

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

MCPB No. 15-129  
Site Plan No. 820150100  
Chick-fil-A Olney  
Date of Hearing: October 1, 2015

**JAN 21 2016**

**CORRECTED RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-7.1.2 of the Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on May 12, 2015, Chick-fil-A ~~John Martinez~~ ("Applicant"), filed an application for approval of a site plan for a 4,886 square-foot restaurant and drive-thru on 0.90 acres of CRT zoned-land, located at 18115 Georgia Avenue, east side, north of the intersection of Georgia Avenue and Olney-Sandy Spring Road ("Subject Property"), in the Town Center section of the Olney Master Plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820150100, Chick-fil-A Olney; 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 September 18, 2015, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 1, 2015, 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, by the vote as certified below.

Approved as to  
Legal Sufficiency:

*Christina Sount* 1/4/16

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
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. 820150100 for a 4,886 square-foot restaurant and drive- thru located at 18115 Georgia Avenue, subject to the following conditions:<sup>1</sup>

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No.120150180 and any amendments.

2. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the architectural drawings included in the Certified Site Plan, as determined by M-NCPPC Staff.

3. Lighting

a) Prior to issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

b) All onsite down-lights must have full cut-off fixtures.

c) Deflectors will be installed on all proposed fixtures causing potential glare or excess illumination.

d) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.

e) The light pole height must not exceed the height illustrated on the Certified Site Plan.

4. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.

b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, trash enclosures, retaining

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<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.

walls, fences, railings, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of any building permit within each relevant phase of development and will be tied to the development program.

- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d. The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of each phase.

5. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan. Prior to release of the Use and Occupancy Certificate, the Applicant must obtain the necessary approvals for dedications, stormwater management, sediment and erosion control and other features to be implemented.

6. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation exemption letter, stormwater management concept approval letter, development program, and Site Plan Resolution in the Certified Site Plan set.
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape plans.

7. Pedestrian Access

Prior to the issuance of a Use and Occupancy Certificate, the Applicant must construct an 8-foot wide lead-in sidewalk with stairs from Georgia Avenue (MD 97) to the sidewalk on the west side of the building as shown on the Site Plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on the latest version of the Chick-fil-A drawings submitted in ePlans as of the date of the Staff Report, shall be required, except as modified by the above conditions of approval; and

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 the development:

- a. satisfies any previous approval that applies to the site;*

The Site Plan is in conformance with Preliminary Plan No. 120150180 being considered concurrently with this Site Plan.

- b. satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

There are no previous approvals for a development plan or schematic development plan on the Subject Property.

- c. satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. satisfies applicable use standards, development standards, and general requirements under this Chapter;*

Use and Development Standards The development is in the CRT 2.0, C-1.0, R-1.0, H-70T. The following table shows the Application's conformance to the development standards of the CRT Zone. The Site Plan meets the development standards of Section 59-4.5.3, Commercial Residential Town – Standard Method Development, as shown in the Data Table Below:

*Site Plan Data Table for the CRT-2.0 Zone*

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Approved</b>
<b>Building Height (feet)</b>	70	25
<b>Building Setbacks (feet)</b>		
Street Front (Georgia Avenue)	0	14.5
Rear	0	118.4
Side (north)	0	73.9
Side (south)	0	21.5
Build To Area(Distance)	15	14.5
Build To Area (Percentage of facade)	70%	95.3%
<b>Parking Setbacks (feet)</b>		
Street Front (Georgia Avenue)	Behind Front Building Line	72.1
Rear	(planting area not required per Sect. 6.2.9.C.3.b.iv)	6.1
Side (north)		4.4
Side (south)		57.4
<b>Building Transparency Calculation (Georgia Avenue Side)</b>	25%	25.27%
<b>Green Area (% of lot)</b>	10%/3,933 sf min.	4,101 sf min.
<b>Impervious Area (maximum)</b>	90% of Parking Facility	86.5%/14,987sf
<b>Floor Area Ratio (FAR)</b>	1.0/10,000sf	0.11/4,886 sf
<b>Building Area (maximum square feet)</b>		
<b>Parking Facility Internal Landscaping (%)</b>	10	13.5
<b>Parking Spaces @4 spaces/1,000 patron sf</b>	12	30
<b>ADA Parking Spaces</b>	2	2
<b>Bicycle Parking</b>	1	1 U-Rack

e. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The Site Plan is in conformance with Chapter 19, Erosion, Sediment Control and Stormwater Management. The MCDPS, in a letter dated May 28, 2015, accepts the stormwater management concept for the subject site. The stormwater

management concept proposes to meet required stormwater management goals via four micro-bioretenion facilities and an underground detention/structural filtration facility.

*ii. Chapter 22A, Forest Conservation.*

This development received a Forest Conservation Exemption (#42015083E) on October 31, 2014, making the property exempt from the applicable Forest Conservation requirements.

*f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The development provides safe, well-integrated parking and circulation patterns. Currently there are two right-in/right-out entrances to the Property from Georgia Avenue. The southern entrance includes a temporary concrete barrier between the Property and the adjacent site. This entrance will be closed to eliminate vehicular conflicts with the egress point for the adjacent commercial development. There are 32 parking spaces on the Property, with all of the parking located behind the front building line, and to the side and the rear of the building. To provide efficient queuing of vehicles, two drive-thru lanes will lead to tandem ordering stations at the rear of the Property, narrowing to a single lane that leads to the pick-up window. The pedestrian environment along Georgia Avenue is greatly enhanced by providing a direct pedestrian connection to the street-front entrance to the restaurant from the ten-foot shared use path. The façade and height of the restaurant is articulated to provide visual interest, and the two outdoor patios will provide additional seating opportunities for patrons.

*g. substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Site Plan is in substantial conformance with the Master Plan. The Subject Property is within the Town Center district of the Olney Master Plan which states that "new developments in the Town Center should be encouraged to create a main street character by locating building fronts at or close to the sidewalk instead of requiring them to set back from the right-of-way line." The restaurant and outdoor patio area are close to the shared use path and Georgia Avenue.

*h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new*

*adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

The development will be served by adequate public services and facilities including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

Not Applicable, the Property is not located in a residential zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The restaurant is compatible with the character of the commercial and office uses located nearby. The brick-faced building is approximately 25 feet in height which is in keeping with other one to three story brick buildings located in the area. The design of the restaurant relates well with the architecture of the building located on the northeast corner of Georgia Avenue and MD 108 which includes two walk-in, quick service restaurants with outdoor dining areas facing the street. The Chick-fil-A restaurant will have an attractive street presence and will greatly enhance the Georgia Avenue streetscape.

- 1. To approve a site plan for a restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

The Applicant submitted a Needs Study, dated October, 2014, which presents market information that demonstrates that there is presently an insufficient number of limited service restaurants in the Market Area to satisfy the current population. There is only one quick service restaurant with a drive-thru currently serving the Town Center population, and only two within the Market Area. Based on information provided in the Needs Study, the Planning Board finds that a need exists for a quick service restaurant with a drive-thru at this location and will not result in a multiplicity or saturation of similar uses in the neighborhood.

2. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not Applicable, the Property was not zoned C-1 or C-2 on October 29, 2014.

3. *Where a Drive-Thru is allowed as a limited use, it must satisfy the following standards:*

- a. *A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.*

There are no residentially or agriculturally zoned properties within 100 feet of the Subject Property.

- b. *For a Restaurant with a Drive-Thru, access to the site from a street with a residential classification is prohibited.*

There is no access to the Property from a residential street.

- c. *A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.*

The drive-thru service window, drive aisle and queuing area is located at the rear of the building.

- d. *A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum 3 foot high wall or fence.*

This provision is not applicable because the Property is not a corner lot. As noted above, the drive-thru service window, drive aisle and stacking area are located to the rear of the building

- e. *Site plan approval is required under Section 7.3.4*

A site plan was submitted on May 12, 2015 and approved by the Planning Board on October 1, 2015.

- f. A conditional use application for a Drive-Thru may be filed with the Hearing Examiner if the limited use standards under Section 3.5.14.E.2.a.i through Section 3.5.14.E.2.a.iv cannot be met.*

As noted in the use standards above, the limited use standards under Section 3.5.14.E.2.a.i through Section 3.5.14.E.2.a.iv have been met by this Application.

#### 4. Drive-Thru Queuing Design Standards

##### A. Spaces Required

- 1. A Restaurant must have a minimum of 5 queuing spaces for each drive-thru lane.*

The restaurant has two drive-thru lanes and 17 queuing spaces and therefore meets the requirement.

##### B. Design

- 1. A queuing space must be the same size as a standard parallel parking space under Division 6.2.*

The standard parallel parking space dimension, (7 feet wide and 21 feet in length) was used to determine the number of queuing spaces provided (17).

- 2. A vehicle must be able to use a drive-thru facility without encroaching on or interfering with public use of streets and sidewalks.*

The drive-thru is located towards the rear of the Property. Vehicles using the drive-thru would not encroach or interfere with vehicular traffic on Georgia Avenue, or with pedestrian travel along the shared-use path.

- 3. Any aisle to accommodate queuing must be clearly marked or physically separated from driveway aisles, parking spaces, and pedestrian walkways.*

The drive-thru aisles are clearly marked and signed, and are physically separated from driveway aisles, parking spaces, and pedestrian walkways.

- 4. Each queuing space must satisfy the parking lot landscaping and lighting requirements in Section 6.2.9.*

13. 5 percent of the restaurant's parking lot is landscaped, which exceeds the 10 percent parking lot landscape requirement. Lighting for the parking lot is in

accordance with the Illuminating Engineering Society of North America (IESNA) outdoor lighting recommendations.

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 § 59.7.3.4.H; and

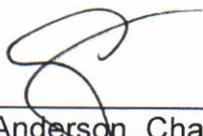
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 13 2015 (which is the date that this resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, January 14, 2016, in Silver Spring, Maryland.

  
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Casey Anderson, Chairman  
Montgomery County Planning Board