

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS**  
**for**  
**MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building**  
**100 Maryland Avenue, Room 200**  
**Rockville, Maryland 20850**  
**<http://www.montgomerycountymd.gov/ozah/index.html>**  
**Phone: (240) 777-6660; Fax (240) 777-6665**

**CASE NO. CU 17-06**

**APPLICATION OF BURTONSVILLE TOWNE CENTER LLC**

**NOTICE OF MOTION TO DETERMINE APPLICABLE**  
**ZONING AND DEVELOPMENT STANDARDS**

The subject application seeks a conditional use to allow a drive-thru restaurant, under Section 59-3.5.14.E of the Montgomery County Zoning Ordinance, for property located at 15600 Old Columbia Pike, Burtonsville, MD 20866. The property is further described as Parcel B, Burtonsville Shopping Center subdivision, consisting of a portion of 26.25 acres in the CRT 1.5 C-1.0 R-1.25 H-70 (Commercial/Residential/Town) Zone. The application proposes construction of a Starbucks on a pad site within the shopping center.

This matter is tentatively scheduled for public hearing before the Hearing Examiner on **Friday February 3, 2017**, in the 2<sup>nd</sup> Floor Hearing Room, Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland, at 9:30 a.m., or as soon thereafter as this matter can be heard.

Please take notice that on November 2, 2016, the Applicant filed a “Motion to Determine Applicable Zoning and Development Standards” (Motion) with the Office of Zoning and Administrative Hearings (OZAH). The Motion requests one of two alternative rulings from OZAH in advance of the public hearing. It requests that the application be reviewed under the development standards of the C-2 Zone, which were in effect when a preliminary plan of subdivision was approved for the shopping center in 2006, and the current conditional use standards for a drive-thru restaurant under the 2014 Zoning Ordinance. Alternatively, the Applicant requests that the application be reviewed under the both the C-2 development standards (in effect at the time of preliminary plan approval) and the special exception standards of the 2004 Zoning Ordinance. Exhibit 26, p. 2.

According to the Applicant, the drive thru restaurant as proposed does not meet certain development standards governing the “build-to” area under the 2014 Zoning Ordinance (effective on October 29, 2014.) These are listed below:

1. Section 59-4.1.7.B.2.b: This section prohibits locating a drive aisle within the “build-to” area of a lot. The Applicant proposes to locate the drive aisle within the build-to area.
2. Section 59-4.5.3.C.3: This section requires that (1) 70% of the building façade be located within the build-to area of the property, and (2) that the building be no more than 20 feet from the right-of-way. The proposed drive-thru restaurant does not meet these requirements.
3. Section 59-4.5.3.C.3: This Section requires that surface parking be located behind the front building line of the drive-thru restaurant.

Those wishing to comment on the Motion must do so no later than **Monday, December 12, 2016**. All comments must be in writing, signed and filed by 5:00 p.m. on December 12, 2016. A ruling on the Motion determines *only* what zoning regulations govern the application. It will not decide whether the application should be approved.

A complete copy of the Motion and supporting materials may be viewed on OZAH's website at [http://www.montgomerycountymd.gov/OZAH/Application\\_and\\_Notices.html](http://www.montgomerycountymd.gov/OZAH/Application_and_Notices.html). The entire file may be reviewed in the Office of Zoning and Administrative Hearings, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

Notices forwarded this 23rd day of November, 2016, to:

Stacy Silber, Esquire  
Cynthia Bar, Esquire  
Charles Frederick, Esquire, Associate County Attorney  
Diane Schwartz-Jones, Director, Department of Permitting Services  
Phil Estes, Planning Department  
Greg Nichols, Manager, SPES at DPS  
Washington Suburban Sanitary Commission  
State Highway Administration  
Montgomery County Public Schools  
Abutting and Confronting Property Owners  
(or a condominium's council of unit owners or renters, if applicable)  
Civic, Renters' and Homeowners' Associations within a half mile of the site  
Any Municipality within a half mile of the site

Office of Zoning and Administrative Hearings



By: \_\_\_\_\_  
Lynn A. Robeson  
Hearing Examiner

**BEFORE THE HEARING EXAMINER FOR  
MONTGOMERY COUNTY, MARYLAND**

Office of Zoning and Administrative Hearings  
Stella Werner Office Building  
100 Maryland Avenue, Room 200  
Rockville, MD 20850

**IN THE MATTER OF:**

Burtonsville Towne Square, LLC  
Owner/Applicant

Conditional Use Application No. CV-1706

Stacy P. Silber, Esquire  
Cynthia M. Bar, Esquire

**MOTION TO DETERMINE  
APPLICABLE DEVELOPMENT AND ZONING STANDARDS**

On behalf of Applicant, Burtonsville Towne Square LLC (herein “Owner” or “Applicant”), we hereby file this Motion to Determine Applicable Development and Zoning Standards, respectfully requesting that the Hearing Examiner, consistent with Montgomery County Park & Planning’s (“Park & Planning”) interpretation, and a conservative interpretation of the Department of Permitting Services’ (“DPS”) determination, issue an Order directing that pursuant to the Chapter 59 of the Montgomery County Code’s (known as the Zoning Ordinance, herein the “Ordinance”) grandfather provisions, the development standards applicable to this Application will be the C-2 standards contained in the Ordinance in effect as of October 29, 2014 and that the Conditional Use standards applicable to this Application will be those contained in the Ordinance in effect as of October 30,

2014. Alternatively, we request that the Hearing Examiner issue an Order, consistent with DPS's direct determination, that pursuant to the Ordinance's grandfather provisions both the C-2 development standards and the Special Exception standards in the prior Ordinance should be applied to this matter. In support of its Motion, Applicant states as follows:

## **I. INTRODUCTION**

This matter involves an Application for a Starbucks restaurant with a drive-thru at the Burtonsville Town Square at 15600 Old Columbia Pike in Burtonsville, Maryland (the "Shopping Center"). The subject site is an already-developed pad site (the "pad site") on the Shopping Center. The Applicant requests a preliminary ruling that its Application to construct a restaurant with a drive-thru be evaluated under the C-2 development standards of the Ordinance in effect on October 29, 2014 and the Conditional Use criteria that were in effect on October 30, 2014. In the alternative, Applicant requests that both the C-2 development standards and the Special Exception standards that were in effect on October 29, 2014 be applied to this request. The Hearing Examiner should grant this motion for several reasons.

*First*, although the subject site is zoned CRT, grandfather language in the Ordinance allows the owner to develop property under the previous C-2 zoning standards.

*Second*, all structures in the Shopping Center, including the pad site for the proposed Starbucks, have been built in accordance with the C-2 zoning development standards.

*Third*, the Owner of the Shopping Center relied on the grandfather language in the Ordinance and spent considerable amounts of time and money to develop the Shopping Center in compliance with C-2 development standards. The entire center, comprised of seven existing buildings, has been developed under C-2 development standards. It would be inequitable to

require the Owner to comply with new development standards for the last building to be constructed on an existing pad site in the Shopping Center.

*Fourth*, legal counsel to Park & Planning agrees that it would be appropriate to apply the C-2 development standards to this Application while utilizing the Conditional Use standards of the new Ordinance to evaluate the use.

*Fifth*, the DPS, which is responsible for drafting, interpreting, and enforcing the Ordinance, have opined that the C-2 developmental standards govern this matter.

*Finally*, there is precedent for applying the C-2 developmental standards because a restaurant in the Shopping Center next to the proposed Starbucks' pad site was allowed to be built under C-2 standards.

## II. FACTS

### A. **Owner developed the Shopping Center and constructed a pad site that satisfies C-2 developmental standards.**

On March 21, 2006 Park & Planning approved Preliminary Plan number 120040109 for the Shopping Center. At that time, the property was zoned C-2. The Preliminary Plan allows Owner to develop up to 250,000 square feet on the site. According to DPS, the Preliminary Plan approval has a Validity Period that expires on April 21, 2019. In 2009, Owner applied for a building permit, which included a storm drain and paving plan, which DPS approved, **Exhibit A**. BMC graded the entire site and constructed curbs, gutters, and pad sites. (Affidavit at ¶4, attached as **Exhibit B**.) In 2009, Owner built the subject pad site, including a drive-thru aisle. Ex. B at ¶4; see aerial of constructed Starbucks pad site attached as **Exhibit C**.

All of the improvements which have been constructed on the Shopping Center, including the proposed Starbucks pad site, comply with all C-2 standards, including the necessary drive-

aisles and parking spaces for approximately 250,000 square feet of planned retail space. Ex. B at ¶5. Owner spent thirty million (\$30,000,000.00) to develop the site, and construction lasted over ten (10) years. Ex. B at ¶6.

**B. In 2013 the Council rezoned the Shopping Center from C-2 to CRT with a grandfather clause allowing future development under C-2 zoning criteria.**

In 2013, before Owner finished building the Shopping Center, the Council initiated the process to rezone it from C-2 to CRT. The CRT zone, however, contained a grandfather provision allowing property owners to develop their property under the new *or* the old development standards. Section 59-C-15.9(d) permits a project with preliminary plan approval to “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.*” (Emphasis added).

Owner met with Park and Planning staff before the Council rezoned the Shopping Center. Staff assured Owner that it would be able to continue developing the Shopping Center under the C-2 zoning development standards, per the Code grandfather allowances. Ex. B at ¶11. As a result, Owner did not contest the rezoning to the CRT zone, because it was advised that the grandfather provision of Section 59-C-15.9(d) allowed it to complete its construction under its approved preliminary plan, and storm drain and paving plan, which were approved under C-2 development standards. Ex. B at ¶7.

A small portion of the Shopping Center was actually zoned Rural Cluster (RC) at the time of the rezoning. Ex. B at ¶8. The Council rezoned the RC portion of the Shopping Center C-2 mere days before rezoning the entire Shopping Center to CRT. *Id.* at ¶ 9. This was done to ensure that the *entire* Shopping Center would be covered by the grandfather provision of Section 59-C-15.9(d), and that it could be developed in accordance with the C-2 development standards.

The Council took this unusual step precisely to protect Owner, and to provide Owner with the benefits of the grandfather clause. *Id.* at ¶10.

**C. DPS determined the 2014 C-2 development standards and 2014 Special Exception criteria should apply to this matter.**

Starbucks, who will lease the property and is working with Owner on this matter, later sought guidance from DPS to determine what standards and Ordinance provisions applied. DPS staff, including their legal staff, concluded that the C-2 zoning development standards and the provisions of the Ordinance in effect as of October 29, 2014, including the Special Exception provisions, applied under the grandfather provisions of Section 59.7.7.1. On March 17, 2016, Mark Beal emailed Starbucks' counsel that "I have confirmed with Chuck Frederick that we can grandfather back the developments standards as well as the Special Exception through Section 59.7.7.1.B.1. Chuck confirmed our interpretation with Jeff [Zyontz] and he agreed."<sup>1</sup> **Exhibit**

**D.** On October 14, 2016, DPS re-affirmed this position in a letter in which they state:

"Pursuant to Section 7.7.1. "Exemptions" of the Zoning Ordinance, retail and office space, including construction of drive-thru improvements, may be constructed anywhere on the Property, pursuant to the Preliminary Plan conditions of approval, and pursuant to the C-2 zone's standards and procedures, and other applicable Montgomery County zoning Ordinance standards and procedures, that existed on October 29, 2014." See **Exhibit E.**

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<sup>1</sup> Mr. Zyontz also helped draft the Zoning Ordinance's grandfather provisions at issue here.

Starbucks also met with Park & Planning Staff to seek guidance on the filing of Application. Staff concluded that the C-2 development standards governed, but opined that the drive-thru should be evaluated under the Conditional Use standards of Section 59-3.5.14.E of the new Ordinance.<sup>2</sup> David Lieb, legal counsel to Park & Planning, explained this position in an email to Starbucks counsel dated October 26, 2016. In it Mr. Lieb stated:

“The key provisions for understanding the scope of grandfathering are in Section 7.7.1.A of the current code. This section calls out structures and uses for distinct grandfathering treatment. ... Allowing a use that meets the use standards of the current code to be located in a grandfathered structure – whether fully existing, expanded, or new – is entirely consistent with a scheme that treats structures and uses differently for grandfathering purposes, but both as conforming... To the extent that the code protects a property owner’s interest in being able to build out a structure contemplated under a pending Application such as your client’s, I see no reason why a use allowed under the current code should not be located in such a structure. See **Exhibit F**.

The Hearing Examiner has requested that the Applicant submit a preliminary motion to determine which standards apply. The hearing for Starbucks’ Application is scheduled for February 3, 2017. Applicant seeks a determination of this issue as soon as possible as it will direct how the Application is evaluated.

### **III. ARGUMENT**

#### **A. The Zoning Ordinance allows the Hearing Examiner to evaluate Starbucks’ Application under the C-2 developmental standards.**

The grandfather provisions of Section 59-C-15.9(d) of the prior Ordinance apply to projects having an approved preliminary plan and/or building permit before application of the CRT Zone, such as the Shopping Center in this case. This section allows an owner to elect to build or alter the property in compliance with the existing CRT zone *or* the previous zone:

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<sup>2</sup> While disagreeing with this interpretation of the ordinance, Applicant has stated that it does not object to evaluation of the drive-thru under the Conditional Use standards of § 59-3.5.14.E.



59-C-15.9(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. (Emphasis added).

Here, the Shopping Center, including the proposed Starbucks pad site, was developed as part of a preliminary plan and storm drain and paving plan (part of the building permit) approved while the property was in the C-2 zone. Owner opted to construct the Shopping Center and pad site in compliance with the C-2 zone Ex. B, at ¶ 12 and DPS approved a storm drain and paving plan consistent with this. Under the grandfathering provisions of Section 59-C-15.9(d), the Shopping Center may be “built or altered at any time” under the C-2 zone standards.

The grandfather provisions of the current code include Section 59.7.7.1.B.1, which states:

Any . . . preliminary plan. . . or building permit filed or approved before October 30, 2014 must be reviewed under the standards and procedures of the property’s zoning on October 29, 2014, unless an applicant elects to be reviewed under the property’s current zoning.

In this case, Owenr has elected to be reviewed under the standards and procedures of the Ordinance which was in effect before October 30, 2014, since it had both an approved preliminary plan and storm drain and paving plan on that date. The standards of the Ordinance in effect before October 30, 2014 included the grandfather provisions of Section 59-C-15.9(d), which allow the C-2 development standards to continue to apply. Indeed, both DPS and Park & Planning Staff have analyzed the Ordinance and the Applicant’s request and concluded that the

construction of the Starbucks on the pad site may be evaluated and developed under the C-2 zone standards.

**B. It would be inequitable to require the Starbucks, which will be constructed on the existing pad site, to comply with the CRT zone.**

Owner relied on the Planning Board's approval of the preliminary plan and DPS's approval of the stormdrain and paving plan to construct the Shopping Center, spending years and considerable sums of money. Ex. B at ¶6. Although the proposed Starbucks, to be constructed on the existing pad site, complies with the C-2 standards, it would not comply with the CRT standards. Specifically, the proposed building will be more than twenty feet from the property line, and 70% of the building frontage would not be in the build-to area as required by Section 59.4.55.3.C.3. of the CRT zone. In fact it is not practical to construct the Starbucks on the Shopping Center in compliance with the CRT build-to provisions. It would be inconsistent with the circulation and lay-out of all of the other structures in the Shopping Center, which were constructed in compliance with the C-2 development standards. Further, the circulation patterns for traffic and pedestrians would be in conflict with those of the existing Shopping Center. It would not only be improper to evaluate the Application under the CRT zone, it would be impractical, and inequitable, as it would preclude the proposed Starbucks from being constructed at all.

**C. DPS correctly applied the grandfather provision and allowed the Green Turtle Restaurant to be developed under the C-2 standards even after the Shopping Center was zoned CRT.**

The Green Turtle restaurant, which is on a pad site in the Shopping Center adjacent to the proposed Starbucks location, is an instructive precedent. Like the Starbucks pad site, the Green Turtle pad site was developed under a preliminary plan and storm drain and paving plan that was

approved before the 2013 change from the C-2 zone to the CRT zone. In March 2014, GT Burtonsville LLC applied for a building permit to construct the Green Turtle Restaurant under the C-2 zoning standards even though the Property was then zoned CRT. (See permit materials, which include a site layout plan indicating property is zoned C-2, attached as **Exhibit G.**) In July 2014, DPS —*applying the C-2 development standards*—issued a building permit to construct the Green Turtle with sign off from the Planning Board. The same process should apply here.

The Green Turtle satisfied the C-2 development standards but did not satisfy the CRT zone standards. The Green Turtle was not constructed with 70% of the building in the build to area, and did not comply with requirements for entrances or transparency of the CRT zone. (See Section 59.4.5.3.C.3). DPS evaluated the Green Turtle Application under the C-2 zone development standards because the grandfather provisions of Section 5-C-15.9(d) allowed the applicant to build under those standards. The applicant in that case opted for the C-2 zone, consistent with all prior permits, and DPS approved the permit after sign off for zoning compliance by Park & Planning.

**D. Either the Special Exception criteria in effect on October 29, 2014 or the Conditional Use criteria in effect on October 30, 2014 govern this Application.**

The pending Application differs from the Green Turtle project in at least one respect: this Application includes a request for approval of a drive-thru window. However this should not mean that it loses the C-2 grandfathering. Drive-thrus are an allowed use in both the C-2 and the CRT zone, subject to a Special Exception approval under the previous Ordinance, and a Conditional Use approval under the current Ordinance. Section 59.7.7.1.B.1 of the current Ordinance allows an applicant to proceed under the previous Ordinance for *any* step in the application process. It states:

The approval of any of these applications... (including preliminary plans and building permits) under Section 7.7.1.B.1. will allow the applicant to proceed through *any other required application or step in the process* within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.

Several other buildings in the Shopping Center have drive-thrus which were approved by Special Exceptions under the old Ordinance. In fact a drive-thru was contemplated for the pad site which will house the Starbucks. For this grandfathered Shopping Center, obtaining a Special Exception (or Conditional Use) is a “required Application or step in the process” and arguably it too falls under the grandfather clause. It is an allowed use in the C-2 zone, with approval of a Special Exception. This was the DPS determination when it stated that the grandfather clause allows the Application to be evaluated under both the C-2 development standards *and* the Special Exception Standards of Section 59-G-2.16 of the previous Ordinance (Exs. D, E). It is an allowed Conditional Use under the current Ordinance in a grandfathered C-2 shopping center, as Mr. Lieb has stated.

While we believe that the Ordinance allows the Application to be evaluated not only utilizing the C-2 development standards but under the Special Exception Standards of the prior Ordinance, as noted herein, the Applicant has agreed to conservatively follow Park & Planning staff’s interpretation (Ex. F). This would mean that the Application would be evaluated under the Conditional Use standards for a drive-thru contained in Section 59.3.5.14.E. of the new Ordinance, but could be constructed under the development standards of the C-2 zone. We request that the Hearing Examiner either apply the C-2 development standards and the Special Exception standards of the prior Ordinance or the prior Ordinance C-2 development standards, and the Conditional Use standards of the current Ordinance.

**E. The grandfather provision sunsets on October 30, 2039.**

The Council has limited the time in which an applicant may develop property under the older zone. Section 7.7.1.C-Expansion of Floor Area, Limited Rights under Zoning before October 30, 2014, states that “*Until October 30, 2039, on land that is located in a commercial/residential . . . zone, an applicant for an amendment to an existing approval or development, or a modification of an Application listed in Section 7.7.1.B.1 may increase the floor area on the site under 7.7.1C.2 or 7.7.1.C.3 following the procedures and standards of the property’s zoning on October 29, 2014.*” (Emphasis added). The preliminary plan for the Shopping Center allows up to 250,000 square feet of retail uses, and the addition of the Starbucks is well within this limit. Applying the grandfather provision to this Application will not create an unlimited potential for all approved preliminary plans and storm drain and paving plans approved before October 29, 2014 to be constructed without regard to the new development standards since this will not be allowed after October 30, 2039. Nor is Applicant asking the Hearing Examiner to create any new rights. It simply asks the Hearing Examiner to apply the Ordinance’s grandfather provisions, as written, which allow Owner to elect to be evaluated under the development standards that were in place on October 29, 2014, in this case C-2.

#### IV. CONCLUSION

WHEREFORE, for the reasons stated above, and such further arguments to be presented at a hearing on this Motion, Applicant requests that the Hearing Examiner apply the C-2 development standards and either the Conditional Use standards of the current Ordinance or the Special Exception standards of the prior Ordinance which were in effect on October 29, 2014.

Respectfully submitted,  
LERCH, EARLY & BREWER, CHARTERED

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**BURTONSVILLE TOWN SQUARE**  
**STORM DRAIN AND PAVING PLAN**  
**SPENCERVILLE ROAD (RTE. 198) & COLUMBIA PIKE (RTE. 29)**  
**BURTONSVILLE ELECTION DISTRICT**  
**MONTGOMERY COUNTY, MARYLAND**

BURTONSVILLE TOWN SQUARE  
SPENCERVILLE ROAD (RT. 150) & COLUMBIA PIKE (RT. 29)  
COLESVILLE (5TH) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

THE FOLLOWING INFORMATION WAS OBTAINED FROM THE  
RECORDS OF THE NEW YORK STATE DEPARTMENT OF  
CORRECTIONS AND INSTITUTIONS, ALBANY, NEW YORK  
ON JANUARY 1, 1964:

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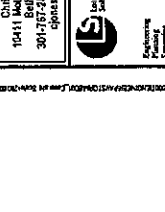
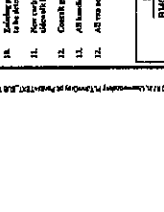
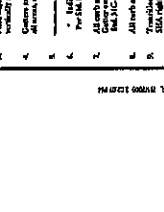
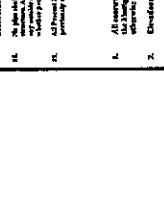
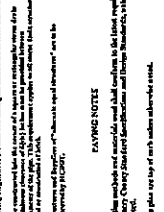
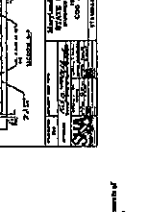
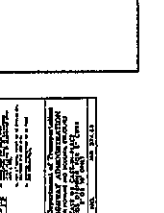
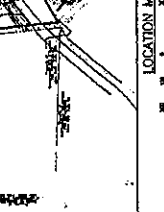
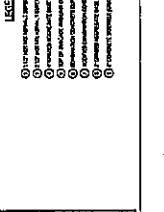
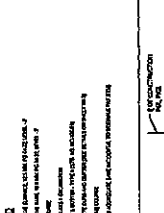
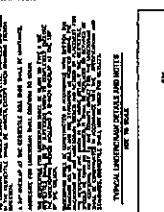
800-451-7237

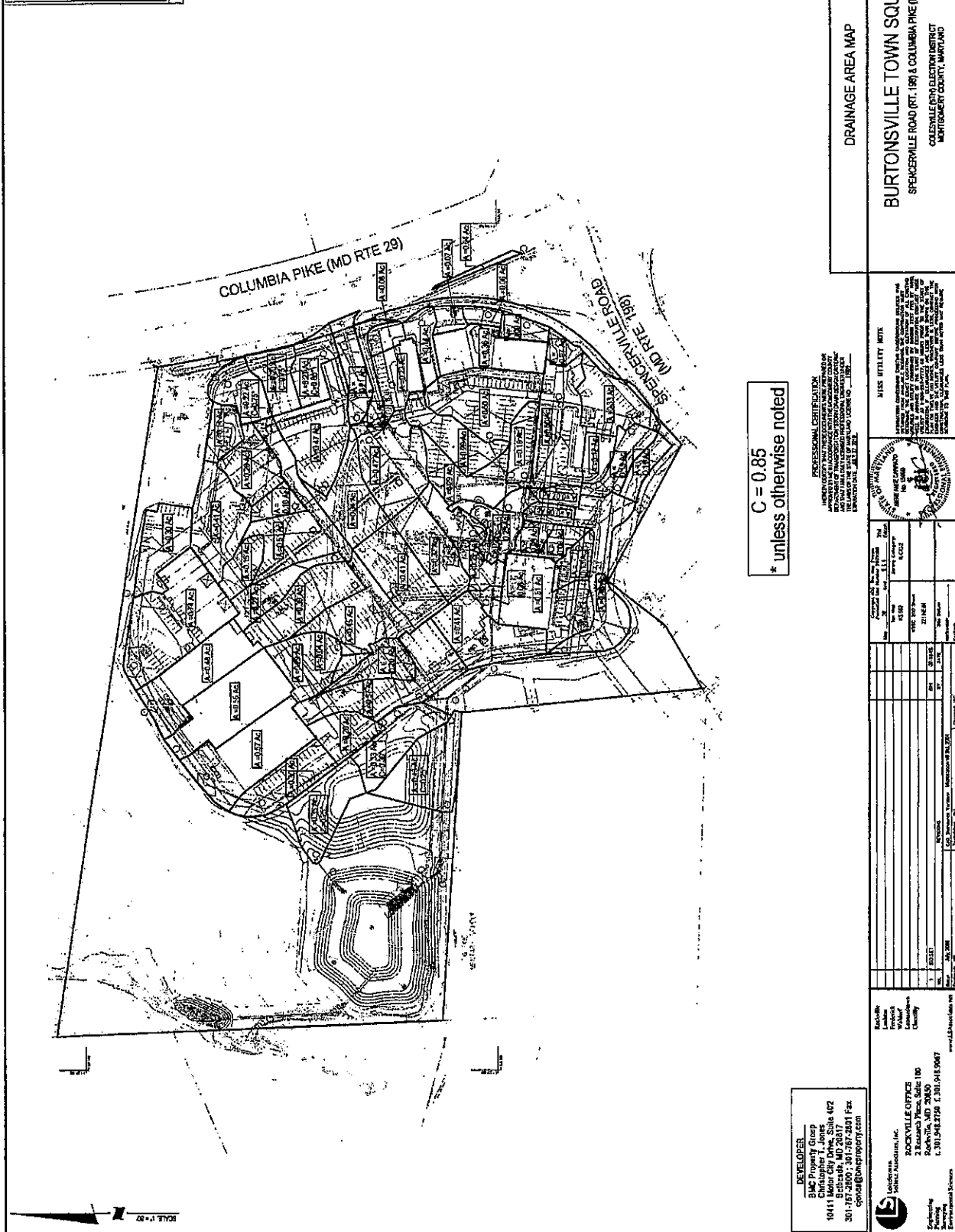
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**E OFFICE**  
 Plaza, Suite 100  
 MD 20850  
 750 E. 301.948.9067

**LOCKHEED**  
Subcontract Management, Inc.  
2 Remond  
Rockville,  
t. 301.948.

100% (100%)

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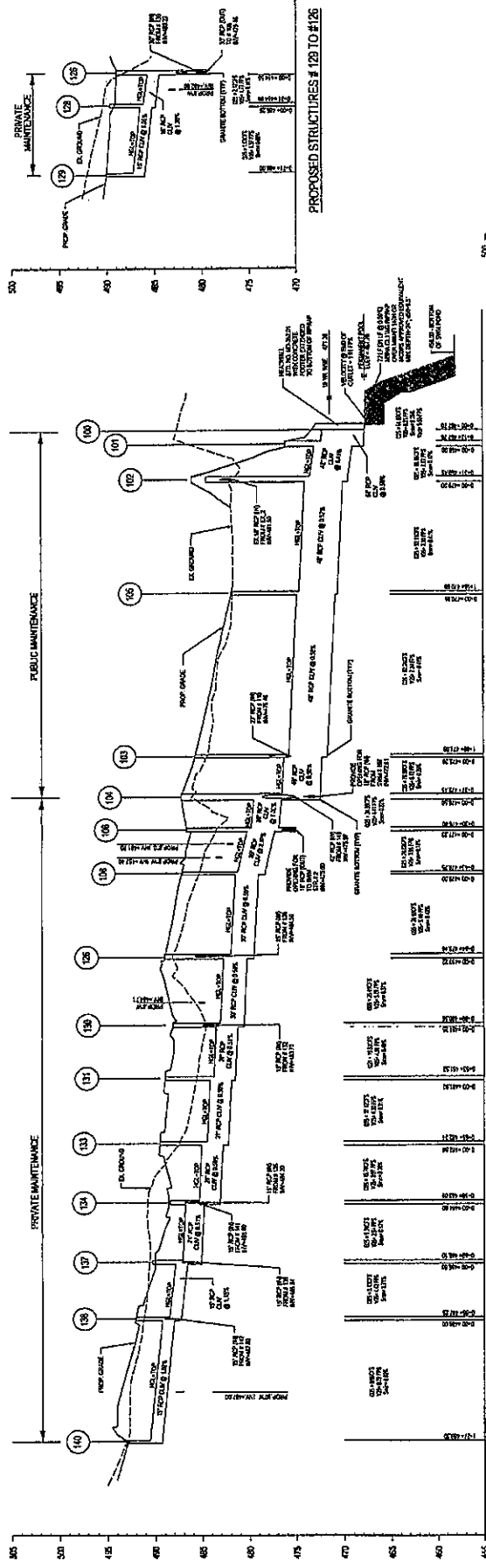


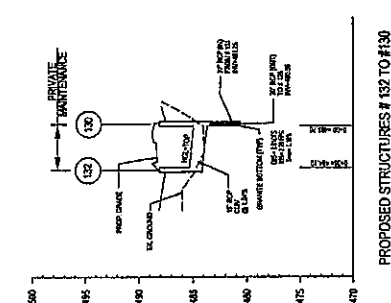
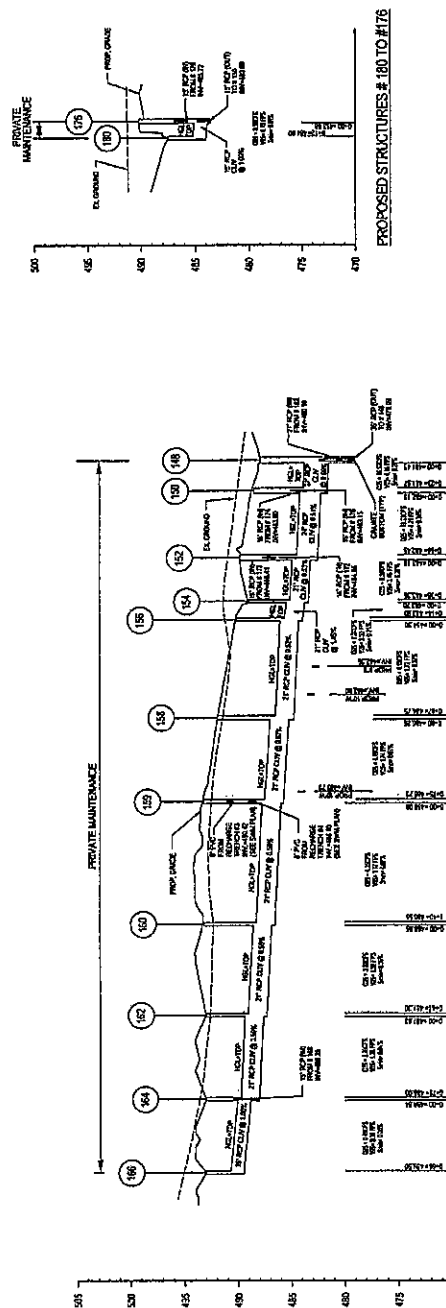
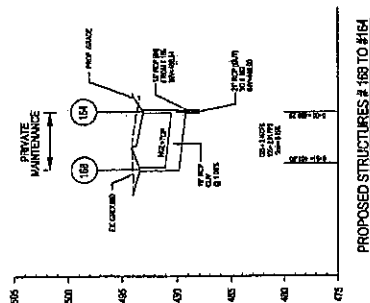
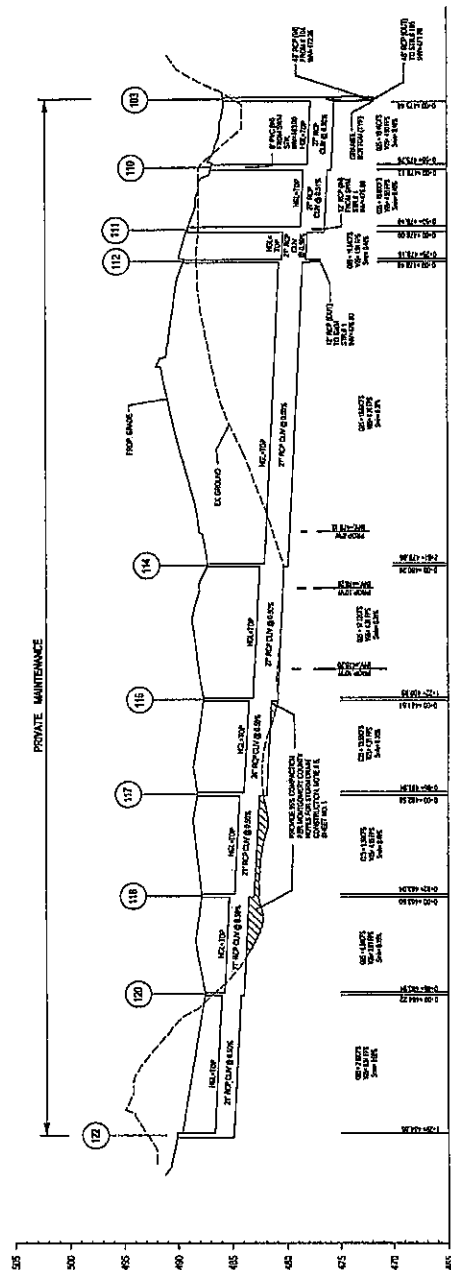








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PROPOSED STRUCTURES # 166 TO #148

**DEVELOPER**  
BMAC Property Group  
Christopher T. Jones  
10411 Water City Drive, Suite 402  
Baltimore, MD 20817  
410-757-2800 / 301-757-2801 Fax  
ctjones@bmacproperty.com

**Rockville**  
Lumbus  
Preston  
Vallard  
Lumbus  
Classify

**ROCKVILLE OFFICE**  
2 Antares Plaza, Suite 100  
Rockville, MD 70850  
t. 301.948.9600 f. 301.948.9607

**Telephone**  
**Schwartz Associates, Inc.**

**Accounting**  
Billing  
Filing  
Inventory Control  
General Services

Volume 7, 3A, October 1994

**PROFESSIONAL CERTIFICATION**  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR  
APPROVED BY ME IN ACCORDANCE WITH THE MONROVIA COUNTY  
REGULATORY ACTS OF "SOLIDIFICATION," "STORM DRAINAGE DESIGN  
AND THAT I AM A duly Licensed Professional Engineer under the  
LAWS OF THE STATE OF MONTANA LICENSE NO. \_\_\_\_\_  
ISSUED ON: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ MAY 17, 2010

MISS UTILITY NOTE

## STORM DRAIN AND PAVING PROFILES

5-24

**BURTONSVILLE TOWN SQUARE**  
SPENCERVILLE ROAD (RT. 195) & COLUMBIA PIKE (RT. 29)

COLESVILLE (ST) ELECTION DISTRICT  
 CAROLAN M. ALMOND, 3300 E. LINDEN  
 NORTH GADSDEN COUNTY, MARYLAND

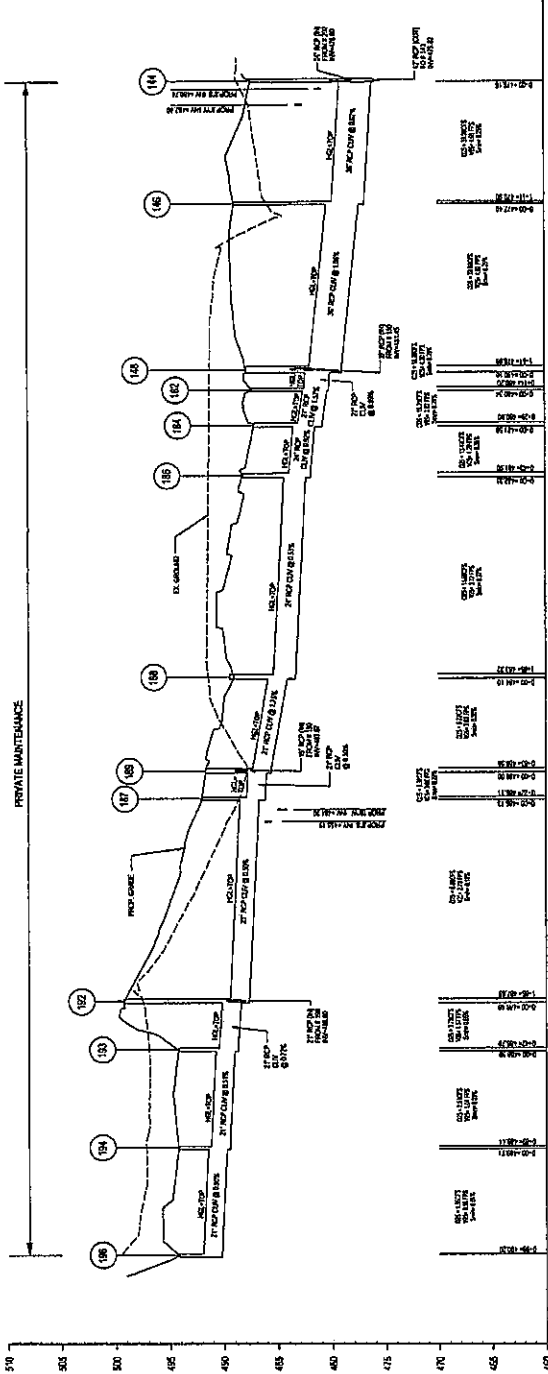
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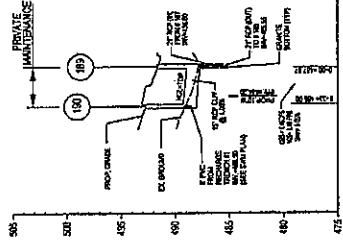
Box 44

| NO.         | DATE |
|-------------|------|
| Rockville   |      |
| Lanham      |      |
| Fredrick    |      |
| Waldorf     |      |
| Leesylvania |      |
| Chesley     |      |

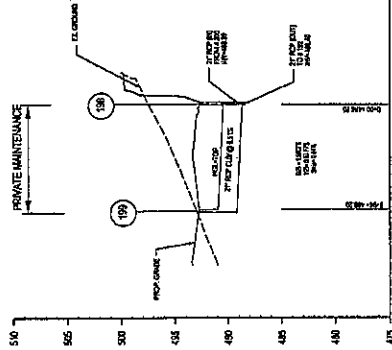
**Rockville Office**  
2 Research Place, Suite  
Rockville, MD 20850  
t. 301.948.2750 f. 301.948.2750



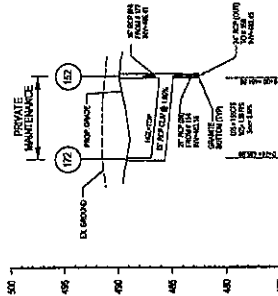
PROPOSED STRUCTURES #186 TO #144



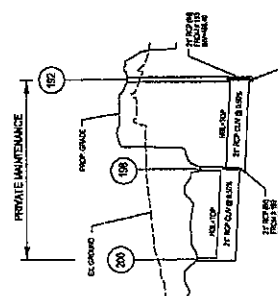
PROPOSED STRUCTURES #190 TO #189



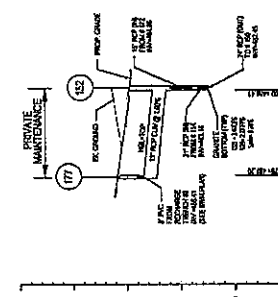
PROPOSED STRUCTURES #189 TO #199



PROPOSED STRUCTURES #172 TO #152



PROPOSED STRUCTURES #200 TO #192



PROPOSED STRUCTURES #177 TO #152

**DEVELOPER**  
BMD Property Group  
16111 Montross Road, Suite 402  
Bethesda, MD 20817  
301-787-2800 / 301-787-2801 Fax  
bmd@bmdproperty.com

**PROFILE SCALE**  
HORIZONTAL: 1" = 40'  
VERTICAL: 1" = 4'

**ROCKVILLE OFFICE**  
16111 Montross Road, Suite 402  
Bethesda, MD 20817  
301-787-2800 / 301-787-2801 Fax  
bmd@bmdproperty.com

**PROFESSIONAL CERTIFICATION**  
I hereby certify that this document is a true and correct copy of the original as submitted to the Department of Transportation, Maryland Department of Transportation, Bureau of Design and Construction, and that the same has been prepared in accordance with the provisions of the Maryland Professional Engineering Act of 1965, as amended, and the rules and regulations of the Board of Professional Engineers, Maryland.



**MISS UTILITY NOTE**  
ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. ANY UTILITIES NOT SHOWN ARE THE RESPONSIBILITY OF THE USER. THE USER SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.

**STORM DRAIN AND PAVING PROFILES**

**BURTONSVILLE TOWN SQUARE**  
SPENCERVILLE ROAD (RT. 199) & COLUMBIA PIKE (RT. 29)  
BURTONSVILLE TOWN SQUARE  
SPENCERVILLE ROAD (RT. 199) & COLUMBIA PIKE (RT. 29)  
BURTONSVILLE TOWN SQUARE  
SPENCERVILLE ROAD (RT. 199) & COLUMBIA PIKE (RT. 29)



**PROJECT NO.**  
11111-001

**DATE**  
11/11/2011

**BY**  
[Signature]

**FOR**  
[Signature]

**PROJECT NO.**  
11111-001

**DATE**  
11/11/2011

**BY**  
[Signature]

**FOR**  
[Signature]

**PROJECT NO.**  
11111-001

**DATE**  
11/11/2011

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**FOR**  
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**PROJECT NO.**  
11111-001

**DATE**  
11/11/2011

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**PROJECT NO.**  
11111-001

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**FOR**  
[Signature]

**PROJECT NO.**  
11111-001

**DATE**  
11/11/2011

**BY**  
[Signature]

**FOR**  
[Signature]







**AFFIDAVIT OF CHRISTOPHER T. JONES**

1. My name is Christopher T. Jones. I am the Managing Member of Burtonsville Towne Square, LLC ("BTS").
2. On March 21, 2006 the Maryland National Capital Park & Planning Commission (the "MNCP&PC") approved Preliminary Plan number 120040109 for the Shopping Center.
3. In 2009, BTS applied for a building permit, which included a Storm Drain and Paving Plan, which was approved by the Department of Permitting Services ("DPS")
4. In 2009 BTS graded the entire site and constructed curbs, gutters, and pad sites, including the subject pad site which they desire to lease to Starbucks.
5. The Shopping Center (approved for 250,000 square feet of planned retail space) and the proposed Starbucks pad site comply with all C-2 standards, including the necessary drive-aisles and parking spaces.
6. BTS has spent around \$30 million to develop the Shopping Center over 10 years.
7. In 2013, the County sought to rezone the shopping center from the C-2 to the CRT zone. BTS did not contest the rezoning of the shopping center because they understood that the grandfather provision which was included in the CRT zone (codified in Section 59-C-15.9(d)) allowed BTS to complete the construction of the shopping center under its approved Preliminary Plan, and Storm Drain and Paving Plan, both of which had already been approved under C-2 development standards.
8. At that time a small portion of the Shopping Center was zoned Rural Cluster (RC).
9. The Council rezoned the RC portion of the Shopping Center C-2 mere days before the rezoning the entire Shopping Center to CRT.

10. The Council took this unusual step in order to grandfather the entire shopping center area under Section 59-C-15.9(d). This was done to allow BTS to complete the construction of the shopping center under the C-2 development standards.

11. Prior to the rezoning, BTS also met with Park & Planning Staff, including Staff person Rich Weaver, regarding the grandfather language codified in Section 59-C-15.9(d) and Staff assured BTS that it could continue developing the entire shopping center, including the Starbucks pad site area, under C-2 development standards, pursuant to the Code's grandfathering provisions. Specifically, BTS discussed with Staff that the CR zone requirements were inconsistent with how the shopping center was approved by the Planning Board under the C-2 zone, and was contemporaneously being built out during the time of rezoning consideration. The project was being developed under the C-2 zoning and envisioned a certain pedestrian environment and connectivity, including buildings facing inward, which Park & Planning staff supported. At the meeting BTS discussed with Staff that the application of the CR zoning would: A) result in a disruption of that pedestrian environment, and thus pedestrian safety, within the shopping center, which was designed with buildings facing inward, with a connected pedestrian ring; and B) would create a design conflict between the orientation of the existing drive-thrus of the already completed, Roy Rogers and Capital One Bank. Staff agreed that neither of these would be desirable or intended outcomes.

12. Section 59-C-15.9(d) gave BTS the option to develop the property under its previous zoning (C-2), and BTS is continuing to exercise its option to develop the property under the previous C-2 zone.

13. Although the proposed Starbucks pad site with drive-thru complies with the C-2 development standards, it would not comply with the CRT standards. Specifically, the pad site

and the proposed building on the pad site will be more than 20 feet from the road. As a result less than 70% of the building would fall within the 20-foot build-to area, as required in the CRT zone.

14. BTS relied on the actions of the Council and the grandfather provisions of the Code to construct the Shopping Center, spending years and considerable sums of money.

15. BTS has been allowed to develop all of the other pad sites in the shopping center under the C-2 development standards.

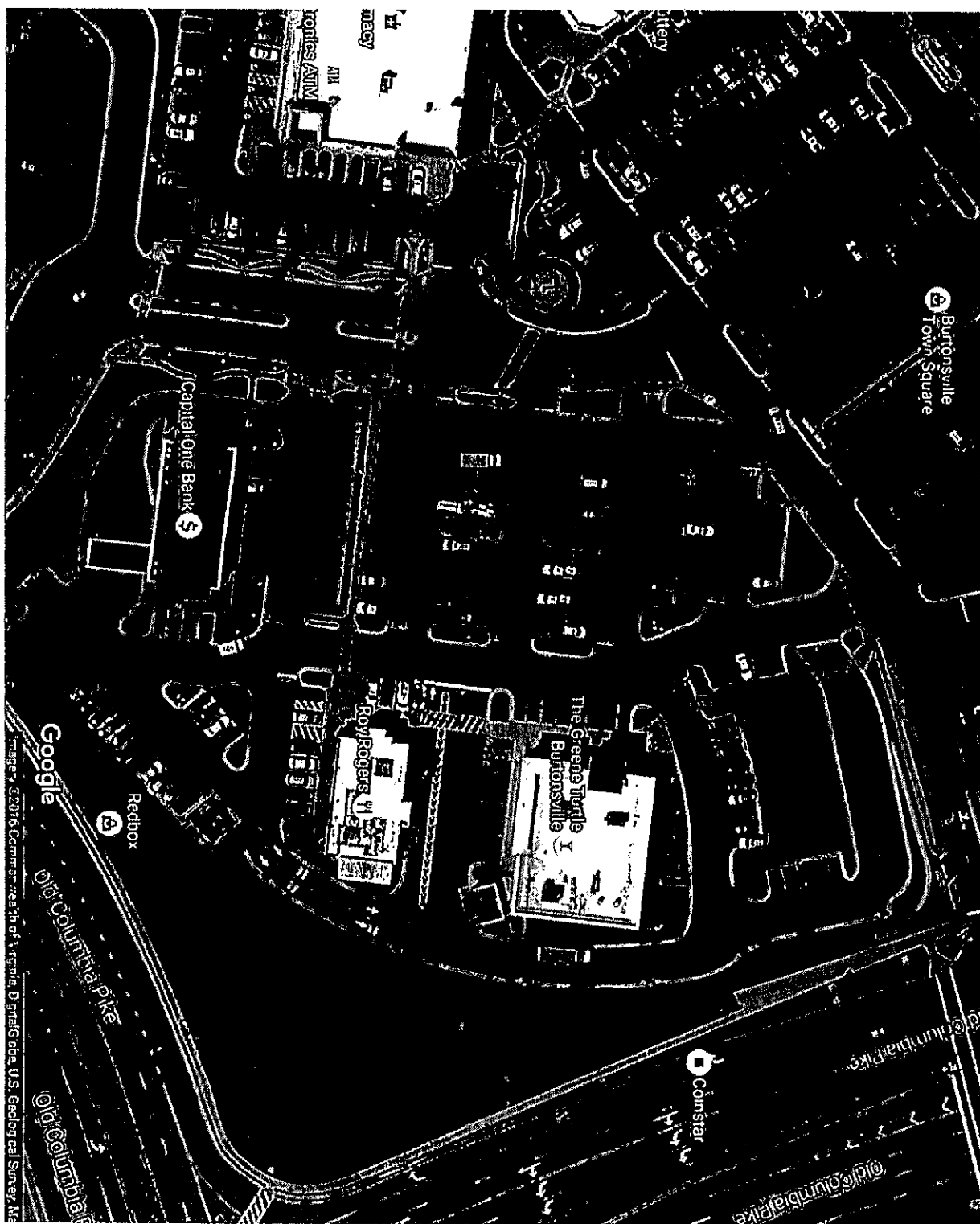
16. I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Date: 11/3/2016

By:



Christopher T. Jones,  
Managing Member  
Burtonsville Towne Square , LLC



From: Beall, Mark <Mark.Beall@montgomerycountymd.gov>  
Sent: Thursday, March 17, 2016 11:41 AM  
To: Silber, Stacy P; Niblock, David  
Subject: RE: Burtonsville Town Square

Good Morning Stacy,

I have confirmed with Chuck Frederick that we can grandfather back the developments standards as well as the Special Exception through Section 59.7.7.1.B.1. Chuck confirmed our interpretation with Jeff and he agreed.

Feel free to call or email if you have any additional questions or concerns.

Thank you,  
Mark Beall  
Zoning Manager  
Division of Zoning & Site Plan Enforcement  
Department of Permitting Services  
(240) 777-6298  
[mark.beall@montgomerycountymd.gov](mailto:mark.beall@montgomerycountymd.gov)  
<http://permitting-services.montgomerycountymd.gov/DPS/general/Home.aspx>

Have you tried DPS eServices? <http://permitting-services.montgomerycountymd.gov/DPS/eServices/AboutServices.aspx>

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From: Silber, Stacy P. [mailto:spsilber@lercheearly.com]  
Sent: Wednesday, March 16, 2016 2:07 PM  
To: Beall, Mark <Mark.Beall@montgomerycountymd.gov>; Niblock, David <David.Niblock@montgomerycountymd.gov>  
Subject: Burtonsville Town Square

Thank you for taking the time to meet on Friday, March 4<sup>th</sup>. As we discussed, the Burtonsville Town Square has been developed over time under the provisions of Preliminary Plan number 120041090, that was approved in July of 2005. That plan included the proposed site, under which the Starbucks will be developed. The original preliminary plan approval includes 250,000 square feet of retail space, only about half of which has been built and occupied. The land, under which the proposed Starbucks will be built, has already been developed with parking, curb and gutter and the loop road, which was recommended by the 1997 Fairland Master Plan.

On December 21, 2015, the County Council adopted Zoning Text Amendment 18-08. We understand that in this ZTA, the Council modified the grandfathering provisions of the Code. In particular, the Council revised Section 7.7.1.B.1 (Application Approved or filed for approval before October 30, 2014), to state the following:

"The approval of any of these applications or amendments to these applications under Section 7.7.1.B.1 (which includes preliminary plans) will allow the applicant to proceed through *any other required application or step in the process* within the time allowed by law or plan approval, *under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.*" (Emphasis added). As such, both DPS and P&P confirmed that because a preliminary plan has been approved, the applicant is allowed to process the required conditional use (a required application or step in the process) under the requirements of the C-2 standards and procedures of the Zoning Ordinance that were in effect on October 29, 2014.

The Zoning Text Amendment also clarified under 7.7.1.C – Expansion of Floor Area, Limited Rights under Zoning before October 30, 2014, that "Until October 30, 2039, on land that is located in a commercial/residential . . . zone, an applicant for an amendment to an existing approval *or development*, or a modification of an application listed in Section 7.7.1.B.1 may increase the floor area on the site under 7.7.1.C.2 or 7.7.1.C.3 following the procedures and standards of the property's zoning on October 29, 2014." (emphasis added). Section 7.7.1.C.2, states that existing development in a CR zone may expand by up to the lesser of 10% of the gross floor area approved for the site on October 30, 2014 or 30,000 square feet." Again, in this instance, while the site is subject to an existing development with curb, gutter and a driveway lanes, the applicant is not expanding the overall approved 250,000 sf approved density, but rather staying within this approved limit and again, may apply under the procedures and standards of the property's C-2 zoning on October 29, 2014.

We understand that DPS believes that the Starbucks use and development standards, per the above sections of the Code, could be reviewed under the C-2 standards in place as of October 29, 2014. P&P legal has a slight variation on this interpretation. Like DPS, P&P legal believes emphatically that the Starbucks site is subject to the development standards of the prior C-2 zoning in place as of October 29, 2014. P&P legal takes a slightly different interpretation on use and believes that while it is clear that the development of the pad site falls under the development standards of the former C-2 zone, the drive thru use, per 7.7.1.A.2, falls under the conditional use standards of Section 59-E.5.14.E(b).

Thank you for confirming your interpretation by return email.

Best,  
Stacy

--

Stacy P. Silber - Attorney  
Lerch, Early & Brewer, Child, Ideas that work  
3 Bethesda Metro Center - Suite 460 - Bethesda, MD 20814  
Tel: (301) 841-3833 Fax: (301) 347-1787 - [spsilber@lercheearly.com](mailto:spsilber@lercheearly.com)  
Bio: <http://www.lercheearly.com/team/stacy-p-silber>



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

October 14, 2016

Diane R. Schwartz Jones  
Director

Timothy Dugan, Esq.  
Shulman, Rogers, Gandal, Pordy & Ecker, P.A.,  
12505 Park Potomac Ave., 6<sup>th</sup> Floor  
Potomac, Maryland 20854

Re: Burtonsville Town Square Shopping Center  
15600, *et. seq.* Columbia Pike, Burtonsville, Maryland 20866  
Northwest Corner of MD 198 and US 29  
(the "Property")<sup>1</sup>

## To Whom It May Concern:

In response to your request concerning the above-referenced Property's compliance with applicable codes, regulations and ordinances, please be advised of the following as of the date hereof:

1. The Montgomery County Government Department of Permitting Services ("DPS") is responsible for the enforcement of building codes, zoning ordinances, use and occupancy certificates and similar codes and ordinances related to development in Montgomery County, Maryland.
2. The Property is zoned "Commercial Residential Town." More particularly, the Property is zoned CRT-1.5, C-1.0, R-1.25, H-70, in accordance with Chapter 59 of the Montgomery County Code, effective October 30, 2014, as amended (the "Zoning Ordinance"). The CRT zone is intended for small downtown, mixed-use, pedestrian-oriented centers and edges of larger, more intense downtowns. Retail tenant ground floor footprints are limited to preserve the town center scale. Transit options may include light rail, Metro, and bus. The owner of the Property may take advantage of Section 7.7.1. Exemptions of the Zoning Ordinance, as explained below.
3. The Property is subject to the conditions of approval made during the Preliminary Plan approval and subsequent amendment processes, pursuant to Chapter 50 of the

<sup>1</sup> The Property consists of the land and improvements located on "Parcel B" reflected on the subdivision record plat known as "Subdivision Record Plat Parcel B and Outlot A Burtonsville Shopping Center (Being a resubdivision of Part of Parcel A Burtonsville Shopping Center P.B. 77 P.7732)." The subdivision record plat is recorded in the Montgomery County Land Records as Plat No. 23959. The record plat includes the "Pease Property." The "Pease Property" is the land located in the northeasterly corner. It is included within Parcel B as referenced in the surveyor's certificate.



Montgomery County Subdivision Regulations. There is no Site Plan approval, under Chapter 59 of the Zoning Ordinance, associated with the Property. The approved MNCP&PC Preliminary Plan number is 120040109 "Burtonsville Shopping Center." The Property was approved for up to 250,000 SF of gross floor area of retail and up to 10,000 SF of gross floor area of office. We have been advised by MNCP&PC Staff that the development of additional retail and office space, whether on the "Pease Property" or on the remainder of the Property, in compliance with the approved Preliminary Plan, does not require an amendment to the Preliminary Plan. A copy of the approved Preliminary Plan, as amended, may be obtained through the Maryland National Capital Park & Planning Commission (MNCP&PC) at 8787 Georgia Avenue, 2nd floor, Silver Spring, MD 20910 or by calling (301) 495-4610.

4. The Preliminary Plan approval has an Adequate Public Facilities Validity Period that expires on April 21, 2019.<sup>2</sup>

5 Pursuant to Section 7.7.1. "Exemptions" of the Zoning Ordinance, retail and office space, including the construction of drive-thru improvements, may be constructed anywhere on the Property, pursuant to the Preliminary Plan conditions of approval, and pursuant to the C-2 zone's standards and procedures, and the other applicable Montgomery County zoning ordinance standards and procedures, that existed on October 29, 2014.

6. As of the date of this letter, DPS records indicate that there are no pending violations of any applicable laws, codes, rules, regulations or ordinances as described above for this Property, and that there are no pending rezoning applications, hearings, cases, appeals or other proceedings, which would affect the zoning classification of this Property.

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<sup>2</sup> The current APFO Validity Period expiration date is calculated as follows. The original Preliminary Plan Resolution was mailed on March 21, 2006. The initial Validity Period expiration date was 61 months after the mailing of the Resolution, pursuant to Section 50-20(c)(ii) of the Subdivision Regulations, i.e., April 21, 2011. The County Council Ordinance No. 18-04 (SRA 15-01) provides that the Validity Period of any determination of adequate public facilities that was valid on March 31, 2009 is automatically extended for 8 years after the date when the validity period would otherwise have expired. Thus, with the 8 year extension, the Validity Period is April 21, 2019.

If you have any further questions, please contact me at (240) 777-6298;  
email: [mark.beall@montgomerycountymd.gov](mailto:mark.beall@montgomerycountymd.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Beall', written in a cursive style.

Mark Beall  
Zoning Manager  
Montgomery County  
Department of Permitting Services

THE ABOVE ZONING ANALYSIS IS BASED ON THE INFORMATION PROVIDED AND REFLECTS THE CURRENT ZONING OF THE PROPERTY, THE CURRENT ZONING PROVISIONS OF CHAPTER 59 OF THE MONTGOMERY COUNTY CODE, INCLUDING THE PROVISIONS PERTAINING TO EXEMPTIONS, AND THE RECORDS MAINTAINED BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES AS OF THE DATE OF THIS LETTER. THIS ANALYSIS IS SUBJECT TO CHANGE IN THE FUTURE.



---

**From:** Lieb, David <david.lieb@mncppc.org>  
**Sent:** Wednesday, October 26, 2016 10:36 AM  
**To:** Silber, Stacy P.  
**Cc:** Reynolds, Kipling; Weaver, Richard; Bar, Cynthia M.  
**Subject:** Starbucks

Stacy:

Following up on our many discussions, I am writing to summarize why the Starbucks pad site on your client's property is subject to the old zoning code for purposes of development standards and the new zoning code for uses. The blending of old and new code elements may seem counterintuitive, but it makes sense when you consider that the current code treats both a grandfathered structure and an allowed use as conforming.

The key provisions for understanding the scope of grandfathering are in Section 7.7.1.A of the current code. This section calls out structures and uses for distinct grandfathering treatment. In Section 7.7.1.A.1, the code allows an existing structure or site design to be continued and expanded under the old code within the limits set in Section 7.7.1.D.5. In Section 7.7.1.A.2, on the other hand, the code allows the continuation of an existing use under the standards of the old code, but expressly prohibits the expansion of a use under the old code.

Allowing a use that meets the use standards of the current code to be located in a grandfathered structure – whether fully existing, expanded, or new – is entirely consistent with a scheme that treats structures and uses differently for grandfathering purposes, but both as conforming. Moreover, the current code expressly contemplates such a dual approach when it states in Section 7.7.1.A.2.b that “[a]ny allowed use up to the density limits established by the current zoning, may be located in a building or structure deemed conforming under Section 7.7.1.A.1.” This provision, which was added in a text amendment to the new code to codify an existing interpretation, extends, in my view, to an entirely new structure built under an application that was in progress before October 30, 2014, because the intent of allowing a currently allowed use in a grandfathered structure is clear. To the extent that the code protects a property owner's interest in being able to build out a structure contemplated under a pending application such as your client's, I see no reason why a use allowed under the current code should not be located in such a structure.

Please let me know if you have any questions.

**David B. Lieb**  
Senior Counsel  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue, Suite 205  
Silver Spring, Maryland 20910  
(301) 495-2177 telephone  
(301) 495-2174 fax

This electronic message is intended only for the use of the addressee(s) named above and may contain legally privileged and/or confidential information. If you believe you received this email in error, please notify the sender immediately, delete it from your computer, and do not disclose it to anyone else.

Exhibit G

**GENERAL NOTES**

1. The proposed site is located within the existing town square of Burtonsville, Maryland. The site is bounded by Columbia Pike to the north, Old Columbia Pike to the south, and the existing elementary school to the east. The site is approximately 1.5 acres in size.

2. The proposed site is located within the existing town square of Burtonsville, Maryland. The site is bounded by Columbia Pike to the north, Old Columbia Pike to the south, and the existing elementary school to the east. The site is approximately 1.5 acres in size.

3. The proposed site is located within the existing town square of Burtonsville, Maryland. The site is bounded by Columbia Pike to the north, Old Columbia Pike to the south, and the existing elementary school to the east. The site is approximately 1.5 acres in size.

4. The proposed site is located within the existing town square of Burtonsville, Maryland. The site is bounded by Columbia Pike to the north, Old Columbia Pike to the south, and the existing elementary school to the east. The site is approximately 1.5 acres in size.

5. The proposed site is located within the existing town square of Burtonsville, Maryland. The site is bounded by Columbia Pike to the north, Old Columbia Pike to the south, and the existing elementary school to the east. The site is approximately 1.5 acres in size.

6. The proposed site is located within the existing town square of Burtonsville, Maryland. The site is bounded by Columbia Pike to the north, Old Columbia Pike to the south, and the existing elementary school to the east. The site is approximately 1.5 acres in size.

7. The proposed site is located within the existing town square of Burtonsville, Maryland. The site is bounded by Columbia Pike to the north, Old Columbia Pike to the south, and the existing elementary school to the east. The site is approximately 1.5 acres in size.

8. The proposed site is located within the existing town square of Burtonsville, Maryland. The site is bounded by Columbia Pike to the north, Old Columbia Pike to the south, and the existing elementary school to the east. The site is approximately 1.5 acres in size.

9. The proposed site is located within the existing town square of Burtonsville, Maryland. The site is bounded by Columbia Pike to the north, Old Columbia Pike to the south, and the existing elementary school to the east. The site is approximately 1.5 acres in size.

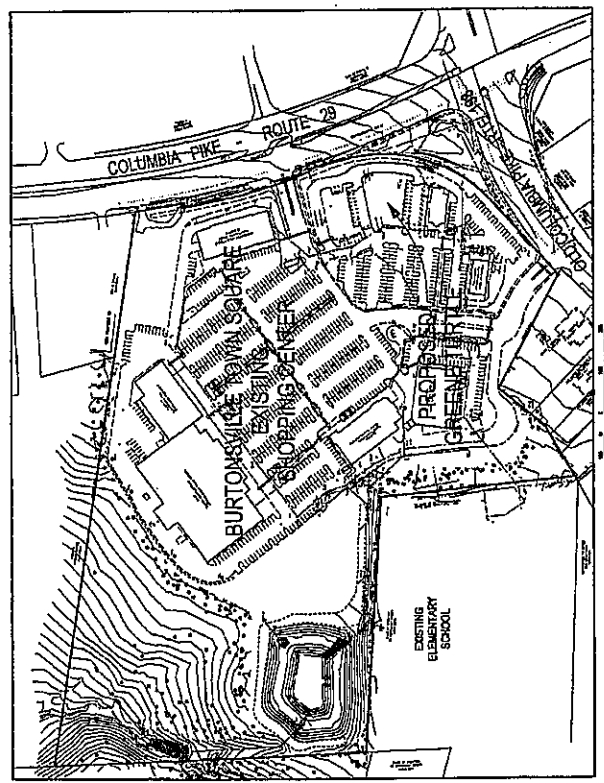
10. The proposed site is located within the existing town square of Burtonsville, Maryland. The site is bounded by Columbia Pike to the north, Old Columbia Pike to the south, and the existing elementary school to the east. The site is approximately 1.5 acres in size.

11. The proposed site is located within the existing town square of Burtonsville, Maryland. The site is bounded by Columbia Pike to the north, Old Columbia Pike to the south, and the existing elementary school to the east. The site is approximately 1.5 acres in size.

12. The proposed site is located within the existing town square of Burtonsville, Maryland. The site is bounded by Columbia Pike to the north, Old Columbia Pike to the south, and the existing elementary school to the east. The site is approximately 1.5 acres in size.

# GREENE TURTLE RESTAURANT SITE PLAN FOR CONSTRUCTION

GT BURTONSVILLE LLC  
OLD COLUMBIA PIKE (RTE. 198) & OLD COLUMBIA PIKE (RTE. 29A)



- Sheet Index Construction Drawings
1. Cover Sheet
  2. Existing Conditions Plan
  3. Site Plan for Construction
  4. Storm Drain & Paving Plan for Construction
  5. Storm Drain & Paving Detail Sheet
  6. Landscape Plan for Construction
  7. Landscape Detail Sheet

067055-  
SHEET 1 OF 7  
DATE: 10/1/2010  
BY: J. L. JONES

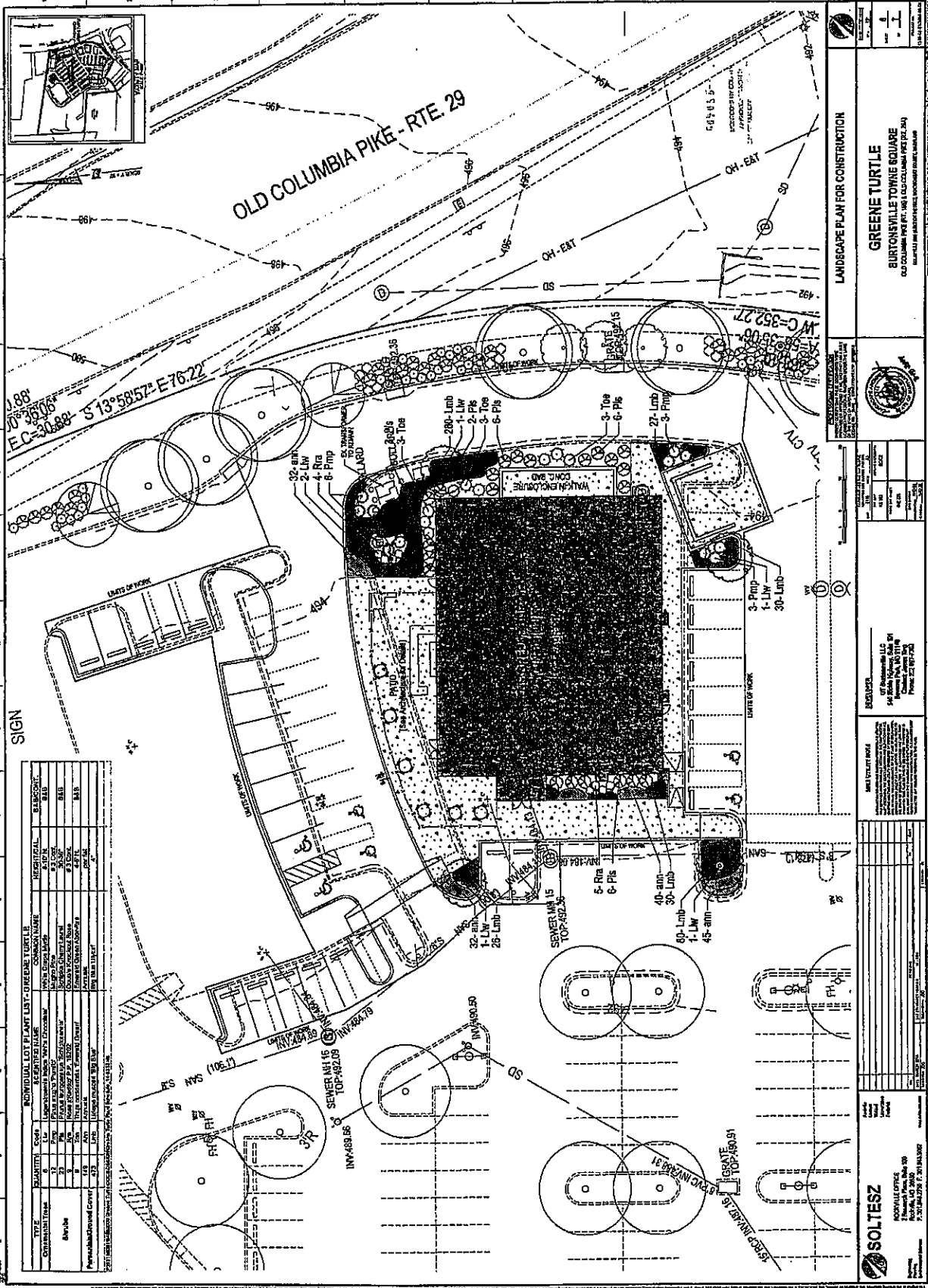
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|--|--|---|--|--|--|--|--|
| <b>SOLTESZ</b><br>ARCHITECTS<br>10000 Rte. 29A, Suite 100<br>Burtonsville, MD 20814<br>Phone: 301.441.8877 |  | <b>PROJECT INFORMATION</b><br>PROJECT: GREENE TURTLE RESTAURANT<br>CLIENT: GT BURTONSVILLE LLC<br>ARCHITECT: SOLTESZ ARCHITECTS<br>DATE: 10/1/2010<br>BY: J. L. JONES |  | <b>REVISIONS</b><br>NO. DESCRIPTION<br>1. Initial Design<br>2. Final Design<br>3. Construction Documents |  | <b>COVER SHEET</b><br>GREENE TURTLE<br>BURTONSVILLE TOWN SQUARE<br>OLD COLUMBIA PIKE (RTE. 198) & OLD COLUMBIA PIKE (RTE. 29A)<br>SHEET 1 OF 7<br>DATE: 10/1/2010<br>BY: J. L. JONES |  |
|--|--|---|--|--|--|--|--|











SIGN

| TYPE     | QUANTITY | COMMON NAME         | REMARKS  |
|----------|----------|---------------------|----------|
| Planting | 6        | Large Street Trees  | Planting |
| Planting | 12       | Medium Street Trees | Planting |
| Planting | 24       | Small Street Trees  | Planting |
| Planting | 12       | Large Shrubs        | Planting |
| Planting | 24       | Medium Shrubs       | Planting |
| Planting | 48       | Small Shrubs        | Planting |
| Planting | 12       | Large Lawn Trees    | Planting |
| Planting | 24       | Medium Lawn Trees   | Planting |
| Planting | 48       | Small Lawn Trees    | Planting |
| Planting | 12       | Large Lawn Shrubs   | Planting |
| Planting | 24       | Medium Lawn Shrubs  | Planting |
| Planting | 48       | Small Lawn Shrubs   | Planting |
| Planting | 12       | Large Lawn Plants   | Planting |
| Planting | 24       | Medium Lawn Plants  | Planting |
| Planting | 48       | Small Lawn Plants   | Planting |

**GREENE TURTLE**  
BURTONSVILLE TOWNE SQUARE  
OLD COLUMBIA PIKE RT. 29  
BURTONSVILLE, OHIO 44025

**LANDSCAPE PLAN FOR CONSTRUCTION**

DATE: 10/15/10  
SCALE: 1" = 10'-0"

**DESIGNER:**  
SOLTESZ  
10700 Soltesz Lane  
Burtonsville, OH 44025  
Phone: 440.275.1000

**CLIENT:**  
Greene Turtle  
10700 Soltesz Lane  
Burtonsville, OH 44025  
Phone: 440.275.1000

**PROJECT:**  
Burtonsville Towne Square  
10700 Soltesz Lane  
Burtonsville, OH 44025  
Phone: 440.275.1000





- [illegible]


1. All construction methods and materials used shall conform to the latest requirements of the Montgomery County Standard Specifications and Design Standards, unless otherwise noted.
2. Elevations on plan are top of curb unless otherwise noted.
3. Field adjustments shall be made as necessary to provide a smooth transition both vertically and horizontally from existing to proposed paving sections.
4. Gutters and paving shall be installed in such a manner as to insure positive drainage in all areas, as shown.
5. \_\_\_\_\_ Indicates spilled curb.
6. \* Indicates handicap ramp Std. MC-113.01 with detectable warning surfaces as Per Std. MD-655.40
7. All curb and gutter in County right-of-way to be MC-100.01. All other curb and Gutter outside the County right-of-way (in privately maintained areas) to be Std. MC-100.01, MC-101.01 or MC-104.01
8. All curb and gutter in SHA right-of-way to be per MD-620.02-01 type "C".
9. Transition from SHA curb to County curb to happen within the first 10' beyond the SHA right-of-way.
10. Existing pavement to remain, will be patched / repaired as necessary. Actual limits to be determined prior to beginning any site construction.
11. New curb and gutter and sidewalk construction to meet existing curb and gutter and sidewalk in line and on grade.
12. Consult geotechnical report for detail information on required paving section.
13. All handicap signs to be R7-8.
14. All van accessible handicap signs to be R7-8 and R7-8a.

Rockville  
Lanham  
Frederick  
Waldorf  
Leonardtown  
Chantilly

[www.LSAssociates.net](http://www.LSAssociates.net)

|                 |  |    |      |
|-----------------|--|----|------|
| NO.             | REVISIONS  | BY | DATE |
| Date: July 2008 | CAD Standards Version: MicroStation V8 Std. 2004 |    |      |

|   |                            |                 |
|---|----------------------------|-----------------|
| Copyright AOC The Map People<br>Permitted Use Number 20711188 |                            | 31st<br>Edition |
| Map<br>32   | Grid<br>E & 1              |                 |
| Tax Map<br>K3 562   | Zoning Category<br>R-CIC-2 |                 |
| WSSC 200' Sheet<br>221 NE 04                                  |                            |                 |
| Site Datum  |                            |                 |
| Horizontal: _____   |                            |                 |




STATE OF MARYLAND  
IRENE ANNE CARRATO  
No. 15009  
REGISTERED  
PROFESSIONAL ENGINEER

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UNDERGROUND STRUCTURES BY DIGGING TESTS BY HAND WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS. UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

### TYPICAL SECTION Legend

- (A) PLACE 4" TOPSOIL AND GROUND EXCEPT WHERE OTHER LINKINGS ARE SHOWN. TOPSOIL SHALL BE 5% MAX. SWAMP OR CONCRETE
- (C) COMBINATION CONCRETE CURB & GUTTER - TYPE 1 (SEE DETAIL NO. 500.00)
- (D) MODIFIED COMBINATION CONCRETE CURB & GUTTER - TYPE 1 (SEE DETAIL THIS SHEET)
- (E) ROADWAY PAVING SURFACE (SEE DETAIL THIS SHEET)
- (F) LINE OF CLASS 1 EXCAVATION
- (G) SAW CUT FILL DEPTH, DRAINAGE (SEE DETAIL ON THIS SHEET)
- (H) 4" INCH CONCRETE SIDEWALK (SEE DETAIL ON THIS SHEET)
- (I) UNDERDRAIN - LOCATION AS NOTED ON PLANS (SEE DETAIL ON THIS SHEET)
- (J) WHEN THE TOP OF PROPOSED EMBANKMENT IS LESS THAN OR ABOUT THE SAME ELEVATION AS EXISTING GRADE, REMOVE EXISTING TOPSOIL AND BACKFILL WITH CRUSHER RUN

|   |   |
|---|---|
| DPS REVIEW No. 234478   |   |
| MONTGOMERY COUNTY, MARYLAND<br>DEPARTMENT OF PERMITTING SERVICES                |   |
| * FINAL APPROVAL  |   |
| DATE  | 7/2/09  |
| BY  |  |
| * SUBJECT TO DEDICATION OF RIGHT OF WAY<br>AND EASEMENT PER COUNTY CODE SECTION |   |

C-17

SPENCERVILLE ROAD (RT. 198) &amp; COLUMBIA PIKE (RT. 29)

COLESVILLE (5TH) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND



1" = As Shown

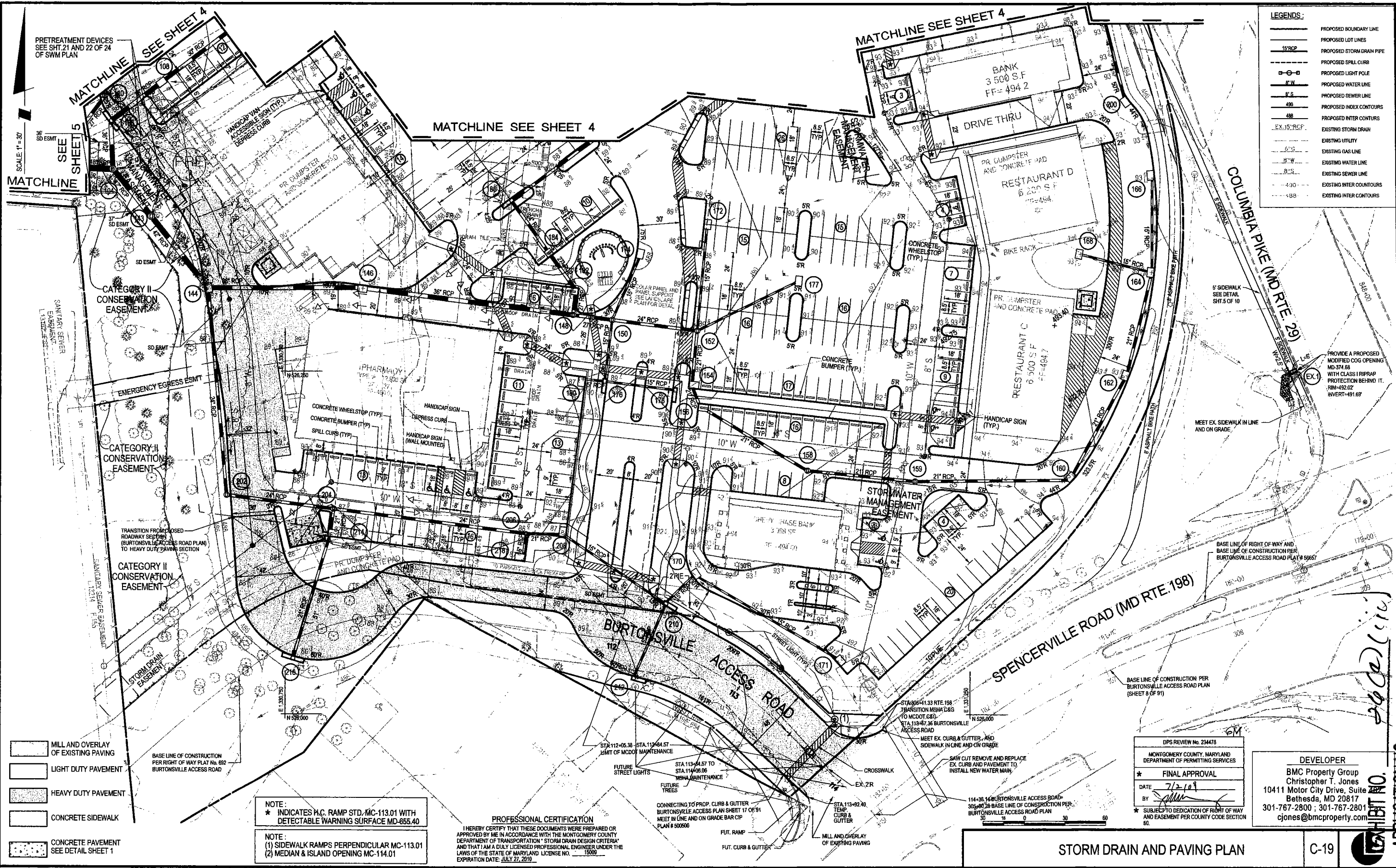
SHEET 1

OF 10

PROJECT NO.  
1210 00 04

EXHIBIT NO. 266C  
APPLICATION NO. CU 17-06





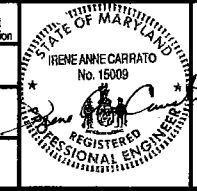
- LEGEND:**
- PROPOSED BOUNDARY LINE
  - PROPOSED LOT LINES
  - PROPOSED STORM DRAIN PIPE
  - PROPOSED SPILL CURB
  - PROPOSED LIGHT POLE
  - PROPOSED WATER LINE
  - PROPOSED SEWER LINE
  - PROPOSED INDEX CONTOURS
  - PROPOSED INTER CONTOURS
  - EXISTING STORM DRAIN
  - EXISTING UTILITY
  - EXISTING GAS LINE
  - EXISTING WATER LINE
  - EXISTING SEWER LINE
  - EXISTING INTER CONTOURS
  - EXISTING INTER CONTOURS

- MILL AND OVERLAY OF EXISTING PAVING
- LIGHT DUTY PAVEMENT
- HEAVY DUTY PAVEMENT
- CONCRETE SIDEWALK
- CONCRETE PAVEMENT SEE DETAIL SHEET 1

**NOTE:**  
\* INDICATES H.C. RAMP STD. MC-113.01 WITH DETECTABLE WARNING SURFACE MD-655.40

**NOTE:**  
(1) SIDEWALK RAMPS PERPENDICULAR MC-113.01  
(2) MEDIAN & ISLAND OPENING MC-114.01

**PROFESSIONAL CERTIFICATION**  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME IN ACCORDANCE WITH THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION "STORM DRAIN DESIGN CRITERIA" AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 15009 EXPIRATION DATE: JULY 27, 2019



**MISS UTILITY NOTE**  
INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT THE UTILITY AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

DPS REVIEW No. 234478  
MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF PERMITTING SERVICES  
\* **FINAL APPROVAL**  
DATE: 7/2/09  
BY: [Signature]

**DEVELOPER**  
BMC Property Group  
Christopher T. Jones  
10411 Motor City Drive, Suite 200  
Bethesda, MD 20817  
301-767-2800 ; 301-767-2801  
cjones@bmcproperty.com

**Loisderman Soltesz Associates, Inc.**  
Rockville Office  
2 Research Place, Suite 100  
Rockville, MD 20850  
t. 301.948.2750 f. 301.948.9067  
www.LSAAssociates.net

Engineering  
Planning  
Surveying  
Environmental Sciences

| NO.  | DATE      | REVISIONS      | BY | DATE     |
|--|-----------|----------------|----|----------|
| 1  | July 2008 | UPDATE SHADING | CW | 08-01-08 |
| CAD Standards Version: MicroStation V8 Std. 2004 |           |                |    |          |
| Technician: PN                                   |           |                |    |          |
| Checked: JAC                                     |           |                |    |          |

|                |           |                 |         |             |
|----------------|-----------|-----------------|---------|-------------|
| Map            | 32        | Grid            | E&I     | 3rd Edition |
| Tax Map        | KS 562    | Zoning Category | R-C-C-2 |             |
| WSSC 200 Sheet | 221 NE 04 | Site Datum      |         |             |
| Horizontal     |           | Vertical        |         |             |

**BURTONSVILLE TOWN SQUARE**  
SPENCERVILLE ROAD (RT. 198) & COLUMBIA PIKE (RT. 29)

COLESVILLE (5TH) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**STORM DRAIN AND PAVING PLAN**

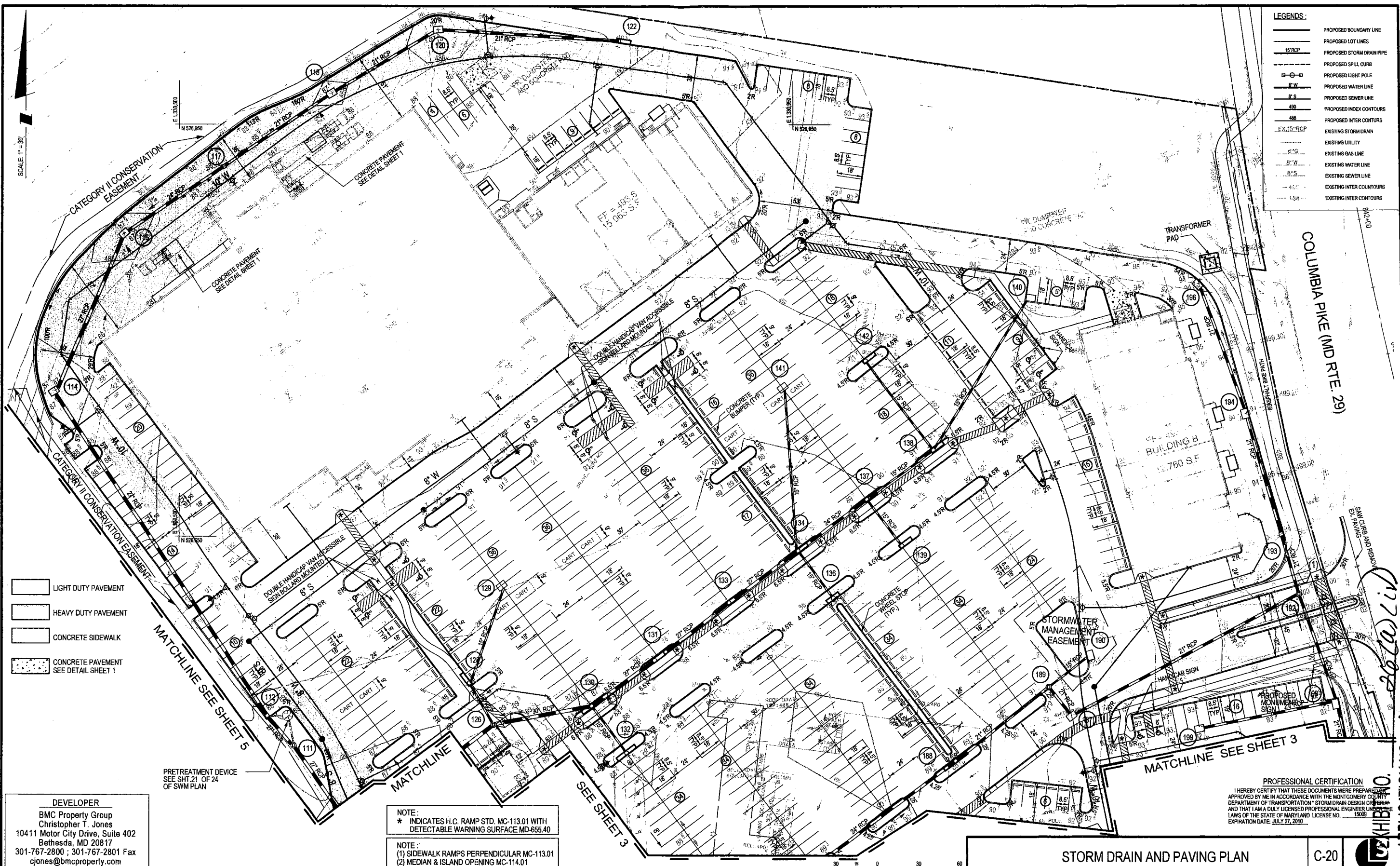
C-19

SHEET 3 OF 10

PROJECT NO. 1319-00-01

P:\131900\ENGINEERING\PAVING\STORMS03\_Plan\_30.dwg Scale=30.0000 ft in User:mcarrato Date: 7/2/09 9:46:49 AM





- LEGENDS:**
- PROPOSED BOUNDARY LINE
  - PROPOSED LOT LINES
  - 15" RCP
  - PROPOSED STORM DRAIN PIPE
  - PROPOSED SPILL CURB
  - PROPOSED LIGHT POLE
  - 8" W
  - PROPOSED WATER LINE
  - 8" S
  - PROPOSED SEWER LINE
  - 480
  - PROPOSED INDEX CONTOURS
  - 488
  - PROPOSED INTER CONTOURS
  - EXISTING STORM DRAIN
  - EXISTING UTILITY
  - EXISTING GAS LINE
  - EXISTING WATER LINE
  - EXISTING SEWER LINE
  - EXISTING INTER CONTOURS
  - EXISTING INTER CONTOURS

- LIGHT DUTY PAVEMENT
- HEAVY DUTY PAVEMENT
- CONCRETE SIDEWALK
- CONCRETE PAVEMENT SEE DETAIL SHEET 1

**DEVELOPER**  
BMC Property Group  
Christopher T. Jones  
10411 Motor City Drive, Suite 402  
Bethesda, MD 20817  
301-767-2800 ; 301-767-2801 Fax  
cjones@bmcproperty.com

**NOTE:**  
\* INDICATES H.C. RAMP STD. MC-113.01 WITH DETECTABLE WARNING SURFACE MD-655.40

**NOTE:**  
(1) SIDEWALK RAMPS PERPENDICULAR MC-113.01  
(2) MEDIAN & ISLAND OPENING MC-114.01

**PROFESSIONAL CERTIFICATION**  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 15009 EXPIRATION DATE: JULY 27, 2019

**Loiederman Soltesz Associates, Inc.**  
Rockville Office  
2 Research Place, Suite 100  
Rockville, MD 20850  
t. 301.948.2750 f. 301.948.9067  
www.LSAssociates.net

| NO.           | DATE       | REVISIONS      | BY | DATE     |
|---------------|------------|----------------|----|----------|
| 1             | July, 2008 | UPDATE SHADING | CW | 08-01-08 |
| Designed: N/A |            |                |    |          |

|                 |           |                 |         |              |
|-----------------|-----------|-----------------|---------|--------------|
| Map             | 32        | Grid            | E & 1   | 31st Edition |
| Tax Map         | KS 562    | Zoning Category | R-C/C-2 |              |
| WSSC 200' Sheet | 221 NE 04 | Site Datum      |         |              |
| Horizontal      |           | Vertical        |         |              |



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**STORM DRAIN AND PAVING PLAN**

**BURTONSVILLE TOWN SQUARE**  
SPENCERVILLE ROAD (RT. 198) & COLUMBIA PIKE (RT. 29)

COLESVILLE (5TH) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

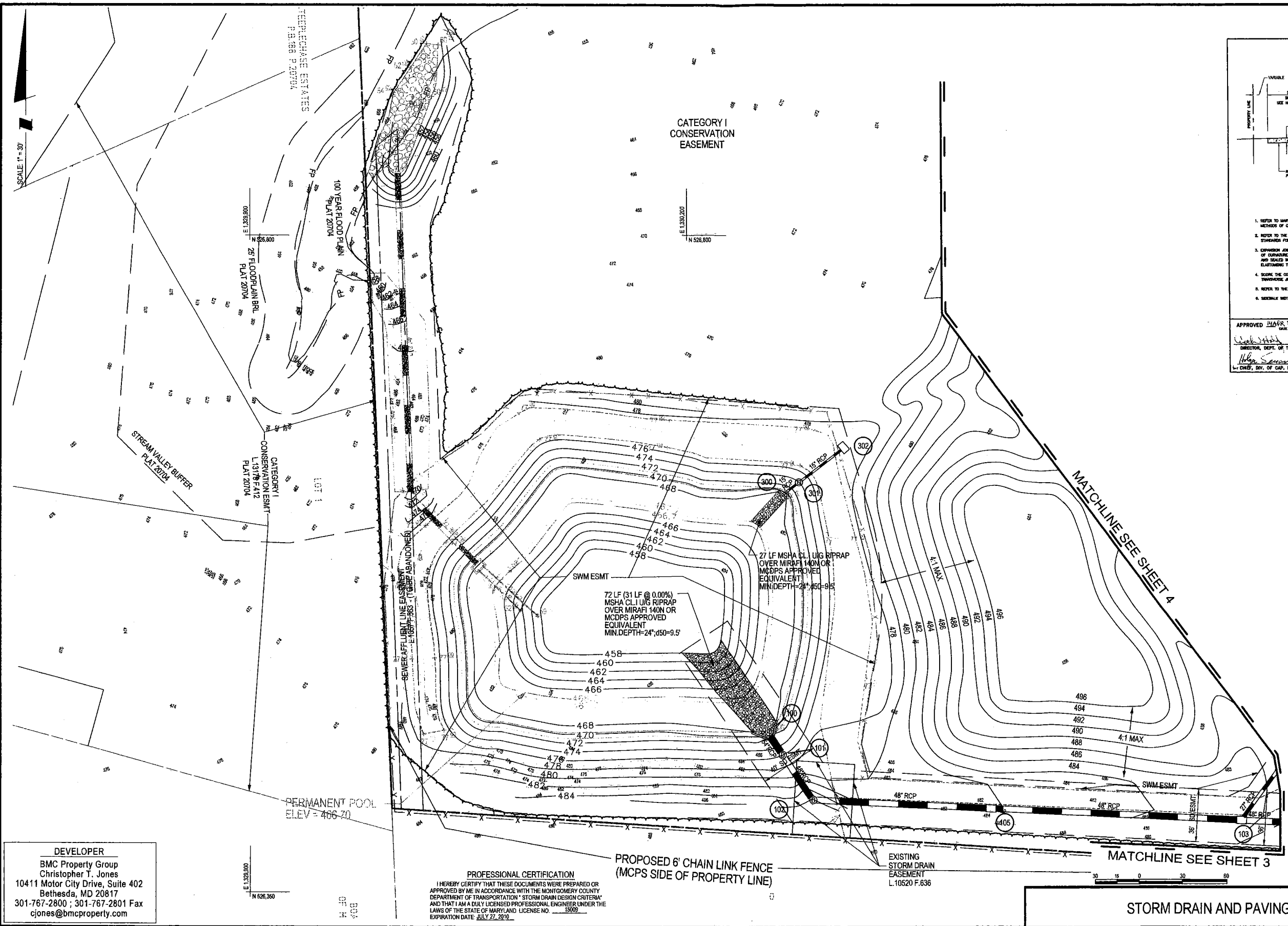
C-20

**EXHIBIT C**

SHEET 4 OF 10

PROJECT NO. 1319-00-01

P:\13190001\ENGINEERING\STORMDRAIN\Plan\_30.dwg Scale=30.0000 Plot Date=07/27/2008 3:53:08 PM



**GENERAL NOTES**

- REFER TO MARYLAND STATE HIGHWAY CONSTRUCTION SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
- REFER TO THE APPLICABLE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION DESIGN STANDARDS FOR DETAILS AT INTERSECTIONS.
- CONCRETE JOINTS SHALL HAVE A MINIMUM SPACING OF 100 FEET AND BE LOCATED AT POINTS OF CURVATURE. CONCRETE JOINT MATERIAL SHALL BE 1/2" RICH PORTLAND CEMENT, FINISHED AND SEALED WITH NON-SOLVENT, TWO-COMPONENT POLYURETHANE OR POLYURETHANE ELASTOMER TYPE SEALANT COMPLYING WITH ASTM-A-1075.
- SCORE THE CONCRETE TO A DEPTH OF 1/2" THE SLAB THICKNESS TO PROVIDE WEATHERED PLANE TRANSVERSE JOINTS AT 5'-0" INTERVALS.
- REFER TO THE APPLICABLE ROAD STANDAED AND CURB AND GUTTER STANDARDS FOR OTHER OPTIONS.
- SEWERAL WIDTH SHALL BE 4'-0" FOR SECONDARY AND TERTIARY HIGHWAYS.

APPROVED: *[Signature]* DATE: 7/12/07  
DIRECTOR, DEPT. OF TRANS.  
L. CHIEF, DIV. OF CAP. DEV.

REVISOR: *[Signature]* DATE: 7/12/07  
MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL SIDEWALK CLOSED SECTION  
MODIFIED STANDARD NO. MC-110.01

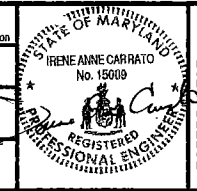
**LEGENDS:**

|       |                           |
|-------|---------------------------|
| ---   | PROPOSED BOUNDARY LINE    |
| ---   | PROPOSED LOT LINES        |
| ---   | PROPOSED STORM DRAIN PIPE |
| ---   | PROPOSED SPILL CURB       |
| ○-○-○ | PROPOSED LIGHT POLE       |
| ---   | PROPOSED WATER LINE       |
| ---   | PROPOSED SEWER LINE       |
| ---   | PROPOSED INDEX CONTOURS   |
| ---   | PROPOSED INTER CONTOURS   |
| ---   | EXISTING STORM DRAIN      |
| ---   | EXISTING UTILITY          |
| ---   | EXISTING GAS LINE         |
| ---   | EXISTING WATER LINE       |
| ---   | EXISTING SEWER LINE       |
| ---   | EXISTING INTER CONTOURS   |
| ---   | EXISTING INTER CONTOURS   |

DPS REVIEW NO. 234478  
MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF PERMITTING SERVICES  
\* FINAL APPROVAL  
DATE: 7/12/07  
BY: *[Signature]*  
\* SUBJECT TO DEDICATION OF RIGHT OF WAY AND EASEMENT PER COUNTY CODE SECTION 50.

**DEVELOPER**  
BMC Property Group  
Christopher T. Jones  
10411 Motor City Drive, Suite 402  
Bethesda, MD 20817  
301-767-2800 ; 301-767-2801 Fax  
cjones@bmcproperty.com

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EXPIRATION DATE: JULY 22, 2010



**MISS UTILITY NOTE**  
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**Lolederman Soltesz Associates, Inc.**  
Rockville Office  
2 Research Place, Suite 100  
Rockville, MD 20850  
t. 301.948.2750 f. 301.948.9067  
www.LSAssociates.net

| NO. | REVISIONS      | BY  | DATE    |
|-----|----------------|-----|---------|
| 1   | Initial Design | JAC | 7/12/07 |
| 2   | Final Design   | JAC | 7/12/07 |

Copyright: The Map People  
Map: KS 562  
Grid: E & A  
31st Edition  
WSSC 2007 Sheet  
221 NE 04  
Site Datum  
Horizontal:   
Vertical:   
CAD Standard: Version: Microstation V8 Std. 2004  
Designed: NR  
Checked: JAC

**STORM DRAIN AND PAVING PLAN**

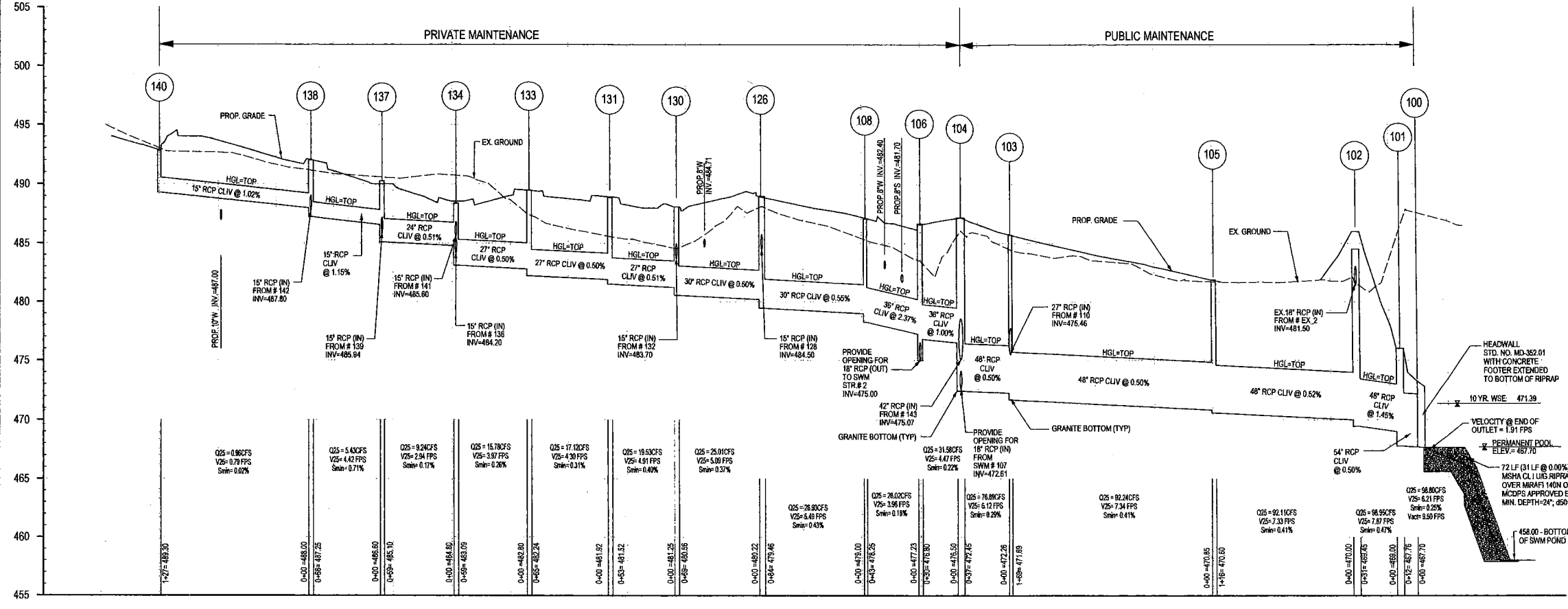
**BURTONSVILLE TOWN SQUARE**  
SPENCERVILLE ROAD (RT. 198) & COLUMBIA PIKE (RT. 29)

COLESVILLE (5TH) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

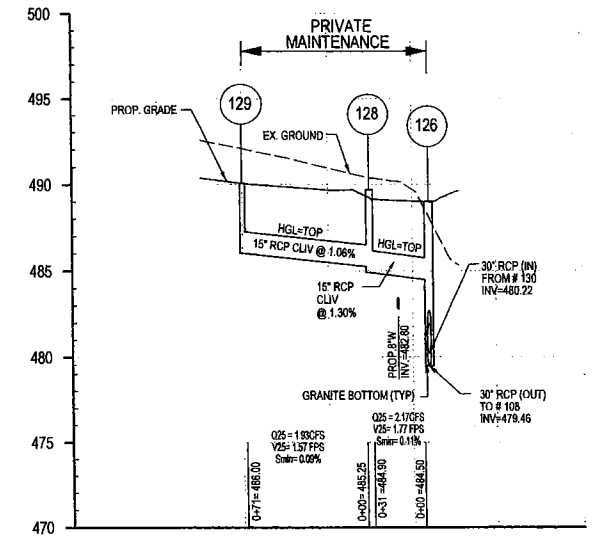
C-21

**EXHIBIT NO. 26 (a)(v)**  
**APPLICATION NO. CU 1706**

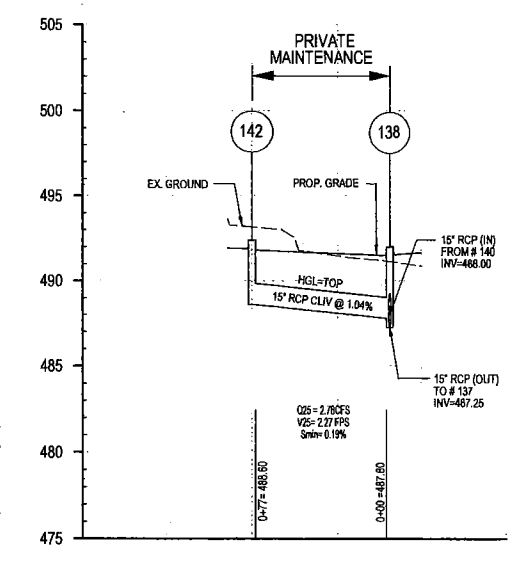
**PROJECT NO. 1319-00-01**



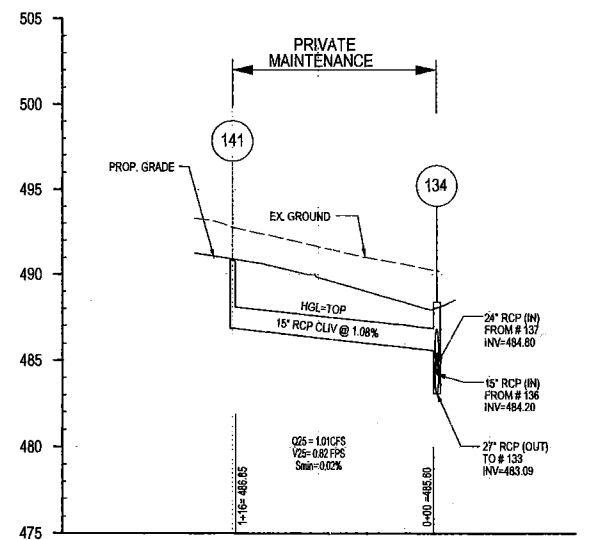
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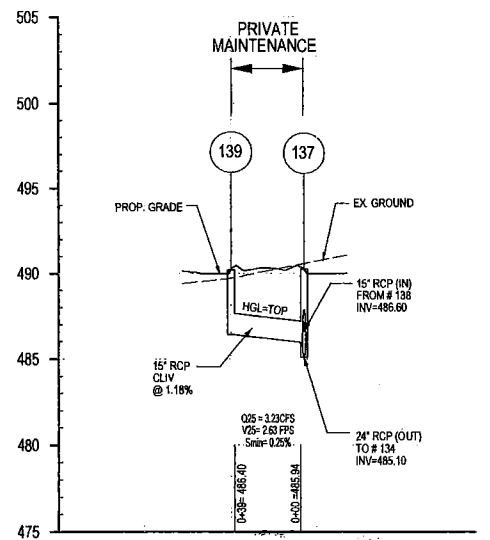
PROPOSED STRUCTURES # 129 TO #126



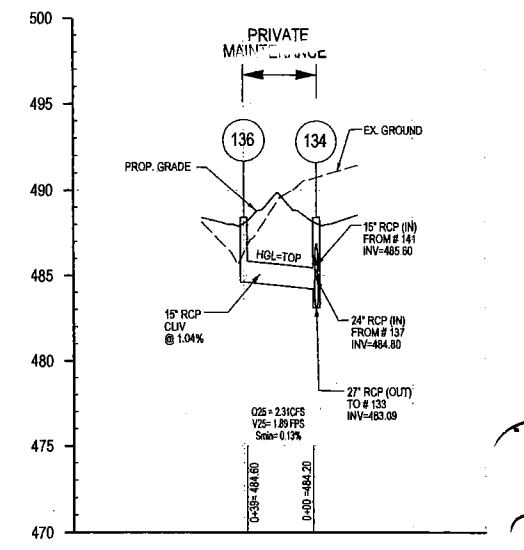
PROPOSED STRUCTURES # 142 TO #138



PROPOSED STRUCTURES # 141 TO #134



PROPOSED STRUCTURES # 139 TO #137



PROPOSED STRUCTURES # 136 TO #134

**DEVELOPER**  
BMC Property Group  
Christopher T. Jones  
10411 Motor City Drive, Suite 402  
Bethesda, MD 20817  
301-767-2800 ; 301-767-2801 Fax  
cjones@bmcproperty.com

**PROFILE SCALE**  
HORIZONTAL: 1" = 50'  
VERTICAL: 1" = 5'

**PROFESSIONAL CERTIFICATION**  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME IN ACCORDANCE WITH THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION "STORM DRAIN DESIGN CRITERIA" AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 15009 EXPIRATION DATE: JULY 27, 2010.

DPS REVIEW NO. 23478  
MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF PERMITTING SERVICES  
\* **FINAL APPROVAL**  
DATE: 7/2/09  
BY: [Signature]  
\* SUBJECT TO DEDICATION OF RIGHT OF WAY AND EASEMENT PER COUNTY CODE SECTION 50.

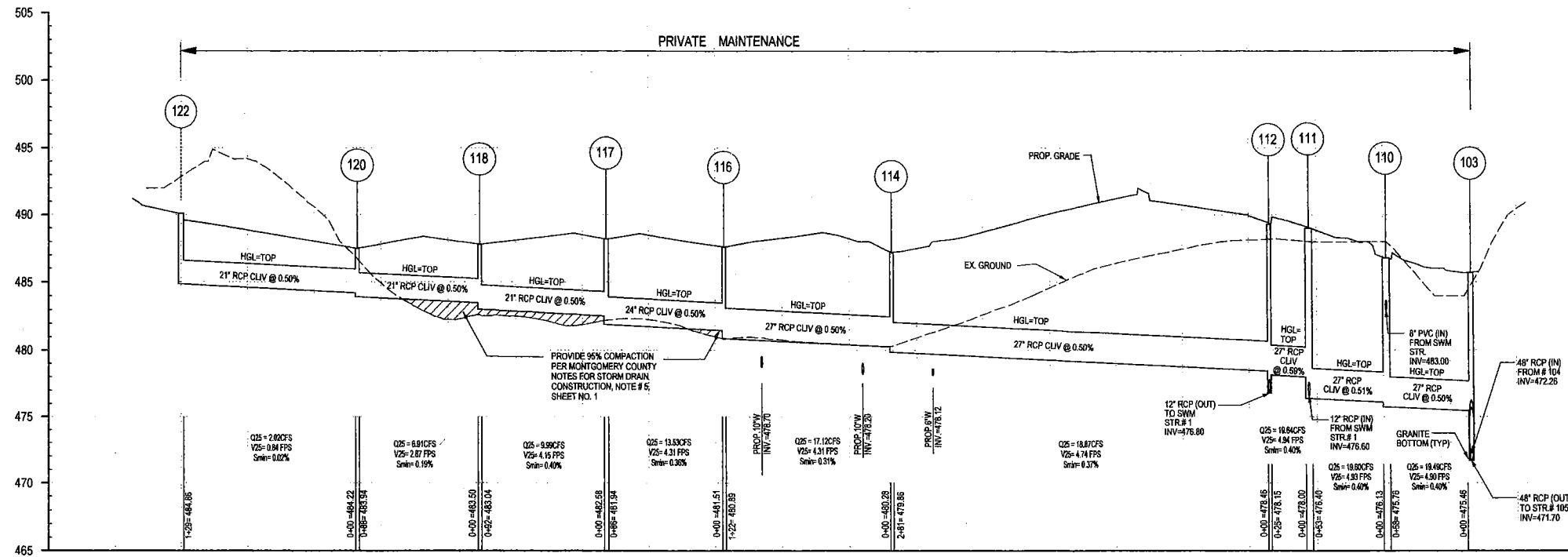
**Loiederman Soltesz Associates, Inc.**  
Rockville Office  
2 Research Place, Suite 100  
Rockville, MD 20850  
t. 301.948.2750 f. 301.948.9067  
www.LSAssociates.net

| NO. | REVISIONS                 | BY | DATE   |
|-----|---------------------------|----|--------|
| 1   | CAD Standards Version 1   | PN | 7/2/09 |
| 2   | Microstation V8 Std. 2004 | PN | 7/2/09 |
| 3   | Checked: IAC              |    |        |

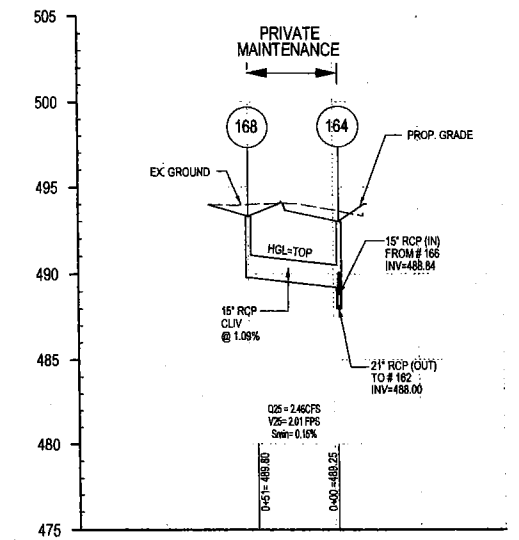
|  |  |                                   |
|--|--|-----------------------------------|
| Copyright © The Map People<br>Permitted Use Number 2071186<br>31st Edition | Map: KS 582<br>Zoning Category: R-OC-2<br>WSSC 2007 Sheet<br>221 NE 04 | Site Datum: Horizontal: Vertical: |
|--|--|-----------------------------------|

**MISS UTILITY NOTE**  
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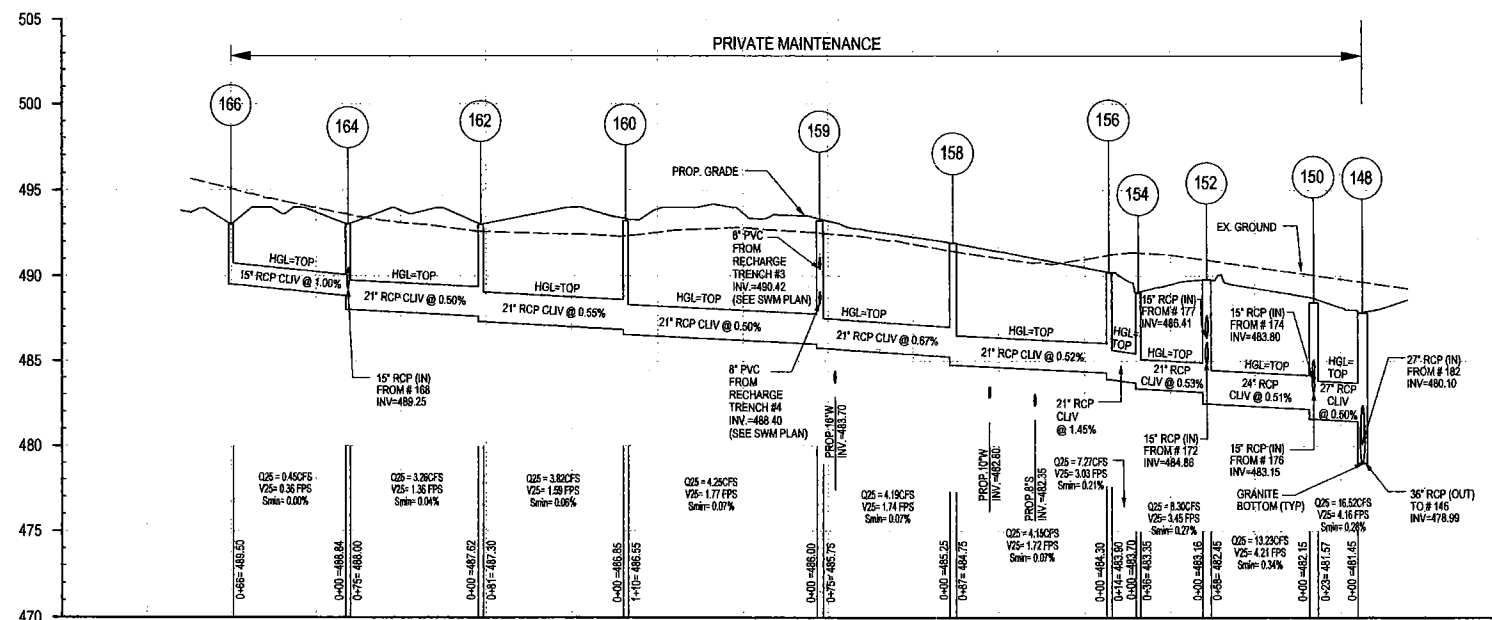
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|---|---------------|------------------------|
| STORM DRAIN AND PAVING PROFILES   |               | C-22                   |
| <b>BURTONSVILLE TOWN SQUARE</b><br>SPENCERVILLE ROAD (RT. 198) & COLUMBIA PIKE (RT. 29) |               |                        |
| COLESVILLE (6TH) ELECTION DISTRICT<br>MONTGOMERY COUNTY, MARYLAND                       |               |                        |
| EXHIBIT NO. 26 (a) (v)<br>APPLICATION NO. CU 17-06                                      | SHEET 6 OF 10 | PROJECT NO. 1319-00-01 |



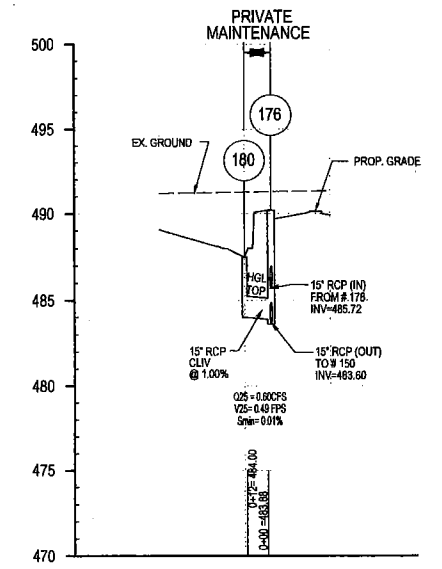
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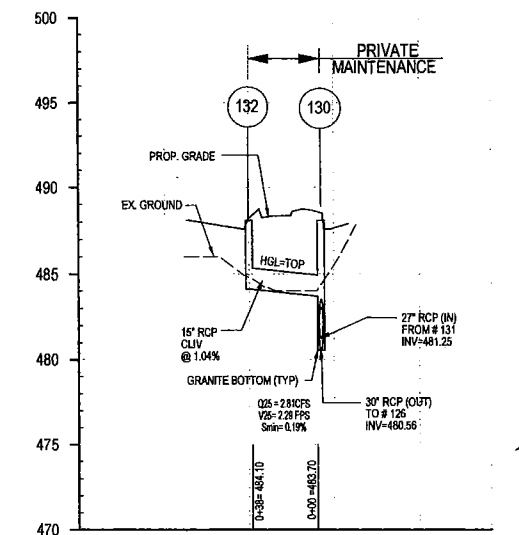
PROPOSED STRUCTURES # 168 TO #164



PROPOSED STRUCTURES # 166 TO #148



PROPOSED STRUCTURES # 180 TO #176



PROPOSED STRUCTURES # 132 TO #130

**DEVELOPER**  
BMC Property Group  
Christopher T. Jones  
10411 Motor City Drive, Suite 402  
Bethesda, MD 20817  
301-767-2800 ; 301-767-2801 Fax  
cjones@bmcproperty.com

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VERTICAL: 1" = 5'

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AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE  
LAWS OF THE STATE OF MARYLAND LICENSE NO. 15009  
EXPIRATION DATE: JULY 27, 2010

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UTILITIES AND UTILITY CROSSINGS BY DOING TEST PITS BY HAND.  
WELL IN ADVANCE OF THE START OF EXCAVATION CONTACT "MISS  
UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF  
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CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE  
REVISIONS TO THIS PLAN.

**STORM DRAIN AND PAVING PROFILES**

C-24

**BURTONSVILLE TOWN SQUARE**

SPENCERVILLE ROAD (RT. 198) & COLUMBIA PIKE (RT. 29)

COLESVILLE (5TH) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

EXHIBIT NO. 20 Cal (vic)  
APPLICATION NO. CA-17-06  
PROJECT NO. 1319-00-01



**ROCKVILLE OFFICE**  
2 Research Place, Suite 100  
Rockville, MD 20850  
t. 301.948.2750 f. 301.948.9067

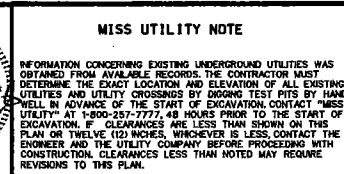
Engineering  
Planning  
Surveying  
Environmental Sciences

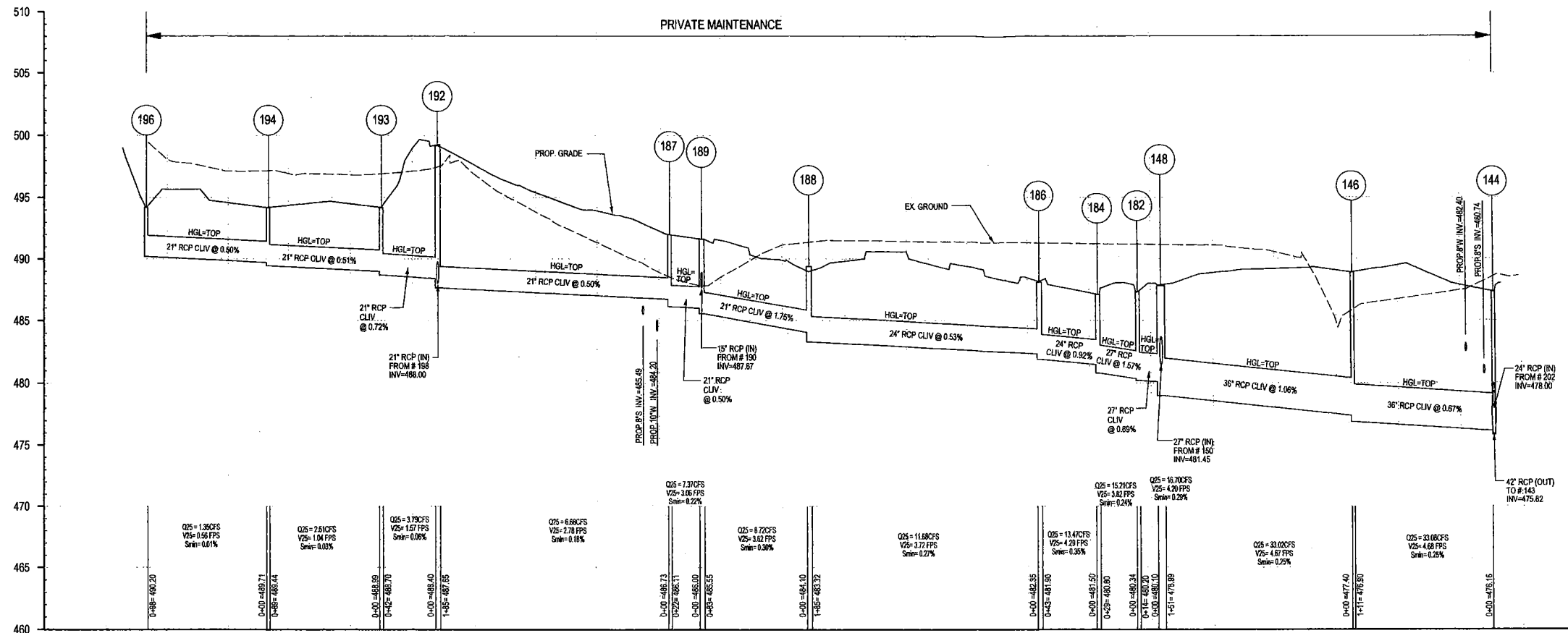
Rockville  
Lanham  
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Chantilly

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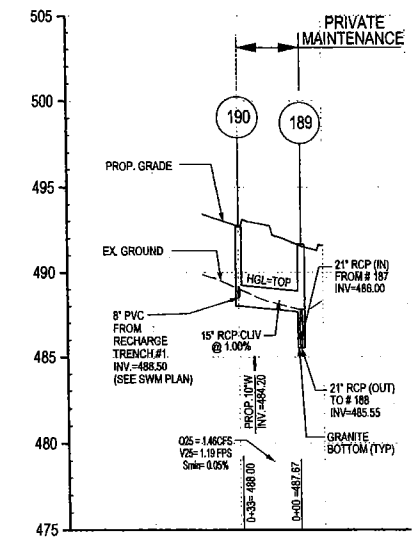
| NO. | REVISIONS  | BY | DATE |
|-----|--|----|------|
| 1   | CAD Standards Version: Microstation V8 Std. 2004 |    |      |
| 2   | Technical: PN                                    |    |      |
| 3   | Checked: IAC                                     |    |      |

|  |              |
|--|--------------|
| Copyright: ADG The Map People<br>Permitted Use Number: 2071156 | 31st Edition |
| Map: KS 562  | Zone: R-OC-2 |
| WSSC 200' Sheet  | 221 NE 04    |
| Site Datum   |              |
| Horizontal   |              |
| Vertical   |              |

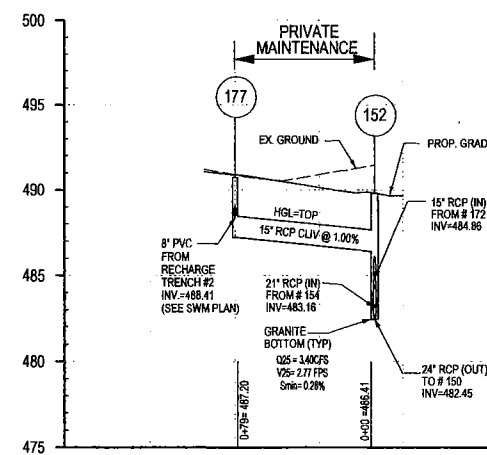




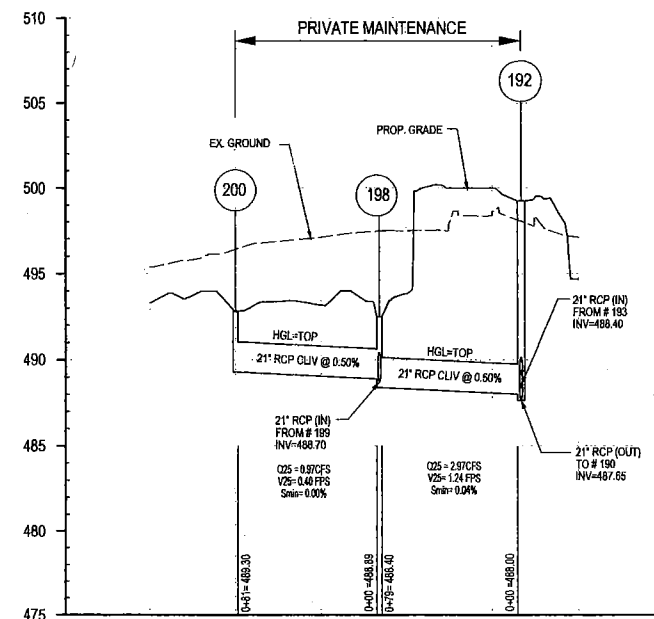
PROPOSED STRUCTURES # 196 TO #144



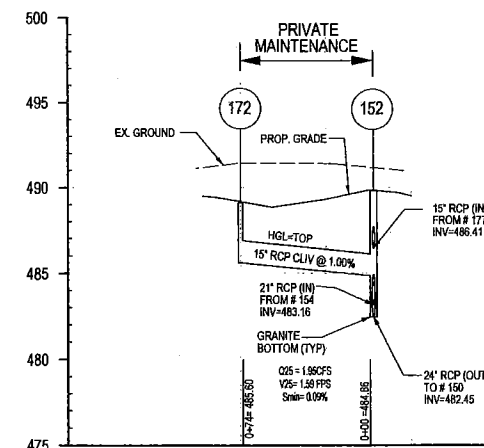
PROPOSED STRUCTURES # 190 TO #189



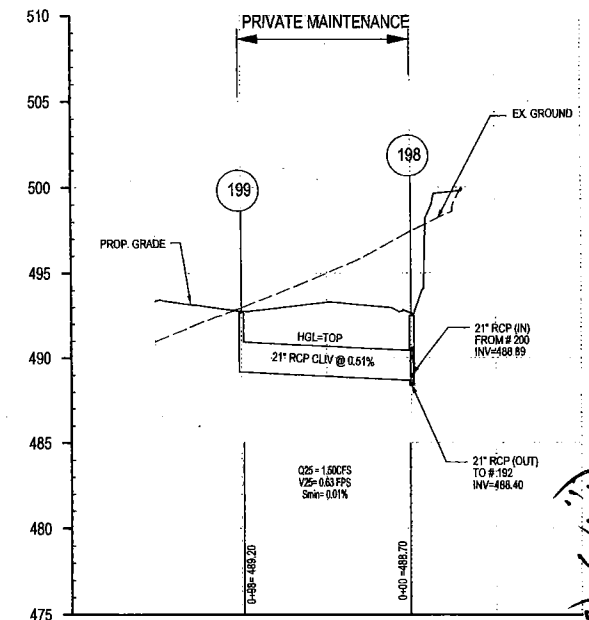
PROPOSED STRUCTURES # 177 TO #152



PROPOSED STRUCTURES # 200 TO #192



PROPOSED STRUCTURES # 172 TO #152



PROPOSED STRUCTURES # 199 TO #198

**PROFESSIONAL CERTIFICATION**  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME IN ACCORDANCE WITH THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION "STORM DRAIN DESIGN CRITERIA" AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 15009 EXPIRATION DATE: JULY 27, 2010

**MISS UTILITY NOTE**

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

**STORM DRAIN AND PAVING PROFILES**

**BURTONSVILLE TOWN SQUARE**

SPENCERVILLE ROAD (RT. 198) & COLUMBIA PIKE (RT. 29)

COLESVILLE (5TH) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

C-23



1" = As Shown

SHEET 8

OF 10

PROJECT NO. 1319-00-01

**DEVELOPER**  
BMC Property Group  
Christopher T. Jones  
10411 Motor City Drive, Suite 402  
Bethesda, MD 20817  
301-767-2800 ; 301-767-2801 Fax  
cjones@bmcproperty.com

**PROFILE SCALE**  
HORIZONTAL: 1" = 50'  
VERTICAL: 1" = 5'



**ROCKVILLE OFFICE**  
2 Research Place, Suite 100  
Rockville, MD 20850  
t. 301.948.2750 f. 301.948.9067

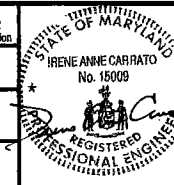
Rockville  
Lanham  
Frederick  
Waldorf  
Leonardtown  
Chantilly

Engineering  
Planning  
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Environmental Sciences

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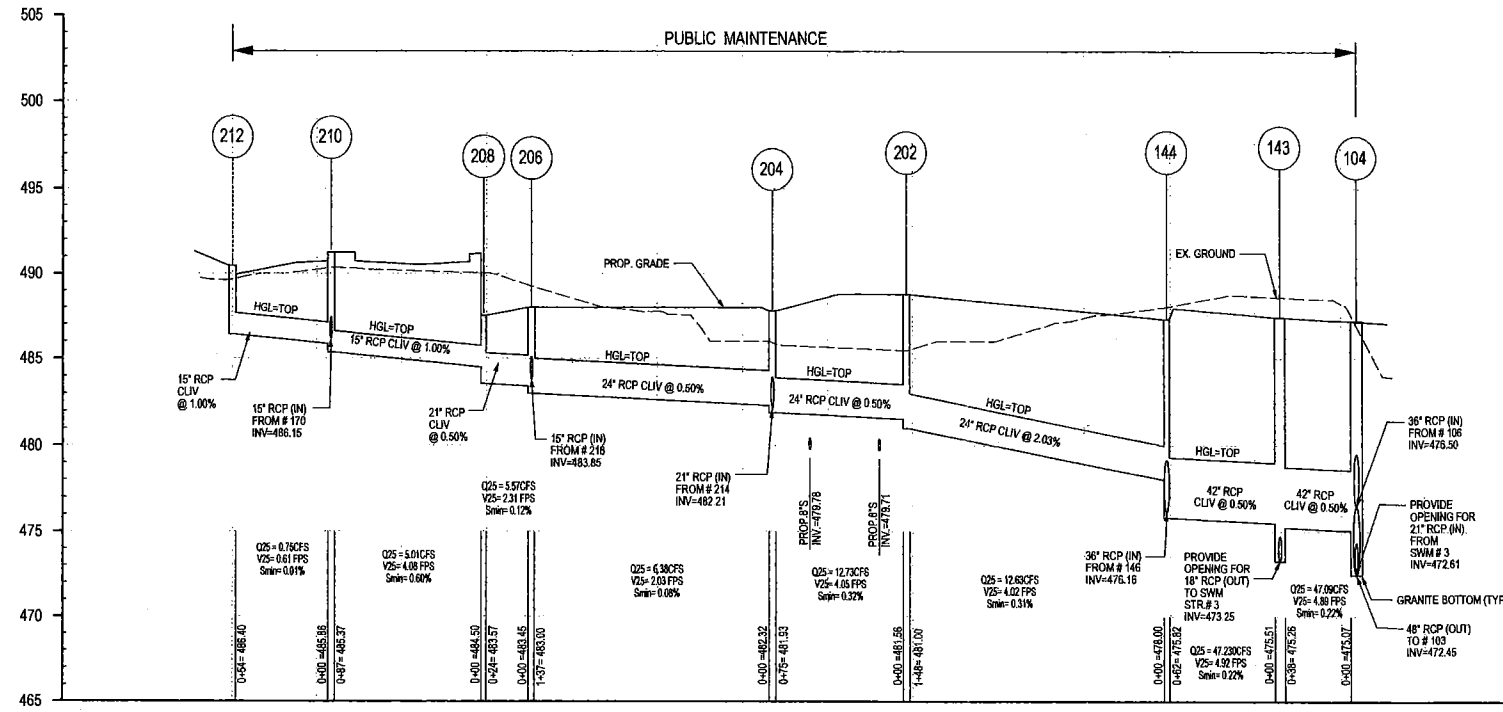
| NO. | REVISIONS                                       | BY | DATE       |
|-----|---|----|------------|
| 1   | Initial Design                                  | PN | July, 2008 |
| 2   | CAD Standards Version: Microstation V8 Std 2004 |    |            |
| 3   | Checked: IAC                                    |    |            |

|  |                         |
|--|-------------------------|
| Copyright ADC The Map People<br>Permitted Use Number 2071156 | 31st Edition            |
| Map 32 Grid E&I  |                         |
| Tax Map KS 552   | Zoning Category: R-OC-2 |
| WSSC 200 Sheet 221 NE 04                                     |                         |
| Site Datum   |                         |
| Horizontal   |                         |
| Vertical   |                         |

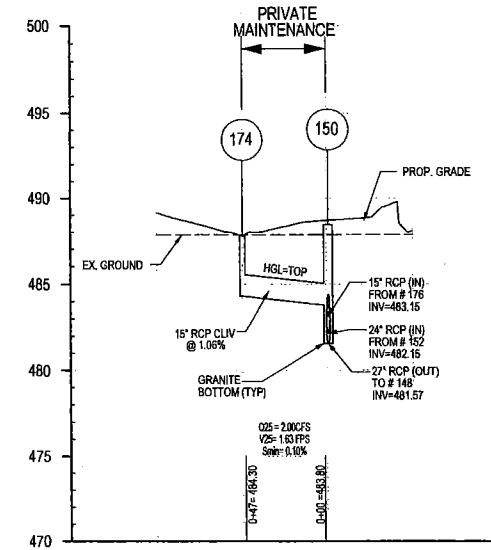


MISS UTILITY NOTE

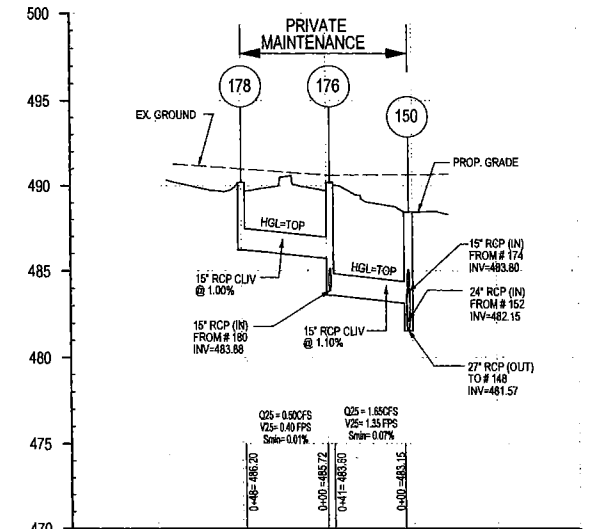




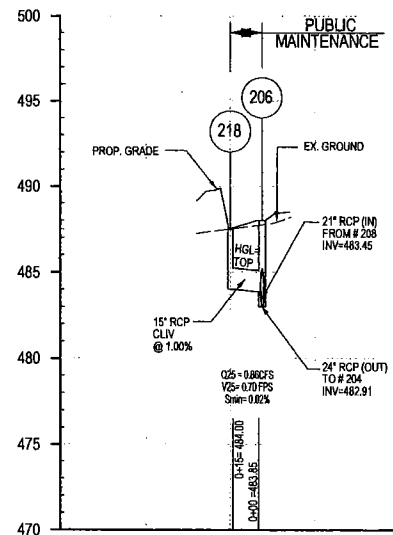
PROPOSED STRUCTURES # 212 TO #104



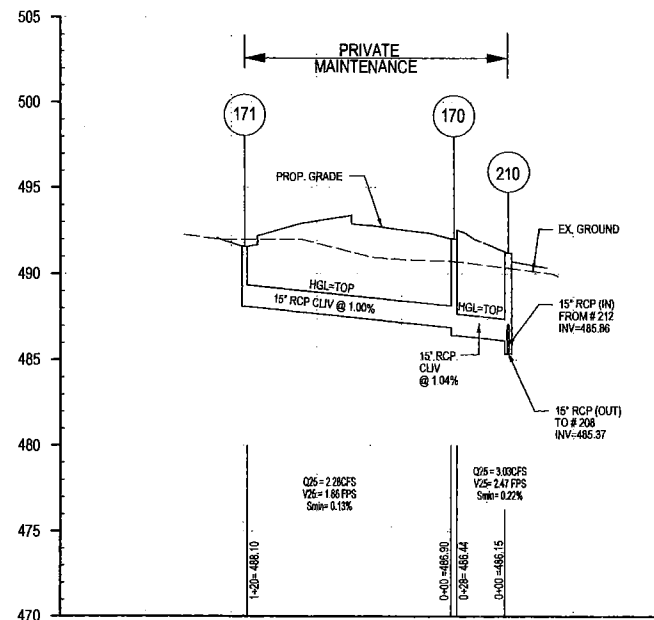
PROPOSED STRUCTURES # 174 TO #150



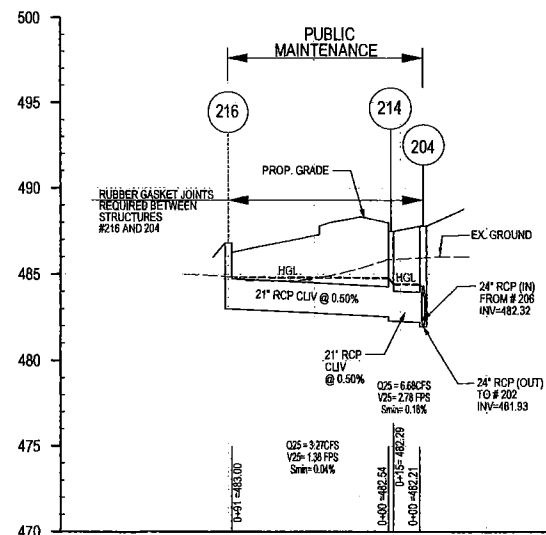
PROPOSED STRUCTURES # 178 TO #150



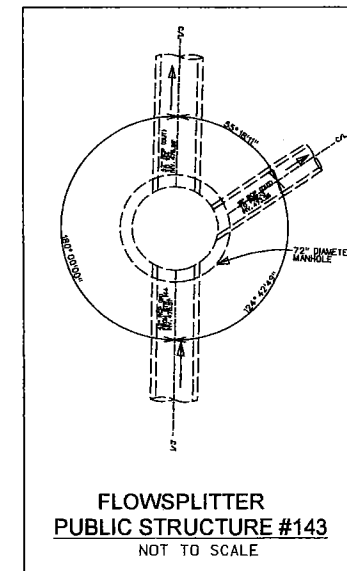
PROPOSED STRUCTURES # 218 TO #206



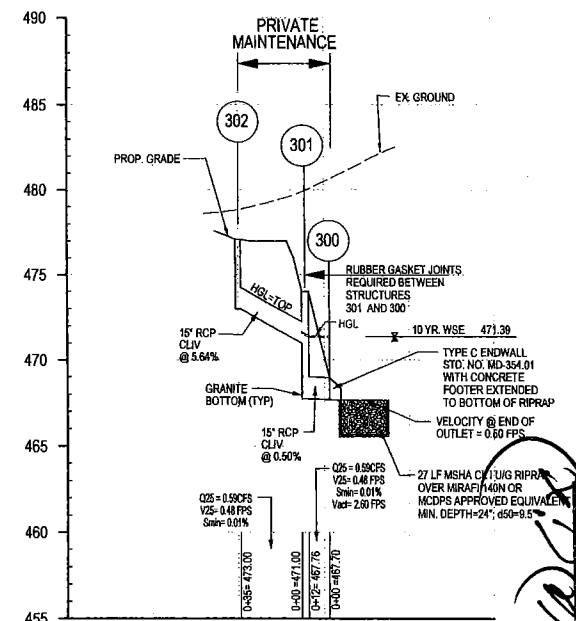
PROPOSED STRUCTURES # 171 TO #210



PROPOSED STRUCTURES # 216 TO #204



FLOW SPLITTER  
PUBLIC STRUCTURE #143  
NOT TO SCALE



PROPOSED STRUCTURES # 302 TO #300

DPS REVIEW No. 234478

MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF PERMITTING SERVICES

\* FINAL APPROVAL

DATE 7/2/09

BY [Signature]

\* SUBJECT TO DEDICATION OF RIGHT OF WAY AND EASEMENT PER COUNTY CODE SECTION 50.

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME IN ACCORDANCE WITH THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION 'STORM DRAIN DESIGN CRITERIA' AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 15009

EXPIRATION DATE: JULY 21, 2010

MISS UTILITY NOTE

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STORM DRAIN AND PAVING PROFILES

C-25

BURTONSVILLE TOWN SQUARE

SPENCERVILLE ROAD (RT. 198) & COLUMBIA PIKE (RT. 29)

COLESVILLE (5TH) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

EXHIBIT NO. 26

APPLICATION NO. C-25-1706

SHEET 9 OF 10

PROJECT NO. 1319-00-01

DEVELOPER

BMC Property Group  
Christopher T. Jones  
10411 Motor City Drive, Suite 402  
Bethesda, MD 20817  
301-767-2800 ; 301-767-2801 Fax  
cjones@bmcproperty.com

PROFILE SCALE

HORIZONTAL: 1" = 50'

VERTICAL: 1" = 5'

Loiederman  
Soltesz Associates, Inc.

Engineering  
Planning  
Surveying  
Environmental Sciences

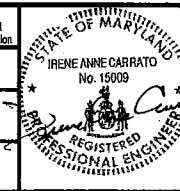
ROCKVILLE OFFICE

2 Research Place, Suite 100  
Rockville, MD 20850  
t. 301.948.2750 f. 301.948.9067

Rockville  
Lanham  
Frederick  
Waldorf  
Leonardtown  
Chantilly

| NO. | REVISIONS                                      | BY | DATE |
|-----|--|----|------|
| 1   | CAD Standard Version: Microstation V8 Std 2004 |    |      |
| 2   | Checked: JAC                                   |    |      |
| 3   | Designed: NR                                   |    |      |

|   |                            |
|---|----------------------------|
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| Map<br>KS 562   | Zoning Category<br>R-C-C-2 |
| WSSC 200 Sheet<br>221 NE 04                                   | Site Datum                 |
|   | Horizontal                 |
|   | Vertical                   |



| PRIVATE STRUCTURE SCHEDULE |           |            |             |                       |               |       |           |                          |
|----------------------------|-----------|------------|-------------|-----------------------|---------------|-------|-----------|--------------------------|
| NO.                        | STANDARD  | TYPE       | MONT. CO. W | LOCATION              | TOP ELEVATION |       | AMERICAST | REMARKS                  |
|                            |           |            |             |                       | UPPER         | LOWER |           |                          |
| 108                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 3 OF 10 | 487.10        |       | STD-WR    |                          |
| 112                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 4 OF 10 | 489.30        |       | STD-WR    |                          |
| 114                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 4 OF 10 | 487.20        |       | STD-WR    |                          |
| 116                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 4 OF 10 | 487.60        |       | STD-WR    |                          |
| 117                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 4 OF 10 | 488.20        |       | STD-WR    |                          |
| 118                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 4 OF 10 | 487.80        |       | STD-WR    |                          |
| 120                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 4 OF 10 | 487.50        |       | STD-WR    |                          |
| 122                        | MC-502.01 | A-10 INLET | 2'-6"       | SEE PLAN SHT. 4 OF 10 | 490.10        |       | CI-48     |                          |
| 126                        | MC-510.01 | A - MH     | 5'-0"       | SEE PLAN SHT. 4 OF 10 | 489.00        |       | MH-60     |                          |
| 128                        | MC-502.01 | A-10 INLET | 2'-6"       | SEE PLAN SHT. 4 OF 10 | 489.70        |       | CI-48     |                          |
| 129                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 4 OF 10 | 490.06        |       | STD-WR    |                          |
| 130                        | MC-502.01 | A-15 INLET | 2'-6"       | SEE PLAN SHT. 4 OF 10 | 488.10        |       | CI-60     |                          |
| 131                        | MC-502.01 | A-10 INLET | 2'-6"       | SEE PLAN SHT. 4 OF 10 | 488.90        |       | CI-48     |                          |
| 132                        | MC-502.01 | A-15 INLET | 2'-6"       | SEE PLAN SHT. 4 OF 10 | 488.10        |       | CI-48     |                          |
| 133                        | MC-502.01 | A-10 INLET | 2'-6"       | SEE PLAN SHT. 4 OF 10 | 489.50        |       | CI-48     |                          |
| 134                        | MC-502.01 | A-15 INLET | 2'-6"       | SEE PLAN SHT. 4 OF 10 | 488.40        |       | CI-48     |                          |
| 136                        | MC-502.01 | A-10 INLET | 2'-6"       | SEE PLAN SHT. 4 OF 10 | 488.40        |       | CI-48     |                          |
| 137                        | MC-502.01 | A-10 INLET | 2'-6"       | SEE PLAN SHT. 4 OF 10 | 490.25        |       | CI-48     |                          |
| 138                        | MC-502.01 | A-10 INLET | 2'-6"       | SEE PLAN SHT. 4 OF 10 | 492.00        |       | CI-48     |                          |
| 139                        | MC-502.01 | A-10 INLET | 2'-6"       | SEE PLAN SHT. 4 OF 10 | 490.20        |       | CI-48     |                          |
| 140                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 4 OF 10 | 492.80        |       | STD-WR    |                          |
| 141                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 4 OF 10 | 490.85        |       | STD-WR    |                          |
| 142                        | MC-502.01 | A-10 INLET | 2'-6"       | SEE PLAN SHT. 4 OF 10 | 492.40        |       | CI-48     |                          |
| 148                        | MC-510.01 | A - MH     | 6'-0"       | SEE PLAN SHT. 3 OF 10 | 487.80        |       | MH-72     |                          |
| 150                        | MC-510.01 | A - MH     | 5'-0"       | SEE PLAN SHT. 3 OF 10 | 488.42        |       | MH-60     |                          |
| 152                        | MC-510.01 | A - MH     | 5'-0"       | SEE PLAN SHT. 3 OF 10 | 489.80        |       | MH-60     |                          |
| 154                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 3 OF 10 | 489.00        |       | STD-WR    |                          |
| 156                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 3 OF 10 | 490.21        |       | STD-WR    |                          |
| 158                        | MC-510.01 | A - MH     | 4'-0"       | SEE PLAN SHT. 3 OF 10 | 491.94        |       | MH-48     |                          |
| 160                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 3 OF 10 | 493.20        |       | STD-WR    |                          |
| 162                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 3 OF 10 | 493.00        |       | STD-WR    |                          |
| 164                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 3 OF 10 | 493.00        |       | STD-WR    |                          |
| 166                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 3 OF 10 | 493.00        |       | STD-WR    |                          |
| 168                        | MC-503.01 | D-INLET    | 2'-6"       | SEE PLAN SHT. 3 OF 10 | 493.30        |       | VB-DI     | WEIR OPEN ON ALL 4 SIDES |
| 170                        | MD-374.04 | WR-INLET   | —           | SEE PLAN SHT. 3 OF 10 | 492.04        |       | STD-WR    |                          |

| PRIVATE STRUCTURE SCHEDULE (con't) |           |                 |       |                       |        |  |        |                          |
|------------------------------------|-----------|-----------------|-------|-----------------------|--------|--|--------|--------------------------|
| 171                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 3 OF 10 | 491.60 |  | STD-WR |                          |
| 172                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 3 OF 10 | 489.10 |  | STD-WR |                          |
| 159                                | MC-510.01 | A - MH          | 4'-0" | SEE PLAN SHT. 3 OF 10 | 493.15 |  | MH-48  |                          |
| 174                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 3 OF 10 | 487.70 |  | STD-WR |                          |
| 176                                | MC-502.01 | A-10 INLET      | 2'-6" | SEE PLAN SHT. 3 OF 10 | 490.20 |  | CI-48  |                          |
| 177                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 3 OF 10 | 490.73 |  | STD-WR |                          |
| 178                                | MC-502.01 | A-10 INLET      | 2'-6" | SEE PLAN SHT. 3 OF 10 | 490.20 |  | CI-48  |                          |
| 180                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 3 OF 10 | 487.50 |  | STD-WR |                          |
| 182                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 3 OF 10 | 487.30 |  | STD-WR |                          |
| 184                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 3 OF 10 | 487.10 |  | STD-WR |                          |
| 186                                | MC-502.01 | A-15 INLET      | 2'-6" | SEE PLAN SHT. 3 OF 10 | 488.10 |  | CI-48  |                          |
| 187                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 4 OF 10 | 492.00 |  | STD-WR |                          |
| 188                                | MC-502.01 | A-20 INLET      | 2'-6" | SEE PLAN SHT. 4 OF 10 | 489.40 |  | CI-48  |                          |
| 189                                | MC-510.01 | A - MH          | 4'-0" | SEE PLAN SHT. 4 OF 10 | 491.65 |  | MH-48  |                          |
| 190                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 4 OF 10 | 492.68 |  | STD-WR |                          |
| 192                                | MC-510.01 | A - MH          | 4'-0" | SEE PLAN SHT. 4 OF 10 | 499.24 |  | MH-48  |                          |
| 193                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 4 OF 10 | 494.20 |  | STD-WR |                          |
| 194                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 4 OF 10 | 494.20 |  | STD-WR |                          |
| 196                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 4 OF 10 | 494.20 |  | STD-WR |                          |
| 198                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 4 OF 10 | 492.50 |  | STD-WR |                          |
| 199                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 4 OF 10 | 492.70 |  | STD-WR |                          |
| 200                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 3 OF 10 | 492.80 |  | STD-WR |                          |
| 110                                | MC-510.01 | A - MH          | 5'-0" | SEE PLAN SHT. 3 OF 10 | 488.80 |  | MH-60  |                          |
| 111                                | MC-510.01 | A - MH          | 5'-0" | SEE PLAN SHT. 4 OF 10 | 489.00 |  | MH-60  |                          |
| 146                                | MD-374.04 | WR-INLET        | —     | SEE PLAN SHT. 3 OF 10 | 488.90 |  | STD-WR |                          |
| 106                                | MC-502.01 | A-15 INLET      | 2'-6" | SEE PLAN SHT. 3 OF 10 | 486.70 |  | CI-72  |                          |
| 300                                | MD 354.01 | TYPE C END WALL | —     | SEE PLAN SHT. 5 OF 10 | 467.70 |  | ---    |                          |
| 301                                | MC 510.01 | A-MH            | 4'-0" | SEE PLAN SHT. 5 OF 10 | 474.00 |  | MH-48  |                          |
| 302                                | MC 503.01 | D-INLET         | 4'-6" | SEE PLAN SHT. 5 OF 10 | 477.10 |  | VB-DI  | WEIR OPEN ON ALL 4 SIDES |

p:\1390001\docs\design\Structure Pipe Schedule\_BSC.xls

| MCDOT Public Pipe Schedule |      |       |        |         |
|----------------------------|------|-------|--------|---------|
| Size                       | Type | Class | Length | Remarks |
| 15"                        | RCP  | IV    | 156    |         |
| 21"                        | RCP  | IV    | 130    |         |
| 24"                        | RCP  | IV    | 360    |         |
| 42"                        | RCP  | IV    | 100    |         |
| 48"                        | RCP  | IV    | 353    |         |
| 54"                        | RCP  | IV    | 12     |         |

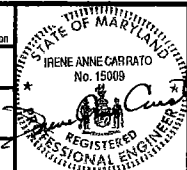
p:\1390001\docs\design\Structure Pipe\_BSC.xls

| Private Pipe Schedule |      |       |        |         |
|-----------------------|------|-------|--------|---------|
| Size                  | Type | Class | Length | Remarks |
| 15"                   | RCP  | IV    | 1240   |         |
| 21"                   | RCP  | IV    | 1504   |         |
| 24"                   | RCP  | IV    | 431    |         |
| 27"                   | RCP  | IV    | 782    |         |
| 30"                   | RCP  | IV    | 153    |         |
| 36"                   | RCP  | IV    | 335    |         |

p:\1390001\docs\design\Structure Pipe Schedule\_BSC.xls

#### PROFESSIONAL CERTIFICATION

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#### MISS UTILITY NOTE

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| MCDOT PUBLIC STRUCTURE SCHEDULE |            |               |             |                       |               |       |           |  |
|---------------------------------|------------|---------------|-------------|-----------------------|---------------|-------|-----------|--|
| NO.                             | STANDARD   | TYPE          | MONT. CO. W | LOCATION              | TOP ELEVATION |       | AMERICAST | REMARKS                                    |
|                                 |            |               |             |                       | UPPER         | LOWER |           |  |
| 100                             | MD-352.01  | B-54 HEADWALL | —           | SEE PLAN SHT. 5 OF 10 | 467.70        |       | —         |  |
| 101                             | MC-510.01  | A - MH        | 6'-0"       | SEE PLAN SHT. 5 OF 10 | 476.00        |       | MH-72     |  |
| 102                             | WSSC S-1.2 | 72-MH         | 6'-0"       | SEE PLAN SHT. 5 OF 10 | 484.50        |       | MH-72     | WSSC MH-72; SEE "NOTE"                     |
| 103                             | MC-506.01  | J-INLET       | 6'-0"       | SEE PLAN SHT. 5 OF 10 | 485.70        |       | VB-72J    | WSSC MH-72 WITH PRECAST J-TOP; SEE "NOTE"  |
| 104                             | WSSC S-1.2 | 96-MH         | 6'-0"       | SEE PLAN SHT. 3 OF 10 | 487.20        |       | MH-96     | WSSC MH-96; SEE "NOTE"                     |
| 105                             | MC-506.01  | J-INLET       | 6'-0"       | SEE PLAN SHT. 5 OF 10 | 481.90        |       | VB-72J    | WSSC MH-72 WITH PRECAST J-TOP; SEE "NOTE"  |
| 144                             | MD-374.04  | WR-INLET      | —           | SEE PLAN SHT. 3 OF 10 | 487.30        |       | STD-WR    | WSSC MH-72 WITH PRECAST WR-TOP; SEE "NOTE" |
| 143                             | WSSC S-1.2 | 72-MH         | 6'-0"       | SEE PLAN SHT. 3 OF 10 | 487.42        |       | MH-72     | WSSC MH-72; SEE "NOTE"                     |
| 202                             | MC-510.01  | A - MH        | 4'-0"       | SEE PLAN SHT. 3 OF 10 | 488.80        |       | MH-48     |  |
| 204                             | MC-510.01  | A - MH        | 4'-0"       | SEE PLAN SHT. 3 OF 10 | 487.80        |       | MH-48     |  |
| 206                             | MC-510.01  | A - MH        | 4'-0"       | SEE PLAN SHT. 3 OF 10 | 488.00        |       | MH-48     |  |
| 208                             | MD-374.04  | WR-INLET      | —           | SEE PLAN SHT. 3 OF 10 | 487.50        |       | STD-WR    |  |
| 210                             | MC-502.01  | A-10 INLET    | 2'-6"       | SEE PLAN SHT. 3 OF 10 | 491.22        |       | CI-48     |  |
| 212                             | MC-502.01  | A-10 INLET    | 2'-6"       | SEE PLAN SHT. 3 OF 10 | 490.45        |       | CI-48     |  |
| 214                             | MD-374.04  | WR-INLET      | —           | SEE PLAN SHT. 3 OF 10 | 487.50        |       | STD-WR    |  |
| 216                             | MC-502.01  | A-15 INLET    | 2'-6"       | SEE PLAN SHT. 3 OF 10 | 486.80        |       | CI-48     |  |
| 218                             | MD-374.04  | WR-INLET      | —           | SEE PLAN SHT. 3 OF 10 | 487.50        |       | STD-WR    |  |

\*NOTE: STRUCTURE TO BE CONSTRUCTED PER WSSC STANDARD S-1.2

p:\1390001\docs\design\Structure Pipe Schedule\_BSC.xls

| MSHA STRUCTURE SCHEDULE |           |      |             |                       |               |       |           |              |
|-------------------------|-----------|------|-------------|-----------------------|---------------|-------|-----------|--------------|
| NO.                     | STANDARD  | TYPE | MONT. CO. W | LOCATION              | TOP ELEVATION |       | AMERICAST | REMARKS      |
|                         |           |      |             |                       | UPPER         | LOWER |           |              |
| EX1                     | MD-374.68 | COG  | —           | SEE PLAN SHT. 3 OF 10 |               |       |           | MODIFIED COG |

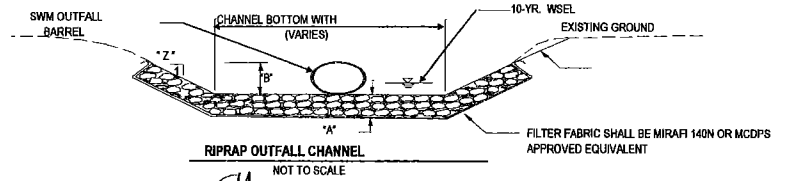
p:\1390001\docs\design\Structure Pipe Schedule\_BSC.xls

#### OUTFALL STRUCTURE # 100 - PUBLIC

| LOCATION STRUCTURE NO. | OUTFALL BARREL DIAMETER | MSHA RIP RAP CLASS | d <sub>50</sub> | d <sub>max</sub> | THICKNESS "A" | CONSTR. DEPTH "B" | SIDE SLOPE "Z" | CHANNEL WIDTH AT BARREL | CHANNEL WIDTH AT APRON END | CHANNEL LENGTH | 10 YR. DEPTH (FT.) | 10 YR. Q (CFS) | 10 YR. VEL @ APRON END (FPS) |
|------------------------|-------------------------|--------------------|-----------------|------------------|---------------|-------------------|----------------|-------------------------|----------------------------|----------------|--------------------|----------------|------------------------------|
| 100 (PUBLIC)           | 54"                     | I                  | 9.5"            | 16"              | 24"           | 4.50              | 3:1            | 7.5                     | 26'-0"                     | 31'-0"         | 3.08               | 88.8           | 1.81                         |

#### OUTFALL STRUCTURE # 300

| LOCATION STRUCTURE NO. | OUTFALL BARREL DIAMETER | MSHA RIP RAP CLASS | d <sub>50</sub> | d <sub>max</sub> | THICKNESS "A" | CONSTR. DEPTH "B" | SIDE SLOPE "Z" | CHANNEL WIDTH AT BARREL | CHANNEL WIDTH AT APRON END | CHANNEL LENGTH | 10 YR. DEPTH (FT.) | 10 YR. Q (CFS) | 10 YR. VEL @ APRON END (FPS) |
|------------------------|-------------------------|--------------------|-----------------|------------------|---------------|-------------------|----------------|-------------------------|----------------------------|----------------|--------------------|----------------|------------------------------|
| 300                    | 18"                     | I                  | 9.5"            | 16"              | 24"           | 4.08              | 3:1            | 2.5                     | 9'-0"                      | 27'-0"         | 0.34               | 0.99           | 0.50                         |



DPS REVIEW NO. 234478  
MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF PERMITTING SERVICES  
\* FINAL APPROVAL  
DATE 7/2/10  
BY [Signature]

#### STORM DRAIN AND PAVING STRUCTURES SCHEDULE

### BURTONSVILLE TOWN SQUARE

SPENCERVILLE ROAD (RT. 198) & COLUMBIA PIKE (RT. 29)

COLESVILLE (5TH) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

EXHIBIT NO. 26 (a) (b)  
APPLICATION NO. Cu 17-06  
PROJECT NO. 1319-00-01

**DEVELOPER**  
BMC Property Group  
Christopher T. Jones  
10411 Motor City Drive, Suite 402  
Bethesda, MD 20817  
301-767-2800 ; 301-767-2801 Fax  
cjones@bmcproperty.com

**Leiderman Soltész Associates, Inc.**  
Rockville Office  
2 Research Place, Suite 100  
Rockville, MD 20850  
t. 301.948.2750 f. 301.948.9067  
www.LSAassociates.net

| REVISIONS |             |      |    | BY | DATE |
|-----------|-------------|------|----|----|------|
| NO.       | DESCRIPTION | DATE | BY |    |      |
|           |             |      |    |    |      |
|           |             |      |    |    |      |
|           |             |      |    |    |      |

|   |                           |
|---|---------------------------|
| Copyright ADC The Map People<br>Permitted Use Number 2071885<br>32 Grid E&I Edition | 31st Edition              |
| Tax Map<br>KS 582   | Zoning Category<br>R-OC-2 |
| WSSC 200' Sheet<br>221 NE 04  | Site Datum                |
| Horizontal:   | Vertical:                 |



DATE: July 2008  
Designed: NR  
CAD Standard Version: Microstation V8 Std. 2004  
Technician: PJ  
Checked: IAC

**AFFIDAVIT OF CHRISTOPHER T. JONES**

1. My name is Christopher T. Jones. I am the President of BMC Property Group ("BMC").
2. On March 21, 2006 the Maryland National Capital Park & Planning Commission (the "MNCP&PC") approved Preliminary Plan number 120040109 for the Shopping Center.
3. In 2009, BMC applied for a building permit, which included a Storm Drain and Paving Plan, which was approved by the Department of Permitting Services ("DPS")
4. In 2009 BMC graded the entire site and constructed curbs, gutters, and pad sites, including the subject pad site which they desire to lease to Starbucks.
5. The Shopping Center (approved for 250,000 square feet of planned retail space) and the proposed Starbucks pad site comply with all C-2 standards, including the necessary drive-aisles and parking spaces.
6. BMC has spent around \$30 million to develop the Shopping Center over 10 years.
7. In 2013, the County sought to rezone the shopping center from the C-2 to the CRT zone. BMC did not contest the rezoning of the shopping center because they understood that the grandfather provision which was included in the CRT zone (codified in Section 59-C-15.9(d)) allowed BMC to complete the construction of the shopping center under its approved Preliminary Plan, and Storm Drain and Paving Plan, both of which had already been approved under C-2 development standards.
8. At that time a small portion of the Shopping Center was zoned Rural Cluster (RC).
9. The Council rezoned the RC portion of the Shopping Center C-2 mere days before the rezoning the entire Shopping Center to CRT.

10. The Council took this unusual step in order to grandfather the entire shopping center area under Section 59-C-15.9(d). This was done to allow BMC to complete the construction of the shopping center under the C-2 development standards.
11. Prior to the rezoning, BMC also met with Park & Planning Staff, including Staff person Rich Weaver, regarding the grandfather language codified in Section 59-C-15.9(d) and Staff assured BMC that it could continue developing the entire shopping center, including the Starbucks pad site area, under C-2 development standards, pursuant to the Code's grandfathering provisions. Specifically, BMC discussed with Staff that the CR zone requirements were inconsistent with how the shopping center was approved by the Planning Board under the C-2 zone, and was contemporaneously being built out during the time of rezoning consideration. The project was being developed under the C-2 zoning and envisioned a certain pedestrian environment and connectivity, including buildings facing inward, which Park & Planning staff supported. At the meeting BMC discussed with Staff that the application of the CR zoning would: A) result in a disruption of that pedestrian environment, and thus pedestrian safety, within the shopping center, which was designed with buildings facing inward, with a connected pedestrian ring; and B) would create a design conflict between the orientation of the existing drive-thrus of the already completed, Roy Rogers and Capital One Bank. Staff agreed that neither of these would be desirable or intended outcomes.
12. Section 59-C-15.9(d) gave BMC the option to develop the property under its previous zoning (C-2), and BMC is continuing to exercise its option to develop the property under the previous C-2 zone.
13. Although the proposed Starbucks pad site with drive-thru complies with the C-2 development standards, it would not comply with the CRT standards. Specifically, the pad site

and the proposed building on the pad site will be more than 20 feet from the road. As a result less than 70% of the building would fall within the 20-foot build-to area, as required in the CRT zone.

14. BMC relied on the actions of the Council and the grandfather provisions of the Code to construct the Shopping Center, spending years and considerable sums of money.
15. BMC has been allowed to develop all of the other pad sites in the shopping center under the C-2 development standards.
16. I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Date: 11/1/16

By:



Christopher T. Jones,  
President, BMC Property Group

Exhibit C



EXHIBIT NO. 26(c)

APPLICATION NO. C4 17-26

Silber, Stacy P.

Exhibit D

From: Beall, Mark <Mark.Beall@montgomerycountymd.gov>  
Sent: Thursday, March 17, 2016 11:41 AM  
To: Silber, Stacy P.; Niblock, David  
Subject: RE: Burtonsville Town Square

Good Morning Stacy,

I have confirmed with Chuck Frederick that we can grandfather back the developments standards as well as the Special Exception through Section 59.7.1.B.1. Chuck confirmed our interpretation with Jeff and he agreed.

Feel free to call or email if you have any additional questions or concerns.

Thank you,  
Mark Beall  
Zoning Manager  
Division of Zoning & Site Plan Enforcement  
Department of Permitting Services  
(240) 777-6298  
mark.beall@montgomerycountymd.gov  
<http://permitting.services.montgomerycountymd.gov/DPS/GeneralHome.aspx>

Have you tried DPS eServices? <http://permitting.services.montgomerycountymd.gov/DPS/eServices/AboutServices.aspx>

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From: Silber, Stacy P. [mailto:psilber@lercheary.com]  
Sent: Wednesday, March 16, 2016 2:07 PM  
To: Beall, Mark <Mark.Beall@montgomerycountymd.gov>; Niblock, David <David.Niblock@montgomerycountymd.gov>  
Subject: Burtonsville Town Square

Thank you for taking the time to meet on Friday, March 4<sup>th</sup>. As we discussed, the Burtonsville Town Square has been developed over time under the provisions of Preliminary Plan number 120041090, that was approved in July of 2005. That plan included the proposed site, under which the Starbucks will be developed. The original preliminary plan approval includes 250,000 square feet of retail space, only about half of which has been built and occupied. The land, under which the proposed Starbucks will be built, has already been developed with parking, curb and gutter and the loop road, which was recommended by the 1997 Fairland Master Plan.

On December 21, 2015, the County Council adopted Zoning Text Amendment 18-08. We understand that in this ZTA, the Council modified the grandfathering provisions of the Code. In particular, the Council revised Section 7.7.1.B.1 (Application Approved or filed for approval before October 30, 2014), to state the following:

"The approval of any of these applications or amendments to these applications under Section 7.7.1.B.1 [which includes preliminary plans] will allow the applicant to proceed through any other required application or step in the process within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014." (Emphasis added). As such, both DPS and P&P confirmed that because a preliminary plan has been approved, the applicant is allowed to process the required conditional use (a required application or step in the process) under the requirements of the C-2 standards and procedures of the Zoning Ordinance that were in effect on October 29, 2014.

The Zoning Text Amendment also clarified under 7.7.1.C – Expansion of Floor Area, Limited Rights under Zoning before October 30, 2014, that "Until October 30, 2039, on land that is located in a commercial/residential ... zone, an applicant for an amendment to an existing approval or development, or a modification of an application listed in Section 7.7.1.B.1 may increase the floor area on the site under 7.7.1.C.2 or 7.7.1.C.3 following the procedures and standards of the property's zoning on October 29, 2014." (emphasis added). Section 7.7.1.C.2, states that existing development in a CR zone may expand by up to the lesser of 10% of the gross floor area approved for the site on October 30, 2014 or 30,000 square feet." Again, in this instance, while the site is subject to an existing development with curb, gutter and a driveway lanes, the applicant is not expanding the overall approved 250,000 sf approved density, but rather staying within this approved limit and again, may apply under the procedures and standards of the property's C-2 zoning on October 29, 2014.

We understand that DPS believes that the Starbucks use and development standards, per the above sections of the Code, could be reviewed under the C-2 standards in place as of October 29, 2014. P&P legal has a slight variation on this interpretation. Like DPS, P&P legal believes emphatically that the Starbucks site is subject to the development standards of the prior C-2 zoning in place as of October 29, 2014. P&P legal takes a slightly different interpretation on use and believes that while it is clear that the development of the pad site falls under the development standards of the former C-2 zone, the drive thru use, per 7.7.1.A.2, falls under the conditional use standards of Section 59-E.5.14.E(b).

Thank you for confirming your interpretation by return email.

Best,  
Stacy

Stacy P. Silber - Attorney  
Lerch, Early & Brewer, Chid. Ideas that work  
3 Bethesda Metro Center - Suite 450 - Bethesda, MD 20814  
Tel: (301) 841-3833 Fax: (301) 347-1767 - [psilber@lercheary.com](mailto:psilber@lercheary.com)  
Bio: <http://www.lercheary.com/team/stacy-p-silber>

EXHIBIT NO. 26 (d)  
APPLICATION NO. CU 17-06



Isiah Leggett  
County Executive

## DEPARTMENT OF PERMITTING SERVICES

October 14, 2016

Diane R. Schwartz Jones  
Director

Timothy Dugan, Esq.  
Shulman, Rogers, Gandal, Pordy & Ecker, P.A.,  
12505 Park Potomac Ave., 6<sup>th</sup> Floor  
Potomac, Maryland 20854

Re: Burtonsville Town Square Shopping Center  
15600, *et. seq.* Columbia Pike, Burtonsville, Maryland 20866  
Northwest Corner of MD 198 and US 29  
(the "Property")<sup>1</sup>

## To Whom It May Concern:

In response to your request concerning the above-referenced Property's compliance with applicable codes, regulations and ordinances, please be advised of the following as of the date hereof:

1. The Montgomery County Government Department of Permitting Services ("DPS") is responsible for the enforcement of building codes, zoning ordinances, use and occupancy certificates and similar codes and ordinances related to development in Montgomery County, Maryland.
2. The Property is zoned "Commercial Residential Town." More particularly, the Property is zoned CRT-1.5, C-1.0, R-1.25, H-70, in accordance with Chapter 59 of the Montgomery County Code, effective October 30, 2014, as amended (the "Zoning Ordinance"). The CRT zone is intended for small downtown, mixed-use, pedestrian-oriented centers and edges of larger, more intense downtowns. Retail tenant ground floor footprints are limited to preserve the town center scale. Transit options may include light rail, Metro, and bus. The owner of the Property may take advantage of Section 7.7.1. Exemptions of the Zoning Ordinance, as explained below.
3. The Property is subject to the conditions of approval made during the Preliminary Plan approval and subsequent amendment processes, pursuant to Chapter 50 of the

<sup>1</sup> The Property consists of the land and improvements located on "Parcel B" reflected on the subdivision record plat known as "Subdivision Record Plat Parcel B and Outlot A Burtonsville Shopping Center (Being a resubdivision of Part of Parcel A Burtonsville Shopping Center P.B. 77 P.7732)." The subdivision record plat is recorded in the Montgomery County Land Records as Plat No. 23959. The record plat includes the "Pease Property." The "Pease Property" is the land located in the northeasterly corner. It is included within Parcel B as referenced in the surveyor's certificate.





Montgomery County Subdivision Regulations. There is no Site Plan approval, under Chapter 59 of the Zoning Ordinance, associated with the Property. The approved MNCP&PC Preliminary Plan number is 120040109 "Burtonsville Shopping Center." The Property was approved for up to 250,000 SF of gross floor area of retail and up to 10,000 SF of gross floor area of office. We have been advised by MNCP&PC Staff that the development of additional retail and office space, whether on the "Pease Property" or on the remainder of the Property, in compliance with the approved Preliminary Plan, does not require an amendment to the Preliminary Plan. A copy of the approved Preliminary Plan, as amended, may be obtained through the Maryland National Capital Park & Planning Commission (MNCP&PC) at 8787 Georgia Avenue, 2nd floor, Silver Spring, MD 20910 or by calling (301) 495-4610.

4. The Preliminary Plan approval has an Adequate Public Facilities Validity Period that expires on April 21, 2019.<sup>2</sup>

5 Pursuant to Section 7.7.1. "Exemptions" of the Zoning Ordinance, retail and office space, including the construction of drive-thru improvements, may be constructed anywhere on the Property, pursuant to the Preliminary Plan conditions of approval, and pursuant to the C-2 zone's standards and procedures, and the other applicable Montgomery County zoning ordinance standards and procedures, that existed on October 29, 2014.

6. As of the date of this letter, DPS records indicate that there are no pending violations of any applicable laws, codes, rules, regulations or ordinances as described above for this Property, and that there are no pending rezoning applications, hearings, cases, appeals or other proceedings, which would affect the zoning classification of this Property.

---

<sup>2</sup> The current APFO Validity Period expiration date is calculated as follows. The original Preliminary Plan Resolution was mailed on March 21, 2006. The initial Validity Period expiration date was 61 months after the mailing of the Resolution, pursuant to Section 50-20(c)(ii) of the Subdivision Regulations, i.e., April 21, 2011. The County Council Ordinance No. 18-04 (SRA 15-01) provides that the Validity Period of any determination of adequate public facilities that was valid on March 31, 2009 is automatically extended for 8 years after the date when the validity period would otherwise have expired. Thus, with the 8 year extension, the Validity Period is April 21, 2019.

If you have any further questions, please contact me at (240) 777-6298;  
email: [mark.beall@montgomerycountymd.gov](mailto:mark.beall@montgomerycountymd.gov).

Sincerely,



Mark Beall  
Zoning Manager  
Montgomery County  
Department of Permitting Services

THE ABOVE ZONING ANALYSIS IS BASED ON THE INFORMATION PROVIDED AND REFLECTS THE CURRENT ZONING OF THE PROPERTY, THE CURRENT ZONING PROVISIONS OF CHAPTER 59 OF THE MONTGOMERY COUNTY CODE, INCLUDING THE PROVISIONS PERTAINING TO EXEMPTIONS, AND THE RECORDS MAINTAINED BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES AS OF THE DATE OF THIS LETTER. THIS ANALYSIS IS SUBJECT TO CHANGE IN THE FUTURE.

**Bar, Cynthia M.**

Exhibit F

**From:** Lieb, David <david.lieb@mncppc.org>  
**Sent:** Wednesday, October 26, 2016 10:36 AM  
**To:** Silber, Stacy P.  
**Cc:** Reynolds, Kipling; Weaver, Richard; Bar, Cynthia M.  
**Subject:** Starbucks

Stacy:

Following up on our many discussions, I am writing to summarize why the Starbucks pad site on your client's property is subject to the old zoning code for purposes of development standards and the new zoning code for uses. The blending of old and new code elements may seem counterintuitive, but it makes sense when you consider that the current code treats both a grandfathered structure and an allowed use as conforming.

The key provisions for understanding the scope of grandfathering are in Section 7.7.1.A of the current code. This section calls out structures and uses for distinct grandfathering treatment. In Section 7.7.1.A.1, the code allows an existing structure or site design to be continued and expanded under the old code within the limits set in Section 7.7.1.D.5. In Section 7.7.1.A.2, on the other hand, the code allows the continuation of an existing use under the standards of the old code, but expressly prohibits the expansion of a use under the old code.

Allowing a use that meets the use standards of the current code to be located in a grandfathered structure – whether fully existing, expanded, or new – is entirely consistent with a scheme that treats structures and uses differently for grandfathering purposes, but both as conforming. Moreover, the current code expressly contemplates such a dual approach when it states in Section 7.7.1.A.2.b that “[a]ny allowed use up to the density limits established by the current zoning, may be located in a building or structure deemed conforming under Section 7.7.1.A.1.” This provision, which was added in a text amendment to the new code to codify an existing interpretation, extends, in my view, to an entirely new structure built under an application that was in progress before October 30, 2014, because the intent of allowing a currently allowed use in a grandfathered structure is clear. To the extent that the code protects a property owner's interest in being able to build out a structure contemplated under a pending application such as your client's, I see no reason why a use allowed under the current code should not be located in such a structure.

Please let me know if you have any questions.

**David B. Lieb**  
Senior Counsel  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue, Suite 205  
Silver Spring, Maryland 20910  
(301) 495-2177 telephone  
(301) 495-2174 fax

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EXHIBIT NO. 26 (F)  
APPLICATION NO. Cu 17-06

**PARKING REQUIREMENT-GREENE TURTLE, BURTONSVILLE TOWN SQUARE**  
 Restaurant Patron Area: 2,900 sf. @ 25 sp. per 1,000 sf.  
 Outdoor Seating Area: 1,001 sf. @ 15 sp. per 1,000 sf.  
 Spaces Required: 88 spaces

Total spaces provided: 18 spaces  
 Remainder of spaces to be provided in adjacent parking lot.

Handicap spaces provided: 2 van spaces  
 (As per ADA Guidelines, Section 4.1.2 (5a) & 4.1.2 (5b))

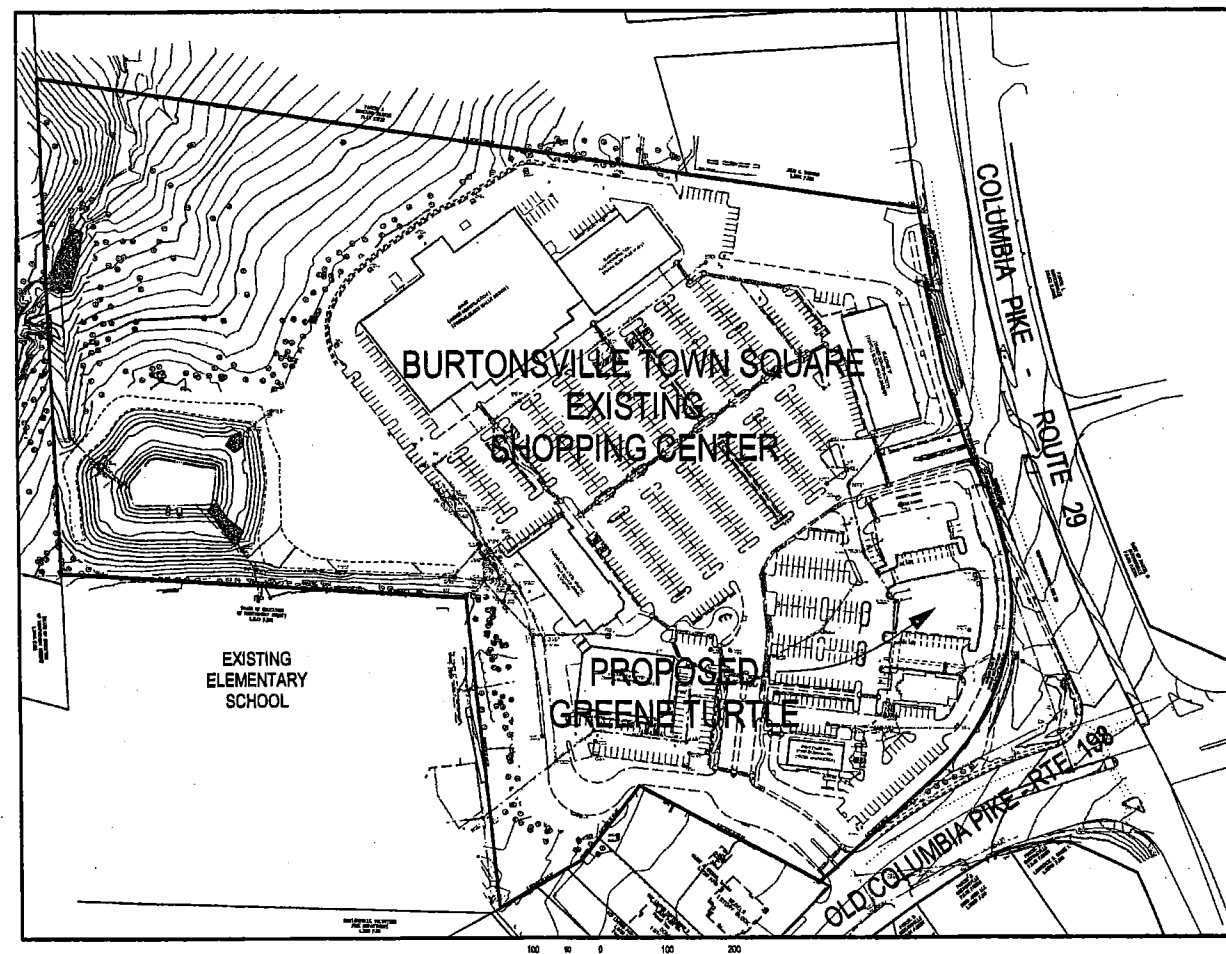
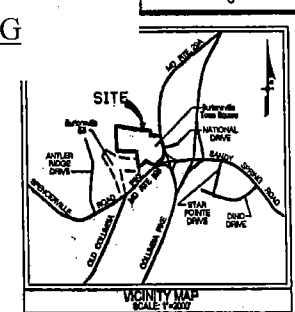
**GENERAL NOTES**

1. Boundary information provided by Soltesz.
2. Grid coordinates are per Maryland State Plane datum (NAD 83/91).
3. Two-foot contour interval topography provided by Soltesz.
4. The subject property is located within Tax Map JH33.
5. Soil type on site is 400 (Urban Land). Soil information from USDA-NRCS, 1985 Soil Survey of Montgomery County, MD.
6. There is no floodplain on site. 100-yr Floodplain from FEMA Flood Map Community-Panel Number 2403(CD4800).
7. The site lies within the boundaries of the 2012 Burtonsville Crossing Neighborhood Plan.
8. The site is located within the Patuxent River Watershed.
9. Natural Resource Inventory Forest Stand Delineation MNCPPC No. 420043880, approved January 6, 2008.
10. Final Forest Conservation Plan, MNCPPC Plan No. 12004109C, was approved February 19, 2014.
11. The subject property is water and sewer category one.
12. No Historical Features exist on or adjacent to subject property.
13. Existing zoning: RMC2

# GREENE TURTLE RESTAURANT SITE PLAN FOR CONSTRUCTION

GT BURTONSVILLE LLC

OLD COLUMBIA PIKE (RTE. 198) &amp; OLD COLUMBIA PIKE (RTE. 29A)



667055-

MONTGOMERY COUNTY  
 APPROVED AND NOTED  
 BY COMMISSIONER OF THE BOARD OF PUBLIC WORKS

**Sheet Index: Construction Drawings**

1. Cover Sheet
2. Existing Conditions Plan
3. Site Plan for Construction
4. Storm Drain & Paying Plan for Construction
5. Storm Drain & Paying Detail Sheet
6. Landscape Plan for Construction
7. Landscape Detail Sheet



ROCKVILLE OFFICE  
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 Rockville, MD 20850  
 P. 301.948.2760 F. 301.948.9067  
 www.soltesz.com

Rockville  
 Lanham  
 Waldorf  
 Leesville  
 Frederick

| NO. | REVISIONS        | BY      | DATE             |
|-----|------------------|---------|------------------|
| 1   | DATE: MARCH 2014 | BY: JCK | DATE: MARCH 2014 |
| 2   | DATE: MARCH 2014 | BY: JCK | DATE: MARCH 2014 |
| 3   | DATE: MARCH 2014 | BY: JCK | DATE: MARCH 2014 |
| 4   | DATE: MARCH 2014 | BY: JCK | DATE: MARCH 2014 |
| 5   | DATE: MARCH 2014 | BY: JCK | DATE: MARCH 2014 |
| 6   | DATE: MARCH 2014 | BY: JCK | DATE: MARCH 2014 |
| 7   | DATE: MARCH 2014 | BY: JCK | DATE: MARCH 2014 |
| 8   | DATE: MARCH 2014 | BY: JCK | DATE: MARCH 2014 |
| 9   | DATE: MARCH 2014 | BY: JCK | DATE: MARCH 2014 |
| 10  | DATE: MARCH 2014 | BY: JCK | DATE: MARCH 2014 |

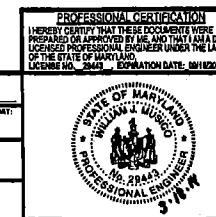
**MISS UTILITY NOTE**

MISS UTILITY NOTE  
 THE FOLLOWING INFORMATION IS FOR YOUR INFORMATION ONLY. IT IS NOT A PART OF THE CONTRACT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.

**DEVELOPER**

GT Burtonsville LLC  
 540 Ritchie Highway, Suite 101  
 Severna Park, MD 21146  
 Contact: James King  
 Phone: 202-997-7303

| MAP     | DATE     | BY  | DATE     |
|---------|----------|-----|----------|
| TSR MAP | 10/15/13 | JCK | 10/15/13 |
| NR 192  | 10/15/13 | JCK | 10/15/13 |
| NR 192  | 10/15/13 | JCK | 10/15/13 |
| NR 221  | 10/15/13 | JCK | 10/15/13 |
| NR 221  | 10/15/13 | JCK | 10/15/13 |
| NR 221  | 10/15/13 | JCK | 10/15/13 |
| NR 221  | 10/15/13 | JCK | 10/15/13 |
| NR 221  | 10/15/13 | JCK | 10/15/13 |
| NR 221  | 10/15/13 | JCK | 10/15/13 |
| NR 221  | 10/15/13 | JCK | 10/15/13 |

**COVER SHEET**

**GREENE TURTLE**  
**BURTONSVILLE TOWNE SQUARE**  
 OLD COLUMBIA PIKE (RTE. 198) & OLD COLUMBIA PIKE (RTE. 29A)  
 COLUMBIA (JUN) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

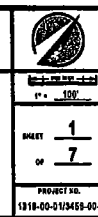
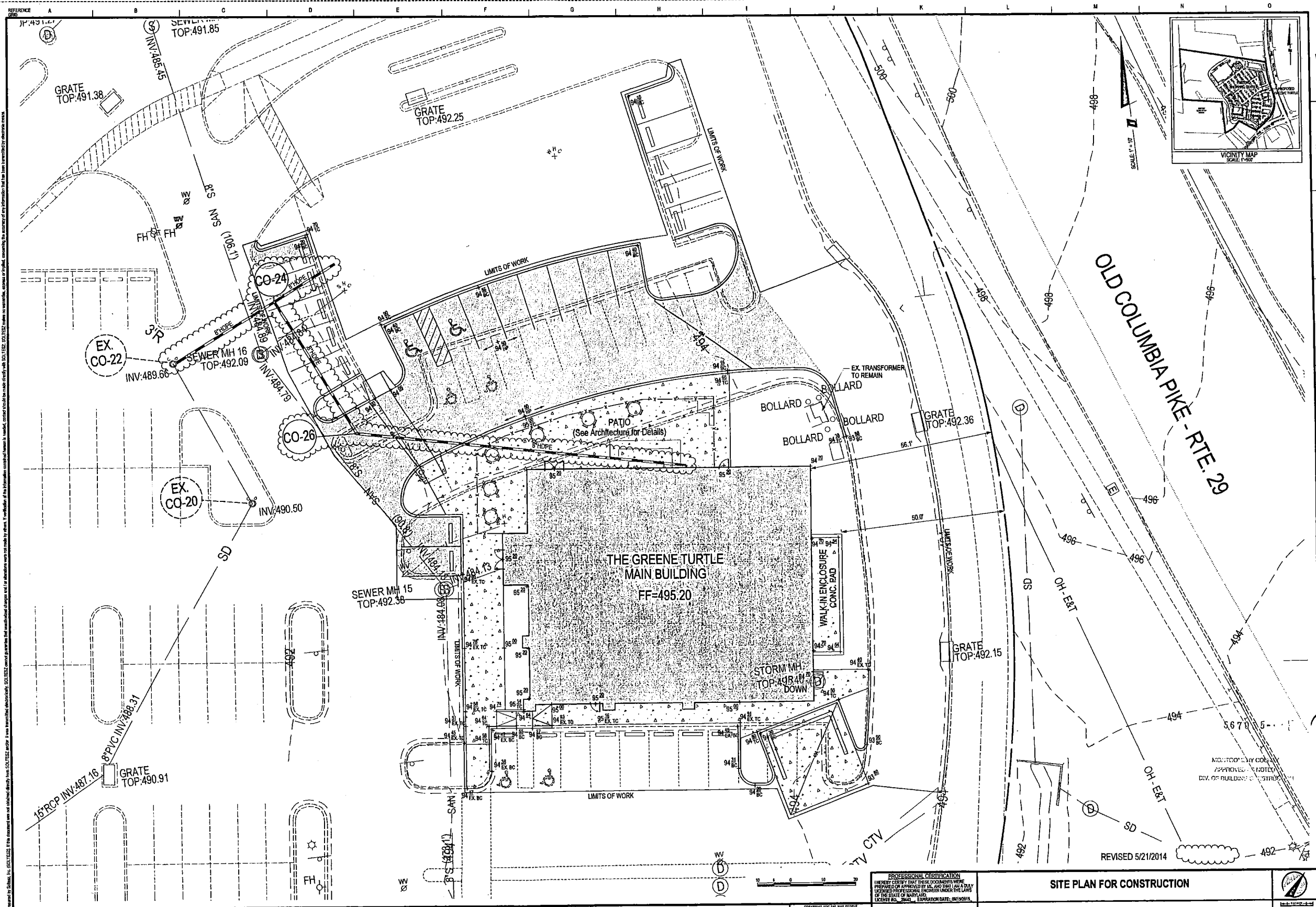


EXHIBIT NO. 86 (g) (1)  
 APPLICATION NO. CU 17-06





**SOLTESZ**  
 Engineering  
 Environmental Sciences  
 ROCKVILLE OFFICE  
 2 Research Plaza, Suite 100  
 Rockville, MD 20850  
 P. 301.948.2750 F. 301.948.9067  
 www.soltesz.com

| NO. | REVISION   | DATE     | BY  | CHKD. |
|-----|--|----------|-----|-------|
| 1   | REVISED TO ADD ADDITIONAL ROOF DRAIN TO FLAT, BLDG PAD   | 03/10/14 | LMW | LMW   |
| 2   | REVISED DUE TO SEWER MAIN CONTROL, SEWER MAINS - NEW ROOF DRAIN LAYOUT FROM BLDG TO EX. CLEANOUT | 03/10/14 | LMW | LMW   |
| 3   | DATE: MARCH 2014   |          |     |       |
| 4   | DATE: MARCH 2014   |          |     |       |

| MISS UTILITY NOTE   |
|---|
| 1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.                 |
| 2. ANY UTILITIES NOT SHOWN ARE TO BE LOCATED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. |

**DEVELOPER**  
 GT Burtonville LLC  
 540 Ritchie Highway, Suite 101  
 Severna Park, MD 21146  
 Contact: James King  
 Phone: 202-897-7303

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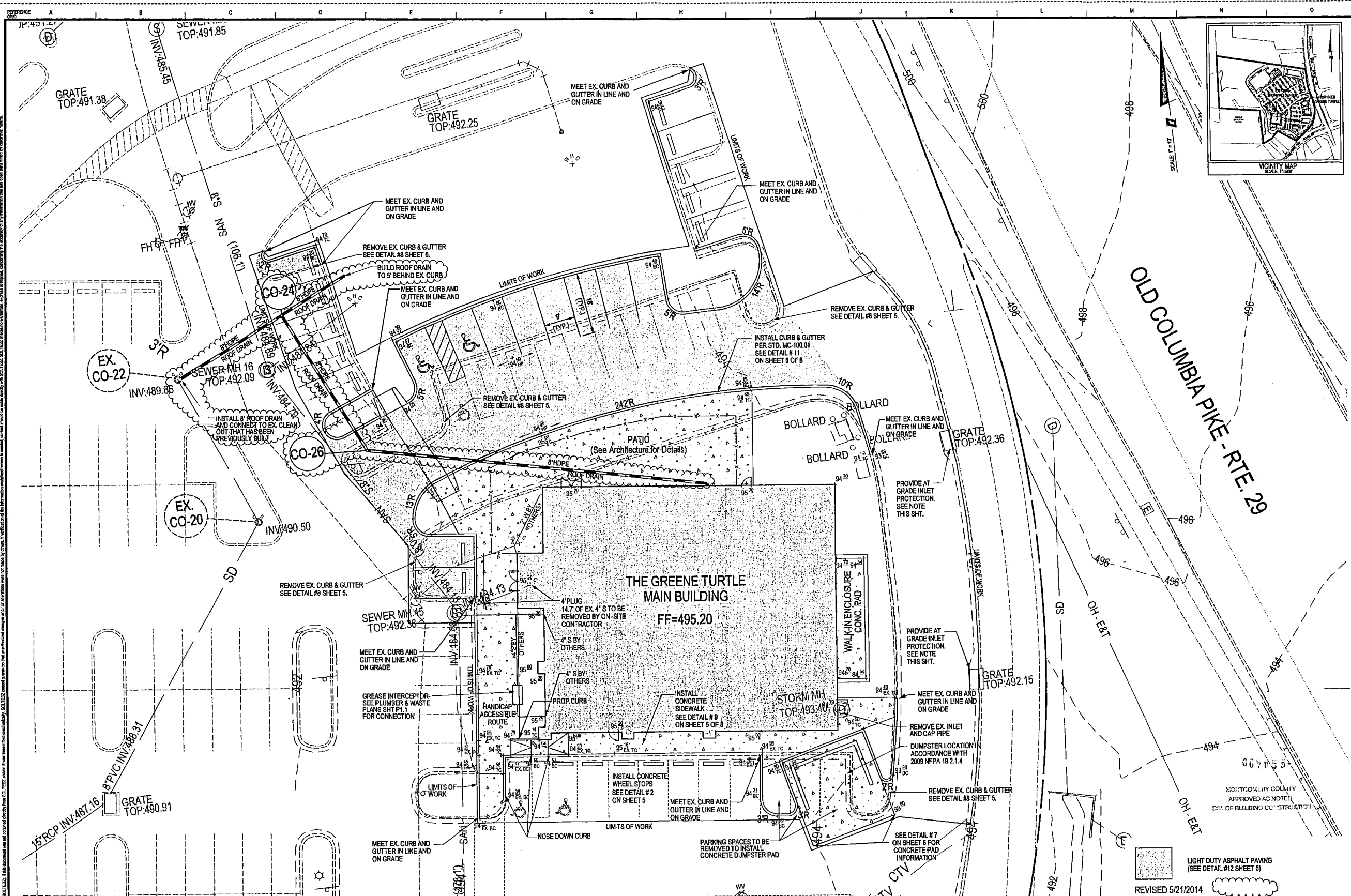


**SITE PLAN FOR CONSTRUCTION**

**GREENE TURTLE**  
**BURTONSVILLE TOWNE SQUARE**  
 OLD COLUMBIA PIKE (RT. 198) & OLD COLUMBIA PIKE (RT. 28A)  
 COLLEVILLE (IN ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND)

REVISED 5/21/2014

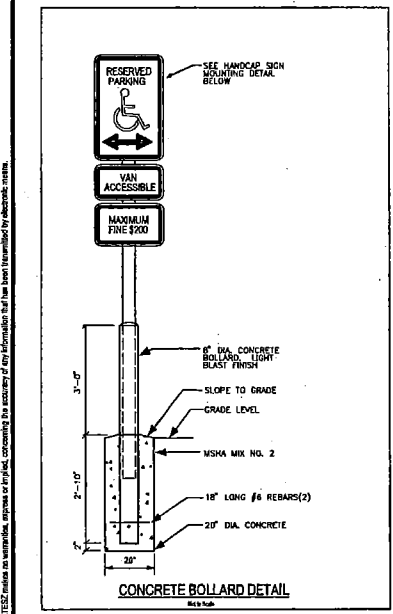
EXHIBIT NO. 26 (9/2/11)  
 APPLICATION NO. CU 17506



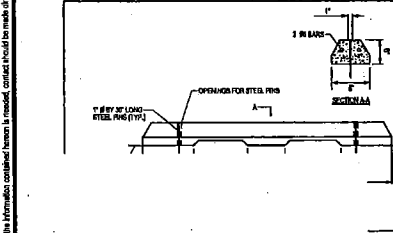
| <br><b>SOLTESZ</b><br>Rockville Office<br>2 Research Place, Suite 100<br>Rockville, MD 20850<br>P. 301.948.2750 F. 301.948.9067<br>www.soltesz.com   | <table border="1"><tr><th colspan="2">MISS UTILITY NOTE</th></tr><tr><td>1</td><td>REVISED TO ADD ADDITIONAL ROOF DRAIN TO FUTURE BLDG PAD</td></tr><tr><td>2</td><td>REVISED DUE TO SEGMENT CONTROL POINT #4355 - NEW ROOF DRAIN LAYOUT FROM BLDG TO EX. CLEANOUT</td></tr><tr><td>DATE:</td><td>MARCH 2014</td></tr><tr><td>DESIGNED BY:</td><td>JDC</td></tr><tr><td>CHECKED BY:</td><td>JDC</td></tr></table> | MISS UTILITY NOTE |      | 1 | REVISED TO ADD ADDITIONAL ROOF DRAIN TO FUTURE BLDG PAD | 2          | REVISED DUE TO SEGMENT CONTROL POINT #4355 - NEW ROOF DRAIN LAYOUT FROM BLDG TO EX. CLEANOUT | DATE:  | MARCH 2014 | DESIGNED BY:  | JDC | CHECKED BY: | JDC | <table border="1"><tr><th colspan="2">DEVELOPER</th></tr><tr><td colspan="2">GT Burtonville LLC<br/>540 Ritchie Highway, Suite 101<br/>Severna Park, MD 21146<br/>Contact: James King<br/>Phone: 202-997-7303</td></tr></table> | DEVELOPER |  | GT Burtonville LLC<br>540 Ritchie Highway, Suite 101<br>Severna Park, MD 21146<br>Contact: James King<br>Phone: 202-997-7303 |  | <table border="1"><tr><th colspan="2">PROFESSIONAL CERTIFICATION</th></tr><tr><td colspan="2">I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED AND APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.<br/>LICENSE NO. 28442 EXPIRATION DATE: 06/15/2015</td></tr></table> | PROFESSIONAL CERTIFICATION |  | I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED AND APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.<br>LICENSE NO. 28442 EXPIRATION DATE: 06/15/2015 |  | <table border="1"><tr><th colspan="2">CONSTRUCTION DRAWINGS</th></tr><tr><th colspan="2">STORM DRAIN AND PAVING PLAN</th></tr><tr><td colspan="2"><b>GREENE TURTLE</b><br/><b>BURTONVILLE TOWNE SQUARE</b><br/>OLD COLUMBIA PIKE (RT. 198) &amp; OLD COLUMBIA PIKE (RT. 29A)<br/>COLLETSVILLE (9th ELECTION DISTRICT), MONTGOMERY COUNTY, MARYLAND</td></tr></table> | CONSTRUCTION DRAWINGS |  | STORM DRAIN AND PAVING PLAN |  | <b>GREENE TURTLE</b><br><b>BURTONVILLE TOWNE SQUARE</b><br>OLD COLUMBIA PIKE (RT. 198) & OLD COLUMBIA PIKE (RT. 29A)<br>COLLETSVILLE (9th ELECTION DISTRICT), MONTGOMERY COUNTY, MARYLAND |  | <table border="1"><tr><td colspan="2">SHEET 4 OF 7</td></tr><tr><td colspan="2">PROJECT NO. 1319-00-01/14156-00-00</td></tr></table> | SHEET 4 OF 7 |  | PROJECT NO. 1319-00-01/14156-00-00 |  |
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| DEVELOPER  |   |                   |      |   |   |            |  |  |            |   |     |             |     |   |           |  |  |  |   |                            |  |  |  |  |                       |  |                             |  |   |  |  |              |  |                                    |  |
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EXHIBIT NO. 26 (gkiv)  
APPLICATION NO. CU 17-06

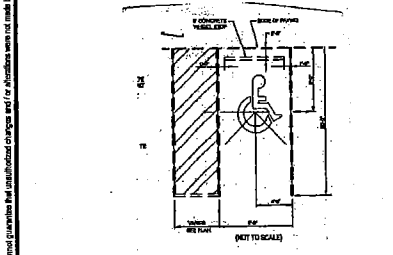




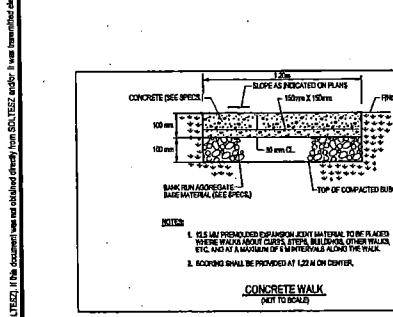
1 Concrete Bollard with Handicap Parking Sign Detail



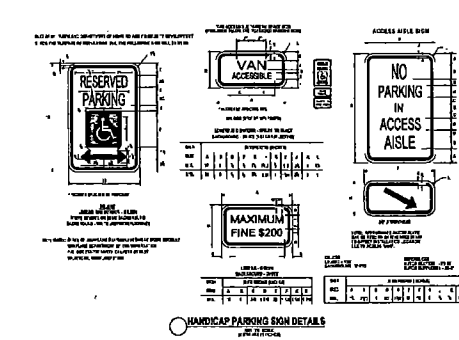
4 Concrete Wheel Stop



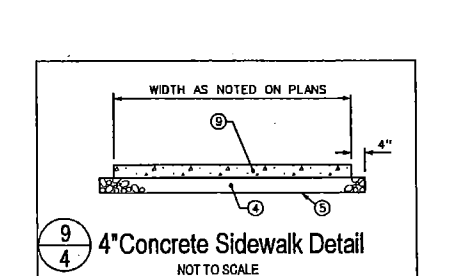
3 Handicap Parking Space Detail



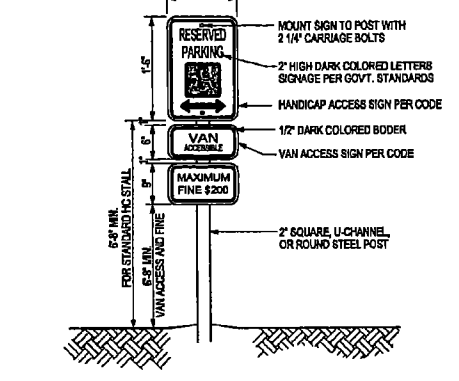
6 Handicap Parking Space Detail



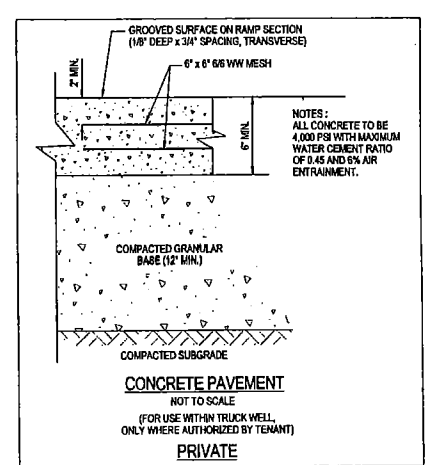
3 Handicap Parking Sign Details



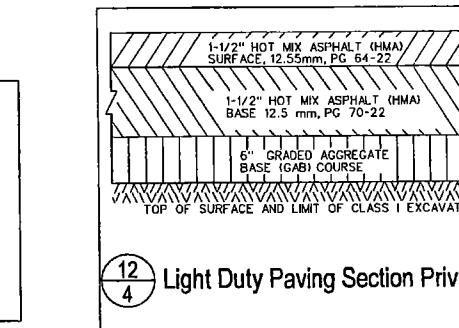
9 4" Concrete Sidewalk Detail



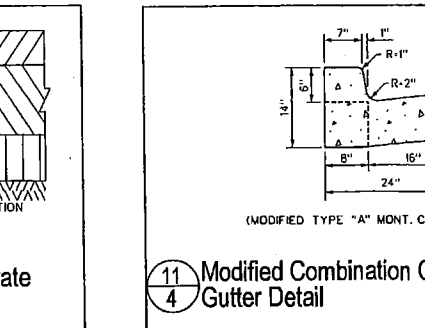
5 Handicap Parking Sign Mounting Detail



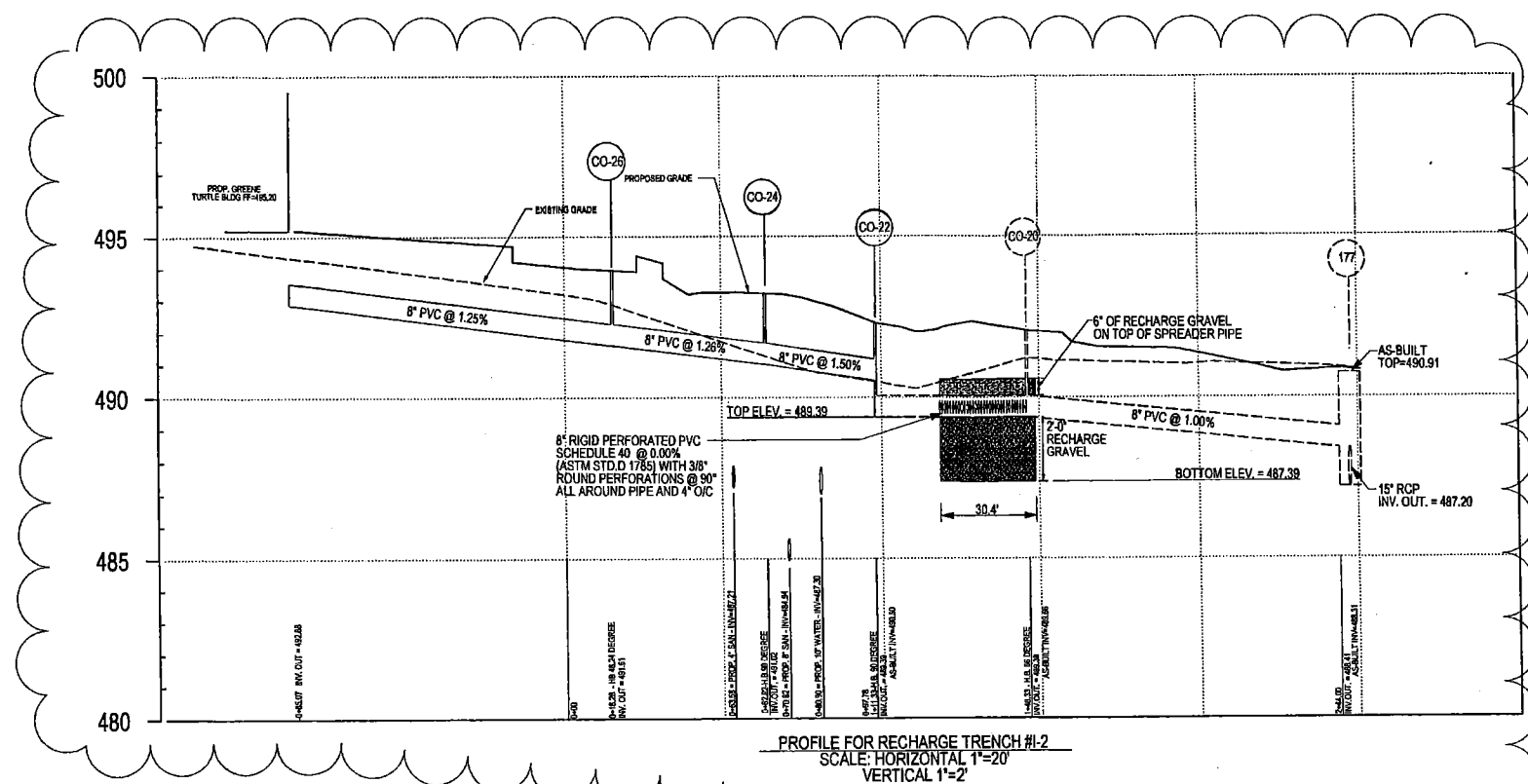
7 Concrete Pavement Detail



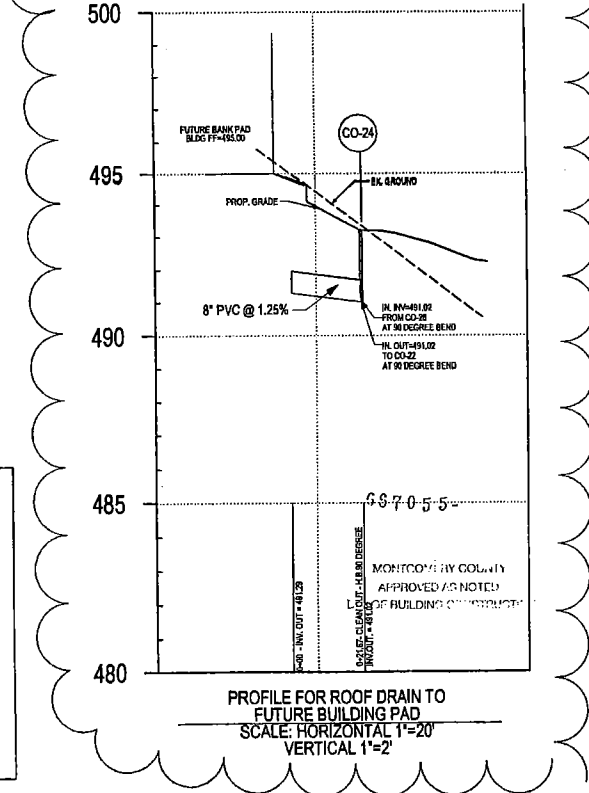
12 Light Duty Paving Section Private



11 Modified Combination Concrete Curb & Gutter Detail



PROFILE FOR RECHARGE TRENCH #2  
SCALE: HORIZONTAL 1"=20'  
VERTICAL 1"=2'



PROFILE FOR ROOF DRAIN TO FUTURE BUILDING PAD  
SCALE: HORIZONTAL 1"=20'  
VERTICAL 1"=2'



| INDIVIDUAL LOT PLANT LIST- GREENE TURTLE |          |      |  |                          |             |           |
|--|----------|------|--|--------------------------|-------------|-----------|
| TYPE                                     | QUANTITY | Code | SCIENTIFIC NAME                        | COMMON NAME              | HEIGHT/CAL. | B&B/CONT. |
| Ornamental Trees                         | 8        | Llw  | Lagerstroemia indica 'White Chocolate' | White Grape Myrtle       | 8-10' ft    | B&B       |
|  | 12       | Pmp  | Pinus mugo 'Pumila'                    | Mugo Pine                | # 3 Cont.   |           |
|  | 23       | Pla  | Pinus laurocarpa 'Schlipkaensis'       | Schlipka Cherry Laurel   | 30-36"      | B&B       |
|  | 9        | Rra  | Rosa 'Radical' P.P. 16202              | Double Knockout Rose     | #3 Cont.    |           |
|  | 9        | Tee  | Thuja occidentalis 'Emerald Green'     | Emerald Green Arborvitae | 4-5' ft     | B&B       |
| Perennials/Ground Cover                  | 149      | Ann  | Annuels                                | Annuels                  | per flat    |           |
|  | 473      | Lmb  | Liriope muscaris 'Big Blue'            | Big Blue Lilyturf        | 4"          |           |

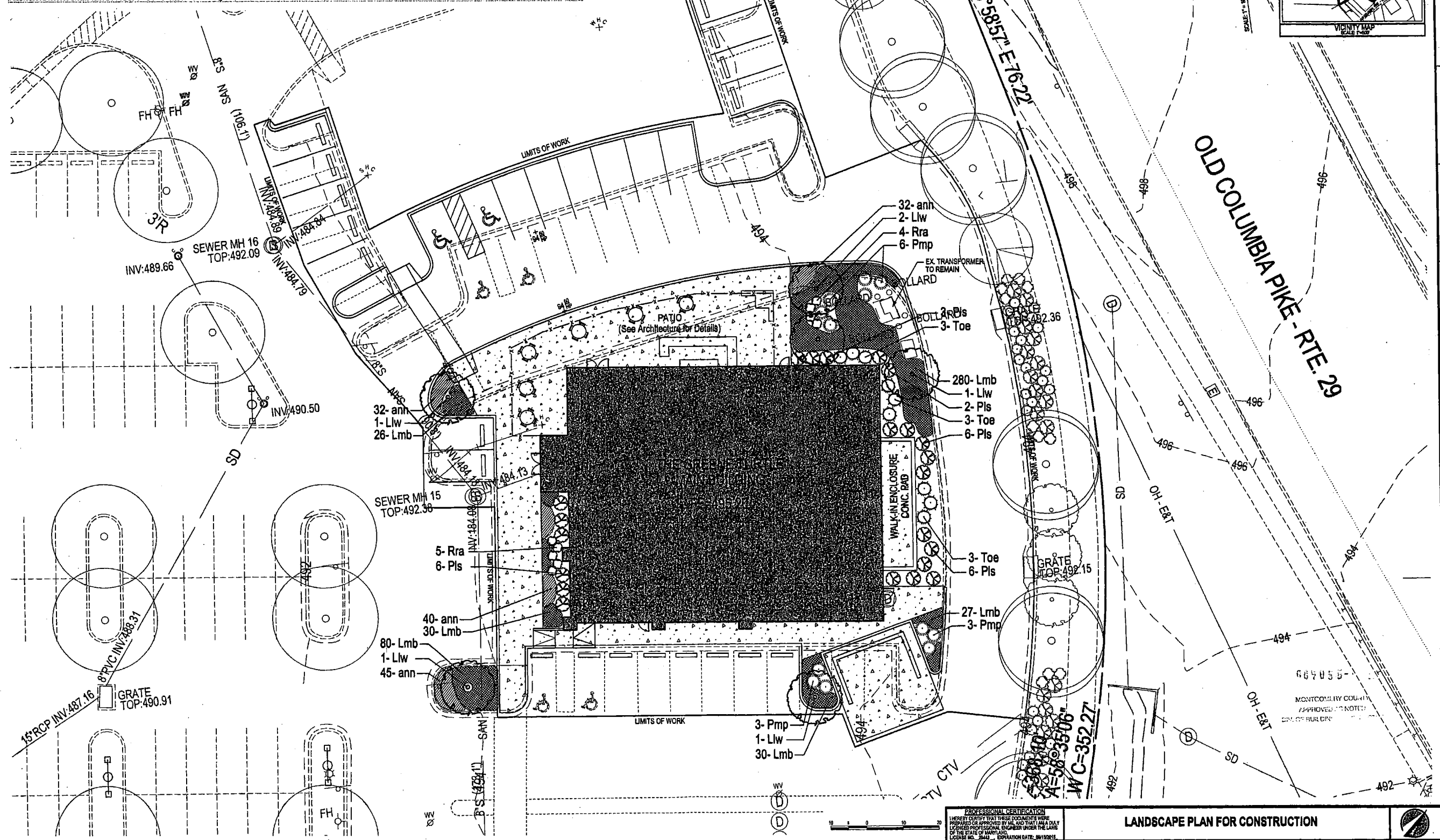


EXHIBIT NO. 26(g)(vi)  
APPLICATION NO. CU 17-06

GENERAL CONDITIONS

I. SCOPE

- A. The landscape contractor shall provide all materials, labor and equipment to complete all landscape work as shown on the plans, plant list and specifications.
- B. Total number of plants shall be as shown on the landscape plan. If this total differs from the plant list, the landscape contractor is to notify the landscape architect before the bid date.

II. STANDARDS

- A. All plant material will conform to the current issue of the American Standard for Nursery Stock published by the American Association of Nurserymen (A.A.N.) conform in general to representative species.
- B. The plant material must be selected from nurseries that have been inspected by state or federal agencies. Any certificates required must be provided to owner or representative upon delivery of materials.

III. SUBSTITUTIONS

- A. If a plant is found not to be suitable or available, the contractor is to notify the landscape architect before bidding.
- B. The owner or landscape architect is then required to select a reasonable alternate or to inform all landscape contractors of the availability of the original plant.
- C. If a substitute is selected, it must be of the same size, value and quality as the original plant.
- D. Substitutions to be made with written approval of M-NCPPC.

IV. UTILITIES

- A. The landscape contractor shall notify utility companies prior to construction and call "Miss Utility" at 1(800)257-7777, to locate main utility lines.
- B. If there is a conflict with the utilities and the planting, the landscape contractor shall notify the landscape architect or owner immediately. Any cost of relocating caused by the contractors' failure to notify shall be borne by the contractor.

V. DRAINAGE

- A. Plants shall not be planted in situations that show obvious poor drainage. Such situations shall be brought to the attention of the landscape architect or owner, and if they deem necessary, the plants shall be relocated or the contract shall be adjusted to allow for drainage correction at a negotiated cost.

VI. WORKMANSHIP

- A. During planting, all areas shall be kept clean and neat, and all reasonable precautions shall be taken to avoid damage to existing plants, turf and structures.
- B. Upon completion, all debris and waste material resulting from planting operations shall be removed from the project and the area cleaned up.
- C. Any damaged areas shall be restored to their original condition at the cost of the contractor.

PLANT MATERIAL

I. STANDARDS

- A. Bare root
  - 1. Bare rooted shrubs shall be dug with adequate fibrous roots.
  - 2. Roots shall be protected during handling and transit and planted to guard against drying out and damage. If not planted soon after arrival, material must be heeled in and maintained.
- B. Balled and Burlapped (BAB)
  - 1. Balled and Burlapped plants shall be dug with firm natural balls of earth.
  - 2. Ball sizes shall be in accordance with A.A.N. specifications.
- C. Container grown stock shall have been grown in a container long enough for the root system to have developed sufficiently to hold soil in container together.
- D. All plant material shall be nursery grown unless otherwise specified. Pruning shall be done before planting or during the planting operation.
- E. All plant material to be transported in covered container. Locally available material may be covered with a tarp or similar cover to keep from drying out, provided the transporting vehicle maintains a maximum of 35 mph.
- F. Anti-desiccants shall be applied on all material dug while in foliage.
- G. Container stock may replace BAB as long as all other criteria are met.
- H. Same plant material for location near each other shall be similar in appearance. Hedge material will be similar enough in size and shape, etc. to create a uniform hedge.

II. MATERIALS

- A. ANTI-TRANSPIRANTS
  - Anti-transpirants shall be an emulsifiable concentrate used to retard excess water loss without hampering normal transpiration.
- B. BACKFILL MIXTURES
  - 1. Backfill mixture shall be 1/3 existing soil mixed with 1/3 organic material (or peat) and 1/3 topsoil.
  - 2. If any other additives are found to be needed at the time of planting, it shall be added only with the approval of the landscape contractor, landscape architect and owner or owner's representative.
  - 3. Fertilizer is to be added depending on the size of the plant and the manufacturer's recommendation.
    - \* Trees - Use tree fertilizer as required by particular species
    - \* Shrubs - Use tree fertilizer as required by particular species
    - \* Ground cover, Vines & Herbaceous Plants - Use tree fertilizer as required by species.

C. TOPSOIL

- 1. If used, top soil shall be sandy loam and uniform in color and composition.
- 2. It shall be free of stones, roots, lumps, plants and other debris over 1 1/2".
- 3. It shall not contain toxic substances harmful to plant growth.
- 4. Top soil shall have a Ph range of 6.0 to 7.0 and the organic matter shall be a minimum content of 1.0%.

D. ORGANIC MATTER

- 1. Organic Matter used in back fill shall be peat or other material approved by the landscape architect or owner.

E. PEAT MOSS

- 1. Type I - sphagnum peat moss - is finely divided with a Ph of 4.0 to 5.0.

F. LEAF MOLD

- 1. This is a composted leaf material to be used with the approval of landscape architect.

G. COMPOST

- 1. To be organic matter composted and aged by accepted methods to be used only when specified or by approval of landscape architect.

H. DOLOMITE LIME

- 1. This is agricultural grade limestone containing total carbonates of 85% with a minimum of 30% magnesium carbonates.

I. FERTILIZER

- 1. Fertilizer shall be granular, packet or pellet with 35% to 85% of the total nitrogen in a slowly available form. To be applied by manufacturer's methods.
- 2. Fertilizer shall be a complete fertilizer with a minimum analysis as required by soil test and plant material.

J. TRACE ELEMENTS

- 1. These slow release materials containing zinc (Zn), molybdenum (Mo), iron (Fe), copper (Cu), boron (B), and magnesium (Mn). To be applied as per manufacturer's directions as deemed necessary by soil test.

III. BACKFILLING A TREE PIT

- A. Cut rope or wire on ball of tree and pull burlap back to the edge of the root ball. Remove all plastic wraps and twine. Roll burlap 1/3 of the way down the root ball.
- B. Backfill tree pit with a soil mixture stated in the specifications.
- C. Mix soil amendments in the mixture either prior to filling pit or as pit is being filled.
- D. Make sure plants remain straight during backfilling procedure.
- E. Backfill sides of tree pit halfway with soil mixture and tamp as pit is being filled.
- F. Finish backfilling sides of tree pit and tamp firmly.
- G. NEVER COVER TOP OF TREE BALL WITH SOIL. Top of root ball should be 1/4 the root ball height above the tree pit.
- H. Form a 4" saucer above existing grade and around the outer rim of the tree pit.
- I. Mulch top of root ball and saucer within 48 hours to a minimum depth of 2" and not exceed 3".
- J. Water thoroughly the interior of the tree saucer until it is filled. EVEN IF IT IS RAINING. Provide enough water to ensure saturation of the root ball.
- K. Prune out any dead, conflicting or broken branches.
- L. In extremely hot weather, reduce foliage surface by pruning or stripping of foliage.
- M. Remove all tags, labels, strings, etc. from the tree.

IV. TREES BRACED BY STAKING

- A. Choose the correct size and number of stakes and size of hose and wire according to the Tree Support Detail and plant requirements. Staking shall be completed within 48 hours of planting the tree.
- B. Spacing stakes evenly and vertically on the outside of the tree ball drive firmly into the ground (stakes can be slightly angled away from the tree).  
NOTE: Never drive a stake through the tree ball, as it will damage the tree's root system. Stakes to be 2/3 above ground, 1/3 below.
- C. Cut pieces of reinforced hose long enough to loop around the trunk of the tree.
- D. Place the hose around the trunk at the height required to provide optimum support. Then run the 12 gauge wire through the hose and pull both ends horizontally beyond the stake by 2".
- E. Cut the wire to sufficient length and then twist the wire at the rubber hose to keep it in place.
- F. Run both ends of wire together around the stake twice and then twist wire back onto itself to secure it. Cut off excess wire and stake.
- G. The above procedures are to follow for each stake.
- H. STAKES
  - 1. Stakes shall be 2"x2" hardwood, reasonably free of knots to be long enough for 1/3rd to be driven into the soil, and 2/3rds above the soil surface.
- I. WIRE
  - 1. Wire shall be 12 or 14 gauge galvanized steel or acceptable equal, depending on the size of the tree.
- J. CABLE
  - 1. Cable shall be 1/4" or 3/16" galvanized steel, depending on size of tree.
- K. CLAMPS
  - 1. Clamps shall be galvanized or zinc and large enough to hold wires or wires used.
- L. HOSE
  - 1. Hose shall be corded rubber, uniform in color and either 3/4" to 1" in diameter, depending on the size of the tree.
- M. MULCH
  - 1. Material shall be double shredded composted hardwood bark, such as "olivabark" or approved equivalent.
  - 2. Material shall be mulching grade, uniform in size and free of foreign or harmful matter.

V. INSPECTION

- A. Plants may be subject to inspection and approval by the owner or owners representative at the place of growth for conformity to specification requirements as to quality, size and variety. This will be at the owner's expense.
- B. Plants damaged in handling or transportation may be rejected by the owner or owner's representative.

II. PLANTING PROCEDURES FOR TREES

I. PREPARING TREE PIT

- A. The tree pit must be a minimum of 2 times the size of the root ball at the top.
- B. The walls of tree pit shall be dug so that they are scarified.
- C. The tree pit shall be deep enough to allow 1/4 of the root ball to be above the existing grade. Any loose soil at the bottom of the pit shall be tamped by hand or with the bucket of the backhoe.
- D. Dig pit 6" deeper than depth required for root ball. Fill bottom of pit with 6" compacted soil mix adjusting depth to insure top of root ball is 1/4 above the surface of the soil.

II. PLACING TREE IN THE PIT

- A. Place the tree in the pit by lifting and carrying the tree by its ball (never lift by branches or trunk) and then lowering it into the pit. Contractor is responsible for providing any machinery necessary to lift and move plant material and to insure it is not dropped.
- B. Set the tree straight and in the center of the pit with the most desirable side of the tree facing toward the prominent view (sidewalk, building, street, etc.).
- C. Any dropped material may be rejected by owner or representative. Any dropped material should be flagged with red flagging on its trunk and noted on a plan. Should plant die, it will be replaced by the contractor at no cost to the owner.

III. PLANTING PROCEDURES FOR SHRUBS

I. PREPARING SHRUB PIT

- A. For a single shrub, the pit shall be dug large enough for the proper setting of the root ball (4" wider than root ball at base. 2 to 3 times the width of the root ball at the top).
- B. For a shrub mass planting, the entire bed area shall be rotolitted 3 to 4" deep. Each shrub pit shall be excavated for the proper setting of the root ball.
- C. For a hedge, a trench shall be dug large enough for the proper setting of all of the plants root balls (the trench shall be 2 times wider than the root balls).
- D. Form a compacted base in the bottom of the hole to adjust plant height to proper location. Compact sufficiently to prevent settling.

II. PLANTING SINGLE SHRUBS AND BACKFILLING PIT

- A. Remove all plastic wraps, twine, containers, etc.
- B. Place the plant in the pit by lifting and carrying in by the root ball.
- C. Set the plant straight and in the center of the pit with the most desirable side facing toward the prominent view.
- D. Use a soil mixture as specified.
- E. Make sure the plant remains straight during backfilling procedure.
- F. Backfill side of the pit halfway with soil mixture and tamp as the pit is being filled.
- G. Pull the burlap back 1/3 the way down the root ball. Make sure burlap does not become exposed above soil surface.
- H. Finish backfilling the sides of the shrub pit and tamp firmly.
- I. Form a saucer above the existing grade and around the planting pit.
- J. Mulch top of root ball and saucer a minimum of 2" depth and not to exceed 3" in depth.
- K. Water thoroughly, the interior of the shrub saucer to insure root ball is saturated. EVEN IF IT IS RAINING.
- L. Prune out any dead, conflicting or broken branches.
- M. Remove all tags, labels, strings, etc. from the plant.

III. PLANTING A SHRUB MASS

- A. Follow the same procedure as for a single shrub. (Section II A-M)
- B. Edge and rake the entire planting bed to obtain uniform surface.
- C. Mulch the entire planting bed a minimum of 2" depth and not to exceed 3" depth.
- D. Water the entire planting bed thoroughly. EVEN IF IT IS RAINING. To saturate top 2" of soil.
- E. Prune out any dead, conflicting or broken branches.
- F. Remove all tags, labels, strings.

IV. PLANTING PROCEDURES FOR GROUND COVER

I. PREPARING GROUND COVER BED

- A. The ground cover bed shall be loosened prior to planting by one of the following methods: rotolitting, back-hoeing and rotolitting or by picking (generally done on small areas or on slopes). Soil shall be loosened to a depth of 4" to 6".
- B. Soil additives for the ground cover bed shall be peat and topsoil, (2" deep) after the soil has been loosened and additives then worked into the bed by one of the following methods: rotolitting, back-hoeing and rotolitting or by picking (in which soil additives are spread by hand into the individual plant pockets and worked into the soil by pick).
- C. Fertilize in planting hole or use water soluble fertilizer at base of plants after planting.
- D. Mulch the entire ground cover bed to minimum 1" depth and not to exceed 2" in depth.

II. PLANTING GROUND COVER

- A. The ground cover planting holes shall be dug through the mulch with one of the following: hand trowel, shovel, bulb planter or hoe.
- B. Before planting, biodegradable pots shall be crushed and the top edges broken down below the surface. Non-biodegradable pots shall be removed. Unwrap

any bound roots, do not break root ball.

C. The ground cover (either potted or bare root) shall be planted:

- 1. So that the roots of the plant are surrounded by the mulch: potted plants being set so that the top of the soil in the pot is even with the existing grade, and bare root plants being covered up to the crown of the plant or soil level.
- 2. At an equal distance apart (plans and specifications specify the "on center" (o.c.) distance for the ground cover). See spacing guide.
- D. The entire ground cover bed shall be edged and thoroughly watered.

V. SEEDING

I. TEMPORARY SEEDING

- A. Vegetation - Annual Rye grass or Japanese Millet shall be used to provide cover on disturbed areas for up to 12 months. For longer duration of vegetation cover, permanent seeding is required.
- 1. Seed Mixtures - Temporary Seeding
  - Preferred: Annual Rye - Winter: 200-300 lbs./acre. (1/2 that amount for over seeding) Japanese Millet - Summer: 250 lbs./acre. (These are preferred because existing and proposed native grasses and wildflowers may not compete well with certain grass species)
- 2. If seed mixtures used are other than those preferred they must be from table 26 of "Standards and Specifications for Soil Erosion and Sediment Control" by the Maryland Department of Environmental Protection. Temporary plant material must be removed prior to seeding of other material.
- 3. For sites having soil tests performed, the seeding and amendment rates shown in table 26 of "Standards and Specifications for Soil Erosion and Sediment Control" shall be deleted and the rates recommended by the testing agency shall be written in. Soil tests are not required for temporary seeding.

II. PERMANENT SEEDING

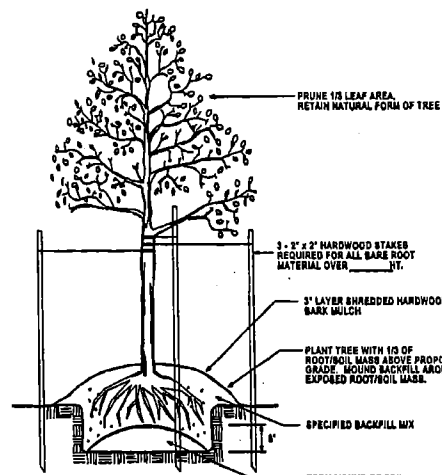
- A. Seeding grass and legumes to establish ground cover for a minimum period of one year on all disturbed areas generally receiving low maintenance.

Seed mixtures:

- 1. Seed mixtures not from table 26 of "Standards and Specifications for Soil Erosion and Sediment Control" by the Maryland Department of Environmental Protection, must be similar or approved by landscape architect. Additional planting specifications for exceptional sites such as shore lines, stream banks or dunes, or for special purposes such as wildlife or aesthetic treatment may be found in USDA-SCS Technical Field Office Guide, Section 342 - Critical Area Planting.
- 2. For sites having disturbed areas over 5 acres, the rates shown in table 26 of "Standards and Specifications for Soil Erosion and Sediment Control" shall be deleted and the rates recommended by the soil testing agency shall be written in.
- 3. For areas receiving low maintenance, apply urea form fertilizer (45-0-0) at 3 1/2 lbs/1000 sq. ft. (150 lbs./acre). The above recommended soil amendments and hose stated in the soil test to be performed at the time of seeding, or as recommended by state agency and manufacturers products.
- 4. Do not fertilize area to be seeded around storm water management facilities.
- 5. Contractor to provide a final product of grass crop creating a lawn of uniform color and texture after three mowings.

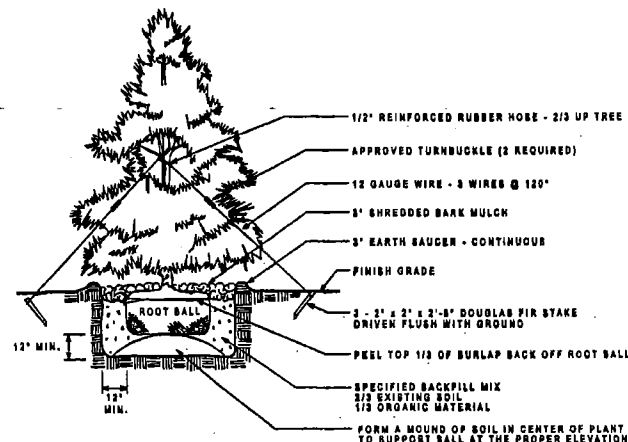
VI. SOIL TESTING

- 1. Contractor to perform soil test as per accepted methods by the local agricultural extension service.
- 2. Samples to be tested by reputable lab.
- 3. Contractor will be held responsible for notifying owner of any problems or deficits determined by the test results.
- 4. Corrections will be discussed and cost negotiated with owner.
- 5. Plant failure based on soil deficits or problems due to failure of contractor to take samples, will be replaced at the cost of the contractor after corrections have been made.



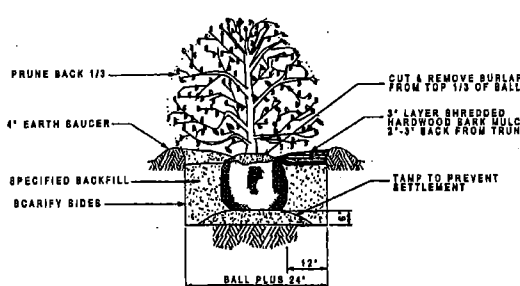
BARE ROOT TREE PLANTING DETAIL

NOT TO SCALE



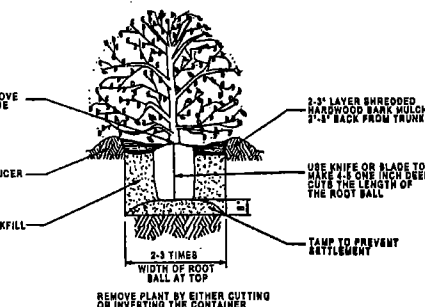
TREE PLANTING DETAIL - EVERGREEN TREE

NOT TO SCALE



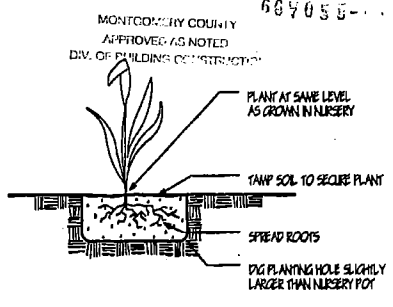
DETAIL - SHRUB PLANTING

NOT TO SCALE



CONTAINERIZED SHRUB PLANTING DETAIL

NOT TO SCALE



HERBACEOUS PLANTING DETAIL

NOT TO SCALE



ROCKVILLE OFFICE  
2 Research Place, Suite 100  
Rockville, MD 20850  
P. 301.948.2750 F. 301.948.9067

Rockville  
Lanham  
Waldorf  
Frederick

| NO. | REVISIONS                      | BY | DATE |
|-----|--------------------------------|----|------|
| 1   | DATE: MARCH 2014<br>DRAWN: JDC |    |      |
| 2   | DATE: MARCH 2014<br>DRAWN: JDC |    |      |
| 3   | DATE: MARCH 2014<br>DRAWN: JDC |    |      |
| 4   | DATE: MARCH 2014<br>DRAWN: JDC |    |      |
| 5   | DATE: MARCH 2014<br>DRAWN: JDC |    |      |
| 6   | DATE: MARCH 2014<br>DRAWN: JDC |    |      |
| 7   | DATE: MARCH 2014<br>DRAWN: JDC |    |      |
| 8   | DATE: MARCH 2014<br>DRAWN: JDC |    |      |
| 9   | DATE: MARCH 2014<br>DRAWN: JDC |    |      |
| 10  | DATE: MARCH 2014<br>DRAWN: JDC |    |      |

MISS UTILITY NOTE



DEVELOPER

GT Burtonville LLC  
640 Ritchie Highway, Suite 101  
Severna Park, MD 21146  
Contact: James King  
Phone: 202-997-7303

| MAP                        | DATE     | SCALE                      |
|----------------------------|----------|----------------------------|
| 1/4" = 1'                  | NOV 2013 | 1/4" = 1'                  |
| 1/8" = 1'                  | NOV 2013 | 1/8" = 1'                  |
| 1/16" = 1'                 | NOV 2013 | 1/16" = 1'                 |
| 1/32" = 1'                 | NOV 2013 | 1/32" = 1'                 |
| 1/64" = 1'                 | NOV 2013 | 1/64" = 1'                 |
| 1/128" = 1'                | NOV 2013 | 1/128" = 1'                |
| 1/256" = 1'                | NOV 2013 | 1/256" = 1'                |
| 1/512" = 1'                | NOV 2013 | 1/512" = 1'                |
| 1/1024" = 1'               | NOV 2013 | 1/1024" = 1'               |
| 1/2048" = 1'               | NOV 2013 | 1/2048" = 1'               |
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## Robeson, Lynn

---

**From:** Robeson, Lynn  
**Sent:** Thursday, November 10, 2016 2:16 PM  
**To:** 'Silber, Stacy P.'  
**Cc:** Estes, Phillip; 'Weaver, Richard'; Forbes, Ellen; Motazedi, Ehsan; Beall, Mark  
**Subject:** CU 17-06, Burtonsville Towne Center LLC--Motion to Determine Applicable Development and Zoning Standards

Ms. Silber, I am preparing the notice of your "Motion to Determine Applicable Development and Zoning Standards." Before I send it out, and before I refer it to DPS and Planning, please provide/clarify the following:

1. Your motion states that the proposed drive-thru restaurant does not meet the CRT standards because it (1) will be more than 20-feet from the property line, and (2) less than 70% of the building is within the build-to area.
  - a. It was my understanding from Staff that an additional issue is compliance with Section 59-4.1.7.B.2, which prohibits drive aisles in the build-to area.
  - b. Please provide citations to the 2014 Zoning Ordinance of all provisions to which the proposed use will not comply with the current CRT Zone.
2. Please provide a copy of the Planning Board resolution approving the preliminary plan as well as a copy of the preliminary plan.
3. The pad site on Exhibit C appears much more developed than the aerial photographs we reviewed as a preliminary matter. Please provide an *unaltered* aerial photograph of the site as it existed as of October 29, 2014, or as close thereto as possible.
4. You state that the pad site was "constructed" as of 2009. Please list exactly what physical improvements were made to the pad site for Starbucks as of October 29, 2014. Were sewer/water extended at that time, were curbs in place, were parking spaces striped?
5. Please be more specific as to the reasons for your statement that it is "not practical to construct the pad site in conformance" with the new Zoning Ordinance. In what way is it inconsistent with the circulation for the rest of the shopping center? How will it create conflict?

I would appreciate your providing the information as soon as possible so that I may send the motion out.

*Lynn A. Robeson  
Hearing Examiner  
Office of Zoning and Administrative Hearings  
100 Maryland Avenue  
Rockville, MD 20850  
PH: (240) 777-6660  
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November 21, 2016

Lynn A. Robeson, Esq.  
Hearing Examiner  
Office of Zoning and Administrative Hearings  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

Re: CU-17-06, Burtonsville Towne Center LLC

Dear Ms. Robeson:

I am writing to respond to the questions posed in your email of November 10<sup>th</sup>.

1a. Yes, we agree with staff that the new Ordinance prohibits drive aisles in the build-to area. (Code Section 59-4.1.7.B.2).

1b. The current proposal will not comply with the following provisions of the new Ordinance:

- i. 59-4.1.7.B.2 (drive aisles in the build-to area),
- ii. 59-4.5.3.C.3 (70% of the building face within the 20 foot front setback/build-to area);
- iii. 59-4.5.3.C.3. (parking in the build-to area).

2. Enclosed is the Planning Board Resolution approving Preliminary Plan 1-04109 (now numbered 1200041090) and the Preliminary Plan. As you know, the Preliminary Plan building layout is illustrative only. The Preliminary Plan was developed to show the possible lay-out for up to 260,000 square feet, which could be developed on the site. In this case, the storm drain and paving plan (Exhibit A of the Motion) depicts the ultimate, approved shopping center lay-out. In 2009, a building permit was issued by DPS for the construction of the shopping center in its current configuration, including the Starbucks pad site, with sign off from Park and Planning.

3. You have asked for a clean copy of an aerial photograph of the shopping center as it existed as close to October 29, 2014 as possible. I have enclosed three aerial photographs from the Google Earth archives. The first is dated October 12, 2012. It shows the constructed proposed Starbucks pad site. You will note that the pad looks the same as in the Google Earth Map submitted to you with the Motion (and in this package, a 2016 image), with the exception that the eastern "cut-out" area for parking has been slightly expanded and the southwestern corner has been slightly altered. These revisions were made as part of the Green Turtle permitting process. This permit package (Exhibit G of the Motion) was filed in March of 2014. In order to



accommodate truck movements for the Greene Turtle, which would be using the drive aisle between it and the adjacent Starbucks pad site, the curb at the southwestern corner of the Starbucks pad had to be pulled back. This resulted in the elimination of 2 parking spaces on the Starbucks pad, which were relocated to the eastern "cut-out" area of the same pad. Page 4 of Exhibit G of the Motion shows this modification. The Green Turtle building permit was issued on July 9, 2014. I have included a copy of the permit (No. 66705). Construction was started soon thereafter.

The second aerial photograph from the Google Earth archives is dated October 7, 2014. It shows the pad site being utilized as a staging area for the construction of the Greene Turtle. It appears that as of this date the changes to the Starbucks pad site approved as part of the Green Turtle permit had not yet been constructed, however the pad site was otherwise as it is today. The owner believes these changes were made later in 2014.

The third aerial is the same as the one filed with the Motion, but it is at the same scale as the 2012 and 2014 images (the 2016 image filed with the Motion was a smaller scale). It shows the proposed Starbucks pad site as it exists today, with the fully constructed Greene Turtle to the south, and the alterations to the Starbucks pad site which were approved as part of the Green Turtle permitting.

4. According to the shopping center owner, the finished, fully compacted Starbucks building pad, including curbs, sidewalks, handicapped ramps, utilities (water/sewer, electricity, gas, telecom), storm drains (including drain-tie-ins for building gutters), stormwater recharge area, all driveways (including drive-thru lane), parking areas, all parking lot lights, fire lanes, nearby retaining walls and landscaping (outside the curb line) per the approved storm drain and paving plan (and in accord with Park Planning staff's pedestrian friendly concept), were in place as of 2010 as part of the original construction of the center. The modification described above, needed to accommodate truck movements for the adjacent Greene Turtle pad, were completed in 2014.

5. At the request of Park & Planning Staff, as part of their desire to have a pedestrian friendly design, all of the pad sites in the shopping center were ultimately designed to face inward to the site, with their backs to the road, with drive aisles running between the rear of the buildings and the street, and with drive-thrus located on the sides or rear of the buildings. Pedestrian sidewalks were situated in the interior of the site and along drive aisles where appropriate. The drive aisle around the perimeter of the site was for vehicles to move around the periphery of the center, and effectively supplanted Route 29, which is a high-speed, limited access, State Highway. This circulation pattern (both vehicular and pedestrian) was meant to work as an integrated network.

The development standards in the CRT zone call for more of an urban street grid pattern for proposed developments. They require buildings to be located with their fronts up to the street with the parking, circulation and drive aisles placed behind them, internal to the site. The new Ordinance requires drive-thru lanes to be located on the opposite side of buildings from the public road.

Lynn A. Robeson, Esq.

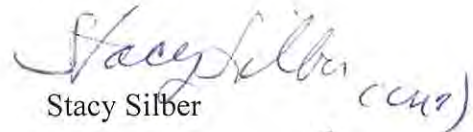
November 21, 2016

Page 3

Meeting the CRT standards for the last pad site in the center would be completely inconsistent with the center's current layout. It would interrupt the expected flow of cars and trucks, and create a direct conflict with the established movements on the periphery of the site. It would cause a potential bottleneck at the access drive off of the main drive aisles entrance to the shopping center. As a result, it would create a less safe circulation pattern as well as a less coherent and attractive development. The grandfathering in the new Ordinance was included precisely to avoid such safety and design conflicts for existing development built under the C-2 zone.

If you have any additional questions regarding these materials or need any additional information please do not hesitate to contact us. Thanks you for your attention to this matter.

Sincerely,

  
Stacy Silber (ccw)

  
Cynthia Bar

Enclosures

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

**Board Approval Date:** July 28, 2005

**Date Mailed:** MAR 21 2006

**Action:**

Approved Staff Recommendation

**Motion** of Commissioner Bryant,  
seconded by Commissioner Perdue,  
with a vote of 4-0.

Chairman Berlage and Commissioners  
Perdue, Bryant and Wellington voting in  
favor. Commissioner Robinson was  
absent.

**MONTGOMERY COUNTY PLANNING BOARD**

**CORRECTED**  
**OPINION**

Preliminary Plan 1-04109

NAME OF PLAN: Burtonsville Shopping Center

**I. Introduction**

The date of this written opinion is MAR 21 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).

On 6/30/04, BMC Property Group ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the C-2 zone. The application proposed to create 1 lot on 27.55 acres of land located at the Northwest Quadrant of the intersection of Columbia Pike (US 29) (aka Burtonsville Boulevard) and Spencerville Road (MD 198), in the Fairland master plan area. The application was designated Preliminary Plan 1-04109. On 7/28/05, Preliminary Plan 1-04109 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the

Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

## **II. Site and Project Descriptions**

The 27.15-acre property is located in the northwest quadrant of the intersection of Columbia Pike (US 29) and Spencerville Road (MD 198). The majority of the site is unrecorded; the portion in the immediate corner of the 29/198 intersection is recorded by plat. It is within the Patuxent River watershed (Use I waters). The eastern portion of the site is an existing shopping center. About 14.37 acres of the property is in forest cover. A small stream traverses the northwestern portion of the property. A severely eroded gully lies along part of the property line that is adjacent to the elementary school. The gully connects into the stream immediately offsite. The gully was most likely created from uncontrolled stormwater runoff from the existing shopping center and the adjacent elementary school site.

This application is a request to redevelop the existing Burtonsville Shopping Center. The property is zoned C-2 and under the proposed development scenario, will not be required to undergo Site Plan review. The Fairland Master Plan makes specific recommendations regarding the redevelopment of the site as detailed in the Community Based Planning memorandum. One overriding theme of the master plan guidance is the need for a pedestrian friendly design. While recognizing that the project will not be subject to Site Plan review, staff did request and receive an Illustrative Circulation Plan to show the general concepts of internal street cross-sections, sidewalk widths, setbacks, amenities and crosswalks. Sidewalks with associated lead walks along the U.S. 29 and MD 198 frontages are also provided.

Access to the property is to be accommodated at two locations: one on U.S. 29 and the other on MD 198 (loop road). The layout of the buildings on the property is conceptual and is shown as a number of building pads within the parking lots to provide flexibility for future tenants. The plan proposes 809 underground parking spaces and 521 surface parking spaces. The Montgomery County Department of Permitting



Services will need to review and approve a Parking Facilities Plan as part of the building permit review for this site. The plan as shown will require a waiver of the required setback for parking facilities from the adjacent residential (RC) zone. The decision on the waiver will be made by DPS. Staff's recommended conditions require the Applicant to:

- 1) Obtain approval of a waiver from the Director of MCDPS prior to issuance of building permits and as part of the Parking Facilities Plan review, or
- 2) Meet the minimum setback requirements as required under 59-E-2.81.

### III. FAIRLAND MASTER PLAN - Conformance

Staff concluded that the proposed plan complies with the recommendations of the Fairland Master Plan, as discussed in detail in the staff report prepared by the Community Based Planning Staff Report.

### IV. TRANSPORTATION

The site is located within the northwest quadrant of the local lanes of Columbia Pike U.S. 29 (Burtonsville Boulevard)/MD 198 intersection (just west of the new U.S. 29 Relocated/MD 198 interchange currently under construction). Access to the site is proposed from both Burtonsville Boulevard and MD 198 (through the future Burtonsville Access Road). Currently, several bus routes (Metrobus routes Z3, Z5, Z8, Z9, Z29, and MTA Routes 915 and 929) provide service along US 29 and MD 198 in the area. The Burtonsville Park and Ride Lot is located within the northeast quadrant of US 29 (Burtonsville Boulevard)/MD 198 intersection next to the Burtonsville Crossing Shopping Center.

The Approved and Adopted 1997 *Fairland/Cloverly Master Plans* include the following nearby master-planned roadway, bikeway, pedestrian, and trail facilities:

1. US 29 local lanes or Burtonsville Boulevard, to the east of the property, as a six-lane divided Major Highway (M-10a) from south of MD 198 to Dustin Road (to the north). A minimum right-of-way width of 100 to 200 feet is recommended for this section of the roadway. A Class I bikeway is also recommended in the master plan for this section of local US 29.
2. Sandy Spring Road/Spencerville Road (MD 198), as a four-lane divided major highway (M-76) with a minimum right-of-way width of 120 feet, and with a Class I bikeway (PB-34) to the south side of the roadway between Old Columbia Pike/US 29 and the Prince George's County line. The 2005 Countywide Bikeways Functional Master Plan recommends a Shared-Use Path for MD 198 between Layhill Road to the west in Cloverly and the Prince George's County line to the east (SP-20 and SP-21).

3. Old Columbia Pike, as a two-lane Primary Road (P-25c) with a minimum right-of-way width of 70 feet between MD 198 to the north and Briggs Chaney Road to the south, and with sidewalks. As recommended in the Master Plan, four-foot wide sidewalks are provided along both sides of Old Columbia Pike. The roadway is also a Class II bikeway facility (EB-13; BL-12 in the 2005 Countywide Bikeways Functional Master Plan).
4. Burtonsville Access Road, to the north of MD 198 between MD 198 and the access road to Burtonsville Elementary School, as a two-lane Business District Street (B-7), with a minimum right-of-way of 60 feet.
5. Riding Stable Road, as a two-lane Primary Road (P-47) with a minimum right-of-way width of 70 feet, and with a rural open-section to the north of MD 198 and a Class III bikeway (PB-61) between MD 198 to the south to the Prince George's County line/Brooklyn Bridge Road to the north.
6. McKnew Road, as a two-lane primary road (P-26) with a minimum right-of-way width of 70 feet, and with sidewalks between MD 198 and Sugar Pine Court on both sides. The portion of McKnew Road to the south of Sugar Pine Court is currently built to master plan recommendations with sidewalks on both sides.
7. Cedar Tree Drive, as a two-lane primary road (P-45) with a minimum right-of-way width of 70 feet, and with a Class III/I bikeway (PB-46) between MD 198 and the Fairland Recreational Park/Prince George's County Line. A Class I bikeway (PB-47 - Cedar Tree Drive Connector) that connects Cedar Tree Drive through Fairland Recreational Park with Robey Road is also recommended in the master plan. The existing portion of Cedar Tree Drive (between MD 198 and Islewood Terrace) is built as a two-lane Primary Road to master plan recommendations with sidewalks on both sides and a Class III bikeway.
8. Blackburn Road to the east of US 29, as a two-lane Primary Road (P-44) with a minimum right-of-way 70 feet, and with sidewalks.
9. Greencastle Road, between US 29 to the northwest and Prince George's County Line to the southeast, as a four-lane Arterial (A-110) with a minimum right-of-way width of 80 feet. The master plan also recommends sidewalks and a Class I bikeway (PB-52) along Greencastle Road between Old Columbia Pike (to the west of US 29) and Prince George's County Line. The 2005 Countywide Bikeways Functional Master Plan recommends a Dual Bikeway for the section of Greencastle Road between US 29 and Robey Road (DB-11), and a Shared-Use Path for the section of Greencastle Road between Robey Road and Prince George's County line (SP-23).

10. Peach Orchard Road (to the west of the site in Cloverly) as a two-lane Primary (P-10) between MD 198 to the north and Briggs Chaney Road to the south with a minimum right-of-way width of 70 feet, and with a Class III bikeway (PB-37).
11. Patuxent Trail, as an unpaved trail (PB-41) within the PEPCO right-of-way to the north of the site.

#### On-going Transportation Projects

The SHA Consolidated Transportation Program, and the DPWT Capital Improvement Program includes the following nearby projects:

1. The US 29/MD 198-interchange project, from north of Dustin Road to south of MD 198. Construction of this project started in June 2002 and is near completion and open to traffic. The project is scheduled for completion in Fall 2005.
2. The MD 28/MD 198 Corridor Improvement Planning Study is ongoing. SHA anticipates release of the draft environmental document for the project in Fall 2005. The study is funded for project planning only.
3. The Burtonsville Access Road project, to the north of MD 198 between MD 198 and the access road to the Burtonsville Elementary School is fully funded, and is scheduled to start construction in Spring 2007.

#### Local Area Transportation Review

Peak-hour trips associated with the proposed new shopping center consisting of 250,000 square feet of retail uses and 10,000 square feet of commercial office space were estimated for the weekday morning peak-period (6:30 a.m. to 9:30 a.m.) and the evening peak-period (4:00 p.m. to 7:00 p.m.), and (summarized in Table 1 of the Transportation Division's staff report). The net increase in trips generated by the proposed development reflect trip credits for the existing shopping center on the property that include a 50,000 square-foot retail center and a 6,000 square-foot nursery retail/outdoor furniture sales center.

Transportation Division staff concluded that the proposed retail/office density on the property was estimated to generate a total of 285 and 1,168 peak hour trips during the respective weekday morning and evening peak periods. With applicable credit for retail uses currently on the property, the proposed uses on the property were estimated to generate a total of 154 and 683 net new-peak hour trips during the respective weekday morning and evening peak periods.

- Congestion Levels at Nearby Intersections

A summary of the Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak hours during the respective peak periods based on the analysis presented in the traffic study is provided in Table 2 of the Transportation Unit Staff analysis ("Table 2").

As shown in Table 2, the weekday morning and evening peak-hour capacity analysis presented in the traffic study indicated that under Total traffic conditions (with Applicant funded intersection operational/physical improvements [potential installation of signal/turn lanes at the MD 198/Burtonsville Access Road and US 29/Site Driveway intersections] subsequent to further SHA/DPWT review), CLV at the study intersections were below the FY 2004 congestion standard for the respective policy areas. Therefore the application satisfies the LATR requirements of the APF test.

Rural policy areas such as the Patuxent Policy Area are not assigned any transportation staging ceilings. Therefore, the proposed development is not required to meet the PATR test.

## V. ENVIRONMENTAL

### A. Patuxent Primary Management Area

The Patuxent River Primary Management Area (PMA) is a water quality protection area defined in the Environmental Guidelines for land in the Patuxent River watershed. It is a set area adjacent to any stream within the Patuxent River watershed where the Guidelines recommend certain land use activities and measures as part of a development project to protect and enhance water quality conditions of the stream system. One of these measures is a 10 percent imperviousness guideline limit for lower-density land development projects within the part of the PMA that is outside any environmental buffer. Development in zones that create high impervious uses, such as commercial zones, are considered to be in "nonconformance". There is no imperviousness guideline limit in the Environmental Guidelines for development in high-density zones. However, best management practices to reduce and minimize water quality impacts are recommended.

Approximately 11.1 acres of the subject site lies within the PMA. Most (8.8 acres) of the PMA is zoned RC. About 2.3 acres of the PMA is zoned C-2. The C-2 portion of the PMA is not subject to the 10 percent imperviousness guideline limit because it is considered to be a non-conforming zone.

The RC portion of the PMA is subject to the 10% imperviousness guideline limit. This part of the PMA meets that guideline limit because no impervious surfaces are proposed, except for possibly a small SWM facility access path. The path

(approximately 5720 square feet) would create about 1 percent imperviousness within the PMA.

The proposed SWM concept includes a wet pond that would provide quantity and quality controls not only for the shopping center development, but for a large portion of the adjacent elementary school (including most of the school building). The concept also includes eliminating the severely eroded channel and several dry wells located throughout the commercial part of the site. Staff believes this SWM concept meets the Environmental Guidelines recommendation for using best management practices for a commercial use (*i.e.*, high-impervious use) that lies partly within the PMA.

#### B. Forest Conservation

The Applicant proposes to retain about 4.58 acres of the 14.4 acres of forest. The retention area includes the environmental buffer and lies entirely within the PMA. The reforestation requirement is 4.80 acres, of which 1.97 acres will be located onsite. The remaining 2.83 acres of reforestation will be met offsite or with credits from a forest bank. The forest retention area and forest planting area on the site will be placed in a Category I conservation easement. Staff believes the proposed preliminary forest conservation plan meets the Forest Conservation Law requirements and recommends conditional approval of the plan.

#### VI. SCHOOLS

By letter dated January 24, 2005, Montgomery County Public Schools (MCPS) requested that the Applicant provide a vegetated buffer and construct a fence along the perimeter of the school site. The Applicant has been in contact with the school system and has advised that the area around the school will be, for the most part, afforested and protected with a forest conservation easement. Landscaping, to meet the concerns of MCPS, can be accommodated within the area identified "Proposed Landscape Buffer" adjacent to the eastern border of the school property and as shown on the preliminary plan. The Applicant has acknowledged that there will be continued discussion regarding the placement of a fence and any gates requested by MCPS.

As demonstrated in the staff report this plan complies with the recommendations of the Fairland Master Plan. Further staff believes that it complies with all applicable sections of Chapter 50, the Subdivision Regulations. The plan provides safe and adequate access, and can be served by adequate public facilities. With the waiver of setbacks that will be reviewed by MCDPS, the plan will comply with Chapter 59, the Zoning Ordinance. Staff recommends approval of the plan subject to the conditions cited above.

VII. Public Hearing

Staff summarized its findings and recommendations in the staff report, and recommended approval of the project with conditions as revised at the time of the hearing. The Applicant appeared, represented by legal counsel, and agreed to the recommendations of staff and the proposed conditions of approval. Stuart Rochester, speaking on behalf of the Fairland Master Plan Committee, testified that there is a "wide gap" between what the Master Plan Committee envisioned for this project and what has been proposed. Mr. Rochester testified that this subject property was envisioned as part of the Fairland town center. He said that the Committee tentatively supported the waiver of the setback required for the adjoining property, zoned RC. He also said that the extension of water and sewer to the site should be granted only for the commercial portion of the site, and he supported the relocation of the stormwater management pond to allow for preservation of additional forest.

Mr. Rochester's primary concern was about the size of the proposed new buildings, and even greater concern about the possibility that the several buildings on the site could be consolidated into one, "big box" building. On the other hand, however, he noted that under the layout as proposed, the Applicant largely achieved master plan goals of a pedestrian friendly site and adequate landscaping.

Mr. Charles Peters, representing Santini Grove Property Owners Association, an adjoining residential community, testified in "vehement" opposition to the setback waiver, stating that it would allow parking on residentially zoned property. Commissioner Bryant noted on the record that commercial parking is not allowed on residentially zoned property, and this was confirmed by staff. Staff confirmed that the proposed waiver allows the new Santini Road, and parking on that road, within a 20-foot setback from the adjoining residentially-zoned property (which property is owned by the Applicant). Staff noted that where the Subject Property adjoins property not owned by the Applicant, the proposed project meets all setback requirements. Mr. Rochester confirmed that he supports the waiver only where the Subject Property adjoins land owned by the Applicant.

Cleve Brown, President of the Patuxent Watershed Protective Association, testified in opposition to the parking setback waiver. He testified that it has the effect of increasing the amount of parking, thus in effect enlarges the buildable area on the site. He said that there is an existing stormwater management problem on the site, and questioned why in the face of that fact the Board would approve additional imperviousness that would offset improvements that might be achieved with the new stormwater management facilities.

Lynn Martins, President of Seibel's Restaurant, a nearby restaurant, testified in support of the project, expressing her views that the redevelopment of this site can provide a potential boost to the business district.

During rebuttal, the Applicant noted that the Master Plan required a loop road on the adjoining property (zoned RC - Rural Cluster). By instead locating the master-planned recommended road within the Subject Property the Applicant has preserved additional green space on the adjoining property (much of which is located in a Category I conservation easement). The Applicant also noted that even with the proposed setback waiver, setbacks from the adjoining properties not owned by the Applicant are significant, being 60 feet at their narrowest and several hundred feet from existing residential properties. The Applicant also testified, in response to Planning Board questions, that if it did not get the waiver from DPS that it likely would lose density.

Commissioner Bryant asked for clarification as to whether the waiver request is typical, given the fact that the loop road is located adjacent to property under common ownership. Legal counsel testified in response to the question that it is relatively unique to have property under common ownership when this type of waiver is requested. Technical staff further advised that staff did not make an affirmative recommendation on the waiver because the Board will not grant the waiver, but instead will be reviewed by the Department of Permitting Services as part of a parking facilities plan. Technical staff also noted that the property adjoining the Subject Property never would be developed, in that it would be placed in a perpetual conservation easement. Staff further said that if the waiver is not granted by DPS, then the setback requirements must be met.

#### VIII. FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies<sup>1</sup>; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

- a) The Preliminary Plan No. 1-04109 substantially conforms to the Fairland master plan. The Board finds persuasive the analysis presented by staff that the density, vehicular and circulation patterns, and landscaping requirements as conditioned below, conform to the general recommendations of the Master Plan.
- b) The uncontested evidence of record demonstrates that public facilities will be adequate to support and service the area of the proposed subdivision, and the record confirms that the water/sewer category change is limited to the commercial portion of the site only.

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<sup>1</sup> The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- c) The uncontested evidence of record demonstrates that the size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.
- d) The uncontested evidence of record demonstrates that the application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The uncontested evidence of record demonstrates that the application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) Aside from the issue of the waiver (over which the Board has no jurisdiction) and conformance to the master plan, the Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning additional substantive issue in this application, is waived.

IX. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-04109 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04109, subject to the following conditions:

- 1) Limit redevelopment on the property as part of this preliminary plan to a shopping center consisting of 250,000 square feet of retail space and 10,000 square feet of commercial office space.
- 2) Consistent with the 1997 Approved and Adopted *Fairland Master Plan*, dedicate and show on the final record plat, right-of-way width ~~at the subject property's frontage along:~~
  - a. US 29 (Burtonsville Boulevard) to provide a minimum of ~~50-100~~100 feet from the roadway centerline or a minimum of 100-200 feet from the established opposite right-of-way line, as determined by M-NCPPC and SHA;
  - b. b. Spencerville Road to provide a minimum of 60 feet from the roadway centerline or a minimum of 120 feet from the established opposite right-of-way line, as determined by M-NCPPC and SHA.
  - c. c. Burtonsville Access Road to provide up to 60 feet of right-of-way width as determined by MNCPPC and DPWT.



The final record plat shall also reflect dedication of necessary truncation at intersection corners.

- 3) The Applicant shall resolve all outstanding issues and satisfy all conditions/comments pertaining to the Montgomery County Department of Public Works and Transportation (DPWT) approval letter dated July 21, 2005, (Attachment A) and shall provide written notification to both the Development Review Division and the Transportation Planning staff prior to the final record plat that all outstanding issues are resolved.
- 4) Satisfy all preliminary plan conditions included in the State Highway Administration (SHA) letter dated June 7, 2005. (Attachment B) All roadway/intersection improvements required by SHA shall be installed/constructed and in place prior to the release of any building permit associated with this preliminary plan.
- 5) Complete required traffic signal warrant studies. If approved by SHA, design/install a fully operational traffic signal at Applicant's expense at:
  - a. the site access driveway intersection with the local lanes of US 29
  - b. the Burtonsville Access Road intersection with MD 198.

The timing for the installation for these signals shall be coordinated as required by SHA and DPWT.

- 6) All SHA and DPWT site frontage, site access and roadway/intersection improvement design concerns related to this development shall be addressed fully to the satisfaction of the respective agencies prior to the final record plat. Any physical improvement along the proposed alignment for Burtonsville Access Road shall conform to applicable DPWT design for the roadway.
- 7) Construct an eight-foot-wide shared-use path and an eight-foot-wide tree panel on US 29 (Burtonsville Boulevard) along the entire property frontage. Extend this shared-use path and tree panel further north from the property line to the PEPCO power line right-of-way (or to the Patuxent Trail [PB-41]). The shared-use path shall be offset two feet from the property line.
- 8) Construct a five-foot wide sidewalk and an eight-foot tree panel on MD 198 along the entire property frontage. The sidewalk shall be offset two feet from the property line.

- 9) Manage all shopping center related vehicular traffic, queues and parking within the property without spillover to US 29, MD 198, and Burtonsville Access Road.
- 10) All on- and off-site sidewalk/shared-use path ramps and crosswalks shall conform to Americans with Disabilities Act (ADA) standards.
- 11) The development on the site shall have adequate lead-in sidewalks from US 29, MD 198, and Burtonsville Access Road.
- 12) The development on the site shall have a pedestrian friendly internal street network, which will be in substantial conformance with the Fairland Master Plan guidelines, and shall meet the minimum requirements for the internal streetscape/sidewalks as required by the Building Officials and Code Administrators International Code used for Montgomery County.
- 13) Compliance with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, including:
  - b. 2.83 acres of offsite reforestation or forest bank to be identified by Applicant and approved by M-NCPPC staff prior to approval of record plat.
  - c. Final forest conservation plan to include a reconfiguration of the proposed SWM pond to provide more forest retention near the northern part of the pond, if feasible *and to locate a pathway from school site to shopping center access road in coordination with MCPS*. If additional forest retention is not feasible, provide documentation to demonstrate why the additional retention is not feasible.
  - d. Applicant to provide landscaping *and fencing* in consultation with MNCPPC staff and MCPS staff for perimeter of adjacent school site.
- 14) Applicant is bound to the elements of the Illustrative Circulation Plan dated June 2004, regarding general street cross sections, sidewalks locations, sidewalk widths, sidewalk amenities, street trees and crosswalk treatment.
- 15) Obtain a waiver of the setbacks from MCDPS for parking facilities along the zoning line immediately to the west of the proposed shopping center prior to building permits. If a waiver cannot be secured, parking

facilities must comply with setbacks as per Section 59-E-2.81 of the Zoning Ordinance.

- 16) Compliance with the conditions of the MCDPS stormwater management approval dated ~~July-13~~June 2, 2005.
- 17) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 18) Other necessary easements.
- 19) Record plat to reflect a Category I conservation easement on all stream valley buffers and areas of forest conservation and afforestation.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

\* \* \* \* \*

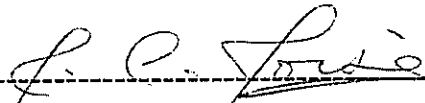
[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

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Approved  
M-NCPPC C

WF 3/13/06  
\_\_\_\_\_  
Sufficiency  
Counsel

**CERTIFICATION OF BOARD VOTE ADOPTING OPINION**

At its regular meeting, held on **Thursday, March 16, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission by unanimous consent, **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 1-04109, Burtonsville Shopping Center**.

  
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Certification As To Vote of Adoption  
M. Clara Moise, Technical Writer

# BURTONSVILLE SHOPPING CENTER

## MONTGOMERY COUNTY, MARYLAND

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Preliminary Plan No. 130041094 (formerly 1-04109)

As the meeting of 07/28/05 and by Planning Board Opinion dated 03/21/06.

Finding Preliminary Plan No. 1-04109 in accordance with the purpose and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 1-04109, subject to the following conditions:

- 1) Limit development on the property as part of this preliminary plan to a shopping center consisting of 250,000 square feet of retail space and 10,000 square feet of commercial office space.
- 2) Consistent with the 1997 Approved and Adopted Future Master Plan, dedicate and show on the final record plat right-of-way along:
  - a. US 29 (Burtonville Boulevard) to a minimum of 80-100 feet from the roadway centerline or a minimum of 100-200 feet from the established opposite right-of-way line, as determined by MNCPPC and SHA.
  - b. Spotsylvania Road to provide a minimum of 60 feet from the roadway centerline or a minimum of 100 feet from the established opposite right-of-way line, as determined by MNCPPC and SHA.
  - c. Burtonville Access Road to provide up to 80 feet of right-of-way with as determined by MNCPPC and DPWT.
- 3) The final record plat shall also reflect dedication of necessary frontage at intersection corners.
- 4) The Applicant shall require all outstanding issues and satisfy all conditions/requirements pertaining to the Montgomery County Department of Public Works and Transportation (DPWT) approval letter dated July 21, 2004, and shall provide written notification to both the Development Review Division and the Transportation Planning staff prior to the final record plat that all outstanding issues are resolved.
- 5) Satisfy all preliminary plan conditions included in the State Highway Administration (SHA) letter dated June 7, 2005. All roadway/transportation improvements required by SHA shall be established/constructed and in place prior to the release of any building permit associated with this preliminary plan.
- 6) Complete required traffic impact study. If approved by SHA, design/construct a fully operational traffic signal at applicant's expense at:
  - a. the site access driveway intersection with the local lanes of US 29
  - b. the Burtonville Access Road intersection with MD 195.
- 7) The design for the installation of these signals shall be coordinated as required by SHA and DPWT.
- 8) All SHA and DPWT site drainage, site access and driveway/intersection improvement design concerns related to this development shall be addressed fully to the satisfaction of the respective agencies prior to the final record plat. Any physical improvements along the proposed alignment for Burtonville Access Road shall conform to applicable DPWT design for the roadway.
- 9) Construct an eight-foot-wide shared-use path and an eight-foot-wide tree pit on US 29 (Burtonville Boulevard) along the entire property frontage. Extend the shared-use path and tree pit further north from the property line to the PERCO power line right-of-way (or to the Palisades Trail (PB-418). The shared-use path shall be offset two feet from the property line.
- 10) Construct a five-foot wide sidewalk and an eight-foot tree pit on MD 195 along the entire property frontage. The sidewalk shall be offset two feet from the property line.
- 11) Manage all shopping center related vehicular traffic, queues and parking within the property without spillover to US 29, MD 195, and Burtonville Access Road.
- 12) All on- and off-site sidewalk/handicapped path ramps and crosswalks shall conform to Americans with Disabilities Act (ADA) standards.
- 13) The development on the site shall have adequate head-in sidewalks from US 29, MD 195, and Burtonville Access Road.
- 14) The development on the site shall have a pedestrian-friendly internal street network, which will be in substantial compliance with the Future Master Plan guidelines, and shall meet the minimum requirements for the internal streetscape/sidewalks as required by the Building Officials and Code Administrators International Code used for Montgomery County.
- 15) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, including:
  - a. 2.83 acres of office reforestation or forest back to be identified by applicant and approved by MNCPPC staff prior to approval of record plat. (On-site contained a 0.9-acre forest area, there is no condition 13.4.)
  - b. Final forest conservation plan to include a reconfiguration of the proposed GNM pond to provide more forest retention near the northern part of the pond, if feasible and to locate a pathway from school site to shopping center access road in coordination with MCDPS. If additional forest retention is not feasible, provide documentation to demonstrate why the additional retention is not feasible.
  - c. Applicant to provide landscaping and fencing in consultation with MNCPPC staff and MCDPS staff for perimeter of adjacent school site.
- 16) Applicant is bound to the elements of the illustrative Illustration Plan dated June 2004, regarding general street cross sections, sidewalk locations, sidewalk widths, sidewalk amenities, street trees and crosswalk treatment.
- 17) Obtain a waiver of the setbacks from MCDPS for parking facilities along the zoning line immediately to the west of the proposed shopping center prior to building permits. If a waiver cannot be secured, parking facilities must comply with setbacks as per Section 50-2-2.1 of the Zoning Ordinance.
- 18) Compliance with the conditions of the MCDPS stormwater management approval dated June 2, 2006.
- 19) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for six (6) months from the date of mailing of the Planning Board action.
- 20) Other necessary related conditions.
- 21) Record plat to reflect a Category I conservation easement on all stream valley buffers and areas of forest conservation and reforestation.

This Preliminary Plan and related plat for 30 months from its Issuance Date (as defined in Montgomery County Code Section 50-2-2.1), as amended. Prior to the application of this preliminary plan, a final record plat for all property submitted on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

**CERTIFIED PRELIMINARY PLAN**  
The foregoing conditions, and this plan drawing, accurately reflect the Planning Board's approval of this preliminary plan.  
*Carrie A. Cole* 12/16/07  
NAME DATE

**CIVIL ENGINEER:**  
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**LANDSCAPE ARCHITECT:**  
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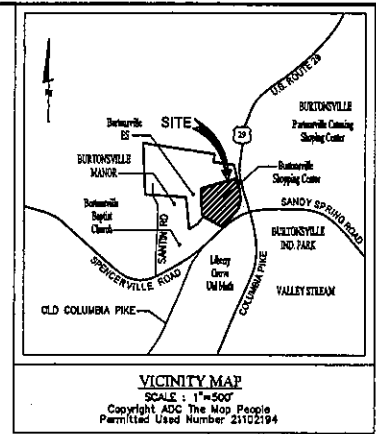
### ENGINEER'S CERTIFICATE

I hereby certify, to the best of my professional knowledge, information and belief, that this plan drawing, including all information and data thereon, was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Maryland.

Date: 12/16/07  
*Carrie A. Cole*



**LOCAL VICINITY MAP**  
SCALE: 1"=200'



### A. General Notes

1. This site is to be developed in accordance with section 59-C-4.1 et. seq. of the Montgomery County Zoning Ordinance for Commercial Zones (C-2).
2. Boundary and Topographic information shown herein, shown at 2' intervals on this plan was previously prepared by Loiederman Soltesz Associates Inc., December 2002.
3. The site is to be served by public water and sewer systems. Parcel N760 is classified in water and sewer categories W-1 and S-1, respectively. Parcel 545 and Parcel 672 is pending a category change from W-6, S-6 to W-3, S-3.
4. The site lies within the Potomac River Watershed. A portion of the site is in a stream buffer.
5. Utility Companies:

|                  |  |
|------------------|--|
| Electric         | Potomac Electric Power Company           |
| Telephone        | Verizon                                  |
| Gas              | Washington Gas                           |
| Cable Television | Cablevision (Former Cable TV Montgomery) |
| Water            | Washington Suburban Sanitary Commission  |
6. This plan illustrates, in conceptual terms, the relative location and configuration of the various components of the project.

### B. Development Information

| 1. Zone:         | C-2           | R-C       |
|------------------|---------------|-----------|
| 2. Gross Area:   | Area per zone |           |
| • N760           | (6.50 Ac.)    | 6.50      |
| • P452           | (19.96 Ac.)   | 19.96     |
| • P453           | (0.11 Ac.)    | 0.11      |
| Total Gross Area | 27.17 Ac.     | 16.83 Ac. |

|                      |             |
|----------------------|-------------|
| 3. Net Area          |             |
| R/W Dedication       |             |
| B-7 Rear Access Road |             |
| C-2 Zone             | 0.74 Ac.    |
| R-C Zone             | 0.17 Ac.    |
| Total Net Area       | 26.26 Ac. * |

\*This net area subject to change for exact area of R/W for Access Road and SHA dedication.

| 4. Development Program | Parking Ratio | Required | Provided |
|------------------------|---------------|----------|----------|
| Proposed Uses          |               |          |          |
| • Retail               | 245,000 SF    | 27,000   | 1223     |
| • Office               | 10,000 SF     | 3,000    | 30       |
| • Restaurant           | 5,000 SF      | 25,000   | 75       |
| • Patron Use @ 60%     | (3,000 SF)    |          |          |
| Total                  | 268,000 SF    | 1,330    | 1,330    |

| 5. Parking Spaces Required/Mixed Uses | Weekday Parking | Weekend Parking |
|---------------------------------------|-----------------|-----------------|
|                                       | Daytime         | Evening         |
| Retail                                | 733 (60%)       | 1,103 (90%)     |
| Office                                | 30 (30%)        | 3 (3%)          |
| Restaurant                            | 38 (30%)        | 75 (100%)       |
| Total                                 | 803             | 1,181           |

### C. Development Standards for C-2 zone

|   |  |                                      |
|---|--|--------------------------------------|
| 1. Building Height  | Required<br>42 feet                                      | Proposed<br>42 feet                  |
| 2. Floor Area Ratio (FAR)   | 1.5  | 0.35<br>(200,000 SF)                 |
| 3. Building Setbacks From Adjoining Commercial Zone (C-2) (measured from the property line) |  |                                      |
| • Front   | 10'  | 10'                                  |
| • Side & Rear   | C-2:<br>No setback required<br>but, no yard less than 3' | Same as required                     |
| Building Setbacks From Adjoining Residential Zone (R-C) (measured from the property line)   |  |                                      |
| • Front (from street)   | 50'  | 107.4'                               |
| • Side  | 20'  | 36'                                  |
| • Rear  | 35'  | 537'                                 |
| 4. Parking setback from zoning line   |  |                                      |
| Adjacent Commercial Zone (C-2)  | 10'  | 10'                                  |
| Adjacent Residential Zone (R-C)   | 50' Front<br>20' Side<br>35' Rear                        | 43.8' Front*<br>20' Side<br>3' Rear* |

\*A waiver of the front, side and rear setbacks of 5.2' and 32', respectively, is necessary from the Director of Montgomery County Department of Permitting Services.

|               |           |            |
|---------------|-----------|------------|
| 5. Green Area | 10%       | 33.3%      |
|               | 77,181 SF | 243,936 SF |
|               | 1.68 Ac.  | 5.6 Ac.    |

### PRELIMINARY PLAN

## BURTONSVILLE SHOPPING CENTER

5th (COLESVILLE) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

1"=200'  
SHEET 1 OF 2  
PROJECT NO. 1319-00-00



**ROCKVILLE OFFICE**  
1390 Piccard Drive, Suite 100  
Rockville, MD 20850  
t. 301.948.2750 f. 301.948.9067

www.LSAssociates.com

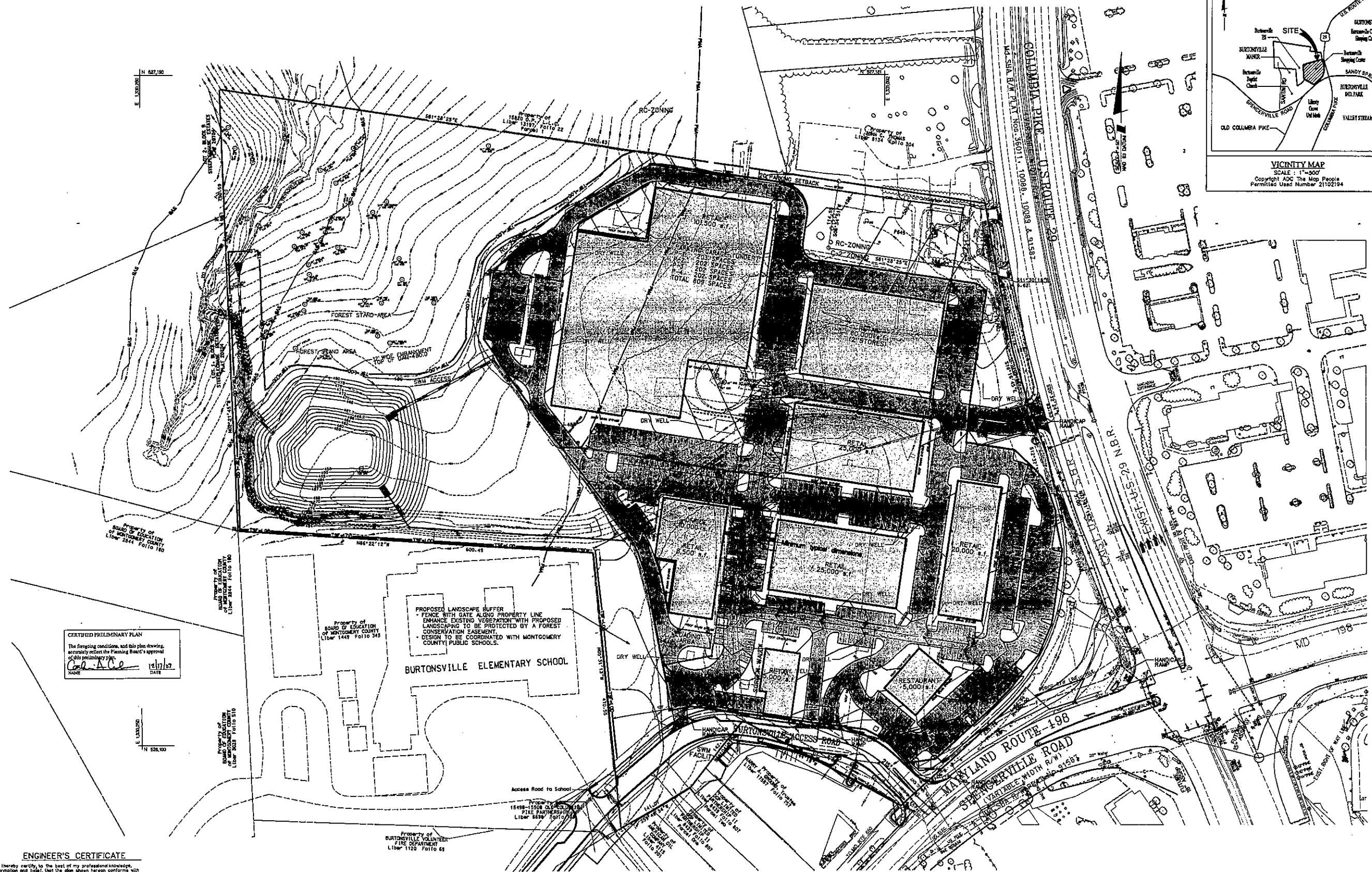
| NO. | REVISION   | DATE     |
|-----|--|----------|
| 1   | Revised plan pursuant to MNCPPC review   | 07-20-05 |
| 2   | Site layout revised to adjust parking within the zoning restrictions, along with building adjustments. | 06-08-05 |
| 3   | Site layout revised to adjust parking within the zoning restrictions, along with building adjustments. | 10-05-04 |

|    |   |
|----|---|
| 32 | Copyright 2005 The New Plans Permitted Use Number 2041057 |
| 32 | For Map   |
| 32 | Zone Category   |
| 32 | 321 MS 6  |
| 32 | 321 MS 4  |

**OWNER / DEVELOPER**  
**BMC PROPERTY GROUP**  
7979 OLD GEORGETOWN ROAD  
SUITE 670  
BETHESDA, MARYLAND 20814  
ATT. CHRISTOPHER JONES  
TEL. (301)654-2190

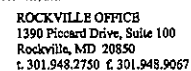


**MISS UTILITY NOTE**  
INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST OBTAIN THE EXACT LOCATION AND DEPTH OF ALL EXISTING UTILITIES AND UTILITY COVERS BY DRIVING TEST PITTS BY HAND. ALL UTILITIES SHALL BE DEPTH MARKED PRIOR TO THE START OF CONSTRUCTION. CLEARANCES ARE LESS THAN SHOWN ON THE PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. CLEARANCES LESS THAN SHOWN MAY REQUIRE REVISIONS TO THE PLAN.



Thereby certify, to the best of my professional knowledge,  
information and belief, that the data shown hereon conforms with  
the Montgomery County Subdivision Regulations as adopted October  
1961 and as amended thereafter. Boundary information was prepared  
by Loeferman Sotestz Associates, Inc. December, 2002.  
Field run topography was prepared by  
Loeferman Sotestz Associates, Inc. January, 2002.

Van Die



[www.LSAuricles.net](http://www.LSAuricles.net)

|   |                 |
|---|-----------------|
| Copyright AOC The Map People<br>Permitted Use Number 204M57 |                 |
| Map 32  | Grid E1         |
| Tim Map<br>K3562  | Zoning Category |
| W-NCPPC 200' Sheet<br>221 NE 4                              |                 |
| WSSC 200' Sheet<br>121 NE 4                                 |                 |



INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND LINES PRIOR TO BEGINNING TEST PITS BY HAND. WELL IN ADVANCE OF THE START OF EXCAVATION, CONTACT THE UTILITY AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

5th (COLESVILLE) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

BUILDING PERMIT

Issue Date: 07/08/2014

Permit No: 667055  
AP Type: COMBUILD  
Expires: 07/09/2015  
X Ref.:  
Rev. No:  
ID: 1226862

THIS IS TO CERTIFY THAT: GT BURTONSVILLE, LLC  
329 GAMBRILLS RD  
GAMBRILLS, MD 21054

HAS PERMISSION TO: CONSTRUCT RESTAURANT

PERMIT CONDITIONS: NEW RESTAURANT

MODEL NAME:

PREMISE ADDRESS: 15660 OLD COLUMBIA PIKE BURTONSVILLE, MD 20866

|                  |   |                             |   |  |
|------------------|---|-----------------------------|---|--|
| DESIGN FOR LIFE: | N | 32" or wider Interior Door  | N | Maneuvering Space at least 30" x 48" Bathroom or Kitchen |
|                  | N | No-Step Front Door Entrance | N | Exterior or Interior Elevator or Lift                    |
| N Visitable      | N | 36" or wider Exterior Door  | N | Walk-in or Roll-in Shower or Tub                         |
| N Livable        | N | Installation of Grab Bars   | N | Alternative Sensory Alarm, Appliance or Control          |
|                  | N | Installed Ramp              |   |  |

LOT - BLOCK: NA - NA

ZONE:

ELECTION DISTRICT:

BOND NO.:

BOND TYPE:

PS NUMBER:

PERMIT FEE: \$ 24,796.14

SUBDIVISION:

TRANSPORTATION IMPACT TAX DUE: \$40,983.60

SCHOOLS IMPACT TAX DUE: \$0.00

SCHOOLS FACILITY PAYMENT DUE: \$0.00

IMPACT TAXES MUST BE PAID BY: 07/08/2015

IF NOT PAID BY DUE DATE, A STOP WORK ORDER WILL BE ISSUED. NO FINAL INSPECTION WILL BE PERFORMED.

**MUST BE KEPT AT JOB SITE**

**AN APPROVED FINAL INSPECTION IS REQUIRED PRIOR TO USE OR OCCUPANCY**

*Every new one- or two-family dwelling, every townhouse and any attached accessory structure must be equipped with a fire sprinkler system. A separate sprinkler permit is required for the installation of the fire sprinkler system.*

Many subdivisions and neighborhoods within Montgomery County have private deed restrictions and covenants regulating building construction. Obtaining a building permit does not relieve the property owner of responsibility for complying with applicable covenants.

NOTICE

THIS APPROVAL DOES NOT  
INCLUDE PLUMBING, GAS PIPING  
OR ELECTRICAL OR  
CONSTRUCTION IN ANY  
DEDICATED RIGHT-OF-WAY.

NOTE

THIS PERMIT DOES NOT INCLUDE  
APPROVAL FOR ANY ELECTRICAL  
WORK. YOU MUST HAVE A SEPARATE  
ELECTRICAL PERMIT TO DO ANY  
ELECTRICAL WORK.

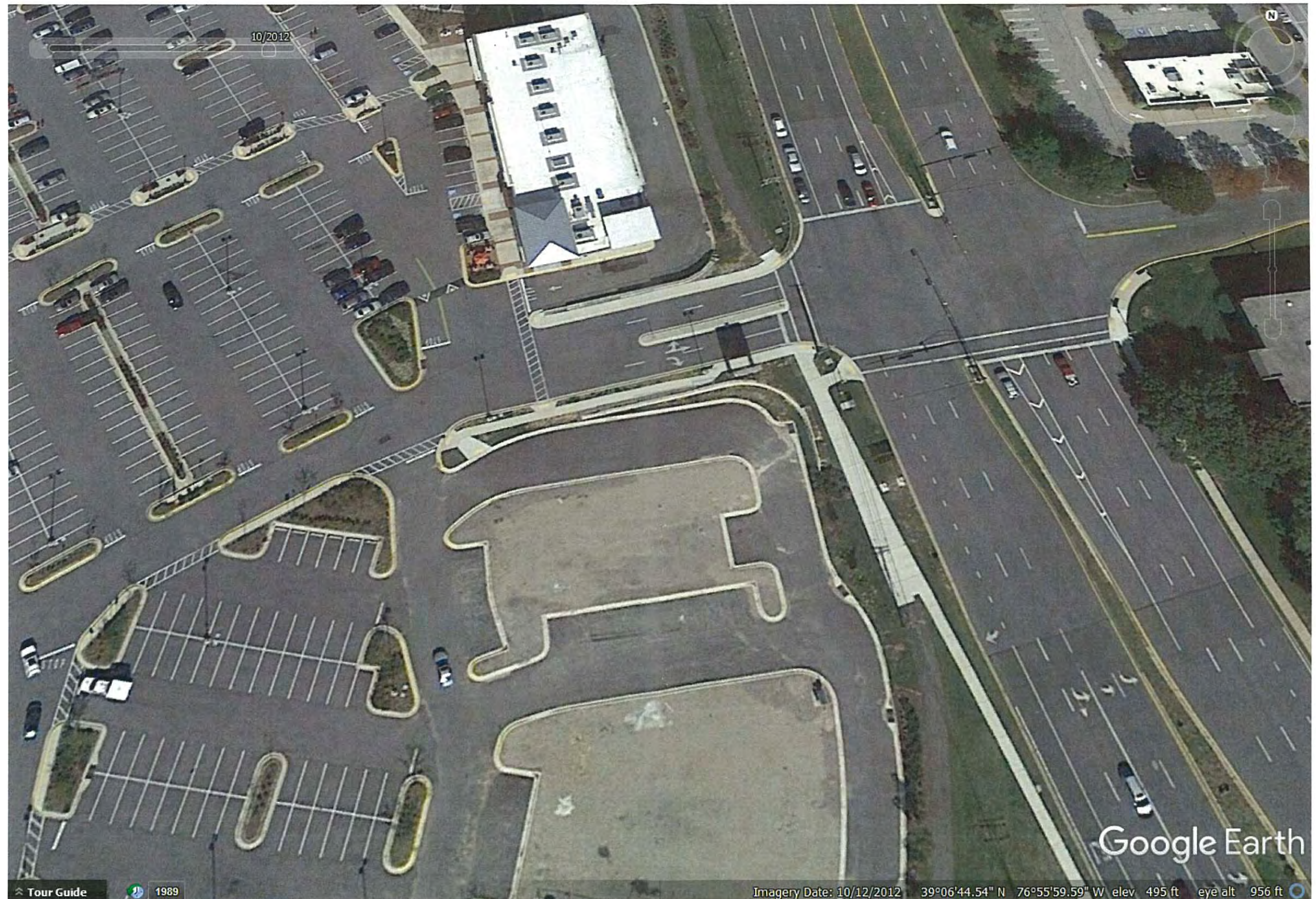
*Diane R. Schwartz Jones*

Director, Department of Permitting Services



Burtonsville Towne Square LLC  
Starbucks Drive Thru  
CU 17-06

Google Earth Image  
Imagery Date: October 12, 2012





Burtonsville Towne Square LLC  
Starbucks Drive Thru  
CU 17-06

Google Earth Image  
Imagery Date: October 7, 2014





Burtonsville Towne Square LLC  
Starbucks Drive Thru  
CU 17-06

Google Maps Image  
Imagery date: 2016

