

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

January 31, 2025

MCPB No. 25-005
Preliminary Plan No. 120240160
Wawa - Burtonsville
Date of Hearing: January 9, 2025

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on June 26, 2024, Dong Ya, LLC and Hong Cheng, LLC (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create one (1) lot on 3.36 acres of land in the CRTF 1.5, C-1.0, R-0.5, H-45 zone, located at the southwest quadrant of Old Columbia Pike (MD-198) and South Columbia Pike Ramp (15585 and 15595 Old Columbia Pike) (“Subject Property”), in the Fairland/White Oak Policy Area and 2012 *Burtonsville Crossroads Neighborhood Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120240160, Wawa - Burtonsville (“Preliminary Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F2024021A and Site Plan No. 820240170; and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated December 27, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 9, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120240160 to create one (1) lot on the Subject Property, subject to the

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605
www.montgomeryplanningboard.org | mcp-chair@mncppc.org

Approved as to
Legal Sufficiency:

/s/ Allison Myers
M-NCPPC Legal Department

following conditions:¹

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.²

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 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.

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

² 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.

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 required 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.

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

1. *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 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 Application does not include any new blocks. The 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 Application meets all applicable sections of the Subdivision Code, including lot design. The Application combines two existing recorded parcels. The 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 Application provides adequate open areas. The Application 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 lot was reviewed for compliance with the dimensional requirements for the CRTF zone as specified in the Zoning Ordinance. The lot meets all the dimensional requirements for area, frontage, and width. A summary of this review is included below in the Data Table.

Data Table

Development Standard (59-5.3.5)	Permitted/ Required	Approved
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)
Floor 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 ³		
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 ⁴	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

³ All setbacks and Build-to Areas are established by Floating Zone Plan LMA H-134 or the Site Plan approval.

⁴ 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	Approved
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 ⁵	Any building type is allowed	Established by Site Plan
Open Space, public (min.) ⁶	10% (14,670 SF)	10% (14,670 SF)
Parking Setback (min.) ⁷		
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) ⁸		
Front setback BTA	Established by LMA and Site Plan	159 FT
Site street setback BTA	Established by LMA and Site Plan	159 FT
Parking ⁹		
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		

⁵ Pursuant to Sec. 59-5.3.4.A, any building type is allowed in the Commercial/Residential Floating zone.

⁶ 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.

⁷ All parking setbacks are established by Floating Zone Plan LMA H-134 or the Site Plan approval.

⁸ All Build-to Area setbacks are established by Floating Zone Plan LMA H-134 or the Site Plan approval.

⁹ 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	Approved
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 Application is located within the “Main Street MD 198” neighborhood of the 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 approved uses, are listed as a supported land use within the Main Street neighborhood.

The Application 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. The Application 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.

The Master Plan recommends an expanded bikeway system in the plan area, including a bikeway along the southern side of MD 198. The Application 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.

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

As conditioned, public facilities are 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.

Along Columbia Pike, the Applicant will 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*.

Along Old Columbia Pike South Ramps, the Applicant will 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 Application will provide the following bicycle and pedestrian infrastructure and frontage improvements: a) 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; and b) 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 satisfy the requirements under the *Bicycle Master Plan* for Old Columbia Pike and Columbia Pike South Ramps. The requirements under the *2024 Complete Streets Design Guide* for Town Center Streets and Boulevards are also satisfied.

The Applicant will remove the right-turning lane, which results 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 will construct a new signalized intersection at the western driveway ingress/egress on Old Columbia Pike across from the Burtonsville Town Center Shopping Center.

The Application 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 Application 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 Application is estimated to generate 342 net new morning peak hour person trips and 238

net new evening peak hour person trips. Therefore, the Applicant submitted a Transportation Impact Study to satisfy the Local Area Transportation Review (LATR).

MCDOT, MDOT-SHA, and Planning Staff agreed that instead of constructing a facility, the Applicant will contribute an amount of \$29,151 for the off-site improvements to the Montgomery County Capital Improvement Project (CIP) MD 198 Sidewalk Improvements (P502406).

The Application exceeded 50 peak hour person trips, which required a multimodal LATR study. Six (6) local intersections were studied using the critical lane volume (CLV) methodology. No intersection exceeded the 1,550 CLV standard.

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

As conditioned, the accompanying Forest Conservation Plan No. F2024021A complies with the requirements of the Forest Conservation Law and was approved in a separate resolution. 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.

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

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

- 5. 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.

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

The Application complies with all applicable requirements and binding conditions of approval of Local Map Amendment LMA H-134 (County Council Resolution No. 19-

299). The binding elements include limitations on land uses, a buffer zone, frontage improvements, controlled access, future access road, and public open space.

The Application 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. The applicable requirements include required parking spaces, compliance with the binding elements of LMA H-134, and adherence to other applicable county codes.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

January 31, 2025

(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Commissioner Linden was necessarily absent, at its regular meeting held on Thursday, January 23, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board