

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-111  
Site Plan No. 81985104A  
Burtonsville Crossing Shopping Center  
Date of Hearing: December 8, 2022

DEC 22 2022

## 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, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, except that the new proposed uses were reviewed under the standards of the current Zoning Ordinance as required by Section 59-7.7.1.A; and

WHEREAS, on December 4, 1985, the Planning Board, by Planning Board Opinion, approved Site Plan No. 819951040 for a 130,000-square foot shopping center on 13.35 acres of C-1 zoned-land, located at 15701 Old Columbia Pike ("Subject Property"), in the Burtonsville Town Center Policy Area and 2012 Burtonsville Crossroads Neighborhood Plan ("Neighborhood Plan") area; and

WHEREAS, on August 24, 2022, Burtonsville (E&A), LLC ("Applicant") filed an application for amendment to the previously approved site plan(s) to allow for redeveloping the Burtonsville Shopping Center by demolishing 7,600 square feet of existing retail uses and relocating that retail square footage onto two new pad sites with Drive-Thrus including improvements to open space, landscaping, lighting, and pedestrian circulation on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81985104A, Burtonsville Crossing Shopping Center ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the

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2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605 | Fax: 301-495-1320  
[www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) | [mcp-chair@mncppc.org](mailto:mcp-chair@mncppc.org)

Approved as to  
Legal Sufficiency: /s/ Allison Myers  
M-NCPPC Legal Department

Planning Board, dated November 23, 2022, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 8, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hill, seconded by Commissioner Branson, with a vote of 4-0; Chair Zyontz, Commissioners Branson, Hill and Piñero voting in favor and Vice Chair Presley absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81985104A for redeveloping the Burtonsville Shopping Center by demolishing 7,600 square feet of existing retail uses and relocating that retail square footage onto two new pad sites with Drive-Thrus including improvements to open space, landscaping, lighting, and pedestrian circulation by adding the following conditions:<sup>1</sup>

#### **Density, Height & Housing**

1. Density

The Amendment is limited to relocation of a maximum of 7,600 square feet to be used for Retail/Service Establishment (120,001 square feet and over) per Section 59.3.5.11.B, Restaurant per Section 59.3.5.3.B, and two additional Drive-Thrus as accessory uses per Section 59.3.5.14.E, on 6.90 acres.

2. Height

The development is limited to a maximum height of 45 feet, as measured from the building height measuring points, as illustrated on the Certified Site Plan.

#### **Adequate Public Facilities**

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

#### **County Agency Approvals**

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire

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<sup>1</sup> 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.

Department Access and Water Supply Section in its letter dated October 11, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations provided in the letter, which MCDPS, Fire Department Access and Water Supply Section may amend if the amendment does not conflict with other conditions of Site Plan approval.

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

#### **Green Space, Facilities and Amenities**

9. Public Use Space, Facilities, and Amenities

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

10. Maintenance of Public Amenities

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

**Site Plan**

11. Site Design

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

12. Lighting

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

**Transportation & Circulation**

13. Before the issuance of a Use and Occupancy Certificate for Building A-1, the Applicant must construct the following improvements and satisfy all necessary requirements of MCDPS and/or MDSHA:
  - a. An 11-foot-wide sidepath with 10-foot-wide street buffer across the frontage of the Subject Property along Old Columbia Pike as shown on the Certified Site Plan.
  - b. Removal of pavement to include removal of one existing travel lane and one acceleration/deceleration (“accel/decel”) lane on Old Columbia Pike as shown on the Certified Site Plan.
  - c. Provision of street trees and stormwater management as shown on the Certified Site Plan along Old Columbia Pike.
  - d. Improvement of the southern leg of the National Drive (southern portion) / Old Columbia Pike intersection to include a pedestrian refuge island and new curb ramps.
  - e. Stripping and flexposts, if necessary, for an 8-foot-wide two-way interim separated bikeway with 4-foot-wide buffer along Old Columbia Pike as shown on the Certified Site Plan to connect from MD 198 to National Drive, or comparable alternative improvement as reviewed and approved by Staff.
  
14. Before the issuance of a Use and Occupancy Certificate for Building A-2, the Applicant must construct the following improvements and satisfy all necessary requirements of MCDPS and/or MDSHA:
  - a. Improvement of the eastern leg of the National Drive (southern portion) / Old Columbia Pike intersection to include curb extensions as shown on the Certified Site Plan.
  - b. A sidewalk with tree panel along the northern side of National Drive (south) connecting from Old Columbia Pike to the main shopping center.
  
15. Site Plan Surety and Maintenance Agreement  
Before issuance of any building permit for Buildings A-1 or A-2, sediment control permit, or Use and Occupancy Certificate for Buildings A-1 or A-2 (whichever comes first), the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with 59-D-3.5(d) of the Montgomery County Zoning Ordinance in effect before October 29, 2014, with the following provisions:

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

16. Development Program

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

17. Certified Site Plan

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

- a. Include the stormwater management concept approval letter, approved Fire Department Access Plan, DPS Right-of-Way approval letter, development program, Planning Board Opinion dated May 9, 1985 for Preliminary Plan No. 119842430 on the approval or cover sheet(s).
- b. Add the following notes:
  - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
  - ii. "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services and/or the Maryland State Highway Administration."
  - iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the MCDPS responsible for Certified Site Plan conformance and

compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur 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.”

- c. Ensure consistency of all details and layout between Site, Lighting, and Landscape plans.
- d. Provide the following transportation and circulation modifications:
  - i. The 11-foot-wide sidepath with 10-foot-wide street buffer across the frontage of the Subject Property along Old Columbia Pike.
  - ii. The removal of pavement to include removal of one existing travel lane and one accel/decel lane along Old Columbia Pike.
  - iii. Location of street trees and stormwater management for the sidepath along Old Columbia Pike.
  - iv. A sidewalk with tree panel along the northern side of National Drive (south) connecting from Old Columbia Pike to the main shopping center. Final design to be approved by Staff.
  - v. Improvements to the eastern leg of the National Drive (south) / Old Columbia Pike intersection to include a protected crossing with curb extensions with mountable outer curbs with radii of 15 feet, as well as bikeable ADA crossing ramps.
  - vi. Improvement of the southern leg of the National Drive (south) / Old Columbia Pike intersection to protected crossing standards to include a pedestrian refuge island and improved ADA curb ramps.
  - vii. An 8-foot-wide, two-way interim separated bikeway with 4-ft wide buffer along Old Columbia Pike to connect from MD 198 to National Drive, or comparable alternative improvement as approved by Planning Staff.
  - viii. Label new pads sites with “Retail/Service Establishment or Restaurant use” on all relevant plan sheets.
  - ix. Update data table to include a 45-foot maximum building height.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Burtonsville Crossing Shopping Center, 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 set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified below), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

Unless specifically set forth below, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect.

- 1. The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

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

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

Under Section 59-7.7.1.B.3, the Board reviewed the Application for compliance with the development standards of the CRT-1.5 zone, which was the Property's zoning in effect on October 29, 2014. However, the uses were reviewed under Section 59-7.7.1.A of the current Zoning Ordinance.

**a. Use Standards**

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

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



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

This requirement is satisfied with this Application.

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

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

#### CRT Zone - Restaurant

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

#### CRT Zone - Drive Thru

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

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

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

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

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

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

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

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

Neither Drive-Thru is located on a corner lot so this requirement does not apply. However, each Drive-Thru is screened by landscaping.

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

This Application satisfies this requirement.

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

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

**b. Development Standards**

The Application is consistent with approved Preliminary Plan No. 119842430 as well as satisfies the applicable development standards as shown in the following data table.

The Subject Property includes approximately 6.90 acres zoned CRT-1.5, C-1.0, R-1.25, H-75 (reviewed under the CRT-1.5 zone in the 2004 Zoning Ordinance). The Application satisfies the applicable development standards as shown in the following data table:

Table 1 – Development Data Table

<b>Development Data</b>			
<b>Zoning</b>	CRT-1.5 Zone (reviewed under the 2004 Zoning Ordinance in effect prior to 10/29/2014)		
<b>Site Area</b>	6.90 acres (total property 13.35 acres)		
<b>Uses</b>	<b>Permitted (as allowed by Zoning Ordinance in effect on October 20, 2014)</b>	<b>Approved with Preliminary Plan</b>	<b>Approved with Site Plan</b>
<b>Commercial</b>			
Retail/Service Establishment (120,001 square feet and over)	No limit	130,000 sq. ft.	130,000 sq. ft.
<b>Max. Building Height</b>	75 feet	N/A	45 feet
<b>Lot Area (min)</b>			
Retail/Service Establishment (120,001 square feet and over)	N/A	N/A	N/A
<b>Principal Building Setback (min.)</b>			
Front	0 feet	N/A	0 feet
Side (abutting RC zone)	25 feet min.	N/A	25 feet
Rear (abutting CRT zone)	0 feet	N/A	0 feet
Side (abutting CRT zone)	0 feet	N/A	0 feet
Side (all other)	0 feet	N/A	0 feet
Rear (all other)	0 feet	N/A	0 feet
<b>Min. Open Space</b>			
Public Use Space (59-C-15.73) (based on limits of disturbance ("LOD") of 2.59 acres)	10% min of LOD (0.26 acres)	N/A	71% (1.85 acres)

<b>Parking Requirements (min)<sup>2</sup></b>			
	<b>Metric Rate</b>	<b>Required</b>	<b>Provided</b>
<b>Commercial</b>			
Grocery (23,200 sq. ft.)	3.5 – 6 spaces/ 1,000 sq. ft.		
Restaurant (26,132 sq. ft.)	4 -12 spaces/1,000 sq. ft. patron area		
Health Club (33,415 sq. ft.)	1-5 spaces/1,000 sq. ft.		
Retail/Services (46,363 sq. ft.)	3.5 -6 spaces/ 1,000 sq. ft.		
Meter/Storage Rooms (990 sq. ft.)	0 spaces		
<b>Total</b>	<b>343-776 spaces</b>	<b>N/A</b>	<b>541 spaces</b>
Handicapped Parking	11 spaces	N/A	30 spaces
Van Accessible Handicap	3 spaces	N/A	8 spaces
Motorcycle Parking	10 spaces	N/A	10 spaces
Car Share Spaces	5 spaces		5 spaces
Electric Vehicle Parking	6 spaces		6 spaces
Bicycle Parking			
Short Term	14 spaces	N/A	16 spaces
Long Term	3 spaces	N/A	3 spaces

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

#### LOCATION OF BUILDINGS AND STRUCTURES

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

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

shrubbery. This centralized entrance extends into the Property as a corridor from the public right-of-way for pedestrians to access the new pad sites as well as the existing shopping center buildings in the rear.

## LOCATION OF OPEN SPACES AND LANDSCAPING

### Open Spaces and Public Use Space

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

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

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

## LANDSCAPING AND LIGHTING

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

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

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

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

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

## RECREATION FACILITIES

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

## PEDESTRIAN, BIKE AND VEHICULAR CIRCULATION

### Vehicle Circulation

All roads and access drives for the development within the Site Plan area are private. The Subject Property will be accessed via three existing access points on Old Columbia Pike. The first access point is located at the northwest corner the Subject Property at National Drive, which loops around the rear of the Property through the Burtonsville Park & Ride, and intersects Old Columbia Pike again to the south, approximately 450 feet from Sandy Spring Road (MD 198). The main access point into the Property is provided via an entrance/exit point on Old

Columbia Pike in between the other two access points. This entrance will terminate at the open/gathering space. A through connection further connecting to the adjoining BRT Station and redevelopment to occur on the adjoining property will be considered in subsequent applications for the shopping center. Vehicular circulation will be safe for the use.

#### Bike and Pedestrian Circulation

The Subject Property will be served by a network of internal and external sidewalks within the shopping center area as well as along Old Columbia Pike.

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

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

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

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

#### Adequate Public Facilities

Transportation will be adequate for the use. The APF for the 130,000 square foot shopping center was approved under Preliminary Plan No. 119842430. Due to the addition of new retail uses with drive-thrus, there is an overall increase in trip generation beyond the original APF approval. This Application does not amend the Preliminary Plan; therefore, the APF review conducted under the Site Plan proceeds under Ch.59-D-3 of the prior Zoning Code, which in turn requires that the Application follow the 2020 Growth and Infrastructure Policy (GIP) and 2022 Local Area Transportation Review (LATR). The Application will generate an additional 22 AM and 102 PM person trips during peak period hours, exceeding the 50 peak-hour person trip threshold set by the 2022 LATR guideline, requiring a multimodal transportation study. This area-wide study was conducted and submitted on June 23, 2022.

*Table 2: Trip Generation – Person Trips\**

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

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

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

The 2022 LATR Guidelines and supporting LATR-Proportionality Guide limits off-site mitigation improvements to \$32,900 for this Application. Following the recommendations contained in the Transportation Study, the Applicant proposes



to construct an interim dual-way separated bike lanes immediately to the south of the Subject Property, running from National Drive (south access point) to MD 198. This will replace an existing accel/decel lane along Old Columbia Pike.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

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

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

#### Environmental Guidelines

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

#### Chapter 22A, Forest Conservation

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

On May 26, 2022, Forest Conservation Exemption 42022201E was confirmed. The Application qualifies for an exemption from the requirement to submit a Forest

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

Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on September 26, 2022. The plan will meet stormwater management requirements through the use of environmental site design using micro-bioretenion and the structural control via the existing Burtonsville Crossing pond.

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 prior Zoning Code § 59-D-3.8; 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 DEC 22 2022 (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 within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**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 motion of Commissioner Hill, seconded by Commissioner Piñero, with a vote of 3-0-1; Chair Zyontz and Commissioners Hill and Piñero voting in favor of the motion, Vice Chair Presley abstaining, and Commissioner Branson was necessarily absent at its regular meeting held on Thursday, December 15, 2022, in Wheaton, Maryland and via video conference.



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Jeffrey Zyontz, Chair  
Montgomery County Planning Board



Bangalore Shivacharan  
11130 Yellow Leaf Way  
Germantown, Maryland 20876

Keith Bennett  
3909 National Drive, Suite 250  
Burtonsville, MD 20866

Tim Longfellow  
3909 National Drive, Suite 250  
Burtonsville, MD 20866

Kevin Foster  
3909 National Drive, Suite 250  
Burtonsville, MD 20866

Jim McKenney  
1272 5th Street NE, Suite 200  
Washington, DC 20002

Erin Girard  
11 North Washington St., Suite 200  
Rockville, MD 20850

Ryan Lorey  
1272 5th Street NE, Suite 200  
Washington, DC 20002

Sebastian Smoot  
3905 Blackburn Lane  
Burtonsville, MD 20866