

MEMORANDUM

October 25, 2012

TO: Planning, Housing, and Economic Development Committee
FROM: ^{Go} Glenn Orlin, Deputy Council Staff Director
SUBJECT: Burtonsville Crossroads Sector Plan—fiscal impact and transportation elements

Councilmembers: Please bring your copy of the Draft Sector Plan to this worksession.

This memorandum addresses the transportation elements in the Planning Board Draft Plan (see pages 54-57 of the Final Draft). Some purely technical corrections will be made to the final document, but they are not identified in this memorandum.

1. Economic and fiscal impact. The Executive's Economic Impact Analysis (©1-2) estimates that the development called for in the Plan would generate a modest positive cash flow when built out. The County's Economic Development Fund (EDF) Fiscal Impact Model estimates about \$5.4 million in additional revenue annually, half from income taxes and the balance from property, energy and other taxes and fees. The model also projects about \$3.6 million annual spending for County-provided services that will be needed due to the development. The ultimate net annual revenue, therefore, would be about \$1.8 million.

The Office of Management and Budget's Fiscal Impact Statement (©3-5) quantifies the County Government's capital and operating costs due to the proposed development. OMB identifies four County Government projects costing about \$9.4 million, the largest being the \$7.7 million Burtonsville Access Road. Part of the Access Road's design has been completed, as has a small part of its land acquisition. As programmed, however, land acquisition will not re-start until FY18, and final design, the balance of land acquisition, and construction will occur in years subsequent to FY18 (©6-7). As for other County agencies, OMB notes that an addition to Burtonsville ES is under development as part of Montgomery County Public Schools' facility planning program, and that M-NCPPC is proposing acquiring both the Mangum and Athey properties as parkland.

OMB also reports that the proposed build-out of Burtonsville will require another ambulance and an equipped EMS unit to staff it, as well as three additional police officers and associated operating expenses and patrol cars. This totals to more than \$1 million annually in salaries and benefits, and about a half-million dollars in recurring expenditures to acquire and replace vehicles and other equipment. However, these costs are assumed—in a more general way—in the Economic Impact Statement’s annual estimate of \$3.6 million of annual operating costs (see above).

2. Land use/transportation balance. For a sector plan analysis, the typical analysis of whether the planned land use and transportation facilities are in balance is to examine the level of service at the critical intersections within the sector plan. In this plan, there are only two such intersections. The Sandy Spring Road (MD 198)/Old Columbia Pike intersection is forecast to operate at 948 Critical Lane Volume (CLV) in the morning peak hour and 1,053 CLV in the evening rush hour. The Sandy Spring Road/US 29 intersection is forecast to operate at 944 CLV in the morning peak hour and 959 CLV in the evening rush hour. Thus, with existing and already approved development, there would be Level of Service “A” or “B” conditions at both intersections during both peak hours, well better than the overall Fairland/White Oak Policy Area standard of 1,475 CLV. The Planning Board did not perform a CLV analysis for the full build-out, but considering that most of the traffic within the Sector plan area will continue to be through traffic, it is reasonable to assume that there will be more than sufficient transportation capacity to address the planned growth in the sector plan area.

3. US 29 Business. Although the mainline of US 29 was relocated to the east several years ago with the construction of the grade-separated interchange, much of the prior US 29—US 29 Business—remains unchanged through the Burtonsville commercial area. This remnant of the former through route still carries the designation of Major Highway, which according to the County Code, is defined as:

a road meant nearly exclusively for through movement of vehicles at a moderate speed. Access must be primarily from grade-separated interchanges and at-grade intersections with public roads, although driveway access is acceptable in urban and denser suburban settings.

While US 29 Business serves a function as the southbound off-ramp to and on-ramp from MD 198, it also provides access to adjacent private roads: National Drive, and the access roads within the Burtonsville Crossing and Town Square Shopping Centers and Burtonsville Office Park. The Sector Plan calls for even more private-road access points, and the creation of a pedestrian- and bike-friendly infrastructure, encouraging US 29 Business to be crossed by pedestrians and bicyclists at several points. Thus it will no longer be “meant nearly exclusively for through movement of vehicles”; it will carry a higher proportion of locally generated traffic. Given the Sector Plan’s community development objectives, it would be appropriate to change its classification to Arterial, which is defined as:

a road meant primarily for through movement of vehicles at a moderate speed, although some access to abutting property is expected.

The Sector Plan indicates that the target speed for US 29 Business should be 40 mph. This is appropriate for the segment between the Dustin Road traffic circle and the PEPCO right-of-way, where the adjacent land uses are planned to remain at a very low density. But it is not appropriate for the segment between the PEPCO right-of-way and MD 198, which will have abutting land uses not dissimilar in intensity to those along MD 198. The target speed in this latter segment should be 30 mph—the same as for MD 198 between US 29 Business and Old Columbia Pike—in recognition of the

enhanced pedestrian/bike environment and the increased movement of turning traffic in and out of the mixed use developments planned. The road’s cross-section should also mirror that of MD 198: 4 lanes divided (not 4-to-6 lanes divided) and the same design standard as for MD 198.

Two other changes to Table 6 (page 55) are warranted. First, the planned cross-section for Sandy Spring Road between Old Columbia Pike and US 29 Business is for a 4-lane divided roadway with bike lanes and curb-and-gutter. The design standard shown in Table 6 for this segment is 2004.16, which has all these elements but has shoulders, not curb-and-gutter. The standard should be 2004.10 instead. Second, the Roadway Classifications table in all plans adopted in the past 20 years have included a note indicating that the number of through travel lanes does not include parking lanes, turning lanes, and other lanes auxiliary to through travel; Table 6 should include the same note.

Council staff recommendation: Amend the Major Highway and Arterial portions of “Table 6: Roadway Classifications” on page 55 as shown below:

master planned streets	from	To	MPOH number	minimum right-of-way (ft)	through travel lanes*	target speed (mph)	design standard
Major Highways							
MD 198 Main Street	Old Columbia Pike	Business 29	M-76	120	4 lanes, divided	30	Mod. [2004.16] 2004.10
MD 198	Business 29	US 29	M-76	130-170 varies	4 lanes, divided	35	Mod 2004.16
[Business 29 “Old US 29”]	[Dustin Road]	[MD 198]	[M-10a]	[100-200 Varies]	[4-6 lanes, Divided]	[40]	[Mod. 2008.04]
Arterial							
<u>Business 29 “Old US 29”</u>	<u>Dustin Road</u>	<u>PEPCO r/w</u>	<u>A-?</u>	<u>100</u>	<u>4 lanes, divided</u>	<u>40</u>	<u>Mod. 2008.04</u>
<u>Business 29 “Old US 29”</u>	<u>PEPCO r/w</u>	<u>MD 198</u>	<u>A-?</u>	<u>100-200 Varies</u>	<u>4 lanes</u>	<u>30</u>	<u>Mod. 2004.10</u>

* These are the number of planned through travel lanes for each segment, not including lanes for turning, parking, acceleration, deceleration, or other purposes auxiliary to through travel.

Note “?”: Arterial number would be assigned by Planning staff.

4. Local streets. Map 24 on page 55 shows several existing and proposed private streets—called “local streets” and colored tan. BMC Property Group, owner of the Town Square Shopping Center, testified about its concern that showing the local street through its center might imply that it would be converted into a public street or that it might be relocated (see excerpt on ©8). However, the note at the bottom of Table 6, which applies to all local streets, states:

Note: Local streets are illustrative and their location may change during the review process. They may be public or private and they may not need public utility easements.

Council staff recommendation: Do not add the note requested by BMC Property Group. The note already in the Final Draft can suffice for all local streets.

5. Bikeways. The proposed bikeway classifications are shown in Table 7 on page 57. On US 29 Business the Final Draft calls for a dual bikeway from MD 198 to the midpoint access to the Burtonsville Crossing Shopping Center. This segment (labeled DB-47) would include both a shared use path on the west side and a signed shared roadway (i.e., wider curb lanes). From this point north to Dustin Road, the Final Draft recommends a signed shared roadway. Alternatively, DOT recommends that the DB-47 designation be extended north to the PEPCO right-of-way, thus extending the west-side bikepath that far as well. North of the PEPCO right-of-way DOT recommends bike lanes rather than a shared use roadway (©10).

DOT is correct that the PEPCO right-of-way is the better point at which to end the shared use path, since the commercial/residential uses proposed in the plan extend that far north. DOT is also correct that the bikeway north of the PEPCO line should be bike lanes and not merely wider curb lanes, since the highway there has higher speeds and bikers will need more protection. However, Council staff also believes the bike lanes should run all the way north from MD 198, since the target speed in the lower section will be 30 mph and there is sufficient existing right-of-way to accompany bike lanes.

Finally, Table 7 shows that the bikeway on MD 198 is a shared use path. But, as noted earlier, MD 198 is a Major Highway with a planned 30 mph design speed (35 mph east of US 29 Business), and so it should be a dual bikeway with both a shared use path and bike lanes. SHA’s policy is to include bike lanes on all of its road improvements—a policy which Council staff believes is much too general, but nevertheless would be appropriate here. The design standard for MD 198 noted above also assumes bike lanes.

Council staff recommendation: Amend the following lines in “Table 7: Bikeway Classifications” as shown below:

Route	Name	Location	Bikeway Type	Status	Reference
[SP-20] DB-??	MD 198	US 29 to western Plan boundary	<u>dual bikeway: bike lanes and shared use path</u>	existing/ proposed	CBFMP <u>and</u> <u>SHA policy</u>
[SR-69] BL-??	Business 29	[MD 198] <u>PEPCO r/w to Dustin Road</u>	[signed shared roadway] bike lanes	existing/ proposed	Fairland Master Plan and new
DB-47	Business 29	MD 198 to [Dustin Road] <u>PEPCO r/w</u>	dual bikeway: [signed shared roadway] <u>bike lanes</u> and shared use path	existing/ proposed	Fairland Master Plan and new

Note “??”: Bikeway numbers would be assigned by Planning staff.

6. DOT comments. The Department of Transportation provided a series of suggested clarifications (©9-10). Planning staff has reviewed them and concurred with them.

Council staff recommendation: Concur with DOT’s revisions, with the exception of the bikeway designations for US 29 Business (discussed above).

Economic Impact Analysis for the Burtonsville Sector Plan

Summary: Below is an economic impact scenario that attempts to show existing development, and the maximum development that could follow from the enactment of the Burtonsville Crossroads Sector Plan as shown in the Planning Board Draft (PBD). It is based on the County's Economic Development Fund Fiscal Impact Model, and represents a broad-brush look at the higher level revenues and expenditures, rather than being all-inclusive. The figures do not include additional CIP expenditures, which will follow in a separate document.

Existing Residential and Commercial Development	Maximum New Residential and Commercial Development As Shown in Planning Board Draft	Combined Existing and Maximum Residential and Commercial Development
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THE NEW DEVELOPMENT			
Estimated Commercial Real Property	\$72,405,042	\$66,453,943	\$138,858,985
Estimated Residential Real Property	\$2,400,000	\$78,000,000	\$80,400,000
Estimated Value of Personal Property	\$7,240,504	\$6,645,394	\$13,885,898
Real Property Tax rate at location	\$1.003	\$1.003	\$1.003
Personal Property Tax rate at location	\$2.509	\$2.509	\$2.509
Number of Jobs	2,105	2,095	4,200
Average Salary Per Job	\$89,635	\$89,635	\$89,635
Income Tax per primary job	\$2,151	\$2,151	\$2,151

DEMOGRAPHICS			
Households	8	600	608
Population	21	1,624	1,645
Schoolchildren	4	68	72
College Students	-	12	12
Number of jobs generated	2,105	2,095	4,200
% of Jobs County Residents	60%	60%	60%
Net new jobs are County residents	1,263	1,257	2,520

REVENUES			
Property Tax Revenues			
From Commercial	\$907,887	\$833,266	\$1,741,153
From Housing	\$24,072	\$782,340	\$806,412
Income Tax Revenues	\$2,717,016	\$2,704,109	\$5,421,125
Energy & Telephone Taxes	\$401,548	\$702,452	\$1,104,000
Other Job Related Revenues	\$80,973	\$80,589	\$161,562
Other Population Related Revenues	\$4,187	\$322,044	\$326,231
Total County Revenues	\$4,135,684	\$5,424,799	\$9,560,483

COSTS OF COUNTY SERVICE			
Population related costs	\$23,255	\$1,788,547	\$1,811,802
Job related costs	\$383,286	\$765,752	\$1,149,038
Schoolchildren costs	\$54,482	\$926,189	\$980,671
College student costs	\$0	\$95,672	\$95,672
Total County Service Costs	\$461,022	\$3,576,160	\$4,037,182

TOTAL ECONOMIC IMPACT			
(Revenues) Less (Costs)	\$3,674,661	\$1,848,639	\$5,523,300

Assumptions:

1. Real property value for existing residential based on the average assessment of 5 homes in the defined boundary valued at \$300,000.
2. 2.64 per household taken Montgomery County Snapshot- Council District By the Numbers, July 2010- Population and Household Count as noted for District 4.
3. Real property value for commercial based on 730,000 square feet as noted in PBD and an average of a sample of commercial assessments in zip codes 20866, 20904, and 20905.
4. Number of jobs based on PBD, Table 5.
5. Average salary taken from Montgomery County Snapshot - Council Districts by the Numbers, 2004 Median Household Income for District 4.
6. Maximum new development based on 600 new multifamily homes noted in the PBD and an average of a sample of condo assessments in the area.
7. 68 school children taken from PBD.
8. 12 new college students based on 2% of new households created.



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

Jennifer A. Hughes
Director

MEMORANDUM

September 17, 2012

TO: Roger Berliner, President, County Council

FROM: Jennifer A. Hughes, Director

SUBJECT: Fiscal Impact Analysis for the Burtonsville Neighborhood Plan

The proposed plan details a transformation of Burtonsville – traditionally a crossroads between Maryland Route 29 and Route 198 – into a “complete community.” The Montgomery County Planning Board has concluded that the addition of a Main Street, improved pedestrian travel routes, and open green-area recreation options will have transformative impacts on the economy, quality of life, and long-term vitality of the Burtonsville community.

The Office of Management and Budget (OMB) has reviewed the Planning Board’s staff draft *Burtonsville Crossroads Neighborhood Plan: Turning a Crossroads into a Community* and has determined there are various capital improvement program and operating budget fiscal impacts to the County. These impacts are detailed in the attached OMB-prepared Fiscal Impact Statement.

If you have any questions, please contact Matt Schaeffer, Office of Management and Budget, at 240-777-2751.

JAH:ms

Attachment

c: Kathleen Boucher, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
Mike Coveyou, Department of Finance
Alex Espinosa, Office of Management and Budget
Amy Wilson, Office of Management and Budget
Matt Schaeffer, Office of Management and Budget

Office of the Director

101 Monroe Street, 14th Floor • Rockville, Maryland 20850 • 240-777-2800
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**County Capital and Operating Cost Estimates
Assumed to be Incurred as a Result of the
Burtonsville Crossroads Neighborhood Plan
9/17/2012**

Capital Improvement Projects		
Project	Description	Cost Estimate (\$)
Access Road to Proposed Main St. Route 198 and Burtonsville Elementary School	<ul style="list-style-type: none"> • Access road would provide vehicle access to proposed Main St Route 198 development and planned Burtonsville Elementary School • Road Specifications: 1400 Linear Feet; 2 lanes with sidewalks on both lanes; and bikeways on shared roadways • Note: Included in the FY13-18 Capital Improvements Program (CIP) Budget under DOT project #500500: <i>Burtonsville Access Road</i> 	7,700,000
Maryland Route 198 Shared Use Path	<ul style="list-style-type: none"> • Shared use path would extend the length of the proposed Main St site and continue west of Old Columbia Pike • Path Specifications: 1800 Linear Feet and bikeways off road • Per DOT: State Highway Administration has a long-term plan for road reconstruction along Route 198 but has no immediate plans to begin construction. As a result, this project could be a county expense. 	600,000
Burtonsville Town Square Shared Use Path	<ul style="list-style-type: none"> • Extend current shared use path along Business (Old) Route 29 at Burtonsville Town Square • Path Specifications: 1000 Linear Feet and bikeways off road • Per DOT: State Highway Administration has no plans to complete and fund this portion of the plan and this would be a county expense. 	320,000
Building Façade Improvements: North Side Businesses along Route 198	<ul style="list-style-type: none"> • The department of Housing and Community Affairs (DHCA) has initiated negotiations with property owners on the north side of Route 198 regarding building facade improvements and may move forward pending the outcome of these discussions. • Note: DHCA has identified funds in their currently funded CIP to fund the required \$750,000 investment pending the outcome of negotiations with associated business along Route 198. 	750,000
Subtotal, Capital Improvement Projects		9,370,000

Operating Budget Impacts		
Project	Description	Cost Estimate (\$)
Additional Career-Staffed Ambulance at Burtonsville Station 15	<ul style="list-style-type: none"> • FRS expects increased call volume as a result of the Burtonsville plan which will result in the current EMS unit exceeding a maximum call volume of 3,500 calls per year on a single unit. The additional staffed ambulance will stabilize the call volume to an acceptable level. • <i>EMS Unit</i>: \$290,400 (initial purchase with replacement rate of 5-6 years) • <i>Basic Life Support Equipment</i>: \$23,155 (initial purchase) • <i>Personnel</i>: \$750,000 annually for 2 firefighter/rescuers on 24/7 coverage 	1,063,555
3 Police Officers (Class POIII)	<ul style="list-style-type: none"> • Includes personnel costs, operating expenses, and vehicle costs for 3 new officers • Additional officers needed as a result of the growth projected in the Burtonsville plan of 600 multi-family units and 2,100 new jobs. 	472,235
Subtotal, Operating Budget Impacts		1,535,790

Total Cost Estimate	10,905,790
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Notes and Assumptions

- The following departments reported no fiscal impacts associated with the Burtonsville Crossroads Neighborhood Plan:
Department of General Services (DGS), Department of Permitting Services (DPS), Department of Recreation (REC), Department of Economic Development (DED), Department of Health and Human Services (HHS), Montgomery County Libraries (LIB)

(47)

- MCPS: An addition on Burtonsville Elementary School to address future overcrowding is in development as a future Capital Improvements Program project. Additionally, there will be no future impact on the local middle and high schools
- Water and Sewer concerns are minimal as the proposed area is currently serviced by public water and sewer. Additionally the plan includes limited new development that would necessitate an updated water and sewer plan.
- Stormwater Management: The area designated for the Burtonsville Neighborhood Plan includes three stormwater management facilities associated with the commercial properties located within the plan area.
- FRS/Police: Estimates assume maximum growth and development measures outlined in the plan of 600 multi-family units and 2,100 jobs added.
- MNCPPC: MNCPPC proposes two acquisitions for parcels to create a ring of open space around the western edge of the project area. The two parcels would combine open space and recreation areas. The Mangum property is a 30 acre parcel which has characteristics that make it a likely candidate designation as a Natural Resource site within the Legacy Open Space program. The second proposed land acquisition site is the Athey Property, a 16 acre parcel adjacent to Burtonsville Elementary School. Currently 12.7 of the 16 acres have approved preliminary plans for clustered residential developments. However, ultimately, the land could also be used for recreational uses or single-family homes. MNCPPC proposes acquisition of Mangum through the County's Legacy Open Space program and acquisition using ALARF funding for the Athey property at a projected cost. The costs for both of these properties is pending negotiations being conducted by MNCPPC.

Burtonsville Access Road -- No. 500500

Category
Subcategory
Administering Agency
Planning Area

Transportation
Roads
Transportation
Fairland-Beltsville

Date Last Modified
Required Adequate Public Facility
Relocation Impact
Status

January 06, 2012
No
None.
Final Design Stage

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY11	Est. FY12	Total 6 Years	FY13	FY14	FY15	FY16	FY17	FY18	Beyond 6 Years
Planning, Design, and Supervision	1,525	418	0	0	0	0	0	0	0	0	1,107
Land	1,954	92	0	642	0	0	0	0	0	642	1,220
Site Improvements and Utilities	62	12	0	0	0	0	0	0	0	0	50
Construction	4,119	0	0	0	0	0	0	0	0	0	4,119
Other	0	0	0	0	0	0	0	0	0	0	0
Total	7,660	522	0	642	0	0	0	0	0	642	6,496

FUNDING SCHEDULE (\$000)

G.O. Bonds	7,580	474	0	642	0	0	0	0	0	642	6,464
Intergovernmental	80	48	0	0	0	0	0	0	0	0	32
Total	7,660	522	0	642	0	0	0	0	0	642	6,496

DESCRIPTION

This project provides a new roadway between Spencerville Road (MD 198) and the School Access Road in Burtonsville. This roadway will consist of two 12-foot lanes, closed section, for a length of approximately 1,400 linear feet. The project also includes an eight-foot parking lane, curb and gutter, five-foot sidewalks, landscaping, and street lighting.

CAPACITY

The roadway and intersection capacities for year 2025 Average Daily Traffic (ADT) for MD 198 is projected to be 40,700 vehicles per day.

ESTIMATED SCHEDULE

Project delayed to allow for coordination with the Maryland State Highway Administration (MSHA) and their plans for modifications to MD 198.

COST CHANGE

Decrease due to reduced property acquisition costs offset by inflation and overhead charges.

JUSTIFICATION

This project implements the recommendations of the Fairland Master Plan. The proposed modifications to MD 198 (US 29 to Old Columbia Pike), which the Maryland State Highway Administration (SHA) will undertake to correct the high incidence of accidents and improve capacity of the road, will eliminate access off MD 198 to the businesses along the north side of MD 198. The proposed roadway will provide rear access to businesses and will create a more unified and pedestrian-friendly downtown Burtonsville.

Project has been developed based on a planning study for Burtonsville Access Road and as called for by the Fairland Master Plan.

OTHER

Final design is complete but due to the postponement of this project and the change in stormwater management requirements in the project area, a full redesign will be necessary.

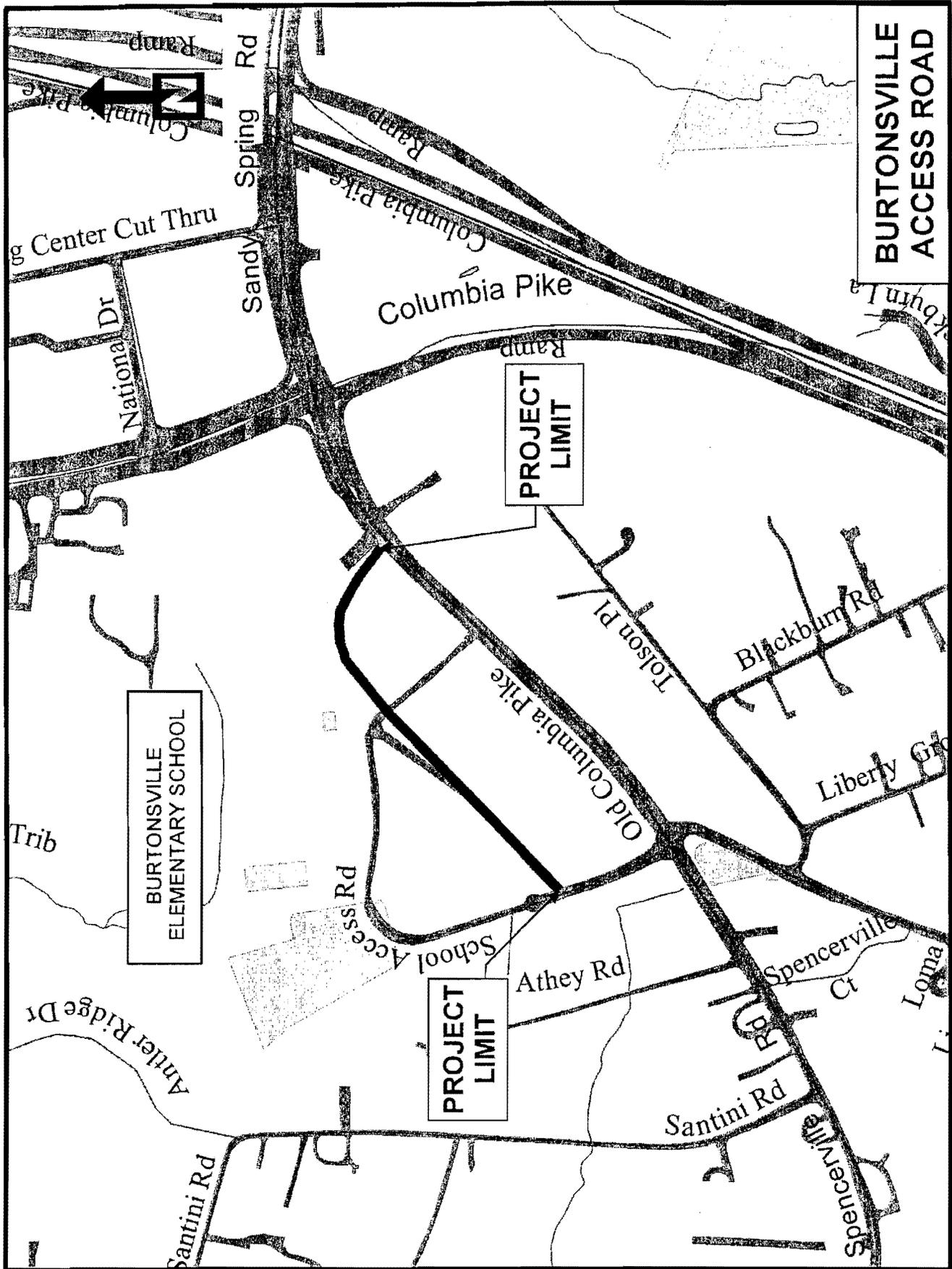
FISCAL NOTE

Intergovernmental revenue represents Washington Suburban Sanitary Commissions (WSSC) share of water and sewer relocation costs.

OTHER DISCLOSURES

- A pedestrian impact analysis has been completed for this project.

APPROPRIATION AND EXPENDITURE DATA			COORDINATION	MAP
Date First Appropriation	FY05	(\$000)	Maryland-National Capital Park and Planning Commission	See Map on Next Page
First Cost Estimate			Maryland State Highway Administration (MSHA)	
Current Scope	FY13	7,660	Montgomery County Public Schools	
Last FY's Cost Estimate		7,969	Facility Planning: Transportation	
Appropriation Request	FY13	0	Department of Public Libraries	
Appropriation Request Est.	FY14	0	Department of Transportation	
Supplemental Appropriation Request		0	Department Technology Services	
Transfer		0	Department of Permitting Services	
Cumulative Appropriation		522	Washington Suburban Sanitary Commission	
Expenditures / Encumbrances		522	Washington Gas	
Unencumbered Balance		0	Pepco	
Partial Closeout Thru	FY10	0	Verizon	
New Partial Closeout	FY11	0	Developer	
Total Partial Closeout		0		



Burtonsville Town Square Shopping Center
Recommended Edits to the
Burtonsville Crossroads Neighborhood Plan Planning Board Draft July 2012

- landscaped buffer on the north side, adjacent to the existing residential uses consistent with the existing 20' pavement setback between the existing shopping center and the property to the north.
 - retaining the shared use bikeway along the west side of Business 29 between the road and the sidewalk
 - enhanced public use space as part of an optional method of development
 - landscape around any future parking structure or consider wrapping the parking with retail or other uses.
- The location of the internal thoroughfare shown crossing the property and joining National Drive to the east, across Business 29, and as described elsewhere and shown on various maps and illustrations in this Plan, is illustrative only. It is understood that the exact design, placement and configuration of any such thoroughfare as part of a redevelopment is dependent on many factors, including the overall configuration and design of a redevelopment. In keeping with the CRT zone's objectives to provide flexibility to respond to current market conditions, internal thoroughfares should be privately owned. They should not be converted into legally established, publicly entitled, thoroughfares, whether by right of way dedications, public access easements or otherwise. Rather, the center's internal circulation will be governed by the parking facilities plan approved in the course of the Preliminary Plan.

FROM PAGE 47

4. Burtonsville Town Center Forest Conservation Easement (west of shopping center): confirm the RC Zone

This site consists of a stormwater management pond and protected forest. Both should be retained. It is anticipated that the existing stormwater facilities on site may be modified and expanded as necessary to accommodate the future planned development on the property.

FROM PAGE 39

AND

FROM PAGE 55

Add in the legend another color for the Burtonsville Town Square Shopping Center indicating "informal thoroughfare used by the public"

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8

Montgomery County Department of Transportation (MCDOT) Comments on
Burtonsville Crossroads Neighborhood Plan – Planning Board Draft, July 2012

September 13, 2012

The following are MCDOT's comments on the Planning Board Draft of the *Burtonsville Crossroads Neighborhood Plan*.

General Concerns

1. Overall the Plan draft is good and MCDOT does not have any policy issues with it. Our specific technical and editorial comments follow.

Specific Comments

Page M/I/T*Comment

- | | | |
|----|----|--|
| 5 | | capitalize "Crossroads into Community" for consistency with other subsections |
| 9 | | revise the fifth bullet to state, "2005: US 29 Realignment separated local and through traffic and removed direct access changed travel patterns to the commercial area." |
| 10 | | revise the last bullet under "environment" to delete the word "appropriate" for consistency with the wording on pages 30 and 32 |
| 11 | | revise the top sentence to state, "The following opportunities can create a foundation for the transforming Burtonsville into a complete community." |
| 12 | | revise the first sentence in the first paragraph to state, "As a result of the relocation of US 29 and the creation of a raised bypass, both large and small businesses in Burtonsville have suffered from the loss of direct access by changed travel patterns <u>of through traffic.</u> " |
| 13 | | revise the first sentence in the second paragraph to state, "Within a three-mile radius, Burtonsville includes or competes with the following retail centers:" |
| 13 | | revise the fifth bullet by deleting "Super Fresh" and replacing with " <u>Shop Rite</u> " |
| 14 | T2 | revise the Description of the C-1 zone to state, " Neighborhood <u>Convenience Commercial</u> " |
| 17 | | in the inset box regarding the MD 198 Improvement Project should the reference to "page 3" be changed to "Illustration 3"? |
| 19 | | add " <u>sidewalk and shared use path</u> " to the list of Opportunities |
| 19 | | the diagram shows a significant shift in the travel lanes along eastbound MD 198 as they cross Old Columbia Pike; it appears that such a shift would not comply with guidelines establishing the length of such transitions |

- 20 in the Park-and-Ride Lot section revise the last phrase to state, “. . . and the Burtonsville park-and-ride before taking I-95 to the BWI Airport and Amtrak Station.”
- 21 revise the first bullet by revising the phrase “. . . wide a sidewalks and a shared use path, . . .”
- 21 the text under “provide bikeways and trails” is incorrect; it erroneously duplicates the text on page 20 under “provide a local grid of streets and an access road”
- 28 M9 shorten the blue arrow to end at the US 29 ramp and not continue to the Ace Hardware store
- 40 revise the last bullet under “economy” to state, “interim development . . .”
- 40 revise the first bullet under “connectivity” to state, “. . . a sidewalk on the east side, and a ~~bikeway~~ shared use path along the west side.”
- 42 delete H 65 and replace with H 70 for consistency with Map 23 on page 51
- 42 revise the third bullet to state, “retaining the shared use bikeway path along the west side of Business 29 ~~between the road and the sidewalk~~”
- 55 T6 add the standard footnote regarding lanes to the Table
- 57 revise the first paragraph to state, “The Countywide Bikeways Functional Master Plan (CBFMP) recommends ~~bike routes~~ bikeways through the Plan area. This Plan confirms those recommendations and adds ~~bike lanes~~ a signed shared roadway along the access road. A new dual bikeway is recommended along Business 29 south of the PEPCO right-of-way. This dual bikeway consists of a shared use path along the CRT area and a signed shared bikeway roadway ~~north to the Dustin Road turnabout~~ on the west side of Business 29. On the east side, the Plan recommends a signed shared bikeway along the entire length from MD 198 to the ~~Dustin Road turnabout~~ PEPCO right-of-way. The Plan also recommends the existing marked shoulders be classified as bike lanes north of the PEPCO right-of-way to Dustin Road. This Plan also recommends . . .”
- 57 T7 revise the SR-69 row as follows:
- | | | | | | |
|-------|-------------|--------------------------|------------|----------------------|-----|
| BL-XX | Business 29 | PEPCO r/w to Dustin Road | Bike lanes | existing (shoulders) | new |
|-------|-------------|--------------------------|------------|----------------------|-----|
- 57 T7 revise the Location column of the DB-47 row to state, “MD 198 to ~~Dustin Road~~ PEPCO r/w”

*M/I/T = Maps/Illustrations/Tables

MEMORANDUM

October 25, 2012

TO: Planning, Housing, and Economic Development (PHED) Committee
FROM: Marlene Michaelson, ^{MM} Senior Legislative Analyst
SUBJECT: Burtonsville Crossroads Neighborhood Plan

This is the Planning, Housing, and Economic Development (PHED) Committee's first worksession on the Burtonsville Crossroads Neighborhood Plan. A separate memorandum from Glenn Orlin addresses the transportation issues in the Plan.

Councilmembers should bring their copy of the Plan to the meeting.

Background

The vision of the Burtonsville Crossroads Neighborhood Plan is to transform the area from a crossroads to a complete community. To accomplish this, the Plan recommends allowing a variety of uses in the 191-acre planning area (including residential), creating a main street, improving local vehicular and pedestrian connections between properties, providing public spaces for recreation and gathering, and by focusing on infill and redevelopment in the village center. The Plan is defined by four themes:

- Connectivity – creating an expanded network of streets, bikeways, and pedestrian routes
- Design – Creating an identity that will help create a sense of place
- Economy – Improving the local economy with a mix of uses and new implementation tools
- Environment – Preserving tributary headwaters and maintaining rural character

Burtonsville faces both challenges and opportunities described on pages 10-11 of the Plan. Of the challenges, the most significant may be the high commercial vacancy rates due to a combination of the economy, the construction of a US 29 bypass, and regional competition.

Land Use Recommendations

The overall land use strategy for the Plan is to allow for more flexible mixed-use development in the core of Burtonsville. The Plan recommendations would increase the number of housing units allowed, while decreasing total potential commercial build out potential.

	Existing Development	1997 Master Plan Maximum Potential	2012 Plan Maximum Potential
Residential Units	8 single-family units	32 single-family units	600 multifamily units
Nonresidential square feet	730,000 square feet	2,150,000 square feet	1,400,000 square feet
Nonresidential square feet converted into jobs	2,105 jobs	6,400 jobs	4,200 jobs

With the exception of the specific testimony described below and as follows, all testimony on the plan was supportive of its recommendations. The Council received testimony from the **West Laurel Civic Association** expressing certain concerns. They disagree with the Plan recommendations that could allow for up to 600 additional residential units and a height of up to 75 feet on a limited number of properties. They also expressed concern about the prospect of high-rise parking garages since the plan recommends transforming existing surface parking lots into a more compact development pattern to reduce imperviousness. Theirs were the sole comments in opposition to the additional units (which could only occur with complete redevelopment of all existing development) and the height and Staff does not recommend any changes to these recommendations. Staff does not believe that the development pattern or density in Burtonsville will support high-rise garages.

The Council also received testimony from the “Burtonsville Discoverer’s”, one of Burtonsville Elementary School’s 5th grade “2012-2013” Destination Imagination Teams. They have asked that the Council consider zoning changes that would bring more businesses and jobs to the Burtonsville area. In particular, they were interested in a food court, play area, and a movie theater. They hoped that such changes would provide places for families to go and would strengthen the economy close to their homes and school. The Plan’s recommendation to allow mixed-use development and allow for close to double the current amount of commercial development should help to create incentives for new commercial development (although the Council cannot determine whether there will be a food court or movie theater). As described below, the Plan recommends a new park and civic green, which will provide the new play area they requested.

The Council also received testimony from a representative of Seibel's Restaurant concerned that they would need to subdivide to make their bathrooms compliant with Americans with Disabilities (ADA) requirements. This is not a Master Plan issue, but Staff believes the County should not create disincentives for property owners to undertake projects solely intended to comply with changes in County, State or Federal law. Planning Department and Executive staff are considering potential changes in law or regulation that could allow Seibel's and other property owners to bring their buildings in compliance with current law without having to incur the cost of subdivision.

The Plan identifies 4 neighborhoods shown on page 5: Main Street 198, Village Center Business 29, Public Green, and Rural Edge. The zoning recommendation for each neighborhood and related testimony are presented below.

Main Street MD 198 Neighborhood

Property 1 (page 37) - Main Street MD 198 North

These are the commercial properties that are north of MD 198 between Columbia Pike and Business 29. The Plan recommends changing the zoning from I-1 and C-2 to **CRT 1.5**, C 1.0, R 1.25, H 70 to facilitate infill development and small business expansion.

Property 2 (page 37) - Main Street MD 198 South: from C-2 to **CRN 1.5**, C 1.0, R 0.5, H 45

These are the commercial properties that are south of MD 198 between Columbia Pike and Business 29. The Plan recommends changing the zoning from C-2 to **CRT 1.5**, C 1.0, R 0.5, H 45 to facilitate infill development, while providing a transition to the residential properties to the south.

The Council did not receive any testimony specific to these properties and **Staff supports the Plan recommendations.**

Public Green Neighborhood

The Plan proposes to create a public green that will be a gathering place for the community. The public green neighborhood will include three areas described below. The Council did not receive any testimony specific to these properties.

Property 3 (page 38) - Athey Property and Parcel P879

This 16 acre property is adjacent to the elementary school. The Plan recommends confirming RE-1 and RC Zones and acquiring this property for public park use with recreational fields and stream buffer preservation with hard surface connections to the elementary school. Staff

believes this recommendation would address one of the goals expressed by the Burtonsville Discoverer's team.

Property 4 (page 38) - Burtonsville Volunteer Fire Department

This property is owned by the Burtonsville Volunteer Fire Department, but is undeveloped other than a cell tower. The Plan recommends confirming the RC Zone and locating a central public green on this property to serve as a gathering place for the community. This recommendation should also address the goal of the Burtonsville Discoverer's team for a place for families to go.

Property 5 (page 38) Burtonsville Elementary School

The Plan recommends confirming the RC Zone and providing connections to the commercial neighborhood and planned parks and trails.

Staff supports the Plan as drafted for the three properties that compose the Public Green Neighborhood.

Village Center Business 29 Neighborhood (map on page 39)

Property 1 (page 41) – Burtonsville Crossing Shopping Center Site

This 13-acre property currently has high vacancy rates and significant redevelopment potential. The Plan recommends changing the zoning from C-1 to CRT 1.5, C 1.0, R 1.25, H 75. The Plan recommends additional access to Business 29 and presents recommendations for drawing commuters from the Park and Ride Lot to the shopping center. The Council received testimony from the property owner supporting the recommended zoning, but requesting several changes to the Plan. These are addressed in detail in the attached memorandum from Planning Department staff. Staff concurs with Planning Department staff and does not recommend any changes (with the one exception noted below) for the reasons noted briefly in the following table and in more detail on © 2 to 3.

EDENS, the owner of the shopping center, made the following requests:

EDENS REQUEST	PLANNING DEPARTMENT STAFF RESPONSE
Lift the old Preliminary Plan/Agreement restricting development to 130,000 square feet.	A master plan cannot amend the provisions of a preliminary plan; an amendment to the preliminary plan would be required to exceed 130,000.
Allow up to 20% additional development without triggering the CRT zone's requirements.	This would require a change to the CRT zone that would impact all CRT properties. The Council has already debated the grandfathering provisions at length and should not amend them at this time.
Confirm that the CRT's grandfather provisions would allow demolition and reconstruction of the main retail building and/or the drive-through pad sites (including a change of use), without requiring a new or amended site plan or compliance with the CRT zone.	Planning Department Staff did not directly address this and Staff asked them to be prepared to discuss it at the meeting. Staff believes the property owner could demolish and rebuild up to 10% above the existing square footage under the development standards of the existing zone, but is uncertain whether the property owner would have to amend the site plan. ¹
Confirm that a new anchor and/or drive-through tenant can be permitted by-right in the Shopping Center.	A new anchor is permitted by right in the CRT zone and a drive-through tenant requires the approval of a site plan and compliance with certain provisions (see © 2). Planning Staff does not recommend allowing a drive-through tenant by right.
Allow greater design flexibility regarding open space, streets, building locations, parking locations, and streetscape.	Planning Department staff believes the Plan provides the requested flexibility in the location of public use space, the linear green, local streets and building height (see © 2 to 3).
Support signage, a BRT station and a full movement access point/median break for the Shopping Center.	The Plan supports a BRT station and shows a median break along Business 29 on the map on page 11.

¹ The relevant provision of the Zoning Ordinance is as follows:
59-C-15.9. Existing approvals.

(d) A project which has had a preliminary or site plan approved before the application of the CRT, CRN, or CR zone to the property may be built or altered at any time, subject to either the full provisions of the previous zone or this Division, at the option of the owner. If built under the previous approval, it will then be treated as a conforming building, structure, or use and may be renovated, continued, repaired, or reconstructed under Subsection (a) above. If built with an incremental increase over the previous approval, only that incremental increase must comply with this Division.

EDENS also asked for language similar to the language included in the Takoma Langley Sector Plan regarding interim development. Staff would not have any objection to including this language in the Plan:

Allow for interim development that does not compromise the Sector Plan's ultimate objectives and recommendations if it provides for growth opportunities for existing businesses/uses.

Property 2 (page 41) – Burtonsville Office Park

The Plan recommends retaining the same density as the O-M zone, but rezoning it to CRT 1.5, C 1.0, R 1.25, H 75 to allow for a wider range of uses and adaptive reuse of buildings. The Council did not receive any testimony and **Staff supports the Plan recommendation.**

Property 3 (page 41) – Park and Ride Lot

The Park and Ride Lot is owned by Montgomery County and the State. The Plan recommends rezoning the property from O-M and RC to CRT 1.5, C 1.0, R 1.25, H 75 to allow for redevelopment with more flexibility in land uses and development standards, as well as shared parking with adjacent properties. (Neither the County nor the State have any plans to redevelop at this time.) The Plan also supports a future Bus Rapid Transit (BRT) station on this site but indicates that location details will be established in the Countywide Transit Corridors Functional Master Plan. The Council did not receive any testimony and **Staff supports the Plan recommendation.**

Property 4 (page 42) Burtonsville Town Square Shopping Center

Most of this 27-acre property is currently zoned C-2 and was recently developed as a shopping center. Parcel P645 (0.71 acres) is zoned RC. The RC zone was maintained during the last Master Plan review at the request of the homeowners then living there. The entire site is now in single ownership and the home is vacant. The Plan recommends changing the entire area to CRT 1.5, C 1.0, R 1.25, H 65. The property owner has asked that Parcel P645 be zoned C-2 to allow him to finish developing this small portion of this site without having to follow the provisions of the CRT zone, recognizing that the property will most likely be rezoned CRT at the time of any rezoning following the Zoning Ordinance Rewrite.

Since the site was recently redeveloped, there is little, if any chance that it would be redeveloped in the near term and CRT zoning on P645 would make it more difficult to develop this small part of the property and would not provide any benefits for the rest of the site. This is very different from other similar requests faced by the Council where there was a possibility of larger scale near term development and the Council wanted to ensure that it occurred in the CR or CRT zone.

Staff supports the property owner request for C-2 zoning but also recommends that the Plan indicate that it should be rezoned to CRT 1.5, C 1.0, R 1.25, H 65 at the time of the Zoning Ordinance Rewrite.

Rural Edge Neighborhood (see map on page 43)

The Rural Edge properties are located in the General Plan - defined wedge of agricultural and rural open space. The Plan recommends that these properties retain their low-density Rural Cluster (RC) zoning to protect the tributary headwaters of the Patuxent River Watershed and recommends reducing the impervious surface area cap from **10% to 8%**. There are four areas shown within the Rural Edge Neighborhoods on page 46 (the Northern Properties, the Mangum Property, Residential Lots along the west side of Business 29, and the Burtonsville Town Center Forest Conservation Easement). All four are currently zoned RC and the Plan recommends retaining the RC zoning on all four properties. Page 45 in the Plan describes the sensitive environmental resources in the area and the rationale for limiting the imperviousness to 8% and retaining the RC zoning. The Plan further recommends that the Northern Properties and the Mangum Property be considered for Legacy Open Space designations so that portions can be considered for acquisition. In addition to limiting development for environmental reasons, the Plan's goal is to concentrate new development in the Burtonsville core area. While the last master plan allowed sewer to be evaluated on a case-by-case basis for special exceptions, this Plan amendment firmly recommends against public sewer for the rural edge properties for any use.

The Council received more testimony on the Rural Edge Properties than any other property in the Plan. Over 35 individuals, as well as the Timber Hill Civic Association, the Patuxent Watershed Protective Association, the Audubon Society, the Montgomery Countryside Alliance, and Patuxent Riverkeeper all submitted testimony supporting the Plan as recommended by the Planning Board for the Rural Edge Neighborhoods. The Council also received dozens of letters supporting the property owner request on the Northern Properties and approximately 150 petition signatures for higher density zoning on the Northern Properties. (The Council did not receive any testimony specifically addressing the other 3 Rural Edge Properties, and Planning Department Staff indicate that the owners of those properties support the RC zoning recommendation.)

Those in favor of the Plan made the following arguments:

1. In both the 1981 and 1997 Master Plans, the Council supported low density zoning north of the PEPCO right-of-way to protect the environment and the Council should continue this long-standing policy.
2. Low density development with minimal impervious surface area is necessary to protect the water quality of the tributaries and the Rocky Gorge Reservoir, in addition to the wells of local residents.
3. These properties are close to the reservoir, and the land and its substrata drain to the reservoir.
4. The County and WSSC have spent millions of dollars to purchase land in this watershed for the sole purpose of reducing impervious surface areas and protecting water quality.
5. There is already significant run-off from the shopping centers, roads, and parking lots and it should not be made worse.

6. Extending sewer outside the core flies in the face of Smart Growth and Priority Funding Area policies.
7. Adding 230 homes would not be significant enough to impact the commercial areas, since it is a small percentage of total residential development near Burtonsville. (The Planning Department estimates 17,000 residential units in a 3-mile radius.) The Plan allows for 600 units in the core.
8. 230 townhomes would be out of character with the rural nature of the area.
9. The northern properties would require pressurized sewers, presenting an even greater environmental risk.

The Council received extensive testimony from Northern Area Property owners requesting a change of zoning to the RT-6 zone to allow the construction of 230 townhomes. **Among** the many arguments they make in support of this request are the following:

1. Burtonsville needs additional residential development to support the commercial areas; it is unclear when new housing would be built in the core.
2. The process to determine the zoning recommendations for this property were biased with a no-growth agenda. Planning Department staff limited opportunities for pro-development representatives to speak and those representing an anti-development position were encouraged and featured. Their website only posted articles that supported their position.
3. The business community and a majority of residents support higher density development of the Northern Properties.
4. Data in the Plan about the competition in a three mile radius, outflow of retail sales, and employment centers in a 5-mile radius is incorrect.
5. No reference is given for the assertion that development pressures north of the PEPCO line caused environmental stress to the tributary headwaters of the Patuxent.
6. Farming in the RC zone is more harmful to the watershed than a residential subdivision.
7. New stormwater management techniques would ensure that development would not pollute the watershed. Development would improve the ecosystem due to more forest buffers and improved water quality.
8. Land was zoned RC to keep the price of land low for the State to purchase for the ICC.
9. Typical imperviousness in the RC zone is 25-50%, not 5-6% as claimed by planners and they are deliberately spreading false information.
10. The proposed development would raise total watershed imperviousness by less than 1% (.046).
11. This site could be served with a gravity sewer, contrary to the assertions of Planning Department staff.

Planning Department staff will be available to address each of these assertions made by the Northern Area Property owners. Staff recommends that the Committee ask Planning Department Staff to further elaborate on the environmental issues that are the basis for the Plan's key recommendations, and Staff will defer to their expertise on specific environmental and sewer issues. Staff does not believe that Planning Department purposely presented bias or incorrect data to serve a no-growth agenda. Staff also does not believe that an additional 230 units will make a significant difference in the viability of the existing businesses. This is a very small

percentage of the existing potential market. Moreover, if the business core is not appealing, future residents, as well as existing ones, will go elsewhere. Finally, Staff notes that the Council is very cautious not to limit zoning potential on a property to artificially suppress the price of land it intends to purchase.

Pending any new information at the worksession, Staff support the Plan's recommendations for the Rural Edge Properties as submitted by the Planning Board.

Community Facilities

The Plan discusses community facilities on page 58 and briefly mentions the Marilyn Praisner Library and the Praisner Community Center. It does not mention Police or Fire Station. **Staff recommends that each of these types of facilities be addressed in the Plan with a clear determination as to whether the existing facilities are sufficient to meet the development recommendations in the Plan.** The Planning Department should have such language to present to the Committee at the meeting.

Park and Public Use Space recommendations appear on pages 58 to 59 of the Plan. As noted earlier in this memorandum, the Plan recommends the creation of a new local park on the Athey property and a civic green on the Burtonsville Volunteer Fire Department site. It also includes various recommendations for public use space.

The Plan notes that Paint Branch High School and Banneker Middle School should be adequate to serve the area's needs (see page 60) and that Burtonsville Elementary School will be over capacity in the near term, but an addition is planned for FY13.



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

October 18, 2012

Revised

TO: Marlene Michaelson
Senior Legislative Analyst

VIA: John Carter, Chief, Area 3
Montgomery County Planning Department

FROM: Kristin O'Connor, Project Planner
Montgomery County Planning Department

SUBJECT: Burtonsville Crossroads Neighborhood Plan

INTRODUCTION

The Burtonsville Crossroads Neighborhood Plan encourages adaptive reuse, infill, and redevelopment in the existing commercial area of Burtonsville. Low-density residential, agricultural land uses, and protection of the tributary headwaters of the Patuxent River are recommended in the rural areas located adjacent to the existing commercial area. This memorandum summarizes the public testimony and provides a response from the Planning Department from the Public Hearing on September 20, 2012. Seventeen speakers testified, and they were in general agreement on the following key elements in the Plan:

- improving the function and character of MD 198 as a “main street”
- rezoning to the existing commercial area to allow for a mix of uses, including housing
- providing flexibility in the development standards
- providing a significant increase in the pedestrian and trail connections
- providing a new system of local streets including an access road for improved circulation
- identifying open space for active recreation, public gathering spaces
- supporting a planned expansion of the elementary school

The following pages provide a summary of the testimony and responses from the Planning Department. An appendix is attached that provides a comparison chart of existing commercial area uses (C-1 and C-2) and a list of land uses permitted in the RC zone.

COMMERCIAL AREA TESTIMONY

Burtonsville Crossroads Shopping Center - Emily Vaias, Linowes and Blocher, LLP

Testimony: Supports the Plan as written, but recommends that the following items be addressed:

- remove the old Preliminary Plan limit of 130,000 square feet
- allow additional development without triggering the CRT Zone requirements
- confirm that a new anchor and a drive-through can be permitted by right
- allow greater design flexibility regarding the location of open space, streets, buildings, parking, and streetscape
- location of surface parking
- location of a BRT station
- full median break for the shopping center

Response: The following text summarizes the response to each item:

- The approved Preliminary Plan limits the development to 130,000 square feet. The Plan supports a significant increase in development, but an increase in the development limits will require an amendment to the existing Preliminary Plan.
- Additional development is permitted without triggering the CRT Zone requirements if the proposed expansion is no more than a 10 percent increase in floor area or 30,000 square feet whichever is less. A change is not recommended to this recently approved grandfather requirement (59-C-15.9).
- A new anchor is permitted by-right in the CRT Zone. A drive through restaurant will require the approval of a Site Plan in the CRT Zone (59-C-15.634). A Zoning Text amendment to allow drive through restaurants by-right is not recommended. Any drive-through must satisfy the following:
 - (A) no part of a drive-through facility, including the stacking area, may be located within 100 feet of a property line shared with one-family residences (Division 59-C-1)
 - (B) no drive-through service window, drive aisle, or stacking area may be located between the street and the main front wall of the main building
 - (C) no drive-through service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot unless permanently screened from any street by a 5-foot or higher wall or fence.
- The Plan already provides for the requested flexibility in the location of public use space, the linear green, local streets, and building height.
 - i. *open space* - The Plan supports locating public use space on the Shopping Center site to support its redevelopment. For the site of the Shopping Center, the Plan recommends a visible public use space surrounded by active uses that draw pedestrians from the park-and-ride lot and from the local streets. The space must be integrated into the streetscape and its final placement is flexible (page 41).

- ii. *linear green* - The streetscape recommended in the Plan for the shopping center is highlighted as a linear greenway along Business 29 that allows for the visibility for “shops and signs” from Business 29 (page 41). Most of this green area will be located within the public right-of-way. A change is not recommended.
 - iii. *local street* - The Plan supports new local streets in the redevelopment of the Burtonsville Crossing Shopping Center. The location of this street is illustrative and may change during the review process. Streets may be public or private (p. 55).
 - iv. *building location* - The Plan supports flexibility in building locations on the Shopping Center site. The tallest buildings should be located away from existing residential development (i.e., the existing single-family homes across Business 29). (page 41).
 - v. *parking* – The Plan supports interim surface parking in the front of buildings in the Shopping Center until full redevelopment is completed. The Plan recognizes that as significant redevelopment occurs, existing parking within the public right-of-way and in front of retail stores will be relocated. A better solution is to screen the parking from MD 198, and the best solution is to locate the parking spaces to the side or back of buildings (page 29). Although the Plan encourages surface parking to be located to the side and behind buildings in the long term, the Plan recognizes that screening of surface parking located in the front of retail stores is appropriate in the short term.
- The Plan supports a future BRT station on this site (page 41), but it refers to the Countywide Transit Corridors Functional Master Plan (under study at this time) to make the final BRT station recommendations for locations. The Plan encourages joint redevelopment of the Park-and-Ride lot with the Shopping Center, and the CRT Zone is recommended for both parcels to provide flexible standards that will foster redevelopment. The CRT Zone allows for credits for being located next to a BRT Station, and additional text is not needed in the Plan.
 - The Plan does not discuss a new median break along Business 29 but it illustrates a median break in Map 4 (page 11).

Katz and Company Property Management– Yoav Katz, owner, Old Columbia Pike, LLC

Testimony: Supports the MD 198 “main street” recommendations in the Plan.

Response: Confirm the recommendations in the Plan.

Burtonsville Town Square Shopping Center - Christopher T. Jones, President, BMC Property Group and Tim Dugan, Shulman, Rogers, Gandal, Porody & Ecker, P.A.

Testimony: The Burtonsville Town Square Shopping Center supports the Plan, but recommends that the following items be addressed:

- Rezoning parcel P645 from the existing RC Zone to the C-2 Zone instead of the CRT Zone recommended in the Plan.
- Eliminating the local street that connects Business 29 to MD 198 because the local street may impose an unintended burden (public utility easements, other requirements) if the shopping center’s existing Preliminary Plan is amended.

Response:

- **Rezoning parcel P645: Retain the existing language for Parcel P645**
The Plan recommends rezoning parcel P645 from the RC Zone to the CRT Zone. The CRT Zone allows for mixed use and flexibility in the development standards recommended in the Plan. As an alternative, the owner would like to rezone the 1 acre parcel from RC to the C-2 Zone to allow for a small addition to their shopping center and avoid the use of site plan. The C-2 Zone could be used if County Council agrees to the owner's request.
- **Eliminating the local street: Retain the existing language**
Retain the footnote under Table 6: Roadway Classifications on page 55: "Note: Local streets are illustrative and their location may change during the review process. They may be public or private and they may not need public utility easements." Add the following roadway language to the specific site in a bullet on page 42 that states the following:

"The local street identified on the shopping center site is illustrative. It may be private, and it may not need public utility easements. This non-master planned street provides a critical connection between Business 29 and MD 198. The location of the street may change during the review process."

West Laurel Civic Association – Barbara Sollner-Webb, Vice President

Testimony: The West Laurel Civic Association generally supported the Plan, but recommends that the following items be addressed:

- height, character, and density of housing (600 units) - A building height of up to 75 feet is not appropriate in Burtonsville.
- convenient retail parking should be permitted in front of buildings along MD 198.

Response:

- Planning staff identified the existing heights of the office buildings as 60 feet. A building height of over 70 feet is needed to support commercial redevelopment with housing. The Plan provides for a variety of building heights, and it recognizes that because of the proposed density of 1.5 FAR maximum, a consistent building height of all buildings will not occur. During the workshops with the community, the height of buildings proposed in the Plan was supported. This testimony was the first time that height was identified as an issue.
- The State Highway Administration (SHA) Corridor Study for MD 28/198 proposes road improvements through Burtonsville. These improvements would include a sidewalk, bikeway, landscaped panels, and sidewalks. These "main street" amenities would cause a shift in the lanes, and will remove the front row of parking spaces for many of the retail shops on the north side of MD198. The owners are aware of the SHA project and they will work with the state when the time comes. As redevelopment occurs along MD 198, the Plan supports the provision of parking on the side and rear of buildings.

Seibel's Restaurant - Lynn Martins, owner

Testimony: Supports the Plan. Ms. Martins testified that in order to improve their building, owners must submit a Preliminary Plan to record their property. The existing Preliminary Plan process is often cost-prohibitive to the expansion of small businesses. A revision to the Subdivision Regulations may be necessary that would allow small business owners to expand existing buildings to meet building code requirements such as ADA Standards, to construct storage facilities, and to improve restrooms without a costly process.

Response: This subdivision issue is a countywide problem, and it is not only a problem in Burtonsville. The County Executive including the Department of Permitting Services is presently working on a method to revise the Subdivision Regulations. The Planning Department supports this effort.

RURAL AREA TESTIMONY

The Plan recognizes that the existing measures to protect the sensitive environmental resources that surround Burtonsville have not been strong enough to maintain the quality of the drinking water. Protecting the headwaters of three tributaries in the Plan area is necessary to maintain the water quality in the Patuxent River.

The Plan recommends that development in the rural areas be limited to eight percent imperviousness instead of the 10 percent imperviousness established in the Functional Master Plan for the Patuxent River Watershed and the Environmental Guidelines. The Plan also recommends:

- establishing low-density residential land uses, agricultural uses, conservation easements, and public acquisitions to protect the scenic and environmentally sensitive tributary headwaters.
- eliminating sewer extensions beyond the existing commercial areas
- locating stormwater management facilities outside stream buffers
- increasing tree canopy to protect water quality
- providing for cluster development

Timber Hill Civic Association - George E. Krouse, President

Testimony: The civic association strongly endorses the Plan because the recommendations:

- reflect residents desires
- conform to Maryland Smart growth initiatives
- contain a sound basis and vision for redevelopment based on sound analysis
- continue to protect the drinking water supply in the Patuxent River while accommodating robust development in the existing commercial areas.

The civic association specifically endorses the recommendation for Rural Cluster (RC) zoning with an impervious level of eight percent on the North Burtonsville properties as supported by residents in the area overwhelmingly. They strongly oppose residential townhouse (RT-6) development at six units per acre for the rural areas of the Plan that would destroy the long-nurtured rural character of the area. Rural Cluster zoning is consistent with the existing Fairland Plan that directed development away from the rural areas along the Patuxent River to protect the water quality of the Patuxent River.

Response: Confirm the recommendations in the Plan.

Burtonsville Resident 165051 Amina Drive, Burtonsville - Michael Snyder

Testimony: The stormwater run-off from the existing northern parcels has already causes significant damage and erosion despite the use of best management practices. Adding run-off from high-density housing would cause significant additional damage. Retain the RC Zoning in the rural areas especially the Northern properties.

Response: Confirm the recommendations in the Plan.

Resident of Dustin Road - Barry Louis Polisar

Testimony: Endorses the Plan and the reaffirmation of the RC zoning to the north of the power lines. Mr. Polisar approves of concentrating density in the commercial area and notes that the area, already equipped with sewer and water, is “waiting for attention”. He testified that concentrating development in the existing commercial area and protecting the critical area by the tributary headwaters is smart policy. Mr. Polisar wants to preserve agricultural land during a time when there is interest in local farming and food production.

Response: Confirm the recommendations in the Plan.

Resident of Patuxent Heights subdivision on Dustin Road -Scott Nichols

Testimony: Endorses the Plan and the rejects the proposal for 230 townhouse/single-family unit mix for environmental, health and aesthetic reasons. Mr. Nichols testified that the proposed development is out of character with the rural nature of the area and it is environmentally risky. He testified about the consequences to the drinking water when sewage pumps and sewer pipes fail.

Response: Confirm the recommendations in the Plan.

Resident of Patuxent Heights subdivision on Dustin Road - Lou Faustini

Testimony: Endorses the Plan and the rejects the proposed change of zoning on the Northern Properties that would require the extension of sewer service north of the old Giant. Mr. Faustini testified that the north tract would require “pump up” substations and pressurized sewage pipes both of which have “poor reliability records”. He testified that the “Save Burtonsville” web campaign is a local home developer who would profit from a dense housing development in the Watershed.

Response: Confirm the recommendations in the Plan.

Patuxent Watershed Protective Association (PWPA) - Donald E. Chamberlin

Testimony: The Patuxent Watershed Protective Association (PWPA) strongly endorses the Plan for the following reasons:

- correctly represents Burtonsville residents’ desires, as expressed in multiple public info/input sessions during the Plan development process
- conforms to MD Smart Growth Initiatives and Priority Funding Area policy
- contains a sound basis for the residential, commercial, and socio-economic redevelopment of Burtonsville
- continues a multi-decade legacy of protecting the public drinking water supply in the Patuxent Watershed

The PWPA supports the need to retain RC zoning on the Northern Properties and opposes a zoning change from RC to RT-6 for 230 townhouses (or an equivalent Townhouse/Single Family alternative mix). Instead, the PWPA supports the Plan's recommendations -- 600 additional residences in a revitalized urban core, with zero adverse environmental impact. That solution conforms fully to the Smart Growth Initiatives and the Priority Funding Areas policy. The PWPA supports the continuation of decades-long efforts by area residents, planners and past County Councils to protect the Patuxent Watershed. In 1981, the zoning in this area was changed from RR (2 acres) to RC (5 acres) specifically to protect the watershed from the effects of dense multi-family residential Transferable Development Rights and related commercial development in Burtonsville. That watershed protection decision was reconfirmed in the 1997 Fairland Master Plan. There was community involvement in both decisions. The PWPA encourages the County Council to not undermine prior agreements and endanger public health for windfall profits and private gain.

PWPA identified that WSSC bought the property adjacent to the Northern Properties to protect the River. WSSC was required to do so because they had to satisfy a federal EPA lawsuit stating they were not doing enough to protect the Patuxent Watershed. The Northern Properties are no less environmentally sensitive.

According to the PWPA, densely developing the Northern Properties violates the Maryland Smart Growth mandates, and the Priority Funding Areas guidance. It also violates the Fairland Master Plan. All of these things focus on limiting dense development to redevelopment of already urbanized areas. PWPA believes that the Northern Properties are not close to meeting the definition of "infill" or "redevelopment".

Finally, the PWPA testified that the website campaign to densely develop the Northern Properties advanced several highly questionable contentions in an attempt to lure signatories to a petition. Many of the signatures are from people from out of state or from those who have not been involved with Burtonsville for many years. The website contains many statements that just are not substantiated.

Response: Confirm the recommendations in the Plan.

Northern Properties - Michael Nagy, Rifkin, Livingston, Levitan & Silver, LLC and Tom Norris, property owner

Testimony: Supports the extension of gravity sewer for residential townhouses (RT-6 Zone) at six units per acre for the Northern Properties. Mr. Nagy and Mr. Norris oppose the recommendations in the Plan for the Northern properties for the following reasons:

- The RC zoned land should be rezoned to high density residential housing (230 units) for immediate residential development to support adjacent retail as the Burtonsville Crossing Shopping Center will unlikely redevelop as a mixed use center and therefore Burtonsville will not get the residential promised in the Plan.

- reduction of imperviousness in the RC zone from 10 percent to 8 percent
- existing development in the commercial area (shopping centers) are developed at 85 percent impervious, and they drain in the same tributary headwaters of the Patuxent River Watershed.
- the extension of public sewer and the Northern Properties can be served by gravity
- the Draft did not consider supporting development with reasonable levels of impervious plus Environmentally Sensitive Design (ESD) for treating stormwater. Residential development on this site will provide for significant reforestation with 35 percent lot coverage.

Response:

The Plan recommends retaining the use of the Rural Cluster Zone (RC) to preserve natural features and the impervious limitation of eight percent. Staff recommends 600 new units in the existing commercial area and recognizes that there are 17,000 existing houses within 3 miles to support retail. Rezoning for more density is not appropriate in the tributary headwaters of the Patuxent River Watershed.

The existing guidelines for tributary headwaters in the Patuxent area have not been adequate avoid decline in the water quality. The following measures are needed as recommended in the Plan:

- rural cluster zoning
- establish a maximum eight percent imperviousness limit (already been a standard in other areas of Montgomery County such as the Paint Branch watershed)
- prohibit the extension of public sewer into the Northern properties
- preservation of stream buffer areas and forests

The following text summarizes the response to each item:

- rezoned to high density - The completed Market Study suggests that additional retail space can be supported in Burtonsville based on the number of existing housing units within a three-mile driving distance. The Plan provides for an additional 600 housing units to be constructed in the commercial area. An additional 230 units in the Northern Properties area would provide only a limited impact on the market for retail.
- imperviousness to 8 percent -The Plan examined the stream conditions and recommend limiting imperviousness from ten to eight percent imperviousness as 8 has been established as the appropriate standard to protect environmentally sensitive resources in the Paint Branch and Upper Rock Creek Special Protection areas.
- commercial area imperviousness - The Planning Board Draft Plan acknowledges that recommendations for development in the Patuxent watershed allow for carefully planned existing commercial centers to maintain their economic viability. The commercial area allows higher intensity zoning. Burtonsville Crossing Shopping Center (an older development),

including the park and ride lot is developed at approximately 68 percent imperviousness, and the Burtonsville Town Square (newer development) has an impervious level of 48 percent.

- no public sewer permitted- WSSC's feasibility analysis to the many requests for sewer service in this area has indicated that gravity sewer is not feasible and suggest the use of pressurized systems if service is approved.
- use of ESDs - The Planning Board (with the support of DEP and DPS) has been consistent in supporting the practice of requiring the use of stormwater management BMPs, and ESD. This practice is required regardless of the zone.

OTHER TESTIMONY

Montgomery County Department of Transportation (MCDOT) - Bob Simpson

Testimony: The MCDOT supports the Plan. Specific technical and editorial comments have been included in the letter dated September 13, 2012.

Response: The Planning Department has reviewed the recommendations and recommends that they be incorporated into the final Plan. Including the following editorial change: Replace the duplicated paragraph on page 21 under, "provide bikeways and trails" with the following:

Provide Bikeways and Trails

A new system of bikeways and trails will improve connections to local parks, the community center, and the library. An expanded bikeway system including a bikeway along the southern side of MD 198 will improve connections between parcels. Fairland Recreational Park should also be connected to Burtonsville by a trail and bikeway near the southeastern boundary.

APPENDIX

I. Comparison of CRT versus C-2 and C-1

The following chart illustrates a comparison of uses in the C-1 and C-2 zones in Burtonsville to the uses permitted in the CRT Zone. Any project that has a special exception approved before the application of the CRT zone may continue as a lawfully existing use as long as it fully complies with the terms and conditions of its previous approval. Businesses strictly identified as operating in Burtonsville are listed in the chart below to confirm they can continue to lawfully exist once the CRT Zone is applied.

Commercial Use Chart

Uses	C-2	C-1	CRT
Agricultural- Farm Storage, supply and sales		P	P
Residential, Dwelling	SE	SE	P
Commercial Sales – appliance store	P	P	P
Commercial Sales – Automotive repair, parts, supplies and tire stores	P		P
Automotive Sales, Outdoor	SE		L
Automobile Filing Stations	SE	SE	L
Barber Shop	P	P	P
Banks	P	P	P
Eating and Drinking Establishments	P	P	P
Eating and Drinking Drive-through	SE	SE	P
Food and Beverage Store	P	P	P
Grocery Stores	P	P	P
Pet Shop	P	P	

Department Store	P		P
Jewelry Store	P	P	P
Wearing Apparel Store	P		
Theater, Indoor	P	SE	P
Warehousing			P
Offices		SE	P
Dry Cleaner	P	P	P
Accessory Buildings	P	P	P
Places of Worship	P	P	P
Health Club	P	P	P

II. LIST OF RC PERMITTED USES

Below is a list of permitted and special exception uses in the RC zone.

RC Zone (Sec. 59-C-9.3. Land uses)

Permitted

Single-Family, Detached Dwelling
 Farm
 Winery
 Christmas Tree Sales
 Farm Market
 Landscape Contractor
 Bed and Breakfast
 Farm Tenant Dwelling
 Group Home- Small
 Guest House
 Mobile Home
 Adult Foster Care Home
 Ambulance or Rescue Squad
 Family and Group Day Care
 Church
 Library and Museums
 Day Care Facility for Adults
 Kennel

Respite Care Home

Special Exception

Country Market
 Nursery – Retail and Wholesale
 Accessory Apartment and Dwelling
 Senior Housing
 Outdoor Storage
 Life Care Facility
 Mobile Home
 Amateur Radio Facility
 Cable Communication System
 Radio Broadcasting Stations and Towers
 Telecommunications Facility
 Antique Shop
 Farm Supply and Storage

Animal Boarding Facility
Charitable or Philanthropic institution
Veterinary Hospital
Educational Institutions, Private
Private Club or Service Organization
Hospice

Nursing Home