



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 13-121  
Preliminary Plan No. 11989245A  
Crossroads at Germantown (McDonald's at Henderson Corner)  
Date of Hearing: July 25th, 2013

AUG 20 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on November 9, 1995, the Planning Board approved Preliminary Plan No. 119892450, creating 3 lots on 5.50 acres of land in the C-3 zone, located at the southeastern quadrant of the intersection of Ridge Road (MD 27) and Frederick Road (MD 255) ("Subject Property") in the Germantown East Policy Area, Germantown Master Plan ("Master Plan") area; and

WHEREAS, on November 7, 2012, McDonald's USA LLC C/O Jeffrey Bell Sr. ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to add 550 square feet of non-patron area to the drive-through restaurant on the Subject Property; and

WHEREAS, the November 7, 2012 application was designated Preliminary Plan No. 11989245A, Crossroads at Germantown ("Preliminary Plan", "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 12, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 25, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Anderson, seconded by Commissioner Presley, by a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor;

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 11989245A for an increase in total square footage from 12,997 to 13,547 square feet, for an additional 550 square feet of drive-through restaurant use

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Approved as to  
Legal Sufficiency

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M-NCPPC Legal Department  
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subject to the following conditions:<sup>1</sup>

1. Approval under the Preliminary Plan is limited to a total of 13,547 square feet of commercial, retail, and drive-through uses on 4.357 acres.
2. Development on the Property (Parcel B) is limited to 4,197 square feet of drive-through restaurant, including 1,390 Square feet of patron area.

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

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.

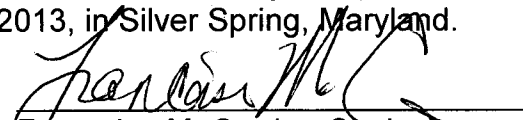
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 20 2013 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Casey Anderson, seconded by Commissioner Amy Presley, with Chair Carrier, and Vice Chair Wells-Harley present and voting in favor of the motion, and Commissioner Norman Dreyfuss (absent) at its regular meeting held on Wednesday, July 31, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair

<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.