



Attachment "A"

Douglas M. Duncan  
County Executive

DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Arthur Holmes, Jr.  
Director

July 21, 2005

Ms. Catherine Conlon; Supervisor  
Development Review Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #01-04109  
Burtonsville Shopping Center

Dear Ms. Conlon:

We have completed our review of the revised preliminary plan dated June 8, 2005. The Development Review Committee reviewed this plan at its meeting on January 31, 2005. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to MCDPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, bus stops, utilities, etc.) as well as existing rights of way and easements on the preliminary plan.
2. Necessary dedication for future widening of MD 198 and US 29 in accordance with the master plan.
3. Full width dedication of Burtonsville Access Road (C-2) in accordance with the master plan.
4. The final construction plans for this site must be consistent with those for the County's Burtonsville Access Road Capital Improvements Program (CIP) project (no. 509337). The proposed access point has been conceptually approved by our Division of Capital Development - Design Section. However, during their review of the preliminary plan, they discovered a significant elevation difference between this plan and their CIP project plans; this difference will need to be corrected prior to approval of the record plat. Please contact the Design Section's Project Manager, Mr. Michael F. Mitchell, P.E., at 240-777-7262 to continue plans coordination and resolve the elevation issue.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878  
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

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5. Grant necessary slope and drainage easements, including any necessary for the Burtonsville Access Road CIP project. Slope easements are to be determined by study or set at the building restriction line.
6. A Public Improvements Easement may be necessary along Burtonsville Access Road, in order to accommodate the required sidewalk and/or bikeway construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk/bikeway construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.
7. Record plat to reflect denial of access from Burtonsville Access Road closer than 215 feet from the centerline of existing or proposed MD 198.
8. Access and improvements along both US 29 and MD 198 per MSHA.
9. The parking layout plan will be reviewed by the Department of Permitting Services (DPS) at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6298 to discuss the parking lot design.
10. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than twenty four (24) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes. This pavement width will permit an inbound lane width of fourteen (14) feet and an exit lane width of ten (10) feet.
11. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
12. In order to ensure adequate driveway capacity, particularly egress volume, provide a minimum fifty (50) foot tangent section before encountering cross traffic on-site, for all driveways.
13. The parking lot travel lanes are to be designed to allow a WB-50 truck to circulate without crossing neither the centerline nor the curbline.

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14. The applicant needs to submit a truck circulation plan for review by the M-NCPPC and DPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules.
15. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy.
16. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
17. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
18. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
19. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
20. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Burtonsville Access Road (C2), whether built as a Montgomery County project or by private developer under permit, prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
21. This site is located in the vicinity of one of the alignments under consideration for the Inter County Connector project. The applicant is advised to contact the ICC Project Office in Baltimore (1-800-548-5026) to assess the potential impact of that roadway on this site.
22. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
23. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

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24. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Traffic Management Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at [greg.leck@montgomerycountymd.gov](mailto:greg.leck@montgomerycountymd.gov) or (240) 777-2190.

Sincerely,



Gregory M. Leck, Manager  
Traffic Safety, Investigations and Planning Team  
Traffic Engineering and Operations Section

M:/subd/DCA/1-04109BurtonsvilleShopCtr., gml revs

Enclosures (2)

cc: Christopher Jones, BCM Property Group  
Tim Dugan; Shulman, Rogers, Gandal, Pordy & Ecker, P.A.  
Edward Y. Papazian; Kimley-Horn and Associates, Inc.  
Jagdish Mandavia, Loiederman Soltesz Associates  
Cherian Eapen; M-NCPPC Transportation Planning  
Michael F. Mitchell; DPWT Capital Development Design  
Joseph Y. Cheung; DPS Subdivision Development  
Sarah R. Navid; DPS Subdivision Development  
Christina Contreras; DPS Subdivision Development  
David C. Adams; DPWT Traffic Engineering and Operations



Attachment "B"

Robert L. Ehrlich, Jr., Governor  
Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Updated: June 7, 2005  
February 1, 2005

Ms. Cathy Conlon  
Acting Supervisor Development Review  
Subdivision Division  
Maryland National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Re: Montgomery County  
MD 198/ US 29  
Burtonsville Shopping Center  
File No. 1-04109

Dear Ms. Conlon:

This office reviewed the latest preliminary plan and offers our **conditional approval** with the plan based on the following:

- Truncation and right-of-way dedication needs to be in accordance with the Master Plan of Highways. SHA will require that right-of-way dedications be platted using SHA standards. Please contact Mr. David Slavish of the Plats and Surveys Division @ 410-545-8937 for additional information. You may also e-mail Mr. Slavish at ([dslavish@sha.state.md.us](mailto:dslavish@sha.state.md.us)). **The latest preliminary plan now shows that all proposed parking has been removed from SHA right of way.**
- Revise plans to reflect existing and proposed conditions. Revised plans shall include the US 29/ MD 198 Interchange Project. Please contact Ms. Melinda Peters, Project Manager, Highway Design Division (HDD) at 410-545-8772 for details. Plans shall also include the current alignment for the MD 28/ MD 198 Corridor Improvement Study. Please contact Mr. Shawn Burnett, Project Engineer, Project Planning Division (PPD) at 410-545-8531. **The preliminary plan now shows the proper existing and proposed conditions.**
- Provide 8' bike path with 6' to 10' grass strip along US 29 and MD 198. Limits of bike path shall be determined by MNCPPC staff. **The preliminary plan now reflects this condition.**
- Provide entrance profiles for the existing entrance along MD 198 and US 29. The first entrance located along the Burtonsville Access Road shall be relocated due to its proximity to MD 198 intersection.
- Provide a signal warrant analysis for the intersection of MD 198 and Burtonsville Access Road.
- Access to this property is subject to the "Rules and Regulations" of this Administration with a permit issued by this office for property frontage improvements. Extent of property frontage improvements will be determined after plans are revised.
- The term "denied access" is to be placed on the final record plat along the property that abuts MD 198 and US 29 except at the approved entrance locations.

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

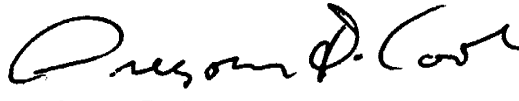
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.marylandroads.com](http://www.marylandroads.com)

Ms. Cathy Conlon  
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- Storm water drainage plans and computations are to be submitted for review.

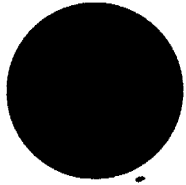
If you have any questions, please contact Greg Cooke at 410-545-5595 or out toll free number in Maryland only 1-800-876-4742 (x5595). You may also email him at (gcooke@sha.state.md.us).

Very truly yours,

  
To - Steven D. Foster, Chief  
Engineering Access Permits  
Division

gc

cc: Mr. Darrell Mobley (Via E-mail)  
Mr. Augustine Rebish (Via E-mail)  
Mr. David Slavish-Plats and Surveys  
Mr. Doug Mills-Right of way Chief, District 3  
Mr. Shawn Burnett-PPD  
Ms. Melinda Peters-HDD  
Mr. Shahriar Etemadi-MNCPPC  
Mr. Richard Weaver-MNCPPC  
Mr. Stephen Tawes-Loiederman Soltesz Assoc. Inc.



July 20, 2005

## MEMORANDUM

**TO:** Cathy Conlon, Development Review  
Rich Weaver, Development Review

**FROM:** Piera Weiss, Community-Based Planning, Eastern County Team

**SUBJECT:** Burtonsville Shopping Center, Preliminary Plan 1-04109

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### Master Plan

The 1997 Approved and Adopted Fairland Master Plan designates this property as Area 35 (pages 68- 73) and contains the following language pertaining to development:

*The owners propose to modernize the Burtonsville Shopping Center with a pedestrian friendly design including outdoor seating, streetscape along the store facades and along the eastern terminus of the loop road.*

- *Rezone an amount not to exceed three acres of the eastern portion of the RC parcel to C-2 to enable the center to redevelop.*
- *Add a loop road adjacent to the outer perimeter the C-2 zone land in the rear of the center generally running from the southwestern corner of the site and exiting at US 29.*
- *Site loop road to take into consideration safety and noise mitigation measures with respect to the Burtonsville Elementary School. The layout should also provide sufficient green space and buffer between the loop road and the school.*
- *Place a perpetual conservation easement on all remaining RC zoned land. Such land will contain a regional storm water management facility and a forest conservation area.*

### Conformity with the Master Plan

The applicant has complied with staff's requests for information and drawings and the proposed preliminary plan is in general conformance with the recommendations of the master plan.

### *Pedestrian Friendly Design*

The master plan states on page 71 that the property owners proposed a "pedestrian friendly design." While the language is descriptive, the intent of the master plan was to encourage redevelopment that was pedestrian friendly. Staff understood at the time of the master plan that site plan review in the C-2 zone would only be required under certain circumstances and that review of any proposed development would most likely be under preliminary plan. The recommendations in the plan were written in anticipation of review under the subdivision regulations.

The applicant has stated during various meetings with staff and the public that the layout is conceptual and may not be built exactly as shown. Staff therefore requested that the applicant prepare an Illustrative Circulation Plan to indicate the width of pedestrian walkways within the parking lots and to and around the buildings. The applicant has prepared such a plan. The plan provides separation between pedestrian and vehicles and indicates logical areas for pedestrian crossings.

The applicant will be putting sidewalks along MD 198 and US 29 along the property frontage with a grass panel separating pedestrians from the road, which will improve existing conditions greatly.

*Rezone an amount not to exceed three acres of the eastern portion of the RC parcel to C-2 to enable the center to redevelop.*

Sectional Map Amendment (SMA) G-747 implemented the recommendations of the Fairland Master Plan and rezoned approximately three acres of the eastern portion of the RC parcel to C-2. The rezoning contained within the SMA was based on a metes and bounds drawing and description prepared by the applicant that reflected the applicant's proposed redevelopment as presented to the public, the staff, the Planning Board and the County Council during the master plan process. This proposal was also the basis for the recommendations in the master plan.

The zoning boundary line was based on the proposed layout and setback at least 50 feet from the adjacent elementary school in conformance with the recommendation in the master plan to maintain a buffer.

*Add a loop road adjacent to the outer perimeter the C-2 zone land in the rear of the center generally running from the southwestern corner of the site and exiting at US 29. Site loop road to take into consideration safety and noise mitigation measures with respect to the Burtonsville Elementary School. The layout should also provide sufficient green space and buffer between the loop road and the school.*



The master plan is ambiguous as to the exact alignment for the loop access road. Page 70 contains illustrative indicating possible alignments for the proposed rear access loop road as well as other features for the Burtonsville Center Concept. The Master Plan of Highways shows a single alignment, B-7, on page 89 that connects to MD 198 only.

Montgomery County Department of Public Works and Transportation (MCDPWT) Staff is in the last phase of completing final design and construction drawings for the Loop Access Road. The alignment chosen for final design is similar to that shown for B-7; that is two points of access on MD 198 and no public road around the shopping center to US 29. MCDPWT staff did consider alternative alignments for the loop road, including extension through the subject property, but choose the B-7 alignment. Transportation planning staff took the mandatory referral for the project with the B-7 alignment to the Planning Board in June 2004. The Planning Board concurred with the proposed alignment.

This raises the question of reconciling the language in the master plan regarding the location of the loop road exiting US 29 with the proposed circulation on the subject preliminary plan. Access to US 29 will be accomplished through interior drive aisles. The entrance on US 29 is shown as monumental and will connect to the rear access loop road; therefore access to US 29 is achieved.

There is, however, some discrepancy between the proposed grades for the development and the grades established by MCDPWT for the public road. The applicant will have to prepare a final construction plan that conforms to the access points as determined by MCDPWT and dedicate and build whatever portion of the necessary right-of-way for the access road is located on the subject property.

*Place a perpetual conservation easement on all remaining RC zoned land. Such land will contain a regional storm water management facility and a forest conservation area.*

The applicant is proposing a storm water management pond to control more than the subject site. Staff notes that landscaping and fencing around the storm water management pond must be coordinated with MCPS to discourage children and others from trespassing.

The applicant is proposing to place all the RC zoned land in some form of conservation easement, either reforestation or forest, that will result over time in a forested buffer, which conforms with the intent of the master plan.

## **Other Issues**

### *Parking Setback Waiver*

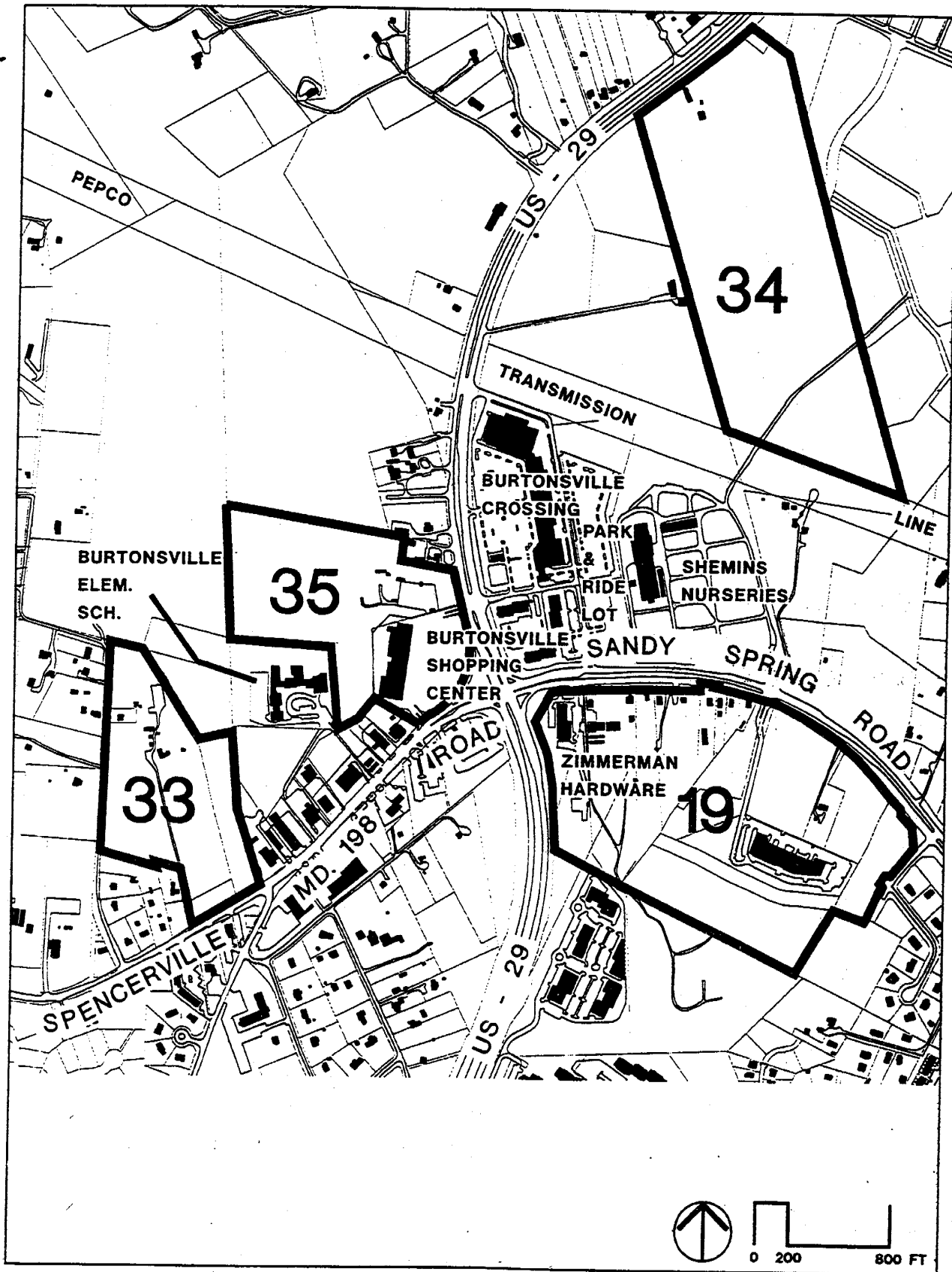
The applicant is indicating that they need a waiver from the required setback for a parking facility adjacent to the RC zone. While staff does not object to such a waiver along the zoning line that separates the conservation and storm water management areas from the commercial development, staff questions why such a waiver is necessary. There are no pre-existing conditions that warrant a waiver since this will be a complete redevelopment. Why can't the applicant design a parking facility within the required setbacks? The need for a waiver derives from self-imposed future conditions, not pre-existing ones.

### *Community Concerns*

Prior to the submittal of the proposed Preliminary Plan in June 2004, as staff noted earlier in this memorandum. The applicant floated a proposal to redevelop entire subject site with a "big-box" retail store that would have required rezoning. Upon meeting with members of the community and staff, issues were raised regarding the scale of development, consistency with the approved and adopted master plan, environmental constraints and compatibility with the adjoining elementary school. The attached correspondence from Stuart Rochester refers to this rezoning discussion as well as reflecting the hopes of many in the Burtonsville Community that redevelopment of the shopping center would help create a special place as Burtonsville Town Center, but that the proposed preliminary plan is "pedestrian" in more than one way.

# BURTONSVILLE

FIGURE 29



Also important in developing strategies for defining future development are the following existing conditions.

- Existing topography, stream valleys, US 29 right-of-way, and the PEPCO right-of-way currently define the edges of the business area.
- An existing public presence—school, post office, park-and-ride lot—helps make Burtonsville a desirable destination.
- Existing development is disparate and needs to be shaped into a coherent center.
- Residential land uses and development character dominate MD 198 on either side of the Burtonsville commercial and industrial areas.
- The Patuxent watershed directly to the north, east, and south is an important environmental and recreation resource. The 1993 *Functional Master Plan for the Patuxent River Watershed*, continues a policy of low-density development in the watershed.
- The northwest quadrant of the Burtonsville commercial area drains to two unnamed tributaries of the Patuxent River which in turn flow into the T. Howard Duckett Reservoir. Most development in Burtonsville pre-dates stormwater management requirements and stormwater runoff is largely uncontrolled.

**GOAL:** Improve circulation, define boundaries, and, where applicable, encourage redevelopment.

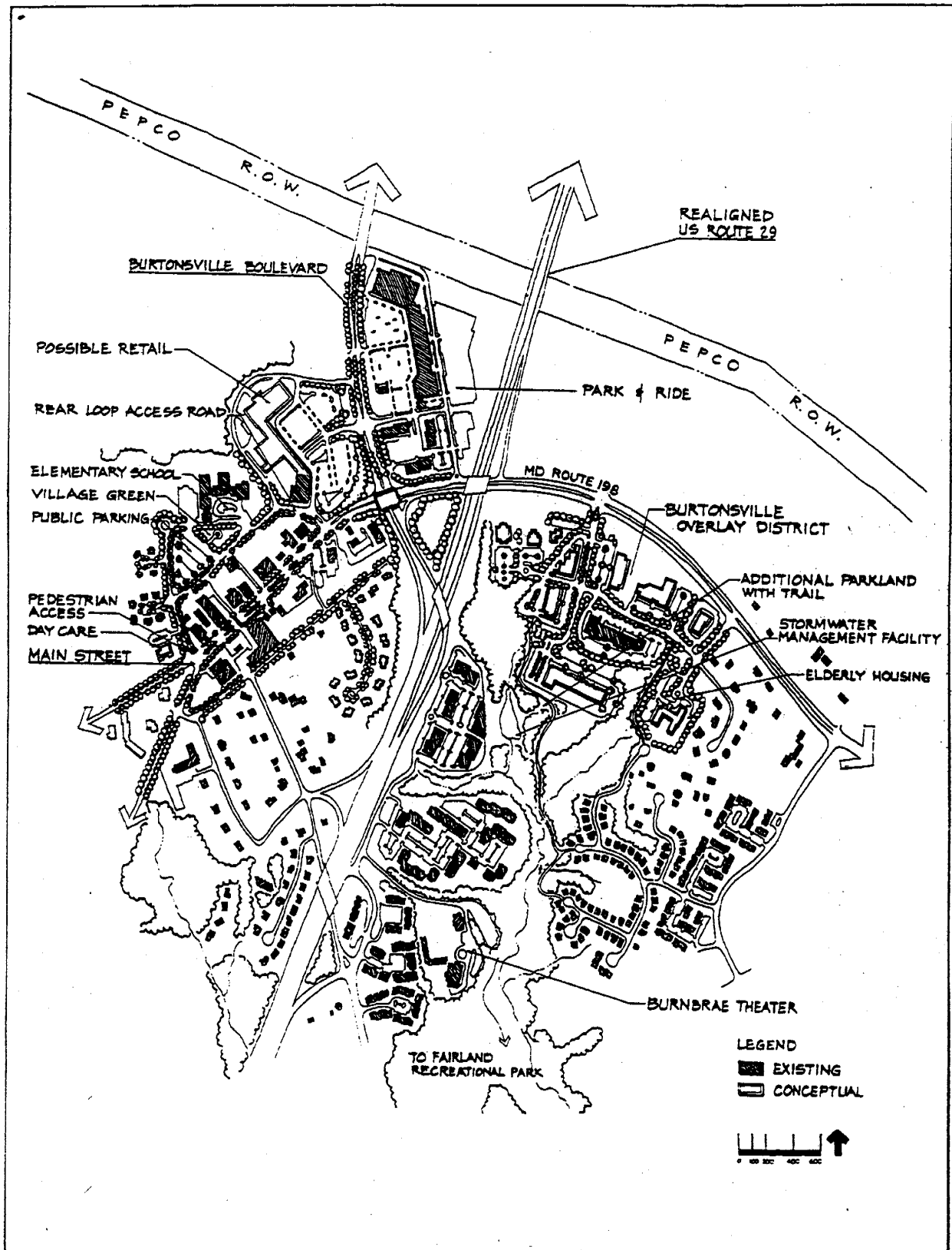
**OBJECTIVE:** Encourage cohesive development and redevelopment in the Burtonsville commercial area including improved vehicular circulation, streetscaping, and sidewalks.

#### **RECOMMENDATIONS:**

- Limit future development to the already existing commercial area and zoning envelope with the exception of the Burtonsville Shopping Center.
- Strengthen Burtonsville's character as a local center through reconstruction of existing roads and redevelopment of commercial properties.
- Special exception uses should retain residential character along MD 198 to the east and west of Burtonsville Center and between existing and future US 29.
- Develop a public/private partnership, including property owners, SHA, MCDPW&T, and Montgomery County Department of Housing and Community Affairs (MCDHCA), and Montgomery County Department of Environmental Protection (MCDEP), to implement the following projects:
  - Reconfiguring and streetscaping MD 198 and US 29 to have a "main street" and boulevard character respectively. A plan for landscaping, sidewalks, curb cuts, and signs should improve access and visibility. (See Figure 30.)

# BURTONSVILLE CENTER CONCEPT

FIGURE 30



- Construct a local access road north of and parallel to MD 198, between Old Columbia Pike and the entrance to Burtonsville Shopping Center. This new road will provide an important alternative access route for existing businesses on the north side of MD 198 and to the Burtonsville Elementary School. Since this new road would access MD 198 opposite to Old Columbia Pike, the need for a new traffic signal should be evaluated for this location.
- Investigate the feasibility of regional or joint-use stormwater management facilities as part of the redevelopment and development projects associated with the Burtonsville Shopping Center and adjacent retail and public uses. These facilities would correct existing stormwater runoff problems and reduce runoff problems from new development.

**Area 33:** 15.5 acres, RC, 2 parcels

The owners of these properties have proposed a solution to provide access to the school. The following recommendations reflect the proposal.

- Rezone both parcels from RC to RE-1 to provide a transition from the industrial and commercial uses to the east and the rural cluster development to the west. The RE-1 development to be separated from existing industrial and commercial development by a public right-of-way for a secondary street that will provide access to the Burtonsville Elementary School and will connect to the recommended rear access road that will provide access to north side of the commercial area. Public water and sewer is recommended for these two parcels in order to encourage a subdivision design incorporating the recommended transition and public access.
- Establish a public right-of-way, at the time of platting, on the east side of Parcel P 21 for a secondary road to provide access for new development and the elementary school.
- Consider southwest corner for special exception uses (including day-care or pre-school) with access to the new street.
- Cluster option to incorporate large farmstead lot and common open space with single-family detached lots.

**Area 34:** 48 acres, RC, 1 parcel

This parcel will be divided by the proposed US 29 realignment; access for southern and western portions will be from Amina Drive and for the northern and eastern portions access will be from old US 29.

- Retain RC zoning for entire parcel.
- Special exception uses, such as day-care or elderly housing, should be encouraged for the portion between existing and proposed US 29 relocated.
- Water and sewer service to approved special exception uses to be considered on a case by case basis.

**Area 35:** 26 acres; C-2, 12 acres, RC, 14 acres; 2 parcels

The owners propose to modernize the Burtonsville Shopping Center with a pedestrian friendly design including outdoor seating, streetscaping along the store facades and along the eastern terminus of the loop road.

- Rezone an amount not to exceed three acres of the eastern portion of the RC parcel to C-2 to enable the center to redevelop.
- Add a loop road adjacent to the outer perimeter of the new C-2 zoned land in the rear of the center, generally running from the southwestern corner of the site and exiting at US 29.
- Site loop road to take into consideration safety and noise mitigation measures with respect to the Burtonsville Elementary School. The layout should also provide sufficient green space and buffer between the loop road and the school.
- Place a perpetual conservation easement on all remaining RC zoned land. Such land will contain a regional stormwater management facility and a forest conservation area.

## EMPLOYMENT

Fairland contains two employment areas: a major concentration of over 400 acres at the southern end of the planning area, east of US 29 between Cherry Hill Road and Industrial Parkway (*Figure 32*); and a 68-acre area in Burtonsville (*Figure 34*). There are also three corporate sites, the Seventh Day Adventist Headquarters and two Bell Atlantic office complexes located along US 29.

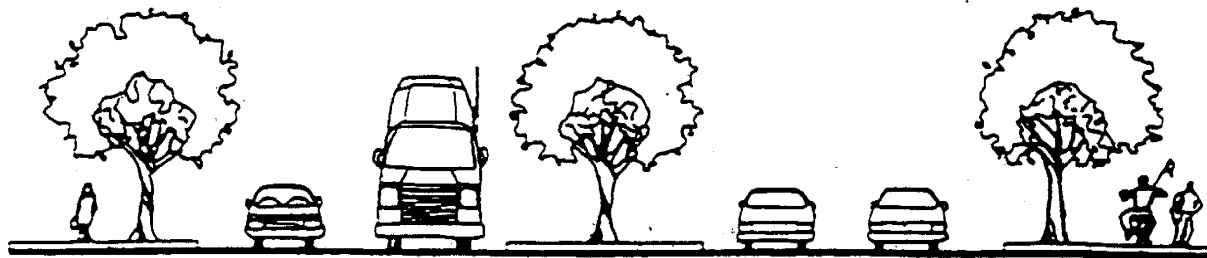
### US 29/Cherry Hill Road Employment Area

The US 29/Cherry Hill Road employment area contains four distinct sections (each zoned differently): the Montgomery Industrial Park, the West\*Farm Technology Park, WSSC's Site 2, and the Percontee sand and gravel facility.

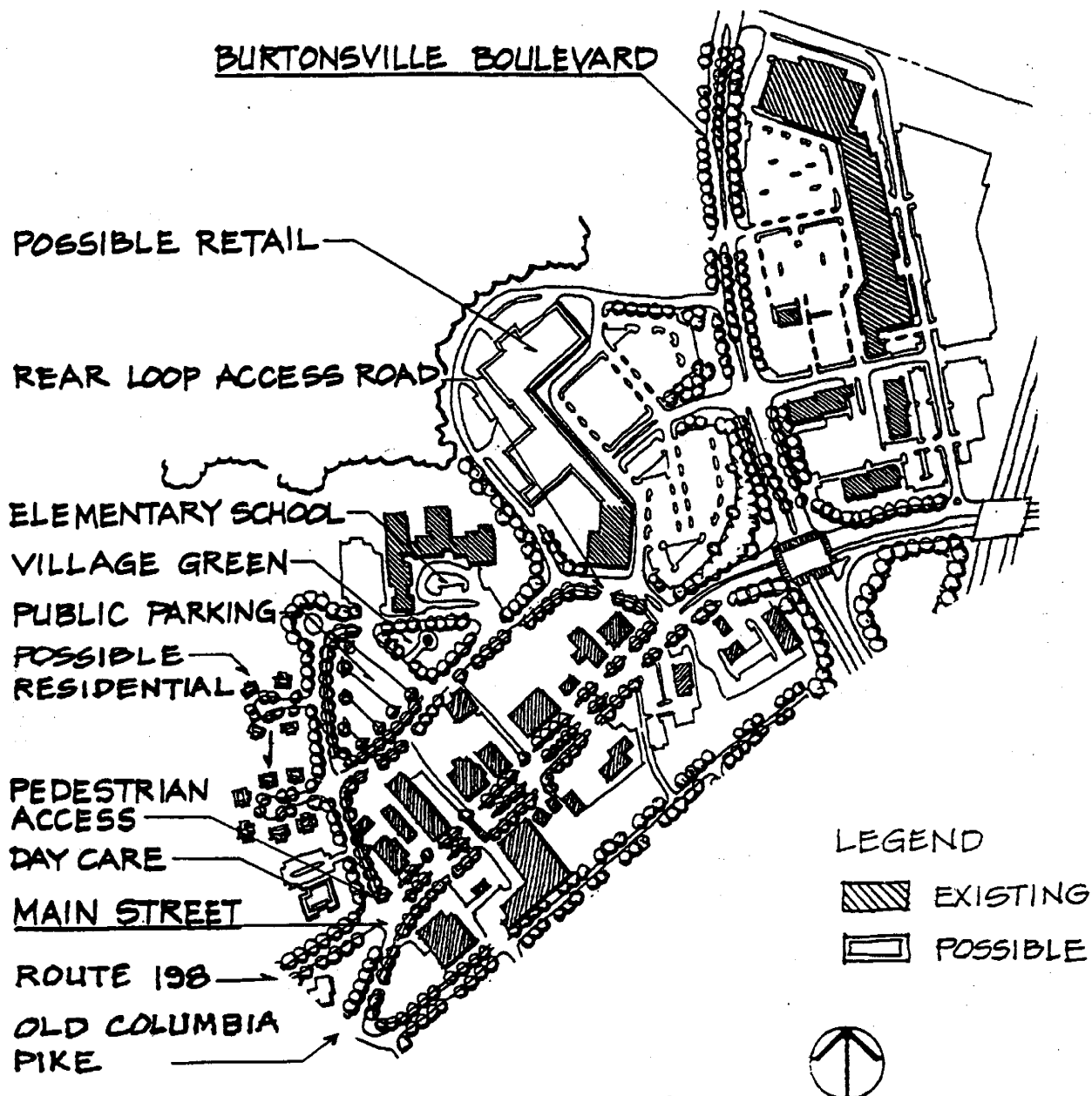
There are four industrial zones (I-1, I-2, I-3, I-4) and a residential zone (RE-2) within the boundaries of the area. The I-1 Zone is the least restrictive as to building setbacks and FAR, allows the most diversity of uses, and does not require site plan. The I-2 Zone permits heavy industrial and manufacturing uses. The I-3 Zone is very restrictive in terms of uses, FAR, and setbacks, and requires site plan review including trip mitigation. The I-4 Zone is the most restrictive and also requires site plan review. The I-4 Zone was added through a local map amendment to create a buffer between the heavy industrial uses of the I-2 zoning and the adjoining RE-2 zoning to the south.

As a result of the zoning and the uses permitted in the different zones, retail, such as Home Depot, can exist in the I-1 Zone, but not in the adjacent I-3 Zone. Uses, such as Site 2 or the Percontee sand and gravel operation, can exist alongside office development. In addition to the differing parking and building setbacks, the age of some of the buildings lends an overall impression that the area is unplanned, rather than a high-tech or office employment center.

The Montgomery Industrial Park developed in the 1950s and today covers 75 acres of industrially zoned land (I-1). Most of the properties in the Industrial Park have been subdivided and developed. The park is a mixture of old and new; some of the structures date to the 1960s, others were built in the 1980s. There is a mix of uses including light industrial, such as film processing and dry cleaning, high-technology firms and a hotel. Companies in the park include, Link Pacific Systems (a defense contractor), C&P, Erie Insurance Group, Presstar (a photographic processor), Fabricare Institute, Marriott Courtyards Hotel, and DarCars auto sales and repair. Also located in the Industrial Park is the new State of Maryland vehicle inspection and emissions testing facility. There is very little vacant I-1 zoned land, except a ten acre piece (Area 30) owned by the Washington Post Company.



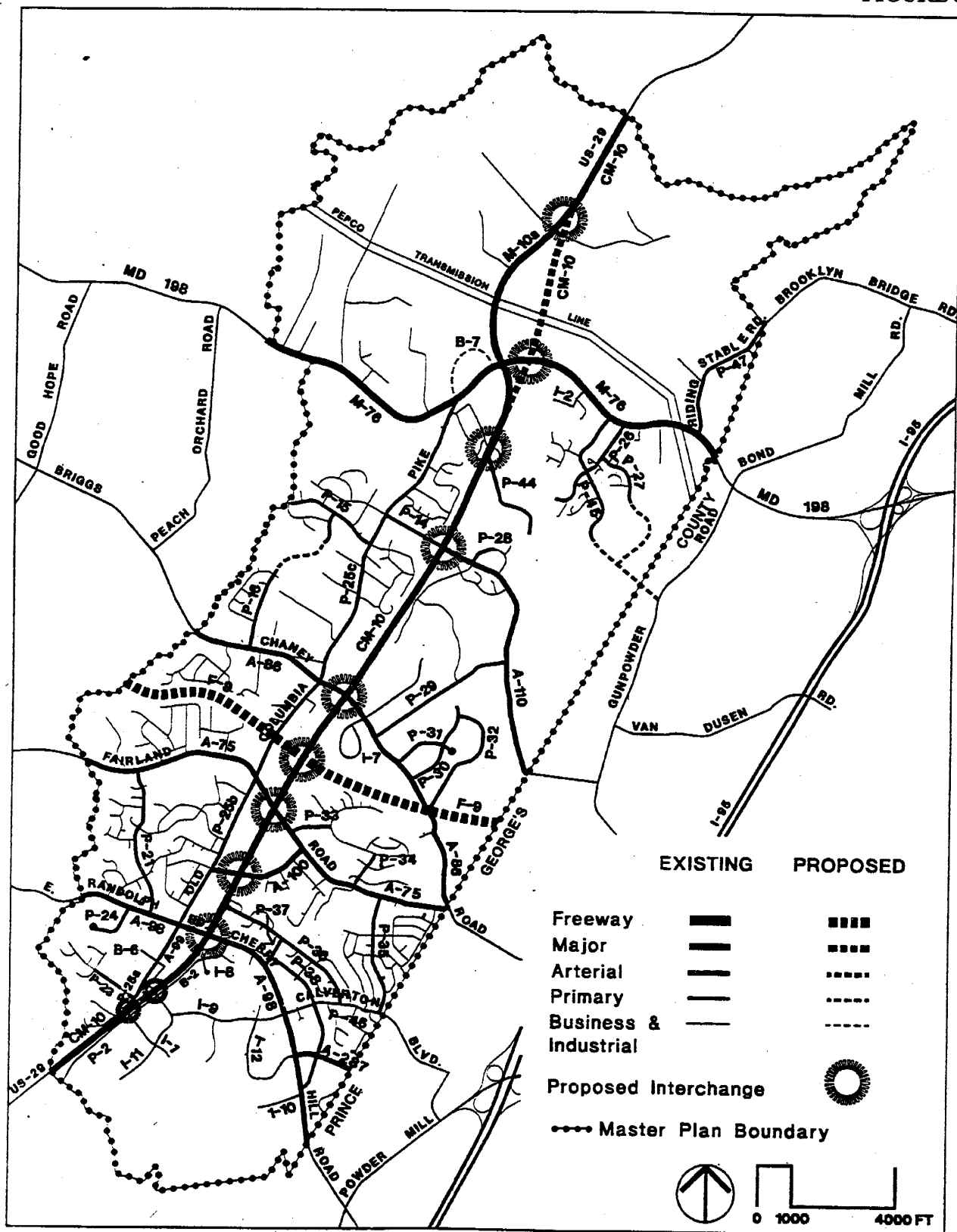
BURTONSVILLE MAIN STREET SECTION  
4 LANES DIVIDED





# STREET & HIGHWAY PLAN

FIGURE 38



## FAIRLAND MASTER PLAN CITIZENS ADVISORY COMMITTEE

**RE: Burtonsville Shopping Center**

July 10, 2005

Dear Chairman Berlage and Planning Board Commissioners:

In an effort to achieve the master plan concept of an inviting "village" center for Burtonsville, in 1997 the Fairland Master Plan CAC supported the new owner of the Burtonsville Shopping Center in his request for several additional acres of commercial zoning in return for a pledge to renovate the long neglected property. After obtaining the zoning change, the owner then declared he could not afford to undertake the renovation unless he obtained yet *another*, much larger increase in commercial zoning, requiring the rezoning of an adjacent RC-zoned buffer behind Burtonsville ES, so that he could build a "big box" store there. When the master plan committee refused to support the exponential increase in zoning as inconsistent with the master plan and flatly rejected the prospect of a Walmart-sized big box in the Patuxent Watershed and next to an elementary school, Mr. Jones proceeded with the fallback plan now before you.

Whether the current proposal constitutes the "far worse" scenario he once warned us about is difficult to judge. Suffice to say there is no great excitement or satisfaction over a plan whose scale and character, while technically conforming to the provisions of the zoning ordinance, still appear to be contrary to the "village" center that the master plan contemplated. It is a plan in fact decidedly lacking in any integral "village" or "main street" concept, attractive design element, or distinction altogether. *The plan meets the narrow requirements of the zone but not the test of vision or harmony.* And it is, to be frank, a major disappointment given our conviction, through many conversations with Mr. Jones, that he is a developer of unusual ability and creativity and capable of an outstanding project.

We are sympathetic to the developer's bottom-line concerns that incline him to make maximum use of his property, but it is noteworthy that further down US 29—in an area by all accounts more problematic and riskier, with poorer demographics, worse access, empty stores, and crime issues—the owner of the Briggs Chaney Shopping Center is embarking on a \$2 million investment to improve that center—with high hopes, compatible dimensions, and no special concessions. We have sought to provide Mr. Jones with worth and incentive to improve his own center, beginning with the grant of extra zoning in the master plan, and we will give him the benefit of the doubt on his latest plan, but the proposal gives little reason to believe that his Bethesda investor group yet understands, or accepts, the thrust of the master plan or the County's general plan for the low-density wedge. Our hope is that in the end his own high standards and the demands of the marketplace will produce a place that is both successful and a proper fit for the community.

Insofar as this proposal evidently will not go to site plan, and given the extraordinary importance of the site, with far-ranging impacts on the elementary school, the Patuxent watershed, and other retail in the area, as well as the surrounding residential community, it is all the more imperative that the Board give the plan careful scrutiny at this point in the process, which may be the only occasion to review it.

In sum, it is a relief to see the wholly incompatible Walmart-sized "Big Box" finally aborted but that we are left with "son of Sam" offers little solace and much regret at what we worry, even as we hope for Jones's success, is a wasted opportunity to create something special here for Burtonsville and the County.

  
Stuart Rochester  
Chair, Fairland Master Plan CAC