

# Attachment A

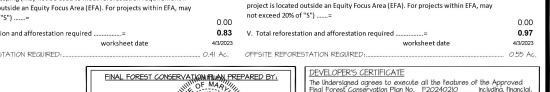
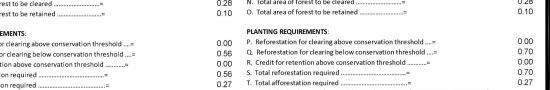
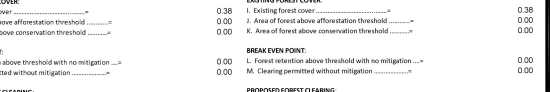
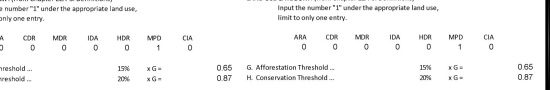
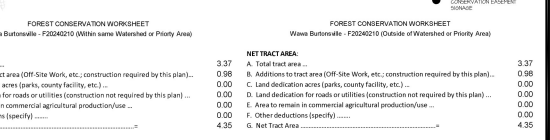
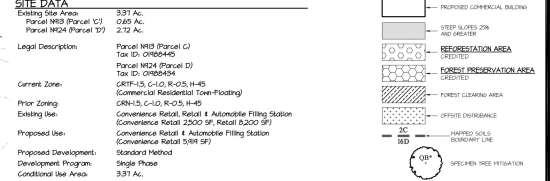
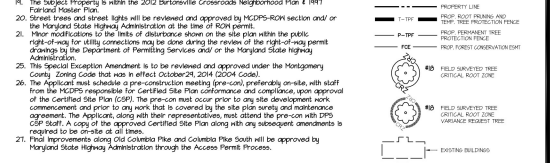
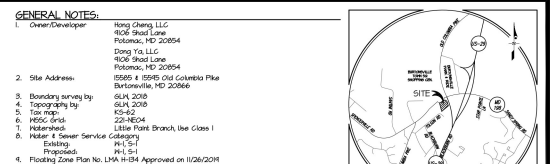
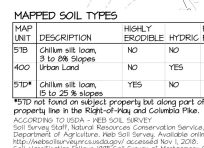
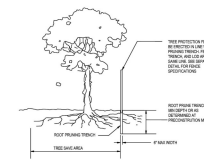
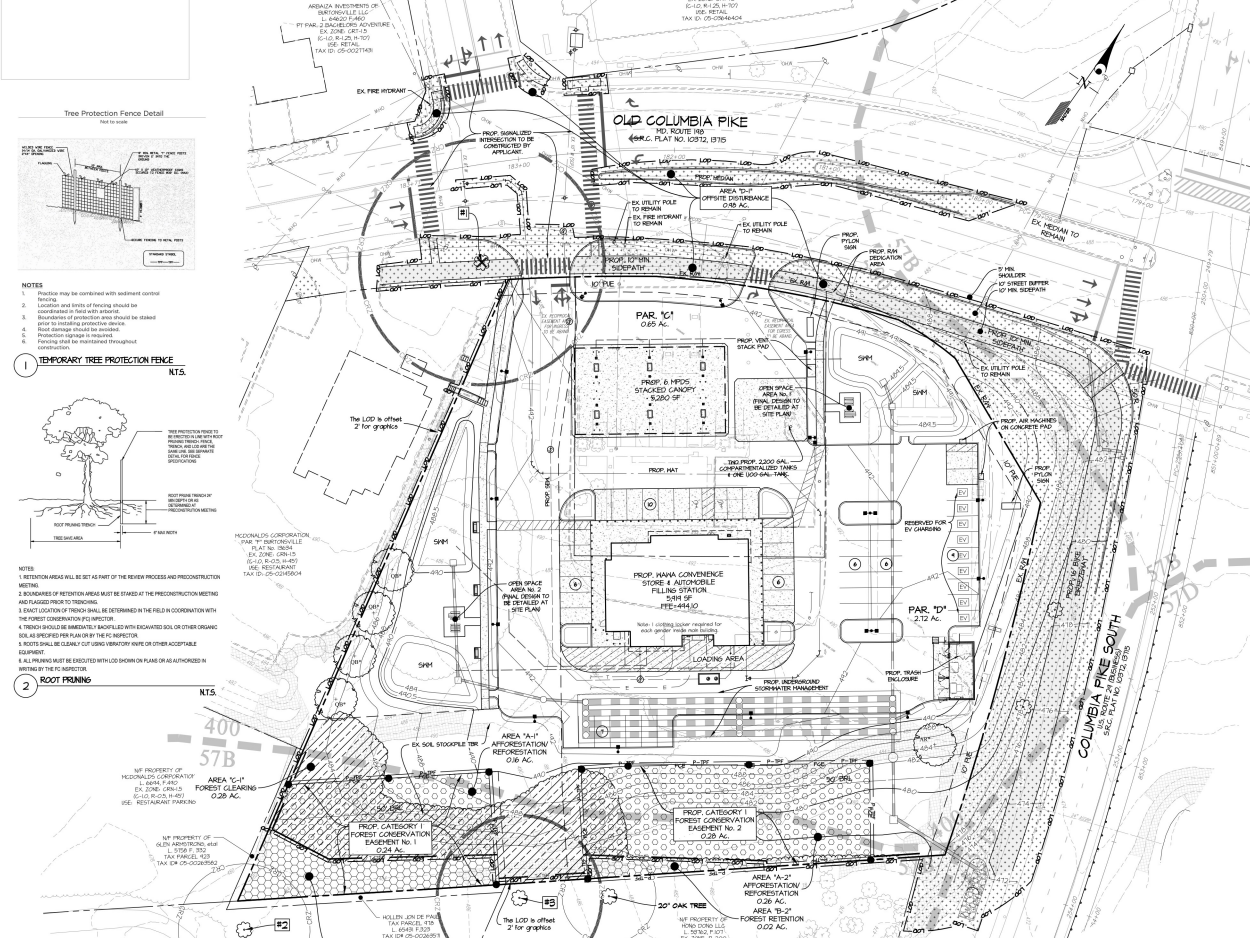
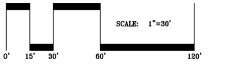
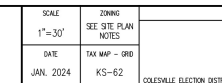


Exhibit 31(a)  
OZAH Case No. CU 24 15



MCFP No. 18-114
Forest Conservation Plan No. B-114
Forest Property
Date of Hearing: September 26, 2024

RESOLUTION
WHEREAS, under Montgomery County Code Chapter 25A, the Montgomery County Planning Board is authorized to review forest conservation plan applications and...

WHEREAS, on May 4, 2024, HONG CHENG LLC & DONG YA LLC, Applicant, filed an application for approval of a Forest Conservation Plan for approximately 1.14 acres of land located at 9106 SHAD LANE, Burtonsville, Maryland...

WHEREAS, on September 26, 2024, the Planning Board held a public hearing on the Application at which a brief testimony and received evidence submitted for the record on the Application...

WHEREAS, at the hearing, the Planning Board approved the Application subject to certain conditions for the record as follows:

MCFP No. 18-114
Forest Conservation Plan No. B-114
Forest Property
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NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. B-114 on the Subject Property, subject to the following conditions:

- 1. Forest Conservation & Tree-Retention
The Applicant must comply with the conditions of the approved Preliminary Forest Conservation Plan No. B-114.
2. The Applicant must retain a Certified Forester to monitor and maintain the Forest Conservation Plan...

BE IT FURTHER RESOLVED that having given due consideration to the recommendations and findings of the Staff as presented at the hearing and set forth in the Staff Report...

MCFP No. 18-114
Forest Conservation Plan No. B-114
Forest Property
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An attached letter, and upon consideration of the entire record, the Planning Board FINDS, with the evidence of record, that:

- 1. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 25A, and ensures the protection of environmentally sensitive resources.
A. Forest Conservation
The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law...

BE IT FURTHER RESOLVED that any party submitting to law to take an administrative appeal must submit such an appeal within thirty days of the date of this Board's decision...

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Forest Conservation Plan No. B-114
Forest Property
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paid. The Applicant is proposing a 10% impact on the natural wet area of a 1.14-acre site. While such lands have good resistance to conversion...

- 3. The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.
The proposed variance is not based on conditions or circumstances which are the result of actions by the Applicant. The proposed variance is a land use variance...

BE IT FURTHER RESOLVED that the Board's decision is subject to the written approval of the Planning Board in the manner, and the date of this Resolution is 9/26/2024...

MCFP No. 18-114
Forest Conservation Plan No. B-114
Forest Property
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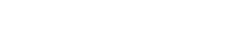
Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-103, Maryland Rules).

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 Montgomery National Capital Park and...

Chief Administrator
Montgomery County Planning Board

Table with 3 columns: Applicant Name, Address, and Contact Information. Includes HONG CHENG LLC & DONG YA LLC, 9106 SHAD LANE, BURTONSVILLE, MD 20866.

GLW logo and contact information: 800 NATIONAL DRIVE | SUITE 200 | BARTONSVILLE, MD 20886 | GLW.COM



PREPARED FOR: HONG CHENG LLC & DONG YA LLC, 9106 SHAD LANE, POTOMAC, MARYLAND 20854

APPROVAL SHEET: WAWA - BURTONSVILLE Automobile Filling Station & Convenience Store

APPROVAL SHEET: WAWA - BURTONSVILLE Automobile Filling Station & Convenience Store

Approval table with columns for approver name, title, and date. Includes KAP, KAB, and other initials.



Table with columns for PREPARED FOR, SCALE, DATE, and ZONING. Includes HONG CHENG LLC & DONG YA LLC, 9106 SHAD LANE, POTOMAC, MARYLAND 20854.

APPROVAL SHEET: WAWA - BURTONSVILLE Automobile Filling Station & Convenience Store. Includes project details and approval information.

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REFORESTATION PLANTING AREA		TOTAL ACRES (±0.2)		
TREES	QTY/AC			
BT	BOTANICAL NAME	CORNUS NIGRA	QTY/AC	QTY/AC
AD	GEORGES BLOSSER	SHAWP WHITE OAK	50	22
AV	ACER NIBERN	RED WIDGE	50	22
IN	NYSSA SYLVATICA	BLACK OAK	25	10
GA	GEORGES NERNA	RED OAK	25	10
LV	JUNIPERO VIRGINIANA	EASTERN RED CEDAR	25	10
CG	CERIS CANADENSIS	RED BUD	25	10
TOTAL TREES			200	84

TREE PLANTING AND MAINTENANCE CALENDAR	
SOURCE: adapted from the FOREST CONSERVATION MANUAL, 1991	
TASKS	MONTHS
PREPARE PLAN	JAN FEB MAR APR MAY JUNE JULY AUG SEPT OCT NOV DEC
CONSTRUCTION	
POST-CONSTRUCTION	

### Sequence of Events for Properties Required to Comply With Forest Conservation Plans, Exemptions From Submitting Forest Conservation Plans, and Tree Save Plans

The property owner is responsible for ensuring all tree preservation measures are performed in accordance with the approved final forest conservation plan or tree save plan, and as modified in the field by a Planning Department Forest Conservation Inspector. The measures must meet or exceed the most recent standards published by the American National Standards Institute (ANSI A300).

**Pre-Construction**

- An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged and before any land disturbance.
- The property owner must arrange for the meeting and following people should attend:
  - the property owner or their representative,
  - the Planning Department Forest Conservation Inspector, and
  - the Montgomery County Department of Planning Services (DPS) Submittal Control Inspector.

The purpose of this meeting is to verify the limits of disturbance and discuss specific tree protection and tree care measures shown on the approved plan. No land disturbance shall begin before the preconstruction and pre-implementation measures have been implemented and approved by the Planning Department's Forest Conservation Inspector.

**Post-Construction**

- Periodic inspections will be made by the Forest Conservation Inspector. Corrections and repairs to tree protection devices must be completed within the timeframe given by the Inspector.
- The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, fences, underground, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions, and the relative standards to restore those areas, will be determined by the Forest Conservation Inspector.

photograph may be required by the Forest Conservation Inspector, and will be determined on the construction meeting.

- Temporary tree protection devices must be installed per the approved Forest Conservation Plan, Exemption Plan, or Tree Save Plan and prior to any land disturbance. The Forest Conservation Inspector, in consultation with the DPS Submittal Control Inspector, may make field adjustments to increase the survivability of trees and forest shown on the approved plan.
- Tree protection fencing must be installed and maintained by the property owner for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. All construction activity within protected tree and forest areas is prohibited. This includes the following activities:
  - Parking or driving of equipment, machinery or vehicles of any type.
  - Storage of any construction materials, equipment, machinery, fill, debris, etc.
  - Disposal of any debris (i.e., paint, solvents, metal or concrete containers, trash, garbage, or debris of any kind).
  - Feeding of trees in any way.
  - Trenching or grading for utilities, irrigation, drainage, etc.
- Fences and tree protection signs must be installed as required by the Forest Conservation Inspector. The signs must be waterproof and weathering provided in both English and Spanish.

**Post-Construction**

- After construction is completed, but before tree protection devices have been removed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require additional corrective measures, which may include:
  - Removal, and possible replacement, of dead, dying, or hazardous trees
  - Pruning of dead or declining trees
  - Soil erosion
  - Fertilization
  - Watering
  - Wood repair

g. Clean up retention areas, including trash removal

- After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector and cannot be removed without the permission of the Forest Conservation Inspector. No additional grading, staking, or burial may take place after the tree protection fencing is removed.
- Long-term protection measures, including permanent signage, must be installed per the approved plan. Installation will occur at the appropriate time during the construction process. Refer to the approved plan drawing for the long-term protection measures to be installed.

**INSPECTIONS**

All field inspections must be requested by the applicant.

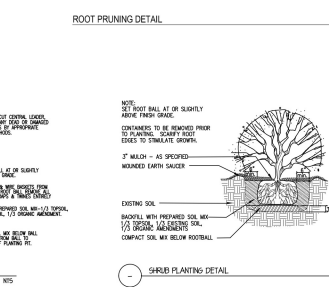
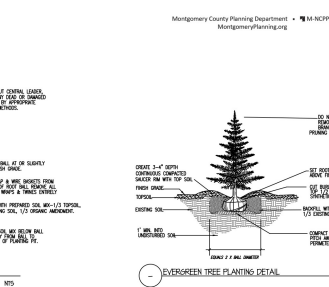
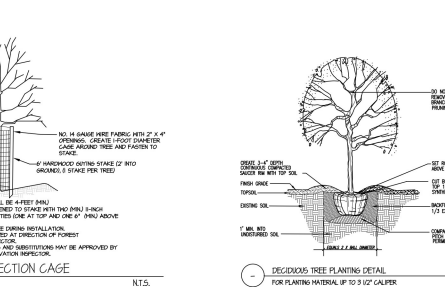
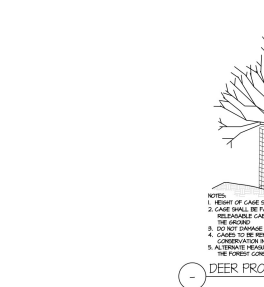
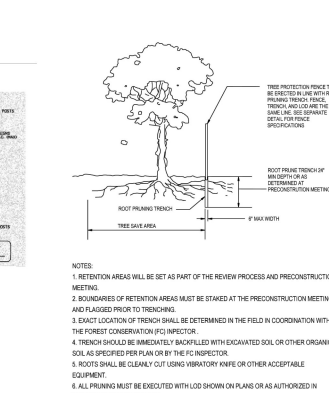
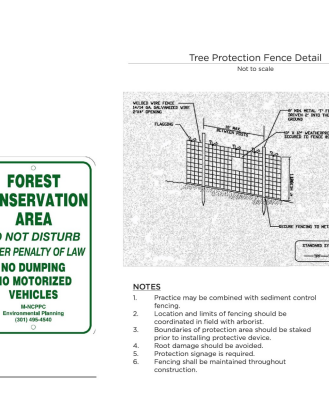
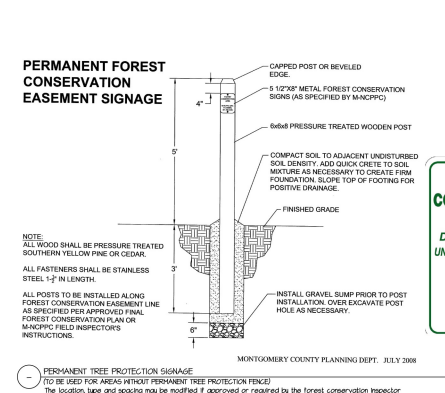
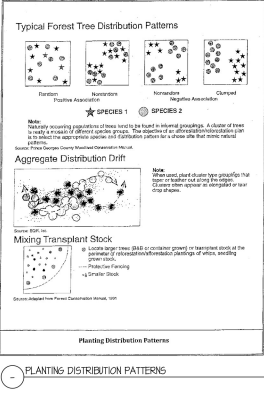
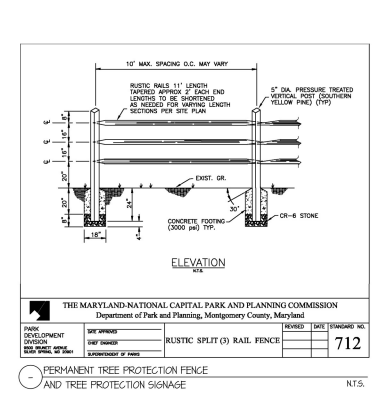
Field inspections must be conducted as follows:

**Plans without Planting Requirements**

- After the limits of disturbance have been installed and flagged, but before any clearing or grading begins.
- After necessary tree retention measures have been completed and protection measures have been installed, but before any clearing and grading begins and before release of the building permit.
- After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provisions of the forest conservation plan.

**Additional Requirements for Plans with Planting Requirements**

- Before the start of any required reforestation and afforestation planting.
- After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start of the maintenance period.
- Two years after reforestation and afforestation have been completed to determine survival and assess necessary maintenance activities for the remaining duration of the maintenance and management period.
- At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.



DESIGNED BY	DATE	REVISION	DATE	BY	APPROVED BY
KAB					
DRWN BY					
KAB					
CHECKED BY					
KAB					

PREPARED FOR:  
HONG ORENIC LLC & DONG YA LLC  
9106 SHAD LANE  
POTOMAC, MARYLAND 20854

SCALE: N/A  
ZONING: SEE SITE PLAN NOTES  
DATE: JAN 2024  
TAX MAP: GRD  
KS-62

FOR FOREST CONSERVATION PLAN PREPARED BY:  
KATHY FOSTER  
2/20/2024  
DATE

DEVELOPER'S CERTIFICATE  
The undersigned agrees to provide all the factors of the Approved Final Forest Conservation Plan (F30240210) including financial bonding forest planting, maintenance and all other applicable agreements.  
Developer's Name: Dong YA LLC, Hong Orenic LLC  
Contact Person or Owner: Eric Chan Cheng  
Address: 9106 Shad Lane, Potomac, MD 20854  
Phone: (301) 520-2424  
Signature: Eric Chan Cheng

MNCP PCC PLAN No. F30240210 - Special Exception S-8478

**FORREST CONSERVATION DETAILS**  
WAWA - BURTONSVILLE  
Automobile Filling Station & Convenience Store  
Parcel C & Parcel D  
L 12325 F, 143 & L 50129 F 253

G. L. W. FILE No. 23078  
SHEET 3 OF 3

# Attachment B SPECIAL EXCEPTION AMENDMENT

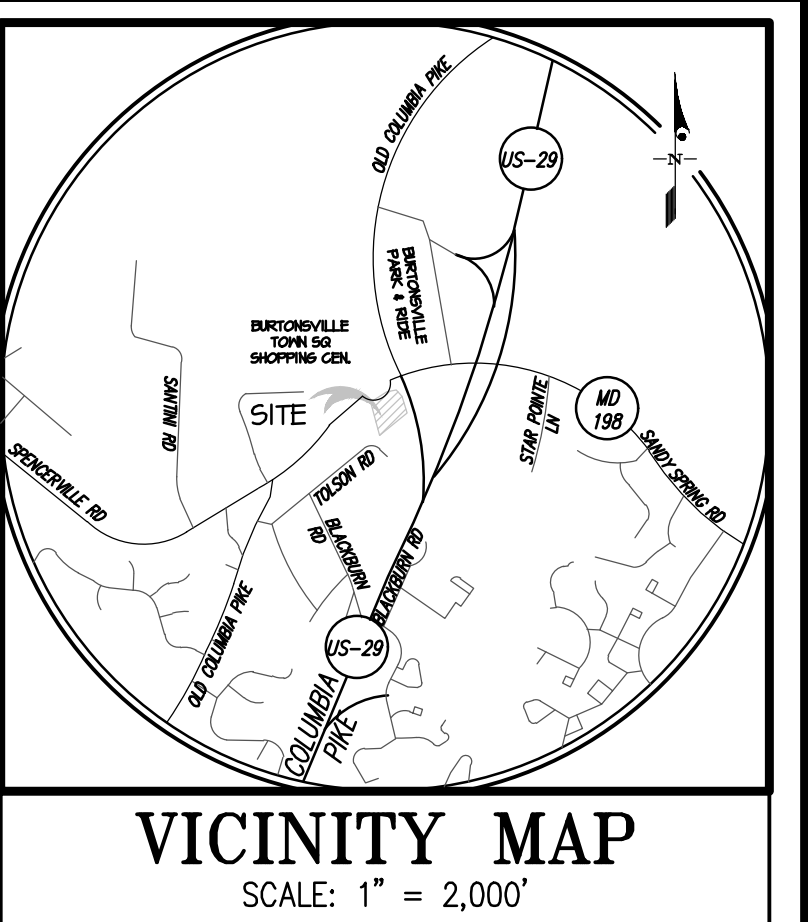
## No. S-847B

### WAWA - BURTONSVILLE

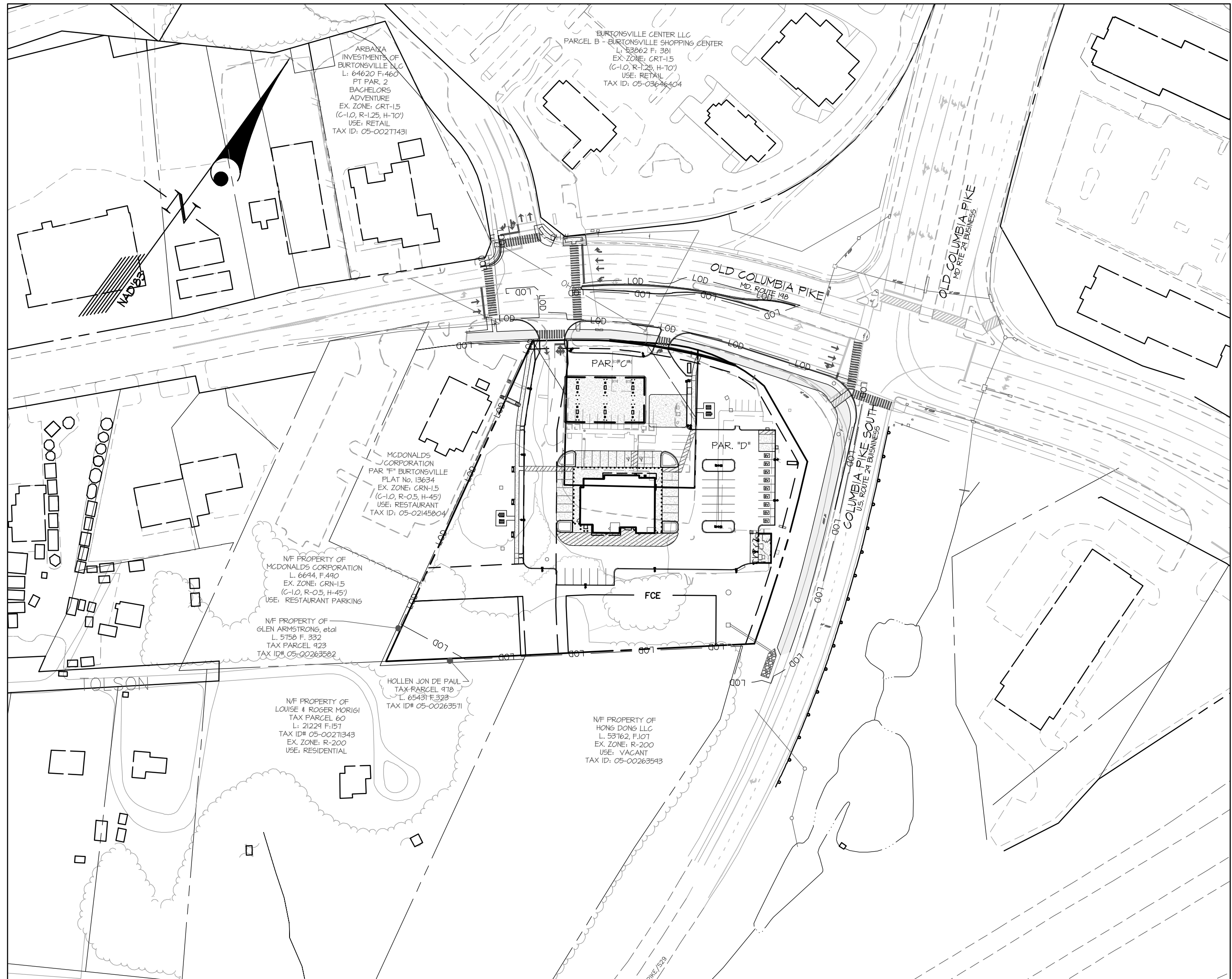
48 Hours  
Before You Dig  
Call  
"MISS UTILITY"  
Service Protection Center

MEMBER  
ONE CALL SYSTEMS INTERNATIONAL

CALL TOLL FREE  
1-800-257-7777



- GENERAL NOTES:**
- Owner/Developer: Hong Cheng, LLC, 4106 Shad Lane, Potomac, MD 20854; Dong Ya, LLC, 4106 Shad Lane, Potomac, MD 20854
  - Site Address: 15545 & 15545 Old Columbia Pike, Burtonsville, MD 20864
  - Boundary survey by: GLN, 2018
  - Topography by: GLN, 2018
  - Tax map: KS-62
  - MESC Grids: 221-NE04
  - Watershed: Little Point Branch, Use Class 1
  - Water & Sewer Service Category: Existing: NH-5-1; Proposed: NH-5-1
  - Flooding Zone Plan No. LMA H-134 Approved on 11/26/2019
  - Natural Resources Inventory/Forest Stand Delineation, No. 420190900 Approved 1/1/2014
  - Preliminary Forest Conservation Plan No. H-134 Approved 1/8/2020
  - The site is not within a Special Protection Area (SPA) or Primary Management Area.
  - There is no Floodplain on site per FEMA map #2403C0365D.
  - The property is not listed on the Montgomery County locational atlas and index of historic sites.
  - There are no Perennial Streams or Wetlands on-site.
  - There are no known county champion trees located on or adjacent to the site as per the 2014-2020 publication of champion trees in Montgomery County, Maryland.
  - All utilities are conceptual and are shown for informational purposes only and subject to change. See appropriate approved final utility construction plans.
  - MESC right-of-way, public utility easements, stormwater management easements and stormwater management parcels may change in configuration, size and quantity per final utility, MESC, and Montgomery County sewer technical plan approvals.
  - The Subject Property is within the 2012 Burtonsville Crossroads Neighborhood Plan & 1911 Farmland Master Plan.
  - M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.
  - Street lines and street lights will be reviewed and approved by MCDPS-ROW section and/or the Maryland State Highway Administration at the time of ROW permit.
  - 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.
  - This Special Exception Amendment is to be reviewed and approved under the Montgomery County Zoning Code that was in effect October 24, 2014 (2004 Code).
  - The Applicant must schedule a pre-construction meeting (pre-con) on-site, upon approval of the Certified Site Plan (CSP) with staff from the MCDPS Site Plan Enforcement, MCDPS Sediment Control Inspector and M-NCPPC Forest Conservation Inspector. The pre-con must occur prior to any demolition, clearing/grading or any site development work. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.
  - Final Improvements along MD Route 148 and Route 24 On-ramp South will be approved by Maryland State Highway Administration through the Access Permit Process.



KEY MAP  
SCALE: 1"=100'

**SITE DATA:**

Existing Site Area:	3.37 AC.
Parcel N113:	0.65 AC.
Parcel N124:	2.72 AC.
Legal Description:	Parcel N113 (Parcel C) Tax ID: 01808445 Parcel N124 (Parcel D) Tax ID: 01808434
Current Zone:	CR1F-1.5, C-1.0, R-0.5, H-45 (Commercial Residential Town-Floating)
Prior Zoning:	CRN-1.5, C-1.0, R-0.5, H-45
Existing Use:	Convenience Retail, Retail & Automobile Filling Station (Convenience Retail 2500 SF, Retail 8200 SF)
Proposed Use:	Convenience Retail & Automobile Filling Station (Convenience Retail 5414 SF)
Proposed Development:	Standard Method
Development Program:	Single Phase
Conditional Use Area:	3.37 AC.

**DEVELOPMENT STANDARDS - CRN ZONE (sect. 54-C15, Commercial/Residential Neigh.)**

Development Standards	Allowed/Required	Proposed
FAR (Floor Area Ratio)	1.0 FAR (146,717 SF)	0.04 FAR (5,414 SF)
Non-residential:		Non-residential (Existing) 10,700 SF Non-residential (Removed) 10,700 SF Non-residential (Proposed) 5,414 SF Total Proposed 5,414 SF
Residential:	0.5 FAR (73,341 SF)	0.0 FAR (0 SF)
TOTAL FAR:	1.5 FAR (220,146 SF)	0.04 FAR (5,414 SF)
Building Height:	45' max.	10' min. (Public Open Space)
Open Spaces:	10% min.	N/A
Lot Coverages:	N/A	N/A
Minimum Lot Area:	N/A	N/A
Principal Building Setbacks (min.):		
Front:	0' min.	0' min.
Side Street:	0' min.	0' min.
Side (all other):	0' min.	0' min.
Rear (abutting R-200):	25' min.	50' min.
Rear (all other):	0' min.	0' min.

**Parking**

Proposed Development	Required by Zoning Ordinance (Min.-Max.)	Proposed
Retail & Restaurant (5,414 SF) (4.0 min. - No max./0.00 GLA) Filling Station: (500 SF) (1 min. - No max./0.00 GFA)	22 sp. min. - No max.	1 sp. min. - No max.
Total Commercial Parking Required:	23 sp. min. - No max.	50 sp.
Total Commercial Parking Provided:		50 sp.
Handicap Parking: (2% of total parking provided)	2 sp.	2 sp.
Van Accessible Handicap Parking: (1 sp./6 HC Sp.)	1 sp.	2 sp.
Electric Vehicle Charging (1 sp./100 sp.)	0 sp.	4 sp.
Motorcycle Parking: (2% of total, up to max of 10 sp.)	0 sp.	0 sp.
Car Share Spaces: (1 sp./50-144 sp. + 1 sp. per 100 sp.)	0 sp.	0 sp.
Bicycle Parking: Retail & Restaurant (5,414 SF)	4 sp.	4 sp.
Total Bicycle Spaces	4 sp.	4 sp.
Short Term (Public)	2 sp.	2 sp.
Long Term (Private)	2 sp.	2 sp.

**Sec. 54-C-15.635 Landscape & Lighting - Minimum Landscape Standards for Surface Parking Provided**

Required	Provided
(a) Property line adjacent to a R.O.W.: 7' wide cont. soil panel 3' ht. evergreen hedge 1 tree per 30 feet of street frontage or per applicable standards	Yes
(b) Property line adjacent to a lot or parcel in a one-family residential or agricultural zone: 10' wide cont. soil panel 6' ht. evergreen hedge 1 tree per 30 feet of frontage or per applicable standards	Yes, 50' min. Buffer
(c) Property line adjacent to a lot or parcel in any zone not subject to (b), above: 4' wide cont. soil panel 1 tree per 30 feet of frontage.	Yes
(d) Internal Perivable Area (Parking Area Boundary: 24,414 sf)	12.3% (3,632 sf)
(e) Tree Canopy Coverage 30% Min. @ 15 yrs growth (8,824 sf req'd)	30% (10,074 sf)
(f) Lighting IESNA Standards w/ full or partial cut-off fixtures 0.5 footcandles at any property line	Yes

**SHEET SCHEDULE**

SHEET NO.	SHEET TITLE
1	COVER SHEET
2	APPROVAL SHEET
3	SPECIAL EXCEPTION PLAN
4-6	SITE DETAILS SHEET
7	LANDSCAPE PLAN & DETAILS
LI-13	LIGHTING PLAN
AI-A2	ARCHITECTURE PLANS & ELEVATIONS

**PROFESSIONAL CERTIFICATION**

I hereby certify that to the best of my knowledge, information and belief that the plan shown hereon is true and correct and has been prepared in accordance with the Zoning Regulations of Montgomery County, Maryland. I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No.: 2414  
Expiration Date: January 20, 2026

January 25, 2024  
Date

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

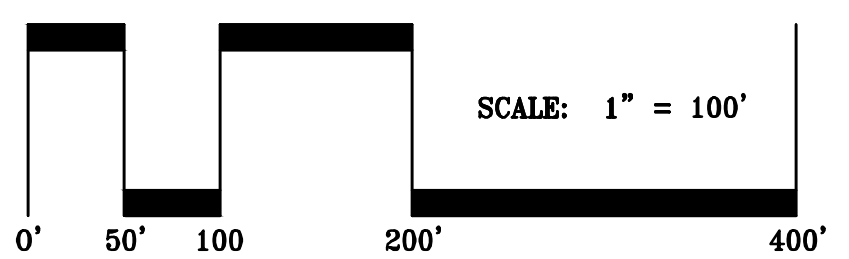
- BINDING ELEMENTS - Zoning Case LMA H-134**
1. Limitation on Uses: The following uses, otherwise permitted in the CRT zone, are prohibited:
- Nursery (retail)
  - Ambulance, rescue squad (private)
  - Hospital
  - Funeral home
  - Hotel
  - Research and development
  - Structured parking
  - Conference center
  - Recreation and Entertainment facility major (over 1,000 person capacity)
  - Combination retail store (a department store with more than 85,000 sf)
  - Retail service establishment greater than 50,001 square feet
  - Light vehicle sales and rental (indoor)
  - Light vehicle sales and rental (outdoor)
  - Car wash
  - Vehicle service repair (major)
  - Dry cleaning
  - Medical scientific manufacturing and production
  - Bus, rail terminal/ station
  - Taxi/ limo facility
  - Utility distribution line
  - Self-storage facility
  - Warehouse storage facility
- Buffer zone. 50' buffer zone abutting R-200 property. (May include SHM facilities).
  - Frontage Improvements. Project frontage improvements shall include the following: 10' shared-use path and street trees.
  - Controlled Access. Eastern access will prohibit left turns; i.e., motor vehicles can only make right turns into the Property and right turns to exit the Property.
  - Future Access Road. The Flooding Zone Plan shall include a reservation for 40 foot wide future private access road on the west side of the Property. No development shall be permitted within the reservation area. Final location to be determined at Site Plan.
  - The required Public Open Space shall be provided on-site and meet the design requirements of Zoning Code Section 6.3.6.3.1. Final location to be determined at Site Plan.

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**GLW**  
PLANNING | ENGINEERING | SURVEYING

3809 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20896 | GLWPA.COM  
PHONE: 301-421-4024 | BALT.: 410-880-1850 | DC/VA: 301-489-2524 | FAX: 301-421-4188

DESIGNED BY	CHECKED BY	DATE	REVISION	BY	APPR.
KAB	TML				



PREPARED FOR:  
HONG CHENG LLC & DONG YA LLC  
9106 SHAD LANE  
POTOMAC, MARYLAND 20854

SCALE	ZONING
1"=100'	CR1F-1.5
	C-1.0, R-5.0,
	H-45
DATE	TAX MAP - GRID
JAN. 2024	KS-62

**COVER SHEET**

**WAWA - BURTONSVILLE**  
Automobile Filling Station & Convenience Store  
Parcel C & Parcel D  
L. 15285 F. 145 & L. 50129 F.283

COLEVILLE ELECTION DISTRICT No. 05

G. L. FILE No.	23078
SHEET	1 OF 7



Department of Permitting Services  
Fire Department Access and Water Supply Comments

DATE: 23-Jan-24  
 TO: Tim Longfellow  
 Genshik Little & Weber, PA  
 FROM: Marie LaBee  
 RE: Burtonville Wawa  
 S-847B

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 23-Jan-24. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Special Exception S-847B



**GLW**  
 PLANNING [ENGINEERING] SURVEYING  
 3809 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20886 | GLWPA.COM  
 PHONE: 301-421-4024 | BALT: 410-880-1800 | DC/VA: 301-489-2524 | FAX: 301-421-4188

DESIGNED BY	KAB			
DRAWN BY	KAB			
CHECKED BY	TML			
DATE		REVISION	BY	APPR.

PREPARED FOR:  
 HONG CHENG LLC & DONG YA LLC  
 9106 SHAD LANE  
 POTOMAC, MARYLAND 20854

SCALE	N/A	ZONING	CRF-1.5
DATE	JAN, 2024	TAX MAP - GRID	C-1.0, R-5.0, H-45
			KS-62

APPROVAL SHEET

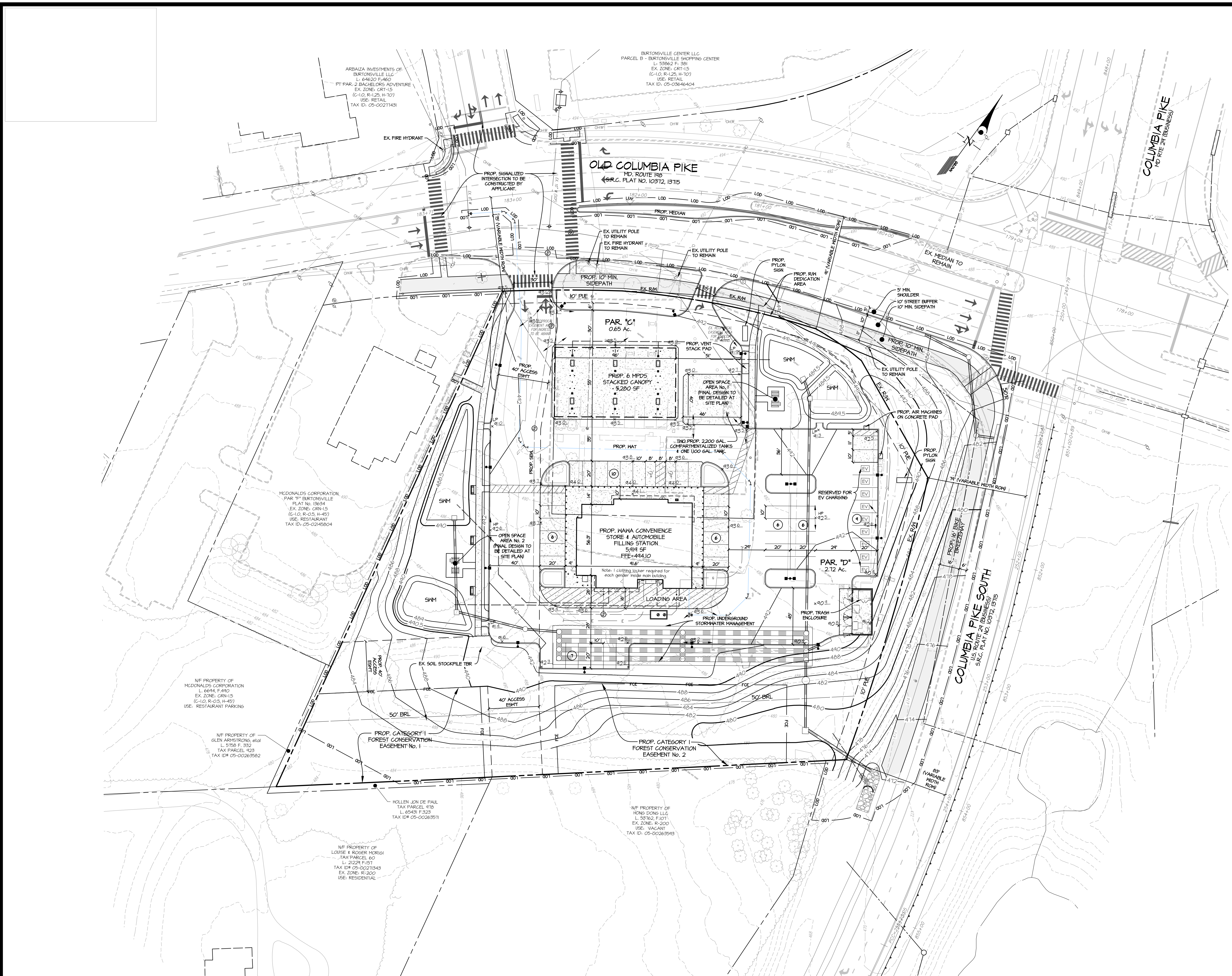
**WAWA - BURTONSVILLE**  
 Automobile Filling Station & Convenience Store  
 Parcel C & Parcel D  
 L. 15285 F. 145 & L. 50129 F.283

COLESVILLE ELECTION DISTRICT No. 05

MONTGOMERY COUNTY, MARYLAND

G. L. W. FILE No.  
**23078**  
 SHEET  
 2 OF 7

L:\CAD\DRAWINGS\23078\PLANS BY GLW\SPECIAL EXCEPTION AMENDMENT\23078-SE-02-APP.dwg  
 23/01/2024 10:52:11 AM



**EXISTING UTILITIES NOTES:**

- UTILITY INFORMATION SHOWN HEREON HAS OBTAINED FROM AVAILABLE RECORDS. THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL HAND DIG TEST PITS AT ALL UTILITY CROSSINGS TO DETERMINE THE EXACT LOCATION AND DEPTH WELL IN ADVANCE OF CONSTRUCTION.
- FOR MARKING LOCATIONS OF EXISTING UTILITIES, NOTIFY "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO ANY EXCAVATION OR CONSTRUCTION.
- FOR FIELD LOCATION OF GAS LINE SERVICES, PLEASE NOTIFY WASHINGTON GAS LIGHT CO., 705-700-0000, 48 HOURS PRIOR TO THE START OF ANY EXCAVATION OR CONSTRUCTION.
- OMISSIONS AND/OR ADDITIONS OF UTILITIES FOUND DURING CONSTRUCTION SHALL BE THE SOLE RESPONSIBILITY OF ANY CONTRACTOR ENGAGED IN EXCAVATION AT THIS SITE. GUTSCHICK, LITTLE & WEBER, P.A., SHALL BE NOTIFIED IMMEDIATELY OF ANY AND ALL UTILITY INFORMATION OMISSIONS AND ADDITIONS FOUND BY ANY CONTRACTOR.
- DUE TO THE PROXIMITY OF LIVE UNDERGROUND AND OVERHEAD UTILITIES, WE ARE NOT RESPONSIBLE FOR ANY DAMAGE OR INJURY SUSTAINED DURING CONSTRUCTION BY ANY PERSONS, TRUCKS, TRAILERS, OR EQUIPMENT USED ON OR ADJACENT.

**MISS UTILITY**  
Service Protection Center  
MEMBER  
ONE CALL SYSTEMS INTERNATIONAL  
CALL TOLL FREE  
1-800-257-7777

**LEGEND**

	EX CONTOURS
	PROP. CONTOURS
	EX BUILDING
	PROP. BUILDING (NON-RESIDENTIAL)
	EX. STREAM
	EX. CURB
	PROP. CURB
	PROP. CURB TYPE 1 (FLUSH CURB)
	PROP. CURB TYPE 2 (MOUNTABLE)
	EX. SIDEWALK
	PROP. SIDEWALK
	PROP. CONC. SIDEWALK
	EX. ELECTRIC
	EX. GAS
	EX. SEWER
	PROP. SEWER
	EX. WATER
	PROP. WATER
	EX. STORM DRAIN
	PROP. STORM DRAIN
	PROP. LIMIT OF DISTURBANCE
	EX. OVER HEAD WIRE
	EXISTING TREE LINE
	EX. FENCE
	SOIL DELINEATION
	SLOPES 25% OR GREATER
	ELECTRIC VEHICLE PARKING SPACES
	PROP. PARKING LOT LIGHT POLE
	EX. UTILITY POLE
	EX. LIGHT
	PROP. LIGHT POLE

**PROFESSIONAL CERTIFICATION**

I hereby certify that to the best of my knowledge, information and the belief that the plan shown hereon, is true and correct; has been prepared in accordance with the Zoning Regulations of Montgomery County, Maryland; I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No. 23414  
Expiration Date: January 20, 2026

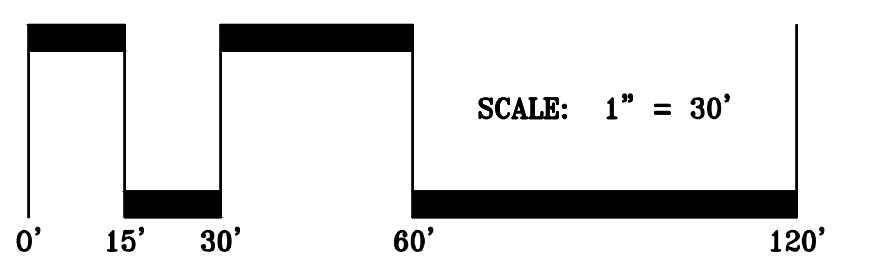
January 25, 2024  
Date

*Tim Longfellow*  
Tim Longfellow  
Professional Engineer  
Gutschick, Little & Weber, P.A.  
Special Exception S-847B

**GLW**  
PLANNING | ENGINEERING | SURVEYING

3809 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20896 | GLWPA.COM  
PHONE: 301-421-4024 | BALT: 410-880-1850 | DC/VA: 301-489-2524 | FAX: 301-421-4188

DESIGNED BY	DRAWN BY	CHECKED BY	DATE	REVISION	BY	APPR.
KAB	KAB	TML				



PREPARED FOR:  
HONG CHENG LLC & DONG YA LLC  
8106 SHAD LANE  
POTOMAC, MARYLAND 20854

SCALE	ZONING
1"=30'	CRF-1.5
DATE	C-1.0, R-5.0, H-45
JAN. 2024	TAX MAP - GRID
	KS-62

**SPECIAL EXCEPTION SITE PLAN**

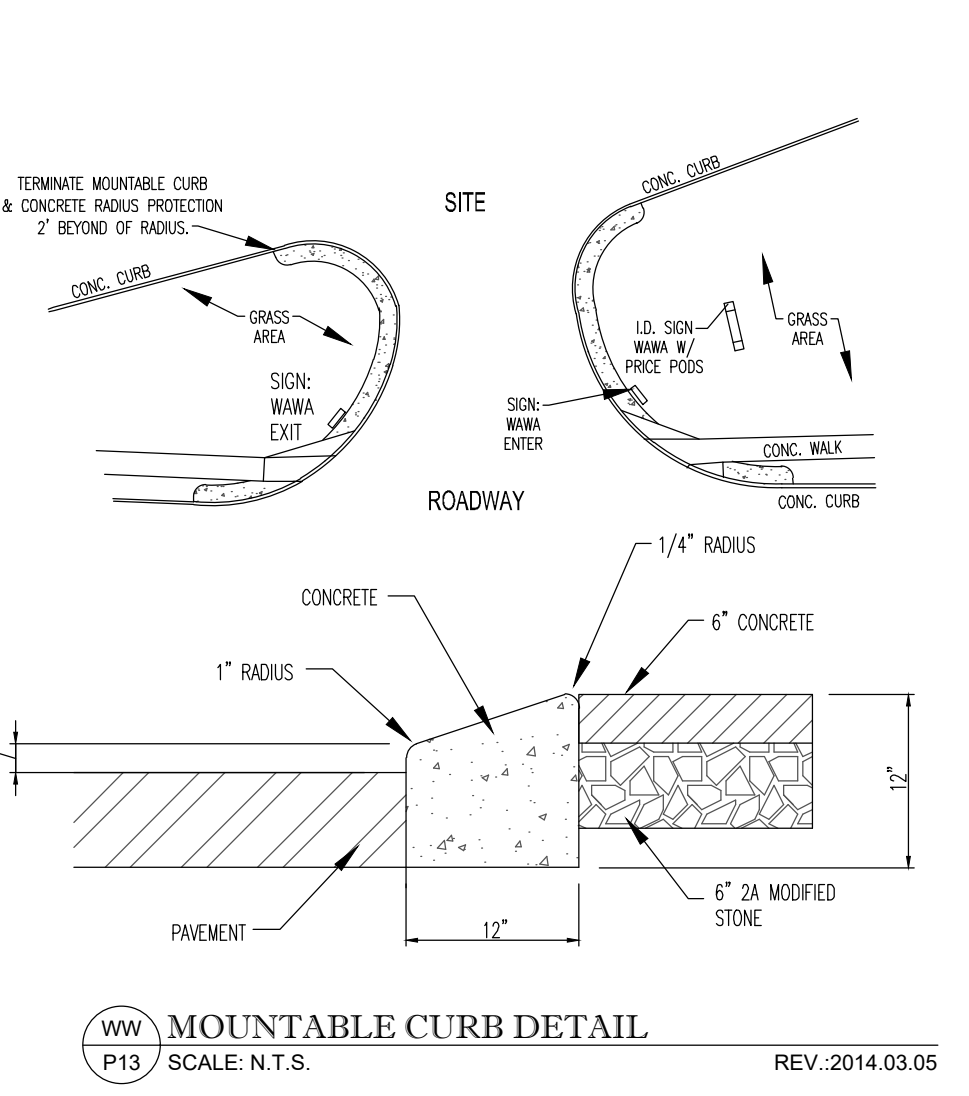
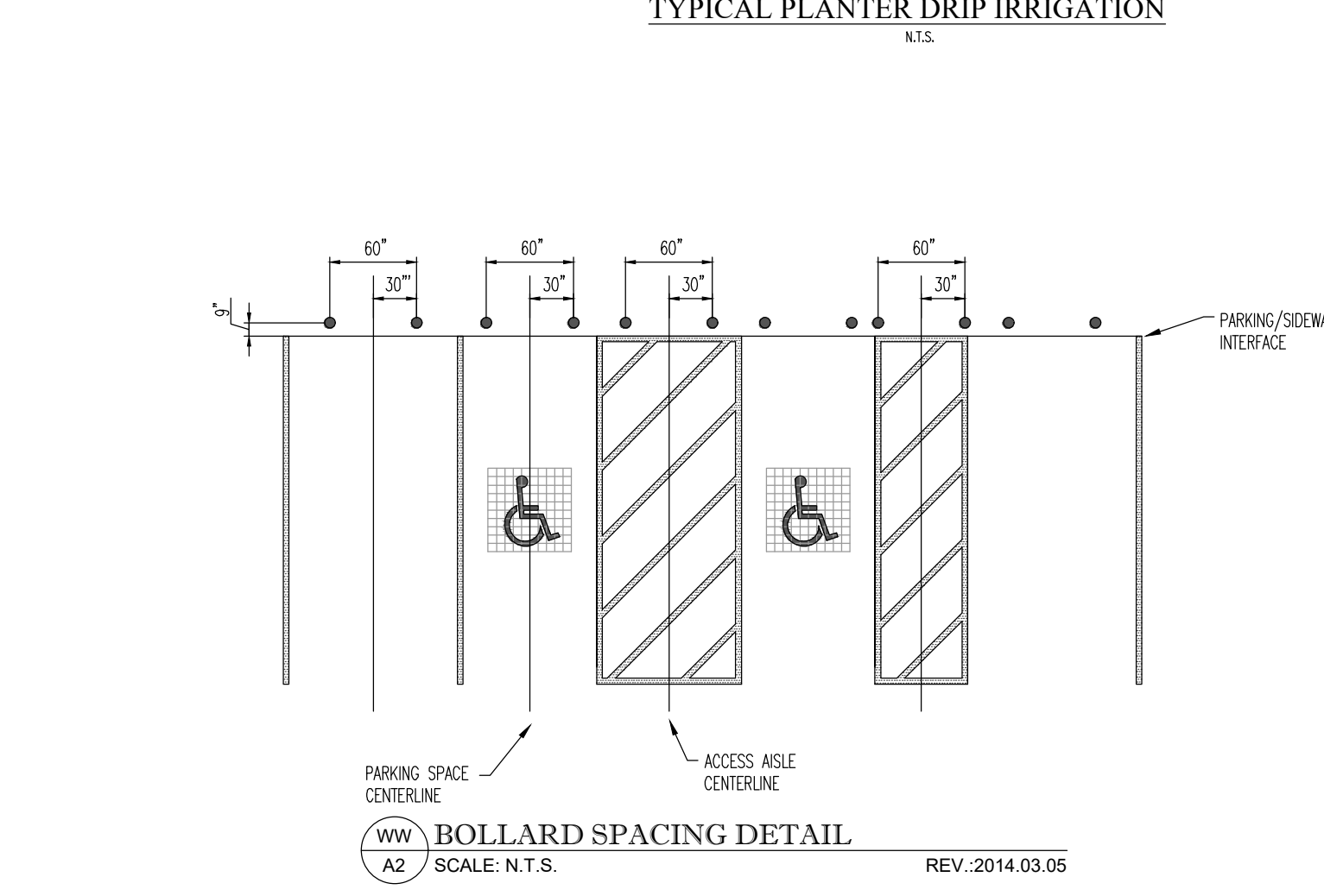
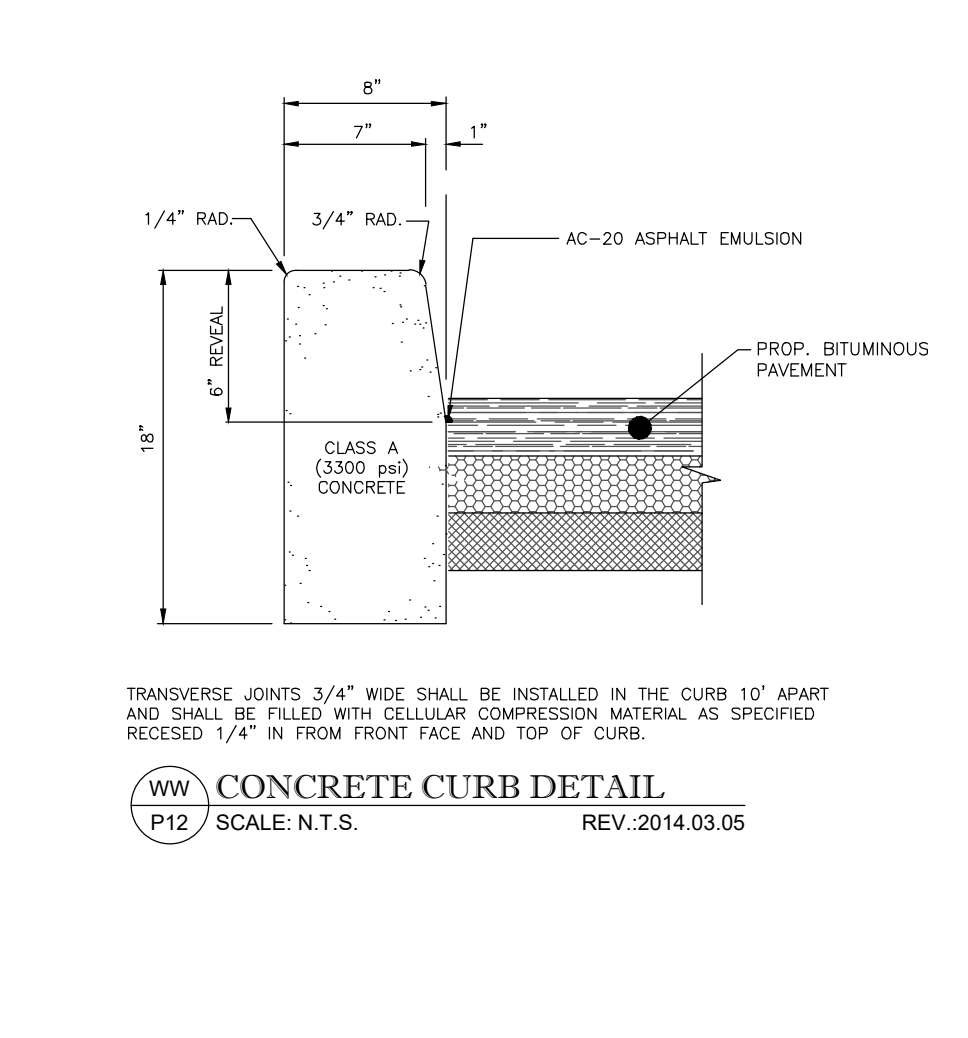
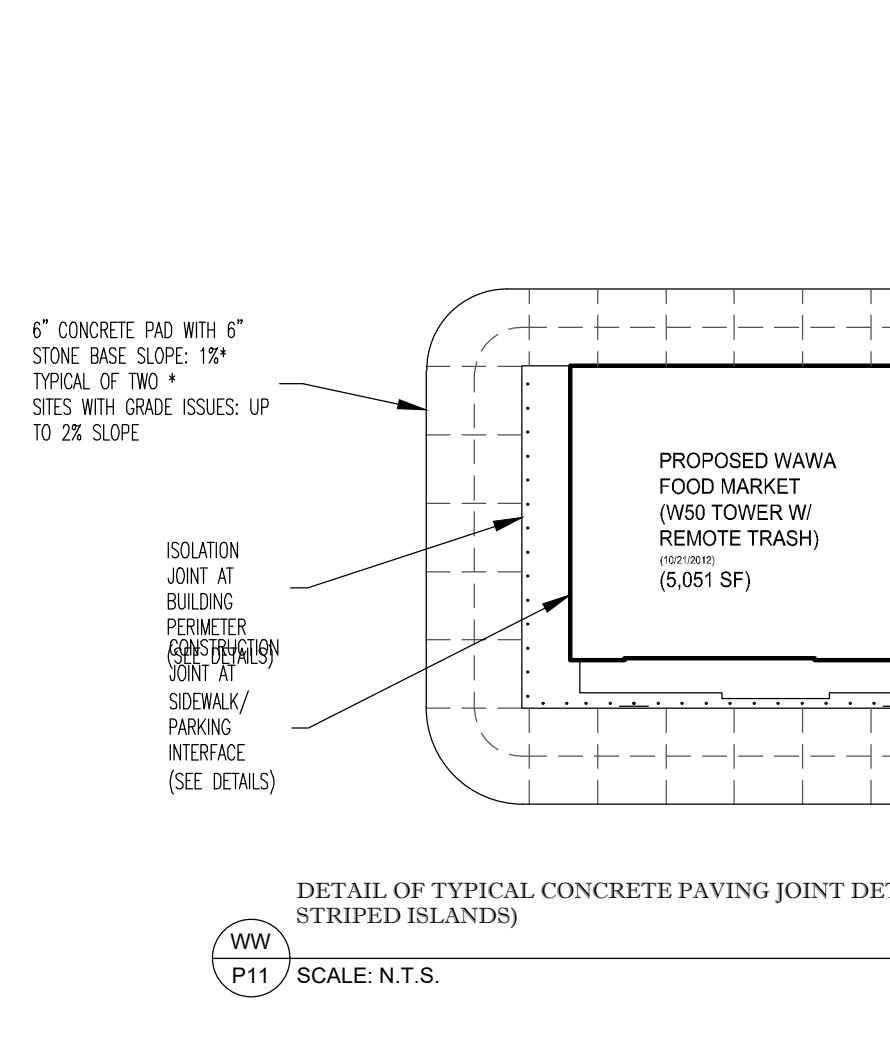
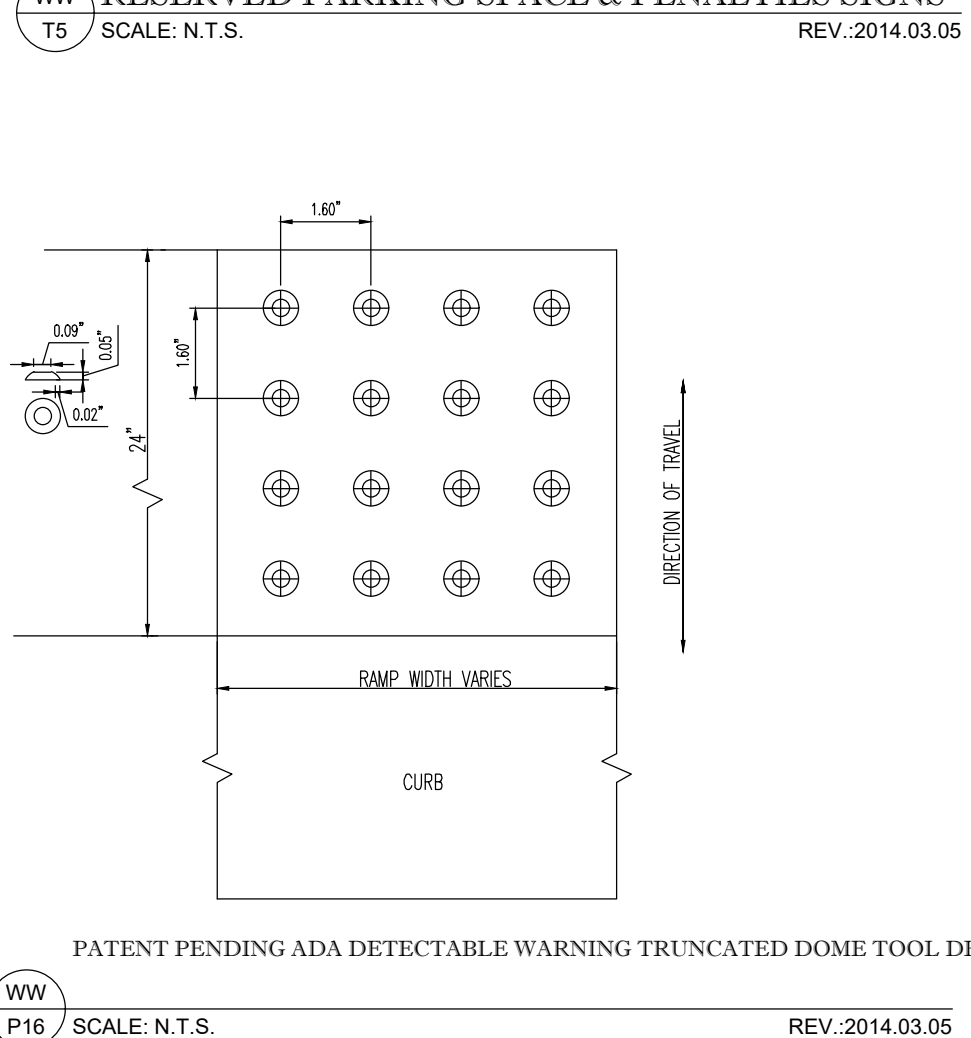
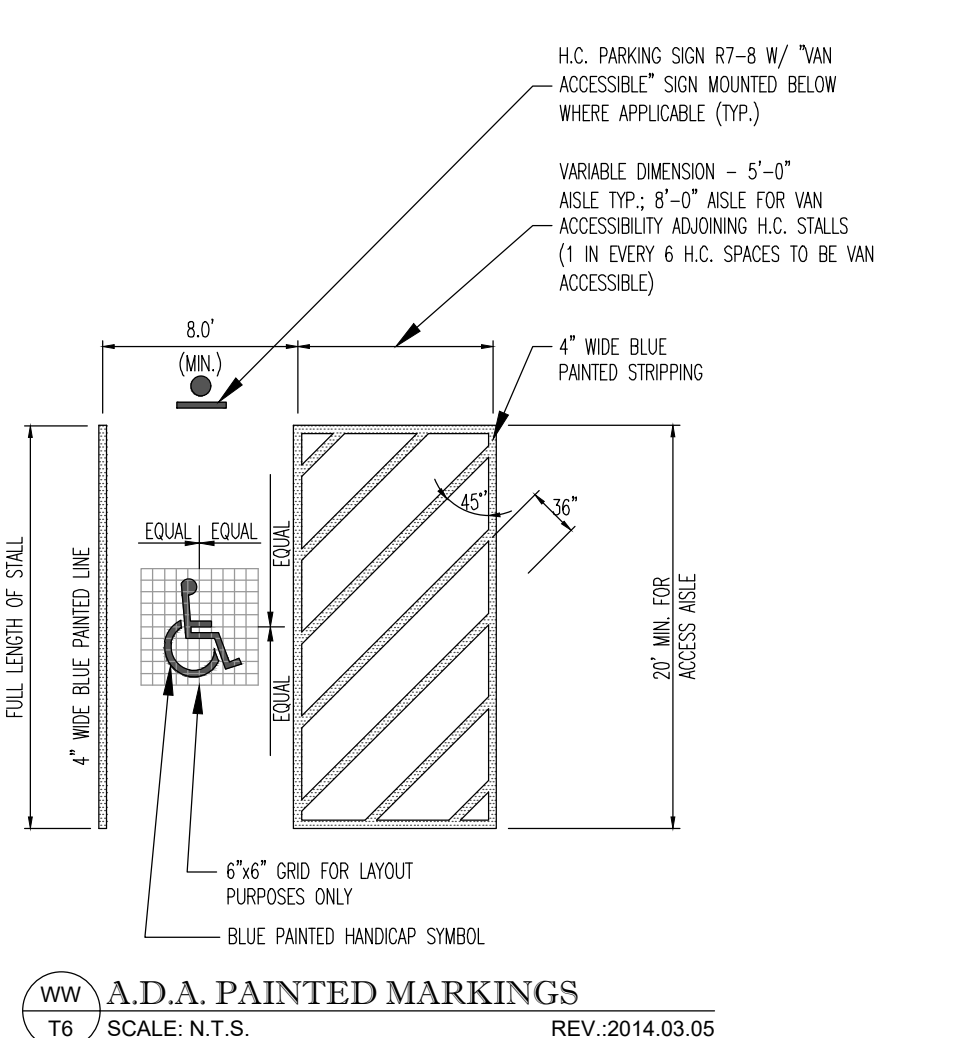
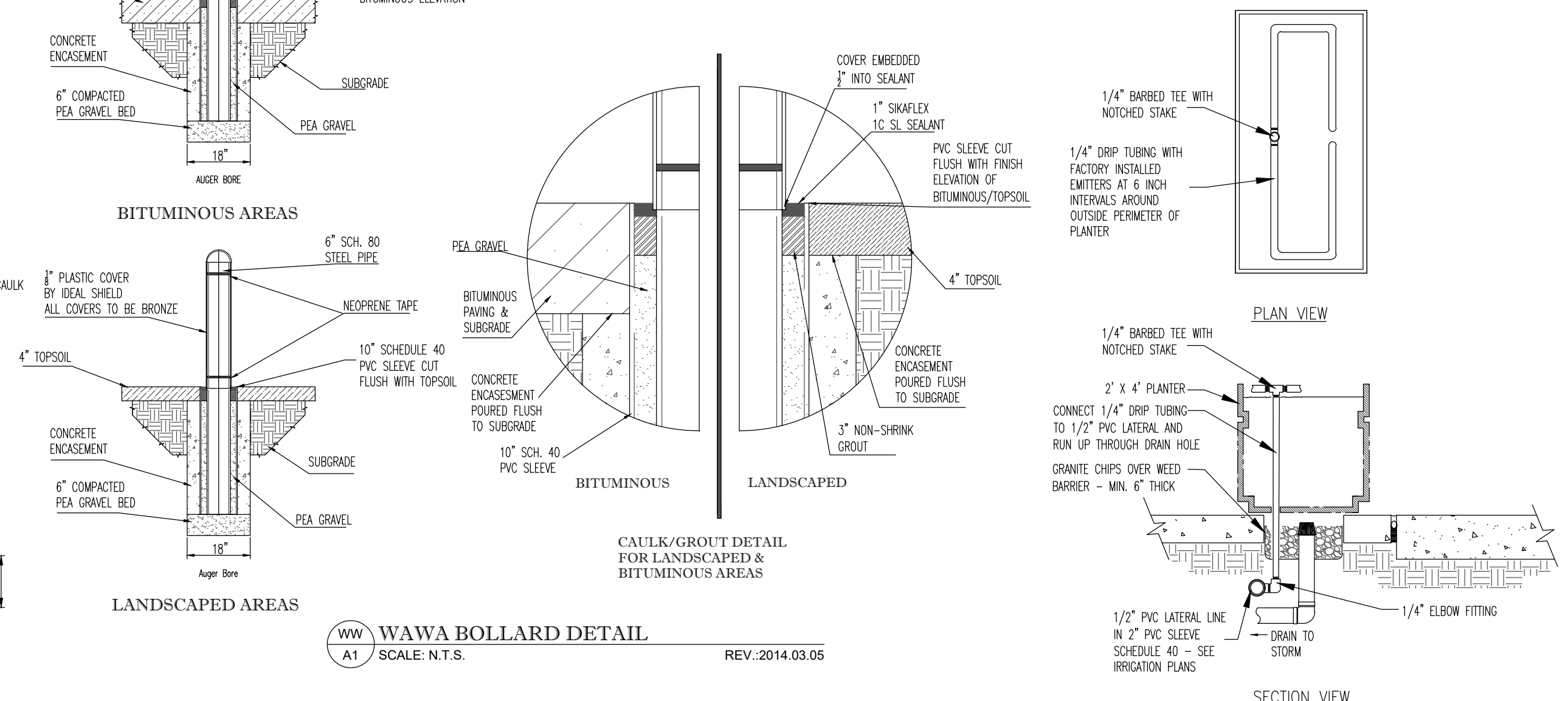
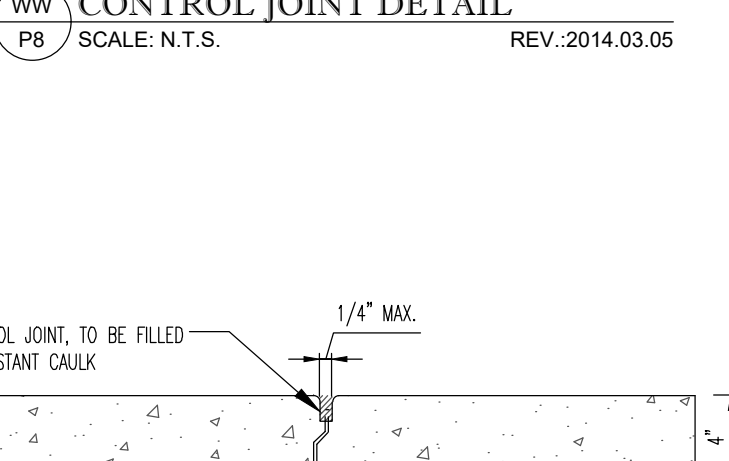
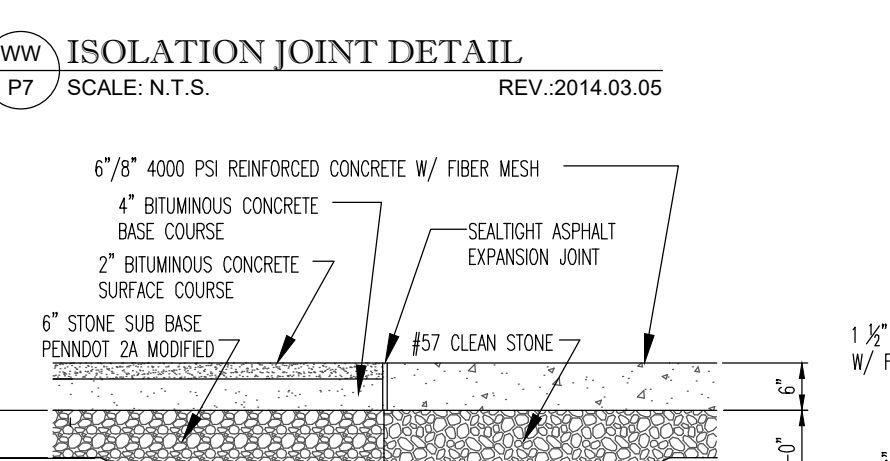
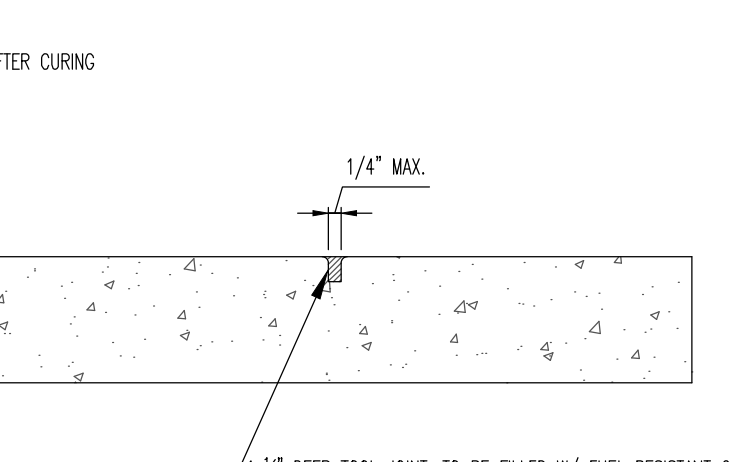
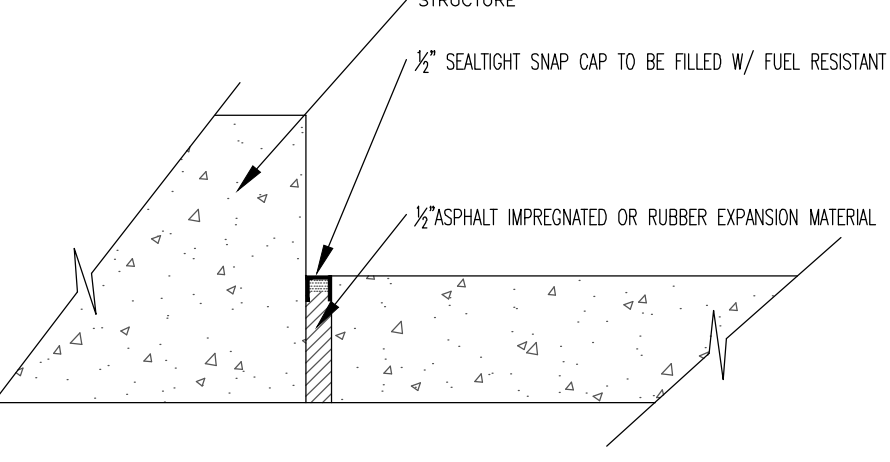
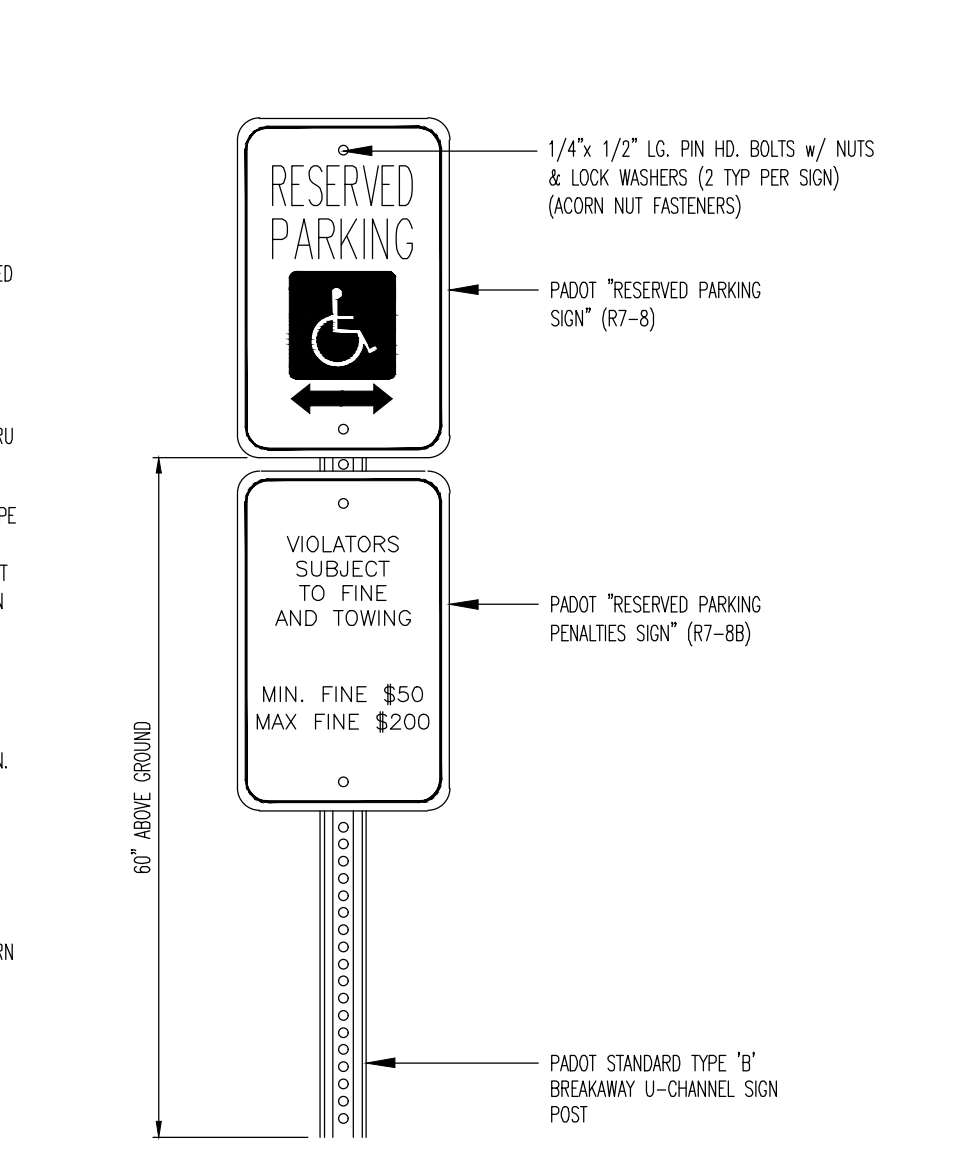
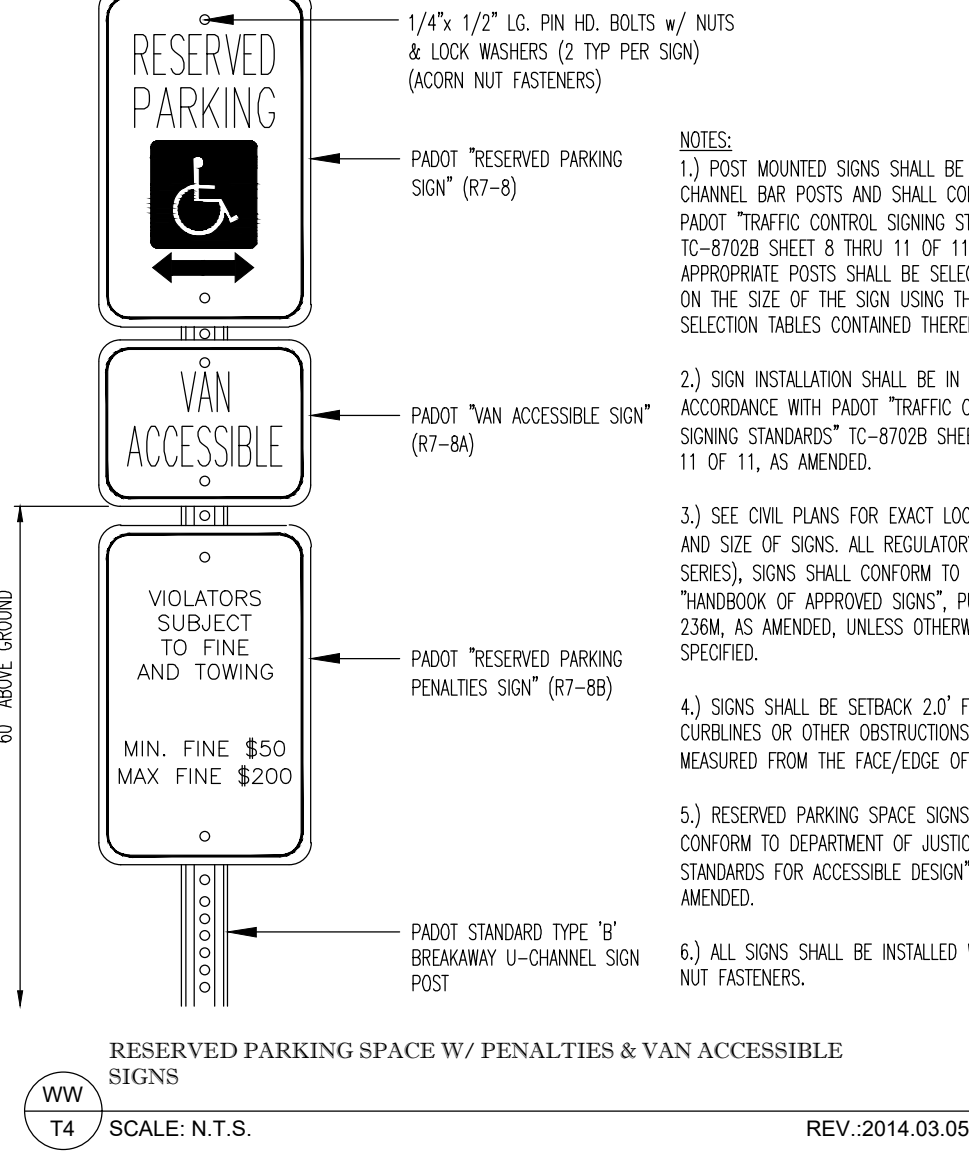
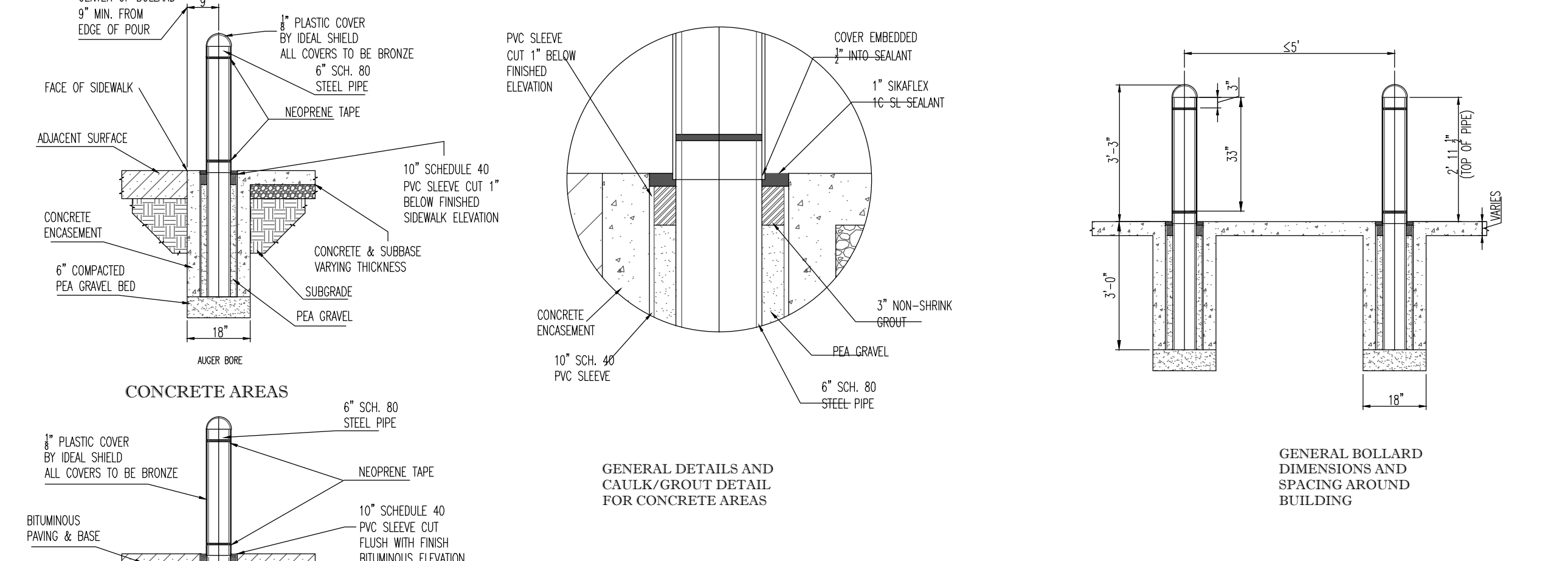
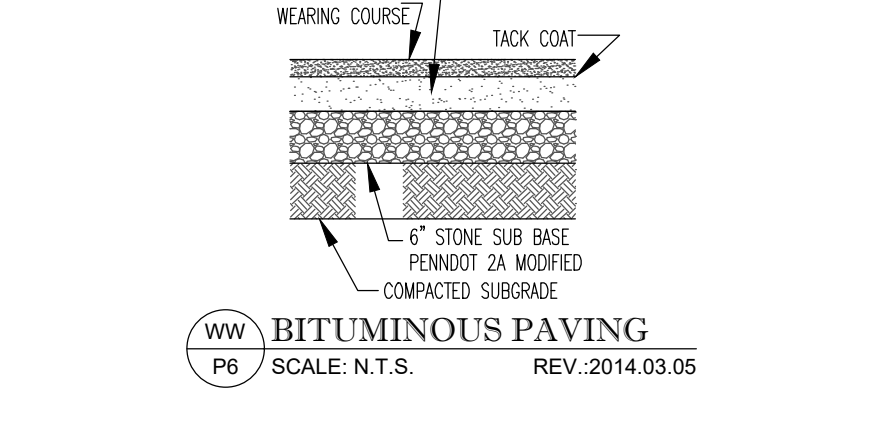
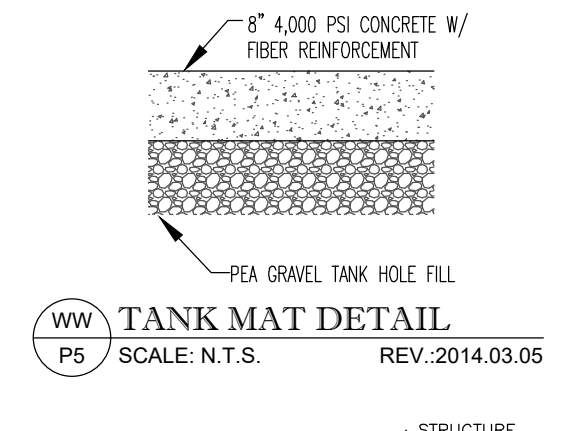
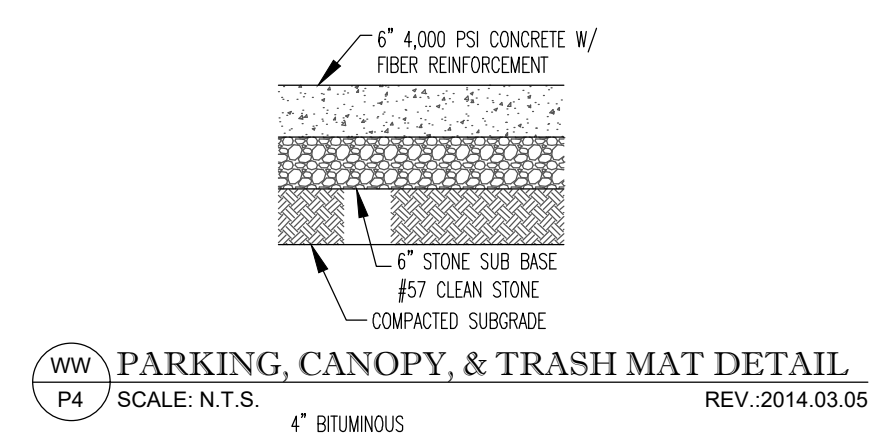
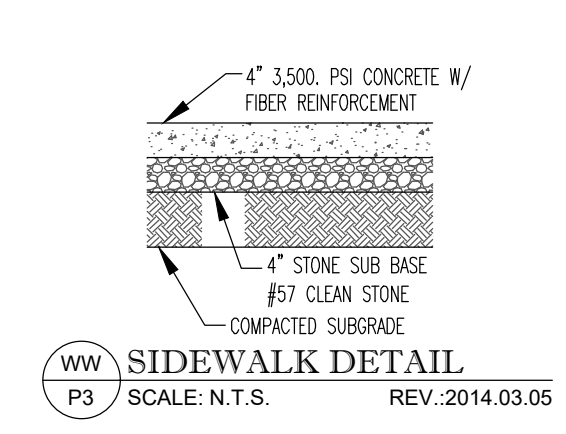
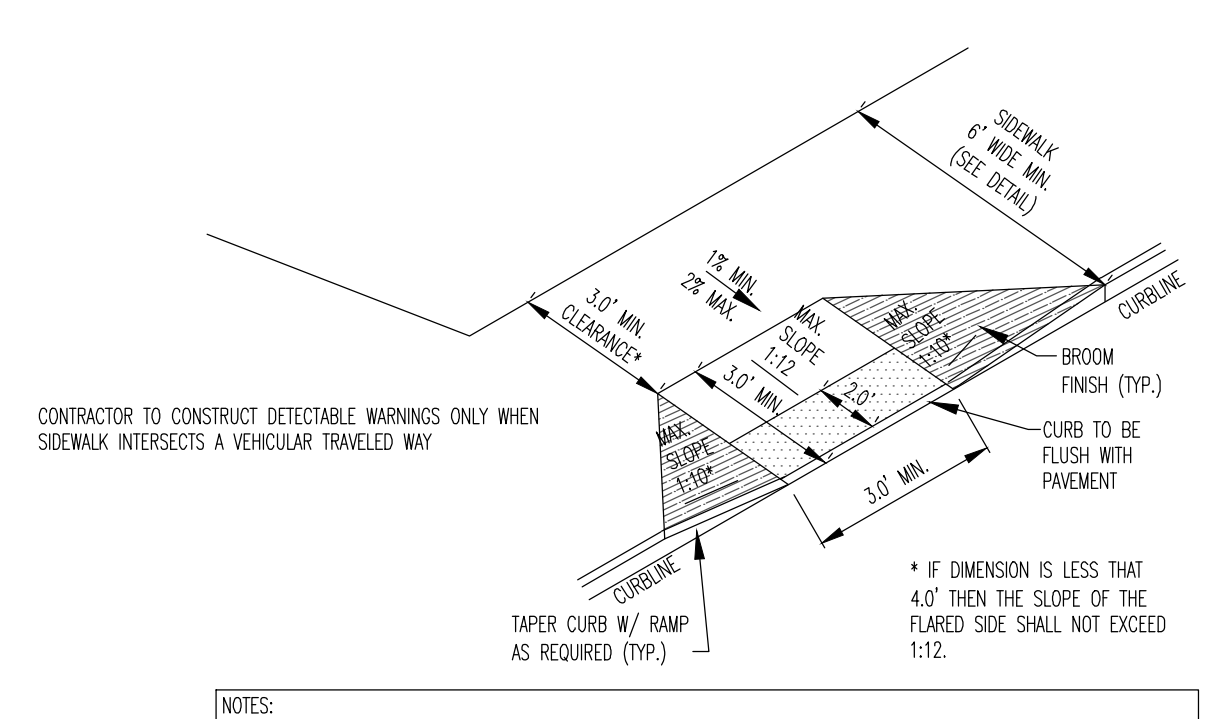
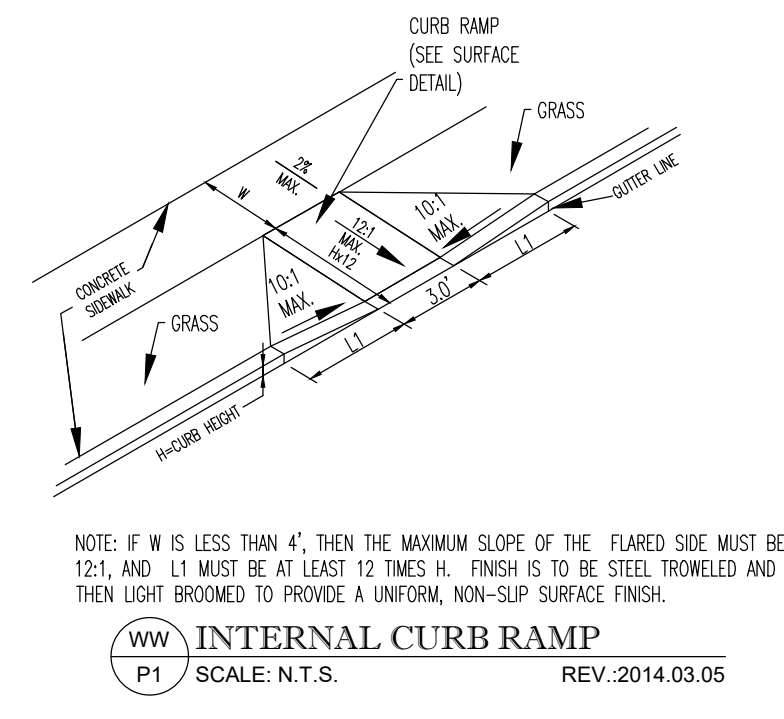
**WAWA - BURTONSVILLE**  
Automobile Filling Station & Convenience Store  
Parcel C & Parcel D  
L. 15285 F. 145 & L. 50129 F.283

COLESVILLE ELECTION DISTRICT No. 05  
MONGOMERY COUNTY, MARYLAND

G. L. FILE No.  
**23078**

SHEET  
**3 OF 7**

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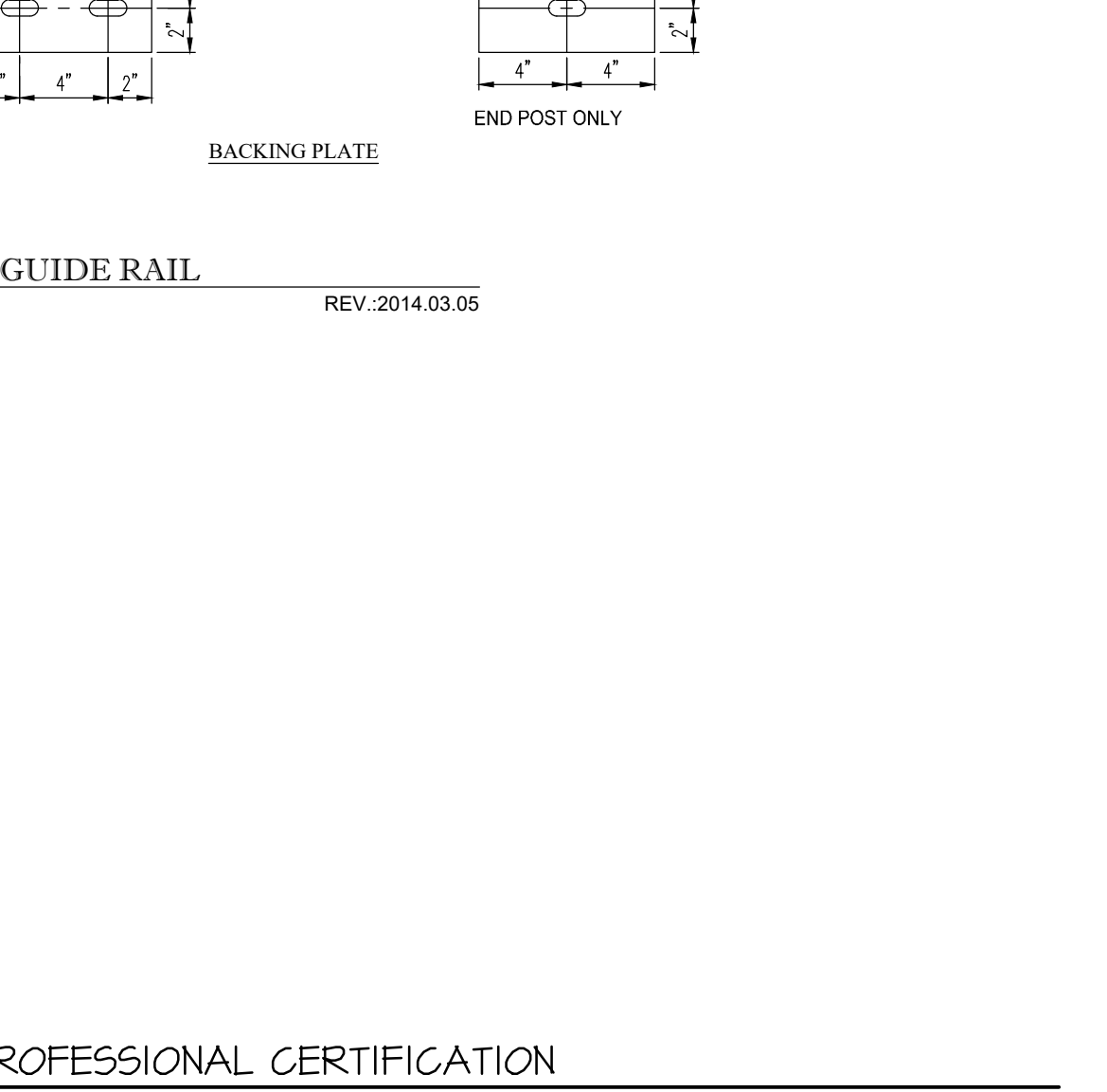
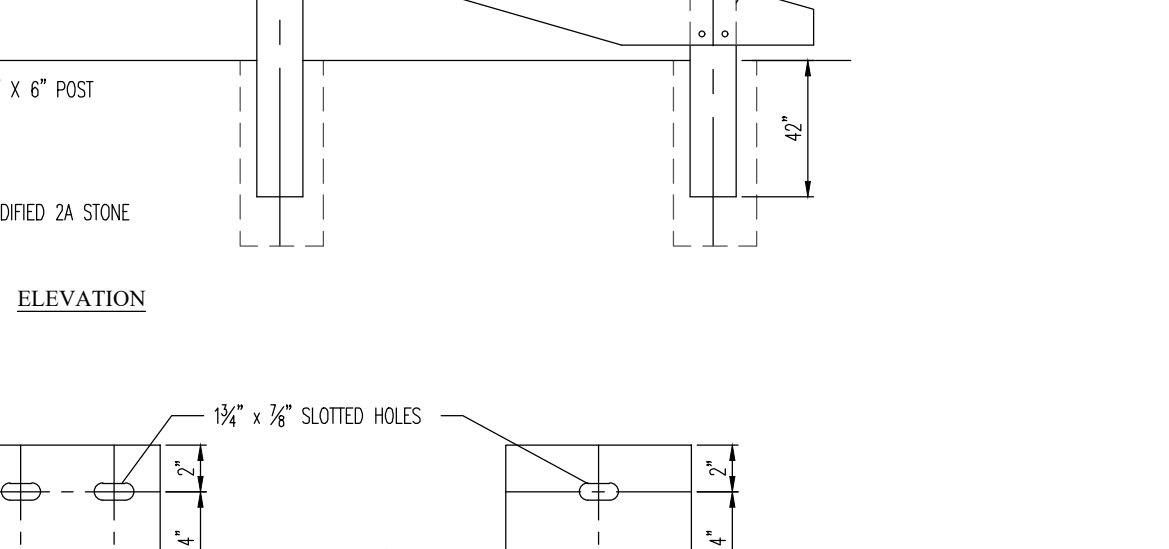
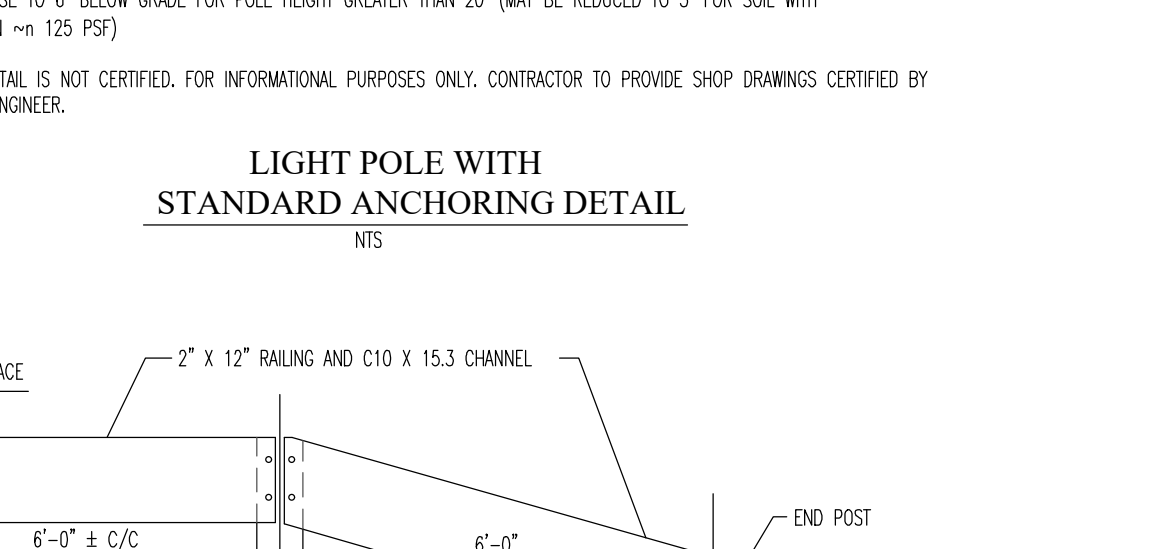
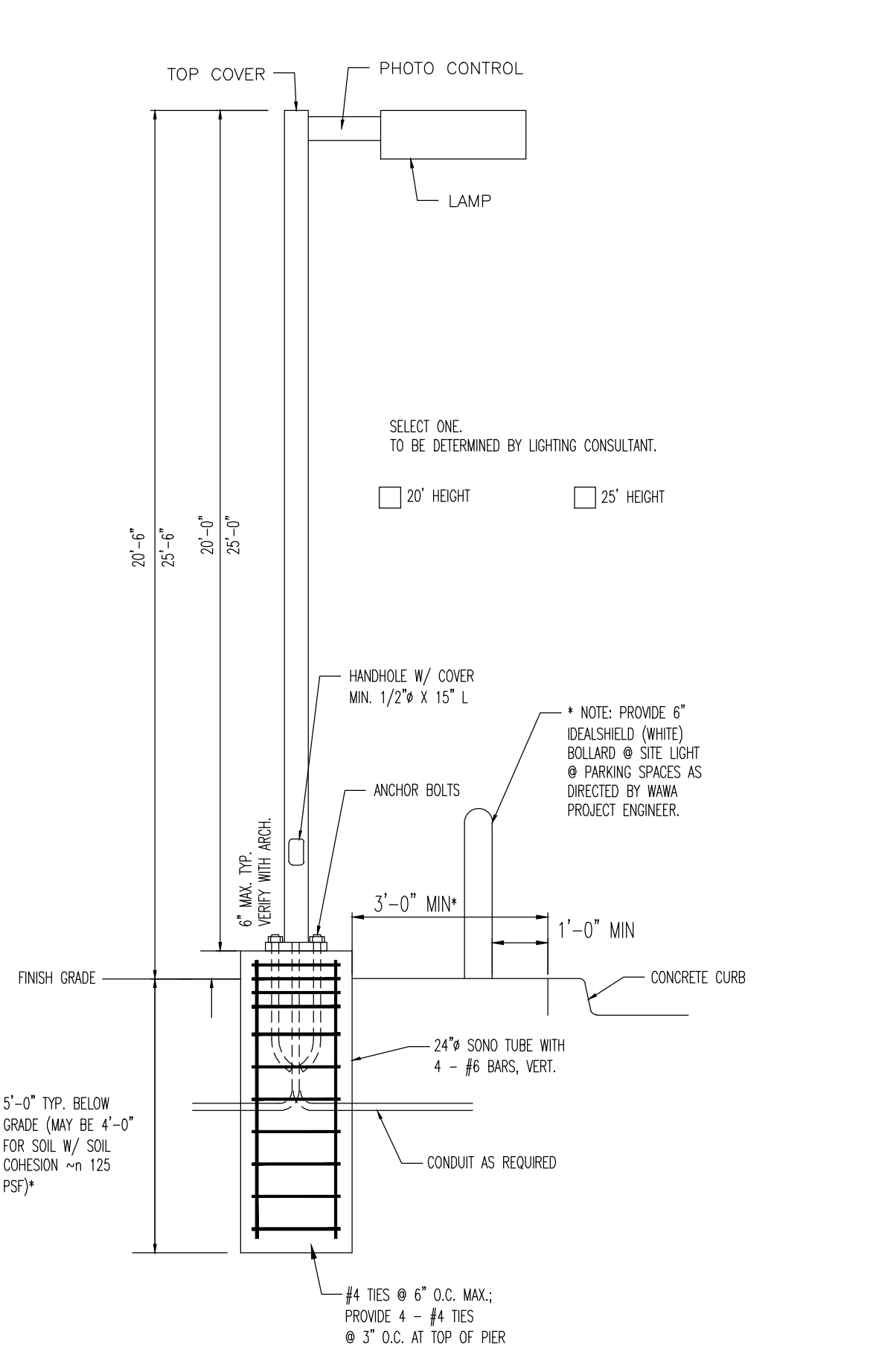
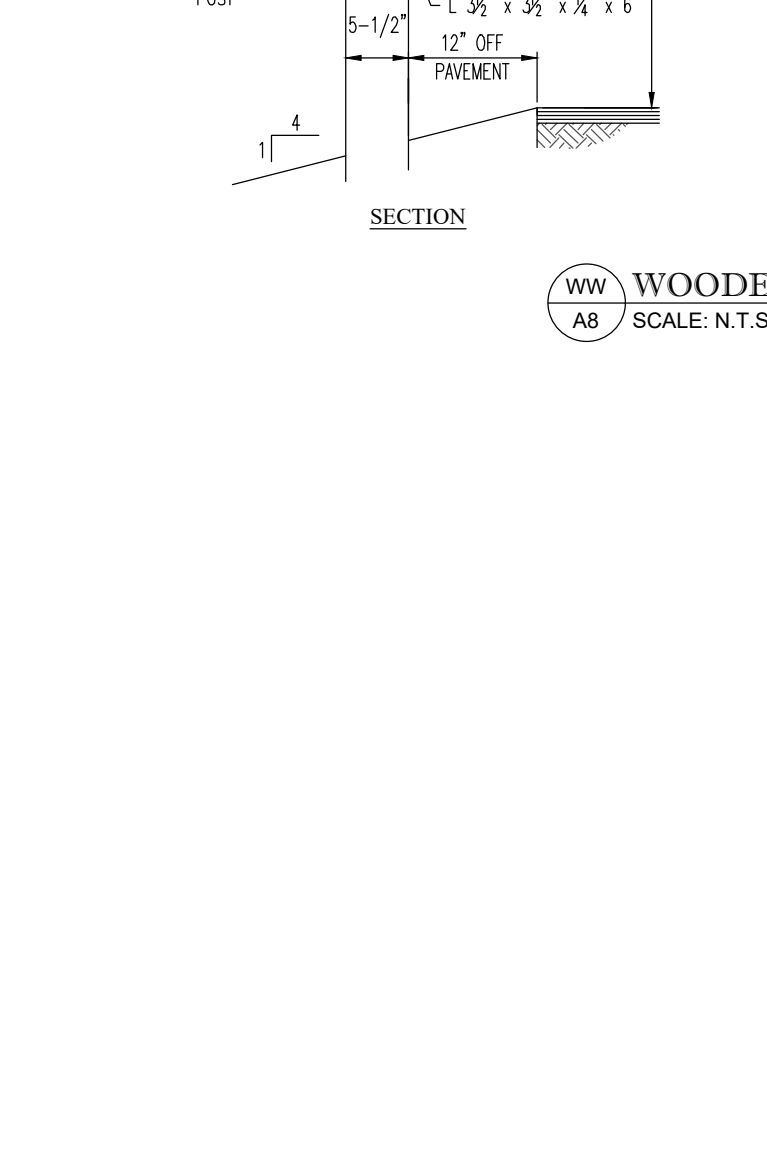
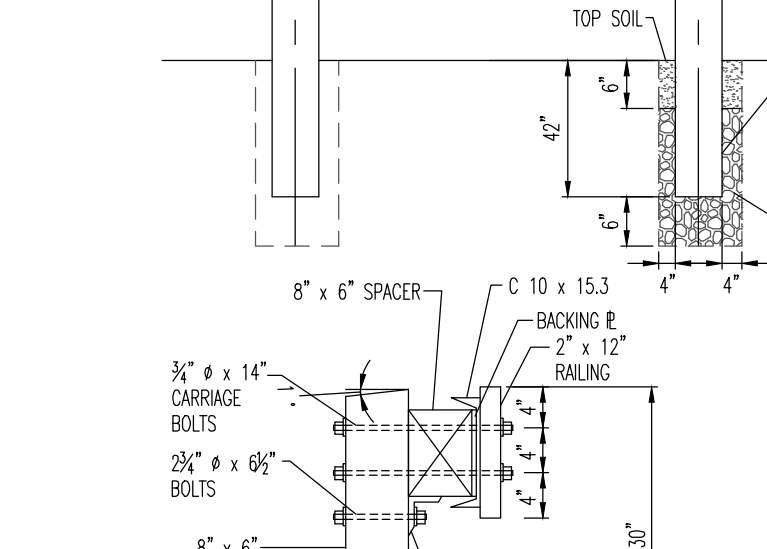
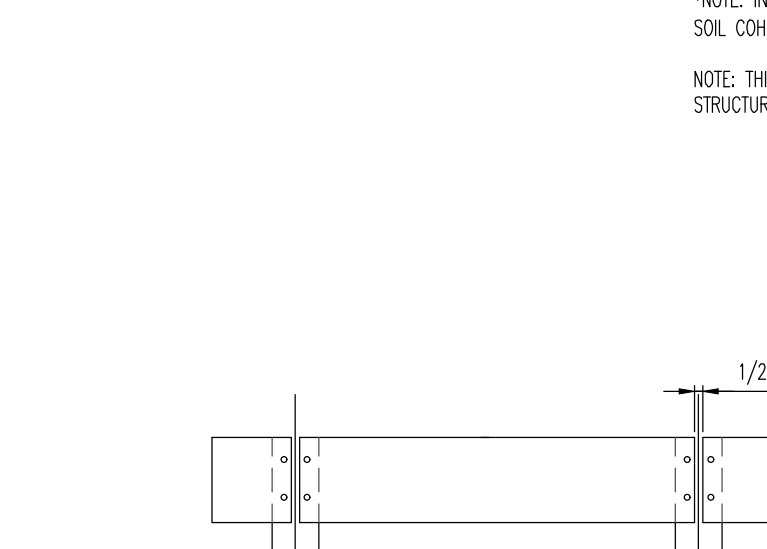
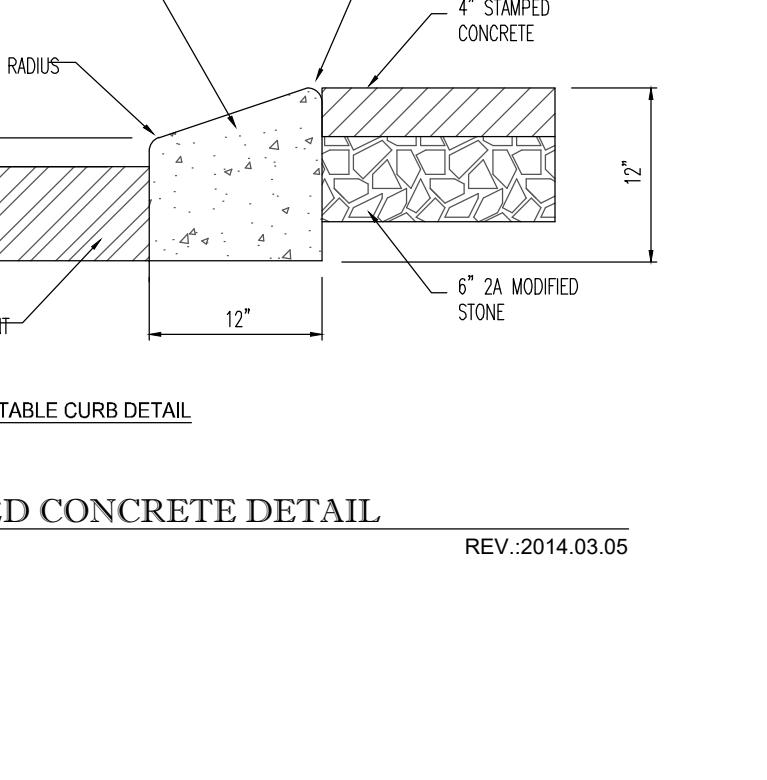
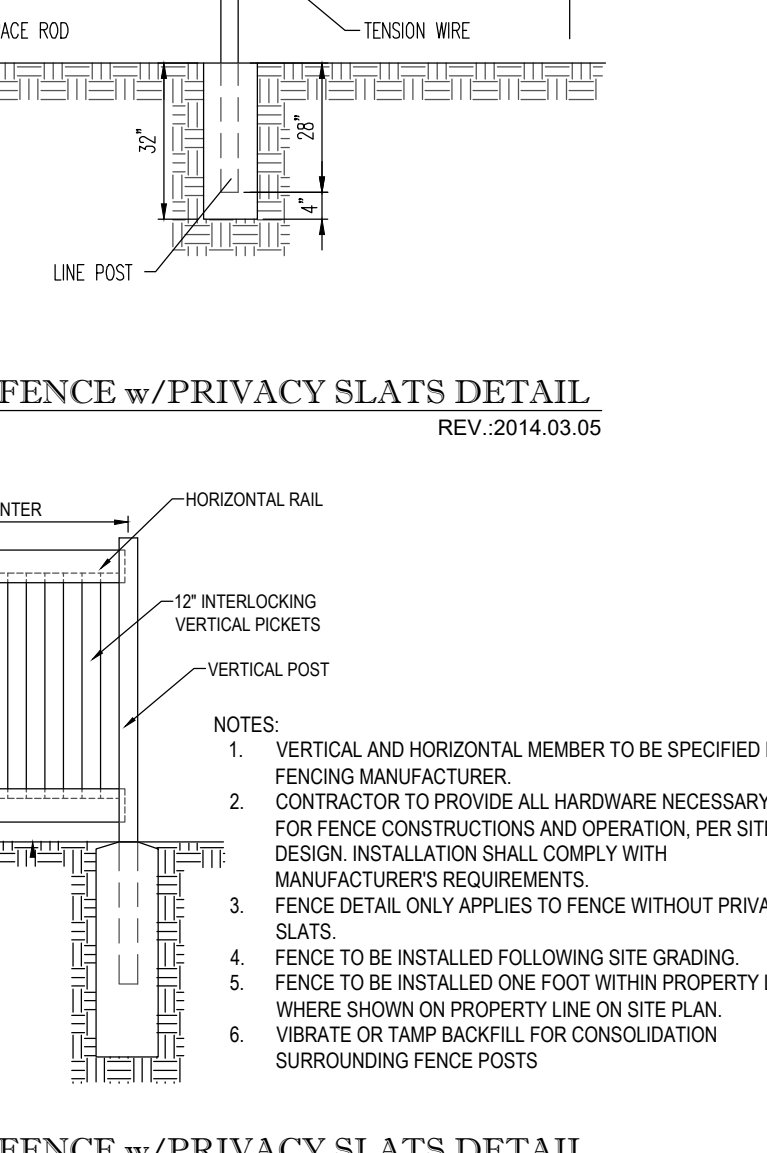
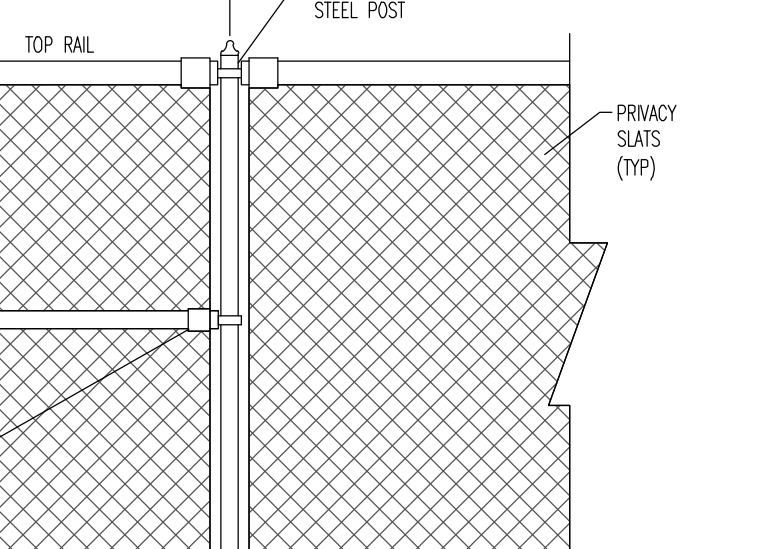
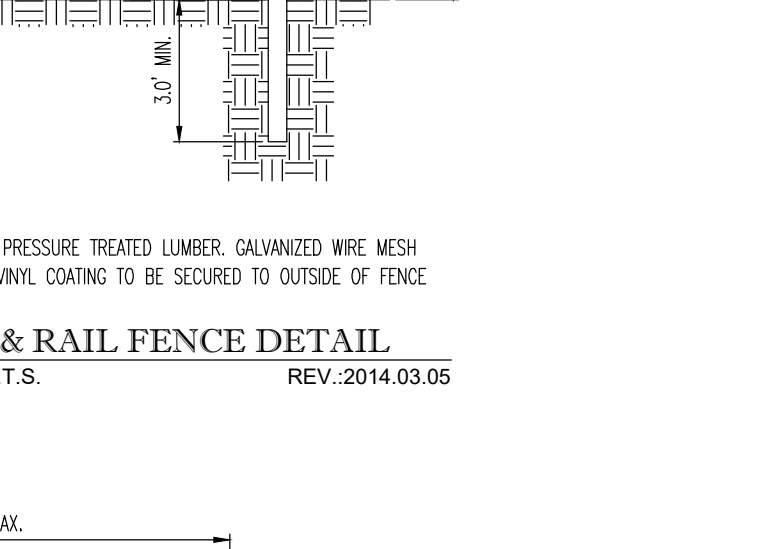
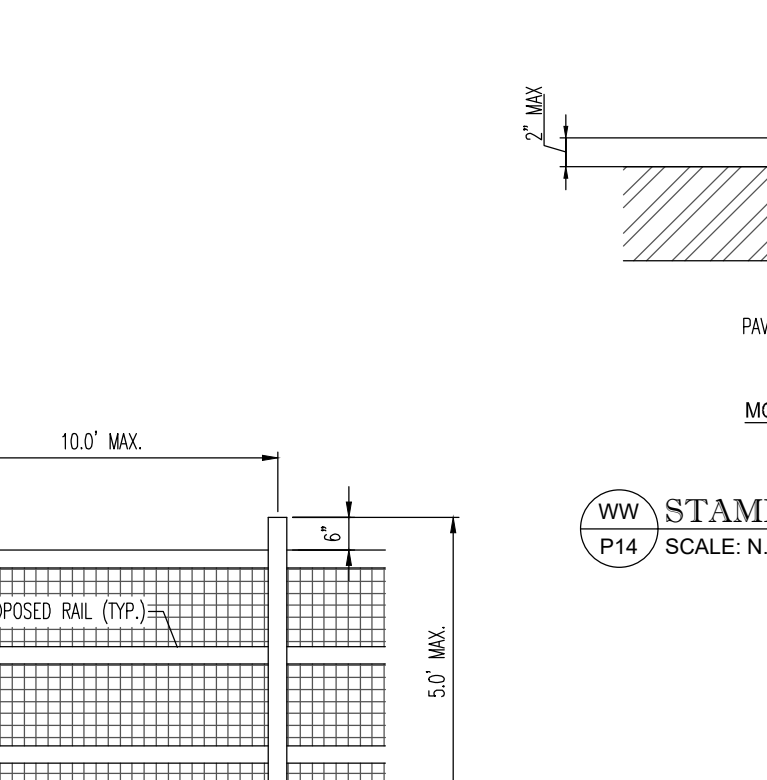
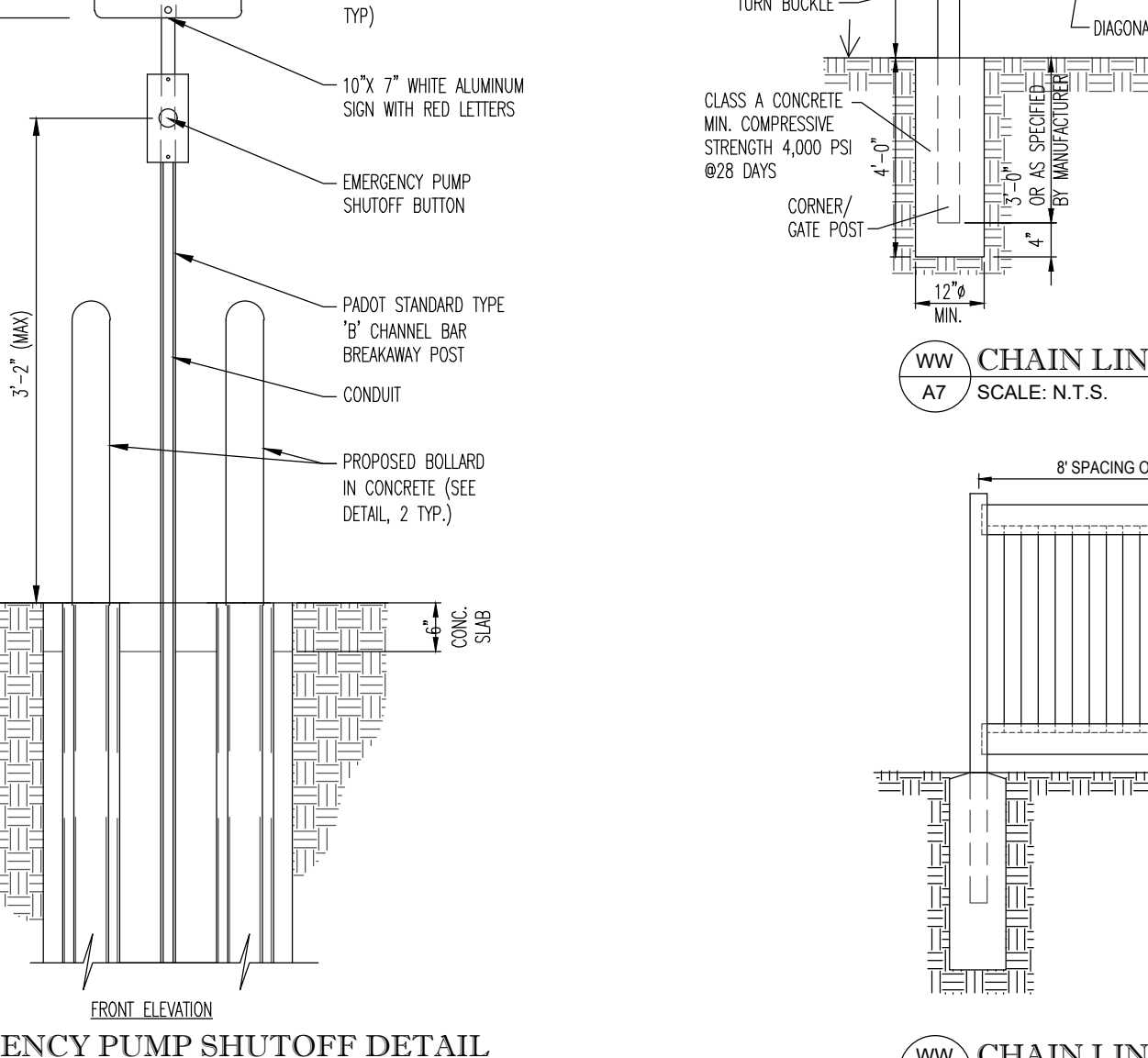
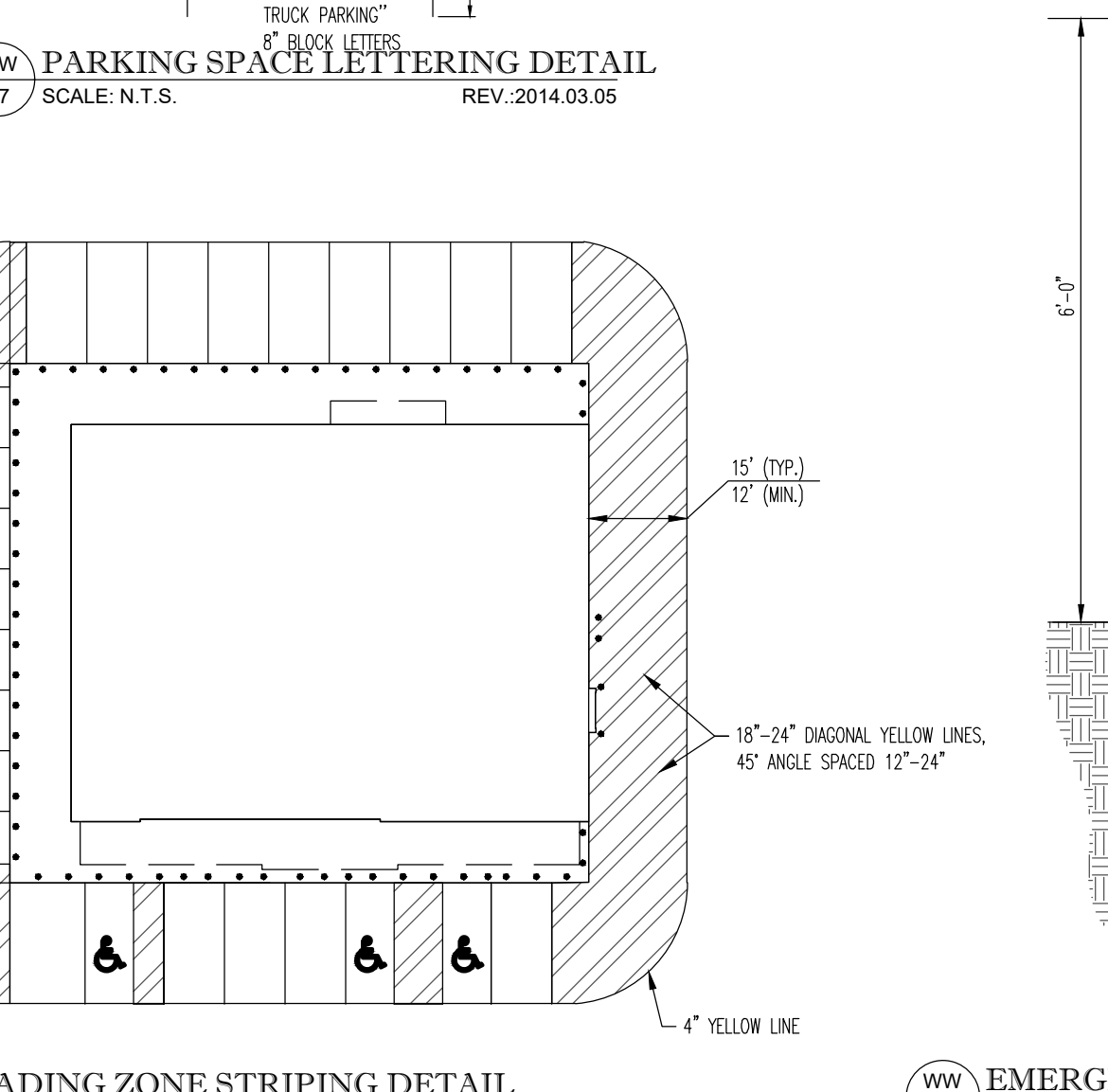
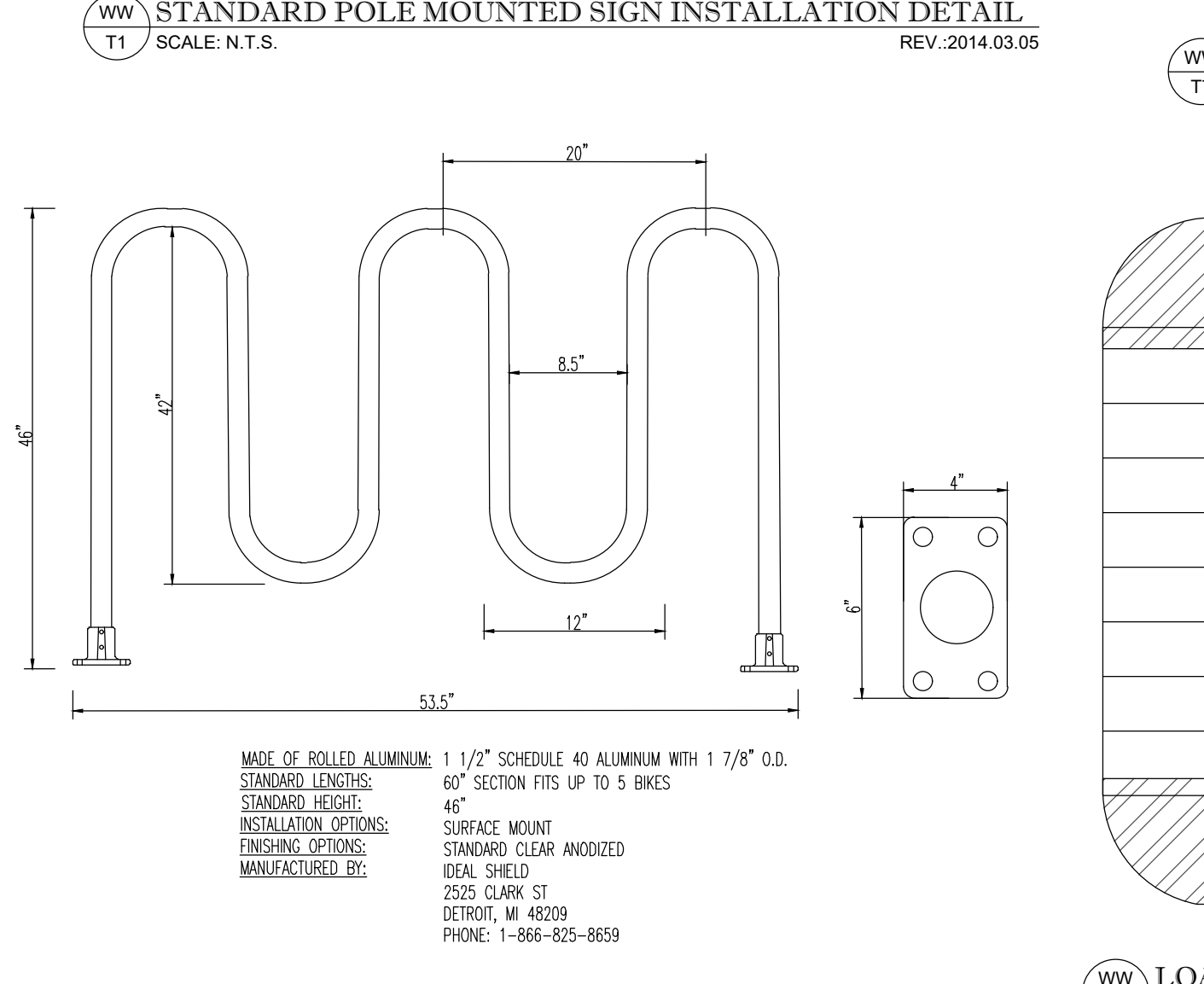
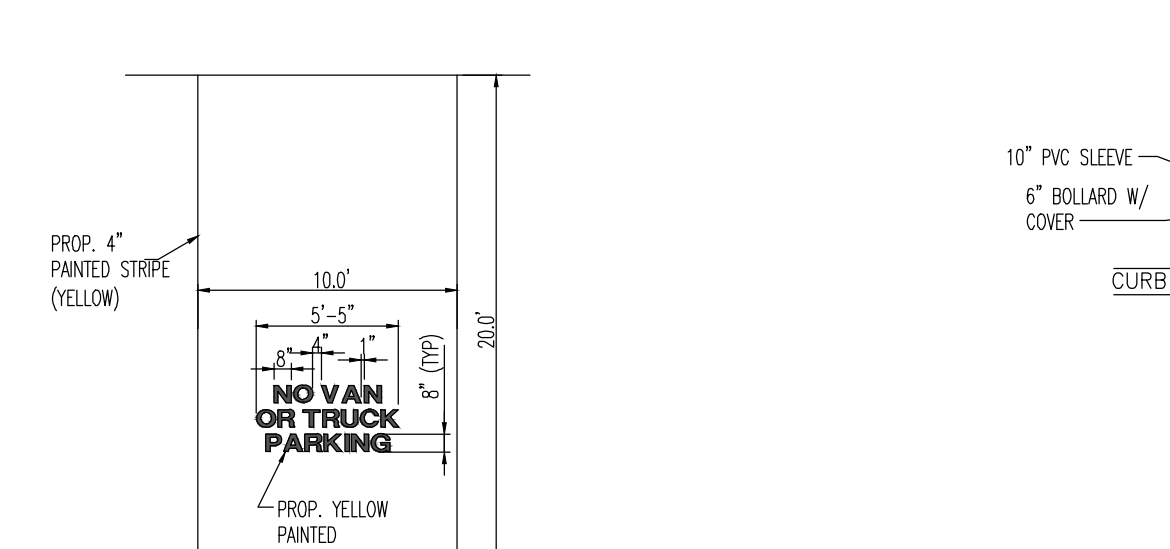
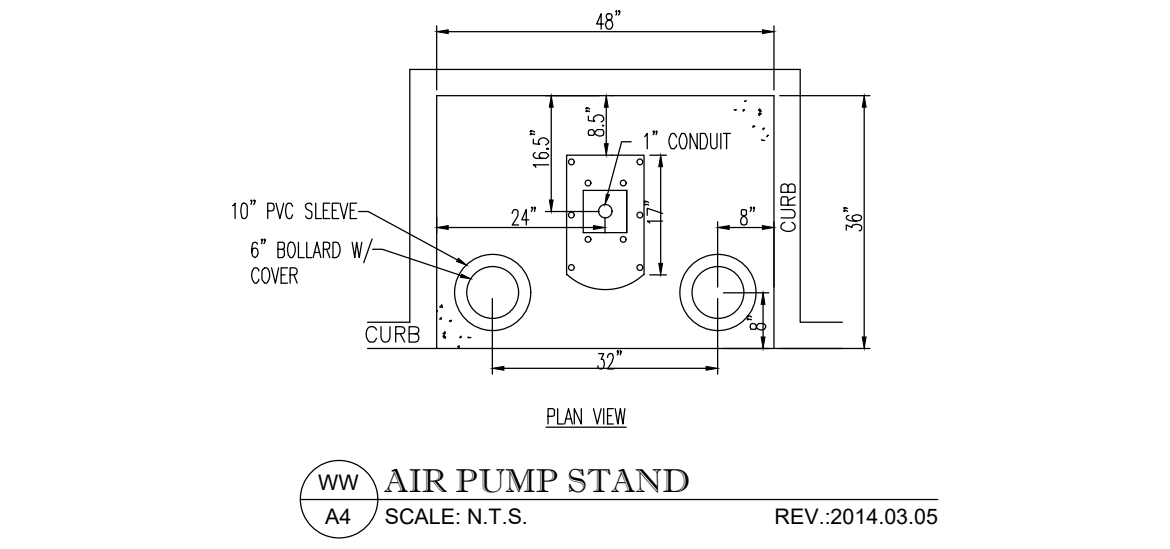
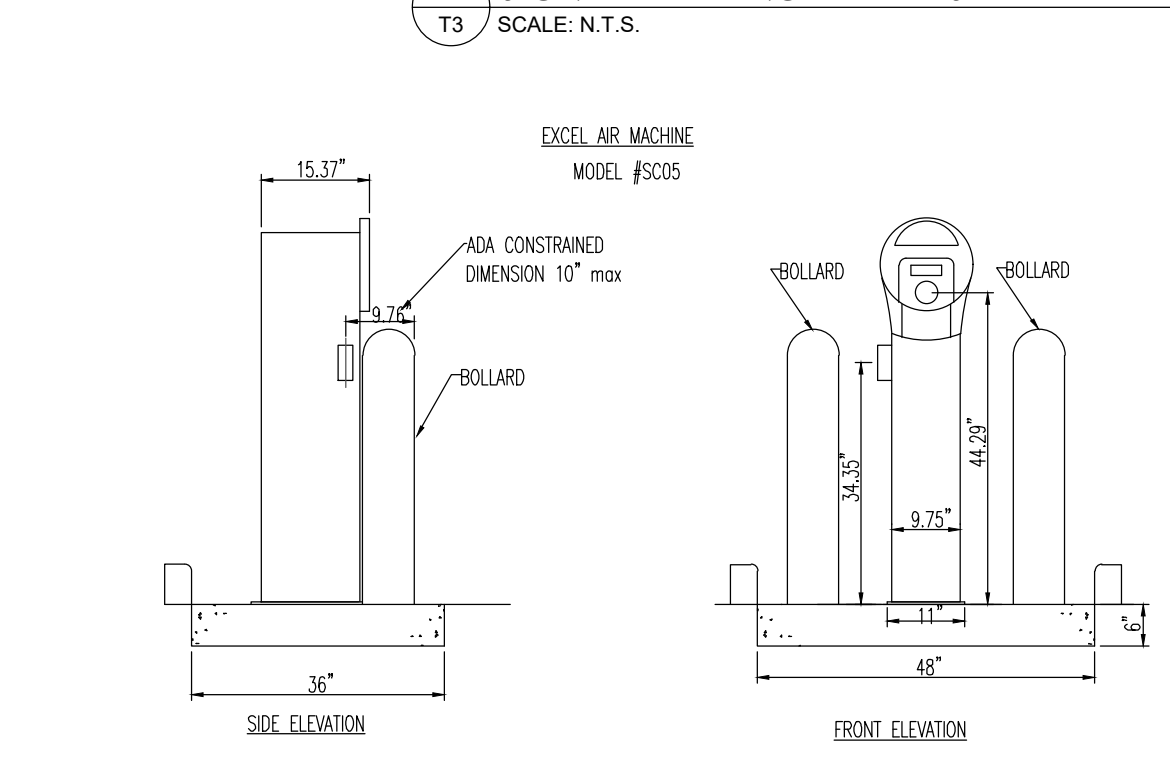
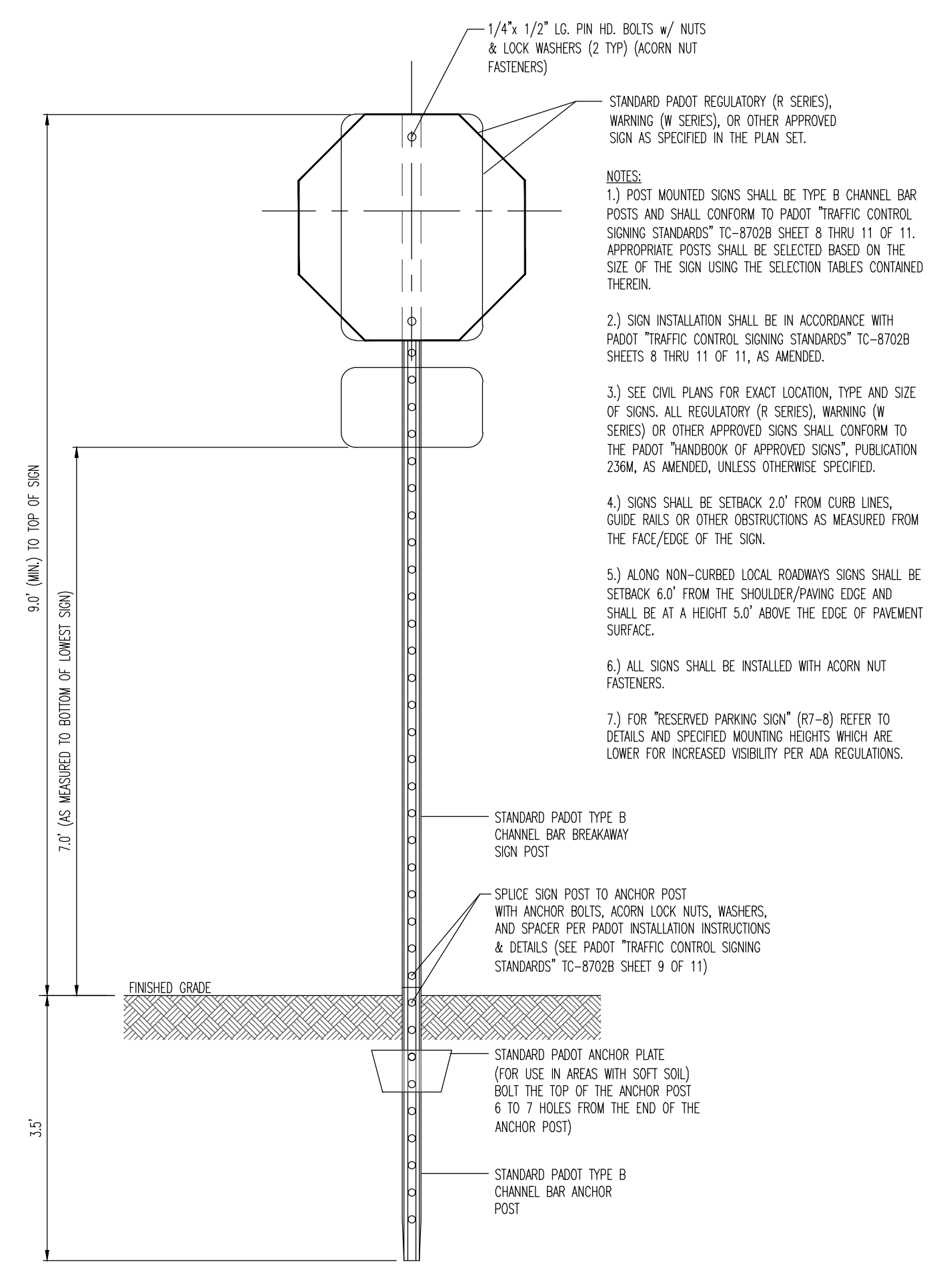
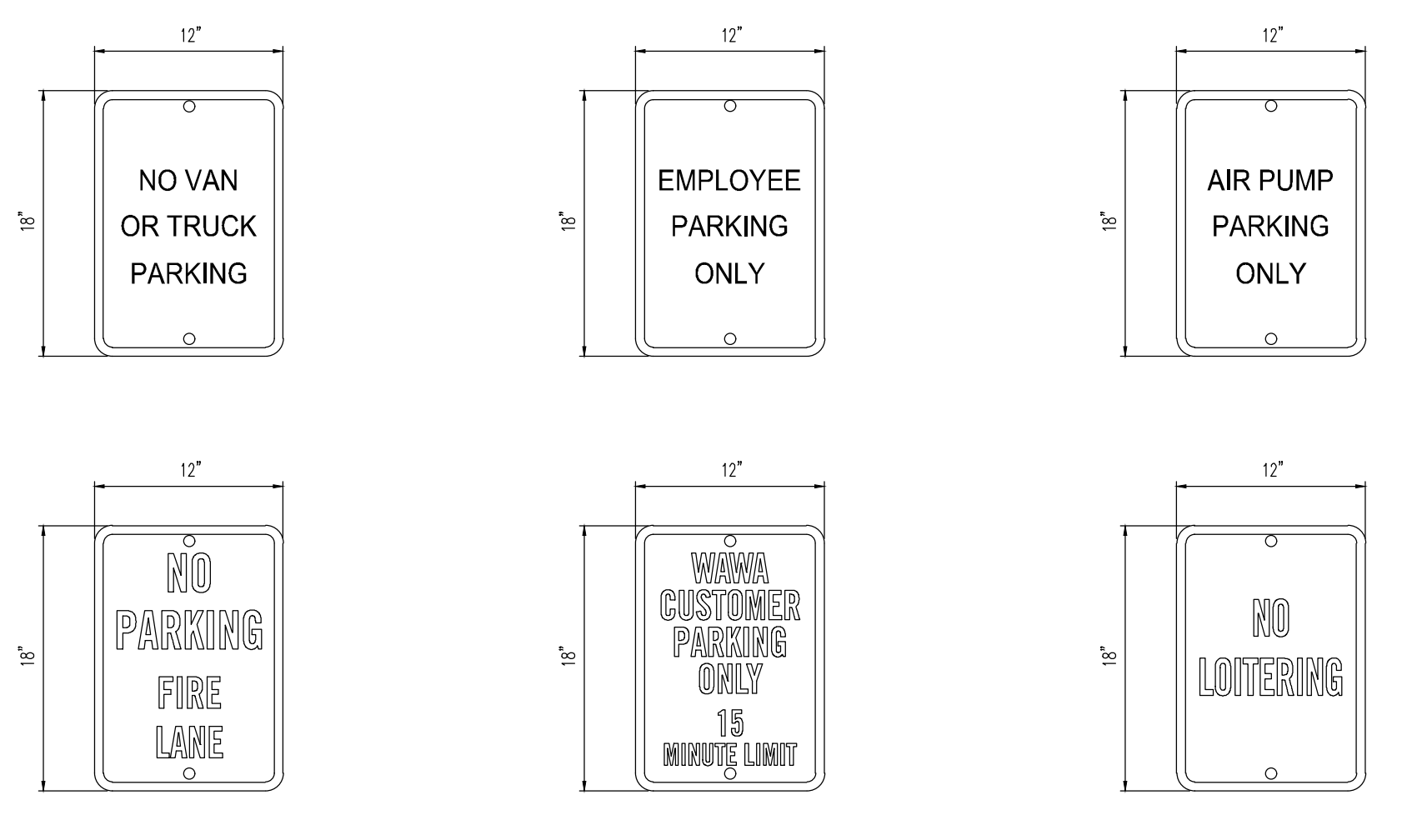
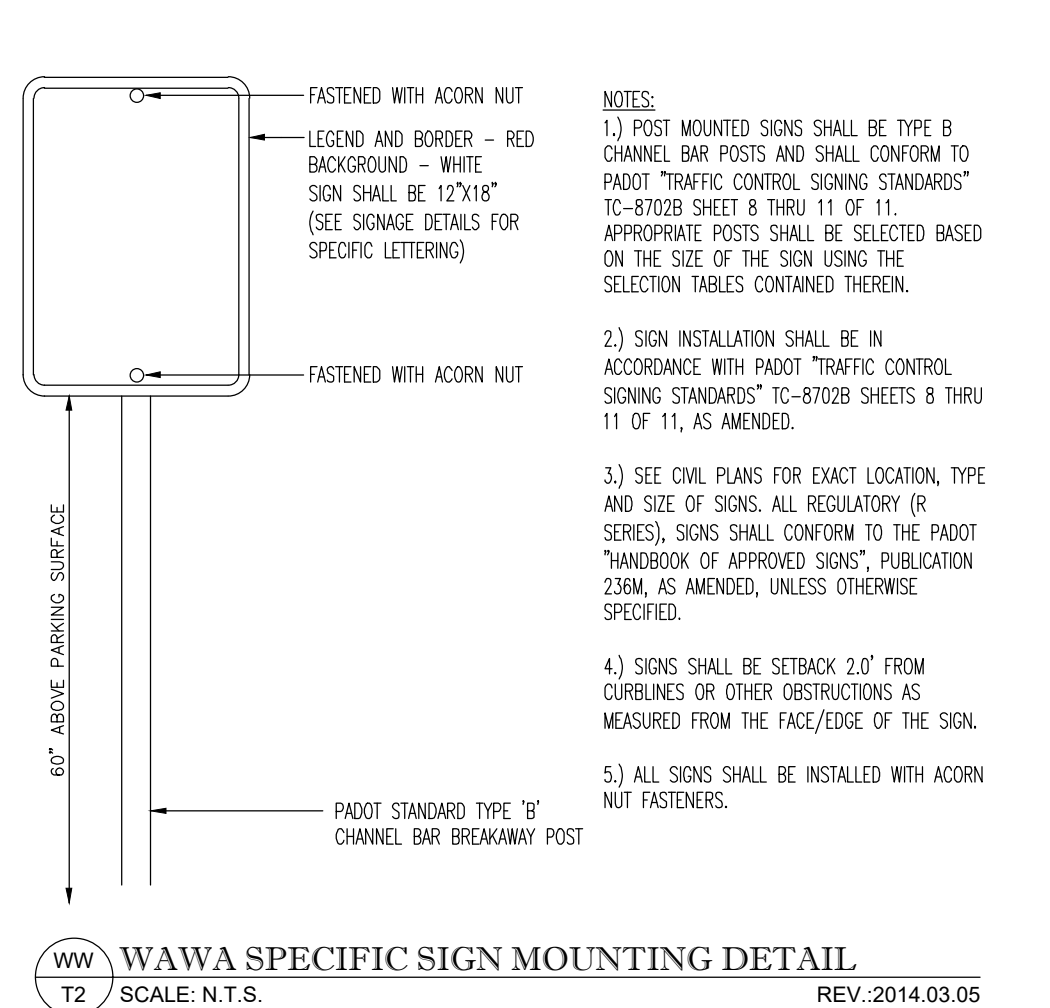


**PROFESSIONAL CERTIFICATION**  
I hereby certify that to the best of my knowledge, information and the belief that the plan shown herein is true and correct; has been prepared in accordance with the Zoning Regulations of Montgomery County, Maryland; I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.  
License No. 24814  
Expiration Date: January 20, 2026  
January 25, 2024  
Date  
The Longfellow  
Professional Engineer  
Gutschick, Little & Heber, P.A.  
Special Exception S-847B

DESIGNED BY	KAF			
DRAWN BY	KAB			
CHECKED BY	TML			
DATE		REVISION	BY	APPR.

PREPARED FOR:	HONG CHENG LLC & DONG YA LLC 5106 SHAD LANE POTOMAC, MARYLAND 20854
SCALE	NTS
DATE	JAN. 2024
ZONING	CRF-1.5 C-1.0, R-5.0, H-45
TAX MAP	- GRD
	KS-62

SITE DETAILS		G. L. W. FILE No.
WAWA - BURTONSVILLE Automobile Filling Station & Convenience Store Parcel C & Parcel D L. 15285 F. 145 & L. 50129 F.283		23078
COLESVILLE ELECTION DISTRICT No. 05		SHEET
MONGOMERY COUNTY, MARYLAND		4 OF 7



**PROFESSIONAL CERTIFICATION**  
I hereby certify that to the best of my knowledge, information and belief that the plan shown hereon is true and correct, has been prepared in accordance with the Zoning Regulations of Montgomery County, Maryland. I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.  
License No. 28414  
Expiration Date: January 20, 2026  
January 25, 2024  
Date  
Tim Longfellow  
Professional Engineer  
Gutschick, Little & Paeber, P.A.  
Special Exception S-847B

DESIGNED BY	DRAWN BY	CHECKED BY	DATE	REVISION	BY	APPR.
KAF	KAB	TML				

DATE	REVISION	BY	APPR.

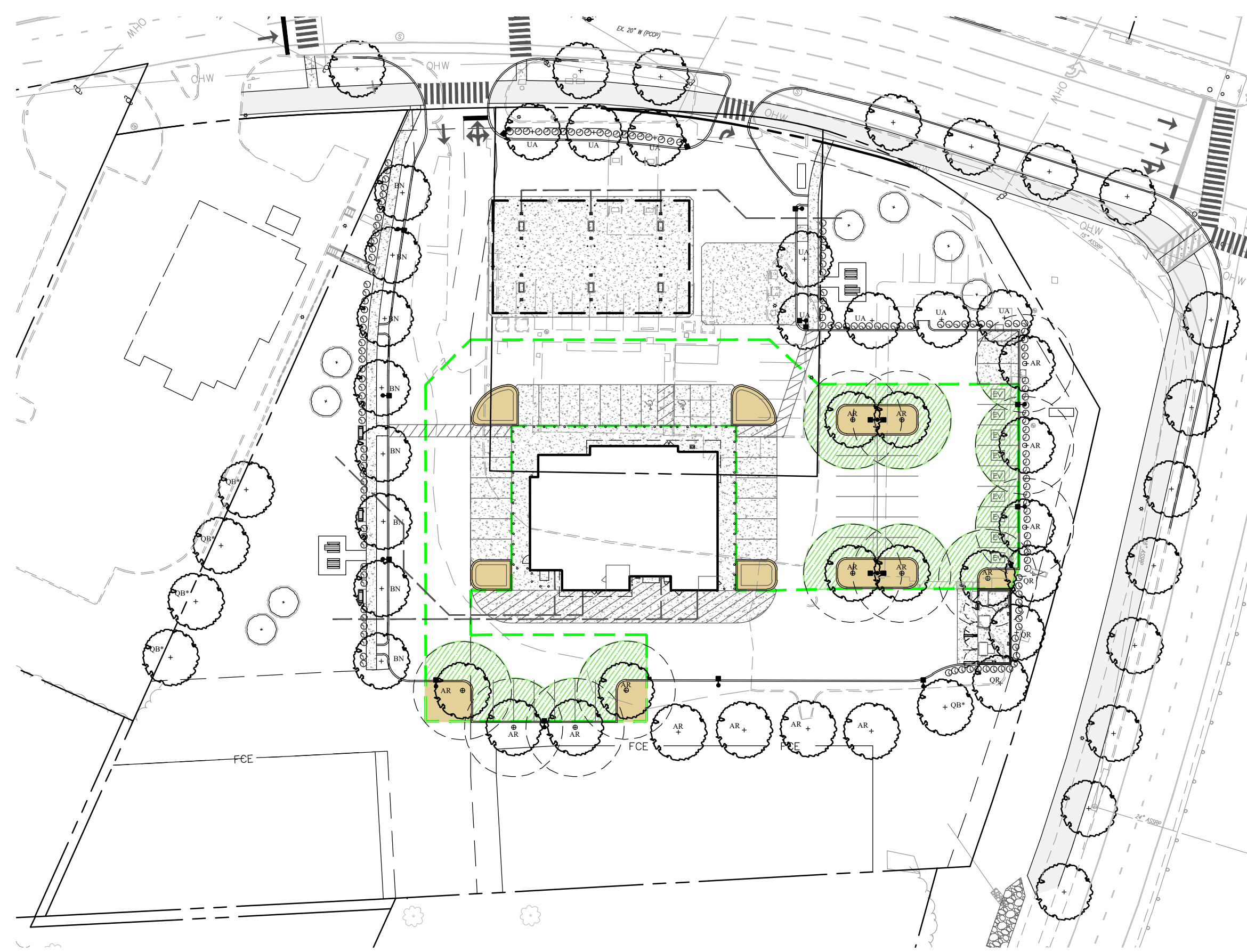
PREPARED FOR:  
HONG CHENG LLC & DONG YA LLC  
9106 SHAOL LANE  
POTOMAC, MARYLAND 20854

SCALE: N.T.S.  
DATE: JAN. 2024

ZONING: CRT-1.5, C-1.0, R-5.0, H-45  
TAX MAP: - GRD  
KS-62

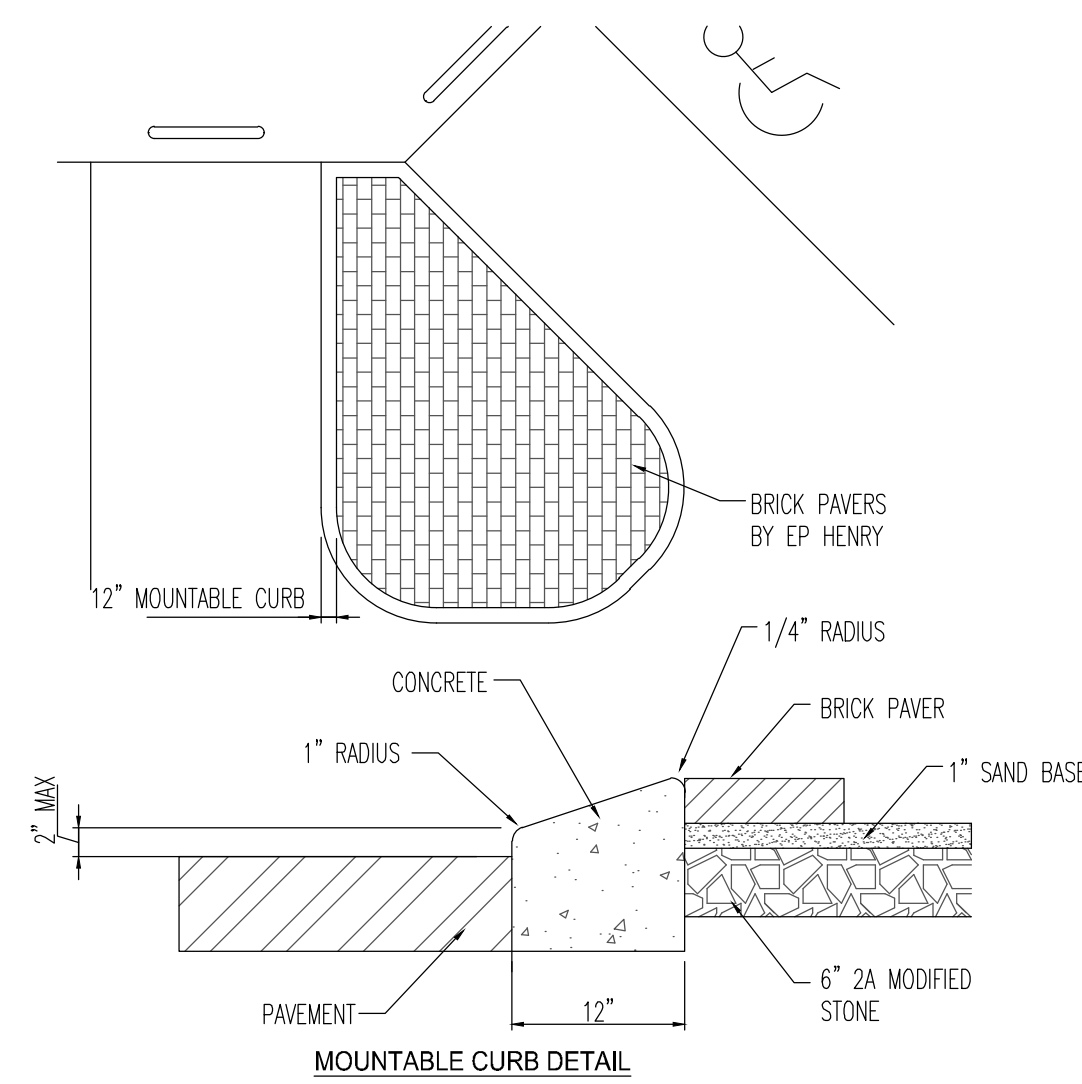
**SITE DETAILS**  
WAWA - BURTONSVILLE  
Automobile Filling Station & Convenience Store  
Parcel C & Parcel D  
L. 15285 F. 145 & L. 50129 F.283  
COLESVILLE ELECTION DISTRICT No. 05  
MONGOMERY COUNTY, MARYLAND



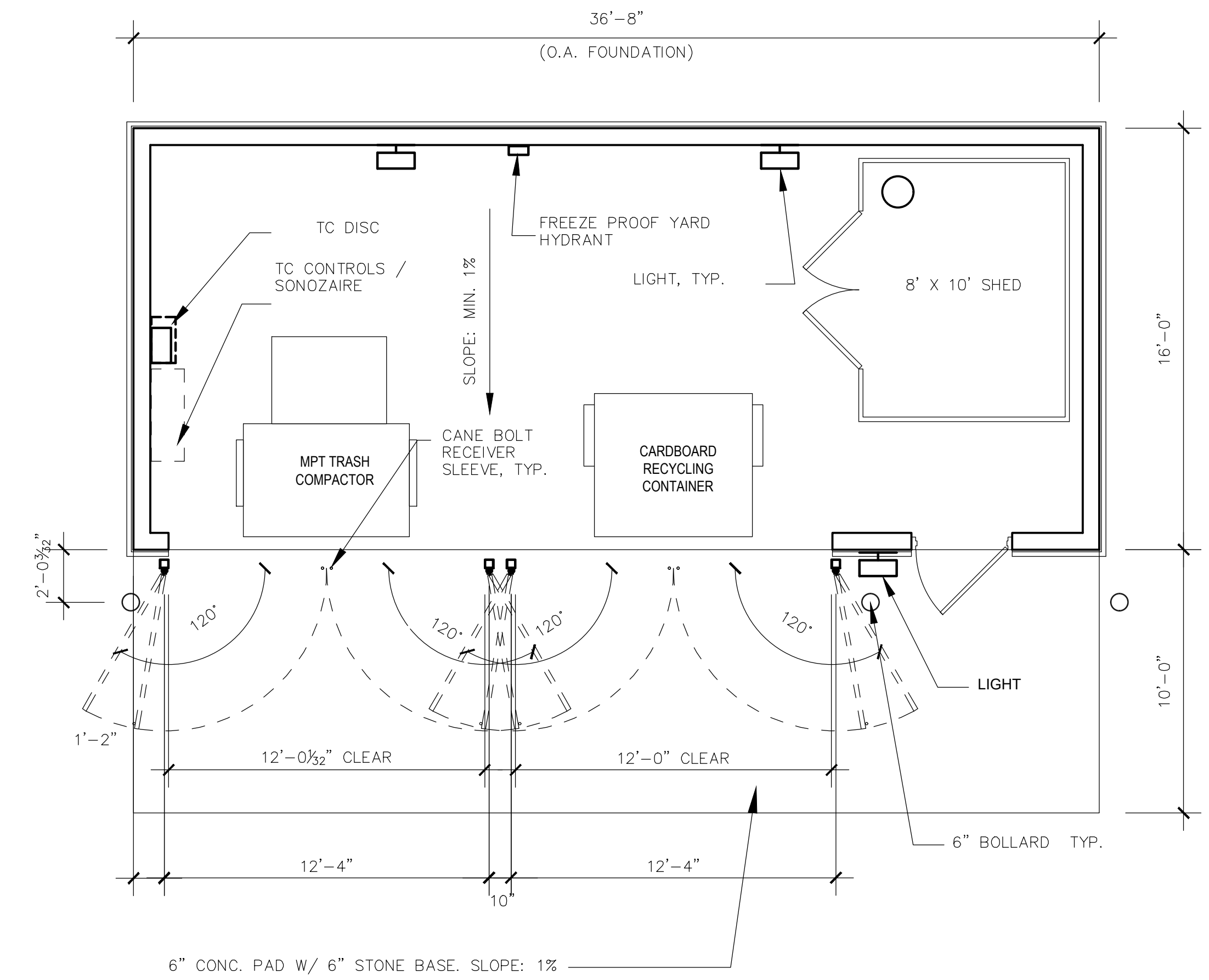


	Required	Provided
(a) Property line adjacent to a R.O.W.:	6' wide cont. soil panel 3' ht. evergreen hedge 1 tree per 30 feet of street frontage or per applicable standards	Yes
(b) Property line adjacent to a lot or parcel in a one-family residential or agricultural zone:	10' wide cont. soil panel 6' ht. evergreen hedge 1 tree per 30 feet of frontage or per applicable standards	N/A
(c) Property line adjacent to a lot or parcel in any zone not subject to (b), above:	4' wide cont. soil panel 1 tree per 30 feet of frontage	Yes
(d) Internal Pervious Area	10% Min. (2,914 sf req'd.) (Parking Area Boundary: 29,414 sf)	12.3% (3,632 sf)
(e) Tree Canopy Coverage	30% Min. @ 15 yrs growth (8,824 sf req'd.)	30% (10,079 sf)
(f) Lighting	IESNA Standards w/ full or partial cut-off fixtures 0.5 footcandles at any property line	Yes

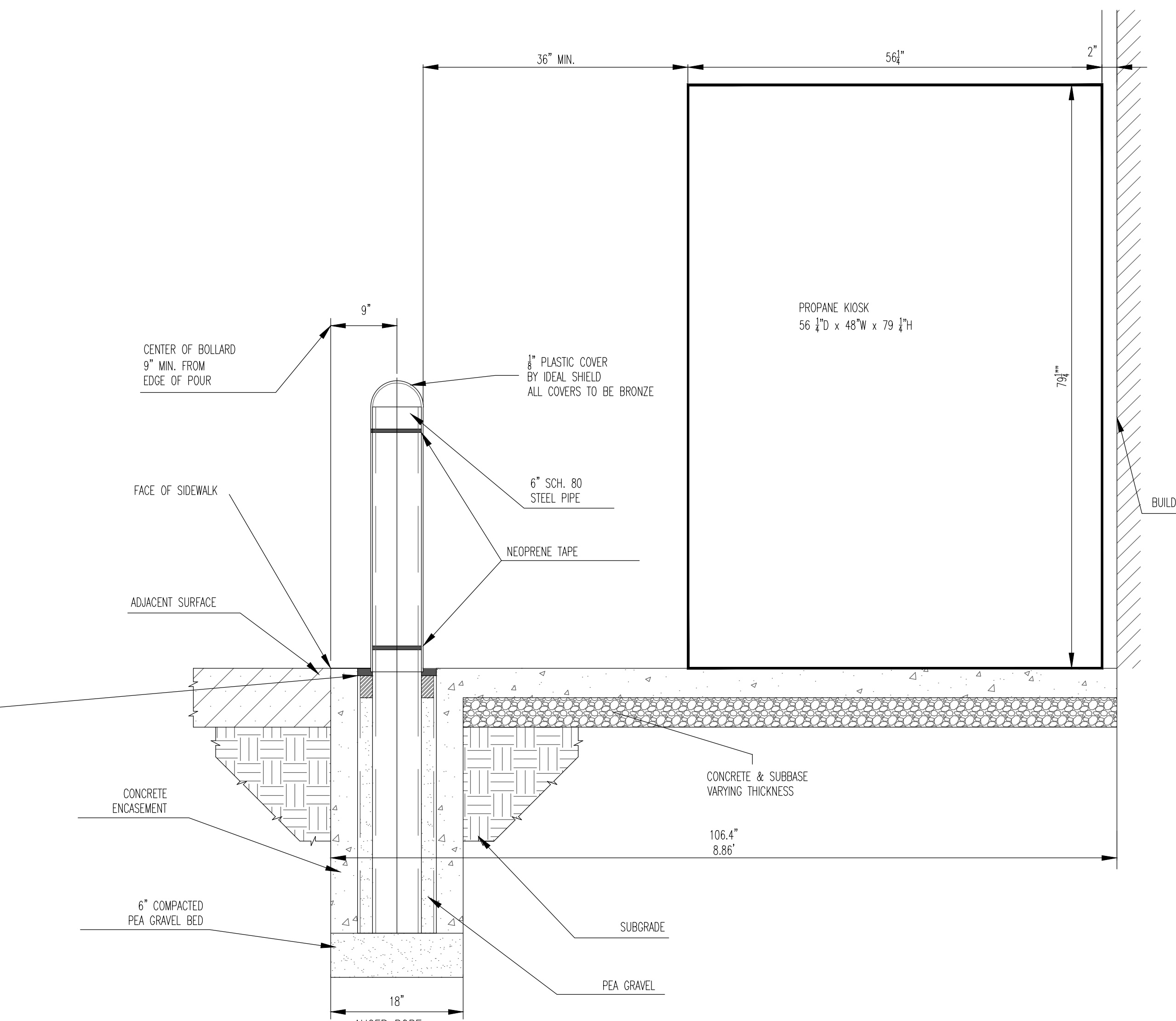
WW Sec. 59-C-15.635 Landscape & Lighting - Minimum Landscape Standards for Surface Parking  
14 SCALE: 1"=30'



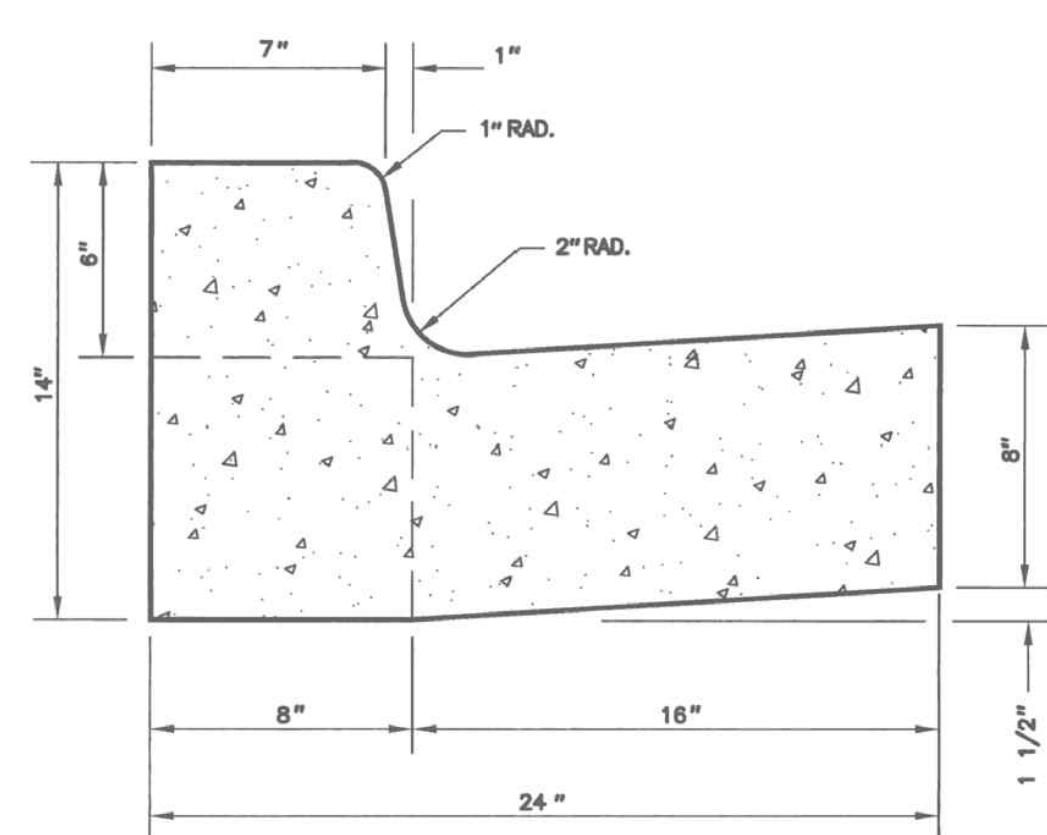
WW MOUNTABLE CURB DETAIL  
T1 SCALE: N.T.S.



WW TRASH ENCLOSURE (MARC17 36'-8\"/>



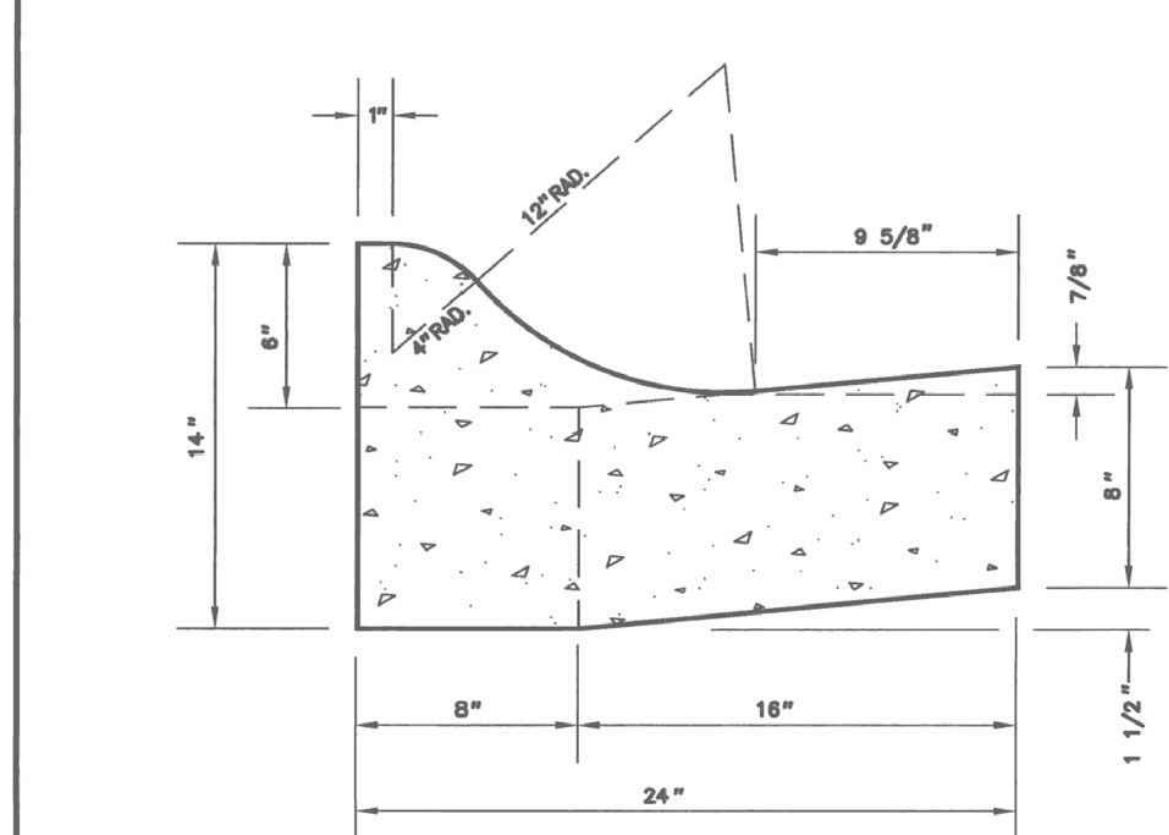
WW PROPANE KIOSK DETAIL  
T3 SCALE: 1"=2'



**GENERAL NOTES**

- REFER TO MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR MATERIALS, METHODS OF CONSTRUCTION AND EXPANSION JOINT LOCATIONS.
- THIS STANDARD SHALL BE USED ON PRIMARY RESIDENTIAL, ARTERIAL AND BUSINESS DISTRICT ROADS AS WELL AS CURB RETURNS AND INLET THROATS.
- WHENEVER STANDARD MC-101.01 CURB IS USED IN CONJUNCTION WITH THIS STANDARD, A TEN FOOT TRANSITION SHALL BE PROVIDED FROM STANDARD MC-100.01 TO STANDARD MC-101.01 FOR CURB RETURNS AND CURB SECTIONS WHICH INCLUDE INLETS.
- THE STANDARD DISTANCE BETWEEN JOINTS SHALL BE TEN FEET (MAXIMUM AND MINIMUM DISTANCES SHALL BE THIRTEEN FEET AND FIVE FEET RESPECTIVELY).
- EXPANSION JOINT MATERIAL SHALL BE 1/2 INCH PREFORMED CORK, TRIMMED AND SEALED WITH NON-STAINING TWO-COMPONENT POLYSULFIDE OR POLYURETHANE ELASTOMERIC TYPE SEALANT COMPLYING WITH ASTM-C920.

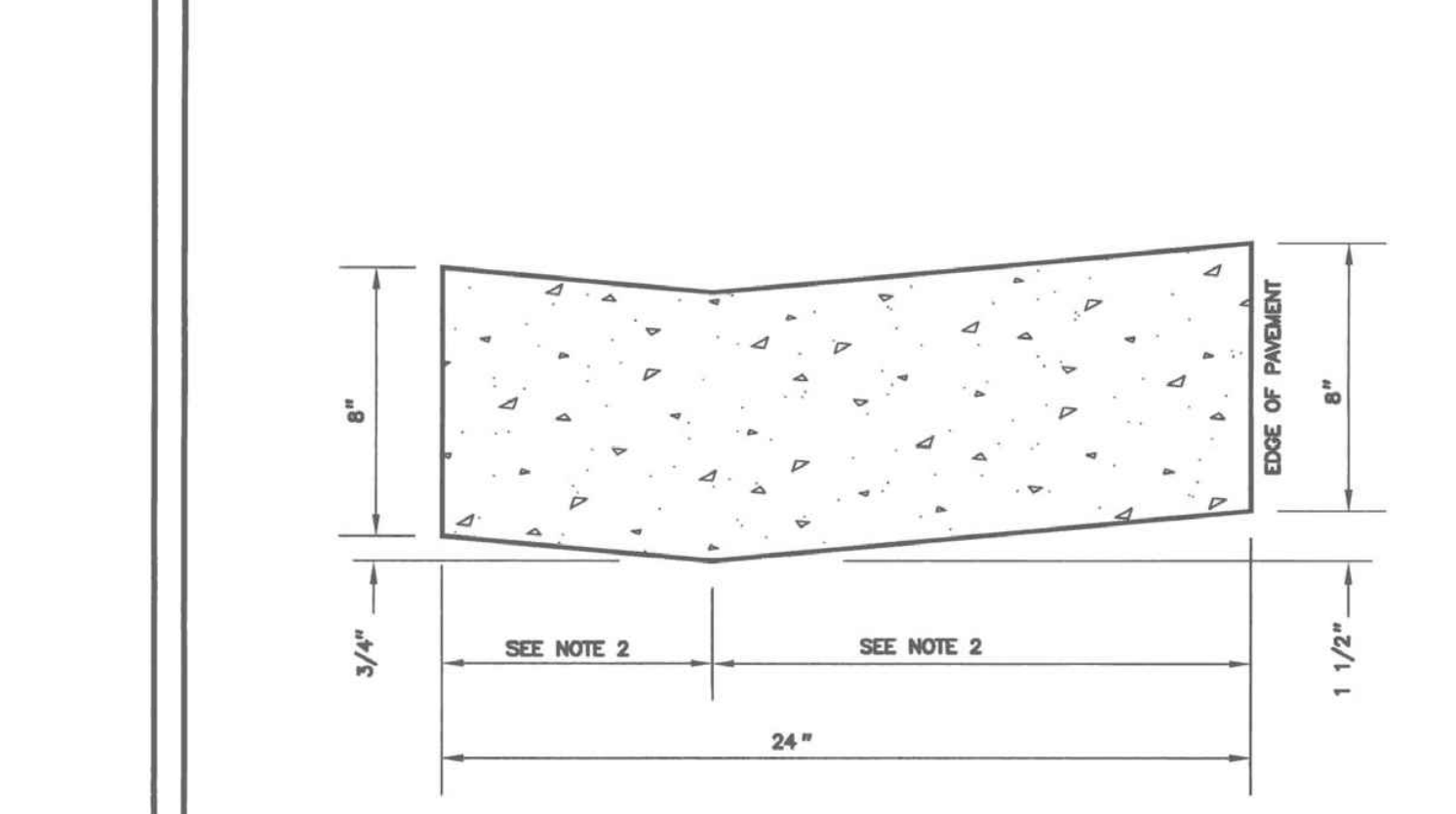
APPROVED 14 APR 06 DATE	REVISED	MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION
<i>Robert H. Kelly</i> DIRECTOR, DEPT. OF PUBLIC WORKS & TRANSPORTATION		<b>COMBINATION CONCRETE CURB AND GUTTER TYPE A</b>
<i>Helen Seaman</i> CHIEF, DIV. OF CAP. DEV.		<b>STANDARD NO. MC-100.01</b>



**GENERAL NOTES**

- REFER TO MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR MATERIALS, METHODS OF CONSTRUCTION AND EXPANSION JOINT LOCATIONS.
- THIS STANDARD SHALL BE USED ON PRIMARY, SECONDARY AND TERTIARY RESIDENTIAL ROADS EXCEPT AT CURB RETURNS AND INLET THROATS.
- WHENEVER STANDARD MC-100.01 CURB IS USED IN CONJUNCTION WITH THIS STANDARD, A TEN FOOT TRANSITION SHALL BE PROVIDED FROM STANDARD MC-101.01 TO STANDARD MC-100.01 FOR CURB RETURNS AND CURB SECTIONS WHICH INCLUDE INLETS.
- THE STANDARD DISTANCE BETWEEN JOINTS SHALL BE TEN FEET (MAXIMUM AND MINIMUM DISTANCES SHALL BE THIRTEEN FEET AND FIVE FEET RESPECTIVELY).
- EXPANSION JOINT MATERIAL SHALL BE 1/2 INCH PREFORMED CORK, TRIMMED AND SEALED WITH NON-STAINING TWO-COMPONENT POLYSULFIDE OR POLYURETHANE ELASTOMERIC TYPE SEALANT COMPLYING WITH ASTM-C920.

APPROVED 14 APR 06 DATE	REVISED	MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION
<i>Robert H. Kelly</i> DIRECTOR, DEPT. OF PUBLIC WORKS & TRANSPORTATION		<b>COMBINATION CONCRETE CURB AND GUTTER TYPE C</b>
<i>Helen Seaman</i> CHIEF, DIV. OF CAP. DEV.		<b>STANDARD NO. MC-101.01</b>



**GENERAL NOTES**

- REFER TO MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR MATERIALS, METHODS OF CONSTRUCTION AND EXPANSION JOINT LOCATIONS.
- THE DISTANCES FROM THE FLOE LINE TO THE FRONT AND BACK EDGE OF CURB SHALL BE ADJUSTED TO MATCH EXISTING CONDITIONS.
- THE STANDARD DISTANCE BETWEEN JOINTS SHALL BE TEN FEET (MAXIMUM AND MINIMUM DISTANCES SHALL BE THIRTEEN FEET AND FIVE FEET RESPECTIVELY).
- EXPANSION JOINT MATERIAL SHALL BE 1/2 INCH PREFORMED CORK, TRIMMED AND SEALED WITH NON-STAINING TWO-COMPONENT POLYSULFIDE OR POLYURETHANE ELASTOMERIC TYPE SEALANT COMPLYING WITH ASTM-C920.

APPROVED 14 APR 06 DATE	REVISED	MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION
<i>Robert H. Kelly</i> DIRECTOR, DEPT. OF PUBLIC WORKS & TRANSPORTATION		<b>DEPRESSED CURB ENTRANCE</b>
<i>Helen Seaman</i> CHIEF, DIV. OF CAP. DEV.		<b>STANDARD NO. MC-102.01</b>

**PROFESSIONAL CERTIFICATION**  
I hereby certify that to the best of my knowledge, information and the belief that the plan shown herein is true and correct; has been prepared in accordance with the Zoning Regulations of Montgomery County, Maryland. I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.  
License No. 2414  
Expiration Date: January 20, 2026  
January 25, 2024  
Date  
*Tim Longfellow*  
Professional Engineer  
Gutschick, Little & Heber, P.A.  
Special Exception S-847B

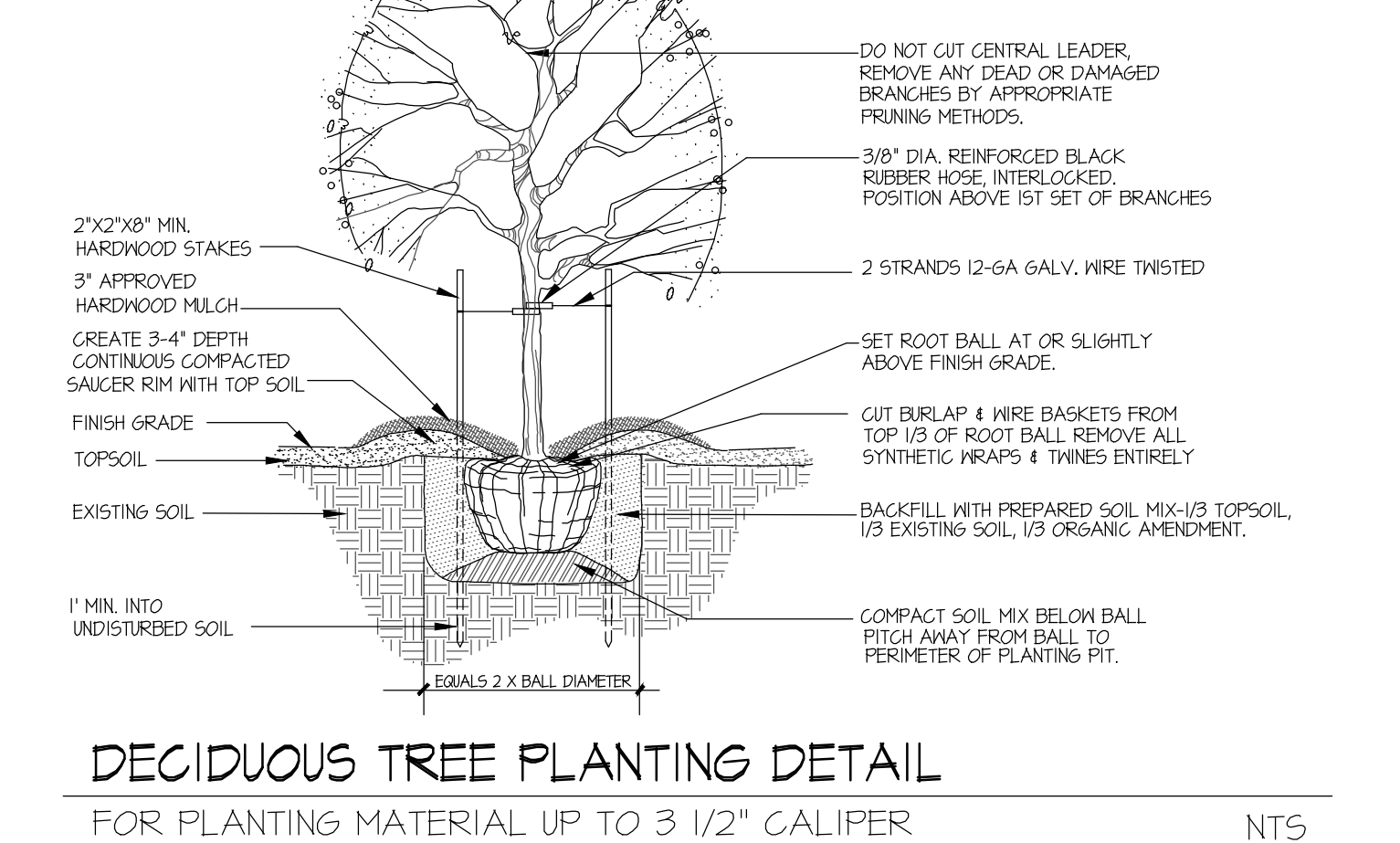
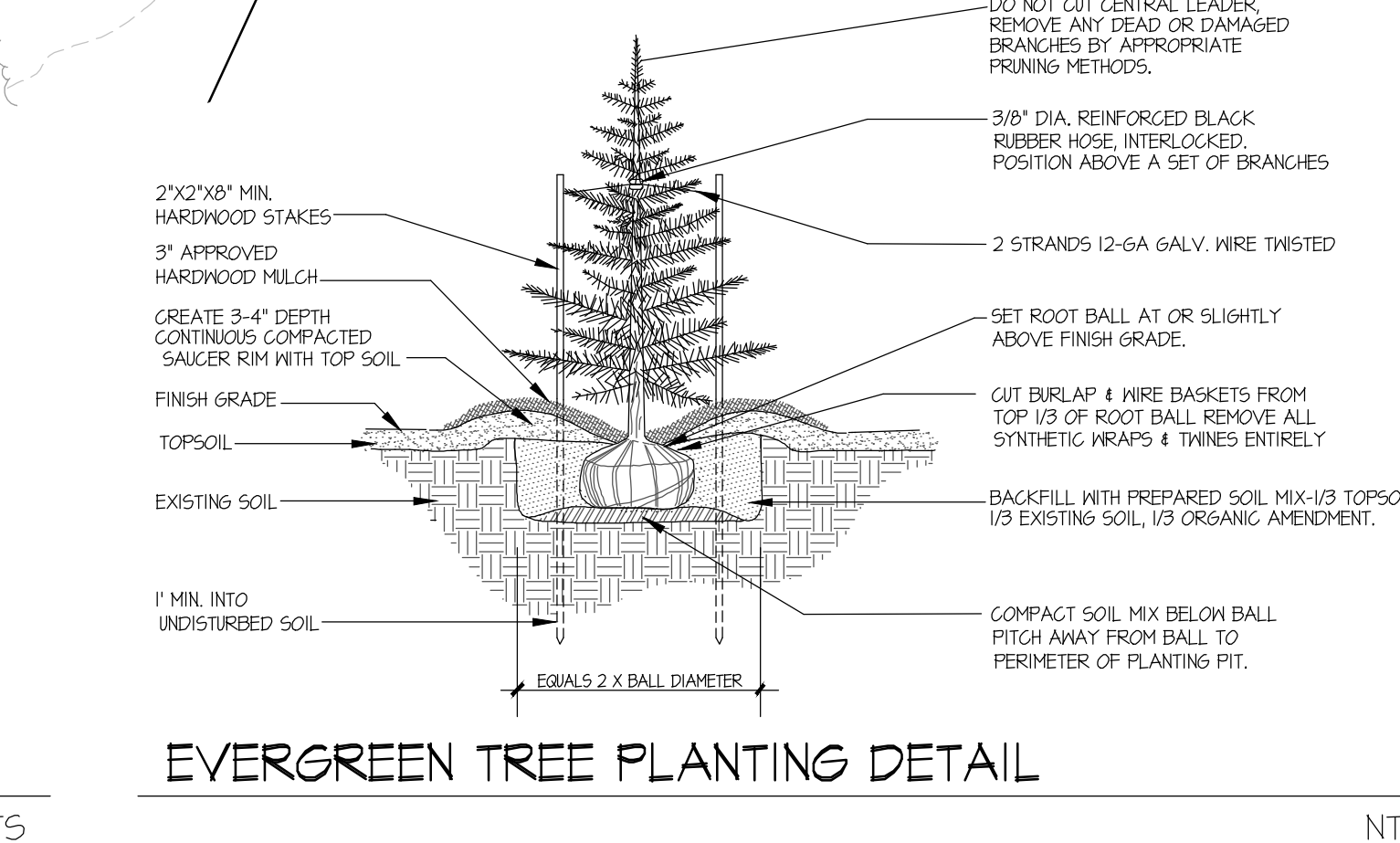
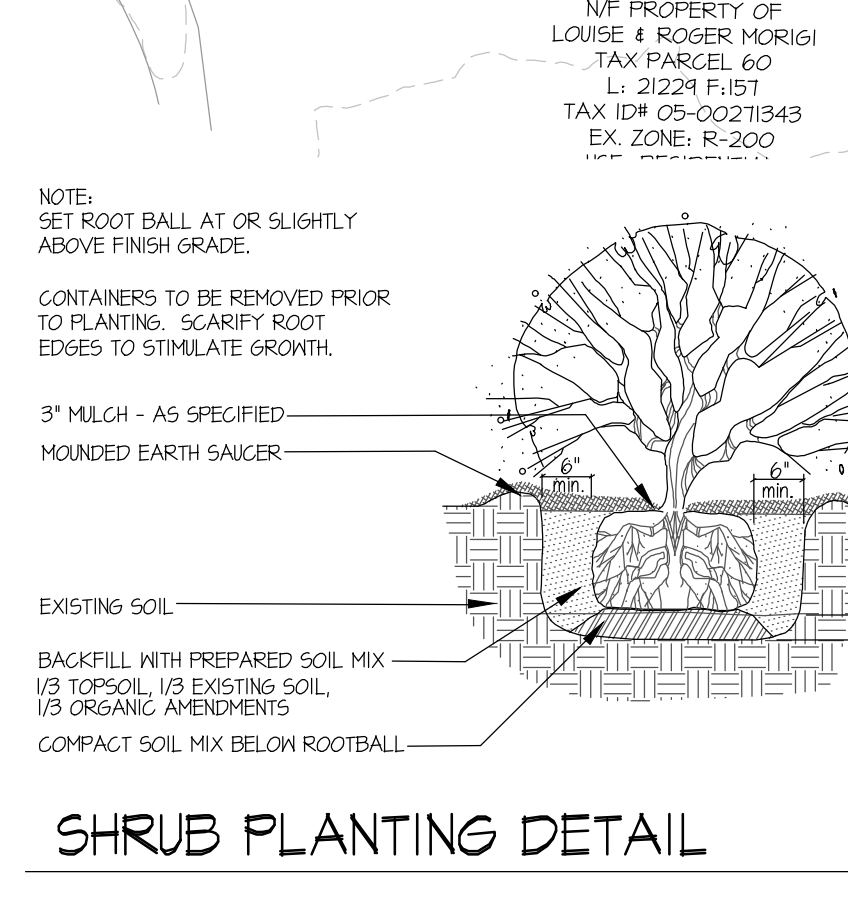
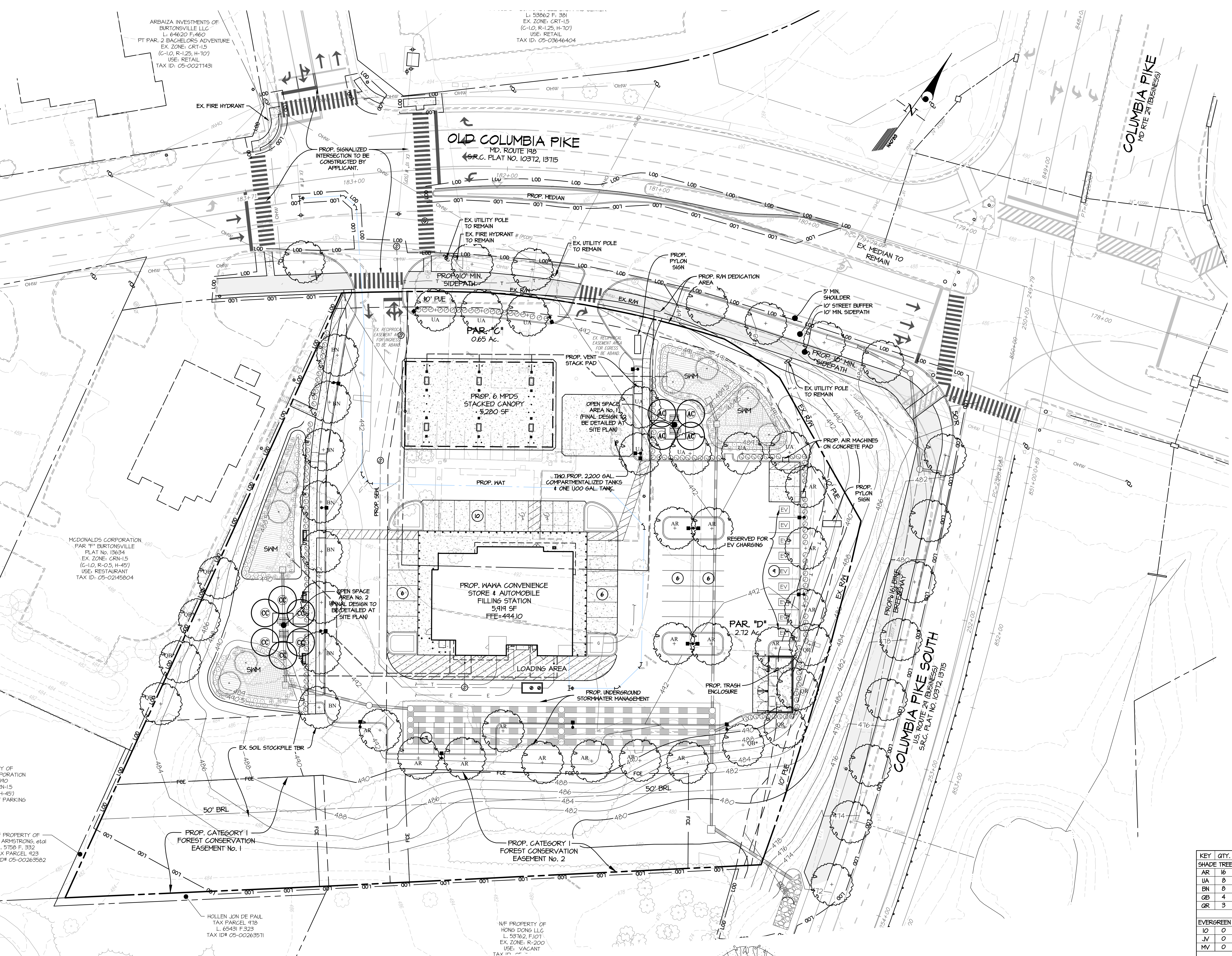
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DESIGNED BY	KAF	DATE	
DRAWN BY	KAB	DATE	
CHECKED BY	TML	DATE	
REVISION		BY	APPR.

PREPARED FOR: HONG CHENG LLC & DONG YA LLC 9106 SHAD LANE POTOMAC, MARYLAND 20854	SCALE: NTS	ZONING: CRF-1.5 C-1.0, R-5.0, H-45	SITE DETAILS <b>WAWA - BURTONSVILLE</b> Automobile Filling Station & Convenience Store Parcel C & Parcel D L. 15285 F. 145 & L. 50129 F.283 COLESVILLE ELECTION DISTRICT No. 05	G. L. W. FILE No. <b>23078</b> SHEET <b>6 OF 7</b>
	DATE: JAN. 2024	TAX MAP - GRID KS-62	MONTGOMERY COUNTY, MARYLAND	

**GENERAL NOTES:**

- 1.0 GENERAL CONDITIONS
- 1.1 SCOPE OF WORK
  - A. The landscape contractor shall provide all materials, labor and equipment to complete all landscape work as shown on the plans and specifications.
  - B. Total number of plants shall be drawn on the landscape plan. If there is a discrepancy between the drawing and the list on the plans, the contractor shall request clarification from the landscape architect.
- 1.2 STANDARDS
  - A. All plant material shall conform to the current issue of the American Standard for Nursery Stock published by the American Association of Nurserymen. All trees to be planted shall be selected from nurseries that have been inspected and certified by state plant inspectors.
  - B. Nurseries shall be in accordance with Hortus III by L.H. Bailey.
- 1.3 SUBMITTALS
  - A. When requested by the owner or owner's representative, samples of all material other than plants shall be submitted to the owner's designated representative for approval.
- 1.4 APPROVALS
  - A. All approvals will be in writing.
- 1.5 SUBSTITUTIONS
  - A. It is the landscape contractor's responsibility to make every reasonable effort to find the material specified by the landscape architect. The landscape contractor may offer substitutions to the landscape architect for his/her consideration. The landscape contractor will notify the landscape architect if there are known disease or insect resistant species that can be substituted for a selected pre-plant. All substitutions shall be approved by M-NCPPC.
- 1.6 UTILITIES AND UNDERGROUND FEATURES
  - A. The landscape contractor shall notify utility companies and/or the general contractor in advance of construction to locate utilities.
- 1.7 DRAINAGE
  - A. If plants are to be installed in areas that show obvious poor drainage, and the plants are inappropriate for that condition, the landscape contractor shall notify the landscape architect and owner. If they deem necessary, the plants shall be relocated. The contract shall be adjusted to allow for drainage correction at a negotiated cost, or the plant selection modified by the landscape architect to accommodate the poor drainage situation.
- 1.8 MAINTENANCE
  - A. During delivery and installation, the landscape contractor shall perform in a workmanlike manner, coordinating his/her activities so as not to interfere unduly with the work of other trades and leaving his/her work areas clean of litter and debris at the close of each working day.
  - B. During planting, all areas shall be kept neat and clean. Precautions shall be taken to avoid damage to existing plants, large trees, turf and structures. Where existing trees are to be preserved, additional precautions shall be taken to avoid unnecessary accumulation of excavated materials, soil compaction or root damage.
  - C. Upon completion, all debris and waste material resulting from planting operations shall be removed from the project and the area cleaned up.
  - D. Any damage to the existing utilities, buildings, paving, curb and walls, and vegetation (not so designated for removal on these plans) shall be repaired to previous condition or replaced by the contractor at his expense.
- 1.9 WATER
  - A. The owner shall supply water on site at no cost. If the landscape contractor has to supply water to the site, it shall be at an additional cost.
- 1.10 PLANTING SCHEDULE
  - A. Red Oak, White Oak, Hill Oak, Scarlet Oak, Dogwood, Sweet Gum, cypresses, and Broad Leaf Evergreens will not be planted between November 15 and March 1, unless the landscape contractor submits in writing that he/she will guarantee plants.
- 1.11 INSPECTIONS AND ACCEPTANCE
  - A. Initial inspection: Prior to planting, all plant locations shall be staked in the field by the contractor. The landscape architect shall be contacted to inspect and approve all plant locations before planting.
  - B. Final acceptance inspection: A verification of performance for work by contract documents, to be conducted by the landscape architect or owner's representative on-site and in the presence of the landscape contractor for the purpose of acceptance.
  - C. Final warranty inspection: The landscape contractor shall conduct a final inspection with the owner or owner's representative at the end of the one year period.
- 1.12 WARRANTY
  - A. The standard warranty is for one (1) year period, excluding bulbs and annuals, commencing on the date of initial acceptance. All plants shall be alive and in satisfactory growth at the end of the guarantee period.
  - B. Any material that is 25% dead or more shall be considered dead and will be replaced at no charge. A tree shall be considered dead when the main leader has died back, or 25% of the crown is dead.
  - C. Perennials shall be guaranteed for one year after initial acceptance.
- 2.0 PLANT MATERIALS
- 2.1 SCOPE OF WORK
  - A. The landscape contractor shall be responsible for furnishing and installing all plant material shown on the drawings and plant list.
- 2.2 INSPECTION
  - A. Plants shall be subject to inspection and approval by the owner or owner's representative at the place of growth (before digging - trees) or holding yard (shrubs) for conformity to specification requirements as to quality, size, and variety.
- 3.0 SPECIFICATIONS
- 3.1 QUALITY ASSURANCE
  - A. Manufacturer's certified analysis shall accompany packaged standard products.
- 3.2 ORGANIC MATTER
  - A. Peat Moss - Type 1 sphagnum peat moss, finely divided with a pH of 3.1 to 5.0.
  - B. Sedge Peat - decomposed peat containing no identifiable fibers.
  - C. Leaf Compost - that is screened and free to trash.
  - D. Composted Sewage Sludge - approved, screened, polymer-dewatered sewage sludge with a pH of 4.2 - 7.2 g/m<sup>2</sup>.
- 3.3 TOPSOIL
  - A. It shall be free of stones, lime, plants, roots and other debris over 1/2". Topsoil must also be free of plants or plant parts of Bermuda grass, quackgrass, wiregrass, meadow, nutgrass, poison ivy, Canadian thistle or others as specified.
  - B. It shall not contain toxic substances harmful to plant growth, i.e. pesticides residues.
- 3.4 BACKFILL MIXTURE
  - A. Backfill mixture for trees and shrubs shall be 1/3 topsoil, 1/3 existing soil, and 1/3 organic amendment.
- 3.5 MULCH
  - A. Material shall be composted, shredded hardwood bark, with less than 10% sawwood, dark brown in color, or approved equal.
  - B. Material shall be uniform in size and free of foreign matter.
- 4.0 PLANTING PROCEDURES FOR TREES
- 4.1 TREE PLANTING
  - A. All of tree pit shall be dug so that they are vertical or sloping outward in heavy soils, be and scarified.
  - B. The tree pit must be a minimum of 4" larger on every side than the ball of the tree.
  - C. Place the tree in the pit carrying the ball and then lowering it into the pit. Never lift the tree by the trunk or branches.
  - D. Set the tree straight and in the center of the pit with the most desirable side facing toward the prominent view.
  - E. Backfill tree pit with a soil mixture stated in the specifications.
  - F. Cut and remove rope or wire off the top 50% of rootball and pull burlap back to the edge of the ball. Remove as much burlap, woven products and wire as possible. All plastic or synthetic film must be removed from the rootball. Cut all wire away from trunk.
  - G. Form a saucer above existing grade, around the outer rim of the tree pit, especially on slopes and in heavy soils.
  - H. Mulk top of root ball and saucer to a minimum depth of 2", not to exceed 3". Do not place mulch against the trunk.
  - I. Water thoroughly on the interior of the tree saucer until it is filled, even if it is raining. A second watering may be necessary to insure saturation of the root ball and elimination of air pockets.
  - J. Pruning should be restricted to corrective pruning to improve form only.
  - K. Stake tree per planting detail.
- 4.2 PLANTING PROCEDURES FOR SHRUBS
- 4.3 PLANTING SHRUBS
  - A. For a single shrub, the pit shall be dug 1" wider than the rootball and deep enough to allow 1/8th of the rootball to set above existing grade. (Single shrub plantings only if noted on plans)
  - B. For a shrub mass planting, the entire bed area shall be tilled 4-6" deep. Tilling should only be done in dry soil to avoid compaction. If the soil is heavy in clay and silt, organic material should be added. Each shrub pit shall be excavated for the proper setting of the rootball.
  - C. Place the shrub in the pit by lifting and carrying it by the rootball. Remove containers from all container-grown shrubs; slash the edges of the rootball from top to bottom, at least 1" deep.
  - D. Set the shrub in the center of the pit with the most desirable side facing toward the prominent view.
  - E. Cut and remove rope or wire off the top 50% of rootball and pull burlap back to the edge of the ball. Remove as much burlap, woven products and wire as possible. All plastic or synthetic film must be removed from the rootball. Cut all wire away from trunk.
  - F. Form a saucer above the existing grade and completely around the planting pit.
  - G. Mulk top of rootball and saucer to a maximum depth of 2".
  - H. Water shrub mass thoroughly even if it is raining. A second watering may be necessary to insure saturation of the root ball and elimination of air pockets.
  - I. Fertilizer shall be top-dressed over bed area.
- 4.4 PLANTING PROCEDURES FOR GROUND COVER, PERENNIALS AND ANNUALS
- 4.5 PLANTING GROUND COVER, PERENNIAL AND ANNUAL BEDS
  - A. The planting bed shall be loosened when the soil is dry prior to planting by tilling. Soil shall be loosened to a depth of 4 to 6".
  - B. Organic matter shall be spread over the bed to a depth of 2" for peat moss of 1" deep for compost. Do not exceed 4 cubic yards of compost/1,000 square feet, after the soil has been loosened. The organic matter shall be worked into the bed by tilling.
  - C. Fertilizer shall be top-dressed over bed area.
  - D. The plant, either potted or bare root, shall be installed so that the roots are surrounded by soil below the mulch. Potted plants shall be set so that the top of the pot is even with the existing grade. The roots of bare root plants shall be covered to the crown.
  - E. Spacing of plants shall be installed as noted on the landscape plan.
  - F. The entire bed shall be mulched to a minimum depth of 1.2" maximum with approved mulch.
  - G. The entire planting bed shall be thoroughly watered.



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**LEGEND**

- EX. PROPERTY LINE
- EXISTING TREELINE
- EX. CONTOURS
- EX. CURB
- EX. SIDEWALK
- EX. CURB
- EX. ELECTRIC
- EXISTING OVERHEAD WIRE
- EX. GAS
- EX. SAN.
- EX. WATER
- EX. STORM DRAIN
- EX. FENCE
- 400  
57B
- SOIL DELINEATION
- SLOPES 25% OR GREATER
- EX. BUILDING/STRUCTURE
- EX. UTILITY POLE
- EX. LIGHT

- PLANT SCHEDULE**
- | KEY                     | QTY. | BOTANICAL NAME                       | COMMON NAME              | SIZE                   | CONT./ | COMMENTS               |
|-------------------------|------|--------------------------------------|--------------------------|------------------------|--------|------------------------|
| <b>SHADE TREES</b>      |      |                                      |                          |                        |        |                        |
| AR                      | 16   | Acer rubrum                          | Red Maple                | 3" Cal.                | B4B    |                        |
| IA                      | 8    | Ulmus americana                      | American Elm             | 2.5"-3" Cal.           | B4B    | 6' min. branching ht.  |
| BN                      | 8    | Betula nigra 'Heritage'              | Heritage River Birch     | 2.5"-3" Cal.           | B4B    | 6' min. branching ht.  |
| QB                      | 4    | Quercus bicolor                      | Swamp White Oak          | 3" Cal.                | B4B    | 6' min. branching ht.  |
| GR                      | 3    | Quercus nigra                        | Red Oak                  | 2.5"-3" Cal.           | B4B    | 6' min. branching ht.  |
| <b>EVERGREEN TREES</b>  |      |                                      |                          |                        |        |                        |
| IO                      | 0    | Ilex opaca                           | American Holly           | 8'-10" HL.             | B4B    |                        |
| JV                      | 0    | Juniperus virginiana                 | Eastern Red Cedar        | 8'-10" HL.             | B4B    |                        |
| MV                      | 0    | Magnolia virginiana                  | Sweetbay Magnolia        | 8'-10" HL.             | B4B    |                        |
| <b>ORNAMENTAL TREES</b> |      |                                      |                          |                        |        |                        |
| AC                      | 4    | Amelanchier canadensis               | Serviceberry             | 2"-3" Cal., 8'-10" HL. | B4B    | Multi-stemmed          |
| CC                      | 6    | Cercis canadensis                    | Eastern Redbud           | 2"-3" Cal., 8'-10" HL. | B4B    | Single stemmed         |
| CF                      | 0    | Cornus florida                       | Flowering Dogwood        | 2"-3" Cal., 8'-10" HL. | B4B    | Single stemmed         |
| <b>SMALL SHRUBS</b>     |      |                                      |                          |                        |        |                        |
| AZ                      | 4    | Azalea Delaware Valley White'        | Delaware Valley Azalea   | Small, 18" - 24" HL.   | Cont.  | 3' o.c. White Flowers  |
| MA                      | 4    | Mother's Day Azalea                  | Mother's Day Azalea      | Small, 18" - 24" HL.   | Cont.  | 3' o.c. Red Flowers    |
| FO                      | 4    | Fothergilla major 'M. Arty'          | Dwarf Fothergilla        | Small, 18" - 24" HL.   | Cont.  | 2' o.c.                |
| <b>MEDIUM SHRUBS</b>    |      |                                      |                          |                        |        |                        |
| HY                      | 4    | Hydrangea arborescens 'Annabelle'    | Annabelle Hydrangea      | Medium, 24" - 36" HL.  | Cont.  | White Flowers          |
| JM                      | 4    | Juniperus procumbens 'Green Mound'   | Green Mound Juniper      | Medium, 24" - 36" HL.  | Cont.  | 2' o.c.                |
| WH                      | 4    | Witch Ham 'White Cascade'            | White Cascade Andromeda  | Medium, 24" - 36" HL.  | Cont.  | 2' o.c.                |
| SP                      | 4    | Spiraea 'Anthony Waterman'           | Anthony Waterman Spiraea | Medium, 24" - 36" HL.  | Cont.  | 3.5' o.c. Pink Flowers |
| <b>LARGE SHRUBS</b>     |      |                                      |                          |                        |        |                        |
| IB                      | 4    | Ilex glabra 'Shamrock'               | Hibberty                 | Large, 30" - 36" HL.   | Cont.  | 3' o.c.                |
| VS                      | 4    | Virginia Sweetspire                  | Virginia Sweetspire      | Large, 30" - 36" HL.   | Cont.  | 4' o.c. White Flowers  |
| VB                      | 4    | Viburnum x burkwoodii 'Muhlenbergii' | Muhlenbergii Viburnum    | Large, 30" - 36" HL.   | Cont.  | 6' o.c.                |
| IL                      | 4    | Ilex verticillata 'Winter Red'       | Winterberry              | Large, 36" HL.         | Cont.  | 4' o.c.                |
| CR                      | 4    | Cornus sericea                       | Red Osier Dogwood        | Large, 30" - 36" HL.   | Cont.  | 4' o.c. Red bark       |



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DESIGNED BY: **KAB**  
DRAWN BY: **KAB**  
CHECKED BY: **KAF**

DATE: \_\_\_\_\_

REVISION: \_\_\_\_\_

BY: \_\_\_\_\_

APPR: \_\_\_\_\_

PREPARED FOR:  
HONG CHENG LLC & DONG YA LLC  
81016 SHAD LANE  
POTOMAC, MARYLAND 20854

SCALE: 1" = 30'

DATE: JAN. 2024

ZONING: CRTF-1.5  
C-1.0, R-5.0, H-45

TAX MAP: - GRD

KS-62

**LANDSCAPE PLAN**

WAWA - BURTONSVILLE  
Automobile Filling Station & Convenience Store  
Parcel C & Parcel D  
L. 15285 F. 145 & L. 50129 F.283

G. L. W. FILE NO.  
23078

SHEET  
7 OF 7

COLESVILLE ELECTION DISTRICT No. 05

MONTGOMERY COUNTY, MARYLAND

Special Exception S-847B

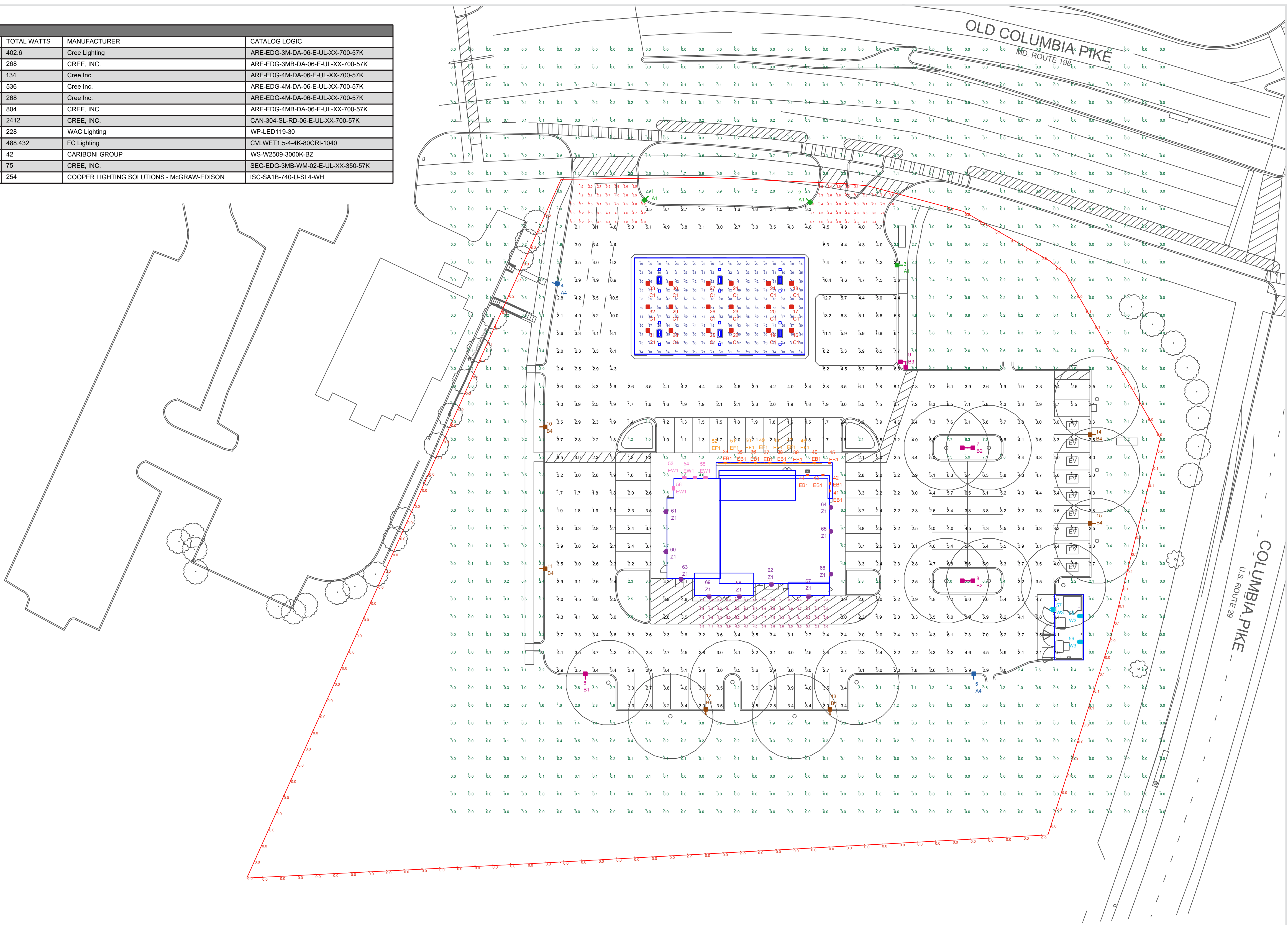
SYMBOL	QTY	LABEL	ARRANGEMENT	LUMENS	LLF	BUG RATING	WATTS/LUMINAIRE	TOTAL WATTS	MANUFACTURER	CATALOG LOGIC
	3	A1	SINGLE	12019	1.030	B3-U0-G3	134.2	402.6	Cree Lighting	ARE-EDG-3M-DA-06-E-UL-XX-700-57K
	2	A4	SINGLE	8891	1.030	B1-U0-G2	134	268	CREE, INC.	ARE-EDG-3MB-DA-06-E-UL-XX-700-57K
	1	B1	SINGLE	12678	1.030	B3-U0-G2	134	134	Cree Inc.	ARE-EDG-4M-DA-06-E-UL-XX-700-57K
	2	B2	BACK-BACK	12678	1.030	B3-U0-G2	134	536	Cree Inc.	ARE-EDG-4M-DA-06-E-UL-XX-700-57K
	1	B3	2 @ 90 DEGREES	12678	1.030	B3-U0-G2	134	268	Cree Inc.	ARE-EDG-4M-DA-06-E-UL-XX-700-57K
	6	B4	SINGLE	9549	1.030	B1-U0-G2	134	804	CREE, INC.	ARE-EDG-4MB-DA-06-E-UL-XX-700-57K
	18	C1	SINGLE	13251	1.030	B3-U0-G1	134	2412	CREE, INC.	CAN-304-SL-RD-06-E-UL-XX-700-57K
	12	EB1	Single	1388	1.000	B1-U1-G0	19	228	WAC Lighting	WP-LED119-30
	7	EF1	SSL-4_1	992	1.000	B1-U1-G0	17.444	488.432	FC Lighting	CVLWET1.5-4-4K-80CRI-1040
	4	EW1	Single	500	1.000	B0-U0-G0	10.5	42	CARBONI GROUP	WS-WZ509-3000K-BZ
	3	W3	SINGLE	1557	1.030	B0-U0-G1	25	75	CREE, INC.	SEC-EDG-3MB-WM-02-E-UL-XX-350-57K
	10	Z1	Single	3348	1.000	B1-U0-G1	25.4	254	COOPER LIGHTING SOLUTIONS - McGRAW-EDISON	ISC-SA1B-740-U-SL4-WH

LUM NO.	LABEL	MTG. HT.
1	A1	20.5
2	A1	20.5
3	A1	20.5
4	A4	20.5
5	A4	20.5
6	B1	20.5
7	B2	20.5
8	B2	20.5
9	B3	20.5
10	B4	20.5
11	B4	20.5
12	B4	20.5
13	B4	20.5
14	B4	20.5
15	B4	20.5
16	C1	21.53
17	C1	19.32
18	C1	17.11
19	C1	21.53
20	C1	19.32
21	C1	17.11
22	C1	21.53
23	C1	19.32
24	C1	17.11
25	C1	21.53
26	C1	19.32
27	C1	17.11
28	C1	21.53
29	C1	19.32
30	C1	17.11
31	C1	21.53
32	C1	19.32
33	C1	17.11
34	EB1	10.5

LUM NO.	LABEL	MTG. HT.
35	EB1	10.5
36	EB1	10.5
37	EB1	10.5
38	EB1	10.5
39	EB1	10.5
40	EB1	10.5
41	EB1	10.5
42	EB1	10.5
43	EB1	10.5
44	EB1	10.5
45	EB1	10.5
46	EF1	11.833
47	EF1	11.833
48	EF1	11.833
49	EF1	11.833
50	EF1	11.833
51	EF1	11.833
52	EF1	11.833
53	EW1	14
54	EW1	14
55	EW1	14
56	EW1	14
57	W3	8
58	W3	8
59	W3	8
60	Z1	14
61	Z1	14
62	Z1	14
63	Z1	14
64	Z1	14
65	Z1	14
66	Z1	14
67	Z1	14
68	Z1	14
69	Z1	14

LABEL	AVG	MAX	MIN	AVG/MIN	MAX/MIN
CANOPY	35.15	58	14	2.51	4.14
DELIVERY AREA	4.43	6.2	2.6	1.70	2.38
ENTRANCES & EXIT DRIVES	3.46	5.0	1.6	2.16	3.13
PARKING AREA & INTERIOR DRIVE AISLES	3.73	13.2	1.0	3.73	13.20
PROPERTY LINES	0.04	0.5	0.0	N.A.	N.A.
UNDEFINED	0.59	9.0	0.0	N.A.	N.A.

NOTES:  
 - ALL AREA LIGHTS ON 20 FT. POLES MOUNTED ON 6 IN. CONCRETE BASES  
 - THIS SITE IS LOCATED IN A REGION WHERE LIGHTING IS REGULATED BY LOCAL ORDINANCES



REV.	BY	DATE	DESCRIPTION

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SCALE: 1" = 30'  
 LAYOUT BY: LMP  
 DWG SIZE: D  
 DATE: 09/21/23

PROJECT NAME:  
**WAWA #8561**  
**BURTONSVILLE, MD**  
 DRAWING NUMBER:  
**RL-9175-S1**





QTY	LABEL	DESCRIPTION
3	W3	SEC-EDG-3MB-WM-02-E-UL-XX-350-57K



## THE EDGE® Series

### LED Security Wall Pack Luminaire

**Product Description**  
The EDGE® wall mount luminaire has a slim, low profile design. The luminaire and end caps are made from ruggedized cast aluminum with integral, weatheright LED driver compartments and high performance aluminum heat sinks specifically designed for LED applications. Housing is rugged aluminum. Includes a lightweight mounting bar for installation over standard and non-standard angle girths. Secures to wall with four 3/16" (5mm) screws by offset. Conduit entry from top, bottom, sides and rear. Allows mounting for upright or downlight. Designed and approved for easy through-wiring. Includes installation guard.

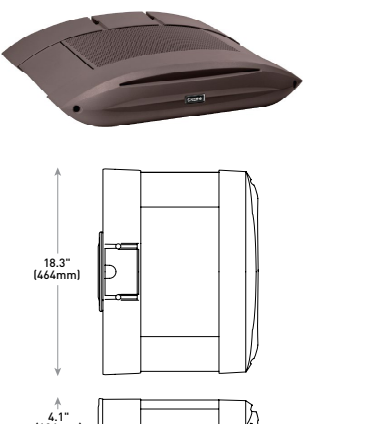
**Applications:** General area and security lighting

### Performance Summary

- Patented NanoGrip® Product Technology
- Assembled in the U.S.A. of U.S. and imported parts
- CRI:** Minimum 70 CRI (3000K & 5000K) or CRI 80 (3000K), 90 CRI (5000K)
- CCT:** Turtle Friendly Amber, 3000K (-), 3000K, 4000K (-), 3000K, 5000K (-), 5000K, 5700K (-), 5000K standard
- Luminaire Warranty:** 5-10 years on luminaire/10 years on Colorfast DetailGuard® finish/1 year on accessories

### Accessories

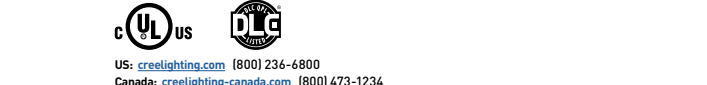
Field-installed	Beauty Plate	Hard-Hat Feature
8 1/2" Square	130-277V	130-277V
10 1/2" Square	130-277V	130-277V
12 1/2" Square	130-277V	130-277V



LED Count (x108)	Dim. "x"	Weight
12	8 1/2" (215mm)	29 lbs. (9 kg)
16	11 1/2" (292mm)	29 lbs. (11 kg)
18	13 1/2" (343mm)	29 lbs. (11 kg)
24	15 1/2" (394mm)	27 lbs. (12 kg)
30	17 1/2" (445mm)	31 lbs. (14 kg)
36	19 1/2" (496mm)	32 lbs. (14 kg)

### Ordering Information

sec-026	sec-027	sec-028	sec-029	sec-030	sec-031	sec-032	sec-033	sec-034	sec-035	sec-036	sec-037	sec-038	sec-039	sec-040	sec-041	sec-042	sec-043	sec-044	sec-045	sec-046	sec-047	sec-048	sec-049	sec-050	sec-051	sec-052	sec-053	sec-054	sec-055	sec-056	sec-057	sec-058	sec-059	sec-060	sec-061	sec-062	sec-063	sec-064	sec-065	sec-066	sec-067	sec-068	sec-069	sec-070	sec-071	sec-072	sec-073	sec-074	sec-075	sec-076	sec-077	sec-078	sec-079	sec-080	sec-081	sec-082	sec-083	sec-084	sec-085	sec-086	sec-087	sec-088	sec-089	sec-090	sec-091	sec-092	sec-093	sec-094	sec-095	sec-096	sec-097	sec-098	sec-099	sec-100
SEC-026	SEC-027	SEC-028	SEC-029	SEC-030	SEC-031	SEC-032	SEC-033	SEC-034	SEC-035	SEC-036	SEC-037	SEC-038	SEC-039	SEC-040	SEC-041	SEC-042	SEC-043	SEC-044	SEC-045	SEC-046	SEC-047	SEC-048	SEC-049	SEC-050	SEC-051	SEC-052	SEC-053	SEC-054	SEC-055	SEC-056	SEC-057	SEC-058	SEC-059	SEC-060	SEC-061	SEC-062	SEC-063	SEC-064	SEC-065	SEC-066	SEC-067	SEC-068	SEC-069	SEC-070	SEC-071	SEC-072	SEC-073	SEC-074	SEC-075	SEC-076	SEC-077	SEC-078	SEC-079	SEC-080	SEC-081	SEC-082	SEC-083	SEC-084	SEC-085	SEC-086	SEC-087	SEC-088	SEC-089	SEC-090	SEC-091	SEC-092	SEC-093	SEC-094	SEC-095	SEC-096	SEC-097	SEC-098	SEC-099	SEC-100



**CREE LIGHTING**

## THE EDGE® LED Security Wall Pack Luminaire

### Product Specifications

- CONSTRUCTION & MATERIALS**
  - Slim, low profile design
  - Luminaire ends are rugged die cast aluminum with integral, weatheright LED driver compartments and high performance aluminum heat sinks specifically designed for LED applications
  - Housing is rugged aluminum
  - Furnished with low copper, light weight mounting bar designed for installation over standard and non-standard angle girths
  - Luminaire can also be direct mounted to wall and surface wired
  - Secures to wall with four 3/16" (5mm) screws by offset
  - Conduit entry from top, bottom, sides, and rear
  - Allows mounting for upright or downlight
  - Designed and approved for easy through-wiring
  - Includes installation guard
  - Excludes Colorfast DetailGuard® finish features an e-Coat epoxy primer with an ultra-durable powder topcoat, providing excellent resistance to corrosion, ultraviolet degradation and abrasion. Black, bronze, silver and white are available
  - Weight, Size Dimensions and Weight Chart on page 1
- ELECTRICAL SYSTEM**
  - **Input Voltage:** 120-277V or 347-600V, 50/60Hz, Class 1 drivers
  - **Power Factor:** 0.9 Full load
  - **Total Harmonic Distortion:** < 20% at full load
  - Integral weatheright IP-Box with leads ready for easy power hook up
  - Integral 10kV surge suppression protection standard
  - Where code dictates, a slow blow fuse or type CD breaker should be used to address inrush current
  - **Maximum SW Source Current:** 20 LED (50mA) 10mA, 20LED (50K & 700 mA) and 40-120 LED (0.15mA)

Electrical Data*		System		Total Current (A)	
LED Count	CCT	120V	277V	200V	277V
36/60	3000K	10.5	0.21	0.13	0.11
36/60	5000K	11.8	0.23	0.14	0.12
48/84	3000K	14.8	0.30	0.18	0.15
48/84	5000K	16.8	0.34	0.21	0.18
60/108	3000K	18.8	0.37	0.22	0.19
60/108	5000K	21.2	0.42	0.25	0.21
72/144	3000K	22.8	0.45	0.27	0.23
72/144	5000K	26.0	0.51	0.31	0.26
84/180	3000K	27.8	0.55	0.33	0.28
84/180	5000K	31.8	0.63	0.38	0.32
96/216	3000K	33.2	0.66	0.40	0.34
96/216	5000K	38.8	0.77	0.46	0.39
108/252	3000K	35.0	0.70	0.42	0.36
108/252	5000K	41.2	0.82	0.49	0.42
120/324	3000K	36.8	0.74	0.44	0.38
120/324	5000K	44.0	0.88	0.53	0.45
144/432	3000K	40.0	0.80	0.48	0.41
144/432	5000K	47.2	0.94	0.56	0.49
180/540	3000K	44.0	0.88	0.53	0.45
180/540	5000K	51.2	1.02	0.63	0.53

### REGULATORY & VOLUNTARY QUALIFICATIONS

- UL Listed
- Suitable for wet locations
- Meets FCC Part 15, Subpart C, Class A limits for conducted and radiated emissions
- Enclosure rated IP65 per IEC 60529 when ordered without P or PAR options
- ANSI C136.2 10kV surge protection, tested in accordance with IEEE/ANSI C62.11.2
- Luminaire and finish resistance tested in accordance with IEEE/ANSI C62.11.2
- Minimum ambient wet fog conditions as defined in ASTM Standard B 117
- DLC qualified with select SKUs. Refer to <http://www.dlc.com>
- Meets Buy American requirements within ARSA
- **CA REGULATORY WARNING:** Consult our Regulatory team...

THE EDGE® Series Ambient Adjusted Lumen Maintenance		100%	90%	80%	70%	60%	50%	40%	30%	20%	10%
Ambient	CCT	LMF	LMF	LMF	LMF	LMF	LMF	LMF	LMF	LMF	LMF
10°C (50°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
15°C (59°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
20°C (68°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
25°C (77°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
30°C (86°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
35°C (95°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
40°C (104°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
45°C (113°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
50°C (122°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
55°C (131°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
60°C (140°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
65°C (149°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
70°C (158°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
75°C (167°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
80°C (176°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
85°C (185°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
90°C (194°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
95°C (203°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
100°C (212°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
105°C (220°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
110°C (230°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
115°C (239°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
120°C (248°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
125°C (257°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
130°C (266°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
135°C (275°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
140°C (284°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
145°C (293°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
150°C (302°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
155°C (311°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
160°C (320°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
165°C (329°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
170°C (338°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
175°C (347°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
180°C (356°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
185°C (365°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
190°C (374°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
195°C (383°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
200°C (392°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
205°C (401°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
210°C (410°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
215°C (419°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
220°C (428°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
225°C (437°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
230°C (446°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
235°C (455°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
240°C (464°F)	3000K	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
245°C (473°F)	3000K	1.00	1.00	1.00	1.00	1.					

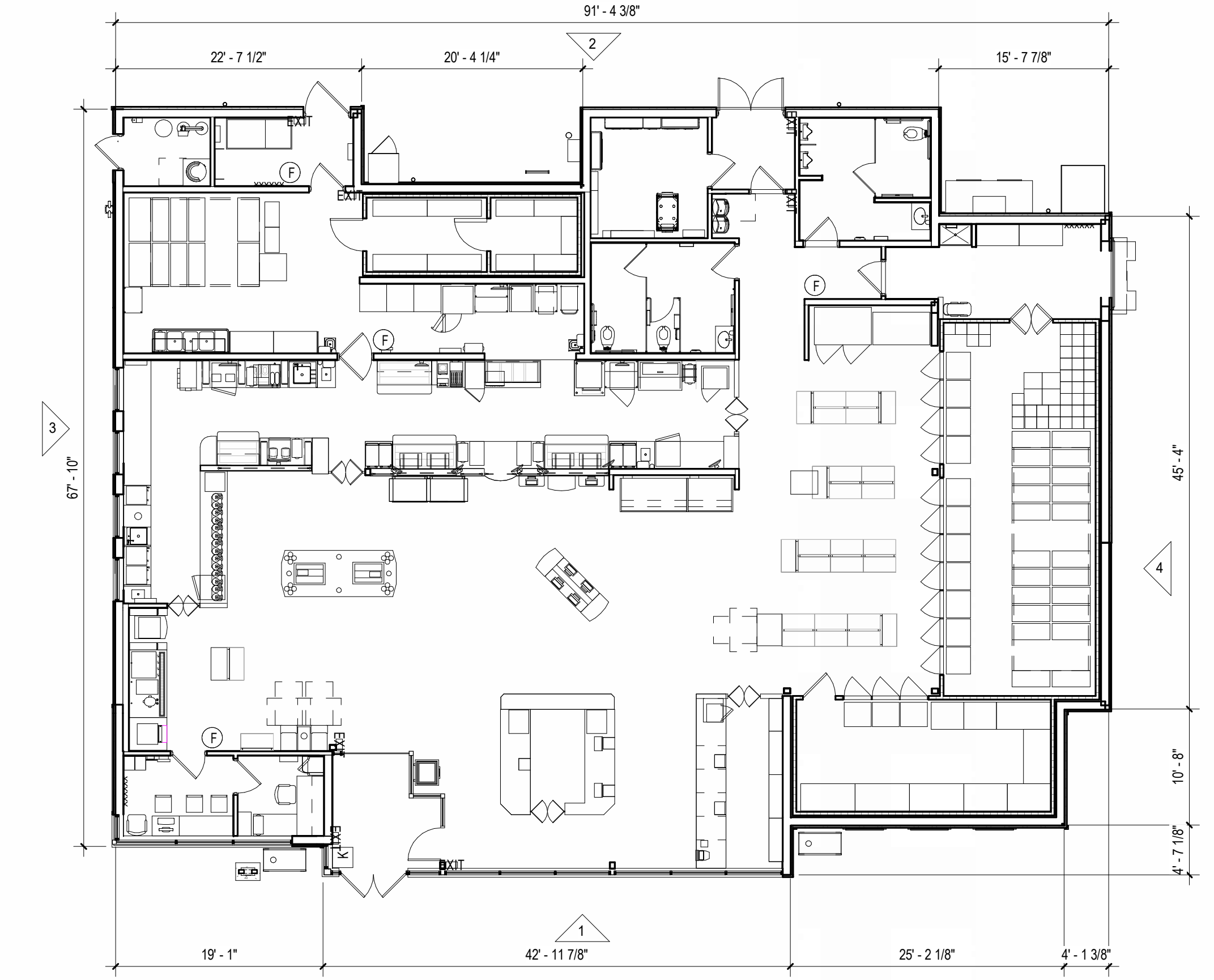


**1 FRONT ELEVATION**  
3/16" = 1'-0"

**GLAZING CALCS - FRONT ELEVATION:**  
CLEAR GLAZING - 462 SQFT  
SPANDREL GLASS - 77 SQFT  
TOTAL - 539 SQFT

**MATERIAL CALCS - FRONT ELEVATION:**  
BRICK - 301 SQFT  
COMPOSITE - 383 SQFT  
STUCCO/EIFS - 446 SQFT  
TILE - 82 SQFT  
TOTAL - 1,212 SQFT

**TOTAL BUILDING - 1,753 SQFT**  
GLAZING - 539/1,753 = 31%



**5 FLOOR PLAN**  
1" = 10'-0"



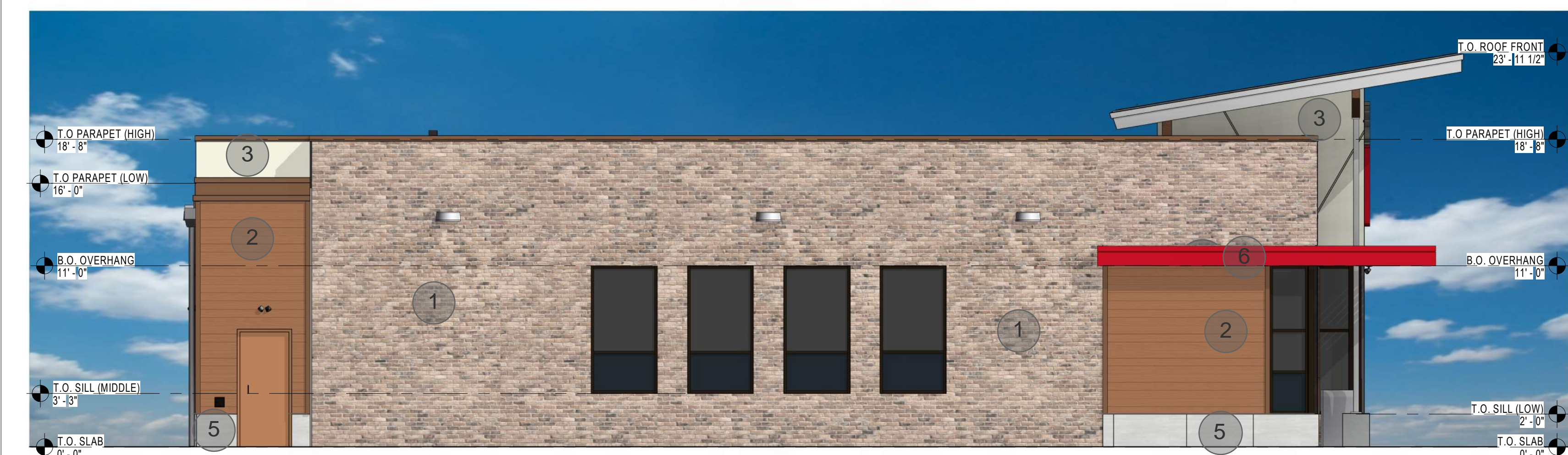
**2 REAR ELEVATION**  
3/16" = 1'-0"

**MATERIAL CALCS - REAR ELEVATION:**  
BRICK - 614 SQFT  
COMPOSITE - 543 SQFT  
STUCCO/EIFS - 388 SQFT  
TILE - 49 SQFT  
TOTAL - 1,594 SQFT

**MATERIALS:**



EXTERIOR FINISH PACKAGE: BRICK-1



**3 SIDE ELEVATION**  
3/16" = 1'-0"

**GLAZING CALCS - SIDE ELEVATION:**  
CLEAR GLAZING - 110 SQFT  
SPANDREL GLASS - 46 SQFT  
TOTAL - 156 SQFT

**MATERIAL CALCS - SIDE ELEVATION:**  
BRICK - 858 SQFT  
COMPOSITE - 172 SQFT  
STUCCO/EIFS - 88 SQFT  
TILE - 63 SQFT  
TOTAL - 1,181 SQFT

**TOTAL BUILDING - 1,337 SQFT**  
GLAZING - 156/1,337 = 12%

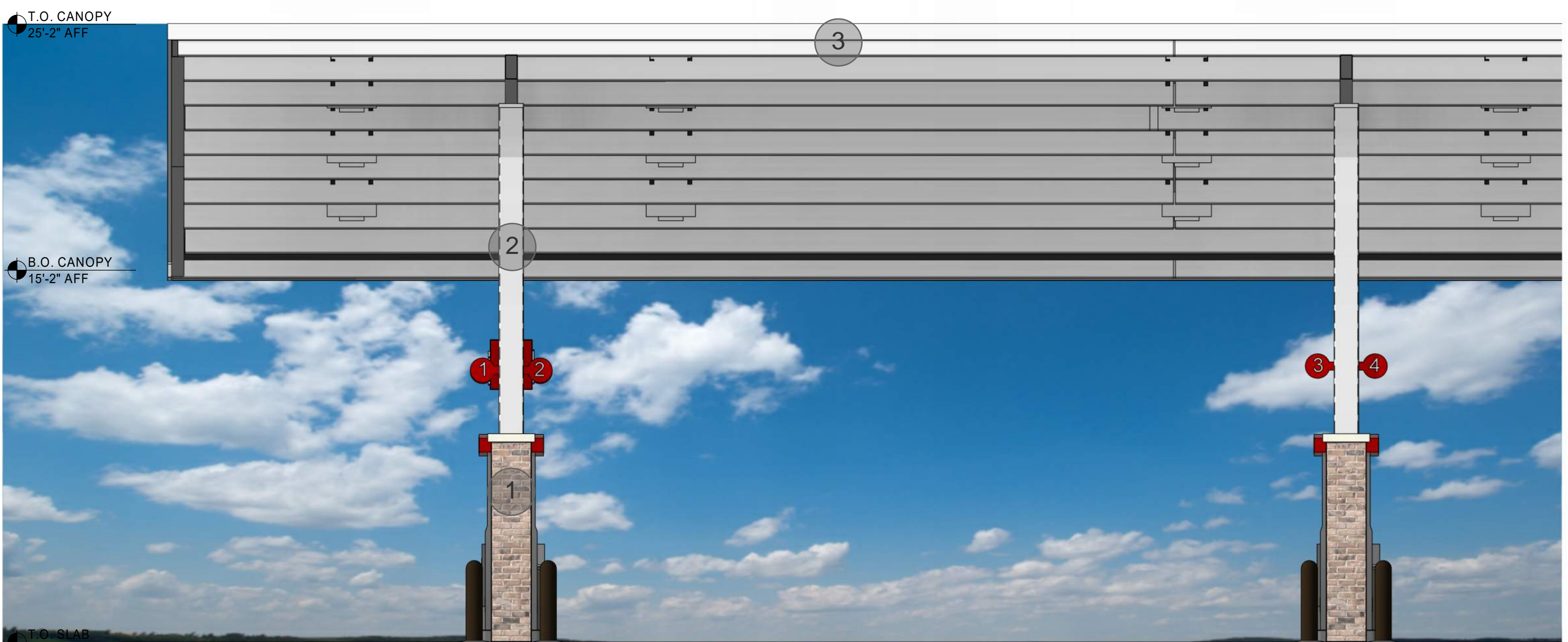


**4 SIDE ELEVATION**  
3/16" = 1'-0"

**MATERIAL CALCS - SIDE ELEVATION:**  
BRICK - 363 SQFT  
COMPOSITE - 552 SQFT  
STUCCO/EIFS - 334 SQFT  
TILE - 87 SQFT  
TOTAL - 1,336 SQFT



7 FUEL CANOPY ELEVATION  
1/4" = 1'-0"







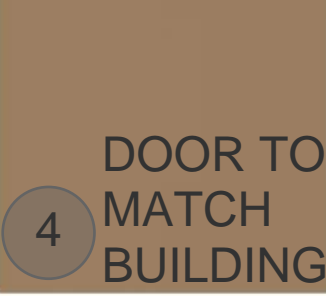


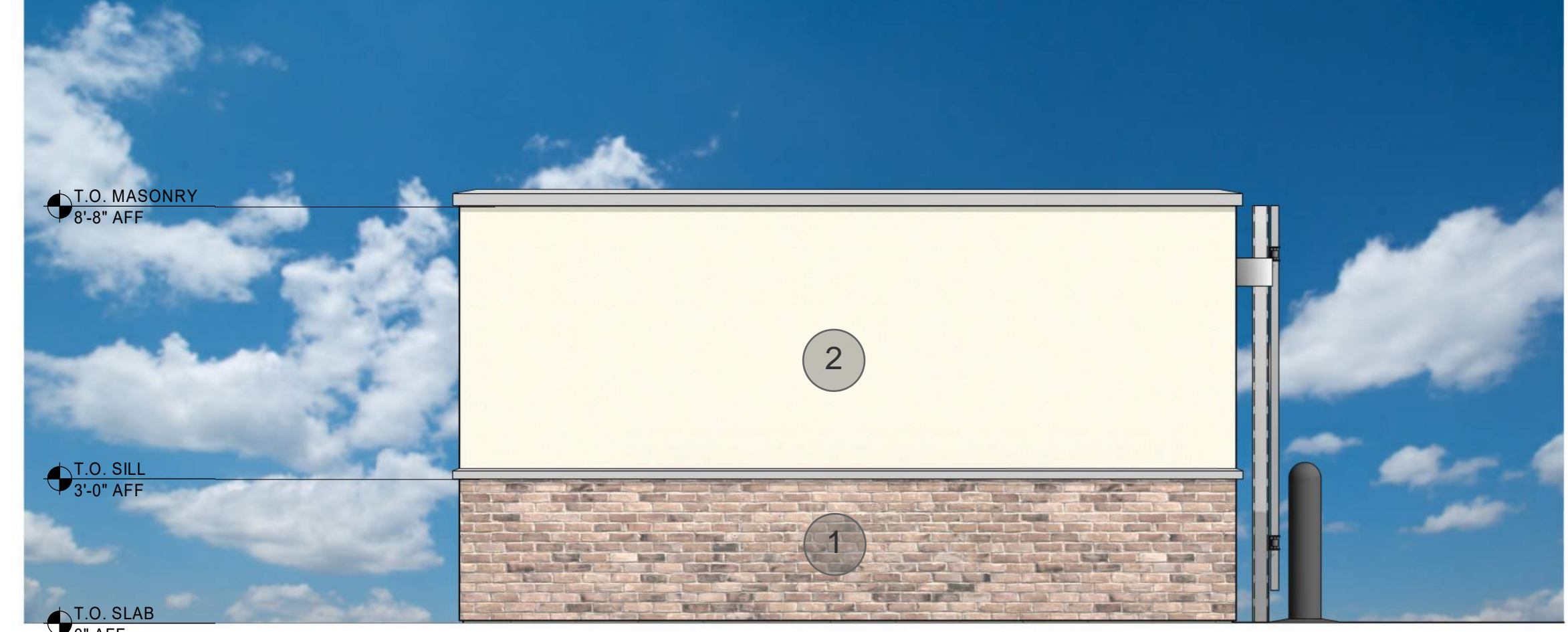
4 FUEL CANOPY ELEVATION - LONG  
1/4" = 1'-0"



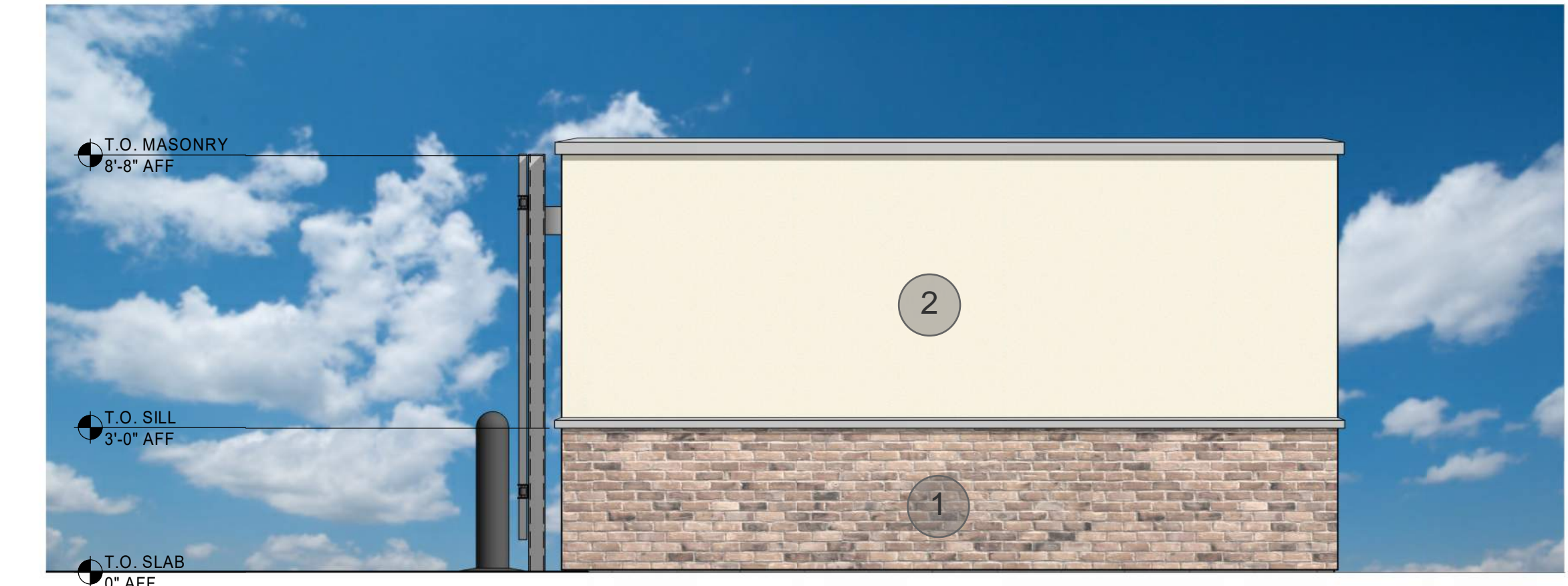
1 FUEL CANOPY PERSPECTIVE

**MATERIALS:**

 1 BRICK	 1 BRICK
 2 METAL: WHITE	 2 EIFS OR STUCCO
 3 ROOF: TITANIUM	 3 METAL: WHITE
	 4 DOOR TO MATCH BUILDING



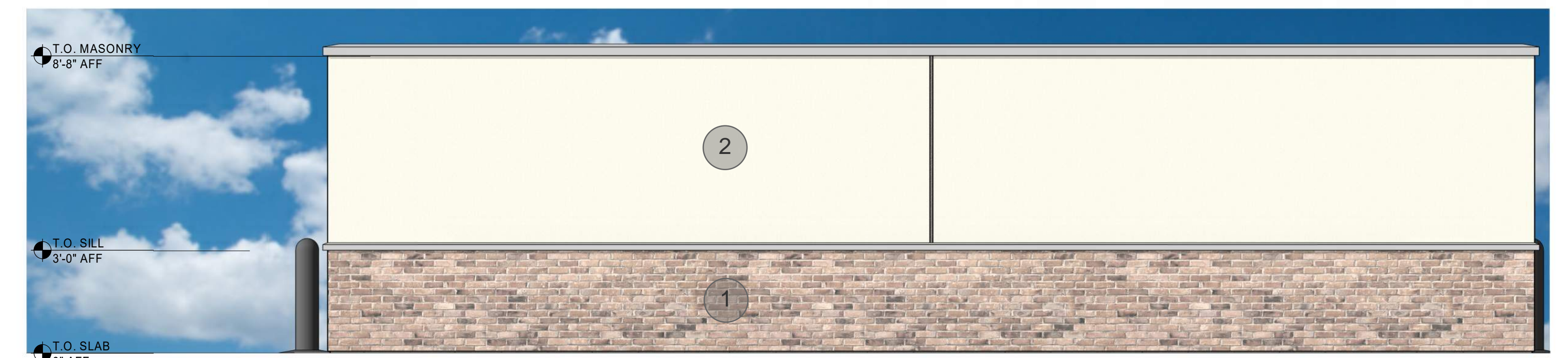
6 TRASH COMPOUND SIDE ELEVATION  
3/8" = 1'-0"



5 TRASH COMPOUND SIDE ELEVATION  
3/8" = 1'-0"



3 TRASH COMPOUND FRONT ELEVATION  
3/8" = 1'-0"



2 TRASH COMPOUND REAR ELEVATION  
3/8" = 1'-0"

# TYPICAL STOREFRONT ELEVATION

Not to scale



## 2023 UNIVERSAL SIGN FAMILY

# Stratus™

stratusunlimited.com

8959 Tyler Boulevard  
Mentor, Ohio 44060

888.503.1569

CLIENT: 	ADDRESS: 2023 Universal Sign Family
ORDER NUMBER: 000000	PAGE NO.: <b>3</b>
SITE NUMBER: n/a	

PROJECT NUMBER: n/a	PROJECT MANAGER: PHIL LUBIN
ELECTRONIC FILE NAME: K:\ACCOUNTS\W\Wawa\SIGN STANDARDS\2023 Mid Atlantic Sign Family - DO NOT USE\ Wawa_2023 Universal Sign Family R1.cdr	

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	420683	5/11/23 Viv					
Rev 1	435923	06/29/23 KW	Revised art				

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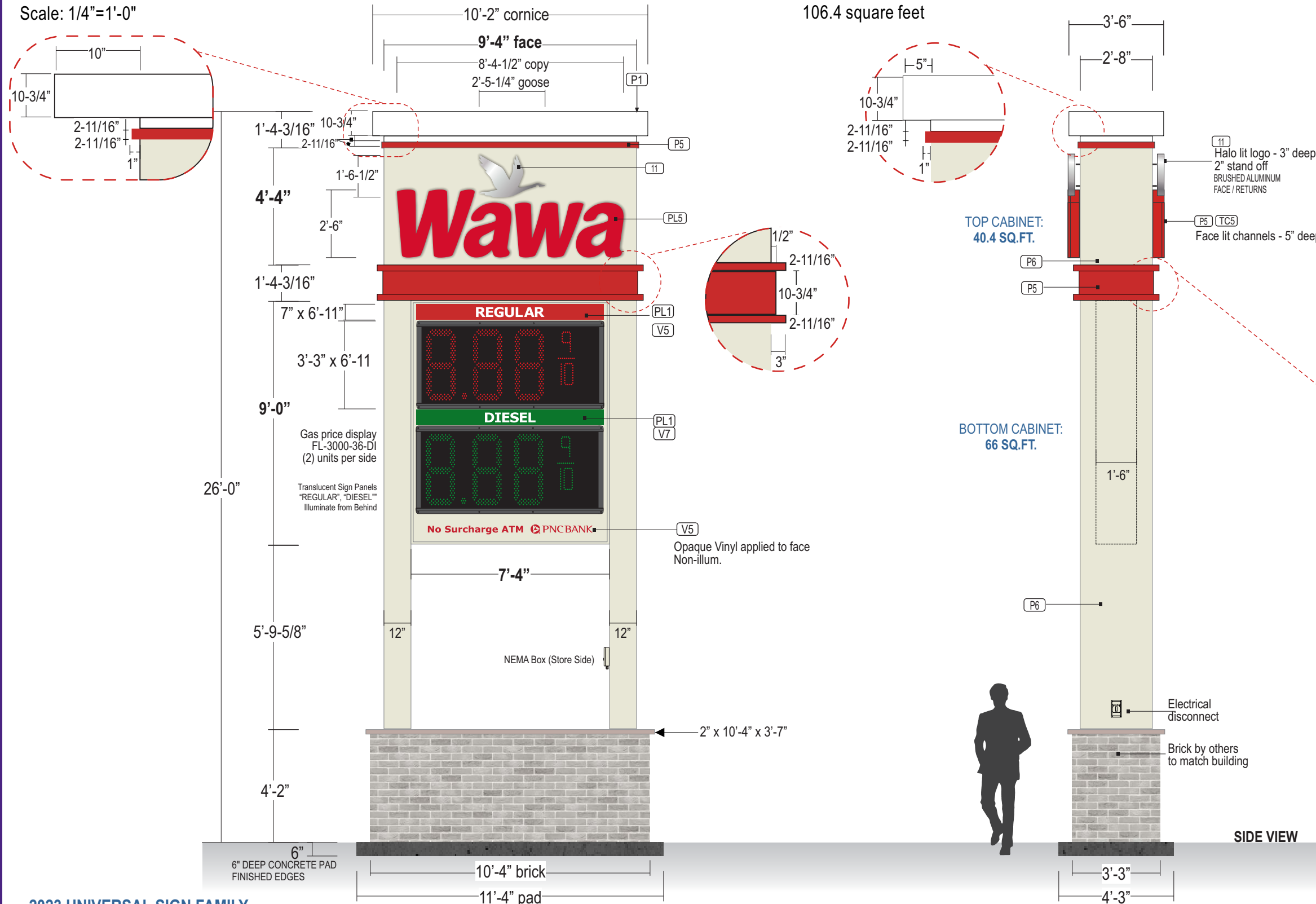


D/F ILLUMINATED PYLON

P-100 / 36 inch / 2 product

Scale: 1/4"=1'-0"

106.4 square feet



COLOR PALETTE			
	<b>CABINET: P6</b> RAL Oyster White		<b>RETURNS / CAPS: P5</b> Pantone 186 C Red
	<b>LOGO: 11</b> #12 Brushed Alum. Metal finish		<b>FACES: PL5</b> 2793 Red acrylic
	<b>CORNICE: P1</b> White - smooth satin		<b>TRIMCAP: TC5</b> Jewelite Red
	<b>FACES: PL1</b> 7328 White		<b>REGULAR: V5</b> 3M 3630-33 Regal Red
	<b>DIESEL: V7</b> 3M 3630-156 Vivid Green		<b>SURCHARGE: V5</b> 3M 7725-283 Perfect Match Red opaque

All paint finishes to be satin unless otherwise noted

2023 UNIVERSAL SIGN FAMILY

stratusunlimited.com  
8959 Tyler Boulevard  
Mentor, Ohio 44060  
888.503.1569

CLIENT:

ADDRESS: 2023 Universal Sign Family

PAGE NO.: 26

ORDER NUMBER: 000000

SITE NUMBER: n/a

ELECTRONIC FILE NAME: K:\ACCOUNTS\Wawa\SIGN STANDARDS\2023 Mid Atlantic Sign Family - DO NOT USE\ Wawa\_2023 Universal Sign Family R1.cdr

PROJECT NUMBER: n/a

PROJECT MANAGER: PHIL LUBIN

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	420683	5/11/23 Viv					
Rev 1	435923	06/29/23 KW	Corrected PMS 186 C Red				

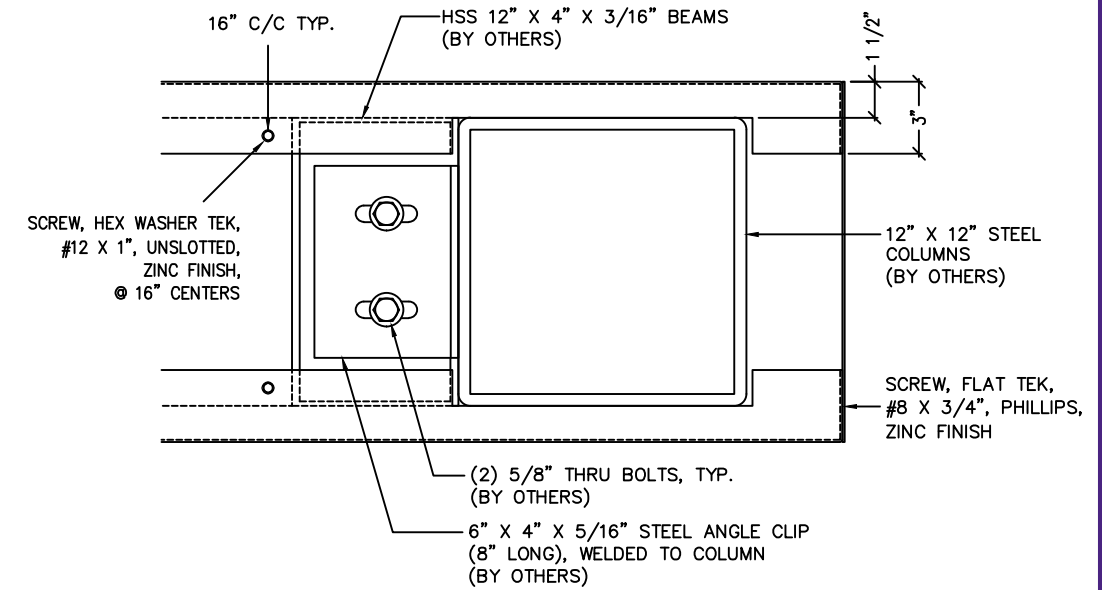
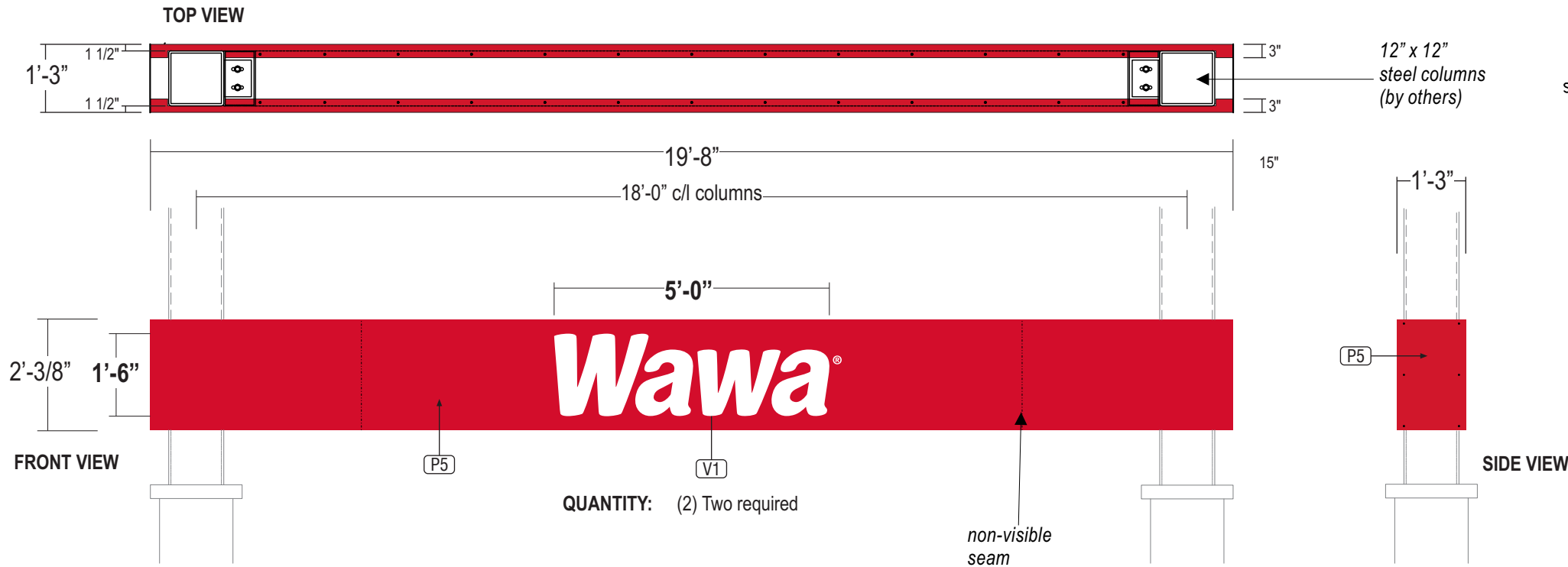
PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.

# CANOPY SIGNAGE: Non-Illuminated Pump Spanner - Stacked Pumps

2'-3/8" x 19'-8"

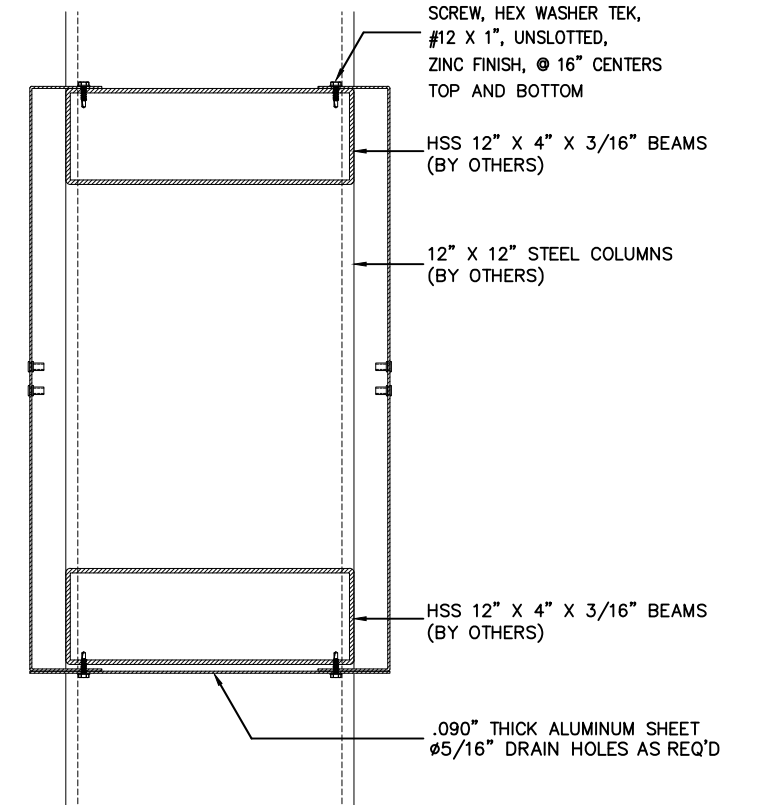
Scale: 3/8"=1'-0"

7.5 square feet of copy



DETAIL @ TOP VIEW

SCALE: 1 1/2"=1'-0"



SECTION @ SPANNER SIGN

SCALE: 1 1/2"=1'-0"



CANOPY ELEVATION (STACKED PUMPS)

not to scale

QUANTITY: (2) Two required

non-visible seam

### COLOR PALETTE



BACKER: P5  
Pantone 186 C Red



COPY: V1  
3M 7725-10 White

All paint finishes to be satin unless otherwise noted

### AREA/WEIGHT

SIGN SQUARE FOOTAGE:  
39.3 sq. ft.  
ESTIMATED SIGN WEIGHT:  
170 Lb. (HEADER)

### TOLERANCE: ± 1/16" ON ALL DIMENSIONS

DESIGN LOADS:  
170 MPH WIND LOAD  
RISK CATEGORY II, EXPOSURE C.  
FLORIDA BUILDING CODE 6TH EDITION (2017)

2023 UNIVERSAL SIGN FAMILY

# Stratus™

stratusunlimited.com

8959 Tyler Boulevard  
Mentor, Ohio 44060

888.503.1569

CLIENT:



ADDRESS:

2023 Universal Sign Family

PAGE NO.:

49

ORDER NUMBER:

000000

SITE NUMBER:

n/a

ELECTRONIC FILE NAME:

K:\ACCOUNTS\Wawa\SIGN STANDARDS\2023 Mid Atlantic Sign Family - DO NOT USE!  
Wawa\_2023 Universal Sign Family R1.cdr

PROJECT NUMBER:

n/a

PROJECT MANAGER:

PHIL LUBIN

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
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# Attachment C

**BEFORE THE COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THE MARYLAND-  
WASHINGTON REGIONAL DISTRICT IN  
MONTGOMERY COUNTY, MARYLAND  
Office of Zoning and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850  
(240) 777-6660**

**IN THE MATTER OF:** \*  
\*  
**Hong Cheng, LLC and Dong Ya, LLC** \*  
Applicant \*  
\*  
Anthony Kuo Chien Cheng \*  
Kevin Foster \*  
Timothy Longfellow \*  
Anne M. (Nancy) Randall \*  
\* OZAH Case No. H-134  
For the Application \*  
\*  
Pat Harris, Esquire \*  
Christopher S. Cohen, Esquire \*  
Attorneys for the Applicant \*  
\*  
\*\*\*\*\*  
Before: Lynn Robeson Hannan, Hearing Examiner

## HEARING EXAMINER’S REPORT AND RECOMMENDATION

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**I. CASE SUMMARY**

Applicant: Hong Cheng, LLC and Dong Ya, LLC

LMA No. & Date of Filing: H-134, filed May 8, 2019.

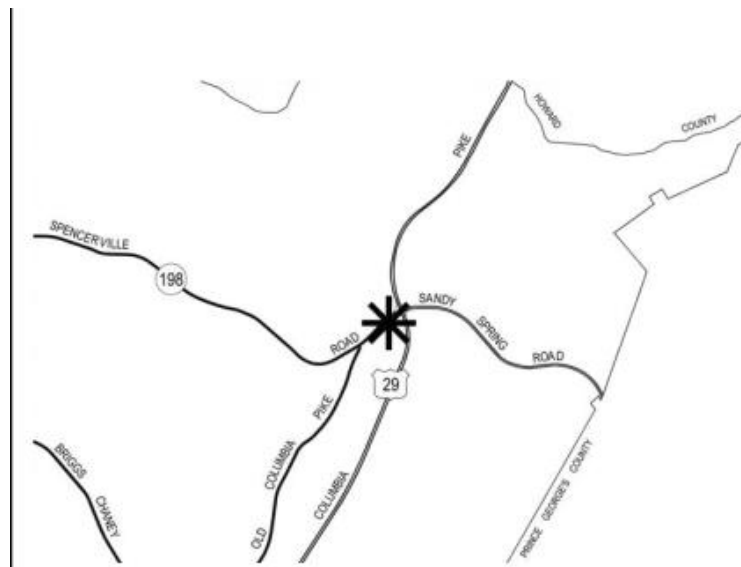
Current Zone: CRN-1.5, C-1.0, R-0.5, H-45 (Commercial/Residential Neighborhood Zone)

Current Use: Automobile filling station/convenience store (a 7-Eleven) and commercial retail building (a mattress store) on two separate parcels.

Zoning Sought: CRTF-1.5, C-1.0, R-0.5, H-45 (Commercial Residential Town Floating Zone); certain uses permitted in the CRTF Zone are prohibited by binding elements;

Use Sought: Existing gas station/convenience store is non-conforming under the CRN Zone; the applicants seek to legalize that use to expand and upgrade the property and permit wider array of commercial uses under CRTF Zone than currently available under the CRN Zone.

Location: 15585 and 15595 Old Columbia Pike, Burtonsville, MD; Southwest quadrant of the intersection of Columbia Pike and Md. Rte. 198:



Acreeage to be Rezoned: 3.46 acres +/- (tract area)

Density Permitted: 1.5 FAR; no change from existing zoning.

Open Space Required/Provided:	10% /10%
Maximum Building Height:	45 feet; no change from height permitted under existing zoning.
Environmental Issues:	Stormwater management will be implemented on the site; 50-foot wide forest conservation easement/buffer will be established on the southern property line.
Consistency with Master Plan:	Consistent with the Burtonsville Crossing Neighborhood Plan
Neighborhood Response:	No Opposition
Traffic Issues:	<p>The eastern access to the site has experienced accidents caused by westbound left turns from Route 198 into the site and by westbound left turns leaving the site. Recent improvements by SHA restricting these turns are expected to significantly reduce or eliminate the number of accidents at this location</p> <p>Northbound average LATR delays at the intersection of the western site access/Burtonsville Town Shopping Center/Md. Rte. 198 cannot be measured. The installation of a signal at that location would eliminate any deficiency and is more likely than not to occur. Even if SHA does not signalize the intersection, LATR average delays may be met if the western access is limited to right-in, right-out movements. LATR will be studied in detail at applicable site plan, conditional use, or building permit stages.</p>
Planning Board Recommends:	Approval
Technical Staff Recommends:	Approval
Hearing Examiner Recommends:	Approval
District Council Votes Needed to Approve:	5

## II. STATEMENT OF THE CASE

Hong Cheng LLC and Dong Ya LLC filed LMA Application No. H-134 on May 8, 2019. The application seeks to rezone approximately 3.46 acres of property from the CRN (Commercial Residential Neighborhood Zone)-1.5, C-1.0, R-0.5, H-45 to the CRTF (Commercial Residential Town Floating Zone) 1.5, C-1.0, R-0.5, H-45. Exhibit 1. The subject property is located at 15585 and 15595 Old Columbia Pike, Burtonsville, MD 20866, further identified as Parcel C (N913) and Parcel D (N924) in the “Parcels C and D Burtonsville” subdivision (Tax Account Nos. 05-01988445 and 05-01988434). *Id.*

Notice of the public hearing (Exhibit 33) was mailed out and posted on OZAH’s website on August 16, 2019. The notice established a hearing date of September 30, 2019.

The Applicant submitted revisions to its Preliminary Forest Conservation Plan (PFCP), Open Space Exhibit, Fire Access Plan, Circulation Exhibit, and Floating Zone Plan (FZP) on August 6, 2019. In response to comments from the Hearing Examiner and the Staff of the Planning Department (Staff), the Applicant revised its FZP again on September 26, 2019. Exhibit 42.

The public hearing proceeded as scheduled on September 30, 2019. The Applicant presented four witnesses; three of them were experts in land planning, civil engineering, and transportation planning. The Applicant submitted revised covenants reflecting the changes to the binding elements made in the revised FZP. Exhibit 44. No one appeared in opposition to the application. The Hearing Examiner held the record open to receive the Planning Board’s written approval of the PFCP and to receive comments from Staff on the revised FZP. Both were received and the record closed on October 14, 2019. Exhibit 48.

The FZP does not increase the height or density of the property’s existing zoning. It does make the existing gas station/convenience store on the site legally conforming. The Applicant seeks to add four fueling positions (for a total of 12) to the gas station and to approximately double the

size of the existing convenience store (to approximately 5,000 square feet.) Grant of the rezoning would also expand the number of commercial uses permitted on the site. Based on the evidence of record, the Hearing Examiner finds that the requirements for the requested rezoning have been met, and that the application should be granted.

### III. FACTUAL BACKGROUND

#### A. Subject Property

The subject property consists of two recorded parcels totaling approximately 3.46 acres located in the southwest quadrant of the intersection of Columbia Pike (Business 29) and Md. Rte. 198. The Staff Report contains an aerial photograph of the subject property (Exhibit 40(b), below):



Currently, Parcel C is developed with a 2,496 square foot convenience store and gas station with 8 fueling stations (a 7-Eleven). Exhibit 42. Parcel D is improved with a retail building (a mattress store) of approximately 8,208 square feet. *Id.* The subject property has no stormwater management. T. 43. Other than the 0.38 acres of forest stand along the southern boundary, Staff



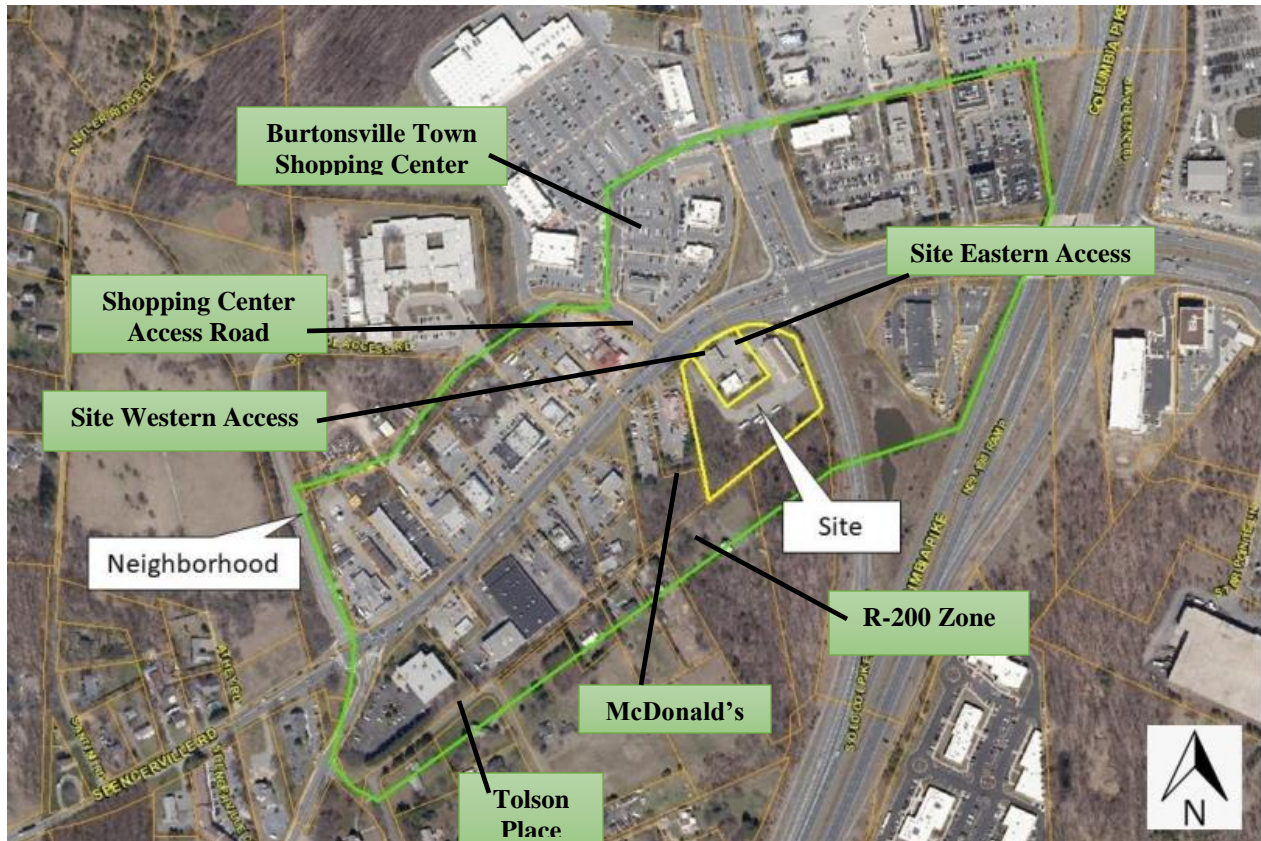
advises that there are no protected environmental features on the site. Exhibit 40(b), p. 4. Uses immediately adjacent to the subject property include a McDonald's restaurant to the west and properties in the R-200 Zone to the south. The adjacent residentially-zoned property directly to the south is undeveloped and owned by the Applicant. The property to the southwest is improved with a single-family detached dwelling accessed via a right-of-way extending from Tolson Place. T. 50.

### **B. Surrounding Area**

The surrounding area is typically identified and characterized in a Floating Zone case. The boundaries are defined by those properties that will experience the direct impacts of the use. This area is then characterized to determine whether the FZP will be compatible with the impacted area.

Staff and the Applicant agree that the surrounding area for the subject property is bounded by properties on both sides of Md. Rte. 198 between Route 29 and the intersection of Old Columbia Pike/Tolson Place. It also includes a strip of properties zoned R-200 along Tolson Place and an extended right-of-way. These border the commercial properties south of Md. Rte. 198. Properties in the immediate environs include two residential zoned parcels to the south (Parcel P60 and a 3.3-acre Parcel P47 owned by the Applicant), and a McDonald's adjacent to the western site boundary. Exhibit 40(b), p. 4; T. 33-35. The boundary of the surrounding area identified is shown in an aerial photograph included in the Staff Report (*Id.*, p. 4, on the next page).

The commercial properties on the south side of Md. Rte. 198 are zoned CRN (Commercial/Residential Neighborhood). The Burtonsville Town Shopping Center confronts the subject property on the north side of Md. Rte. 198 and is zoned CRT (Commercial/Residential Town). The Burtonsville Crossing Office Park is located to the northeast across Old Columbia Pike (Business 29) and is also zoned CRT. T. 33; Exhibit 40(b), p. 6. The property immediately to the east across Columbia Pike is zoned NR (Neighborhood Retail) and improved with a



Surrounding Area (Ex. 40(b), p. 5)

hardware store. The properties zoned R-200 are improved with single-family dwellings that are accessed via Tolson Place. The residential property on the southern site boundary is vacant.

Staff characterizes the area as “mix of zones and development patterns with each of the four high visibility corners having distinct commercial features.” *Id.*, p. 5. Mr. Kevin Foster, the Applicant’s expert in land planning, testified that the area contains multiple small businesses, including restaurants, auto-related uses, and several churches. A small strip of R-200 residential properties are located along the southern edge, along Tolson Place. He included those because of the Master Plan’s goal to protect the residential character of these properties from the impact of the commercial properties bordering the south side Md. Rte. 198. T. 34-35. Mr. Foster characterized the surrounding area as a “vibrant, commercial hub” that is beginning to coalesce in accordance with the Burtonsville Crossing Master Plan. T. 35.

Having no evidence to the contrary, the Hearing Examiner accepts the neighborhood boundaries shown in the Staff Report. The Hearing Examiner characterizes the area a mix of commercial neighborhood retail and auto-related uses that culminate at the intersection of Md. Rte. 198 and Columbia Pike or Business 29. She also finds that there is a sharp transition from the commercial uses on the south side of Md. Rte. 198 to the R-200 properties adjacent to the south.

### **C. Zoning History**

Technical Staff reports the following zoning history (Exhibit 40(b), p. 6):

- Prior to 1974 the property was zoned C-2.
- The 1974 Rural East Sectional Map Amendment (F-926) confirmed the C-2 zoning.
- The 2012 Burtonsville Crossroads Neighborhood Plan (G-955) rezoned the Property from C-2 to CRN 1.5, C-1.0, R-0.5, H-45.
- The zoning remained the same (CRN 1.5, C-1.0, R-0.5, H-45) with the District-wide rezoning in 2014 (District Map Amendment G-956).

Mr. Foster testified that the gas station became non-conforming when rezoned to the CRN Zone. T. 31.

### **D. The Applicant's Proposal**

Presently, the Applicants propose to add four fueling positions to the existing eight (for a total of 12) and expand the convenience store by approximately 2,500 square feet (for a total of 5,000 square feet.) The rezoning would also expand the number of commercial uses permitted on both parcels. As noted, the gas station/convenience store is currently non-conforming under the existing CRN zoning.

A representative of the Applicant, Mr. Anthony Kuo Chien Cheng, testified that the Applicant purchased Parcel C in 1997. He stated that he did not participate in the Burtonsville Master Plan process because notice of the rezoning went to the existing tenant, Southland Corporation, which is based in Texas. T. 12-13. The Applicants did not purchase Parcel D

(improved with the retail building) until 2015, after the Master Plan had been adopted. *Id.* Mr. Cheng testified that the lease for the gas station/convenience store expires in 2024, and he is trying to legalize and upgrade the uses so that he may retain the existing tenant or prepare for a new tenant. T. 13.

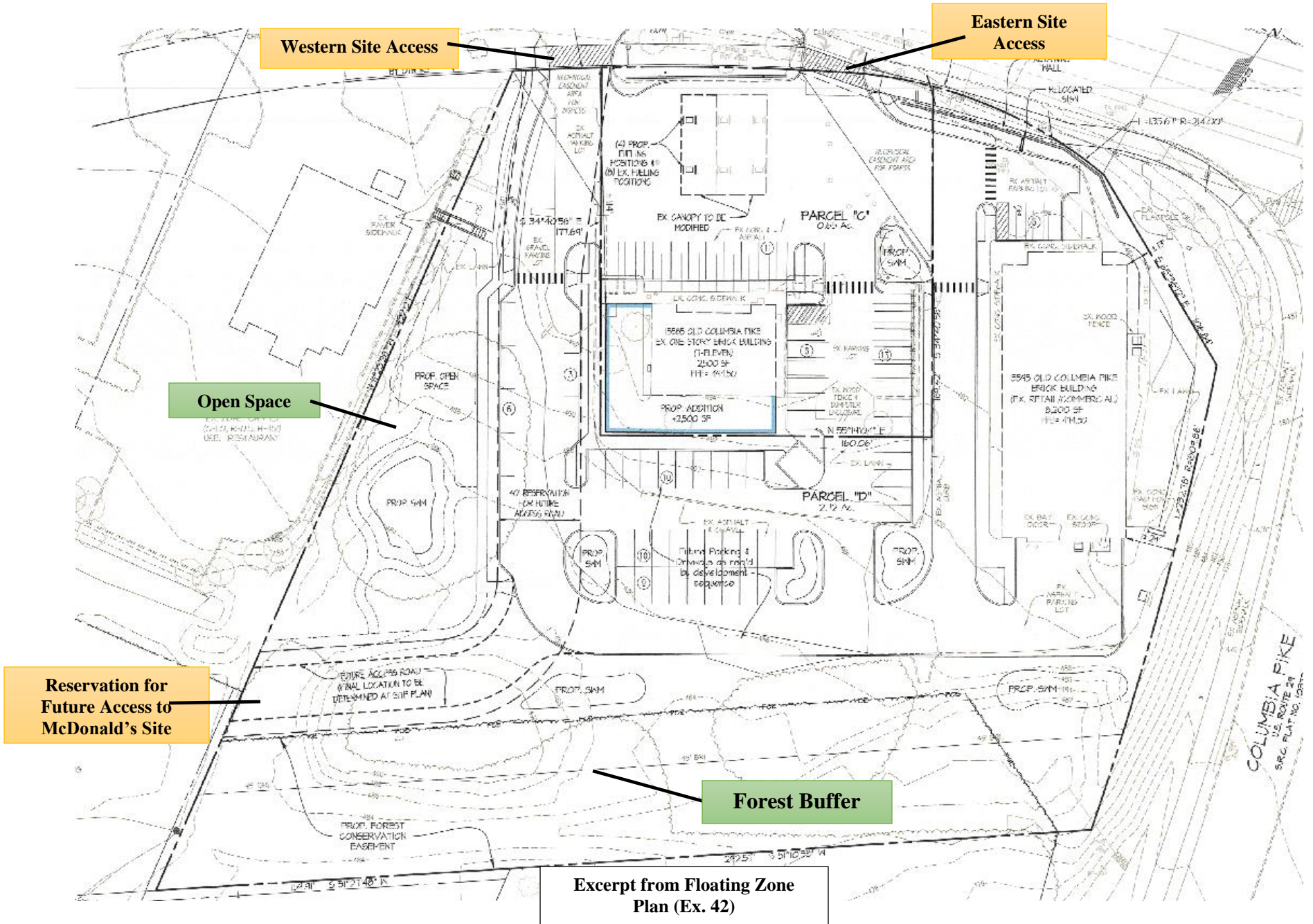
### **1. Floating Zone Plan**

Under Zoning Ordinance §59-7.2.1.B.2.g., every application for rezoning to a Floating Zone must be accompanied by a Floating Zone Plan that contains required information and often a list of “binding elements” that restrict future development of the property. The Applicants have submitted the required plan. Exhibit 42. An excerpt of the FZP showing the proposed building layouts, drive aisles, road reservations, and forest conservation areas is reproduced on the following page. A conceptual or illustrative view of the FZP is shown on page 12.

### **2. Binding Elements**

The FZP includes five binding elements, shown on page 13. The first binding element prevents the property from being developed with 22 uses normally permitted in the CRTF Zone. Staff advises that this binding element serves to fulfill this property’s designation in the master plan as a transitional use between the commercial area along Rte. 198 and the residentially-zoned property immediately to the south. Exhibit 40(b), p. 9. Mr. Foster testified that the uses were restricted to ensure development appropriate for the surrounding area. T. 26.

Binding element No. 5 reserves a road connection between the subject property and the adjacent McDonald’s site to the west. SHA is currently conducting the Rte. 198 Corridor Study to examine potential road and safety improvements along the corridor. The road reservation would give McDonald’s a second access to Md. Rte. 198 in the event SHA decides to reduce the number of access points and signalize the intersection of the property’s western site access with the Burtonsville Town Shopping Center and Md. Rte. 198. T. 27-32. Other binding elements





Illustrative Rendering of Floating Zone Plan  
Exhibit 34(g)

**BINDING ELEMENTS:**

1. **Limitation on Uses.** The following uses, otherwise permitted in the CRT zone, are prohibited:
  - a. Nursery (retail)
  - b. Ambulance, rescue squad (private)
  - c. Hospital
  - d. Funeral home
  - e. Hotel
  - f. Research and development
  - g. Structured parking
  - h. Conference center
  - i. Recreation and Entertainment facility major (over 1,000 person capacity)
  - j. Combination retail store (a department store with more than 85,000 sf)
  - k. Retail service establishment greater than 50,001 square feet
  - l. Light vehicle sales and rental (Indoor)
  - m. Light vehicle sales and rental (outdoor)
  - n. Car wash
  - o. Vehicle service repair (major).
  - p. Dry cleaning
  - q. Medical scientific manufacturing and production
  - r. Bus, rail terminal/ station
  - s. Taxi/ limo facility
  - t. Utility distribution line
  - u. Self-storage facility
  - v. Warehouse storage facility
2. **Buffer zone.** 50' buffer zone abutting R-200 property. (May include SWM facilities).
3. **Frontage Improvements.** Project frontage improvements shall include the following: 10' shared-use path and street trees.
4. **Controlled Access.** Eastern access will prohibit left turns; *i.e.*, motor vehicles can only make right turns into the Property and right turns to exit the Property.
5. **Future Access Road.** The Floating Zone Plan shall include a reservation for 40 foot wide future private access road on the west side of the Property. No development shall be permitted within the reservation area. Final location to be determined at Site Plan.
6. **The required Public Open Space** shall be provided on-site and meet the design requirements of zoning code Section 6.3.6.B.I. Final location to be determined at Site Plan.

**Binding Elements (Ex. 42)**

ensure that a 50-foot forested buffer will be retained along the southern portion of the site, adjacent to the residentially-zoned properties, that all open space will be provided on-site, that future road frontage improvements will include a 10-foot wide shared pathway and street trees, and that the eastern access will be restricted to right-in, right out turns only. Exhibit 42; T. 27-32.

## E. Public Facilities

### 1. Traffic

#### a. LATR Guidelines

The District Council must find that the application either meets the criteria in the Planning Board’s Local Area Transportation Review (LATR) Guidelines or be able to mitigate traffic impacts where they do not meet the required levels.

The Applicant in this case submitted a traffic study using the LATR procedures. Ms. Nancy Randall, the Applicant’s expert in transportation planning, testified that the study employed a “worst-case” test redevelopment scenario given the existing site constraints. T. 65. It estimated trips based on a total of 19,750 square feet of retail and 12 fueling stations. *Id.* The Applicant based its estimate for Parcel C on the number of fueling stations because this resulted in a higher estimate of future trips than doubling the size of the convenience store. T. 66. Using this test scenario, new trips generated by the proposed development are shown in the following table from the Applicant’s traffic study (Exhibit 25, p. 27, Exhibit 40(b), p. 13, below):

Trip Generation	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
<b>Proposed</b>						
Convenience Market with Fueling Pumps (12)	124	123	247	137	136	273
<i>Pass By (Credit)</i>	(77)	(76)	(153)	(77)	(76)	(153)
19,750 SF Retail	12	7	19	78	84	162
<i>Pass By (Credit)</i>				<b>(27)</b>	<b>(29)</b>	<b>(55)</b>
<b>Total</b>	<b>59</b>	<b>54</b>	<b>113</b>	<b>112</b>	<b>115</b>	<b>227</b>
<b>Existing (Credit)</b>						
Convenience Market with Fueling Pumps (12)	(82)	(82)	(164)	(92)	(92)	(184)
<i>Pass By</i>	51	51	102	51	51	102
8,100 SF Mattress Store	(1)	(1)	(2)	(2)	(2)	(4)
<i>Pass By</i>				1	1	1
<b>Total</b>	<b>(84)</b>	<b>(84)</b>	<b>(168)</b>	<b>(94)</b>	<b>(94)</b>	<b>(188)</b>
<b>Net New Trips</b>	<b>27</b>	<b>22</b>	<b>49</b>	<b>71</b>	<b>74</b>	<b>144</b>

Source: Wells and Associates. Traffic Statement, dated April 15, 2019

The scope of the traffic study included five intersections (Exhibit 40(b), p. 11), shown



below. Intersections 3 and 4 are the subject property's eastern and western access points, both of which are currently unsignalized. Exhibit 25, p. 27.



Staff determined that the Applicant's traffic study demonstrates that all but one of the intersections studied meets the LATR average delay standards (Exhibit 40(b), p. 12, on the following page).

The Applicant could not provide average PM delays at the northbound approach to the western site access because "the HCM methodology does not return a delay calculation for the northbound approach." Exhibit 25, p. 24. The Applicant's traffic study states that the delay average cannot be calculated due to the "high levels of conflict in turning movements, particularly for left turns." Exhibit 25, p. 14. In Staff's opinion, it is probably "infeasible to safely make such movements during the PM peak commuting hours." Exhibit 40(b), p. 14.

<b>Intersection</b>	<b>Operating Condition</b>	<b>Policy Area HCM Congestion Threshold</b>	<b>Average Delay AM</b>	<b>Average Delay PM</b>
1) MD 198 / US 29 NB Ramp	Signalized	59 Seconds	29 (C)	33.3 (C)
2) MD 198/ Old Columbia Pike/ US 29 SB Ramp	Signalized	71 Seconds	24.6 (C)	49.4 (D)
3) MD 198/ East Site Access	Unsignalized	71 Seconds	0.3 (A)	0.4 (A)
4) MD 198/ Burtonsville Town Square Access/ West Site Access	Unsignalized	71 Seconds	13.4 (B)	Unavailable*
5) MD 198/ Burtonsville elementary School access/Old Columbia Pike (west)	Signalized	71 Seconds	34.44 (C)	31.6 (C)

**Intersection Delay under Future Conditions  
Exhibit 40(b), p. 16**

Because no result could be returned, the Applicant conducted a preliminary warrant study to determine whether the Burtonsville Shopping Center/Md. Rte. 198/Site Western Access intersection would qualify for signalization under SHA standards. Staff concluded (Ex. 40(b), p. 11):

This limited peak-period analysis confirmed that the intersection would meet three warrants for peak period traffic: four-hour vehicular volume, peak hour delay, and peak hour volume. Additional limited analysis suggested the intersection would likely meet additional warrants. The applicant has agreed to perform a full signal warrant analysis as part of any subsequent development application to be submitted to the State Highway Administration (SHA) for determination of the need for a signal at this location. Staff recognizes that this section of MD 198 through downtown Burtonsville is heavily congested during the peak travel hours and offers limited safe pedestrian and bike movement. Given the level of congestion through this corridor and following community requests for traffic calming, Staff recommends that SHA approve any request for a signal at this location and requests the Board send a letter of support. Staff additionally cautions that additional development on the subject property may be contingent on the placement of a signal at this location.

Ms. Randall opined that SHA will likely approve a signal at this location. This is because the SHA is currently studying this area and reviewing opportunities for signalized intersections. This intersection meets not only the volume warrants studied, but possibly additional warrants, and the owners of the Burtonsville Town Shopping Center also support a signal at this location. Even if a warrant were not granted, however, LATR could be met by restricting the site's western access to a limited movement (right-in, right out) access. T. 67-74.

A binding element of the FZP reserves an access to the McDonald's site along the southern portion of the property. Mr. Foster testified that the road reservation is intended to preserve access to the McDonald's property if the SHA decides to install a signal at the site's western access and reduce the number of access points on Md. Rte. 198. Maintaining access to the McDonald's site has been an issue in getting a signal at the western access. T. 32.

Mr. Foster also testified that any new development on the site would be subjected to a full adequate public facilities test at later stages of the development process. Depending on the development scenario, adequate public facilities will be tested at either the conditional use, site plan, or building permit stages. T. 16-23.

#### **b. Traffic Safety Issues**

Ms. Randall presented an accident history in the area immediately proximate to the property. Accident locations are shown in a graphic from the Traffic Study (Exhibit 25, p. 34, on the following page). Ms. Randall testified that SHA has recently taken steps to decrease the number of accidents at the site access. SHA installed bollards in front of the property's eastern access to prevent left turns into and out of that access. In her opinion, this improvement will resolve the site-specific safety issues. Most of the accidents related to the subject property were caused by lefts into and out of the eastern access. T. 79.



**Collision Points**  
**Exhibit 25, p. 34**

SHA correspondence attached to the traffic study (Exhibit 25, Appendix B) indicates that SHA does not believe additional turn restrictions are presently needed. T. 69-70.

Ms. Randall testified that she also evaluated whether there was sufficient queuing space at the western site access. The only queue the proposed development would impact is the westbound left into the site. She opined that there is a stacking distance of 150 feet for these left turns. They have queues in the a.m. peak hour of 23 feet and in the evening, 80 feet. Therefore, there is sufficient room to handle the queues under future conditions. T. 76. As part of the Rte. 198 Corridor Study, SHA is looking at whether to signalize a school intersection further west, which would provide more gaps to make left turns along the corridor. T. 77.

## **2. Other Public Facilities**

Mr. Timothy Longfellow, the Applicant's expert in civil engineering, testified that the site is already adequately served by other public facilities, including public water, gas, electric, telephone, and cable. T. 59. Staff advises that fire service is located at 13900 Old Columbia Pike

in Burtonsville, and the 3<sup>rd</sup> District Police Station is located approximately 6 miles from the site. Exhibit 40(b), p. 9.

### **F. Environment**

Staff reports that there are no streams, floodplains, or wetlands on the site. There is a forest stand consisting of approximately 0.38 acres. Under the Planning Board's Environmental Guidelines, 0.28 acres of forest retention and afforestation is required. The Planning Board has approved a Preliminary Forest Conservation Plan (PFCP) for the property which requires this amount to be placed in a Category I environmental easement running along the southern boundary. Development will impact three specimen trees off-site. The approved PFCP grants a variance for the impact to these trees. Exhibit 48.

Mr. Foster testified that the property lies within the Little Paint Branch watershed, which is known for having a fairly high water quality. No stormwater management currently exists on the property; the Applicant's goal is to provide 100% stormwater management on-site in the future. T. 40-41.

### **G. Community Concerns**

There is no comment from the community, either for or against, in the record of this case.

## **IV. FINDINGS AND CONCLUSIONS**

A floating zone is a flexible device that allows a legislative body to establish development standards and uses for a particular district before "attaching" it to particular properties. The zone may be applied to particular properties with the approval of a Local Map Amendment.

For approval, the District Council must find that the proposal will meet the standards required by the Zoning Ordinance and that it will be consistent with a coordinated and systematic development of the Regional District. *See, Md. Land Use Art.*, §21-101(a) and (b). While many of the site specific requirements for development are addressed by later approvals, the Zoning

Ordinance contains various standards that the Council must decide. Section 59.7.2.1.E. establishes a set of “Necessary Findings” the Council must make for any Floating Zone application. These standards incorporate the requirements of other sections of the Zoning Ordinance, as set forth below.

**A. The “Necessary Findings” Required by Zoning Ordinance §59.7.2.1.E.2.**

**1. Substantial Conformance with the Master Plan**

Several sections of the Zoning Ordinance require an applicant to demonstrate that the proposed rezoning conforms to the applicable Master Plan:

*Section 7.2.1.E.1.a. For a Floating zone application the District Council must find that the floating zone plan will:*

*a. substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;*

\* \* \*

*Section 59-7.2.1.E.1.b: ...further the public interest...*

\* \* \*

*Section 59-7.2.1.c: ...satisfy the intent and standards of the proposed zone...*

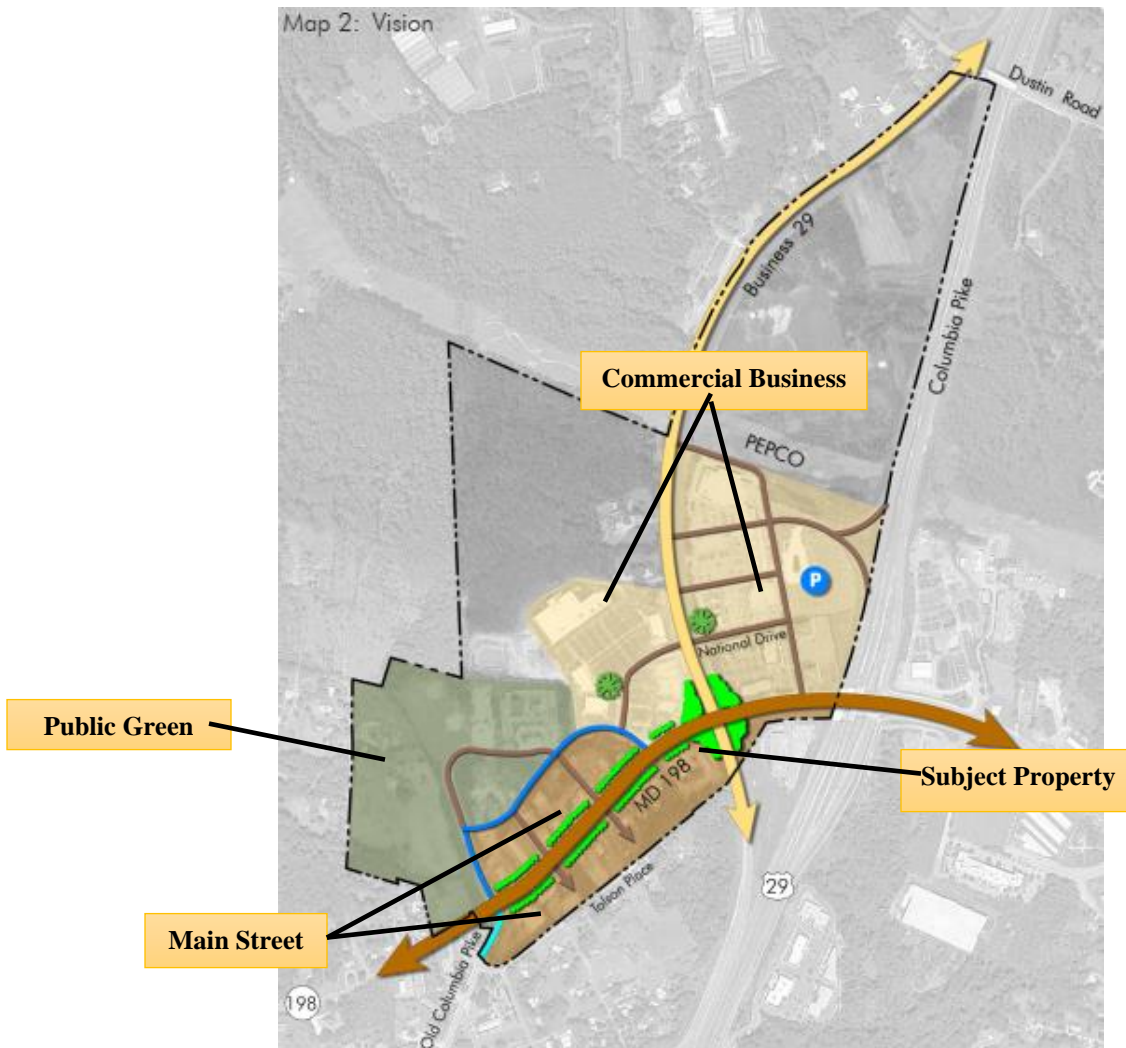
\* \* \*

*Section 59-5.1.2.A.1. (Intent of Floating Zones): Implement comprehensive planning policies by... furthering the goals of the general plan, applicable master plan, and functional master plan...*

Conclusion: Conformance with the applicable master plan under all of these sections is discussed here. The subject site lies within the area covered by the 2002 *Approved and Adopted Burtonsville Crossroads Neighborhood Plan* (Master Plan or Plan). The Plan’s central goal is:

...the creation of a complete community designed at a scale to serve the surrounding area with small businesses, retail, local services, offices, residential, and open spaces for local events, conservation, and recreation. The community will be connected together by a system of enhanced local streets, sidewalks and trails.

*Plan*, p. 5. This vision is illustrated in a graphic on page 5 of the *Plan*, shown below:



Staff advises that the Master Plan recommended CRN zoning for the subject property to “assure adequate transitions to the residential neighborhoods along Tolson Place.” Ex. 40(b), p. 9. Staff concluded that the proposed rezoning does not contravene this goal because the property is 425 feet from the closest dwellings, 625 feet from the homes the Plan was trying to protect, and includes a substantial tree buffer. Exhibit 40(b), p. 9. In Staff’s opinion, the property is similar to the CRT-zoned properties on the north side of Md. Rte. 198 that have extensive frontage on Columbia Pike (Business 29). Due to the amount of frontage on Business 29, Staff likened this property to the “highly visible” properties in the CRT Zone to the north, whose location and access

can support the wider range of uses allowed in the CRT Zone. *Id.*

To implement its overall vision, the Plan recommended reviewing new development under four inter-related themes (*Plan*, p. 7):

- connectivity – create an expanded network of streets, bikeways, and pedestrian route
- design – create an identity that will help to foster a sense of place
- economy – improve the local economy with a mix of uses and new implementation tools
- environment – preserve tributary headwaters and maintain rural character.

Staff determined that the FZP fulfills the Plan’s goal for connectivity because it would “provide for the enhancement of the streetscape along the south side of Old Columbia Pike...and the opportunity for a future dedication that will improve circulation between sites for vehicles, bicycles, and pedestrians.” Exhibit 40(b), p. 10. Staff found that the FZP achieves the design goals of the Plan because the Applicant will have greater flexibility to “implement a design that attracts potential tenants and facilitates a pedestrian environment via public open space, and frontage improvements.” *Id.* According to Staff, the FZP would improve the economy because the CRT Zone has a wider range of uses and will encourage adaptive reuse of the existing retail building. *Id.* Finally, Staff determined that the FZP will further the environmental goals of the Plan because it introduces stormwater management to the property where none currently exists. Exhibit 40(b).

Mr. Foster reinforced Staff’s opinion. He pointed out that the permitted height does not change from that recommended by the Master Plan, preserving the transitional role called for in the Plan. T. 47-48. He also pointed out that the subject property is not connected to or abut Tolson Place, even with the redevelopment of the parcel. T. 49. He also cited to the permanent forested buffer that will be established on the southern boundary, thus further protecting the residential properties to the south. T. 50-51.

The Hearing Examiner agrees with Staff and the Applicant that the FZP furthers the overall



goal and specific themes of the Master Plan. The property's transitional role under the Plan is maintained by binding elements limiting the height and density to what is currently permitted under the CRN Zone. The establishment of a permanent forested buffer adjacent to the residentially zoned properties reinforces this and protects the adjacent residentially zoned properties. At the same time, the FZP expands the range of uses to serve the public and creates new opportunities for business owners. Binding elements requiring the open space to be located on-site, along with the enhanced streetscape and pathway improvements, furthers both connectivity in the area and contributes to a community sense of place. Finally, the FZP will further environmental goals by introducing stormwater management where none currently exists and by permanently preserving forest on the site.

## 2. Compatibility

Several sections of the Zoning Ordinance require the District Council to analyze the compatibility of the proposed FZP with adjacent uses and the surrounding area. The application must:

***Section 7.2.1.E.1.c.: satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;***

\* \* \*

***Section 5.1.2.C. (Intent of Floating Zones). Ensure protection of established neighborhoods by:***

- 1. establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;***
- 2. providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and***
- 3. allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.***

\* \* \*

***Section 5.3.2.C. (Purpose of Commercial/Residential Zones). The purpose***

*of the Commercial/Residential Zones is to ... provide mixed-use development that is compatible with adjacent development.*

*Section 7.2.1.E.1.d. be compatible with existing and approved adjacent development...*

Conclusion: Staff found that the FZP would be compatible with existing and approved adjacent development (Exhibit 40(b), p. 24):

...the proposed uses are appropriate given the Property's auto-oriented location at the southwest corner of the prominent Old Columbia Pike/Business 29 intersection. From a land use perspective and in terms of operation and orientation, the Property is more similar to the CRT-zoned shopping center that confronts the Property to the north as well as the other CRT properties to the northeast, than the commercial properties to the west that are also zoned CRN. Given the existing uses on the Property, the rezoning will not result in a significant change to the operation, use or physical layout of the Property. Any development pursuant to the CRT Zone will continue to be compatible with the surrounding neighborhood.

Staff also relied on the distance of the property from the residential uses on Tolson Place and the permanent, forested buffer that will be established on the southern portion of the property. Exhibit 49(b), p. 25.

The Hearing Examiner finds that the application meets all the required compatibility standards in the Zoning Ordinance. In the immediate surrounds, the property is located relatively far from the developed residential uses on Tolson Place and site operations do not directly impact those properties. The approved PFCP will require a Category I forest conservation easement on the southern portion of the property as a permanent buffer. The FZP reserves a road right-of-way to serve the McDonald's site, paving the way for signalization of the site's western access and potentially reducing existing traffic congestion. In addition, the FZP retains the density and height of its current (*i.e.*, CRN) zoning, thus ensuring the transition between the shopping center to the north and the R-200 properties to the immediate south.

For similar reasons, the Hearing Examiner finds that the FZP is compatible with the surrounding neighborhood and therefore fulfills the intent of the Floating Zones (Section 59-

5.1.2.C) and the purpose of the Commercial/Residential Floating Zones (Section 59-5.3.2.C). The limitations on height and density continue the property's existing transitional role, at the same time expanding and limiting uses allowed to ensure that they will be compatible and further the goals of the "Main Street" envisioned by the Plan. The auto-oriented use on site will continue along with expanded retail uses, and open space, forested buffer, and pedestrian/bicycle improvements will ensure that the uses work in harmony, thus meeting the purpose of the Commercial/Residential Floating Zones.

As discussed in Part IV.D. of this Report, the FZP demonstrates that the proposed FZP can accommodate all of the relevant development standards of the CRTF Zone (in Article 5.3.5) on the property. Nothing in this record demonstrates that the FZP contravenes any of the requirements of Article 6 of the Zoning Ordinance, which will be addressed at the time of site plan, conditional use or building permit review.

***Section 7.2.1.E.1.f: when applying a non-Residential Floating zone to a property previously under a Residential Detached zone, not adversely affect the character of the surrounding neighborhood.***

Conclusion: This is not applicable as the property is currently zoned CRN, which is not a Residential Detached zone.

### **3. Adequate Public Facilities/Public Interest**

Several sections of the Zoning Ordinance require an applicant for a Floating Zone to demonstrate that public facilities will be adequate to serve the property. The Council must find that the application meets the following standards:

***Section 7.2.1.E.1.e: generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and...***

\* \* \*

***Section 7.2.1.E.1.b: further the public interest...***

\* \* \*

***Section 7.2.1.E.1.c.: satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;***

\* \* \*

***Section 5.1.2.A.2: (Intent of the Floating Zones). ...“implement comprehensive planning objectives by...ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure...”***

Conclusion: The traffic study in this case demonstrates that all but one of the studied intersection meet the average delay standards under the LATR Guidelines, as discussed in Part III.E.1 of this Report. Signalization of the Burtonsville Shopping Center/Md. Rte. 198/western site access intersection would address this. Expert testimony in this case, along with the warrant analysis in the record, supports a finding that SHA’s approval of a signal for the intersection is likely to occur. Even if, however, the signal is not approved, development can proceed if the western access is restricted to a limited movement access permitting only right-in and right-out turns. Based on this evidence, the Hearing Examiner finds any average delays that exceed the required standards may be mitigated either by a traffic signal at the intersection or by restricting lane movements.

Conclusion: Whether a property furthers the public interest is determined by whether the FZP furthers the “coordinated and systematic” development of the area in accordance with State law and adopted County plans and policies.

Staff concluded that the FZP furthers the public interest because it will fulfill a high demand for the existing uses in that location, which will be upgraded to current requirements. Mr. Foster testified that the FZP will enable an upgrade of the site, provide additional opportunities for small business activity at a renewing commercial hub, and will mitigate and modify existing problematic traffic patterns. T. 51.

The Hearing Examiner agrees that the FZP furthers the public interest. As already

explained, she finds that it conforms to the goals of the master plan under Section 7.2.1.E.1.a. In this section, she finds that it meets the County's adequate public facilities requirements and fulfills the intent and purpose of Commercial/Residential Floating Zones. The FZP will bring the property into conformance with current stormwater management requirements and forest conservation laws and potentially may introduce transportation measures that will improve traffic flow and safety in the immediate environs.

The Hearing Examiner has already found that the property meets the intent of Floating Zones expressed in Section 5.1.2.A.2 of the Zoning Ordinance, which is to "implement comprehensive planning objectives by...ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure..."

Conclusion: The Hearing Examiner has already found that public facilities will be adequate to serve the property as rezoned and that it conforms to the Burtonsville Crossing Neighborhood Plan. Therefore, the application meets the above intent of Floating Zones.

### **B. The Intent and Standards of the Zone (Section 59-7.2.1.E.2.c)**

As already stated, Section 59-7.2.1.E.2.c of the Zoning Ordinance requires the District Council to find that the FZP "satisfy the intent and standards of the proposed zone." The Zoning Ordinance includes an "intent" clause for all Floating Zones and a "purpose" clause for particular Floating Zones. these have already been analyzed in Part A of this Report. The balance of the intent findings for Floating Zone and the purposes of the CRTF Zone, are discussed below.

#### **1. Intent of Floating Zones (Section 59-5.1.2)**

The intent of Floating Zones in general is stated in Section 59-5.1.2 of the Zoning Ordinance:

*Section 59-5.1.2.A.3 ... The intent of the Floating zones is to:*

*A. Implement comprehensive planning objectives by...*

***3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property...***

Conclusion: Staff found that the FZP utilizes design flexibility to integrate the development into its surrounding environs (Exhibit 40(b), p. 17):

...the Master Plan aims to revitalize and activate the Main Street Neighborhood with commercial uses, while preserving the existing residential character of the community to the west. The Project will not deter or frustrate the execution of this vision. Retention and redevelopment of the existing filling station and convenience store is logical given the Property's prominent and convenient location at the southwest corner of the Old Columbia Pike/Business 29 intersection. Furthermore, as discussed in Section IV, the public facilities will be adequate to accommodate the proposed development.

The Hearing Examiner agrees with Staff that the project meets this intent of Floating Zones.

The FZP will provide open space on the site, improve the streetscape, retain and preserve much of the existing forest, provide bicycle and pedestrian connections, and expand the uses permitted on the site. At the same time, the height limitation and forested buffer retain the property's function as a transition between the shopping center to the north and the residential property to the south.

***B. Encourage the appropriate use of land by:***

- 1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;***
- 2. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and***
- 3. ensuring that development satisfies basic sustainability requirements including:***
  - a. locational criteria,***
  - b. connections to circulation networks,***
  - c. density and use limitations,***
  - d. open space standards,***
  - e. environmental protection and mitigation; and***

Conclusion: Staff determined that the wider range of uses permitted in the CRTF Zone will encourage economic development on the property and provide more flexibility to address future populations. Exhibit 40(b), p. 17. The Hearing Examiner agrees, particularly with the binding

element that prohibits development of inappropriate uses on the property. The FZP will greatly improve on the sustainability of development on the property by introducing stormwater management under current standards, improve pedestrian and bike connections, preserve forest, and provide a connection for the McDonald's property that would reduce the need for all of the existing access points on Md. Rte. 198.

Based on this undisputed evidence, the Hearing Examiner finds that the proposed development will satisfy the intent standards for the CRTF Floating Zone, as set forth in §59.5.1.2.B., and will encourage the appropriate and flexible use of the land.

## **2. Purpose of the Commercial Residential Floating Zones (Section 59-5.3.2)**

Section 59-5.3.2 of the Zoning Ordinance describes the purpose of the Commercial Residential Floating Zones.

### ***Section 5.3.2. Purpose***

***The purpose of the Commercial/Residential Floating zones is to:***

- A. allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;***
- B. allow flexibility in uses for a site; and***
- C. provide mixed-use development that is compatible with adjacent development.***

Conclusion: The Hearing Examiner already found that the FZP further the purpose in Section 5.3.2.C. Staff found that the FZP fulfilled the remaining purposes because the purpose of the existing CRN Zoning is identical to that of the CRF Zone. Exhibit 40(b), p. 21. The Hearing Examiner agrees with Staff that the FZP in this case meets the purpose of the Commercial Residential Floating Zones. The cap on height and density gives the Applicant flexibility to continue to function as a transition between retail to the north and residential uses to the south while at the same time expanding the uses permitted on the site. The binding elements limiting the uses permitted on the property, establishing the forest buffer, and making improvements to the streetscape also enhance compatibility with adjacent properties.

**C. The Applicability of the Zone (Section 59-5.1.3)**

Section 59.5.1.3. of the Zoning Ordinance sets up a series of threshold tests to determine whether a particular site may apply for a Floating Zone. Each subsection is listed below, followed by the Hearing Examiner’s finding on each:

***Section 59.5.1.3. A. A Floating zone must not be approved for property that is in an Agricultural or Rural Residential zone.***

Conclusion: The subject property is currently within the CRN Zone; therefore, this provision does not apply.

***Section 59.5.1.3. B. If a Floating zone is recommended in a master plan, there are no prerequisites for an application. For properties with a master plan recommendation for a Floating zone for which an application can no longer be made as of October 30, 2014, the following table identifies the equivalent Floating zones for which an applicant may apply:***

\* \* \*

Conclusion: Staff advises that the Master Plan does not recommend a Floating Zone for the property, therefore, the Hearing Examiner must review whether the FZP complies with the standards that follow.

***Section 59.5.1.3.C. If a Floating zone is not recommended in a master plan, the following apply:***

- 1. The maximum allowed density is based on the base zone and on the size of the tract as stated in Division 5.2 through Division 5.5. Any density bonus requested under Chapter 25A may be added to the density allowed under Division 5.2 through Division 5.5 and included in the units per acre or FAR of the zone requested.***

Conclusion: The maximum density permitted is analyzed in Part IV.D of this Report (below). The proposed use will be within the maximum density allowed.

***2. Residential Base Zone***

\* \* \*

- c. When requesting a Commercial Residential Floating (CRF) zone, Commercial Residential Town Floating (CRTF) zone, or any Employment Floating zone (NRF, GRF, EOFF, LSCF) for a***



*property with a Residential base zone:*

- i. The property must front on a nonresidential street or must confront or abut a property that is in a Commercial/Residential, Employment, or Industrial zone; and*
- ii. The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D.*

Conclusion: The Hearing Examiner agrees with Staff that no pre-requisites are required because the existing zoning (*i.e.*, the CRN Zone) is not residential. Exhibit 40(b), p. 19.

***Section 59.5.1.3.C.3. Non-Residential Base Zone***

***When requesting a Floating zone for a property with a non-Residential base zone there are no prerequisites for an application.***

Conclusion: Again, under the above section, the FZP does not need to meet pre-requisites to apply for the CRTF Zone. Based on this undisputed record, the Hearing Examiner finds that the Floating Zone application meets all the tests set forth in Section 59.5.1.3 for applying the CRTF-1.5, C-1.0, R-0.5, H-45.

**D. Development Standards and Uses Permitted in the CRTF Zone (Division 59-5.3)**

**1. Uses Permitted (Section 59-5.3.3)**

Section 59-5.3.3 of the Zoning Ordinance limits the uses permitted in the CRTF Zone to “only” those uses permitted in the CRT Zone.

Conclusion: The Applicant testified that he wishes to continue the gas station/convenience store use on Parcel C and retail on Parcel D. Both uses are permitted in the CRTF Zone, although any change to the gas station/convenience store will require approval of a conditional use application.

The Applicant has voluntarily restricted a number of uses that could be permitted under the CRT Zone to ensure compatibility with the surrounding area. As the use proposed for Parcel C is permitted in the CRTF Zone, and future uses on both parcels must comply with those permitted in the CRT Zone and the FZP, the FZP meets this approval standard.

## 2. Development Standards of the CRTF Zone

### *Section 5.3.4. Building Types Allowed*

#### *A. Any building type is allowed in the Commercial/Residential Floating zones.*

Conclusion: The Zoning Ordinance permits “[a]ny building type” in the Commercial/Residential Floating zones.” Therefore, the existing buildings (and any potential expansion) clearly meet this standard.

### **Section 5.3.5. Development Standards.**

Staff found that the FZP meets the development standards of the CRTF-1.5, C-1.0, R-0.5, H-45 Zone, (Zoning Ordinance, §59.5.3.5), as demonstrated in the table from the Staff Report (Exhibit 40(b), p. 20), shown below and on the following page.

Public benefit points are not currently required because the development proposed does not exceed 1.0 FAR or 10,000 square feet. *Zoning Ordinance*, §59-5.3.5.E. Mr. Foster testified that if

Division 5.3	Development Standard	Permitted/ Required	Provided
5.3.5.A	Density of Development	Established by Pre-Existing Euclidean Zone (CRN)	CRTF-1.5, C-1.0, R-0.5, H-45
	(a) Maximum Overall FAR	1.5 FAR X 3.46 Ac = 226,076 SF	0.087 FAR – 13,200 SF
	(b) Commercial or Residential Density	Total Density: 1.5 FAR 226,076 SF	Total Density: 0.87 FAR 13,200 SF
		C – 1.25 FAR x 3.46 Ac = 188,3978 SF	C - .087 FAR – 13,200 SF
		R – 1.25 FAR x 3.46 Ac. = 188,3978 SF	R - 0.0 FAR
5.3.5.B	Height	Established by Floating Zone Plan	45’maximum building height

5.3.5.B	Setbacks (minimum)	Site Boundary -Established by Floating Zone Plan  All other setbacks to be establish by site plan approval process	Front – 0’ Side Street – 0’ Side (Abutting CRN) – 0’ Rear (abutting R-200) – 45’  All other setbacks established at site plan
5.3.5.C	Lot Size	Established by Floating Zone Plan	0.50 Ac. Minimum – Commercial Lot
5.3.5.D	General Requirements  <ul style="list-style-type: none"> <li>• Parking, screening, and landscaping.</li> <li>• Open Space</li> </ul>	As required under Article 59-6  10% Public Open Space = 0.35 Ac.	As proposed, Project will meet parking, screening & landscape requirements in Article 59-6  10% minimum, 0.35 Ac.
5.3.5.E	Public Benefits	Required if development greater of 1.0 FAR or 10,000 sf of GFA in CRTF Zone	As proposed, Project will not exceed 1.0 FAR. If Project exceeds 1.0 FAR, public benefit points will be required.

development does exceed that threshold in the future, the Public Benefit Points will be reviewed at site development plan, conditional use, or building permit. T. 24-25.

The FZP demonstrates that the subject property can meet parking, open space, screening, and landscaping requirements on-site. A binding element requires the open space to be located on-site and parking is located to the rear of the commercial uses. Final layout of the parking, open space, screening and landscaping will be determined at the time of site plan approval. While setbacks will be determined at site plan as well, a binding element establishes a 50-foot buffer with the residential properties to the south. Section 59-4.1.8.B of the Zoning Ordinance contains precise

roof height and angle measurements to ensure compatibility. This will be addressed by the Planning Board during site plan review.

Based on the undisputed evidence at this stage, the Applicant's proposal is sufficient to meet the standards for rezoning with regard to parking, recreation, screening and landscaping, subject to review and modification of the particulars during the Site Plan process.

#### V. RECOMMENDATION

For the foregoing reasons, the Hearing Examiner concludes that the proposed reclassification and Floating Zone Plan will meet the standards set forth in the Zoning Ordinance and that it will be consistent with a coordinated and systematic development of the Regional District, under State law. Therefore, I recommend that Local Map Amendment Application No. H-134, requesting reclassification from the existing CRN-1.5, C-1.0, R-0.5, H-45 to the CRTF-1.5, C-1.0, R-0.5, H-45 of Parcel C (N913) and Parcel D (N924) in the "Parcels C and D Burtonsville" subdivision (Tax Account Nos. 05-01988445 and 05-01988434) at 15585 and 15595 Old Columbia Pike, Burtonsville, Maryland, be **approved** in the amount requested and subject to the specifications and requirements of the Floating Zone Plan (Exhibit 42), provided that the Applicant files an executed Declaration of Covenants (Exhibit 44) reflecting the binding elements in the land records and submits to the Hearing Examiner for certification a true copy of the Floating Zone Plan approved by the District Council within 10 days of approval, in accordance with §§59.7.2.1.H.1.a. and b. of the Zoning Ordinance.

Issued: October 31, 2019.

Respectfully submitted,



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Lynn Robeson Hannan  
Hearing Examiner