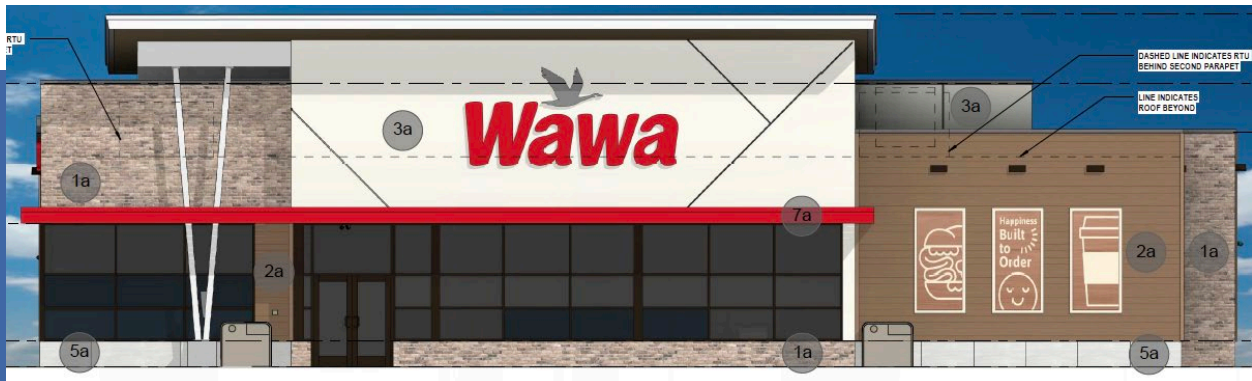


WAWA-BURTONSVILLE

PRELIMINARY PLAN NO. 120240160, SITE PLAN NO. 820240170,
FOREST CONSERVATION PLAN AMENDMENT NO. F2024021A



Description

Request to create one lot and approve an automobile filling station with convenience retail, a restaurant, and other site-related improvements.

COMPLETED: 12/27/2024

PLANNING BOARD HEARING DATE: 1/9/2025

MCPB ITEM NO. 6

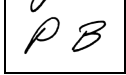
Planning Staff



Phillip Estes, AICP, Planner III, Upcounty, Phillip.Estes@montgomeryplanning.org, 301-495-2176



Josh Penn, Planner III, Upcounty, Joshua.Penn@montgomeryplanning.org, 301-495-4546



Patrick Butler, AICP, Chief, Upcounty Planning, Patrick.Butler@montgomeryplanning.org, 301-495-4561

LOCATION/ADDRESS

15585 and 15595 Old Columbia Road

MASTER PLAN

2012 *Burtonsville Crossroads Neighborhood Plan*

ZONE

CRTF 1.5, C-1.0, R-0.5, H-45

PROPERTY SIZE

3.37 acres

APPLICANT

Dong Ya, LLC and Hong Cheng, LLC

ACCEPTANCE DATE

June 26, 2024

REVIEW BASIS

Chapters 22A, 50, and 59

Summary:

- Staff recommends approval of Preliminary Plan No. 120240160, Site Plan No. 820240170, and Final Forest Conservation Plan Amendment No. F2024021A, with conditions.
- The Property includes Conditional Use No. CU-24-15 approved on July 17, 2024, for an automobile filling station and convenience/retail store.
- The Application provides two (2) public open spaces, a bikeable ten (10) foot-wide sidepath, and bikeable 16-foot-wide sidepath, part of the County's Breezeway network.
- The Applicant will construct a new signalized intersection at Old Columbia Pike in front of the Property.
- To date, no community correspondence has been received.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	3
PRELIMINARY PLAN 120240160.....	3
SITE PLAN 820240170	7
FOREST CONSERVATION PLAN F2024021A.....	11
SECTION 2: SITE DESCRIPTION.....	13
VICINITY AND ZONING.....	13
PROPERTY DESCRIPTION.....	15
SECTION 3: PROJECT DESCRIPTION.....	16
PREVIOUS APPROVALS.....	16
PROPOSAL.....	16
SECTION 4: COMMUNITY OUTREACH	21
SECTION 6: PRELIMINARY PLAN 120240160 FINDINGS AND ANALYSIS.....	22
SECTION 7: SITE PLAN 820240170 FINDINGS AND ANALYSIS.....	31
SECTION 8: FOREST CONSERVATION PLAN F2024021A FINDINGS AND ANALYSIS	38
SECTION 9: CONCLUSION	40
ATTACHMENTS	40

SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 120240160

Staff recommends approval, with conditions, of the Preliminary Plan to create one (1) lot for an automobile filling station, retail, and a restaurant. All site development elements shown on the latest electronic version of Preliminary Plan No. 120240160, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions:

GENERAL APPROVAL

1. This Preliminary Plan is limited to one (1) lot of 3.36 acres for an automobile filling station, retail, and restaurant uses.¹

ADEQUATE PUBLIC FACILITIES

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated August 22, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letter October 31, 2024, and incorporates them as

¹ The approved uses may be changed to other commercial uses if there is no adverse impact on the Preliminary Plan and the APF findings and it is approved by Staff.

conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MDOT SHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS"), Water Resources Section in its stormwater management concept letter dated June 5, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
9. 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 August 1, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

OTHER APPROVALS

10. The Applicant must comply with binding elements approving Local Map Amendment H-134 and conditions of approval granting Conditional Use No. 24-15.

FUTURE SITE PLAN APPROVAL REQUIRED

11. Except for the removal of underground storage tanks, the Applicant must receive Staff certification of a Planning Board-approved site plan before clearing or grading or recording a plat for the Subject Property. The number and location of site elements, including but not limited to buildings, on-site parking, site circulation, and sidewalks will be determined through site plan review and approval.
12. If an approved site plan or site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan or site plan amendment.

TRANSPORTATION

Frontage Improvements on Existing Roads

13. The Applicant must provide the following dedications and show them on the record plat for the following existing roads:
 - a) All land necessary to accommodate sixty (60) feet from the existing pavement centerline along the Subject Property frontage for Old Columbia Pike.

- b) All land necessary to accommodate fifty (50) feet from the existing pavement centerline along the Subject Property frontage for Old Columbia Pike South Ramps.
14. Before the issuance of a right-of-way permit, the Applicant must satisfy all necessary requirements of MDOT SHA to ensure the following:
- a. Construction of a ten (10) foot-wide sidepath with a ten (10) foot-wide street buffer with trees along the Property frontage on Old Columbia Pike.
 - b. Construction of a 16-foot-wide sidepath built to public road standard (as part of the Burtonsville to Silver Spring Breezeway), with a six (6) foot wide street buffer with trees along the Property frontage on Columbia Pike South Ramps.
15. Before the issuance of the Use and Occupancy permit for the building, the Applicant must receive approval from MDOT-SHA, MCDOT, and Planning Staff for the final designs of the traffic signal, associated pavement marking, and roadway redesign of the signalized intersection at the western driveway of the Site ingress/egress in Old Columbia Pike next to McDonald's and across from the Burtonsville Town Square Shopping Center.
- Final design approval is contingent on the requirements of MDOT-SHA, MCDOT, and Planning Staff to mitigate the safety issues identified, and subject to the change of roadway geometry and the design and operation of the proposed traffic control signal.
16. Before the issuance of the Use and Occupancy permit for the building, the Applicant must install a traffic signal at the western driveway of the Site ingress/egress on Old Columbia Pike next to McDonald's and across from the Burtonsville Town Square Shopping Center, associated pavement markings, and the roadway redesign, as approved by MDOT-SHA.

Off-Site Improvements/LATR

17. Before issuance of the first above-grade building permit or right-of-way permit (whichever comes first), the Applicant must make a payment of \$29,151 to the Montgomery County Department of Transportation towards the construction of the Montgomery County Capital Improvement Project (CIP) MD 198 Sidewalk Improvements (P502406), improvement in the Burtonsville Town Center Policy Area. The payment will be indexed to the Federal Highway Administration's National Highway Construction Cost Index from the mailing date of the Planning Board resolution to the date of application for the first above-grade building permit or right-of-way permit (whichever comes first). Proof of payment is required.

RECORD PLATS

- 18. Except for the removal of underground storage tanks, there shall be no other clearing or grading of the site before recordation of plat(s).
- 19. The record plat must show necessary easements.
- 20. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

Notes and Labels

- 21. The record plat must reflect all areas under common ownership.

22. The record plat must reference the Common Open Space Covenant recorded among the Montgomery County Land Records at Book 28045 Page 578 (“Covenant”).

CERTIFIED PRELIMINARY PLAN

23. The certified Preliminary Plan must contain the following notes:
 - a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
24. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set.

SITE PLAN 820240170

Staff recommends approval of Site Plan No. 82024017, for the construction of an automobile filling station with a 5,919- square- foot building for convenience retail and a restaurant. The development must comply with the binding elements of Local Map Amendment No. H-134 and conditions of approval for Conditional Use No. 24-15 dated July 17, 2024, as may be amended. 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:²

DENSITY, HEIGHT & HOUSING

1. Density

The Site Plan is limited to a maximum of 5,919 square feet of total development on the Subject Property for an automobile filling station, retail, and restaurant uses.³

2. Height

The development is limited to a maximum height of 30 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

OPEN SPACE, FACILITIES AND AMENITIES

3. Open Space and Amenities

- a) The Applicant must provide a minimum of 14,670 square feet of public open space (10% of net lot area) on-site.
- b) Before the issuance of use and occupancy certificates (excluding core and shell) for the commercial development, all public open space areas on the Subject Property must be completed.

4. Common Open Space Covenant

The record plat must reference the Common Open Space Covenant recorded at Book 28045 Page 578 (Covenant).

TRANSPORTATION & CIRCULATION

5. Pedestrian & Bicycle Circulation

- a) The Applicant must provide four (4) long-term and four (4) short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit secure parking areas, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location

² 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.

³ The commercial space may be changed to other allowed commercial uses if there is no adverse impact on the Site Plan and the APF findings and it is approved by Staff.

convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan

- c) Before approval to release any portion of the site plan performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, or as amended.
- d) Before the issuance of a right-of-way permit, the Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design, and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before issuance of the right-of-way permit:
 - i. Construction of a ten (10) foot-wide sidepath with a ten (10) foot-wide street buffer with trees along the Property frontage on Old Columbia Pike.
 - ii. Construction of a 16-foot-wide sidepath built to public road standard (as part of the Burtonsville to Silver Spring Breezeway), with a six (6) foot wide street buffer with trees along the Property frontage on Columbia Pike South Ramps.

SITE PLAN

6. Site Design

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

7. Lighting

- a) Before 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 all fixtures 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.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

8. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit or Use and Occupancy Certificate (excluding core and

shell), whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements only for facilities located on the Property (not in the public right-of-way), including, but not limited to plant material, on-site lighting, site furniture, trash enclosures, retaining walls, fences, railings, sidewalks, 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 for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

9. Development Program

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

10. 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, development program, and Site Plan resolution 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 MCDOT SHA.”
 - iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before 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.”

- iv. “Without a site plan amendment, M-MCPPC Staff may authorize a same or better-quality substitute of site furniture, plant materials, hardscape, light fixtures, right-of-way requirements, or other site plan elements with equivalent alternatives.”
- c) Include approved Fire Department Access Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

FOREST CONSERVATION PLAN F2024021A

Staff recommends approval of Final Forest Conservation Plan Amendment No. F2024021A (“FFCP”). All site development elements shown on the latest electronic version of the Final Forest Conservation Plan No. F2024021A, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions⁴:

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
4. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application the Applicant must except for removal of underground storage tanks:
 - a. Record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
 - b. Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - c. Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - d. Submit a cost estimate for the reforestation/afforestation and other FCP requirements, which includes but is not limited to trees and shrubs, variance mitigation trees, five years of maintenance including invasive species management controls, permanent easement posts and signage, natural surface trails, split rail fencing, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the FCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.

⁴ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

- e. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the 0.63 acres of new forest planting, mitigation trees, and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
- 5. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff the Applicant must install the Afforestation/Reforestation plantings as shown on the approved FCP.
- 6. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 13.0 caliper inches, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

SECTION 2: SITE DESCRIPTION

VICINITY AND ZONING

The Property is located at 15585 and 15595 Old Columbia Road in Burtonsville, at the southwest quadrant of Old Columbia Pike (MD 198) and Columbia Pike (US 29); in the Main Street MD 198 district of the 2012 *Burtonsville Neighborhood Crossroads Plan* (“Master Plan”) and is zoned CRTF-1.5, C-1.0, R-0.5, H-45 (“Subject Property” or “Property”) (Figure 1).

Land to the north is zoned Commercial Residential Town (CRT-1.5, C-1.0, R-1.25, H-70 and CRT-1.5, C-1.0, R-1.25, H-75) and is developed with a shopping center and an office park. Land to the east is zoned Employment Office (EOF-0.75, H-100 T) and Moderate Industrial (IM-2.5, H-50) and consist of a hardware store. Land to the south is zoned Residential 200 (R-200) and consists of single-family residential and vacant land. Land to the west is zoned Commercial Residential Town (CRT-1.5, C-1.0, R-1.25, H-70) and Commercial Residential Neighborhood (CRN-1.5, C-1.0, R-0.5, H-45) and is developed with various commercial uses including retail, restaurants, and automobile services (Figure 1 and Figure 2).



Figure 1 - Vicinity map



Figure 2 - Zoning map

PROPERTY DESCRIPTION

The Property consists of 3.37 gross acres identified as Parcel C and Parcel D, as recorded on Plat No. 12953. The Property is currently developed with an existing Automobile Filling Station, a 7-Eleven convenience store, and a Mattress Barn retailer. Presently, the total retail space is approximately 10,800 square feet combined (Figure 3).

Access to the Property is via two entrances/exits along Old Columbia Pike (MD 198). The western ingress/egress is directly across from Burtonsville Town Square Shopping Center entrance.

The Property has a 0.38-acre forest stand in the southern portion of the Site. There are no streams; wetlands; 100-year flood plain; stream valley buffers; steep slopes; highly erodible soils; rare, threatened or endangered species; or other sensitive environmental features. The Property is not located within an environmental Special Protection Area. No historic resources or burial sites are known to exist on the Property.



Figure 3 - Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

November 12, 2019: Local Map Amendment Case No. H-134 (County Council Resolution No. 19-299) was approved by the County Council to rezone the Property from CRN-1.5 C-1.0 R-0.5 H-45 to CRTF-1.5 C-1.0 R-0.5 H-45, a Floating Zone Plan.

July 17, 2024: Conditional Use No. 24-15 was approved by the Hearing Examiner for an automobile filling station and convenience retail. With this approval, Special Exception Case No. S-847 was superseded.

See Attachment A for a complete listing of previous approvals.

PROPOSAL

On June 26, 2024, Dong Ya, LLC and Hong Cheng LLC (“Applicant”) filed Preliminary Plan No. 120240160, Site Plan No. 820240170, and Forest Conservation Plan No. F20240210 (“Project”).

The Applicant proposes to create one 3.36 net acre lot and demolish the existing structures to construct a new 5,919 square foot Wawa convenience store/restaurant, automobile filling station, 50 parking spaces, redesigned driveway access, landscaping, and other site-related improvements. The Project will include up to nine (9) electric vehicle charging stations. The Project will also provide two (2) landscaped and shaded public open space areas with tables and seating areas (Figure 4).

Additionally, the Applicant will provide a new signalized intersection at the western driveway ingress/egress on Old Columbia Pike across from the Burtonsville Town Center Shopping Center. The eastern ingress/egress will become a right-out-only exit. Also, the Applicant proposes a new 10-foot wide sidepath along Old Columbia Pike and a 16-foot bike breezeway sidepath along the ramp to Route 29. The breezeway sidepath is part of the Burtonsville to Silver Spring Breezeway.

The Property has frontage on two (2) State-owned and maintained roads: Old Columbia Pike to the north and Columbia Pike south ramps to the east. As shown in Figure 5, vehicular, pedestrian, and bicyclist access to the Property will be provided through Old Columbia Pike through two (2) curb-cut driveways. The driveway located to the west side of the Property will be 30 feet wide, allowing two-way access for motor vehicles, pedestrians, and bicyclists. The driveway located to the east side of the Property will be 17-foot-wide, and will serve as a one-way, right-turn only exit for motor vehicles. The proposed 10-foot-wide sidepath and the proposed 16-foot-wide breezeway (sidepath) along the frontages of the Subject Property will serve as the primary means of access for pedestrians and

bicyclists. Sidewalks to both sides east and west will connect to the proposed 10-foot-wide sidepath along Old Columbia Pike and provide safe and immediate access for pedestrians and bicyclists. Crosswalks and safe crossing passages are provided to connect the building with the proposed pedestrian and bicycle infrastructure, allowing pedestrians and bicyclists to have safe and adequate access to the building.

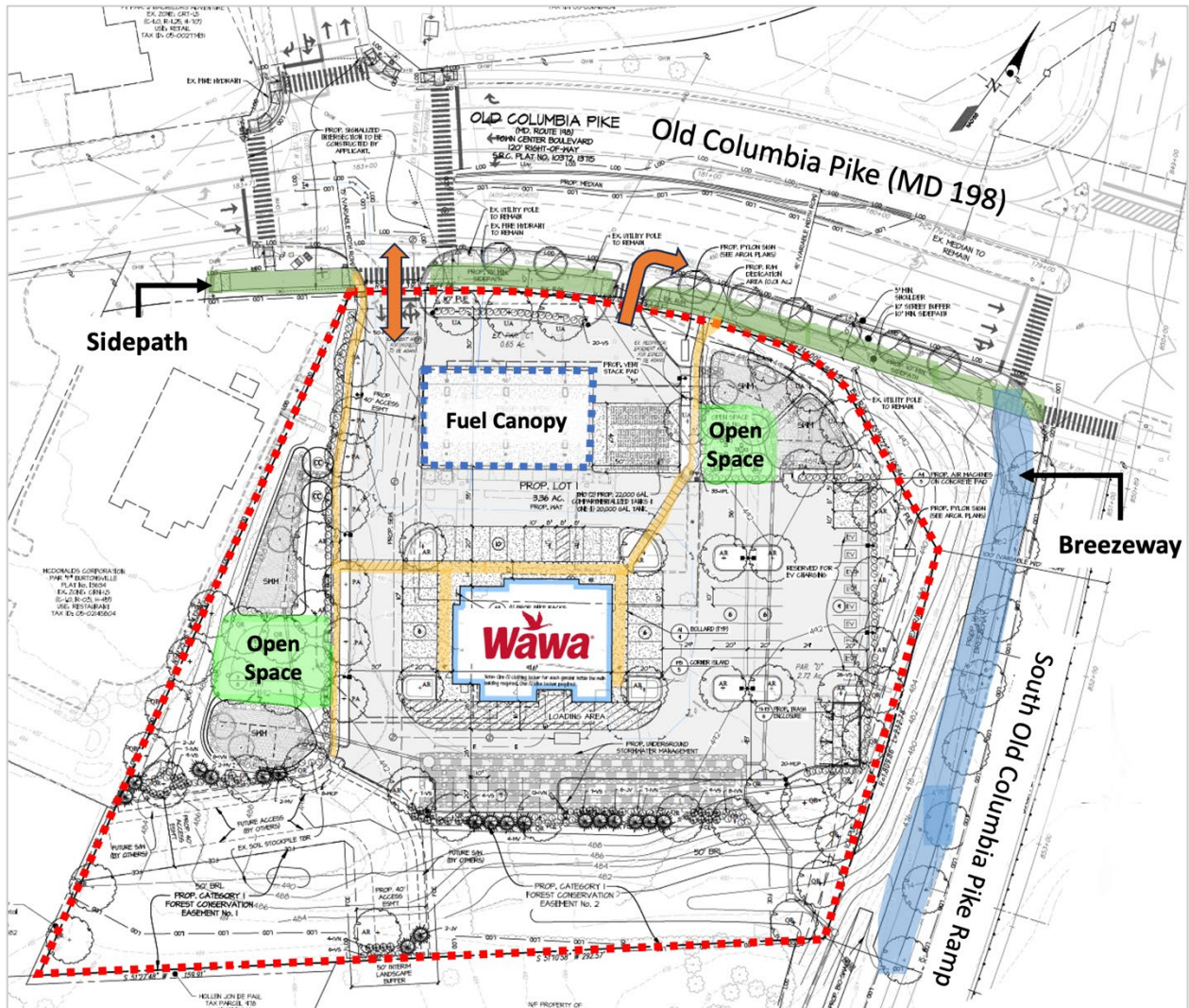


Figure 4 - Proposed Preliminary and Site Plan

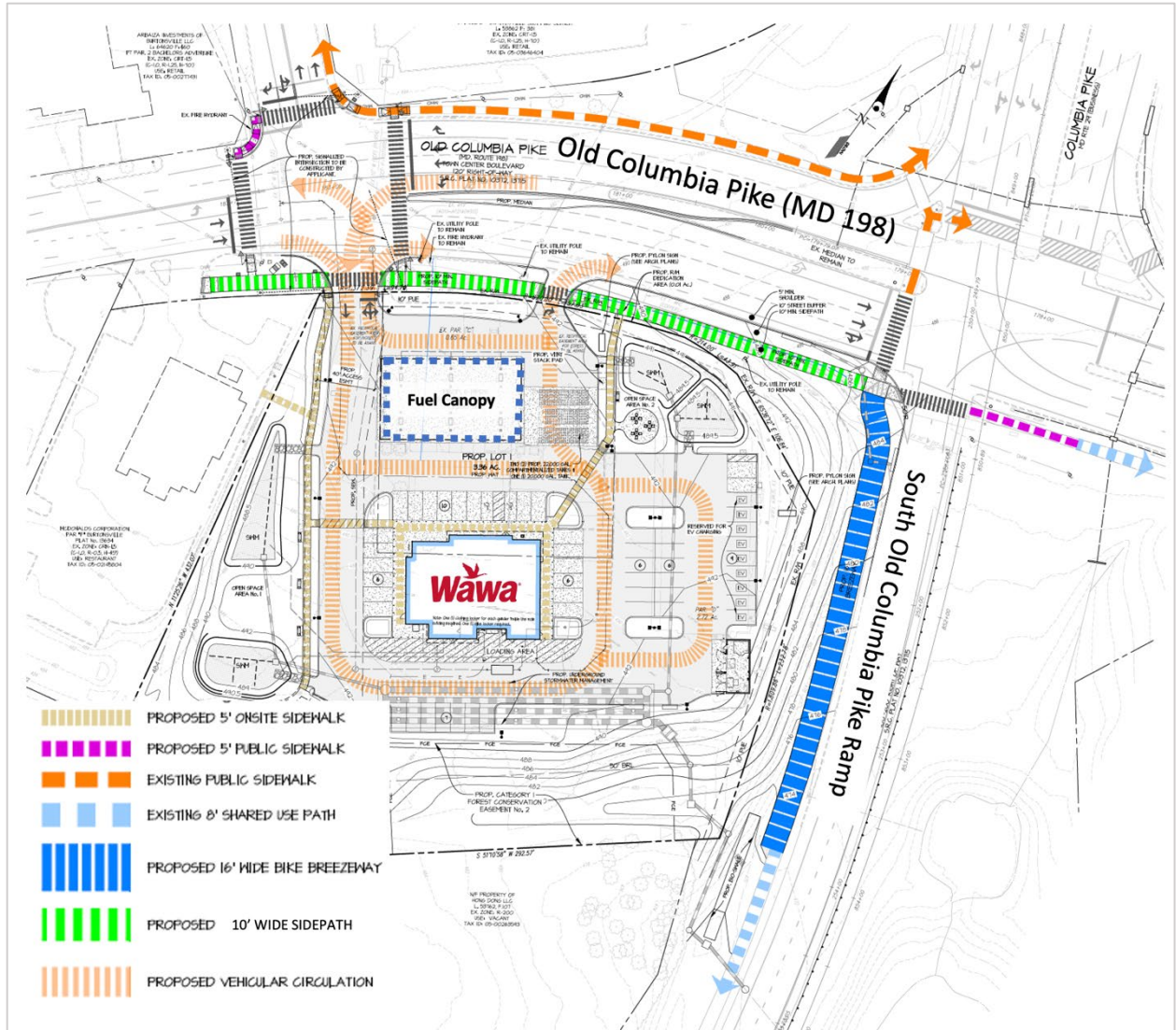


Figure 5 – Proposed circulation plan

The proposed architecture consists of a one-story commercial building branded for a Wawa convenience store and filling station format (Figures 6 to Figures 10). The front elevation provides a row of large window openings, an angular roof-level canopy with a second canopy directly over the windows and main customer entrance. Finish materials include brick, composite siding, stucco, tile, and metal trim. The proposed landscape plan consists of shade trees, evergreen trees, ornamental trees, shrubs, and ground cover evenly distributed across the Property and the Property frontage.

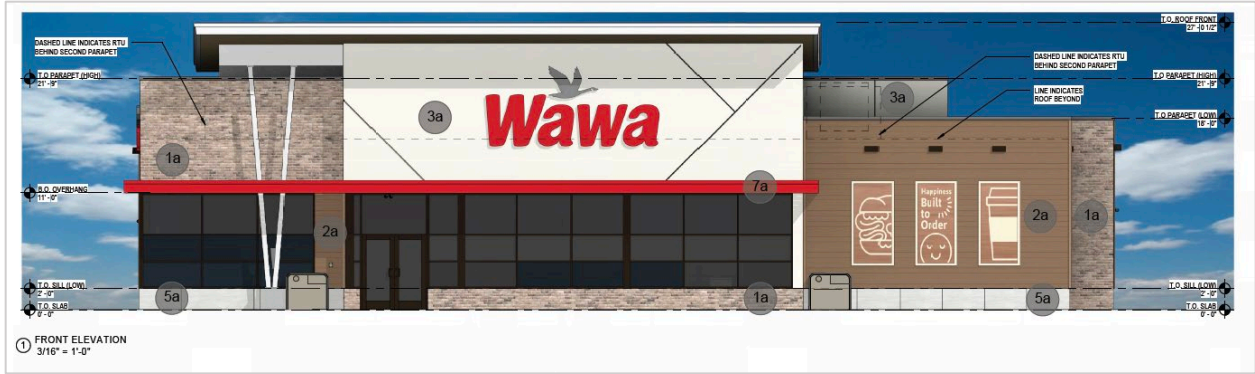


Figure 6 - Front (north) elevation

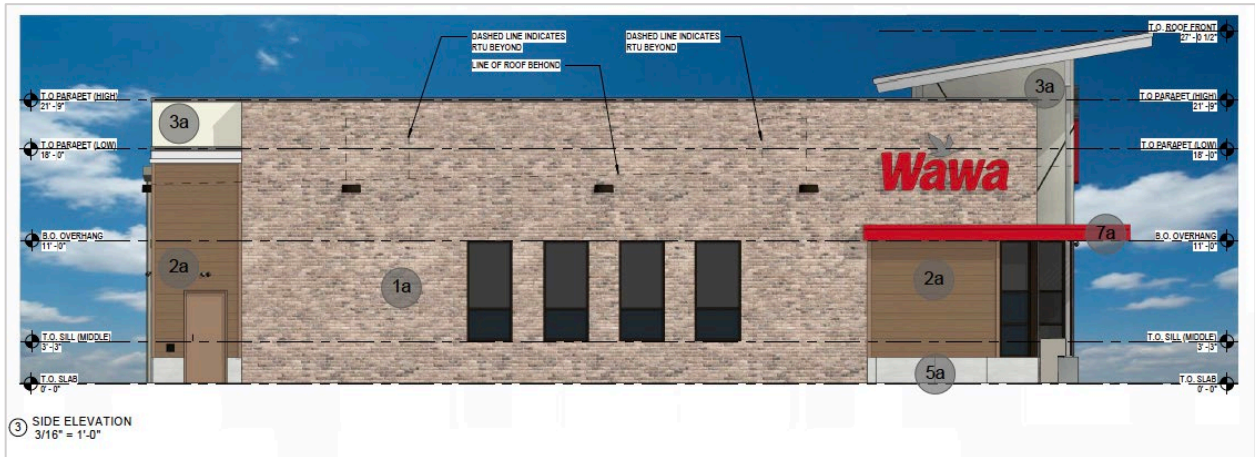


Figure 7 - Side (east) elevation

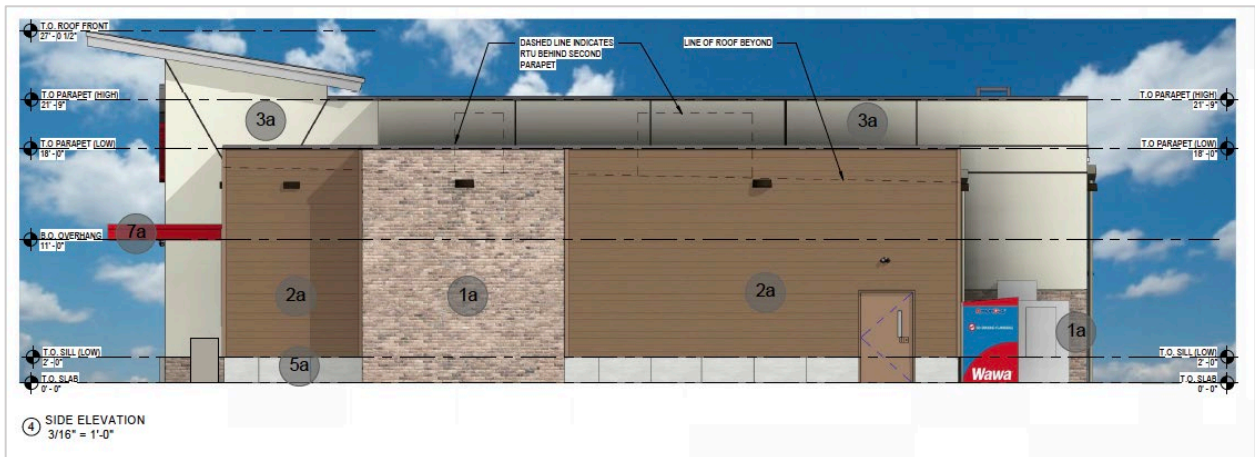


Figure 8 - Side (west) elevation



Figure 9 - Rear (south) elevation



Figure 10 - Fuel canopy elevation

SECTION 4: COMMUNITY OUTREACH

Pursuant to Division 7.5 (Notice Standards), the Applicant has complied with all noticing requirements including the mailing of a notice of application letter and posting a notice sign on the Property. A pre-submittal public meeting was held virtually on April 16, 2024 (Attachment E). There were no public attendees present for the meeting.

To date, no community correspondence has been received.

SECTION 6: PRELIMINARY PLAN 120240160 FINDINGS AND ANALYSIS

The Preliminary Plan will create one (1) lot measuring 3.36 net acres of Site area, for a maximum density of up to 5,919 square feet of commercial uses. This Application has been reviewed for compliance with Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State and County agencies.

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.**

The Application satisfies all applicable requirements of Chapter 50 (Subdivision Code) for a Preliminary Plan. The size, width, shape and orientation of the proposed lot is appropriate for the location of the subdivision, in accordance with applicable Master Plan recommendations, and for the commercial use and building contemplated by the zoning of the Property.

- a. The block design is appropriate for the development or use contemplated.**

The Project does not propose any new blocks. The proposed subdivision is within an existing community with an established street grid and block design.

- b. The lot design is appropriate for the development or use contemplated.**

The Project meets all applicable sections of the Subdivision Code, including lot design. The Project combines two existing recorded parcels. The proposed lot is appropriate in size, shape, width, and orientation, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and the commercial building types contemplated for the Property.

- c. The Preliminary Plan provides for required public sites and adequate open areas.**

The Property was reviewed for compliance with Section 50.4.3.D (Public Sites and Adequate Public Facilities) of the Subdivision Code. The Project provides adequate open areas. As shown in Table 1, the Project provides 30 percent of the net tract area for public open space, which exceeds the minimum 10 percent required. There are no Master Planned public sites or recreation area associated with the Property.

- d. The Lot(s) and Use comply with the basic requirements of Chapter 59.**

The proposed lot was reviewed for compliance with the dimensional requirements for the CRTF zone as specified in the Zoning Ordinance. The proposed lot will meet all the dimensional requirements for area, frontage, and width. A summary of this review is included below in Table 1.

Table 1 -Wawa-Burtonsville Preliminary Plan Data Table for CRTF 1.5, C-1.0, R-0.5, H-45 Zone, Standard Method, Section 59.4.5.3.C

Development Standard (59-5.3.5)	Permitted/ Required	Proposed
Gross Site Area (min)	N/A	3.37 acres (146,938 SF)
Lot Area (min.)	N/A	3.36 acres (146,374 SF)
Lot Coverage	N/A	7.6% (11,194 SF)
Foot Area Ratio (FAR)		
Commercial FAR	1.0 (146,938 SF)	0.03 (5,919 SF)
Residential FAR	0.5 (73,469 SF)	0.0 (0 SF)
Total FAR	1.5 (220,407 SF)	0.03 (5,919 SF)
Retail/Restaurant Building Setback ⁵		
Front setback (min.) MD-198	0 FT	159 FT
Side street setback (min.) MD-29	0 FT	159 FT
Side street setback (min.) west abutting CRN zone	0 FT	129 FT
Rear setback (min.) abutting R-200 zone ⁶	50 FT	144 FT
Accessory Structure Setback, Gas Canopy		
Front setback (min.) MD-198	0 FT	41 FT
Side street setback (min.) MD-29	0 FT	206 FT
Side street setback (min.) west abutting CRN zone	0 FT	55 FT
Rear setback (min.) abutting R-200 zone	50 FT	278 FT
Accessory Structure Setback, Other		
Front setback (min.) MD-198	0 FT	10 FT
Side street setback (min.) MD-29	0 FT	10 FT
Side street setback (min.) west abutting CRN zone	0 FT	10 FT
Rear setback (min.) abutting R-200 zone	50 FT	50 FT
Building Height (max.)	45 FT	30 FT
Building Type ⁷	Any building type is allowed	Established by Site Plan
Open Space, public (min.) ⁸	10% (14,670 SF)	10% (14,670 SF)
Parking Setback (min.) ⁹		
Front setback	6 FT	16 FT

⁵ All setbacks and Build-to Areas are established by Floating Zone Plan LMA H-134 or the Site Plan approval.

⁶ Rear abutting R-200 zone 50-foot buffer established by Binding Element No. 2 of Floating Zone Plan LMA H-134.

⁷ Pursuant to Sec. 59-5.3.4.A, any building type is allowed in the Commercial/Residential Floating zone.

⁸ Under standard method of development, no public benefits are required and, therefore, open space is provided pursuant to 59-4.5.3.C.1 (standard method) for the CRT zone.

⁹ All parking setbacks are established by Floating Zone Plan LMA H-134 or the Site Plan approval.

Development Standard (59-5.3.5)	Permitted/ Required	Proposed
Side street setback	6 FT	20 FT
Side setback	6 FT	65 FT
Rear setback	50 FT	79 FT
Build-to Area (BTA) (max. setbacks) ¹⁰		
Front setback BTA	Established by LMA and Site Plan	159 FT
Site street setback BTA	Established by LMA and Site Plan	159 FT
Parking ¹¹		
Retail (3.5 spaces min to 6 spaces maximum/1,000 gross leasable area)	10 spaces min. to 17 spaces max. (2,716 SF)	Included in total parking spaces
Restaurant (4 spaces min. to 12 spaces max./1,000 gross leasable area)	1 space min. to 2 spaces max. (2,703 SF)	Included in total parking spaces
Automobile Filling Station (1 space min. to 2.5 spaces max./1,000 gross floor area)	11 spaces min. to 33 spaces max. (500 SF)	Included in total parking spaces
Total Parking Spaces	22 min. to 52 spaces max.	50 spaces min.
Bicycle Parking		
Total bicycle parking	4 spaces	4 spaces
Bicycle parking, short-term (min.)	2 spaces	2 spaces
Bicycle parking, long-term (min.)	2 spaces	2 spaces
Site Plan Required?	Yes	Yes

2. The Preliminary Plan substantially conforms to the master plan.

The Preliminary Plan substantially conforms to the Master Plan. The Project is located within the “Main Street MD 198” neighborhood of the 2012 *Burtonsville Crossroads Neighborhood Plan* (“Master Plan”). The Main Street neighborhood vision is described by the Master Plan as the most visible places in Burtonsville—a pedestrian-oriented place with local retail businesses, housing, services, a new grid of streets, and a public place for recreation and gathering. Convenience retail and services that support the local market, such as the proposed use, are listed as a supported land use within the Main Street neighborhood.

Additionally, the Master Plan states that, "special exceptions may continue [on the south side of MD 198] if lawfully existing before the new zoning," further noting that, "buildings may expand up to 10 percent above the total existing floor area if less than 10,000 square feet of area is disturbed" (p. 35).

¹⁰ All Build-to Area setbacks are established by Floating Zone Plan LMA H-134 or the Site Plan approval.

¹¹ Applicant may reallocate parking spaces based on the allowed uses in the zone and if the total minimum number of parking spaces are maintained.

With an overall decrease in total existing floor area on the site, from 10,800 square feet to 5,919 square feet, the proposed project is consistent with these Master Plan policies.

The Project is consistent with the Master Plan transportation recommendations. The Master Plan recommends an improvement to the character and design of MD 198 as the main street for the Burtonsville community, establishing streets that improve the traffic function and community character, reduce curb cuts, left turns, and provide enhanced streetscape elements (p. 36). The Project is consistent with the Master Plan since it improves traffic function and streetscapes by limiting turn movements from the Site onto Old Columbia Pike, aligning a driveway with a future signalized intersection on Old Columbia Pike, across from an access road into a shopping center to the north, and adding trees, landscaping, and bike and walking paths along both Property frontages.

Furthermore, the Master Plan recommends an expanded bikeway system in the plan area, including a bikeway along the southern side of MD 198. (p. 37). The Project includes the construction of bikeways with the addition of a ten (10) foot-wide sidepath and a six (6) foot-wide street buffer with trees along the northern Property frontage and a 16-foot-wide breezeway sidepath and a six (6) foot-wide street buffer with trees along the eastern Property frontage. The breezeway is part of the Burtonsville to Silver Spring Breezeway and is included in the 2022 *Bicycle Master Plan*.

3. Public facilities will be adequate to support and service the area of the subdivision.

As conditioned, public facilities will be adequate to support and service the area of the subdivision. The Property has frontage on two (2) State-owned and maintained streets: Old Columbia Pike to the north and Columbia Pike South Ramps to the east. Under the Master Plan of Highways and Transitways, Old Columbia Pike is classified as a Town Center Boulevard with a master planned right-of-way of 120 feet, while Columbia Pike South Ramps is classified as a Boulevard with a master planned right-of-way that ranges from 100 to 200 feet.

As show in (Figure 12), for Columbia Pike, the Applicant proposes to dedicate all necessary land to accommodate 60 feet of right-of-way from the centerline of the pavement, and all necessary land to accommodate all master-planned bicycle facilities and the design parameters under the 2024 *Complete Streets Design Guide*.

For Old Columbia Pike South Ramps, the Applicant proposes to dedicate all necessary land to accommodate at least 50 feet of right-of-way from the centerline of the pavement and all master-planned bicycle facilities and the design parameters under the 2024 *Complete Streets Design Guide*.

Old Columbia Pike is approximately 100 feet wide with eight (8) travel lanes. Columbia Pike South Ramps is approximately 60 feet wide with two (2) travel lanes. Currently, there are no bicycle or pedestrian facilities along Old Columbia Pike. Along Columbia Pike South Ramps, there is an existing sidepath approximately 10 feet wide.

The Project will appreciably improve pedestrian and bicycle connectivity and accessibility in the vicinity. The Project will provide the following bicycle and pedestrian infrastructure and frontage improvements:

- Old Columbia Pike: A ten (10) foot-wide sidepath with a ten (10) foot-wide street buffer with trees along the frontage on Old Columbia Pike.
- Columbia Pike South Ramps: A 16-foot-wide Breezeway (part of the Burtonsville to Silver Spring Breezeway), with a six (6) foot-wide street buffer with trees along the frontage on Columbia Pike South Ramps.

The bicycle and pedestrian improvements will satisfy the requirements under the *Bicycle Master Plan* for Old Columbia Pike and Columbia Pike South Ramps. Similarly, the requirements under the 2024 *Complete Streets Design Guide* for Town Center Streets and Boulevards are also satisfied.

The roadway configuration along the Property frontage of Old Columbia Pike will be modified. The Applicant proposes to remove the right-turning lane. This will result in seven (7) travel lanes along Old Columbia Pike instead of the existing eight (8) travel lanes. Along the Property frontage, the roadway configuration will be modified as follows: a five (5) foot-wide shoulder, an 11-foot-wide travel lane, a 12-foot-wide travel lane, and a ten (10) foot-wide travel lane. The southbound side of Old Columbia Pike will remain unchanged.

As conditioned by MDOT-SHA and shown on the plans, the Applicant must construct a new signalized intersection at the western driveway ingress/egress on Old Columbia Pike across from the Burtonsville Town Center Shopping Center.

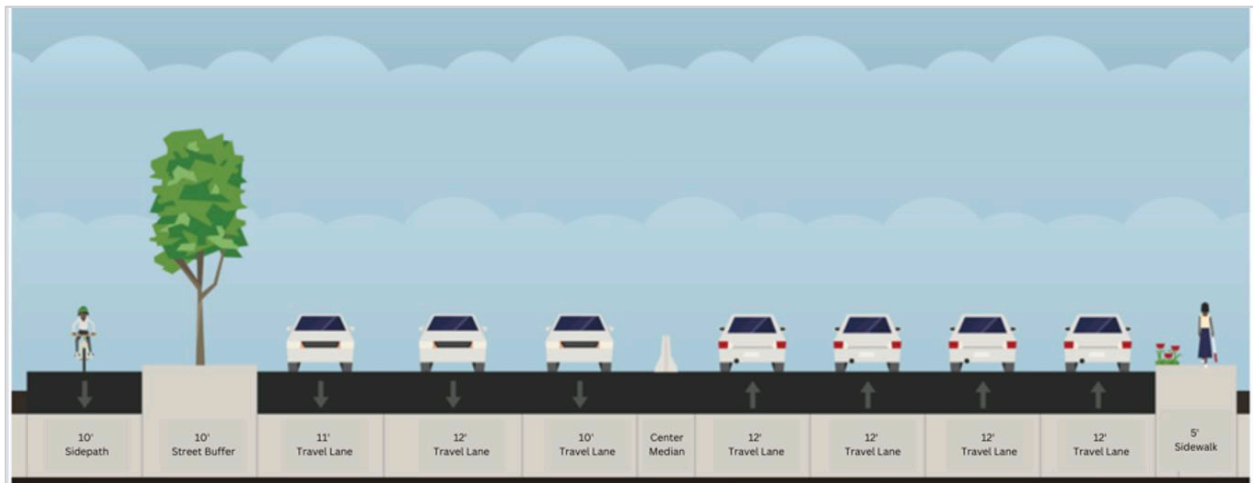


Figure 11 - Proposed roadway cross-section of Old Columbia Pike, as conditioned

LOCAL AREA TRANSPORTATION REVIEW (LATR)

The Project is located in the Burtonsville Town Center Policy Area, which is classified as an Orange Policy Area under the 2021-2024 *Growth and Infrastructure Policy* (“the GIP”). The Project is estimated to generate 524 total peak hour person trips in the morning and 447 total peak hour person trips in the evening. After accounting for peak hour person trips currently associated with the 8,240 square foot furniture store (182 morning peak hour person trips and 209 evening peak hour person trips), the Project is estimated to generate 342 net new morning peak hour person trips and 238 net new evening peak hour person trips (Table 2). As a result of the estimated transportation impact, the Applicant submitted a Transportation Impact Study with the Preliminary and Site Plans to satisfy the Local Area Transportation Review (LATR).

Table 2 - Estimated person trip generation¹²

Land Use	Morning Peak Hour	Evening Peak Hour
Existing Uses (credit): Furniture Store	(182)	(209)
Proposed Uses: Convenience Store, Gas Station	524	447
Total Net New Person Trips	342	238

Travel Mode Adequacy Test

The GIP requires evaluation of all transportation modes, including auto-drive, transit, walking and biking. Mode-specific adequacy tests are required for any project estimated to generate 50 or more net new peak hour person trips. The mode split of the total person trips for the Project are summarized by travel mode in Table 3.

Table 3 - Trip estimate by mode of travel¹³

Peak Hour	Total Person-Trips	Automobile Driver	Transit	Pedestrian ¹⁴	Bicycle
Morning	182	130	2	44	6
Evening	209	150	2	51	6

The Project’s estimated transportation impact necessitates that the Transportation Impact Study evaluate all four (4) travel mode adequacy tests as follows:

- The transit system adequacy was evaluated by inventorying three (3) bus stops located within 1,300 feet of the Property. Where shelters and associated amenities are not provided, the Applicant must install the standard amenities in coordination with MCDOT.

¹² Transportation Impact Study by Lenhart Traffic Consulting, Inc., October 2, 2023.

¹³ Transportation Impact Study by Lenhart Traffic Consulting, Inc., October 2, 2023.

¹⁴ Pedestrian trips are calculated by adding non-motorized and transit trips.

- The pedestrian system adequacy was evaluated within 900 feet of the Property. Mitigation will be required to achieve a Pedestrian Level of Comfort (PLOC) greater than two (2) (classified as Somewhat Comfortable), and/or deficiencies identified for streetlamps within the scoped boundary. The Pedestrian system adequacy also requires mitigation for ADA deficiencies identified within 375 feet of the Property.
- The bicycle system adequacy was evaluated by analyzing bikeways within 900 feet of the Property. Mitigation will be required to achieve a Level of Traffic Stress 2 (LTS-2) or lower, consistent with the *Bicycle Master Plan*.
- Under Section 8 of 2022 Local Area Transportation Review Guidelines (LATR Proportionality Guide), the maximum cost of mitigation improvements the Applicant is required to construct or fund for a project consisting of a convenience store and a gas station with no more than eight (8) fuel pumps is not to exceed \$29,151.

After evaluating the adequacy of each of the required transportation modes, the Applicant identified that most deficiencies were addressed. MCDOT, MDOT-SHA, and Planning Staff agreed that instead of constructing a facility, the Applicant will contribute an amount \$29,151 for the off-site improvements to the Montgomery County Capital Improvement Project (CIP) MD 198 Sidewalk Improvements (P502406). This contribution will enhance the fund to provide new sidewalks along Old Columbia Pike (MD 198), between Dino Drive and McKnew Road.

As conditioned, all off-site mitigation payments must be paid before the issuance of the first above grade building permit or right-of-way permit (whichever comes first). Montgomery County Planning, MCDOT, and MDOT SHA staff reviewed the TIS and approved the mitigation payment instead of construction. Therefore, the Applicant has satisfied the requirements of the LATR, and the public transportation facilities are adequate for the Site.

Vehicle Adequacy Test

The proposed use exceeds 50 peak hour person trips, which requires a full multimodal LATR study. Six (6) local intersections were studied using the critical lane volume (CLV) methodology. As shown in Table 4, no intersection exceeded the 1,550 CLV standard.

Table 4 – Critical Lane Volume (CLV) Methodology¹⁵

Intersection	Traffic Conditions					
	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
Burtonsville Town Center (1,450)	-	-	-	-	-	-
MD 198 & US 29 Northbound Ramps	957	1,041	1,009	1,041	1,013	1,042
MD 198 & Old Columbia Pike/US 29 Southbound On-Ramp	808	916	931	1,197	937	1,198
Old Columbia Pike & National Drive	477	671	581	981	582	982
MD 198 & Old Columbia Pike	860	1,056	911	1,119	915	1,120
US 29 Southbound Off Ramp & Blackburn Road	114	355	114	355	114	355
MD 198 & Lions Den Drive/Burtonsville Drive	1,093	1,052	1,120	1,086	1,125	1,087
Old Columbia Pike & Greencastle Road	753	1,052	780	1,087	782	1,087
MD 198 & Site Access/Shopping Center	791	849	821	887	874	923
MD 198 & Site Access	441	513	475	554	523	585

OTHER PUBLIC FACILITIES AND SERVICES

Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the GIP currently in effect.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Property is subject to Chapter 22A of the County Code. As conditioned, the accompanying Forest Conservation Plan No. F2024021A complies with the requirements of the Forest Conservation Law, as discussed more fully below. The Property has a 0.84-acre afforestation/reforestation requirement if met onsite and 0.98 acres if met offsite. All areas of forest planted will be placed in Category I conservation easements.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.

The Project satisfies the applicable requirements of Chapter 19. DPS approved a Site Development Stormwater Management Concept Plan on June 5, 2024. The plan proposes to meet required stormwater management goals via micro-bioretenion and underground detention facilities.

¹⁵ Transportation Impact Study by Lenhart Traffic Consulting, Inc., October 2, 2023.

6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.

The Applicant has no actual notice or constructive notice of a burial site, and the Property is not included in the Montgomery County Cemetery Inventory.

7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

With an approved Preliminary Plan and Site Plan, the Project complies with all applicable requirements and binding conditions of approval of Local Map Amendment LMA H-134 (County Council Resolution No. 19-299) (Attachment A). The binding elements include limitations on land uses, a buffer zone, frontage improvements, controlled access, future access road, and public open space.

With an approved Preliminary Plan and Site Plan, the Project complies with all applicable requirements and conditions of approval of Conditional Use No. 24-15 (Approval date of July 17, 2024) under Section 59-3.5.13 for an automobile filling station and convenience/retail store (Attachment A). The applicable requirements include required parking spaces, compliance with the binding elements of LMA H-134, and adherence to other applicable county codes.

There are no other applicable provisions that are specific to the Property or necessary for approval of the subdivision.

SECTION 7: SITE PLAN 820240170 FINDINGS AND ANALYSIS

The CRTF zone development standards for the Project are governed by the floating zone procedures set forth in Section 59-5.3.5 (Commercial/Residential Floating, General Requirements). More specifically, Section 59-5.3.5.B.2 (Commercial/Residential Floating, Setback and Height) provides that “setbacks from the site boundary and maximum height are established by the floating zone plan. All other setbacks are established by the site plan approval process under Section 7.3.4 (Administration and Procedures, Site Plan).” Therefore, an approved site plan is required for the Project.

Further, Section 59-5.3.5.D (Commercial/Residential Floating, General Requirements) provides that “parking recreation facilities, screening and landscaping must be provided under Article 59-6 (General Development Requirements) and that the open space requirements for a standard method project, such as the Project, must be provided pursuant to Section 59-4.5.3.C.1 (Commercial/Residential Zones, Standard Method Development).

As shown in Table 4 and discussed in this section of the staff report, the Project complies with the Master Plan and the CRTF zone development standards, as applicable.

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

The findings herein apply only to the Property.

- 2. To approve a Site Plan, the Planning Board must find that the proposed development:**

- a) Satisfies any previous approval that applies to the site;**

With an approved Preliminary Plan and Site Plan, the Project complies with all applicable requirements and binding conditions of approval of Local Map Amendment LMA H-134 (County Council Resolution No. 19-299) (Attachment A). The binding elements include limitations on land uses, a buffer zone, frontage improvements, controlled access, future access road, and public open space.

With an approved Preliminary Plan and Site Plan, the Project complies with all applicable requirements and conditions of approval of Conditional Use No. 24-15 (Approval date of July 17, 2024) under Section 59-3.5.13 for an automobile filling station and convenience/retail store (Attachment A). The applicable requirements include required parking spaces, compliance with the binding elements of LMA H-134, and adherence to other applicable county codes.

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

Not applicable because there are no binding elements of any development plan or schematic development plan that were in effect on October 29, 2014.

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

This section is not applicable because the Property’s zoning classification on October 29, 2014 was not the result of a Local Map Amendment. The Property was rezoned on November 19, 2019 from the CRN to CRTF by Local Map Amendment No. LMA H-134 (County Council Resolution No. 19-299).

d) Satisfies applicable use standards, development standards, and general requirements under this Chapter.

Pursuant to Sec. 59-3.5.13, Conditional Use No. CU 24-15 approved an automobile filling station and convenience/retail uses on the Property. As shown in Table 2 below, the Site Plan satisfies applicable use standards, development standards, and general requirements for CRTF zone, under the standard method of development of Section 59-5.3.5.

Table 5 – Wawa-Burtonsville Site Plan Data Table for CRTF 1.5, C-1.0, R-0.5, H-45 Zone, Standard Method, Section 59.5.3.5

Development Standard (59-5.3.5)	Permitted/ Required	Proposed
Gross Site Area (min)	N/A	3.37 acres (146,938 SF)
Lot Area (min.)	N/A	3.36 acres (146,374 SF)
Lot Coverage	N/A	7.6% (11,194 SF)
Foor Area Ratio (FAR)		
Commercial FAR	1.0 (146,938 SF)	0.03 (5,919 SF)
Residential FAR	0.5 (73,469 SF)	0.0 (0 SF)
Total FAR	1.5 (220,407 SF)	0.03 (5,919 SF)
Retail/Restaurant Building Setback ¹⁶		
Front setback (min.) MD-198	0 FT	159 FT
Side street setback (min.) MD-29	0 FT	159 FT
Side street setback (min.) west abutting CRN zone	0 FT	129 FT
Rear setback (min.) abutting R-200 zone ¹⁷	50 FT	144 FT
Accessory Structure Setback, Gas Canopy		
Front setback (min.) MD-198	0 FT	41 FT
Side street setback (min.) MD-29	0 FT	206 FT
Side street setback (min.) west abutting CRN zone	0 FT	55 FT
Rear setback (min.) abutting R-200 zone	50 FT	278 FT
Accessory Structure Setback, Other		

¹⁶ All setbacks and Build-to Areas are established by Floating Zone Plan LMA H-134 or the Site Plan approval.

¹⁷ Rear abutting R-200 zone 50-foot buffer established by Binding Element No. 2 of Floating Zone Plan LMA H-134.

Development Standard (59-5.3.5)	Permitted/ Required	Proposed
Front setback (min.) MD-198	0 FT	10 FT
Side street setback (min.) MD-29	0 FT	10 FT
Side street setback (min.) west abutting CRN zone	0 FT	10 FT
Rear setback (min.) abutting R-200 zone	50 FT	50 FT
Building Height (max.)	45 FT	30 FT
Building Type ¹⁸	Any building type is allowed	Established by Site Plan
Open Space, public (min.) ¹⁹	10% (14,670 SF)	10% (14,670 SF)
Parking Setback (min.) ²⁰		
Front setback	6 FT	16 FT
Side street setback	6 FT	20 FT
Side setback	6 FT	65 FT
Rear setback	50 FT	79 FT
Build-to Area (BTA) (max. setbacks) ²¹		
Front setback BTA	Established by LMA and Site Plan	159 FT
Site street setback BTA	Established by LMA and Site Plan	159 FT
Parking ²²		
Retail (3.5 spaces min to 6 spaces maximum/1,000 gross leasable area)	10 spaces min. to 17 spaces max. (2,716 SF)	Included in total parking spaces
Restaurant (4 spaces min. to 12 spaces max./1,000 gross leasable area)	1 space min. to 2 spaces max. (2,703 SF)	Included in total parking spaces
Automobile Filling Station (1 space min. to 2.5 spaces max./1,000 gross floor area)	11 spaces min. to 33 spaces max. (500 SF)	Included in total parking spaces
Total Parking Spaces	22 min. to 52 spaces max.	50 spaces min.
Accessible Parking (2% of total parking) (min.)	1 space	2 spaces
Van accessible parking (1 space/accessible space), (min.)	1 space	2 spaces
Electric vehicle charging space (min.)	0 spaces	9 spaces
Car share space, (min.)	1 space	1 space

¹⁸ Pursuant to Sec. 59-5.3.4.A, any building type is allowed in the Commercial/Residential Floating zone.

¹⁹ Under standard method of development, no public benefits are required and, therefore, open space is provided pursuant to 59-4.5.3.C.1 (standard method) for the CRT zone.

²⁰ All parking setbacks are established by Floating Zone Plan LMA H-134 or the Site Plan approval.

²¹ All Build-to Area setbacks are established by Floating Zone Plan LMA H-134 or the Site Plan approval.

²² Applicant may reallocate parking spaces based on the allowed uses in the zone and if the total minimum number of parking spaces are maintained.

Development Standard (59-5.3.5)	Permitted/ Required	Proposed
Bicycle Parking		
Retail/restaurant (5,919 SF) ²³	4 spaces	4 spaces
Total bicycle parking	4 spaces	4 spaces
Bicycle parking, short-term (min.)	2 spaces	2 spaces
Bicycle parking, long-term (min.)	2 spaces	2 spaces
Parking Lot Landscaping, internal (min.)	5% (1,470 SF)	12.35% (3,632 SF)
Parking Lot Tree Canopy Coverage (min.)	25% (7,354 SF)	30% (10,079 SF)
Parking Lot Perimeter Planting (min. width)		
Abuts residential detached zone (R-200)	10 FT	10 FT
Abuts other zone or right-of-way	6 FT	6 FT

The Project complies with Sec. 59-4.1.8.B (Height Compatibility) because the maximum height of the building is 30 feet, and the building is setback a minimum of 144 feet from the shared R-200 zoned residential property line to the south. As such, the building does not protrude beyond a 45-degree angular plane projecting over the Property.

As shown in Figure 13 below, the landscape plan satisfies the requirements of Sec. 59-6.4.3. The landscape plan provides numerous shade trees, evergreen trees, ornamental trees, shrubs, and groundcover which is evenly distributed across the Property, the Property frontage and along the frontage improvements. Additionally, the landscape plan provides adequate shading for the two public open space areas with shade and ornamental trees.

²³ Retail use requires 1 space per 10,000 SF with 15% long-term; Restaurant use requires 1 space per 10,000 SF with 15% long-term; no bicycle parking is required for an automobile filling station.

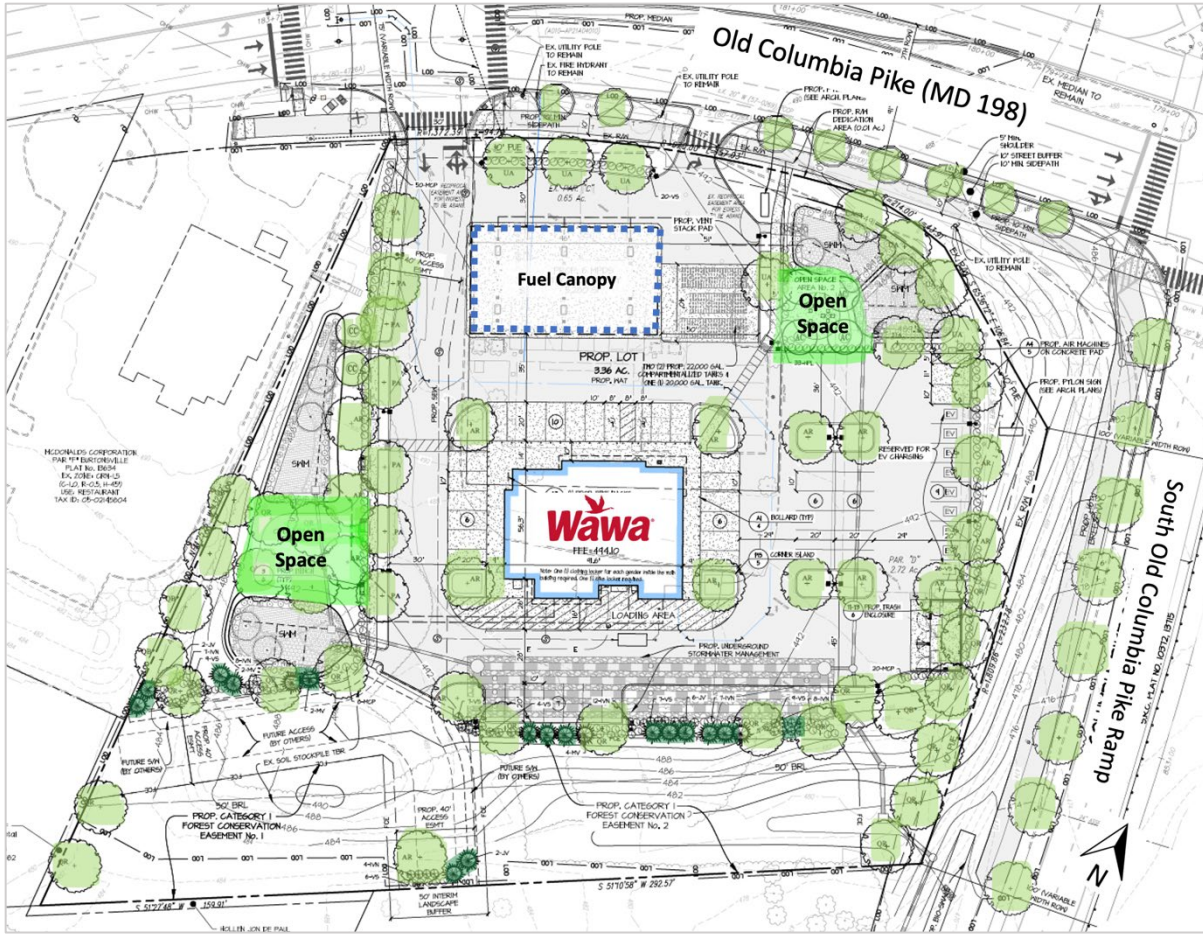


Figure 12 Proposed Landscape Plan with public open spaces

e) Satisfies the applicable requirements of:

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

The Project satisfies the applicable requirements of Chapter 19. DPS approved a Site Development Stormwater Management Concept Plan on June 5, 2024. The plan proposes to meet required stormwater management goals via micro-bioretenention and underground detention facilities.

ii. Chapter 22A, Forest Conservation

The Final Forest Conservation Plan No. F2024021A satisfies all of the 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. Please refer to Section 8 below for the analysis and findings for the Preliminary/Final Forest Conservation Plan.

f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The Project provides safe, well-integrated parking, circulation patterns, building massing, open spaces and site amenities. A detailed discussion of the adequate parking and circulation pattern is under Section 6 (Preliminary Plan Findings) (Figure 5). All loading and trash collection will occur on-site in the rear and out of the public right-of-way and parking areas. As shown in Figure 4 and Figure 11, two public open spaces are provided which will provide safe and well-integrated shaded tables and seating areas because the public open spaces areas are situated to the edges of the Property and accessed from parking areas and the building by marked pedestrian crosswalks.

g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

The Project substantially conforms with the recommendations of the Master Plan. The Property is located within the Gateway area of the Master Plan, leading to the Main Street corridor along MD 198, west of the Property. (p. 5)

The proposed project is consistent with the Master Plan as follows:

- The Master Plan recommends that parking lots and major roads include tree cover, either as part of landscaping or from street trees. (p. 32) The landscape plan (Figure 13) provides a significant amount of shade trees and other landscaping, throughout the Property, as well as in the public right-of-way along the proposed bike path and sidewalk parallel to Old Columbia Pike and Columbia Pike. Furthermore, the project site plan indicates that deciduous shade and ornamental trees will be provided to shade the sitting areas in open space areas No. 1 and No. 2.
- The Master Plan recommends an expanded bikeway system in the plan area, including a bikeway along the southern side of MD 198. (p. 37) As described above, the Project includes a sidepath along the northern property line and a breezeway along the eastern property line. (Figure 5).

h) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

The Project will be served by adequate public services and facilities. A detailed discussion of the adequacy of public facilities is included under the Preliminary Plan findings of the Staff Report.

i) On a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and

Not applicable because the Property is not in a Rural Residential or Residential zone.

j) On a property in all other zones, is compatible with existing, approved or pending adjacent development.

The Project is compatible with existing and approved adjacent development. A total of 10,700 square feet of existing floor area will be removed and replaced with 5,919 square feet of new floor area. The Project replaces a convenience retail building and fuel pump station with a similarly scaled convenience retail building and fuel pump station, and also removes another existing retail building. This results in less commercial density than presently exists. The proposal mirrors the established development pattern of surrounding area in density, massing, and architectural treatment (see architecture plans Figure 6 to Figure 10).

As shown on the Zoning Map (Figure 2), adjacent commercial properties are zoned for similar heights and densities. The Project is compatible with residentially zoned land to the south because the building and operations are sufficiently buffered in distance by 144 feet and with a forest conservation easement along the southern portion of the Property. There are no other known pending applications on adjacent development.

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

Not applicable because this Project does not include a restaurant with a drive-thru facility.

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

Not applicable because the Property was not zoned C-1 or C-2 on October 29, 2014.

SECTION 8: FOREST CONSERVATION PLAN F2024021A FINDINGS AND ANALYSIS

All Forest Conservation Law, Chapter 22A requirements are satisfied.

The Final Forest Conservation Plan satisfies all of the 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.

FOREST CONSERVATION

Natural Resource Inventory/Forest Stand Delineation Plan

The Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD") 420190100 for this Property was approved on January 17, 2019. The NRI/FSD identifies the environmental features and forest resources on the Property. The Property is comprised of two parcels of 2.73 acres and 0.65 acres. The Property is located within the Little Paint Branch watershed and classified as a Use Class I-P watershed by the State of Maryland. The NRI/FSD identified 0.38 acres forest on the Property. The site contains no specimen or significant trees. There are no streams or floodplain onsite, or a Stream Valley Buffer onsite.

Forest Conservation Plan

The Applicant submitted a Final Forest Conservation Plan No. F2024021A ("FFCP") (Attachment C) for concurrent review with the Preliminary Plan No. 120240160. The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's approved Environmental Guidelines.

The Property is zoned CRTF and is assigned a Land Use Category of Mixed-Use development area ("MPD") as defined in Section 22A-3 of the Montgomery County Forest Conservation Law ("FCL") and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 15 percent and a conservation threshold of 20 percent of the Net Tract Area.

The Net Tract Area for forest conservation purposes includes the 3.37-acre Total Tract plus 0.98 acres offsite improvements associated with this Application, for a total Net Tract area of 4.35 acres.

The application proposes 0.28 acres of forest removal and 0.10 acres of forest retention. This results in an afforestation/reforestation requirement of 0.83 acre if met onsite and 0.97 acres if met offsite, which will be met with 0.42 acres planted forest in a Category I Conservation Easement and 0.41 acres offsite (inside the watershed) or 0.55 acres offsite (not in the same watershed).

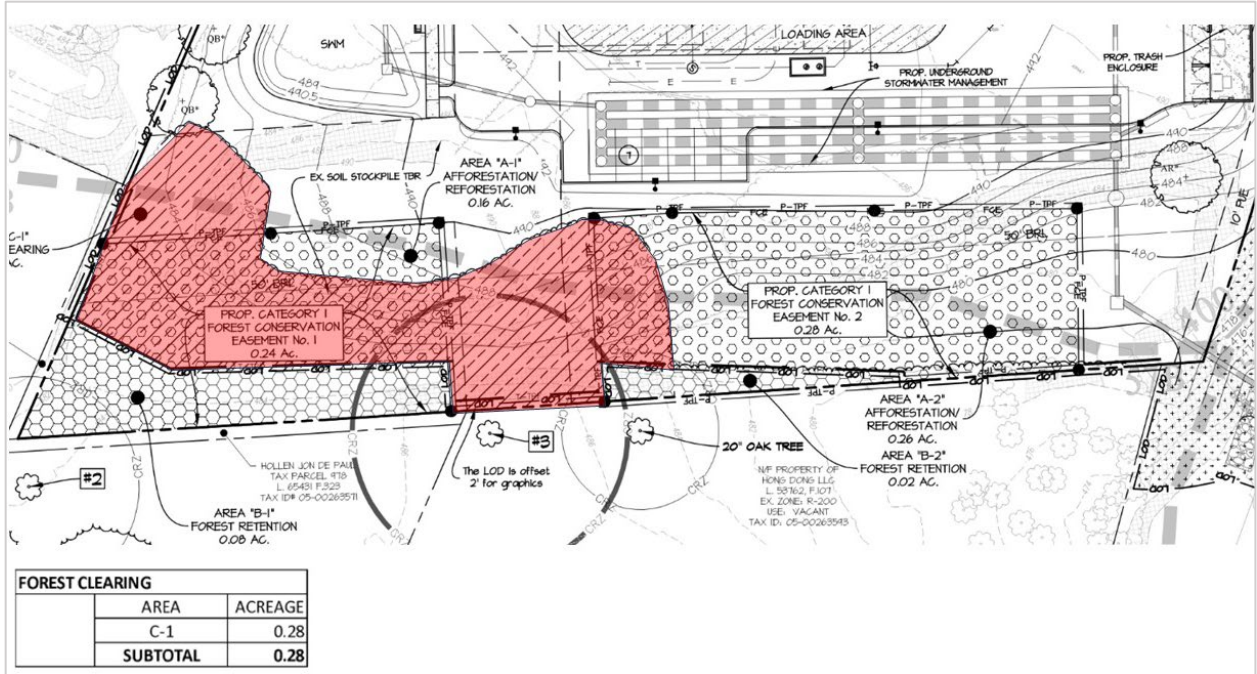


Figure 13: Proposed Forest Clearing

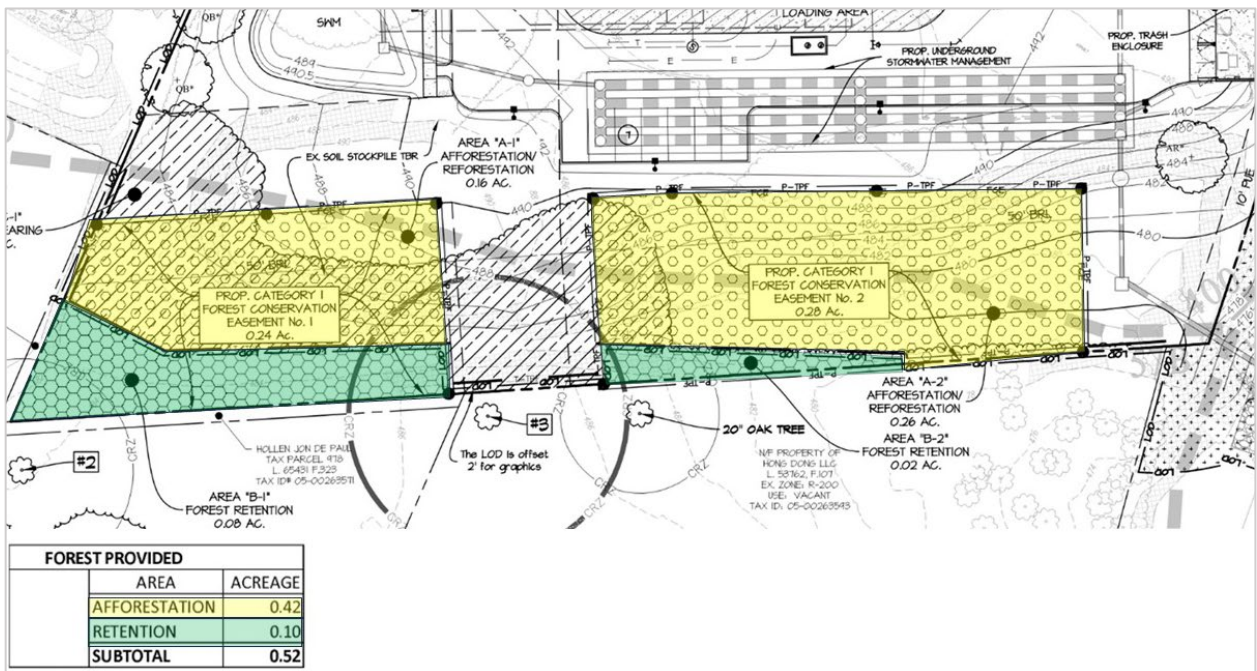


Figure 14: Proposed Forest Planting and Retention

Variance Request

A Variance request was approved with the Preliminary FCP and the impacts to the variance trees has not changed. A new Variance request is not needed for this Project.

SECTION 9: CONCLUSION

As conditioned, the Preliminary Plan and Site Plan applications each satisfy the findings under Sections 59.7.3.3 and 7.3.4 and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the 2012 *Burtonsville Neighborhood Crossroads Plan* and satisfy the findings of the Subdivision Regulations. The Final Forest Conservation Plan Amendment No. F2024021A satisfies 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 the Preliminary Plan, Site Plan, and Final Forest Conservation Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: Prior Approvals - Local Map Amendment Case No. H-134 (County Council Resolution No. 19-299, Conditional Use No. 24-15 (dated July 17, 2024), List of Prior Approvals

Attachment B: Preliminary Plan, Site Plan

Attachment C: Forest Conservation Plan

Attachment D: Agency Letters

Attachment E: Affidavit of Community Meeting and Minutes