

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

January 31, 2025

MCPB No. 25-006
Site Plan No. 820240170
Wawa - Burtonsville
Date of Hearing: January 9, 2025

RESOLUTION

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

WHEREAS, on June 26, 2024, Dong Ya, LLC and Hong Cheng, LLC (“Applicant”) filed an application for approval of a site plan for a 5,919 square foot building for an automobile filling station, retail, and restaurant uses 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, the site plan application for the Subject Property was designated Site Plan No. 820240170, Wawa - Burtonsville (“Site Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F2024021A and Preliminary Plan No. 120240160; 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.

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Approved as to
Legal Sufficiency:

/s/ Allison Myers
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820240170 for 5,919 square foot building for an automobile filling station, retail, and restaurant uses on the Subject Property, subject to the following conditions:¹

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.²

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 two (2) long-term and two (2) 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 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

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 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.

- 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 use and occupancy permit for the building (excluding core and shell), 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 MDOT 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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 820240170, Wawa - Burtonsville, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations 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 development satisfies any previous approval that applies to the site.*

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

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

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

3. *The development satisfies 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).

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Use Standards

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. The Application conforms to the approved use standards of Conditional Use No. CU 24-15.

- b. Development Standards

The Subject Property includes approximately 3.36 acres zoned CRTF 1.5, C-1.0, R-0.5, H-45. The Application satisfies the applicable development standards as shown in the following 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)

Development Standard (59-5.3.5)	Permitted/ Required	Approved
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
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		

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.

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.

Development Standard (59-5.3.5)	Permitted/ Required	Approved
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.
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 ¹⁰
Car share space, (min.)	1 space	1 space
Bicycle Parking		
Retail/restaurant (5,919 SF) ¹¹	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

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.

¹⁰ Not required and are contingent upon the Applicant securing a vendor to install and operate electric vehicle charging spaces.

¹¹ 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.

The Application complies with Section 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.

The landscape plan satisfies the requirements of Section 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

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on June 5, 2024. The concept plan will meet stormwater management requirements using micro-bioretenion and underground detention facilities.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. The associated 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. The Forest Conservation Plan was approved in a separate resolution, the findings of which are incorporated herein.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing, and where required, open spaces and site amenities.*

The Application provides safe, well-integrated parking, circulation patterns, building massing, open spaces and site amenities. All loading and trash collection will occur on-site in the rear and out of the public right-of-way and parking areas. 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.

- 7. The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Application 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. The landscape plan provides a significant amount of shade trees and other landscaping, throughout the Property, as well as in the public right-of-way along the bike path and sidewalk parallel to Old Columbia Pike and Columbia Pike. The landscape plan provides deciduous shade, and ornamental trees will provide adequate shade the sitting areas of open space areas.

- 8. The development 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.*

The Application will be served by adequate public services and facilities. 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*.

The Application 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 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. 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 Application (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.

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

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

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

January 31, 2025

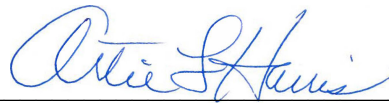
(which is the date that this resolution is mailed to all parties of record); and

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