






Checkers Restaurant Site Plan No. 820180210

-  Troy Leftwich, Senior Planner, Area 2 Division, troy.leftwich@montgomeryplanning.org, 301-495-4553
-  Patrick Butler, Supervisor, Area 2 Division, patrick.butler@montgomeryplanning.org, 301-495-4561
-  Carrie Sanders, Chief, Area 2 Division, carrie.sanders@montgomeryplanning.org, 301-495-4653

Description

Request to replace a 2,430-square-foot bank on the property with a 952-square-foot fast-food drive-thru restaurant (Checkers).

Location: 8019 Snouffer School Road in Gaithersburg.

Zone: IL-1.0, H-50.

Master Plan: 1996 *Gaithersburg Vicinity Master Plan*.

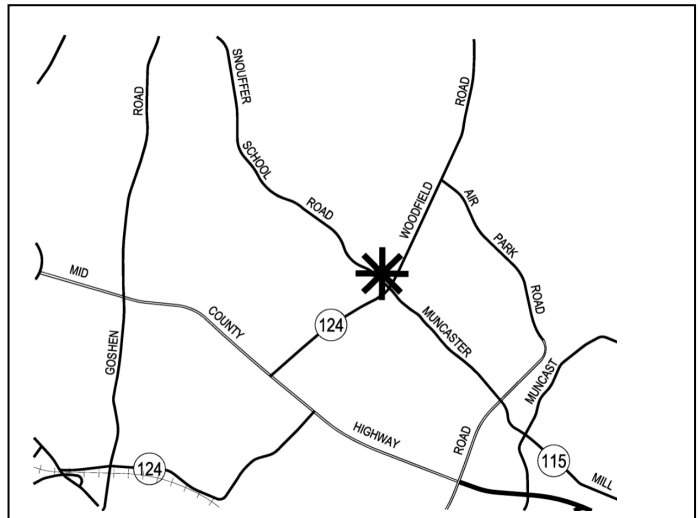
Property Size: 2.0 acres (87,320 square feet).

Application Accepted: August 9, 2018.

Applicant: HR Foods Maryland, LLC.

Review Basis: Chapter 59, Zoning Ordinance, and Chapter 22A, Forest Conservation Law.

Staff Report Completed: 12/31/18



Summary

- Staff recommends approval with conditions.
- The Application meets the requirements of Chapter 59, the Zoning Ordinance and Chapter 22A, the Forest Conservation Law.
- The Project will provide a privately maintained public sidepath along the frontage of Snouffer School Road.
- The proposed building meets all required development standards for the applicable zone under the standard method of development. The existing shopping center is considered a legal, non-conforming structure. Any future alterations of any building on the Property will require conformance with all applicable development standards of the zone.
- Staff has not received any correspondence regarding this Application.

SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 820180210 to allow conversion of an existing but unoccupied 2,430-square-foot bank with two drive-thru windows to a 952-square-foot fast-food restaurant with one drive-thru window and a sidepath, in addition to the existing 12,390-square-foot shopping center on the Subject Property. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹

Density, Height and Housing

1. Density

The Site Plan is limited to a 952-square-foot fast-food restaurant with one drive-thru window and a sidepath in addition to the existing 12,390-square-foot shopping center on the Subject Property.

2. Height

The development is limited to a maximum height of 17 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the sidepath along Snouffer School Road.

Site Plan

4. Site Design

a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A5.1-2 of the submitted architectural drawings, as determined by M-NCPPC Staff.

5. Lighting

- a) Prior to certified Site Plan, 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 to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

¹ For the purposes 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.

Environment

6. Forest Conservation and Tree Save

The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Additional tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

7. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated September 7, 2018, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

Open Space

8. The Applicant must provide the required minimum 10% of Amenity Open Space. The Amenity Open Space must be provided as shown in the Site Plan.

Transportation and Circulation/Adequate Public Facility (APF) Review

9. Pedestrian and Bicycle Circulation

- a) The Applicant must provide one (1) short-term bicycle parking space.
- b) The short-term space must be an inverted-U rack (or approved equal) installed in a location convenient to the main entrance. The specific location of the short-term bicycle rack must be identified on the Certified Site Plan.
- c) Prior to issuance of any Use and Occupancy Certificate, the Applicant must construct a minimum 8.5-foot-wide sidepath along the frontage of Snouffer School Road, as shown on the Certified Site Plan, with the exact location, design and construction to be determined by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations. The sidepath must be privately maintained and located within a public access easement for the portion on the Subject Property.

10. Validity

The APF will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution for the Site Plan.

11. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated December 10, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

12. Department of Permitting Services-Right-of-Way

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right-of-Way Permitting Section in its letter dated December 4, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

13. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, 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, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of the any building permit 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 a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

14. Development Program

The Applicant must construct the development in accordance with the development program table, subject to review and approval by Staff before Certified Site Plan.

15. 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 stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c) 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."
- d) Add the bike rack design to the landscape plans.
- e) Prior to approval of the Certified Site Plan, the *Nandina domestica* and *Vinca minor* must be replaced on the landscape plans with non-invasive species.
- f) Modify data table to reflect development standards approved by the Planning Board. Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 2: SITE LOCATION

Site Location & Description

The property (Outlined in red in Figure 1 below – Property or Subject Property) is located on the north side of Snouffer School Road, approximately 500 feet northwest of the intersection with Woodfield Road (Route 124). The Property is located on a pad site within the Gaithersburg Auto Service Mall and just south of the Montgomery County Airpark. The surrounding area is comprised primarily of industrial uses, characterized by large box service and warehouse services. The shopping center has several auto-service uses.



Figure 1- Vicinity Map

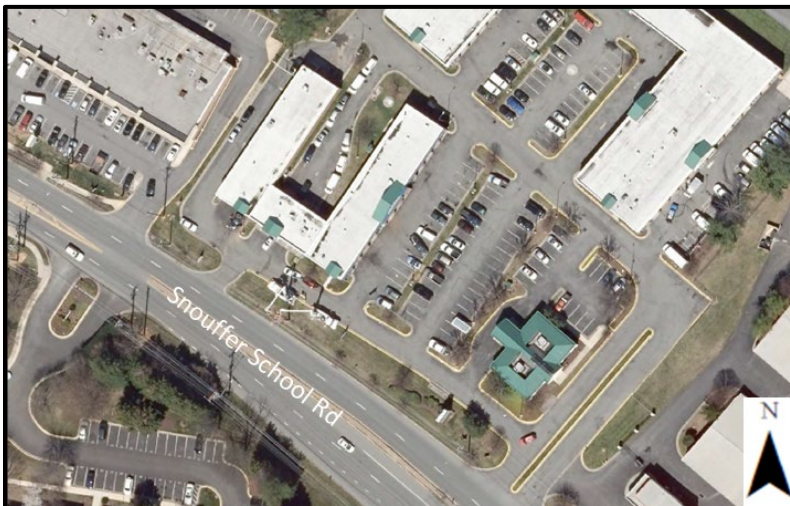


Figure 2- Aerial



Figure 3 – Existing Site Photos

The following are the two on-going roadway projects along the Snouffer School Road frontage:

1. MCDOT's Capital Improvements Program (CIP) No. 501109, Snouffer School South, is funded to widen Snouffer School Road between Sweet Autumn Drive and Centerway Road. Besides widening from two to four lanes, the project includes a continuous center turn lane, 5.5-foot bike lanes in each direction, and an 8-foot sidepath on the north side. Utility relocation has started with substantial construction estimated to start next Spring, 2019.
2. The Maryland State Highway Administration (SHA)'s Capital Transportation Program (CTP) project #MO6322, MD 124, Woodfield Road Phase 2, is planned to reconstruct MD 124 from Midcounty Highway to south of Airpark Road -- with project limits through the MD 124/Snouffer School Road/Woodfield Road (MD 115) intersection and extending along Snouffer School Road to Sweet Autumn Drive. The CTP project was in preliminary engineering but is now on hold.

SECTION 3: PROPOSAL

The Applicant is proposing to replace an existing but vacant 2,430-square foot bank building with a 952-square foot fast-food drive-thru restaurant (known as Checkers/Rally's) on the eastern portion of the Property (Site). Additional landscaping will be provided in the parking lot, within the area that will be redeveloped. The Applicant must install a new pedestrian sidewalk adjacent to the modified parking spaces, which will provide for a safe connection for pedestrians to circulate through the Site to the main entrance. The Applicant will also provide the Master Plan recommended sidepath and a bike rack.



Figure 4- Proposed Plan

Architecture

The Checkers/Rally's franchise designs their restaurants with small building footprints with no interior seating space. It will have a service window for the drive-thru and for walk-up customers and features minimal outdoor seating.

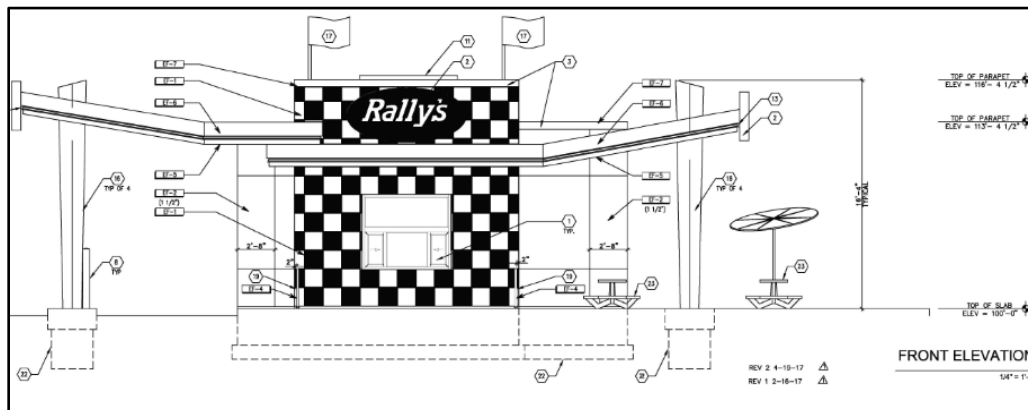


Figure 5- Front/South Elevation

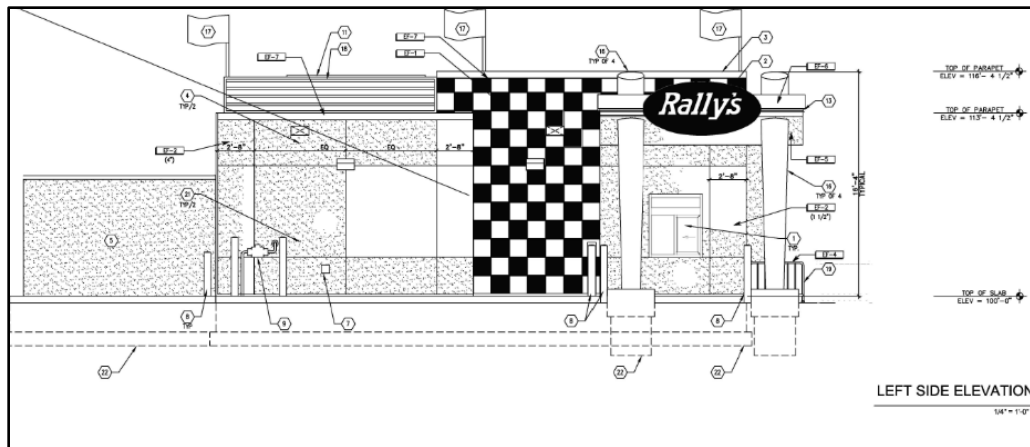


Figure 6 – Side/West Elevation

Sidepath

The sidepath will be a minimum 8.5-foot-wide path along Snouffer School Road, instead of the standard ten (10)-foot-wide path. This is due to constraints related to existing grades, street trees, signage, and above ground utility poles that would have to be relocated to accommodate the standard ten (10)-foot-wide sidepath. The location will be primarily on the private property, privately maintained and allow for public access through a Public Improvement Easement (PIE). The path will connect to the MCDOT's CIP No. 501109 Project, which terminates on the west side of the Property. Planning Staff expects the proposed sidepath will be replaced in the future once the Maryland State Highway Administration (SHA) completes their portion of improvements to Snouffer School Road per the SHA's Capital Transportation Program (CTP) project #MO6322, MD 124, Woodfield Road Phase 2 Project. Due to the undetermined timeline for the SHA project, Planning Staff and the Applicant have agreed to implement a temporary connection.



Figure 7-Existing Location for Sidepath

Development Standards

The Property is zoned IL- 1.0, H-50. The data table below demonstrates the Application's conformance to the development standards:

<u>Section 59</u>	<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
	Gross Tract Area (sf)		
	IL- 1.0, H-50		87,320
4.8.3.1	Open Space Amenity	10%	29.30%
4.8.3.2	Lot Density	1	0.15
4.8.3.3	Placement		
	Minimum Building Front Setback (from street R/W)	10 ft	> 10 ft
	Minimum Building Side Setback (Checkers)	10 ft	16 ft
	Minimum Building Rear Setback	0 ft	98 ft
4.8.3.4	Height (max)	50 ft	17 ft

VEHICLE PARKING PROVIDED BREAKDOWN		
	Parking (Regular)	50
	Parking (Compact) (Not permitted)	0
	Parking (VHC)	1
	Parking	2
	<u>TOTAL AUTOMOBILE PARKING</u>	<u>53</u>
	PARKING REQUIRED	31
	Motorcycle / Scooter Parking Provided	2

Table 1: Site Plan Data Table

As shown in the Development Standards table and findings above, the proposed Site Plan meets all the general requirements and development standards of Divisions 59-4.4 and 59-4.5 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

Section 6.2.7. Queuing Design Standards

The Site Plan provides six (6) queuing spaces meeting the minimum of five (5) spaces for a drive-thru lane. The drive-thru lane is a minimum of ten (10) feet and is clearly marked and separated from the driveway aisle, parking spaces and pedestrian walkways.

e. *satisfies the applicable requirements of:*

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

The Montgomery County Department of Permitting Services (DPS) Stormwater Management Section issued a letter accepting the stormwater management concept approval on September 7, 2018. Stormwater treatment will be accomplished through the use of drywells and a request for full stormwater management waiver.

ii. *Chapter 22A, Forest Conservation*

Environmental Guidelines

The project is exempt from submitting a forest conservation plan. An Exemption (No. 42018196E) was approved on March 25, 2018. The Exemption plan documented that the site contains no streams or their buffers, wetlands or wetland buffers, steep slopes, 100-year floodplains, or known occurrences of rare, threatened or endangered species. There are no forests or specimen trees on the property. The plan as submitted is in conformance with the Environmental Guidelines and complies with Chapter 22A, the Forest Conservation Law.

Two of the species proposed on the Landscape plans, *Nandina domestica* and *Vinca minor*, are listed as invasive species in the Invasive Plant Atlas of the United States. These species must be replaced with non-invasive species on applicable plan sheets before Certified Site Plan.

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

As conditioned, the Site Plan provides adequate, safe, and efficient parking and circulation patterns. The Project provides well-integrated onsite surface parking with multiple access points, including sidewalk and frontage upgrades to the Property. These enhancements will facilitate improved pedestrian connections from nearby neighborhoods by offering access to existing and planned bikeways, side paths, and retail uses. The Applicant has oriented its building to take advantage of existing drive lanes and circulation patterns that already exist abutting the east side of the property and in a drive lane paralleling Snouffer School Road, thus integrating parking and circulation features into an efficient and attractive site layout.

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

The area Master Plan is silent about recommendations for the subject property or even the larger retail center to the west. But the design and orientation of the proposed convenience restaurant with drive-thru window is consistent with the Plan's concept for development that provides services without causing transportation conflicts due to multiple points of access to Snouffer School Road.

The *Gaithersburg Vicinity Master Plan* recommends that Snouffer School Road is designated as an Arterial, A-16, with a recommended 80-foot right-of-way and bike lanes, BL-18. The existing Snouffer School Road right-of-way is 85 feet that is five (5) feet more than recommended in the Master Plan right-of-way. The 2018 *Bicycle Master Plan* recommends a sidepath on the north/property side on Snouffer School Road, and the Applicant has agreed to provide it on the Property.

- 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 Project is part of a previously approved Preliminary Plan No. 19821570, Montgomery County Airpark Industrial Park, on September 15, 1983, that created nine lots including the subject Lot 21 (Record Plat No. 15185 or 556-78 in 1985).

The Project is projected to generate 22 peak-hour morning person trips and 28 new peak-hour evening person trips and is not required to submit a traffic study to satisfy the Local Area Transportation Review (LATR) adequacy test. New trips exclude pass-by and diverted trips. The net change from the existing bank to the proposed fast food restaurant generates six (6) additional morning (6:30-9:30 a.m.) person trips and six (6) fewer evening (4:00-7:00 p.m.) person trips (Table 2). The person trips are new trips that are reduced by the pass-by and diverted trips. The active businesses on Lot 21 have operated for more than twelve (12) years and their site-generated trips are excluded from this analysis.

Land Uses	Square Feet	New Peak-Hour Person Trips	
		Morning	Evening
Existing Land Use			
Bank with 2 drive-thru windows	2,430	16	34
Proposed Replacement Land Use			
Fast Food Restaurant with One Drive-Thru Window	952	22	28
Net Difference		+6	-6

Table 2: Person Trips Table

The area surrounding the Property is developed and public services such as water, sewer and storm drainage are readily available to serve the proposed restaurant. The parcel is already platted, and the proposed drive-thru restaurant will provide an additional service without significant impacts to the surrounding transportation network.

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

Not applicable, the Subject Property is zoned IL.

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

The Property is compatible with existing and approved or pending adjacent development. The proposed restaurant with a drive-thru function replaces a former bank and drive-thru. All properties abutting the subject property are zoned in the IL-1 (Light Industrial) classification and contain commercial uses and/or supporting parking. The proposed use is compatible with surrounding existing or potential development both in terms of design and function.

3. *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 has conducted an analysis that takes into account such factors as a) surrounding population density, b) accessibility from heavily traveled roads, c) area income, d) market area dining and spending habits, e) the "competitive environment" and f) differentiation in product services. The Applicant notes that a 2016 consumer survey found that most people are willing to travel by car approximately 8 minutes for fast food purchases. There was a resident population of approximately 75,958 in 2010 within the market area. This population represents approximately 8% of the total population of Montgomery County. There are around 27,290 housing units. The main employment for the population is professional and service careers.

The Applicant asserts that the reasons why a "need" exists at the Property for a drive-thru restaurant are as follows:

- Needs of the current population in the Montgomery County Airpark area of Montgomery County; and
- Supply of similar restaurants in the neighborhood.

There are ten (10) quick service restaurants within the eight (8)-minute travel time market area that have drive-thru services. Within the market area, the majority of the burger restaurants with drive-thru restaurants are McDonald's. These restaurants are located at retail destinations in and around Gaithersburg, such as the Montgomery Village shopping center and the Lakeforest Mall and around Derwood at the Grove and Redland shopping centers. There is also a Wendy's and Roy Rogers located near the Lakeforest Mall.

Allowing the proposed Checkers restaurant will add to the variety of choice within the eight (8)-minute travel time market area. Thus, there is a demonstrable "need" for a drive-thru restaurant or restaurants within this Montgomery County Airpark area (see Attachment 3 for full report).

4. *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 Subject Property is not zoned C-1 or C-2.

SECTION 5: COMMUNITY CORRESPONDENCE

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. Staff has received no correspondence on the proposed development.

SECTION 6: CONCLUSION

The Applications meet all requirements established in the Subdivision Regulations and the Zoning Ordinance. It meets all the applicable requirements of Chapter 22A, forest conservation law. Access and public facilities will be adequate to serve the proposed lots and, as conditioned, the proposed project conforms with the Master Plan and the general requirements of Chapter 59. The Applications have been reviewed by other applicable County agencies, all of whom have recommended approval of the plan. Staff recommends approval of the Site Plan with the conditions listed at the beginning of the Staff Report.

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Approval Letters

Attachment 3: Applicant's Needs assessment for drive-thru

Attachment 1

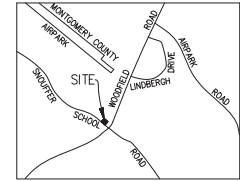
NOTES:

1. FOR SITE RETAINING WALL WITH RAILINGS, H=VARIES, TW=538.60. BW=VARIES (536.20 TO 537.50).
2. FOR DESCRIPTION OF EXISTING SIGNS (EX. S1 THRU S7), SEE SHEET C-3.
3. FOR REMOVAL OF EXISTING SITE IMPROVEMENTS (BUILDING, CURB & GUTTER, PAVING, BOLLARDS, TREES, ETC.) SEE SHEET C-3.
4. FOR EXISTING TREE LOCATIONS, SEE SHEET C-3.

GREEN SPACE AREA			
	REQUIRED	PROVIDED	LOT AREA
GREEN SPACE	10% (8,712 SF)	29.3% (25,524 SF)	87,120 SF

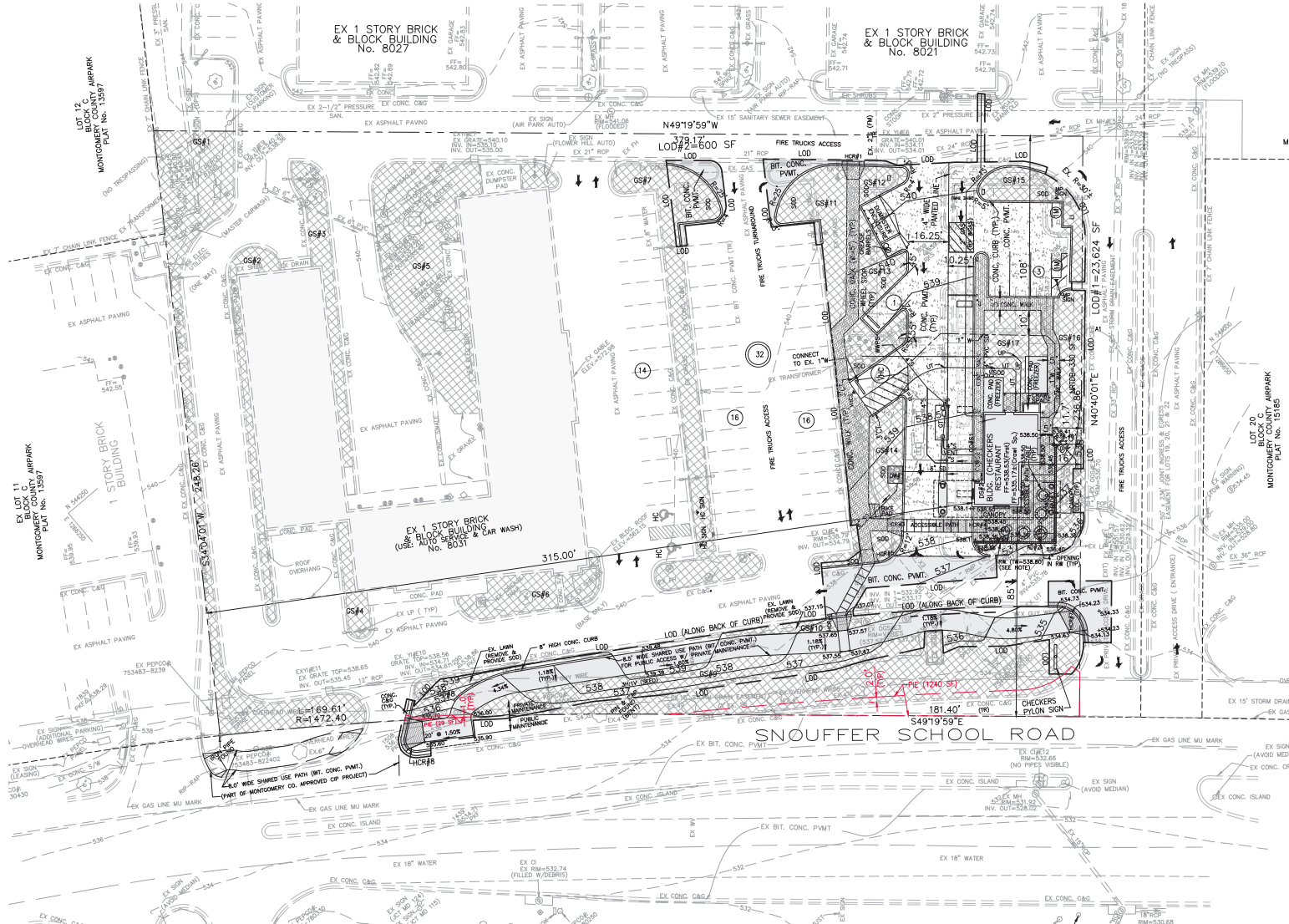
LEGEND

	BUILDING		CONC. WALK
	CONC. PAVEMENT		BIT. CONC. PAVEMENT

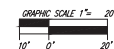


VICINITY MAP
SCALE: 1" = 2000'
(ADC MAP PAGE 29, GRID J-13)
(225N85)

GREEN SPACE AREA	
GS #	AREA (SF)
1	2,874
2	677
3	802
4	320
5	3,062
6	799
7	2,316
8	345
9	5,288
10	298
11	959
12	232
13	1,982
14	1,096
15	734
16	1,439
17	2,301
TOTAL	25,524



NOTE: THIS OVERALL SITE PLAN IS PROVIDED TO HIGHLIGHT JUST THE GREEN AREA PROVIDED ON-SITE UNDER THE DEVELOPED CONDITIONS AND TO DOCUMENT BUILDING SETBACKS PROVIDED.



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 11101, EXPIRATION DATE: SEPT. 17, 2020.

Developer's Certificate
The undersigned agrees to accept all the features of the Site Plan Approval No. including Approval Conditions, Development Program, and Certified Site Plan.

Developer: HR FOODS MARYLAND, LLC. RAKESH KALOTRA
Company: 8652 TINDAL SPRINGS DRIVE
Address: MONTGOMERY VILLAGE, MD 20886
Phone: 301-762-5212

Signature: _____

DESIGN ENGINEERING INCORPORATED
FULL SERVICE ENGINEERING & RELATED SERVICES
18229-A FLOWER HILL WAY GAITHERSBURG, MARYLAND 20879
PHONE: (301) 258-1173 EXT. 102 FAX: (301) 258-0690
E-MAIL: pcorio@dei.com



CHECKERS RESTAURANT
LOT 21, BLOCK "C", PLAT No. 15185
PART OF OF MONTGOMERY COUNTY AIRPORT
INDUSTRIAL SITES
8019 SNOUFFER SCHOOL ROAD
GAITHERSBURG, MONTGOMERY COUNTY

OVERALL SITE PLAN	
DATE	DESCRIPTION
05/18/18	M-NOTES
05/18/18	CONC. PAVEMENT
05/18/18	CONC. WALK
05/18/18	BIT. CONC. PAVEMENT
05/18/18	CONC. ISLAND
05/18/18	CONC. C&G
05/18/18	CONC. PAD
05/18/18	CONC. PAVEMENT
05/18/18	CONC. WALK
05/18/18	BIT. CONC. PAVEMENT
05/18/18	CONC. ISLAND
05/18/18	CONC. C&G
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05/18/18	CONC. C&G
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Attachment 2



Department of Permitting Services Fire Department Access and Water Supply Comments

DATE: 10-Dec-18
TO: Pritam Arora - parora@deius.com
Design Engineering Inc
FROM: Marie LaBaw
RE: Checkers Restaurant Gaithersburg
820180210

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **10-Dec-18**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Attachment 2



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

September 7, 2018

Mr. Pritam Arora, P.E.
Design engineering Incorporated
18229-A Flower Hill Way
Gaithersburg, MD 20879

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Checkers Restaurant
Preliminary Plan #: N/A
SM File #: 283960
Tract Size/Zone: 2/I
Total Concept Area: .45ac
Lots/Block: 21/C
Parcel(s): N/A
Watershed: Seneca Creek

Dear: Mr. Arora,

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via the use of a drywell and a request for full stormwater management waiver.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. The proposed modification of the existing structure will not be required.

This list may not be all-inclusive and may change based on available information at the time.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.



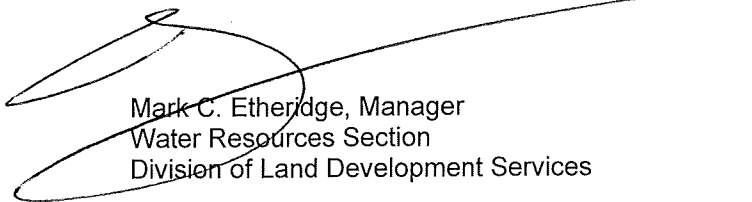
255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Attachment 2

Mr. Pritam Arora
September 7, 2018
Page 2 of 2

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: TEW

cc: N. Braunstein
SM File # 283960

ESD: Required/Provided 2768 cf / 147 cf
PE: Target/Achieved: 2.2"/1.11"
STRUCTURAL: N/A
WAIVED: .43ac

Attachment 2
DPS-ROW CONDITIONS OF APPROVAL

December 4, 2018

820180210 Checkers Restaurant

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files:

“07-SITE-820180210-004.pdf V5” uploaded on/ dated **“11/26/2018”**,
“08-LL-820180210-002.pdf V4” uploaded on/ dated **“11/30/2018”** and

The following needs to be a condition of the certified site plan:

1. At the time of ROW permit modify the proposed grading to minimize the impact to the existing street trees.

SITE PLAN NEEDS STUDY

Prepared for:

HR Foods Maryland, LLC

8522 Tindall Springs Dr.

Montgomery Village, MD 20886

Somer Cross, AICP

Miller, Miller & Canby

200-B Monroe St.

Rockville, MD 20850

Attachment 3

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Overview

HR Foods Maryland, LLC (“HR Foods”) is proposing to construct and operate a small restaurant with drive thru service on a property located at 8019 Snouffer School Road in Gaithersburg, Maryland located in the Gaithersburg Auto Service Mall (also known as the Route 124 Plaza Shopping Center). An abandoned bank building is currently located on the site. HR Foods intends to demolish the existing building and construct a Checkers restaurant with drive thru service. This analysis evaluates the need for a drive thru restaurant, as required for a site plan application for such a use under the Montgomery County Zoning Ordinance, Section 7.3.4.E.3. This report will also evaluate the location of the proposed use to determine whether a multiplicity or saturation of similar uses in the same general neighborhood will be created by the development of this use.

Market Area

Checkers (in association with their co-brand “Rally’s”) Restaurants frequently rely on a 7 to 8 minute drive time radius when considering their market potential. Other studies show that consumers are willing to travel 8 minutes for a restaurant drive thru. This study will use the more inclusive 8-minute drive time area which comprises an area of roughly 23 square miles.

There was a resident population of approximately 75,958 in 2010 within the market area. This population represents approximately 8% of the total population of Montgomery County. According to the Montgomery County MCAtlas Development Finder, the area’s lifestyle is classified as “Sophisticated Squires” meaning suburban lifestyles with upper middle income. The primary household type is married-couple families. It is a relatively affluent population comprising mostly upper middle class residents. There are around 27,290 housing units. The main employment for the population is professional and service careers.

Competitive Environment Evaluation

HR Foods proposes to develop a Quick Service Restaurant (QSR) on the site at 8019 Snouffer School Road. Within the eight-minute drive time radius, market research indicates that there is a leakage of opportunity for restaurants and a need for more. In other words, demand for restaurants within the market area exceeds the supply and the customer base must go outside that area for the QSR services they desire. Though there are a number of other burger-dominated fast-food drive thrus within the market area, there would not be a saturation of similar uses within the neighborhood due to the location of the proposed site and the distinct market service that Checkers provides to the burger industry

Introduction

HR Foods is proposing to develop a drive thru restaurant on a property located at 8019 Snouffer School Road in Gaithersburg, Maryland. The company plans to demolish the existing one-story masonry bank building and construct a Checkers restaurant with drive thru services that will be less than 1,000 square feet.

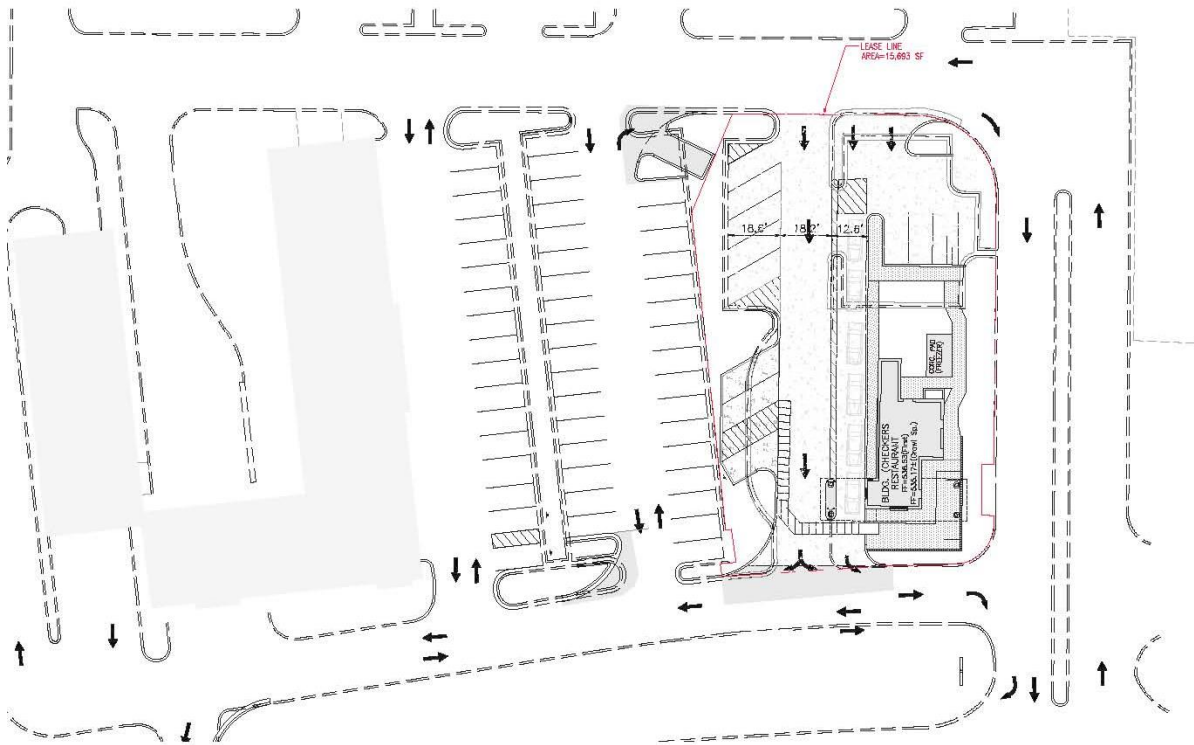


Figure 1 - Proposed Site Plan

This analysis evaluates the need for a drive thru restaurant. It addresses the requirements of the Montgomery County Zoning Ordinance for a site plan application including a drive thru use found in Section 7.3.4.E.3. In particular, the following addresses whether there is a need for the proposed business “due to an insufficient number of similar uses presenting serving existing population concentrations in the County” as required by that section of the Code. The analysis also reviews whether the use, at this location, will result in “a multiplicity or saturation of similar uses in the same general neighborhood.” Section 7.3.4.E.3.

Attachment 3

The need for the proposed restaurant with drive thru at this location is based on:

- Needs of the current population in the Montgomery County Airpark area of Montgomery County; and
- Supply of similar restaurants in the neighborhood.

HR Foods intends to operate a drive thru Checkers restaurant on this site. Checkers and their affiliated Rally's restaurants are considered "quick-service restaurants" (QSR), or "fast-food restaurants" or also a "limited service restaurants." All three of those terms are interchangeable. A QSR is an industry term for restaurant concepts like McDonald's, Burger King, and Checkers with counter or drive thru orders, price points of \$4-\$7 meals, limited options on their menus, and no table service provided.

The information used in this report was obtained from the following sources:

- ESRI Business Analyst data
- Google Earth
- U.S. Census Bureau – Montgomery County Maryland Quick Facts – <https://www.census.gov/quickfacts/fact/table/montgomerycountymaryland/PST045217>
- Maryland National Capital Park and Planning Development Finder
- Industry publications on trends and sales at quick service restaurants:
 - Oches, Sam (2017, August) *"The QSR 50" QSR Limited-Service, Unlimited Possibilities*. Retrieved from <https://www.qsrmagazine.com/reports/2017-qsr-50>
 - Nanji, Ayaz (2016, Nov. 8) *How Far Consumers Travel to Make Everyday Purchases* Marketing Profs. Retrieved from <http://www.marketingprofs.com/charts/2016/3105/how-far-consumers-travel-to-make-everyday-purchases>
 - Klein, Danny (2017, September) *Post Sale, Checkers Continues to Gain Momentum*, Retrieved from <https://www.qsrmagazine.com/growth/post-sale-checkers-continues-gain-momentum>
 - Smith, Daniel (2016, December) *17 Ways to Leverage a Small Footprint*, Retrieved from <https://www.qsrmagazine.com/design/17-ways-leverage-small-footprint>

The Market Area

The site is located on Snouffer School Road on a pad site within the Gaithersburg Auto Service Mall. The shopping center is centrally located in the Montgomery County Airpark area which is in the north of the County, east of I-270. More particularly, the site is located east of Rt 124 / Woodfield Road and north of that intersection with Snouffer School Road. The area is comprised primarily of industrial uses, characterized by large box service and warehouse services. The shopping center itself has a number of auto-service uses such as auto body repair and a car wash as seen on Figure 4. Just to the south of the site is a townhouse development called Summer Ridge.

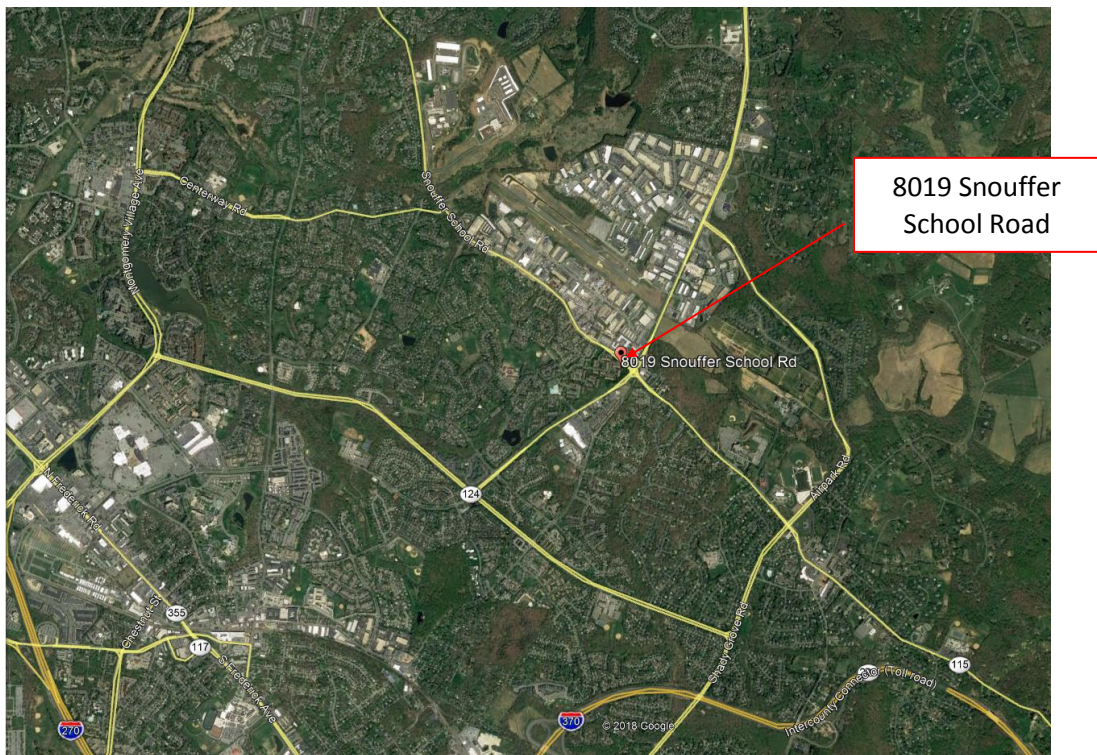


Figure 2 - Site Location Source: Google Earth

Attachment 3

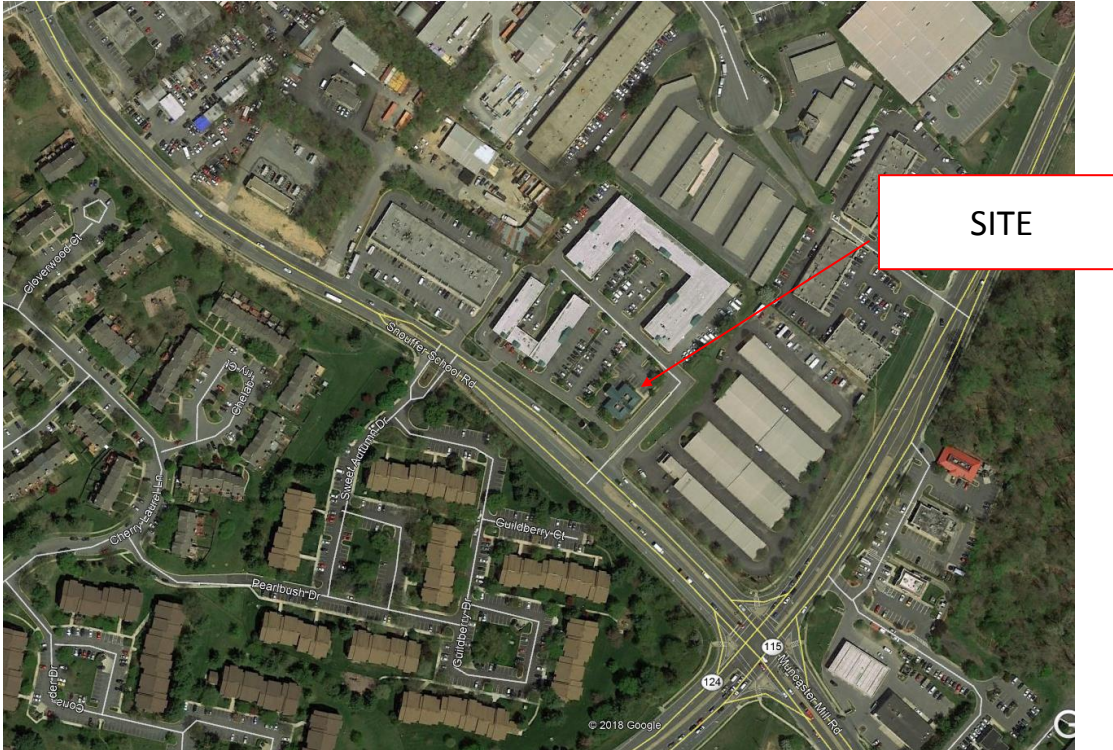


Figure 3 - 8019 Snouffer School Road Source: Google Earth

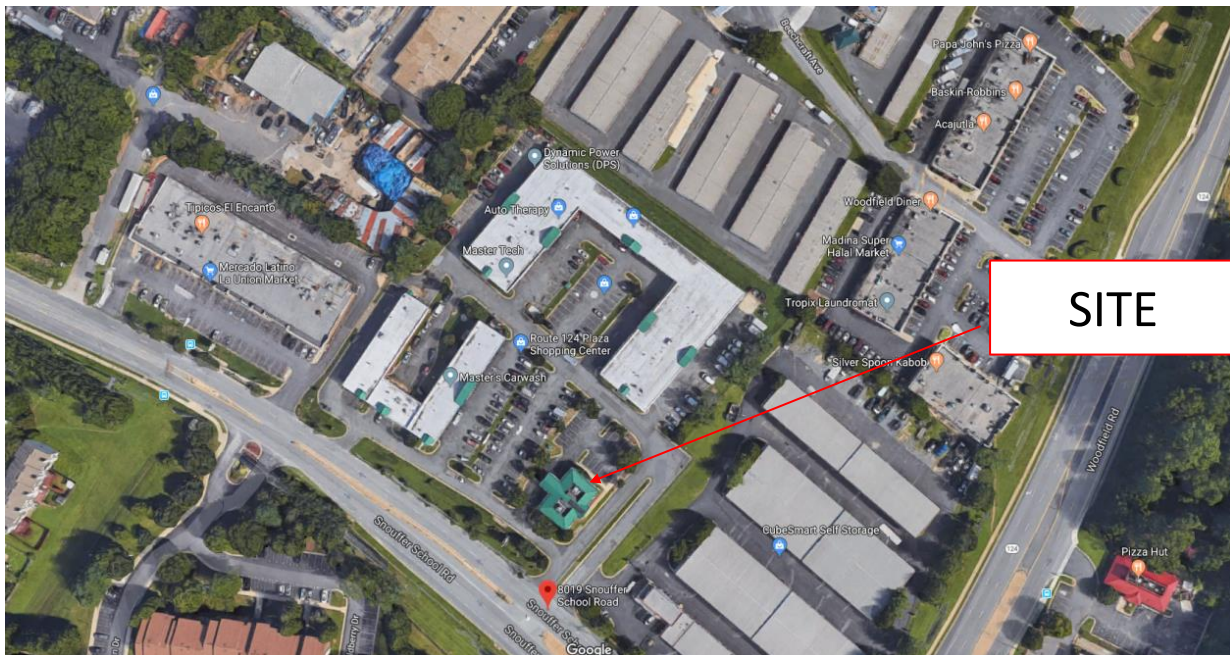


Figure 4 – Route 124 Plaza Shopping Center / Gaithersburg Auto Service Mall Source: Google Maps

Attachment 3

A 2016 survey of consumers found that most people will travel approximately 8 minutes for fast food purchases. The Market Area for this study is based on that 8 minute drive time. The analysis below describes the resident population in that area.

The 8 minute drive time area from the site consists of 23 square miles and stretches north along Woodfield Road to approximately Brink Road and south of the ICC to parts of Needwood Road. The westernmost boundary of the area runs slightly east of Route 355 while the easternmost boundary runs along Olney Laytonsville Road to the north and Bowie Mill Road to the south.

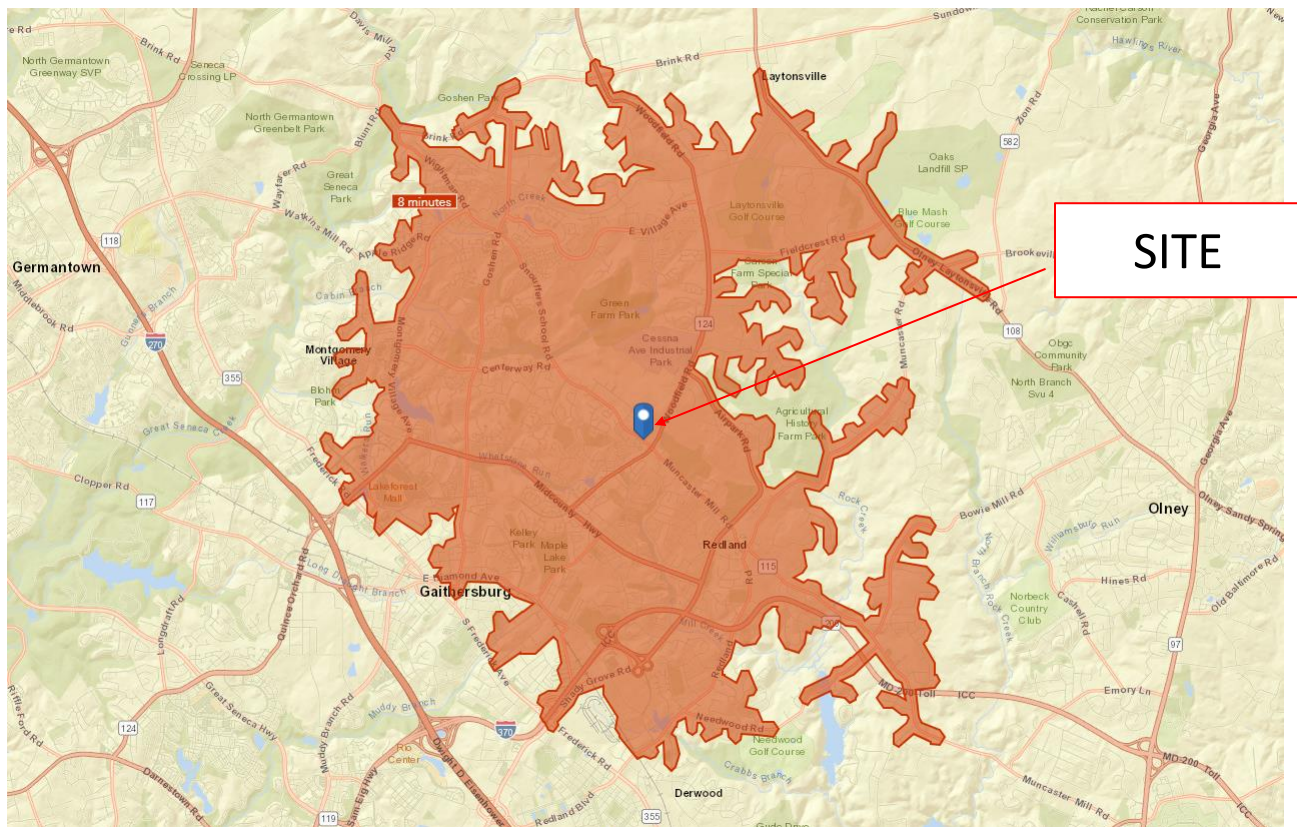


Figure 5 - Market Area - 8 Minute Drive Source: ESRI Business Analyst

Demographics

According to the most recent US Census (2010), there were approximately 75,958 residents within the 8 minute market area. The area is growing at an approximate annual rate of growth of .61%. Estimates for the 2018 population are 81,323 people and 85,111 for the 2023 total population.

Attachment 3

MARKET AREA POPULATION			
	2010	2018	2023
Population	75,958	81,323	85,111
Household Population (Population in households)	75,622	81,084	84,872
Family Population	65,823	67,328	70,505

Table 1 - Market Area Population Source: ESRI Market Profile

The median household income in the area was \$91,208 in 2018. While this may be considered affluent when compared to the median national income, it is less wealthy than other areas of the County or the median household income for the County as a whole (approximately \$100,350 in 2016). The majority of the population in the area has an income under \$100,000. Of the 26,938 households in the area, an estimated 7.6% of them have had an income in the past 12 months below poverty level.

MARKET AREA INCOME				
Households by Income	2018		2023	
	Number	Percent	Number	Percent
<\$15,000	1312	4.8	1194	4.2
\$15,000 - \$24,999	1257	4.6	1080	3.8
\$25,000 - \$34,999	1475	5.4	1165	4.1
\$35,000 - \$49,999	2541	9.3	2046	7.2
\$50,000 - \$74,999	4235	15.5	3893	13.7
\$75,000 - \$99,999	3962	14.5	4092	14.4
\$100,000 - \$149,999	5902	21.6	6877	24.2
\$150,000 - \$199,999	3415	12.5	3979	14.0
\$200,000+	3197	11.7	4121	14.5
Median Household Income	\$91,208		\$103,443	
Average Household Income	\$111,545		\$129,123	
Per Capita Income	\$37,406		\$42,998	

Table 2 – 2018 and 2023 Market Area Income Source: ESRI Market Profile

Attachment 3

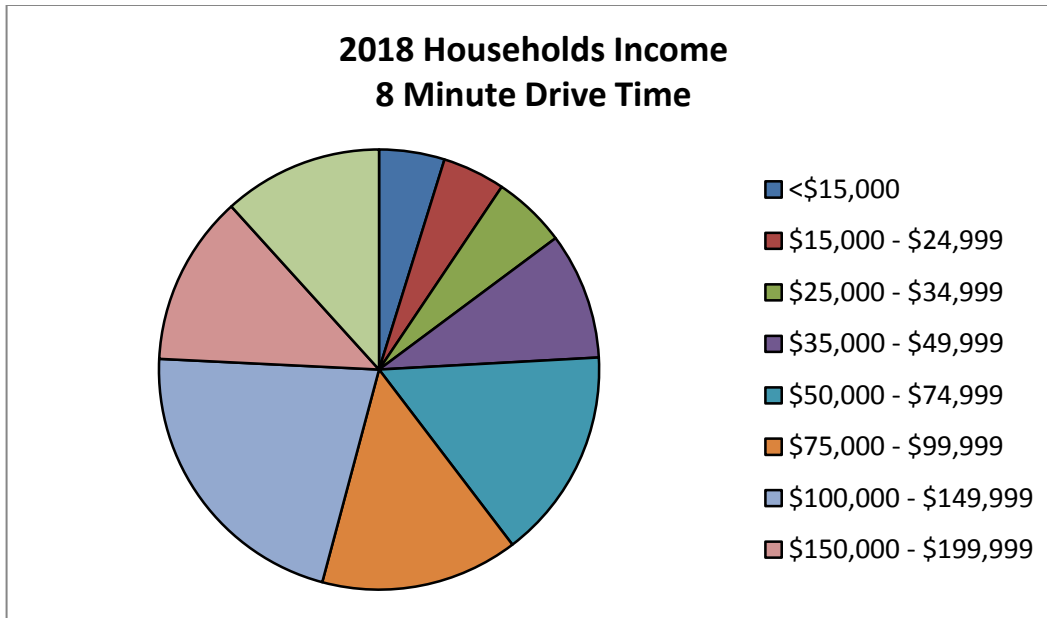


Figure 6- 2018 Household Income Source: ESRI Market Profile

The area is also educated beyond high school. More than 50% of the total population over age 25 has an Associate's degree or higher, and a total of 20.4% has a graduate or professional degree. Two thirds of the population hold "white collar" jobs.

2018 MARKET AREA EMPLOYMENT BY INDUSTRY	
Total	44,492
Agriculture/Mining	0.0
Construction	6.5
Manufacturing	3.4
Wholesale Trade	1.4
Retail Trade	10.9
Transportation/Utilities	3.0
Information	2.3
Finance/Insurance/Real Estate	5.5
Services	58.3
Public Administration	8.7
Total	44,492
White Collar	66.8
Management/Business/Financial	16.4
Professional	27.7
Sales	10.4

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Administrative Support	12.4
Services	20.4
Blue Collar	12.8
Farming/Forestry/Fishing	0.1
Construction/Extraction	4.8
Installation/Maintenance/Repair	2.1
Production	2.2
Transportation/Material Moving	3.6

Table 3 - Market Area Employment Source: ESRI Business Analyst

Retail Market

Consumer spending is the amount of money spent by households in an area. The Spending Potential Indexes (SPIs) measure spending per consumer household for a product or service. The SPIs compare area's household expenditures with the national averages for each product or service category. Anything above a 100 score is considered higher than national average spending.

The 8-minute drive time market area exceeds national averages in each consumer spending category. With regards to the general food away from home category, the SPI is 134, 34 times higher than the national average. Similarly, the Market Potential Index (MPI) compares the market area's spending with the national average on a more granular level. Any MPI over 100 shows that the area is above the national average for demand of that product or service within the area. From the Restaurant Market Potential chart below, the frequency of fast food / drive in (drive thru) restaurant visits for the market area is generally on target with the nation. The amount of money spent at a fast food / drive in (drive thru) in the last 30 days above \$40, however, is above the national average.

2018 CONSUMER SPENDING IN MARKET AREA	
Food Away from Home: Total \$	\$128,578,214
Average Spent	\$4,705.86
Spending Potential Index	134

Table 4 - Market Area 2018 Consumer Spending Source: ESRI Household Budget Expenditures

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RESTAURANT MARKET POTENTIAL IN THE MARKET AREA			
Product / Consumer Behavior	2018 Expected Number of Adults	Percent	Market Potential Index (MPI)
Fast Food / Drive-In Restaurant Visitation			
Went to fast food /drive-in restaurant in last 6 months	55,709	90.9%	101
Went to fast food / drive-in restaurant 9+ times / month	24,427	39.9%	101
Spent at Fast Food / Drive-in Restaurant in Last 30 Days			
>\$11	2,833	4.6%	89
\$11 - \$20	5,986	9.8%	92
\$21 - \$40	9,426	15.4%	94
\$41 - \$50	5,863	9.6%	107
\$51 - \$100	10,889	17.8%	107
\$101 - \$200	5,597	9.1%	115
\$201+	1,987	3.2%	116

Table 5 - Restaurant Market Potential Source: ESRI Retail MarketPlace Profile

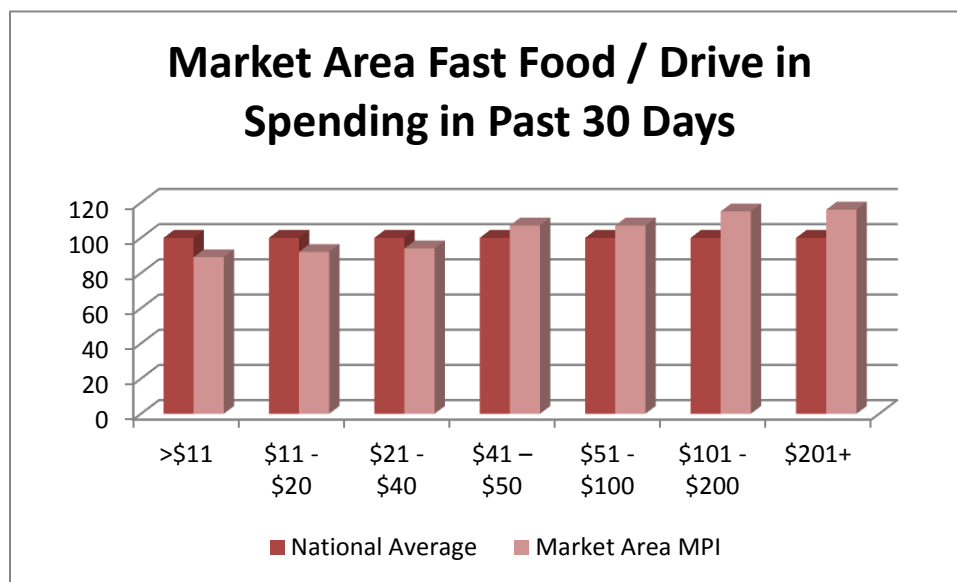


Figure 7 – Market Area Spending Source: ESRI MarketPlace Profile

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Market Area Industry Spending						
2018 Industry Summary	NAICS	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage / Surplus Factor	No. of Businesses
Total Retail Trade and Food & Drink	44-45,722	\$1,356,733,843	\$1,214,303,353	\$142,430,490	5.5	476
Total Retail Trade	44-45	\$1,210,325,455	\$1,124,485,399	\$94,840,056	4.0	353
Total Food & Drink	722	\$137,408,388	\$89,817,953	\$47,590,435	20.9	123
Industry Group	NAICS	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage / Surplus Factor	Number of Businesses
Food Services & Drinking Places	722	\$137,408,388	\$89,817,953	\$47,590,435	20.9	123
Special Food Services	7223	\$4,334,541	\$8,567,977	-\$4,233,436	-32.8	7
Drinking Places - Alcoholic Beverages	7224	\$4,061,765	\$0	\$4,061,765	100.0	0
Restaurants/Other Eating Places	7225	\$129,012,082	\$81,249,289	\$47,762,793	22.7	116

Table 6 - Market Area Industry Spending Source: ESRI Retail MarketPlace Profile. NAICS category 7225 includes limited service restaurants, like the proposed Checkers Restaurant.

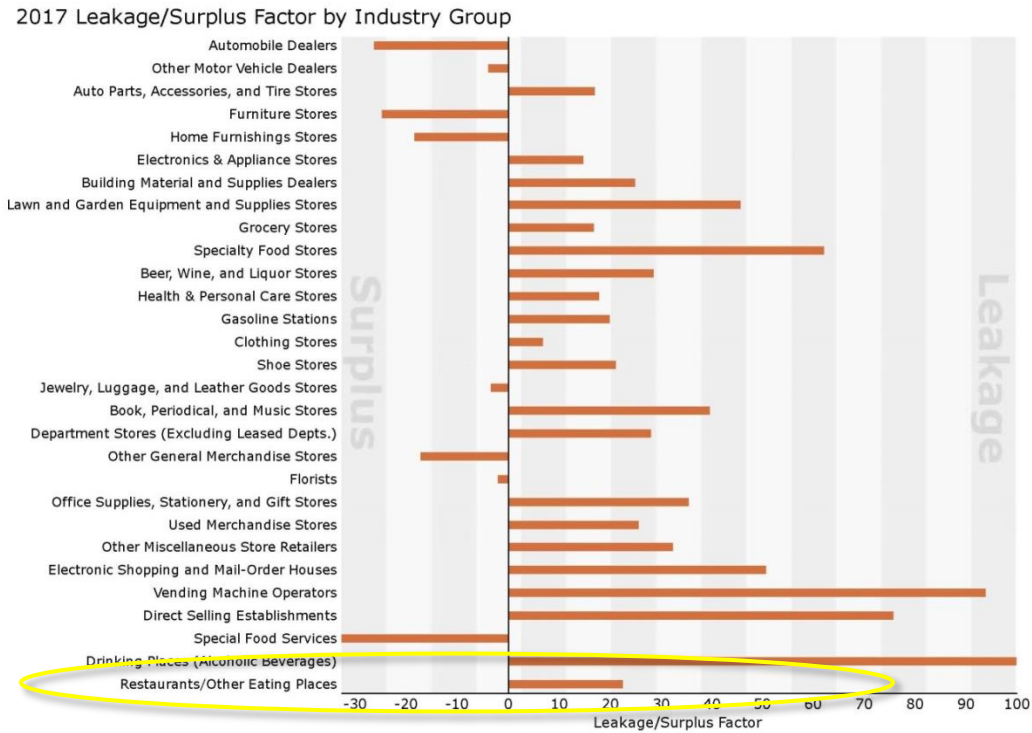


Figure 8 - Market Area Leakage / Surplus Factor Source: ESRI Retail Marketplace Profile

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Table 6 and Figure 8 show that the market area spending data for the area has a leakage in both the “Restaurants/ Other Eating Places” and the “Food Services and Drinking Places” categories. There is an over \$47 million retail gap in both categories within the market area. There is a demand for eating establishments, like Checkers, that is not currently being met.

Quick Service Restaurants in the Market Area

There are 10 other quick service restaurants within the eight minute travel time market area that have drive thru services. There are other quick service restaurants in the area, but they either do not have a drive thru or are not burger-centered restaurants and are therefore distinguishable from the proposed use.

The proposed Checkers restaurant at 8019 Snouffer School Road is located in the north/south center of the 8-minute drive time radius; however, the location is in the east of the drive time radius. Most of the market area is located to the west of the property.

Within the market area, the majority of the QSR burger restaurants with drive thrus are McDonald's. These restaurants are located at retail destinations in and around Gaithersburg, such as the Montgomery Village shopping center and the Lakeforest Mall; and around Derwood at the Grove and Redland shopping centers. There is also a Wendy's and Roy Rodgers located near the Lakeforest Mall.

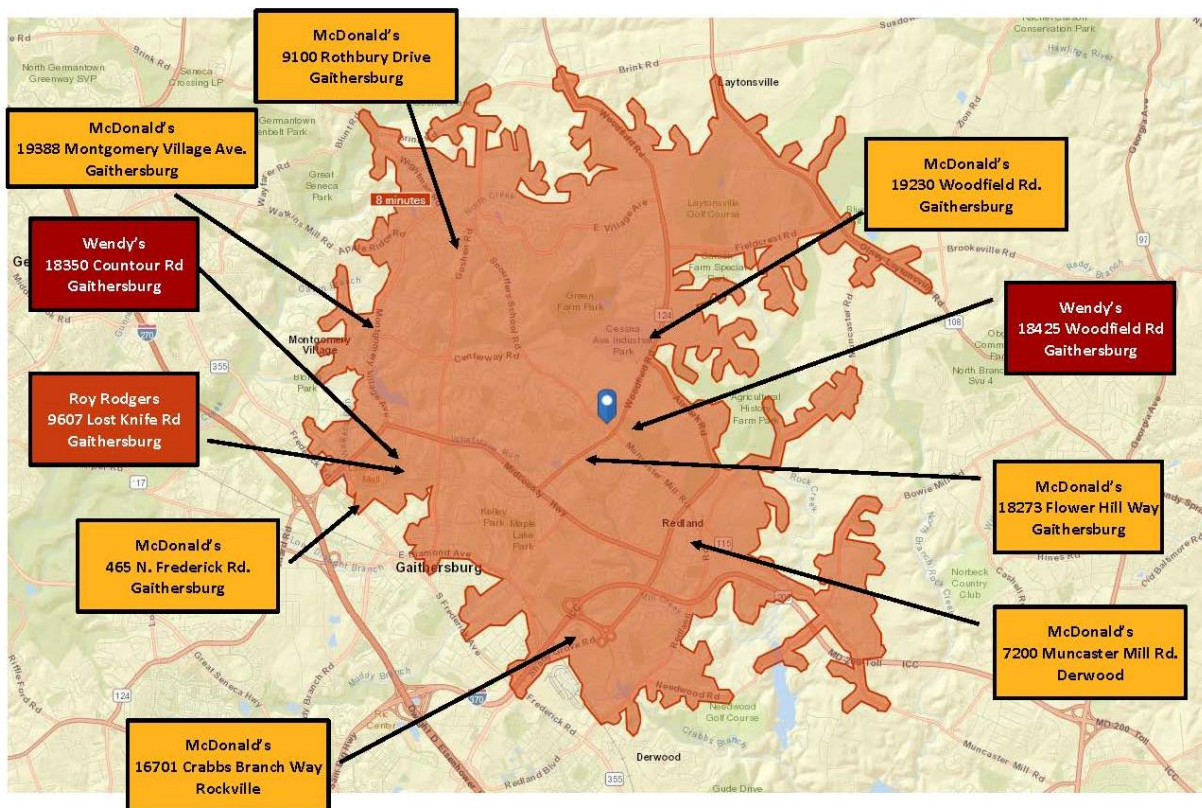


Figure 9 – Burger QSAs with Drive Thrus within Market Area Source: Google Maps / MMC / ESRI Business Analyst

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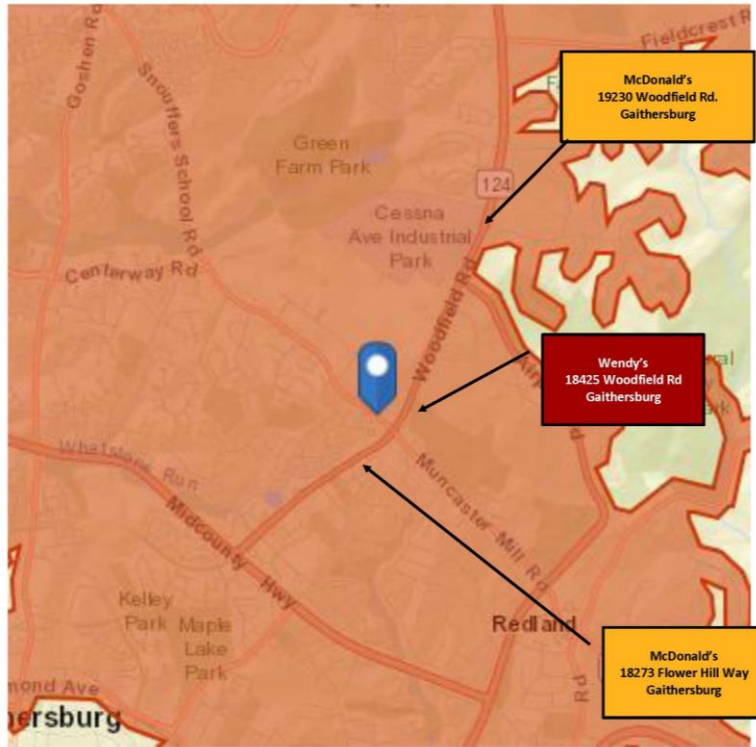


Figure 10 - Burger QSAs with Drive Thrus in Airpark Area Source: Google Maps / MMC / ESRI Business Analyst

Though the 8-minute drive time radius extends to other retail destinations in the area, the majority of the customers for this location is expected to be employees and customers of the neighboring industrial parks and Montgomery County Airpark. In that immediate area, there are only three (3) other burger QSR's, McDonald's at 19230 Woodfield Road and 18273 Flower Hill Way and a Wendy's at 18425 Woodfield Road. See Figure 10.

The McDonald's at Woodfield Road is located to the north of the subject property. That QSR is operated in conjunction with a BP gas station. The other two restaurants mentioned above have their main entrance/exit off Woodfield Road. Though a customer could enter or exit the Wendy's drive thru by way of Snouffer School Road, it would require extensive service drive use over multiple other properties.

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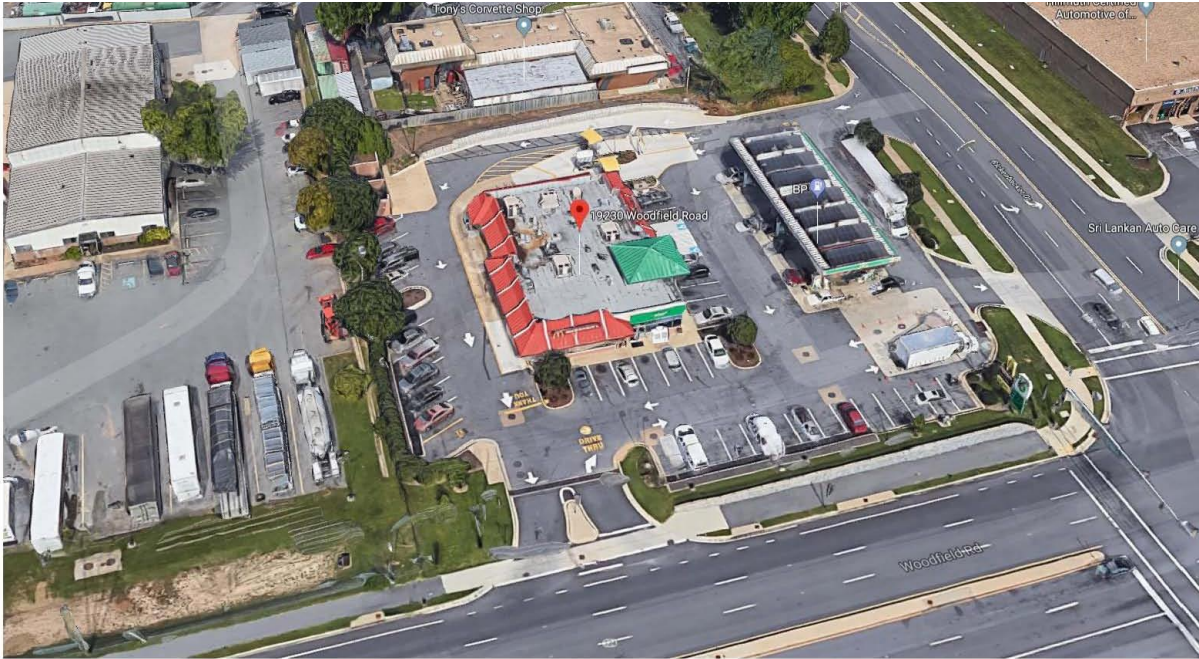


Figure 11 - McDonald's 19230 Woodfield Rd Source: Google Earth



Figure 12 - McDonald's 19230 Woodfield Road Source: Google Earth

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Figure 13 - Wendy's 18425 Woodfield Road Source: Google Earth

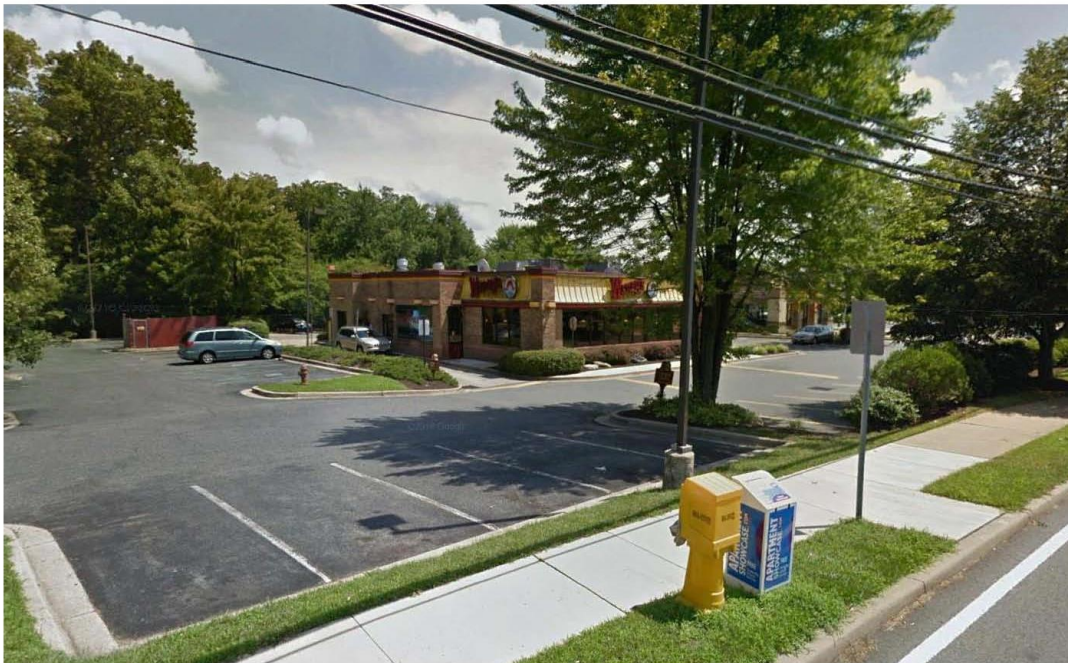


Figure 14 - Wendy's 18425 Woodfield Road Source: Google Earth

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Figure 15 - McDonald's 18273 Flower Hill Way Source: Google Earth



Figure 16 - 18273 Flower Hill Way Source: Google Earth

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There are no quick service burger restaurants on Snouffer School Road, which according to 2018 traffic counts, is a busier road than Woodfield, where the existing QSRs are located. The latest traffic count figures shows between 18,610 and 17,950 vehicles per day along Woodfield Road on either side of the intersection with Snouffer School Road / Muncaster Mill Road. Just to the west of that intersection, however, Snouffer School Road has an average daily traffic count of 21,390 vehicles.

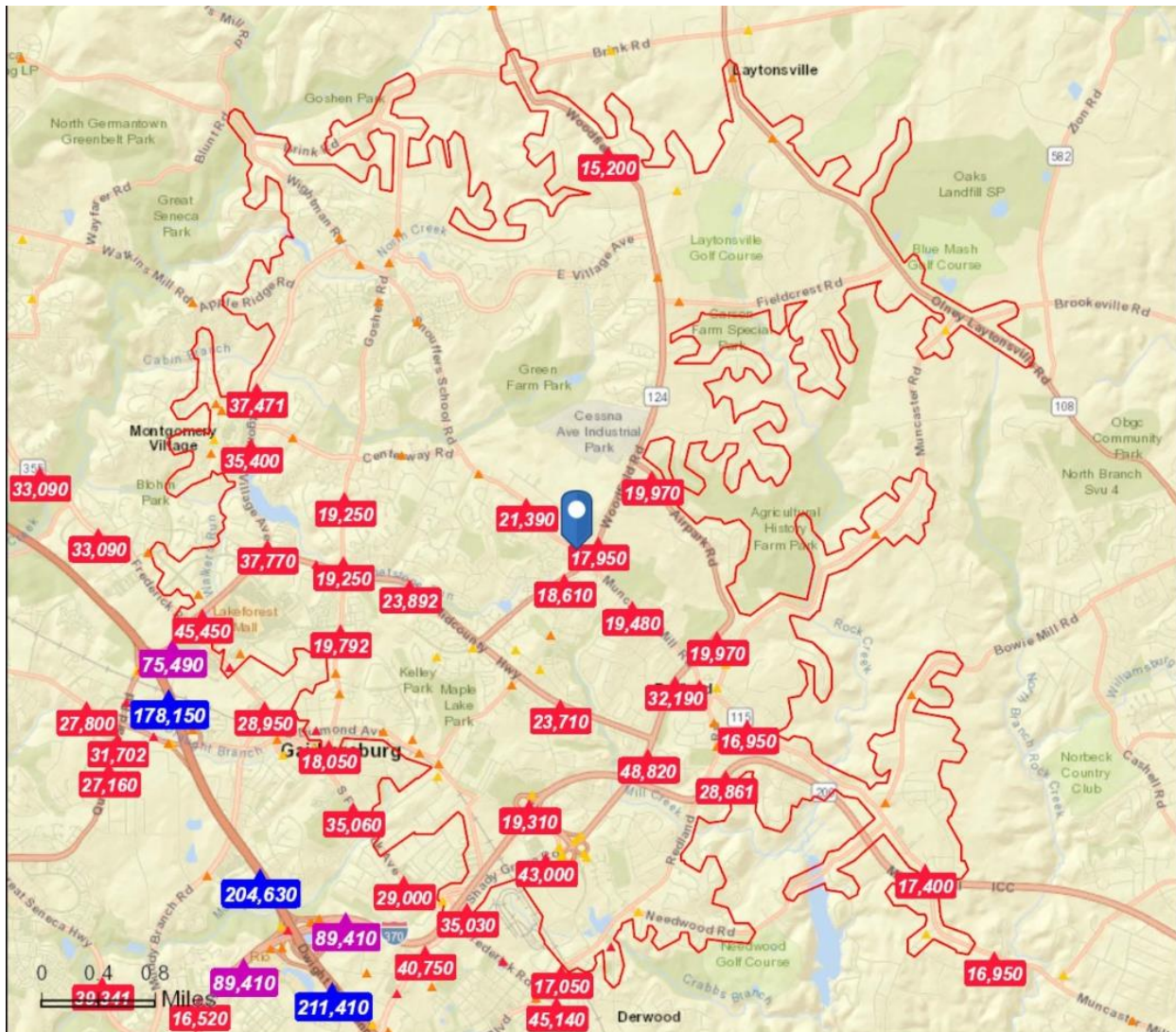


Figure 17 - 8 Minute Traffic Count Map Source: ESRI Traffic Count

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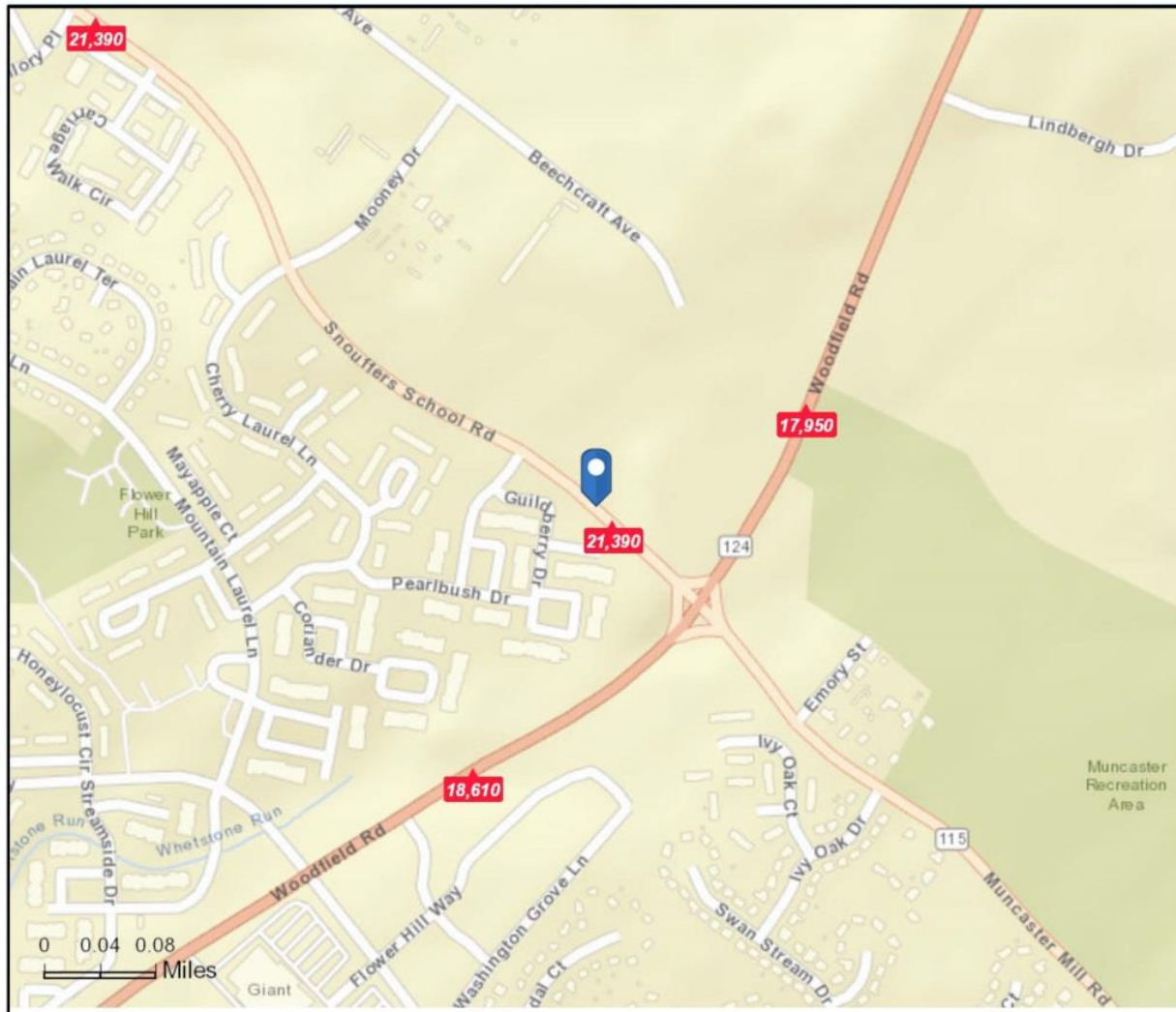


Figure 18 - Close Up Traffic Count Map Source: ESRI Traffic Count

Checkers Marketing

Checkers distinguishes themselves from other quick service restaurants in multiple ways. First, they are known for offering similar products at a lower price point. Secondly, the company differentiates themselves as having a limited menu. There are no breakfast options, including no coffee service. The company offers solely burgers, fries and similar fare. Their fries are distinguishable from other burger QSRs as seasoned fries.

The company is growing and has seen strong market performance in recent years. Last year, the two brands were purchased by a private equity firm. Even before the sale, the stores saw a 20% profit growth over the previous six years. Franchises have reported a return on investment over 60% in that time as well. The company has recently redesigned their traditional franchise building models to allow for variety but also smaller footprint needs. The historic Checkers / Rally's two-drive thru building

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model has been eliminated in favor of a single drive thru window that has proven more efficient and quicker at the locations where it has been used. The proposed building at the subject site will use the company's proven models. The trends show that the company makes wise investment choices for future growth.

Conclusions

There is a need for additional drive-thru restaurant around the market area of the proposed Checkers at 8019 Snouffer School Road. The population of the market area is educated, comfortable, and consists primarily of families. The market area shows a higher than national average affinity to spend more than \$40 a month at drive thrus. There is a large restaurant leakage in the market area where the population of the trade area "leaks" out to other trade areas in order to satisfy its dining needs. The proposed Checkers, a limited service restaurant, would shore up some of the restaurant service demanded of the market population and meet that population's need for additional food service use.

There are currently no other Checkers (or even Rally's) restaurants in the market area. Though there are a multitude of other quick service restaurants within the 8 minute drive time market area, there are only three (3) burger-driven quick service restaurant options within the immediate Montgomery County Airpark area, two (2) of which are the same brand, McDonald's. The area, therefore, has a limited selection when it comes to drive-thru dining. Adding a different drive thru restaurant, with a different brand and price point, will bring diversity to the drive thru dining options around the Montgomery County Airpark region.

The proposed location of this site, on Snouffer School Road, would make it the only drive-thru restaurant on that fairly busy street. The other drive thru restaurants in the area are located around other destination sites, or along a north/south corridor. This restaurant would be the only one around the Airpark and located on the east/west corridor of Snouffer School Road. No multiplicity or saturation of similar uses will be created in the general neighborhood by the establishment of this use.