



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

MCPB No. 13-122
Site Plan No. 81996002A
Crossroads at Germantown (McDonald's at Henderson Corner)
Date of Hearing: July 25, 2013

AUG 20 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on November 16, 1995, the Planning Board approved Site Plan No. 819960020, for a 3,647 square foot drive-through restaurant on 1.49 acres of C-3 zoned-land, 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 site plan to increase the existing McDonald's drive-through restaurant by 550 square feet of non-patron area, update the façade, reconfigure the drive-through, and restripe the parking lot ; and

WHEREAS, the application was designated Site Plan No. 81996002A, Crossroads at Germantown ("Site 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;

Approved as to

Legal Sufficiency

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M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Site Plan No. 81996002A to increase the existing McDonald's drive-through restaurant by 550 square feet of non-patron area, update the façade, reconfigure the drive-through, and restripe the parking lot subject to the following conditions:¹

1. Preliminary Plan Conformance

The development must comply with conditions of approval for Preliminary Plan No.11989245A, unless amended.

2. Site Plan Conformance

The development must comply with conditions of approval for Site Plan No.819960020, as listed in MCPB Opinion dated November 16, 1995, except as modified by this Application.

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

BE IT FURTHER RESOLVED, that all site development elements as shown on Crossroads at Germantown drawings stamped by the M-NCPPC on July 10, 2013, shall be required, except as modified by the above conditions of approval; and

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

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan Amendment does not require a development plan, diagrammatic plan, or a project plan.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

¹ 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.

The Site Plan Amendment meets all requirements of the C-3 zone (Ch.59 C-4.36), and is not located in an urban renewal plan area approved under Chapter 56. As shown in the data table below, the Site Plan Amendment meets all of the development standards of the C-3 Zone.

Project Data Table for the C-3 Zone, Standard Method of Development

Development Standards	Zoning Ordinance	Site Plan	
	C-3 Zone Permitted/Required	Approved 1995	Proposed
Max. Building Height (feet)	42	16'-4"	20
Min. Building Setbacks (feet): 59-C-4.362			
Right-of-way	10	10	10
Min. Lot Size (square feet)	NA	65,256	65,256
Buildings Area (square feet):			
Drive-through Restaurant*	NA	3,647	4,197
Patron Area	NA	1,390*	1,390
Min. Green Area (% of lot)	10%	NA*	32.2%
Max. Building Coverage	35%	NA*	6.43%
Parking Spaces	44	53	45

* Existing SF- Previous Approval does not differentiate

- The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Buildings and Structures – The restaurant building is located in the center of the property with the main entrance oriented to the south. The building is surrounded on three sides by parking and wrapped by the drive-through structure on the fourth side. The proposed dumpster corral is located at the northern most right corner of the parking lot, with the opening oriented towards the west. The two proposed additions to the building totaling 550 square feet include a 293 square foot walk-in freezer at the rear of the building, a 247 square foot extension of the entryway to the southwest corner

(current entry walkway) and 10 square feet of façade improvements. The walk-in freezer addition is necessary to accommodate the restaurant's current frozen goods storage space. The entryway expansion is needed to accommodate internal reorganization of the patron area and food preparation areas which result in a loss of previously approved patron area. The building's façade is outdated and is being renovated to provide visual appeal. The proposed modifications create a safe and adequate environment allowing the restaurant to operate more efficiently.

Landscaping and Lighting The relocated light fixtures will provide adequate visibility and maintain a safe environment for restaurant patrons. The lighting will not create a glare into adjacent residential property, and additional landscape planting provides increased buffering. The additional trees and plantings will also enhance and differentiate the pedestrian environment along Henderson Corner Road.

Green Area, Open Space, Public Use Space, and Recreation Facilities- The site plan amendment proposes 32.2% green area on the Subject Property, which exceeds the minimum 10% green area required in the C-3 Zone. The green area is primarily used for foundation plantings, and landscaped buffering on the perimeter of the Subject Property. There is no open space, public use space or recreational facilities required for this Application.

Pedestrian and Vehicular Circulation and Access

The drive-through restaurant has access from a shared drive aisle which stems from the private road connecting Henderson Corner Road to Frederick Road through the commercial cluster. The existing access easements will continue to provide adequate access to and from the Subject Property. Within the site, traffic circulation is one-way, in a counterclockwise direction, which minimizes possible pedestrian/vehicular conflicts, except on the western most parking aisles that have parking on both sides, which is a two-way traffic area. Currently, drive-through users block access to ADA parking spots which impede vehicle movement. Relocation of ADA parking spaces allows for vehicular circulation around the ADA parking area to be more functional, efficient and safe. The parking lot will be restriped to accommodate the necessary parking space reconfiguration, allow the relocation of ADA parking spaces and clearly identify the intended pedestrian crosswalk areas on-site. Reducing the number of parking spaces by 8 will continue to adequately accommodate the parking needs of the restaurant and meet ADA requirements and requirements of the C-3 Zone.

The proposed drive-through bifurcation creates increased area for patron vehicle stacking, which mitigates potential vehicle back-up. Where the drive-through aisles converge vehicles are manually directed into the merge area by an employee(s), aided by audiovisual monitoring systems and alternating kiosks. The proposed dumpster corral relocation modification accommodate the lane bifurcation, and provide for the necessary drive-through bypass aisle that improves site circulation and provide a more

aesthetically pleasing refuse area. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation.

Pedestrians from the adjacent residential area can safely access the site via sidewalks on both sides of Henderson Corner Road and the marked crosswalks at Henderson Corner Road and Seneca Crossing Drive. The proposed existing drive-through eliminates existing vehicle stacking in the parking lot while meeting the aesthetic concerns of the area. The modifications do not pose any safety concerns on the site, and will mitigate potential blockage at the primary access point to the Subject Property.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

As part of Site Plan No. 819960020 the Planning found the drive-through restaurant and structures compatible with the existing banks, convenience store, gas pumping station and surrounding development as approved by the Planning Board Opinion dated November 16, 1995. The amendment does not result in diminished compatibility. It proposes only minor modifications that are consistent with the vision of the Master Plan, standards of the C-3 Zone, and design intent of the previous Planning Board approvals. Therefore, the Amendment is compatible with the other existing uses and adjacent development.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

The Application is exempt from submitting a forest conservation plan, per the approved Exemption No.42013205E (dated June 21, 2013) under Chapter 22A-5 (s)(1) of the Forest Conservation Law (Attachment 4). There are no environmental features on the Subject Property such as wetlands, environmental buffers, steep slopes, or highly erodible soils.

This Application does not require a Stormwater Concept or Sediment Control Permit under Chapter 19. The addition does not exceed 5,000 square feet of disturbance or 100 cubic yards. This site is not within a Special Protection Area.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

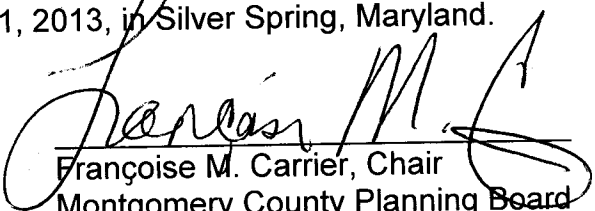
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 20 2013 (which is the date that this resolution is mailed to all parties of record); and

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).

* * * * *

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
Montgomery County Planning Board