



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

MCPB
Item #
Date: 01/29/09

DATE: January 16, 2009

TO: Montgomery County Board of Appeals

VIA: Rose Krasnow, Chief, Development Review Division

Ralph Wilson, Zoning Supervisor, Development Review Division

FROM: Elsabett Tesfaye, Planner Coordinator (301) 495-1301

SUBJECT: **Special Exception S-2736**– Request of DavCo Restaurants, Inc. to establish a Drive-in Restaurant (Wendy's) located at the southeastern corner of the intersection of Vital Way and Randolph Road in Silver Spring.

FILING DATE:

August 6, 2008

PLANNING BOARD HEARING

January 29, 2009

PUBLIC HEARING:

February 9, 2009

Staff Recommendation

Approval, with conditions.

Then applicant proposes to develop a one-story Wendy's restaurant with a drive-in window. The proposed development satisfies all applicable requirements for approval of a special exception as specified in the Montgomery County Zoning Ordinance. Moreover, the proposed development is consistent with the recommendations of the 1997 White Oak Master Plan. There are no unacceptable, noise, environmental, illumination, or physical activity impacts associated with the application provided that the recommended conditions are satisfied. Although traffic studies show a reasonable probability that the application will satisfy LATR and PAMR requirements, whether the public facilities and services will be adequate to serve the proposed development under the Growth Policy standards will be determined at the time of subdivision. The property has been neglected and contains dilapidated structures that are a community eyesore. The proposed development provides a well designed site lay out with enhanced landscaping, and streetscape and sidewalk improvements. Therefore, staff recommends APPROVAL of Special Exception S-2736 subject to the following conditions:

1. The Applicant must limit development on the property to a 2,552 square-foot drive-in restaurant; no more than 917 square feet of which may be devoted to a patron area.
2. The Applicant must provide 23 parking spaces on site.

3. The restaurant must not have more than 50 employees (including a manager), and not more than 10 employees on site at any given time.
4. The hours of operations for the restaurant are from 10:00 a.m. to 10:00 p.m., seven days a week, for the dining room and 10:00 a.m. to 2:00 a.m., seven days a week for the drive-in.
5. The adequacy of public facilities must be determined by the Planning Board at the time of subdivision review in this case. Therefore, subdivision approval is a condition of approval of this special exception.

S-2736: Wendy's Colesville



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ATTACHMENTS:

- i. Aerial
- ii. Plans
- iii. Referral comments

I. APPLICATION SUMMARY

Applicant	DavCo Restaurants, Inc
Location	Southeastern corner of the intersection of Vital Way and Randolph Road in Silver Spring.
Site Size	0.54 AC
Current Zone	C-1 Zone
Master Plan	1997 White Oak Master Plan
Proposed Use	Eating and drinking establishment, including Drive-In to be used as Wendy's restaurant.
Parking spaces	Twenty-three surface spaces

II. PENDING REVIEWS

1. Preliminary Plan Amendment Case No. 22029056A: This case is pending preliminary plan approval to establish a new Adequate Public Facilities validity period. Review of the Preliminary Plan will follow Board of Appeals approval of the subject special exception.
2. Site Plan review: Since the subject property is within the boundaries of C-1 zoned land that is in excess of 15 acres, development of the property is subject to site plan review under Section 59-C-4.341.2.

III. STATEMENT OF THE CASE

The special exception applicant, DavCo Restaurants, Inc, proposes to redevelop the subject 0.54 acres property with a one-story Wendy's restaurant with a drive-in window. The restaurant



will replace an existing, vacant, one-family dwelling with attached garage and an outbuilding. The restaurant will have a total area of 2,552 square feet with 916 square feet of patron area (including restrooms, vestibules and hallways). The plan also proposes a 260 square-foot brick trash enclosure with board on board gates and 23 off street parking spaces. The restaurant will have a total of 50

employees with up to 10 employees on site at any given time. Hours of operation for the restaurant will be seven days a week from 10:00 a.m. to 10:00 p.m. for the dining room and 10:00 a.m. to 2:00 a.m. for the drive-in.

IV. DESCRIPTION OF PROPERTY

The property is located at the southeastern corner of the intersection of Vital Way and Randolph Road in Silver Spring. The property comprises approximately 0.54 acres of land and

is improved with a one-family dwelling with an attached garage, and an outbuilding. All buildings on the property are currently vacant and boarded up. The property has frontages on both Randolph Road (north) and Vital Way (west). The property is accessed from Vital Way via a single driveway. The Property abuts the site of a restaurant, “China Dynasty” to the south and a liquor store to the east. The subject property and the adjoining properties are zoned C-1.

V. NEIGHBORHOOD DESCRIPTION

The applicant has defined the neighborhood to include all of the commercial properties adjacent to Vital Way, Randolph Road, and New Hampshire Avenue within the area identified in the Master Plan as the “Colesville Commercial Center” and the residential areas within the areas formed by Bregman Road (West), Wolf Drive (south) New Hampshire Avenue (east) and

Sancroft Court and the Colesville Center Shopping Center (North). Staff accepts the neighborhood boundaries as defined by the applicant.



The neighborhood is generally characterized by a mixture of residential, commercial (retail and office), and institutional uses in the C-1, PD-7, R-90 and R-200 zones. The southernmost portion of the neighborhood includes a fire station and a post office. The Colesville Shopping Center is located at the northwestern portion of the neighborhood and includes a grocery and various retail stores.

VI. PLANNING AND ZONING HISTORY

The site was placed in the R-R zone when the zone was enacted and mapped as part of the 1954 Regional District Zoning. The 1958 County-Wide Comprehensive Zoning confirmed the R-R zone (later renamed R-200) for the site. The 1982 Sectional Map Amendment (G-337) for Eastern Montgomery Master Plan reclassified the subject property from the R-200 to C-1 Zone. The 1997 Sectional Map Amendment (G-746) for White Oak Master Plan area reaffirmed the property’s C-1 zoning.

VII. MASTER PLAN

Community-Based Planning staff found the proposed special exception to be consistent with the vision and recommendations for the Colesville Commercial Center set out in *the 1997 White Oak Master Plan*. Community Based Planning staff has offered the following comments:

The *Plan* recommends that properties along Vital Way in the Colesville Commercial Center “develop or redevelop in a manner that provides a more unified “Main Street” form of development (p. 32). This proposal locates the building close to Vital Way, with parking in the rear. The project is also subject to detailed site plan review, which will allow the Planning Board to review streetscape treatments that will contribute to an active, pedestrian-friendly street atmosphere.

The Plan also makes general recommendations for special exceptions in the master plan area. The focus of these recommendations, however, is on special exceptions proposed for existing residential neighborhoods.

The proposed special exception is consistent with the objectives and recommendations for commercial centers in the *Plan*.

Urban Design staff has offered the following comments in consideration of the design guidelines of the *White Oak Master Plan*:

Vital Way is indicated as a “commercial business district street” in the White Oak Master Plan. This entails the implementation of several features:

- Installation of street trees, sidewalks, and curbs;
- Implementation of parallel parking; and
- Location of buildings and parking typical of a “main street”;

A specific section of the master plan, the “Colesville Commercial Center” (pages 30-33), describes in some detail the vision for this area. Given the large right-of-way and required public utility easement, the building is as close to the street as possible, thereby providing a comfortable pedestrian atmosphere, and provides access directly to the restaurant and outdoor seating areas for pedestrians patronizing the adjacent commercial facilities. Parallel parking is provided and excess parking is behind the building or along the side of the property facing Randolph Road. In all, the proposed development plan generally complies with all of these recommendations.

VIII. COMMUNITY CONCERNS:

At the time of this writing, staff has not received any comments from the community either in support or opposition to the subject proposal. In response to staff’s inquiry, the applicant has provided (e-mail January 8, 2009) the following information:

We've had three meetings with the community. The first was on June 24, held by the Applicant at Jackson Road Elementary School. We had 6 attendees and their main concerns were traffic and transportation related. A copy of the minutes is attached. The

second meeting the applicant attended was on July 7 and this was a regular meeting of the Greater Colesville Civic Association. The third meeting was held on December 3, and we invited only the adjoining and confronting property owners who would be affected by right of way improvements which were then the subject of discussions with transportation planning staff. No one from the community attended this meeting.

IX. TRANSPORTATION

The proposal meets the transportation related requirements of the Local Area Transportation Review Test (LATR). The Transportation Planning staff reviewed the traffic analysis submitted by the applicant and offers the following comments:

Site Location, Access, Pedestrian Facilities, and Public Transportation

The subject special exception is being requested by DavCo Restaurants, Inc. The restaurant, proposed as a 2,552 square-foot Wendy's, will be located within the southeast corner of Randolph Road and Vital Way in Colesville. Access to the proposed restaurant will be via a driveway off Vital Way, approximately 80 feet south of Randolph Road.

Vital Way is a 600-foot long two lane business street within the southwest quadrant of Randolph Road and New Hampshire Avenue (MD 650), and connects Randolph Road with New Hampshire Avenue. At both ends, Vital Way is restricted to right-turns in/right-turns out only. Development along Vital Way is entirely commercial. Parking is permitted along both sides of Vital Way. A four-foot wide sidewalk exists along the east side of Vital Way for three-quarters of its length from New Hampshire Avenue. The roadway also functions as a de-facto "right-turn lane" for eastbound Randolph Road to southbound New Hampshire Avenue traffic.

Randolph Road, along the north site frontage, is a six-lane divided major highway. It currently has a 5-foot wide sidewalk along its south side and an 8-foot wide shared-use path along its north side. There are median breaks along Randolph Road where several of the major roadways intersect, including one at Vital Way where only eastbound Randolph Road left turns are permitted (to Colesville Shopping Center). Randolph Road has a posted speed limit of 40 mph in the vicinity of the site. Land use to the north, south and west of the proposed use is predominantly commercial.

New Hampshire Avenue, to the east of the site, is a six-lane divided major highway with sidewalks on both sides.

Metrobus routes C7, C8, C9, Z1, Z2, Z3, and Z4 as well as RideOn Route 10 serve the area and stop near the proposed use.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 1997 Approved and Adopted *White Oak Master Plan* consists of the following master-planned roadways and pedestrian/bikeway facilities within the study area:

1. New Hampshire Avenue, as a north-south six-lane divided major highway (M-12) with a minimum right-of-way width of 120 feet within the Master Plan boundary and a Class III bikeway (PB-24) between Randolph Road to the north and Capital Beltway/Master Plan boundary to the south. The 2005 *Countywide Bikeways Functional Master Plan* recommends the section of bikeway between Randolph Road and Lockwood Drive to be signed shared roadway (SR-30). Sidewalk currently exists along both sides of New Hampshire Avenue.
2. Randolph Road, as an east-west six-lane divided major highway (M-17) with a minimum right-of-way width of 120 feet between Northwest Branch to the west and New Hampshire Avenue to the east, and an existing Class I bikeway (EB-5; SP-17 in the 2005 *Countywide Bikeways Functional Master Plan*) to its north side. A sidewalk currently exists along the south side of Randolph Road.
3. Vital Way, as a north-south two-lane business street (B-5) with a minimum right-of-way width of 70 feet between Randolph Road to the north and New Hampshire Avenue to the south. As noted earlier, the roadway functions as a de-facto “right-turn lane” for eastbound Randolph Road to southbound New Hampshire Avenue traffic. The master plan recommends that “this street should not function as a through street for vehicles traveling from eastbound Randolph Road to southbound New Hampshire Avenue”, and recommends improvement to “vehicular and pedestrian access between Colesville Shopping Center and commercial properties along Vital Way.” The master plan also recommends that properties along Vital Way “develop or redevelop in a manner that provides a more unified, Main Street form of development”; including curb, sidewalk, street trees, and “distinctive treatment to emphasize pedestrian crossings” (see Attachment No. 1).

Adequate Public Facilities Review

The proposed special exception use is required to satisfy both Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) tests as part of this APF review since the proposed Wendy’s is estimated to generate 30 or more peak-hour trips during the typical weekday evening (4:00 p.m. – 7:00 p.m.) peak period. The following describes staff review of the traffic study and findings.

- Local Area Transportation Review

To satisfy the LATR component of the APF test, the consultant for the Applicant submitted a traffic study dated December 9, 2008, which examined traffic-related impacts of the subject development on nearby intersections.

Peak-hour trip generation estimates for the proposed drive-through restaurant included in the traffic study were based on trip generation rates for a Fast Food Restaurant with Drive-Through Window (Land Use Code 934, trips per 1,000 square-feet) contained in the Institute of Transportation Engineers *Trip Generation*. A summary of the above is provided in Table 1.

**TABLE 1
SITE TRIP GENERATION
PROPOSED WENDY'S RESTAURANT, COLESVILLE**

Trip Generation	Morning Hour		Peak-	Evening Hour		Peak-
	In	Out	Total	In	Out	Total
2,552 SF Fast Food Restaurant with Drive-Through	--	--	--	46	42	88
Primary (New) Trips – 50%	--	--	--	23	21	44
Pass-by Trips – 50%	--	--	--	23	21	44

Source: ITE Trip Generation Land Use Code 934; Fast Food Restaurant with Drive-Through Window. The Traffic Group, Inc., Wendy's Colesville, Traffic Impact Analysis. December 9, 2008.

The proposed 2,552 square-foot drive-through restaurant will not open prior to 10:00 a.m., will not serve breakfast, and therefore will not generate any traffic during the 6:30 a.m. to 9:30 a.m. morning peak period. As shown in Table 1, the restaurant was estimated to generate approximately 88 total trips during weekday evening peak-hour. During this peak-hour, approximately half the peak-hour trips (44 trips) were considered "new" and the other half were considered "pass-by". It is noted that "pass-by" trips represent site-generated trips that are already on adjacent roadways.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday evening peak-hour from the traffic study is presented in Table 2.

**TABLE 2
INTERSECTION CAPACITY CALCULATIONS
PROPOSED WENDY'S RESTAURANT, COLESVILLE**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Randolph Rd/Locksley Ln	--	913	--	915	--	918
Randolph Rd/Vital Way/Shop Ctr Dr	--	834	--	844	--	886
New Hampshire Ave/Randolph Rd	--	1,485	--	1,490	--	1,490
New Hampshire Ave/Vital Way	--	892	--	900	--	911
New Hampshire Ave/Wolf Dr	--	1,315	--	1,316	--	1,319

Source: The Traffic Group, Inc. Wendy's Colesville, Traffic Impact Analysis; December 9, 2008.

Note: Fairland/White Oak Policy Area Congestion Standard: 1,475 CLV

As shown in Table 2, under Total (Build) traffic conditions, CLV values for intersections included in the study are either below the Fairland/White Oak Policy Area

congestion standard (1,475 CLV) or maintain the CLV determined under Background traffic conditions.

Staff therefore finds the proposed use to satisfy the LATR requirements of the APF test.

- **Policy Area Mobility Review**

To satisfy the PAMR component of the APF test, a development within the Fairland/White Oak Policy Area is required to mitigate 45% of “new” peak-hour trips generated by the use.

Based on a total of 44 “new” peak-hour trips that will be generated by the proposed Wendy’s (as summarized in Table 1), the mitigation requirement for the proposed use will be 20 peak-hour trips (44 “new” peak-hour trips x 0.45 = 20 peak-hour trips).

As PAMR mitigation, the Applicant is proposing full reconstruction of approximately 300 linear feet of Vital Way to the south of Randolph Road along site frontage per *White Oak Master Plan* recommendations and DOT roadway standard MC-214.03 (see Attachment No. 3 – Special Exception Site Plan for Wendy’s Colesville). The Applicant has coordinated this improvement with Transportation Planning, DOT, and DPS staff, and has concurrence from staff on counting the Vital Way improvement toward Applicant’s PAMR trip mitigation requirement.

Staff therefore finds the proposed use to satisfy the PAMR requirements of the APF test.

The Transportation staff has recommended the following conditions:

1. The Applicant must limit development on the property to a 2,552 square-foot drive-through restaurant that will not open for business prior to 10:00 a.m.
2. The Applicant must show the following minimum right-of-way dedications on the (amended) preliminary plan (consistent with the 1997 Approved and Adopted *White Oak Master Plan*):
 - Randolph Road: 60 feet from the roadway right-of-way centerline, and
 - Vital Way: 35 feet from the roadway right-of-way centerline.
3. The Applicant must remove approximately 140 linear feet of existing sidewalk along the Randolph Road site frontage and provide in its place a new 8-foot wide tree panel and 6-foot wide sidewalk.
4. The Applicant must fully reconstruct approximately 300 linear feet of Vital Way to the south of Randolph Road along site frontage per *White Oak Master Plan* recommendations (see Attachment No. 1) and Montgomery County Department of Transportation (DOT) roadway standard MC-214.03 (Commercial/Industrial Road; on a 70-foot right-of-way – see Attachment No. 2), with approval from DOT and Department of Permitting Services (DPS) and with consent from

adjoining and confronting property owners.

- a. The Applicant must implement the above mitigation improvement as part of the APF approval for the subject drive-through restaurant. This improvement is required under Policy Area Mobility Review (PAMR) to mitigate twenty (20) “new” weekday peak-hour trips associated with the subject development.
- b. Final design drawings for Vital Way road improvements and other installations must be submitted to all relevant permitting agencies prior to the release of a building permit for the proposed development. Upon issuance of permit, the Applicant must proceed diligently with construction of road improvements and other installations. All Vital Way road improvements and other installations must be open to traffic or available to the public prior to the Applicant filing any application for use and occupancy of the restaurant.
- c. For any unforeseeable reason, if Vital Way improvements described as above are not feasible, the Applicant may substitute these with PAMR mitigation measures that are of equivalent or greater mitigation value, subject to Transportation Planning and DOT staff approval.

X. ENVIRONMENT

By a memo dated December 22, 2008, Environmental Planning staff has offered the following comments:

Forest Conservation

There is no forest on-site and this property is exempt from submitting a Forest Conservation Plan. A Tree Save Plan was not required to be submitted, as there are no large or specimen trees present.

Environmental Buffers

The site does not include any streams, wetlands, or floodplains and there is no environmental buffer on the property.

Green Building

This project will not need to comply with County Council Bill 17-06, Montgomery County Green Buildings Law because the size of the building is less than 10, 000 square feet.

Water Quality

The subject property is located in the Hollywood Branch subwatershed of the Paint Branch watershed. The *Countywide Stream Protection Strategy* (CSPS) assesses this tributary as having fair overall conditions. The subwatershed is designated a Watershed Restoration Area where the CSPS recommends restoration efforts to improve

conditions. While no restoration efforts are possible on this site, the additional impervious area is minimized through site design. For example, the circulation and parking efficiency was maximized.

Stormwater Management

A stormwater management concept was approved by the Department of Permitting Services on December 1, 2008. The stormwater management concept consists of on-site water quality control and on-site recharge via construction of three bio filters with additional storage beneath the under-drain pipes and one infiltration trench. Channel protection volume is not required because the one-year post-development peak discharge is less than or equal to 2.0 cubic feet per second.

XI. STANDARD FOR EVALUATION (59-G-1.2.1)

A special exception must not be granted without the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.

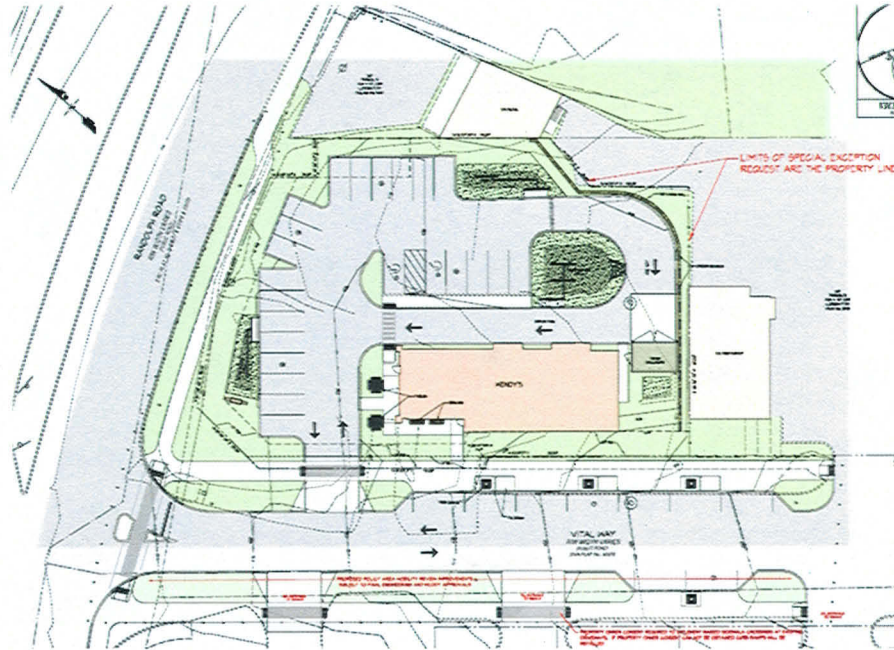
As established in previous special exception cases, seven criteria are used to identify the physical and operational characteristics of a use. Those criteria are size, scale, scope, lighting, noise, traffic, and the environment. For the subject case, analysis of inherent and non-inherent adverse effects must establish what physical and operational characteristics are necessarily associated with a drive-in restaurant.

The inherent, generic physical and operational characteristics associated with a restaurant with a drive-in include: (1) the building housing the restaurant, (2) parking facilities, (3) lighting, (4) noise generated by vehicles using the drive-in (5) vehicular trips to and from the site by patrons and employees, and (6) long hours of operation. There are no significant transportation impacts that would result from the proposed special exception. Transportation staff has found that the proposed development satisfies both the Local Area Transportation Review (LATR) and, with certain transportation improvements, satisfies the Policy Area Mobility Review (PAMR) requirements of the Adequate Public Facility (APF) test.

With respect to parking, all of the required parking spaces can be accommodated on site. Moreover, street improvement as part of the proposed development allows for up to seven on street parking spaces to be available along Vital Way in front of the restaurant.

The building and parking accommodations relative to the scale and size of the operations are well within acceptable levels. Any adverse impacts on nearby properties and the immediate neighborhood would be minimal to nonexistent given the location of the subject property

adjacent to a major highway (Randolph Road) and surrounded by commercially zoned and developed properties. Landscaping, consisting of a significant number of plant materials, required setbacks, well organized site layout, building orientation and efficient on and near site circulation patterns will provide adequate screening and buffering of the proposed use and activities from adjoining properties and roads while at the same time providing an aesthetically pleasing environment and environmentally sensitive design. No non-inherent adverse effects are associated with the proposed special exception.



XII. GENERAL CONDITIONS (59-G-1.21)

(a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

(1) Is a permissible special exception in the zone.

The subject property is located in the C-1 Zone, which permits, subject to certain standards and requirements, the proposed special exception.

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

With the recommended conditions the proposal is in compliance with the specific special exception requirements of Section 59-G-2.16 for a drive-in restaurant.

(3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any

decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

The subject property is covered by the White Oak Master Plan that was approved and adopted in 1997. The application is consistent with the general plan and the White Oak Master Plan.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses. The Board or Hearing Examiner must consider whether the public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the special exception application was submitted.**

With the recommended conditions, the proposed use will be in harmony with the character of the neighborhood that consists of a mixture of office, retail and residential uses. The proposal will enhance the appearance of the property, which is currently unkempt.



New trips generated by the proposed use are not likely to have significant impact on the residential neighborhood or the roads. Adequate off street parking spaces are provided to satisfy the restaurant's parking needs. In addition, as part of the proposed development, on street parking of up to seven spaces is provided along the property's frontage on Vital Way. Although traffic studies

show a reasonable probability that the application will satisfy LATR and PAMR requirements, whether the public facilities and services will be adequate to serve the proposed development under the Growth Policy standards will be determined at the time of subdivision.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

The proposed development will not be detrimental to the use, peaceful enjoyment, economic value or development of adjacent properties or the general neighborhood, provided that the applicant complies with the recommended conditions of approval of this application. As noted, the proposed restaurant building is replacing an existing vacant structure that has not been well maintained rendering the site unattractive and blighted. As such, the proposed redevelopment of the property will have a positive impact on existing and future development of properties in the neighborhood and help to improve the vitality of this mixed-use neighborhood.

- (6) **Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

The proposed use will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site. The applicant has indicated that all deliveries will be scheduled outside of the morning and evening peak hours and outside the restaurant's peak lunchtime operation. Vehicular access to the site is safe and convenient. The plan also provides for safe and appropriate pedestrian circulation around the site. Lighting will not reflect or cause glare into any residential zone. Sufficient lighting is provided on and near the site for the patrons and employees of the restaurant

Used cooking oil will be collected periodically by a recycling facility from a container located inside the dumpster corral. To further ensure esthetic integrity and preservation of the environment of the site as well as the neighborhood, staff recommends that the applicant submit a fat, oil and grease (FOG) control plan outlining best management practices (BMPs), and a waste handling and reduction plan to M-NCPPC's Environmental Planning Staff for approval.

- (7) **Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.**

The proposed modifications will not increase the number, intensity and scope of approved special exceptions in the area. Staff has identified one approved special exception use in the vicinity of the subject property (directly across from the property on Vital Way). That special exception use for an animal hospital and veterinary clinic was originally approved in 1972 in Case No. S-97. The subject property is surrounded with commercially developed properties. The proposed special exception will have no adverse effect on any one-family residential area.

- (8) **Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

The proposed use will not adversely affect the health, safety, security, morals or welfare of residents, visitors or workers in the area. The removal of the existing vacant buildings and construction of a new one, coupled with the proposed landscaping around the perimeter of the building and streetscaping, add an esthetic appeal to the site in contrast to its current condition that is characterized by vacant, run-down buildings in need of repair.

- (9) **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.**

(A) **If the special exception use requires approval of a preliminary plan of subdivision, the Planning Board must determine the adequacy of public facilities in its subdivision review. In that case, approval of a preliminary plan of subdivision must be a condition of granting the special exception.**

(B) **If the special exception does not require approval of a preliminary plan of subdivision, the Board of Appeals must determine the adequacy of public facilities when it considers the special exception application. The Board must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted.**

(C) **With regard to public roads, the Board or the Hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.**

Subdivision review staff has offered the following comments:

Although the property has been recorded by plat, a preliminary plan amendment is required in order to establish a new Adequate Public Facilities validity period for the project. A preliminary plan amendment has been submitted by the applicant; however, the submitted amendment cannot proceed to the Planning Board until the Special Exception has been approved by the Board of Appeals. Subdivision staff believes the layout currently proposed is acceptable.

Moreover, because the subject property is located within an area where C-1 zoning is in excess of 15 acres, the proposed development is subject to a site plan review.

With the recommended conditions, the use is not expected to reduce the safety of vehicular or pedestrian traffic. Transportation Planning staff has found the proposed use to satisfy the LATR requirements of the APF test and the Policy Area Mobility Review (PAMR) component of the APF test. Transportation Planning staff has offered the following comments:

As PAMR mitigation, the Applicant is proposing full reconstruction of approximately 300 linear feet of Vital Way to the south of Randolph Road along site frontage per *White Oak Master Plan* recommendations and DOT roadway standard MC-214.03 (see Attachment No. 3 – Special Exception Site Plan for Wendy’s Colesville). The Applicant has coordinated this improvement with Transportation Planning, DOT, and DPS staff, and has concurrence from staff on counting the Vital Way improvement toward Applicant’s PAMR trip mitigation requirement.

Transportation Planning staff has recommended some conditions (see Section IX page 8 of this report), most of which would be addressed during subsequent reviews of the proposed development.

- (b) **Nothing in this Article relieves an applicant from complying with all requirements to obtain a building permit or any other approval required by law. The Board's finding of any facts regarding public facilities does not bind any other agency or department which approves or licenses the project.**

No finding is required.

- (c) **The applicant for a special exception has the burden of proof to show that the proposed use satisfies all applicable general and specific standards under this Article. This burden includes the burden of going forward with the evidence, and the burden of persuasion on all questions of fact.**

The applicant has met the burden of proof under Section 59-G-1.21 (general conditions), 59-G-1.23 (General Development Standards) and the applicable requirements of Section 59-G-2.00 (special exception standards and requirements) of the Zoning Ordinance.

XIII. ADDITIONAL REQUIREMENTS (59-G-1.22(b))

Using guidance by the Planning Board, the Board, the Hearing Examiner, or the District Council, as the case may be, may require a special exception to comply with Division 59-D-3 if:

- (1) **The property is in a zone requiring site plan approval, or**
- (2) **The property is not in a zone requiring site plan approval, but the Planning Board has indicated that site plan review is necessary to regulate the impact of the special exception on surrounding uses because of disparity in bulk or scale, the nature of the use, or other significant factors.**

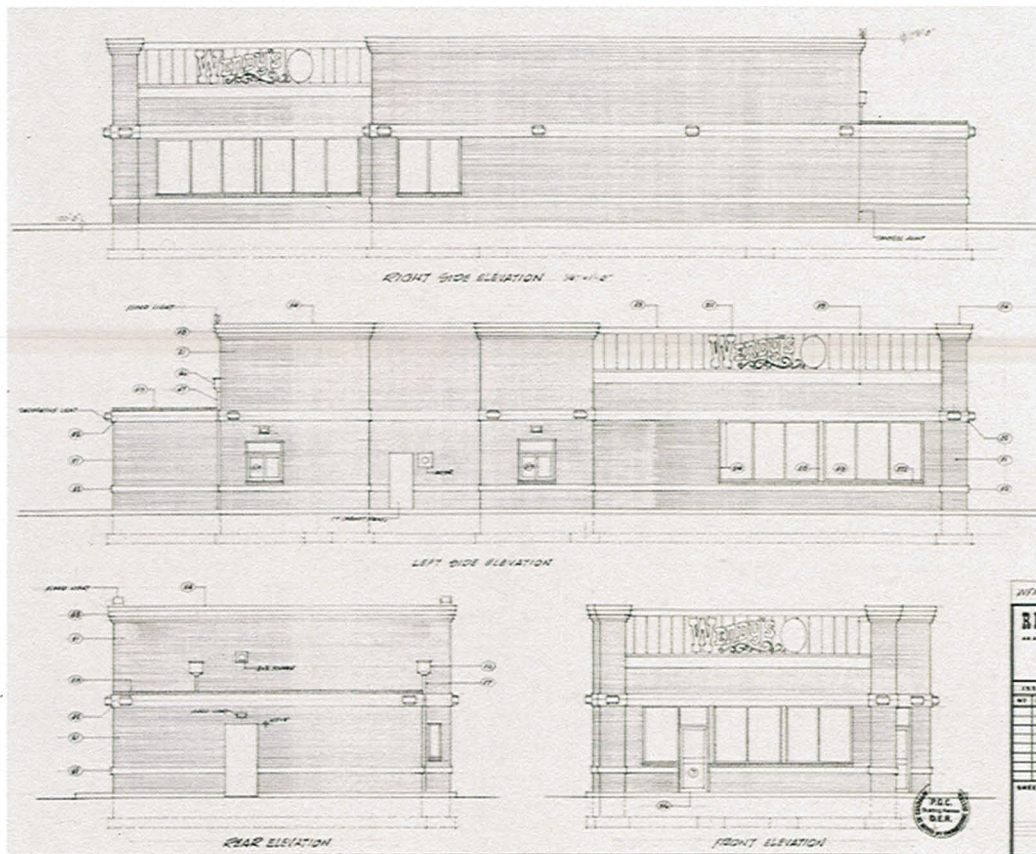
The subject property is located within a C-1 zoned area that is in excess of 15 contiguous acres; therefore the property is subject to Site Plan Review pursuant to Section 59-C-4.341.2.

XIV. GENERAL DEVELOPMENT STANDARDS (59-G-1.23)

- (a). **Development Standards (59-G-1.23(a)):** Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.23 or in Section G-2.

The proposal conforms to all applicable development standards of the C-1 Zone. The following table compares the proposal to the applicable C-1 zone development standards.

Current Development Standards	Required	Proposed
Maximum Building Height	30 ft	30ft
Minimum Building Setback from Master Plan R-O-W	10 ft	10 ft
Minimum Green Area	10%	20%
Parking Spaces: 25 spaces per 1,000 SF 917 SF of patron area	23	23



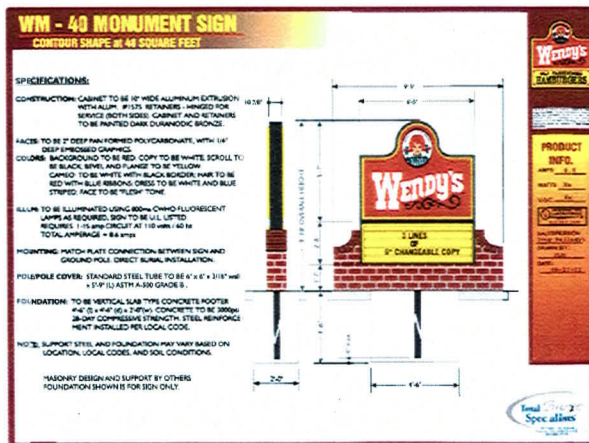
- (b). **Parking Requirements (59-G-1.23(b)):** Special exceptions are subject to all relevant requirements of Article 59-E.

The applicable parking standard under Article 59-E for a drive-in restaurant is 25 spaces for each 1000 square feet of floor area devoted to patron use within the establishment. The 23 off-street surface parking spaces provided satisfy this requirement.

- (c). **Forest Conservation (59-G-1.23(d)):** If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.

The site is exempt from the Montgomery County Forest Conservation law. There is no forest on the site. No forest conservation or tree save plan review by the Planning Board is required.

- (d). **Signs (59-G-1.23(f)):** The display of a sign must comply with Article 59-F.



All signs, including freestanding, wall and canopy signs placed on the property, must meet the requirements of Section 59-F-4.2 (b) in terms of number, location and area. It is not clear how many signs will be placed on the building and on the site. With the exception of the details for the monument sign and three traffic and parking signs, there is no clear information regarding numbers and types of all other signs. The applicant must provide, at site plan, information as to the number, types and dimensions of all signs on the property to establish full compliance with Section 59-F-4.2 (b).

XV. COUNTY NEED (59-G-1.25)

In addition to the findings of Article 59-G, special exceptions for Eating and drinking establishments—Drive-in restaurant may only be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record 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:

Upon reviewing the applicant's proof, of need analysis, the Research and Technology Center staff has concurred with the applicant's conclusion that there is County need in the county for the proposed use. The Research and Technology Center staff has offered the following comments (see Research Memo of December 29, 2008):

Proposed Quick Service Restaurant – Needs Study

The applicant provided a needs study using the work of Thomas Point Associates, Inc. The applicant, in making its case, used the following: intercept surveys, industry data, and commonly used methods of market analysis.

Staff, in conducting its evaluation, referenced the report *Restaurant Market Analysis* prepared by the University of Wisconsin Extension Service, Center for Community Development as part of its Tourism Business Development Toolbox. Staff also referenced the industry's trade publication, QSR Magazine, and toured the proposed site and surrounding area. In writing its evaluation, staff was further guided by the following questions:

1. What is the "general neighborhood"? How has the applicant defined the *market area*?
2. What are the *economic and demographic characteristics* of the market area?
3. Has applicant identified the *competition*—all quick service restaurant facilities that are directly and indirectly competitive with the subject property?
4. Does applicant examine *market demand*, i.e., show that there is an undersupply of quick service establishments in the general neighborhood not currently being met by existing quick service establishments?

Staff Assessment of Applicant's Analysis of Existing Similar Uses & Proof That Neighborhood Will Not Be Saturated

Thomas Point Associates (TPA) defines the market area as a 4-minute drive from the proposed site. TPA in a previous study for DavCo has written that the market area for quick service restaurants ought to be defined by drive time: "since shoppers in most cases make decisions based on how long it will take to reach a site rather than distance traveled. If driving to a quick service restaurant takes longer than cooking at home, then fast food is not truly convenient."

The nationally recognized market research firm Claritas Inc. has calculated a 4-minute drive time polygon around the applicant's proposed site.

TPA shows, based on household demographic data, that there would be ample demand for eating and drinking establishments. However, TPA does not discuss worker demand or commuter demand— other than indicating the volume of traffic on Rhode Island Avenue, north and south of Randolph Road, as well as on New Hampshire Avenue. Is there a means to estimate how much of that traffic the existing quick service market captures?

One could reasonably suggest that the daytime population (workers and shoppers) would serve as a target population for eat and drink establishments yet there is no discussion of this segment of the market. Why is that? Arguably, employees of local businesses and visitors to the area are more likely to frequent a quick service restaurant than residents—especially traditional households— who may prefer to eat dinner at home.

On the topic of market saturation, the applicant uses a standard industry technique—a retail gap analysis. If store (quick service restaurant) sales in the defined trade area are greater than consumer expenditures, this suggests that the market is saturated. If, on the other hand, expenditures are greater than store sales, this indicates an opportunity for more quick service restaurants in the trade area. TPA’s retail gap analysis finds that there is a \$6.1 million opportunity for quick service restaurants in the trade area.

This finding is technically a finding of market demand, not necessarily of “county need.” In other words, the applicant has applied a mathematical calculation to demonstrate how much more the market will bear. While staff typically considers an applicant’s quantitative analysis, the argument for ‘need’ is made stronger by including results from a survey instrument that captures the desires of local residents and businesses for more or alternative eating choices.

The Center for Community Development in its guide, *Restaurant Market Analysis*, advises new entrants in to a market to “learn about their [local residents] favorite foods, frequency of dining out, and preferred restaurants through survey and focus group research.” Staff believes applicants who include responses from residents and businesses of the general neighborhood in their needs analyses make the better and more convincing argument for their special exception: when residents and existing businesses are invested in the process, the new entrant gains benefits, e.g., good return and good will. TPA conducted 30 intercept surveys with individuals in and around the area. (See results on page 3-4 of TPA’s needs analysis report.). According to TPA, residents in the trade area would prefer more dining opportunities. (Note: It is unclear whether respondents were asked if they would prefer a Wendy’s as opposed to other types of restaurants). TPA has also included results from a 1,000 respondent national survey on dining.

Staff Assessment of Applicant’s Analysis of Market Demand & Proof of Undersupply in County

Applicant provides a list of competing table service (TS) and quick service restaurants (QSR) within a 4-minute drive time of proposed site.

Exhibit 3-1 of the report lists how many of the 12 competing establishments have drive-thru windows, serve alcoholic beverages, provide counter service, carry-out, table service and home delivery. What is missing is any indication of the menu or food concept differences among the applicant's sample; square footage of each establishment, estimated annual sales, and distance from the proposed subject site.

TPA states that the principal item served by the proposed Wendy's is hamburgers. According to TPA, MacDonald's is the only quick service restaurant serving hamburgers in the trade area; it has a near monopoly. The subject site would provide competition to MacDonald's.

The applicant shows that there is an undersupply of hamburger establishments in the trade area. Applicant also shows that the market is not saturated with quick service restaurants. Applicant also shows that residents surveyed would prefer more dining choices. At a minimum, applicant's analysis is sufficient.

XVI. STANDARDS AND REQUIREMENTS (59-G-2):

Specific Special Exception Requirements: A special exception may be granted for a Drive-in restaurant in a C-2 Zone. **Section 59-G-2.16** sets forth the specific requirements:

A drive-in restaurant may be allowed, upon a finding, in addition to findings required in division 59-G-1, that:

- (a) **The use will not constitute a nuisance because of noise, illumination, fumes, odors or physical activity in the location proposed.**

The proposed restaurant will not constitute a nuisance because of noise, illumination, fumes, odors or physical activity in the location proposed. Outside improvements on the site include an enclosed trash dumpster that is screened with landscaping from the street and adjacent commercial uses. The restaurant is designed to meet the needs of customers in a convenient and pleasant manner while complying with all Federal, State and local laws for this type of food service.

The applicant indicated that delivery of supplies will occur a maximum three times per week, with one additional delivery per week for baked goods. All deliveries will typically be scheduled during off-peak hours. Trash will be picked up twice a week, before the morning and evening peak-hours and outside the lunchtime peak operation. The applicant has also indicated that used cooking oil will be collected and transferred to a container located inside the dumpster corral, where it will be collected periodically by a licensed recycling facility.

- (b) **The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity.**

With the recommended conditions, the proposed use will not create a traffic hazard or traffic nuisance on or near the subject site or the adjoining roads. The proposed project generally addresses the Master Plan recommendations for Vital Way which is designated as “a commercial business district street” in terms of installation of trees, sidewalks and curbs; implementation of parallel parking; and location of building and parking typical of a” main street”. Moreover, as part of the transportation related Adequate Public facility requirements, the Transportation Planning staff has recommended conditions that the applicant needs to address (see Section IX: TRANSPORTATION of this report).

- (c) **The use of the proposed location will not preempt frontage on any highway or public road in such manner so as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use which is oriented to the same highway or public road.**

The proposed use will not preempt frontage on any highway or public road.

- (d) **When such use abuts a residential zone or institutional premises not recommended for reclassification to commercial or industrial zone on an adopted master plan and is not effectively screened by a natural terrain feature, the use shall be screened by a solid wall or a substantial, sightly, solid fence, not less than 5 feet in height, together with a 3-foot wide planting strip on the outside of such wall or fence, planted in shrubs and evergreens 3 feet high at the time of original planting and which shall be maintained in good condition. Location, maintenance, vehicle sight distance provisions, advertising and parking areas pertaining to screening shall be as provided for in the requirements contained in article 59-E.**

The proposed use is located within the area identified as the Colesville Commercial Center in the White Oak Master Plan and completely surrounded by commercial uses in the C-1 Zone.

- (e) **Product displays, parked vehicles and other obstructions which adversely affect visibility at intersections or at entrances and exits to and from, such use are prohibited.**

The petitioner is aware of these restrictions.

- (f) **Lighting is not to reflect or cause glare into any residential zone.**

The property is substantially distanced from residential properties. The lighting concept as depicted on the applicant’s lighting plan is appropriate for the proposed use at the subject location.

- (g) **When such use occupies a corner lot, the ingress or egress driveways shall be located at least 20 feet from the intersection of the front and side street lines of the lot, as defined in section 59-A-2.1, and such driveways shall not exceed 25 feet in width; provided, that in areas where no master plan of highways has been adopted, the street line shall be considered to be at least 60 feet from the centerline of any abutting street or highway.**

The proposed project adequately satisfies this requirement. The Site Plan Review staff has offered the following comments regarding circulation at and near the subject property:

It is important for streets with a main-street, pedestrian-oriented design to have few curb cuts and adequate sidewalks. The proposed design, as submitted on the plans stamped "Received Dec, 02, 2008", proposes one vehicular entry near the intersection with Randolph Road, ample sidewalks along Vital Way, and direct pedestrian access to the restaurant from these sidewalks. The location of the access drive and internalized vehicular circulation minimizes conflict-points with pedestrians and allows for more of the site to be landscaped rather than paved. The sidewalks, both internal and along the street, will encourage pedestrian use; outdoor benches and tables will enhance the main-street feel envisioned for Vital Way.

XVIII CONCLUSION

The proposed Special Exception satisfies all applicable requirements for approval of a special exception as specified in the Montgomery County Zoning Ordinance. Moreover, the proposed development is consistent with the recommendations of the 1997 White Oak Master Plan. There are no unacceptable traffic, circulation, noise or environmental impacts associated with the application provided that the recommended conditions are satisfied.




















Based on the foregoing analysis, staff recommends Approval of Special Exception S-2736, subject to the conditions found at the beginning of this report.

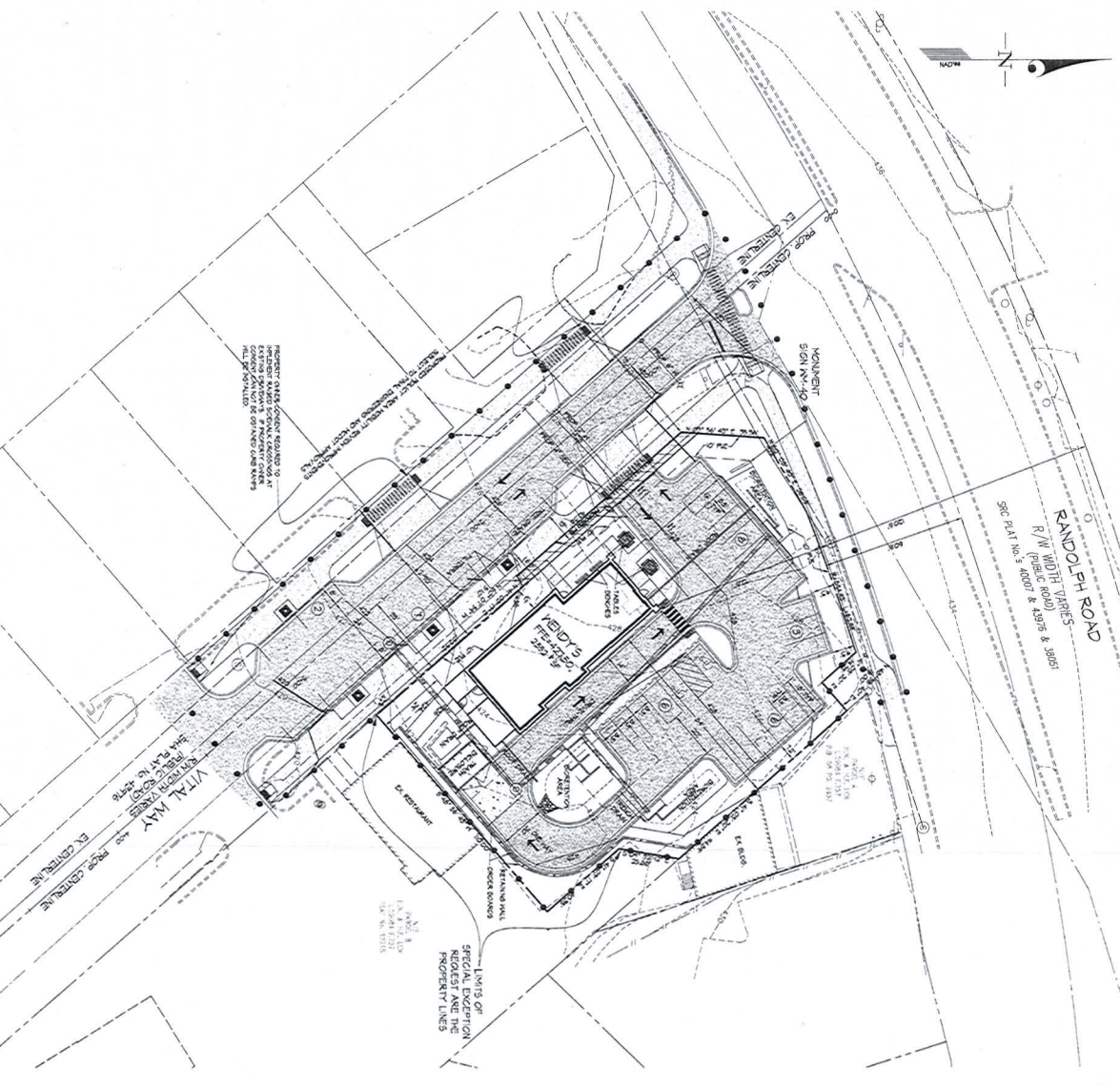
S-2736/ET/Wendy's/Staff Report/ 01/19/09

ATTACHMENTS

S-2736: Wendy's Colesville



- ### LEGEND
-  EX CONTIGNE
 -  PROP. CONTIGNE
 -  PROPOSED CURB & GUTTER
 -  PROP. SHILL CURB GUTTER
 -  PROPOSED SPOT GRADE
 -  PROPOSED STORM DRAIN
 -  PROPOSED SEWER
 -  PROPOSED WATER
 -  EXISTING STRUCTURES
 -  PROPOSED STRUCTURE
 -  PROPOSED CONCRETE SPOBVAUS
 -  PROPOSED ASPHALT PAVING
 -  PROPOSED HC ACCESS RAMP
 -  PROPOSED CROSSWALK
 -  LIMIT OF DISTURBANCE
 -  PROPOSED LIGHT
 -  PROPOSED TABLE
 -  PROPOSED BENCH
 -  PROPOSED FILTERBA WITH TREE GRATE



- ### NOTES
1. REFER TO: DAVID ESTIMATING INC. 345 W. MAIN ST. SUITE 210. WINDY, NC 28786
 2. FOUNDATION BY: GOSWICK, LITTLE & BROWN, P.A. - WINDY, NC
 3. THE SITE AREA IS LOCATED IN THE MAIN EMINENT DOMAIN
 4. PROPOSED WATER AND SEWER SERVICE WILL BE PROVIDED BY: WINDY, NC
 5. REFER TO: GOSWICK, LITTLE & BROWN, P.A. - WINDY, NC
 6. AMENDED ON DATE 8/2008
 7. EXISTING PROVISION: THIS PLAN WILL BE DEVELOPED IN ONE PHASE
 8. ALL UTILITIES ARE LOCATED AND MARKED TO CHANGE
 9. THERE ARE NO OTHER MARKS, INDICATIONS OR DOCUMENTS SPECIFIC TO THIS PROJECT
 10. ANY WATER UTILITIES (CONCRETE, TRENCHES) HAVE BEEN APPROVED BY WINDY, NC
 11. REFER TO: WINDY, NC FOR THE RECORD PLAN ON THIS SITE

SHEET INDEX

SHEET	DATE	DESCRIPTION	SCALE	C.T. & M.T. No.
1	1-27	SITE PLAN	1" = 20'	08014
2	1-27	SITE DETAILS & SPECIFICATIONS	1/8" = 1'-0"	08014
3	1-27	ROUGH ENCLOSURE DETAILS	1/8" = 1'-0"	08014
4	1-27	LANDSCAPE PLAN	1/8" = 1'-0"	08014
5	1-27	LANDSCAPE DETAILS & SPECIFICATIONS	1/8" = 1'-0"	08014
6	1-27	LANDSCAPE PLAN	1/8" = 1'-0"	08014

DEVELOPMENT STANDARDS C-1

Category	Standard	Requirement
Building Footprint	01' Min	0'1" Min
	0'1" Min	0'1" Min
	0'1" Min	0'1" Min
	0'1" Min	0'1" Min
Maximum Building Height	30' Max	30' Max
	30' Max	30' Max
Maximum Floor Area	10,000 sq ft	10,000 sq ft
	10,000 sq ft	10,000 sq ft
Maximum Parking Spaces	100	100
	100	100

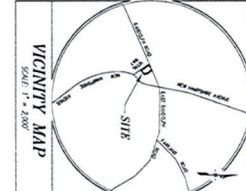
SITE DATA

Item	Value
Existing Zoning	C-1
Proposed Zoning	C-1
Proposed Use	Commercial
Proposed Site	0.00 AC

PREPARED FOR:

DAVID ESTIMATING, INC.
345 W. MAIN ST. SUITE 210
WINDY, NC 28786
PHONE: 704-333-3303
FAX: 704-333-3303

SPECIAL EXCEPTION SITE PLAN (S-2139)
WENDY'S COLLETSVILLE
LOT 22
PLAT NO. 21715



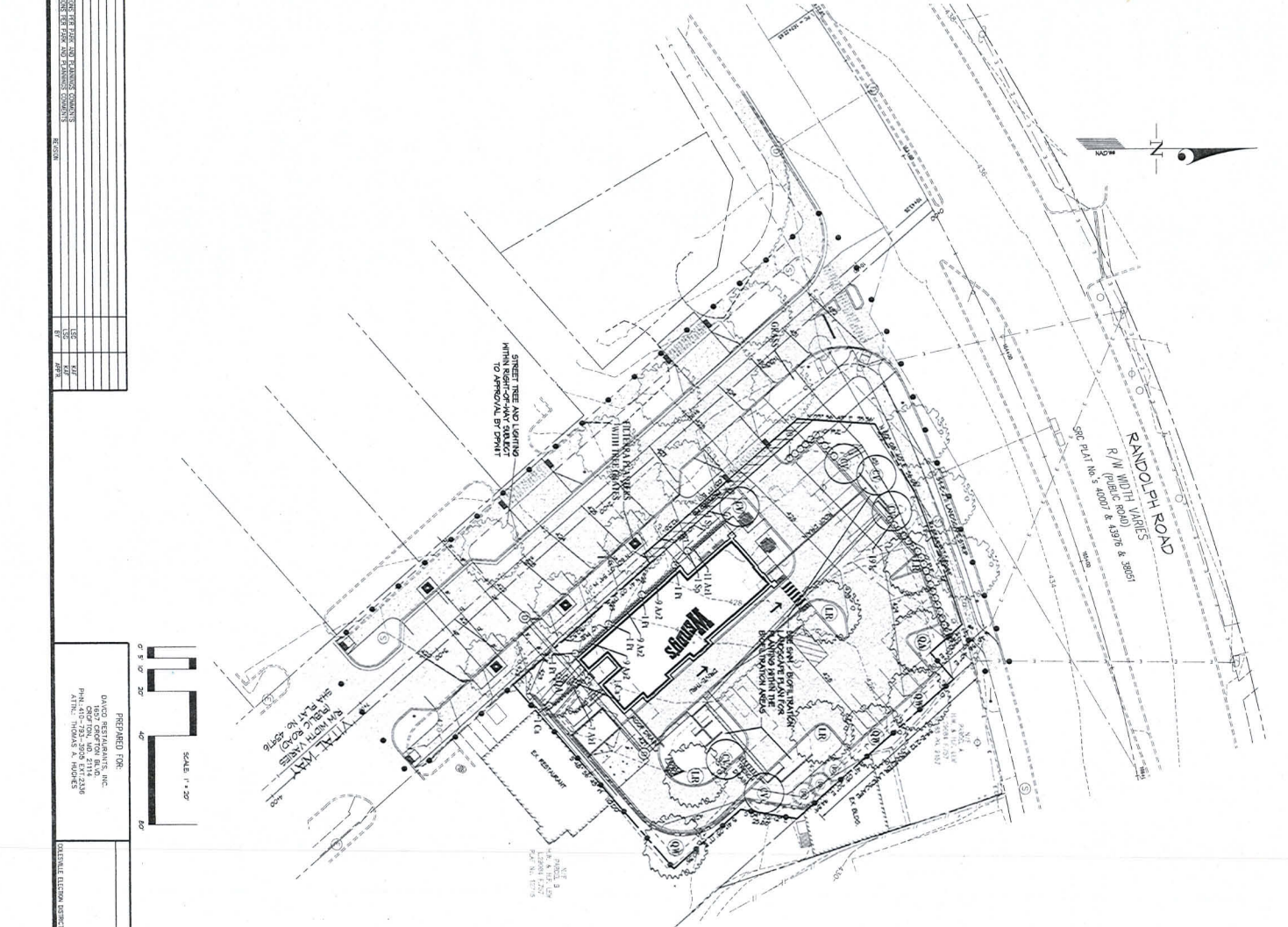
LEGEND

- █ EX. CONTOUR
- ▬ FINISH GRASS LINE
- ▬ FINISH PAVEMENT LINE
- ▬ PROPOSED CURB & GUTTER
- ▬ PROPOSED STREET SWALE
- ▬ PROPOSED STORM DRAIN
- ▬ PROPOSED DRIVE
- ▬ PROPOSED WATER
- ▬ PROPOSED FIRE HYDRANT
- ▬ EXISTING STRUCTURES
- ▬ PROPOSED STRUCTURE
- ▬ PROPOSED CONCRETE STRUCTURES
- ▬ PROPOSED ASPHALT PAVING
- ▬ PROPOSED GRAVEL DRIVE
- ▬ LIGHT OF SIGNATURE
- ▬ PROPOSED LIGHT
- ▬ PROPOSED SIGN
- ▬ THE BOX

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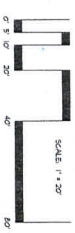
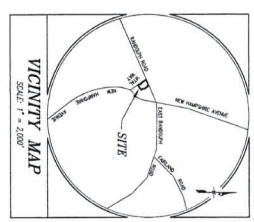


PARKING FACILITY LANDSCAPE STANDARDS

§46-231. LANDSCAPE STRIP AREA, ALONG THE PERIMETER OF A PARKING FACILITY ADJACENT TO A STREET RIGHT-OF-WAY:
 (A) LENGTH OF STRIP SHALL BE AT LEAST 40 FEET;
 (B) WIDTH SHALL BE AT LEAST 10 FEET;
 (C) LANDSCAPE STRIP SHALL BE MAINTAINED AS A GRASSY AREA WITH A MINIMUM OF 50% COVER BY GRASS AT ALL TIMES.

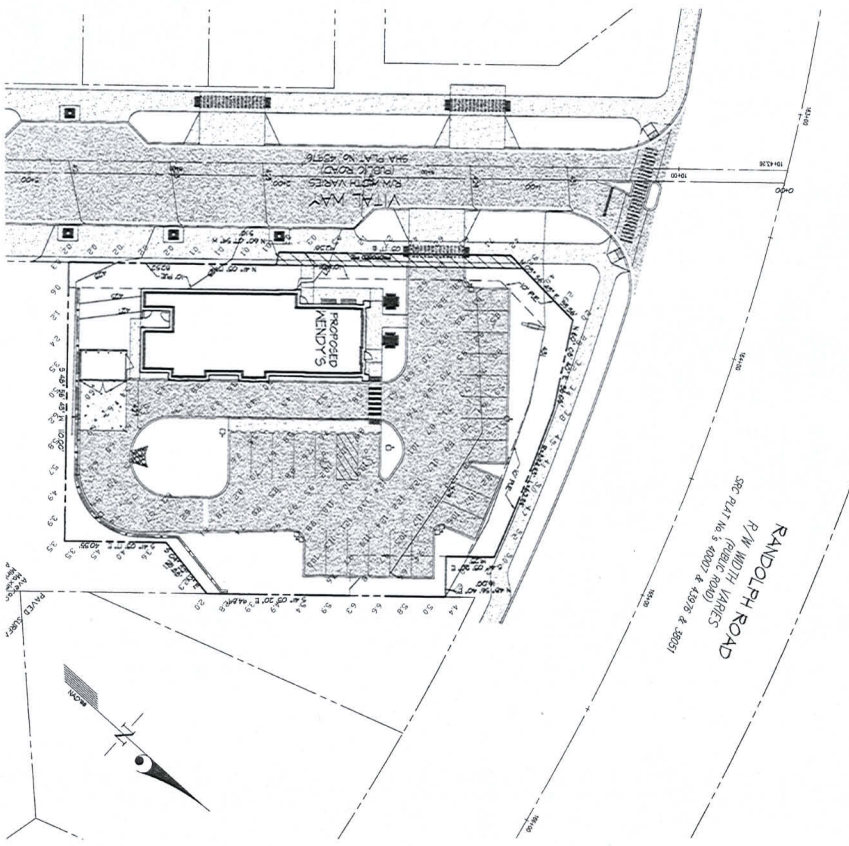
§46-232. PARKING FACILITY ADJACENT TO A STREET RIGHT-OF-WAY:
 (A) LENGTH OF STRIP SHALL BE AT LEAST 40 FEET;
 (B) WIDTH SHALL BE AT LEAST 10 FEET;
 (C) LANDSCAPE STRIP SHALL BE MAINTAINED AS A GRASSY AREA WITH A MINIMUM OF 50% COVER BY GRASS AT ALL TIMES.

§46-233. PARKING FACILITY ADJACENT TO A STREET RIGHT-OF-WAY:
 (A) LENGTH OF STRIP SHALL BE AT LEAST 40 FEET;
 (B) WIDTH SHALL BE AT LEAST 10 FEET;
 (C) LANDSCAPE STRIP SHALL BE MAINTAINED AS A GRASSY AREA WITH A MINIMUM OF 50% COVER BY GRASS AT ALL TIMES.



SPECIAL EXCEPTION - LANDSCAPE PLAN
WENDY'S COLETSVILLE
 PLAT NO. 2177S
 SCALE: 1"=20'
 DATE: 2008





RANDOLPH ROAD
P/W NORTH HARRIS
(Public Road)
SPC PLAT No. 4 4000 & 4378 & 4801

DATE	DESCRIPTION	BY
11/15/03	REVISED FOR PERMITS	[Signature]
11/10/03	REVISED FOR PERMITS	[Signature]
11/10/03	REVISED FOR PERMITS	[Signature]
11/10/03	REVISED FOR PERMITS	[Signature]

ITEM NO.	DESCRIPTION	QTY	UNIT
1	PROPOSED LIGHTS	1	EA

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WWW.GIWGUTCHUCK.COM

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Signature Series is a new line of street lighting fixtures designed for high performance and long life. The Signature Series luminaire features a high quality, clear, polycarbonate lens that provides excellent light distribution and protection from vandalism. The luminaire is available in a variety of finishes and colors to match your project's aesthetic. For more information, contact your local distributor or visit our website at www.signatureseries.com.

Signature Series Fixtures Specifications

Model	Height	Width	Depth	Weight
SS-1	4.5	12.0	12.0	15.0
SS-2	6.0	12.0	12.0	20.0
SS-3	7.5	12.0	12.0	25.0
SS-4	9.0	12.0	12.0	30.0

SQUARE STRAIGHT STEEL POLES

Specifications:

- Material: Hot Rolled Steel
- Finish: Galvanized
- Height: 10' to 20'
- Width: 4" to 8"
- Weight: 100 lbs. to 200 lbs.

ORDERING INFORMATION

Model	Height	Width	Weight	Notes
SS-1	4.5	12.0	15.0	
SS-2	6.0	12.0	20.0	
SS-3	7.5	12.0	25.0	
SS-4	9.0	12.0	30.0	

THE FOLLOWING LIGHTING PLAN IS BASED ON THE FOLLOWING ASSUMPTIONS:

- THE LIGHTING PLAN IS BASED ON THE ASSUMPTIONS LISTED ABOVE.
- THE LIGHTING PLAN IS BASED ON THE ASSUMPTIONS LISTED ABOVE.
- THE LIGHTING PLAN IS BASED ON THE ASSUMPTIONS LISTED ABOVE.
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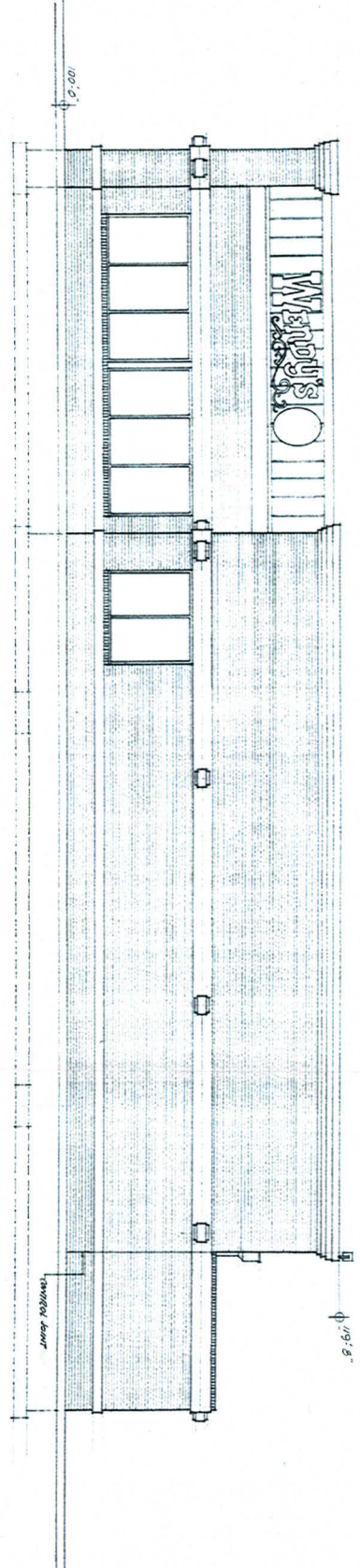
PREPARED FOR:
PACCO RESTAURANTS, INC.
1850 DORCHESTER BLVD.
PHILADELPHIA, PA 19103
ATTN: THOMAS H. WOODS

SPECIAL EXCEPTION LIGHTING PLAN

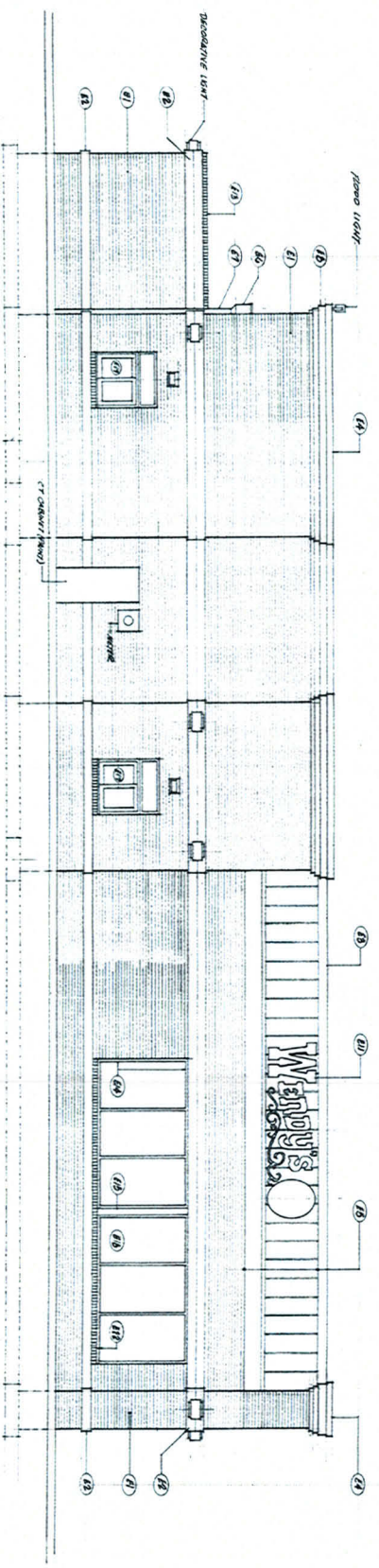
WENDY'S COLTSVILLE
LOT 22
PLAT No. 23779
L.S. 1589 P. 88

DATE	SCALE	SHEET NO.	TOTAL SHEETS
AUG. 2008	1"=20'	C-1	08014

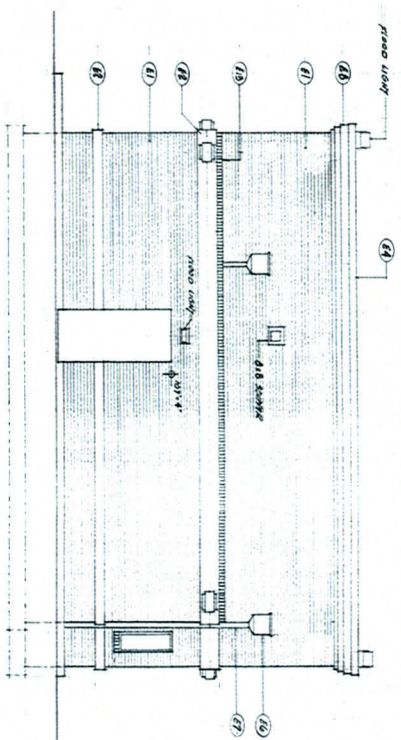
NOTE:
ALL PRIVATE LIGHTING PROVIDED ON BUILDINGS DOES NOT INCLUDE STREET LIGHTS - SEE STREET TREE AND LIGHTING PLAN FOR LIGHTS ALONG PUBLIC ROAD RIGHT-OF-WAY.



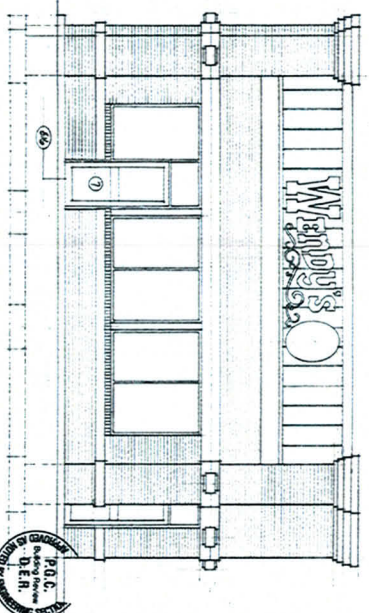
RIGHT SIDE ELEVATION 1/4" = 1'-0"



LEFT SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



WENDY'S 26 x 76
RLS ASSOCIATES
 AN ARCHITECTURAL SERVICE ORGANIZATION


ISSUE DATE:	26APR07
NO. DATE REVISION	
SHEET TITLE	RLS 0710
	DWG. NO.


EXTERIOR ELEVATION
 45



MEMORANDUM

TO: Elsabett Tesfaye, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning 

FROM: Amy Lindsey, Environmental Planning 

DATE: October 27, 2008

SUBJECT: Special Exception S-2736
Preliminary Plan 12002056A
Wendy's Colesville

The subject plan has been reviewed by Environmental Planning to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law), the Environmental Guidelines, Noise Guidelines, and other related requirements. The following determination has been made:

RECOMMENDATION: Approval.

BACKGROUND

The 0.54-acre property is located at the intersection of Randolph Road and Vital Way in the Master Plan area. This plan proposes a special exception for a fast food restaurant with a drive thru. The property is bounded and confronted by mixed commercial and office uses. There is no forest onsite and no large or specimen trees present. No streams or wetlands are onsite, nor any environmental buffer. Environmental Planning staff approved a Forest Conservation Exemption (42009025E) on 8/06/2008. The property is within the Paint Branch watershed; a Use IV/IV-P watershed.

Forest Conservation

There is no forest on-site and this property is exempt from submitting a Forest Conservation Plan. A Tree Save Plan was not required to be submitted, as there are no large or specimen trees present

Environmental Buffers

The site does not include any streams, wetlands, or floodplains and there is no environmental buffer on the property.

Green Building

This project will not need to comply with County Council Bill 17-06, Montgomery

County Green Buildings Law.

Water Quality

The subject property is located in the Hollywood Branch subwatershed of the Paint Branch watershed. The *Countywide Stream Protection Strategy* (CSPS) assesses this tributary as having fair overall conditions. The subwatershed is designated a Watershed Restoration Area where the CSPS recommends restoration efforts to improve conditions.

Special Exception Required Finding

Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance reads as follows:

(6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed restaurant office will not cause any adverse affects as outlined in the above passage due to the separation of uses. No aspect of this proposal is in conflict with the above required finding.

AL:g:\FinalPB\S2736.docx



INTEROFFICE MEMORANDUM

To: Elsabett Tesfaye
Coordinator
Development Review Division

From: Joshua Sloan *JS*
Coordinator
Development Review Division

Via: Robert Kronenberg, Supervisor *RK*
Development Review Division

Subject: S-2736, Special Exception for Wendy's Colesville

Date: 12/19/2008

RECOMMENDATION OF SITE PLAN SECTION STAFF

Because the pending Special Exception Application will require site plan approval, site plan review Staff have been asked to comment on various design issues. An existing site plan for a two-story office building has been approved for this site. The special exception proposes changing the approved office to a drive-through restaurant. The site is located at the southeast intersection of Randolph Road and Vital Way and is zoned C-1 with a gross tract area of 0.54 acres.

Because many Special Exceptions require a level of detail similar to a site plan, Staff feels it appropriate to make a preliminary analysis of the proposed development. This is especially true when a site plan will be required at a later stage, as in this case.

Circulation

It is important for streets with a main-street, pedestrian-oriented design to have few curb cuts and adequate sidewalks. The proposed design, as submitted on the plans stamped "Received Dec, 02, 2008", proposes one vehicular entry near the intersection with Randolph Road, ample sidewalks along Vital Way, and direct pedestrian access to the restaurant from these sidewalks. The location of the access drive and internalized vehicular circulation minimizes conflict-points with pedestrians and allows for more of the site to be landscaped rather than paved. The sidewalks, both internal and along the street, will encourage pedestrian use; outdoor benches and tables will enhance the main-street feel envisioned for Vital Way.

Site Layout

The general layout, which places the restaurant along Vital Way towards the southern end of the site – and parking on the side or behind the building, is appropriate for this site and use. The drive-through is accessed through the parking lot, which keeps this traffic from interfering with

pedestrian traffic and out of site. The trash and delivery area is off the street and between the proposed building and the existing building to the south; this allows for screening of these facilities. The internal parking, sidewalks, building, and landscaped areas work together efficiently to accommodate circulation, aesthetic concerns, and environmental concerns.

Master Plan

Vital Way is indicated as a “commercial business district street” in the White Oak Master Plan. This entails the implementation of several features:

- Installation of street trees, sidewalks, and curbs;
- Implementation of parallel parking; and
- Location of buildings and parking typical of a “main street”;

A specific section of the master plan, the “Colesville Commercial Center” (pages 30-33), describes in some detail the vision for this area. Given the large right-of-way and required public utility easement, the building is as close to the street as possible, thereby providing a comfortable pedestrian atmosphere, and provides access directly to the restaurant and outdoor seating areas for pedestrians patronizing the adjacent commercial facilities. Parallel parking is provided and excess parking is behind the building or along the side of the property facing Randolph Road. In all, the proposed development plan generally complies with all of these recommendations.

Landscaping & Lighting

The landscaping and lighting concept is appropriate for this type of site and setting. The bio-retention areas are an environmentally wise use of green space in and around the parking lot. The screening of the parking and trash facilities will help maintain a welcoming and green atmosphere. The trees throughout the site and the plantings around the building soften the architecture and parking areas and will provide a different experience than is usually seen on such sites.

Recommendation

Site Plan Staff recommends approval of Special Exception S-2736.

JCS



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

4

INTEROFFICE MEMORANDUM

To: Elsabett Tesfaye, Coordinator
Development Review Division

From: Erin Grayson, Senior Planner *EG*
Development Review Division

Via: Catherine Conlon, Supervisor *CC*
Development Review Division

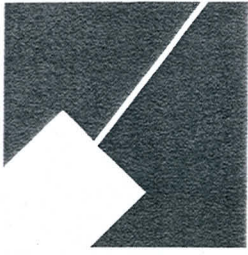
Subject: S-2736, Special Exception for Wendy's Colesville

Date: 12/23/2008

RECOMMENDATION OF SUBDIVISION SECTION STAFF

Although the property has been recorded by plat, a preliminary plan amendment is required in order to establish a new Adequate Public Facilities validity period for the project. A preliminary plan amendment has been submitted by the applicant, however, the submitted amendment cannot proceed to the Planning Board until the Special Exception has been approved by the Board of Appeals. Subdivision staff believes the layout currently proposed is acceptable.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

December 29, 2008

Memorandum

To: Elsabett Tesfaye, Development Review

Via: Roselle George, Research & Technology Center, 301-650-5627

From: Krishna Akundi, Senior Planner

Re: Evaluation of the Proof of Need Analysis for a quick service restaurant at the intersection of Randolph Road and Vital Way in Colesville, Special Exception S-

Finding: Applicant's analysis of need is sufficient. The proposed Wendy's would increase competition among the trade area's burger-oriented quick service restaurants.

Background

DavCo Restaurants Inc. of Baltimore has proposed a quick service restaurant, a Wendy's, at the intersection of Randolph Road and Vital Way in Colesville Maryland. On July 2008 staff received applicant's (DavCo Restaurants Inc.) proof of need analysis for review as required by County Zoning Ordinance 59-G-1.25

A special exception may only be granted if the Hearing Examiner "finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentration 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 ordinance gives a strong indication what avenues of analyses an applicant should pursue and what needs to be proved to support developing a quick service restaurant with drive through window.

- (1) Analysis of Market Demand & Proof of Undersupply in County
The applicant must conduct a market demand analysis and prove that there is an undersupply of eating and drinking establishments in the general neighborhood to meet Montgomery County demand.

(2) Analysis of Existing Similar Uses & Proof That Neighborhood Will Not Be Saturated

The applicant must complete an inventory of existing and planned restaurants offering facilities and amenities that would compete with the subject property. Since the restaurant market is not comprised of a single style (i.e. quick service) but of different style types that include upper scale, family, and buffet, the applicant must indicate what style and concept (e.g. burger, sandwich, chicken, Mexican, pizza/pasta, snack/beverage, seafood, and Asian) they are proposing to build and how many similar and nearly similar products are within “the same general neighborhood” of the proposed development. Using this information, the applicant must show that an additional restaurant will not lead to multiplicity or saturation of similar uses.

Proposed Quick Service Restaurant – Needs Study

The applicant provided a needs study using the work of Thomas Point Associates, Inc. The applicant in making its case used the following: intercept surveys, industry data, and commonly used methods of market analysis.

Staff, in conducting its evaluation, referenced the report *Restaurant Market Analysis* prepared by the University of Wisconsin Extension Service, Center for Community Development as part of its Tourism Business Development Toolbox. Staff also referenced the industry’s trade publication, QSR Magazine, and toured the proposed site and surrounding area. In writing its evaluation, staff was further guided by the following questions:

1. What is the “general neighborhood”? How has applicant defined the *market area*?
2. What are the *economic and demographic characteristics* of the market area?
3. Has applicant identified the *competition*—all quick service restaurant facilities that are directly and indirectly competitive with the subject property?
4. Does applicant examine *market demand*, i.e., show that there is an undersupply of quick service establishments in the general neighborhood not currently being met by existing quick service establishments.

Staff Assessment of Applicant's Analysis of Existing Similar Uses & Proof That Neighborhood Will Not Be Saturated

Thomas Point Associates (TPA) defines the market area as a 4-minute drive from the proposed site. TPA in a previous study for DavCo has written that the market area for quick service restaurants ought to be defined by drive time: "since shoppers in most cases make decisions based on how long it will take to reach a site rather than distance traveled. If driving to a quick service restaurant takes longer than cooking at home, then fast food is not truly convenient."

The nationally recognized market research firm Claritas Inc. has calculated a 4-minute drive time polygon around the applicant's proposed site.

TPA shows, based on household demographic data, that there would be ample demand for eating and drinking establishments. However, TPA does not discuss worker demand or commuter demand— other than indicating the volume of traffic on Rhode Island Avenue, north and south of Randolph Road, as well as on New Hampshire Avenue. Is there a means to estimate how much of that traffic the existing quick service market captures?

One could reasonably suggest that the daytime population (workers and shoppers) would serve as a target population for eat and drink establishments yet there is no discussion of this segment of the market. Why is that? Arguably, employees of local businesses and visitors to the area are more likely to frequent a quick service restaurant than residents—especially traditional households— who may prefer to eat dinner at home.

On the topic of market saturation, the applicant uses a standard industry technique—a retail gap analysis. If store (quick service restaurant) sales in the defined trade area are greater than consumer expenditures, this suggests that the market is saturated. If, on the other hand, expenditures are greater than store sales, this indicates an opportunity for more quick service restaurants in the trade area. TPA's retail gap analysis finds that there is \$6.1 million opportunity for quick service restaurants in the trade area.

This finding is technically a finding of market demand not necessarily of "county need." In other words, the applicant has applied a mathematical calculation to demonstrate how much more the market will bear. While staff typically considers an applicant's quantitative analysis, the argument for 'need' is made stronger by including results from a survey instrument that captures the desires of local residents and businesses for more or alternative eating choices.

The Center for Community Development in its guide, *Restaurant Market Analysis*, advises new entrants in to a market to "learn about their [local residents] favorite foods, frequency of dining out, and preferred restaurants through survey and focus group research." Staff believes applicants who include responses from residents and businesses of the general neighborhood in their needs analyses make the better and more convincing argument for their special exception: when residents and existing businesses are invested in

the process, the new entrant gains benefits, e.g., good return and good will. TPA conducted 30 intercept surveys with individuals in and around the area. See results on page 3-4 of TPA's needs analysis report.). According to TPA, residents in the trade area would prefer more dining opportunities. (Note: It is unclear whether respondents were asked if they would prefer a Wendy's as opposed to other types of restaurants). TPA has also included results from a 1,000 respondent national survey on dining.

Staff Assessment of Applicant's Analysis of Market Demand & Proof of Undersupply in County

Applicant provides a list of competing table service (TS) and quick service restaurants (QSR) within a 4-minute drive time of proposed site.

Exhibit 3-1 of the report lists how many of the 12 competing establishments have drive-thru windows, serve alcoholic beverages, provide counter service, carry-out, table service and home delivery. What is missing is any indication of the menu or food concept differences among the applicant's sample; square footage of each establishment, estimated annual sales, and distance from the proposed subject site.

TPA states that the principal item served by the proposed Wendy's is hamburgers. According to TPA, MacDonald's is the only quick service restaurant serving hamburgers in the trade area; it has a near monopoly. The subject site would provide competition to MacDonald's.

The applicant shows that there is an undersupply of hamburger establishments in the trade area. Applicant also shows that the market is not saturated with quick service restaurants. Applicant also shows that residents surveyed would prefer more dining choices. At a minimum, applicant's analysis is sufficient.



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

10

December 31, 2008

MEMORANDUM

TO: Elsabett Tesfaye
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning Division *SE*

FROM: Cherian Eapen, Planner/Coordinator
Transportation Planning Division *CE*
301-495-4525

SUBJECT: Special Exception Case No. S-2736
Preliminary Plan Amendment No. 12002065A
(Previously Burdoff Property; Site Plan No. 820050080)
Proposed Wendy's Restaurant – southeast corner of Randolph Rd and Vital Way
DavCo Restaurants, Inc.
Fairland/White Oak Policy Area

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review for a Wendy's Restaurant as a special exception development proposed within the southeast corner of Randolph Road and Vital Way (to the south of Colesville Shopping Center) in Colesville.

The special exception permit request by DavCo Restaurants, Inc. ("Applicant") proposes a 2,552 square-foot drive-through Wendy's Restaurant on the site. Access to the restaurant will be via a driveway off Vital Way. The restaurant will not open prior to 10:00 a.m., will not serve breakfast, and therefore will not generate any traffic during the 6:30 a.m. to 9:30 a.m. morning peak period. The site is zoned C-1, and is within the Fairland/White Oak Policy Area.

RECOMMENDATIONS

Transportation Planning staff recommends that the following conditions be part of the transportation-related APF requirements to grant this special exception:

1. The Applicant must limit development on the property to a 2,552 square-foot drive-through restaurant that will not open for business prior to 10:00 a.m.

2. The Applicant must show the following minimum right-of-way dedications on the (amended) preliminary plan (consistent with the 1997 Approved and Adopted *White Oak Master Plan*):
 - Randolph Road: 60 feet from the roadway right-of-way centerline, and
 - Vital Way: 35 feet from the roadway right-of-way centerline.
3. The Applicant must remove approximately 140 linear feet of existing sidewalk along Randolph Road site frontage and provide in its place a new 8-foot wide tree panel and 6-foot wide sidewalk.
4. The Applicant must fully reconstruct approximately 300 linear feet of Vital Way to the south of Randolph Road along site frontage per *White Oak Master Plan* recommendations (see Attachment No. 1) and Montgomery County Department of Transportation (DOT) roadway standard MC-214.03 (Commercial/Industrial Road; on a 70-foot right-of-way – see Attachment No. 2), with approval from DOT and Department of Permitting Services (DPS) and with consent from adjoining and confronting property owners.

The Applicant must implement the above mitigation improvement as part of the APF approval for the subject drive-through restaurant. This improvement is required under Policy Area Mobility Review (PAMR) to mitigate twenty (20) “new” weekday peak-hour trips associated with the subject development.

Final design drawings for Vital Way road improvements and other installations must be submitted to all relevant permitting agencies prior to the release of building permit for the proposed development. Upon issuance of permit, the Applicant must proceed diligently with construction of road improvements and other installations. All Vital Way road improvements and other installations must be open to traffic or available to public prior to the Applicant filing any application for use and occupancy of the restaurant.

For any unforeseeable reason, if Vital Way improvements described as above are not feasible, the Applicant may substitute these with PAMR mitigation measures that are of equivalent or greater mitigation value, subject to Transportation Planning and DOT staff approval.

DISCUSSION

Site Location, Access, Pedestrian Facilities, and Public Transportation

The subject special exception use permit for a drive-through restaurant is being requested by DavCo Restaurants, Inc. The restaurant, proposed as a 2,552 square-foot Wendy’s, will be located within the southeast corner of Randolph Road and Vital Way in Colesville. Access to the proposed restaurant will be via a driveway off Vital Way, approximately 80 feet south of Randolph Road.

Vital Way is a 600-foot long two lane business street within the southwest quadrant of Randolph Road and New Hampshire Avenue (MD 650), and connects Randolph Road with New Hampshire Avenue. At both ends, Vital Way is restricted to right-turns in/right-turns out only. Development along Vital Way is entirely commercial. Parking is permitted along both sides of Vital Way. A four-foot wide sidewalk exists along the east side of Vital Way for three-quarters of its length from New Hampshire Avenue. The roadway also functions as a defacto "right-turn lane" for eastbound Randolph Road to southbound New Hampshire Avenue traffic.

Randolph Road, along the north site frontage, is a six-lane divided major highway. It currently has a 5-foot wide sidewalk along its south side and an 8-foot wide shared-use path along its north side. There are median breaks along Randolph Road where several of the major roadways intersect, including one at Vital Way where only eastbound Randolph Road left turns are permitted (to Colesville Shopping Center). Randolph Road has a posted speed limit of 40 mph in the vicinity of the site. Land use to the north, south and west of the proposed use is predominantly commercial.

New Hampshire Avenue, to the east of the site, is a six-lane divided major highway with sidewalks on both sides.

Metrobus routes C7, C8, C9, Z1, Z2, Z3, and Z4 as well as RideOn Route 10 serve the area and stop near the proposed use.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 1997 Approved and Adopted *White Oak Master Plan* consists of the following master-planned roadways and pedestrian/bikeway facilities within the study area:

1. New Hampshire Avenue, as a north-south six-lane divided major highway (M-12) with a minimum right-of-way width of 120 feet within the Master Plan boundary and a Class III bikeway (PB-24) between Randolph Road to the north and Capital Beltway/Master Plan boundary to the south. The 2005 *Countywide Bikeways Functional Master Plan* recommends the section of bikeway between Randolph Road and Lockwood Drive to be signed shared roadway (SR-30). Sidewalk currently exists along both sides of New Hampshire Avenue.
2. Randolph Road, as an east-west six-lane divided major highway (M-17) with a minimum right-of-way width of 120 feet between Northwest Branch to the west and New Hampshire Avenue to the east, and an existing Class I bikeway (EB-5; SP-17 in the 2005 *Countywide Bikeways Functional Master Plan*) to its north side. A sidewalk currently exists along the south side of Randolph Road.
3. Vital Way, as a north-south two-lane business street (B-5) with a minimum right-of-way width of 70 feet between Randolph Road to the north and New Hampshire Avenue to the south. As noted earlier, the roadway functions as a defacto "right-turn lane" for eastbound Randolph Road to southbound New Hampshire Avenue traffic. The master plan recommends that "this street should not function as a through street for vehicles

traveling from eastbound Randolph Road to southbound New Hampshire Avenue”, and recommends improvement to “vehicular and pedestrian access between Colesville Shopping Center and commercial properties along Vital Way.” The master plan also recommends properties along Vital Way to “develop or redevelop in a manner that provides a more unified, Main Street form of development”; including curb, sidewalk, street trees, and “distinctive treatment to emphasize pedestrian crossings” (see Attachment No. 1).

Adequate Public Facilities Review

The proposed special exception use is required to satisfy both Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) tests as part of this APF review since the proposed Wendy’s is estimated to generate 30 or more peak-hour trips during the typical weekday evening (4:00 p.m. – 7:00 p.m.) peak period. The following describes staff review of the traffic study and findings.

- Local Area Transportation Review

To satisfy the LATR component of the APF test, the consultant for the Applicant submitted a traffic study dated December 9, 2008, which examined traffic-related impacts of the subject development on nearby intersections.

Peak-hour trip generation estimates for the proposed drive-through restaurant included in the traffic study were based on trip generation rates for a Fast Food Restaurant with Drive-Through Window (Land Use Code 934, trips per 1,000 square-feet) contained in the Institute of Transportation Engineers *Trip Generation*. A summary of the above is provided in Table 1.

**TABLE 1
SITE TRIP GENERATION
PROPOSED WENDY’S RESTAURANT, COLESVILLE**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
2,552 SF Fast Food Restaurant with Drive-Through	--	--	--	46	42	88
Primary (New) Trips – 50%	--	--	--	23	21	44
Pass-by Trips – 50%	--	--	--	23	21	44

Source: ITE Trip Generation Land Use Code 934; Fast Food Restaurant with Drive-Through Window. The Traffic Group, Inc., Wendy’s Colesville, Traffic Impact Analysis. December 9, 2008.

The proposed 2,552 square-foot drive-through restaurant will not open prior to 10:00 a.m., will not serve breakfast, and therefore will not generate any traffic during the 6:30 a.m. to 9:30 a.m. morning peak period. As shown in Table 1, the restaurant was estimated to generate

approximately 88 total trips during weekday evening peak-hour. During this peak-hour, approximately half the peak-hour trips (44 trips) were considered “new” and the other half were considered “pass-by”. It is noted that “pass-by” trips represent site-generated trips that are already on adjacent roadways.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday evening peak-hour from the traffic study is presented in Table 2.

**TABLE 2
INTERSECTION CAPACITY CALCULATIONS
PROPOSED WENDY’S RESTAURANT, COLESVILLE**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Randolph Rd/Locksley Ln	--	913	--	915	--	918
Randolph Rd/Vital Way/Shop Ctr Dr	--	834	--	844	--	886
New Hampshire Ave/Randolph Rd	--	1,485	--	1,490	--	1,490
New Hampshire Ave/Vital Way	--	892	--	900	--	911
New Hampshire Ave/Wolf Dr	--	1,315	--	1,316	--	1,319

Source: The Traffic Group, Inc. Wendy’s Colesville, Traffic Impact Analysis; December 9, 2008.
 Note: Fairland/White Oak Policy Area Congestion Standard: 1,475 CLV

As shown in Table 2, under Total (Build) traffic conditions, CLV values for intersections included in the study are either below the Fairland/White Oak Policy Area congestion standard (1,475 CLV) or maintain the CLV determined under Background traffic conditions.

Staff therefore finds the proposed use to satisfy the LATR requirements of the APF test.

- Policy Area Mobility Review

To satisfy the PAMR component of the APF test, a development within the Fairland/White Oak Policy Area is required to mitigate 45% of “new” peak-hour trips generated by the use.

Based on a total of 44 “new” peak-hour trips that will be generated by the proposed Wendy’s (as summarized in Table 1), the mitigation requirement for the proposed use will be 20 peak-hour trips (44 “new” peak-hour trips x 0.45 = 20 peak-hour trips).

As PAMR mitigation, the Applicant is proposing full reconstruction of approximately 300 linear feet of Vital Way to the south of Randolph Road along site frontage per *White Oak Master Plan* recommendations and DOT roadway standard MC-214.03 (see Attachment No. 3 – Special Exception Site Plan for Wendy’s Colesville). The Applicant has coordinated this improvement with Transportation Planning, DOT, and DPS staff, and has concurrence from staff

on counting the Vital Way improvement toward Applicant's PAMR trip mitigation requirement.

Staff therefore finds the proposed use to satisfy the PAMR requirements of the APF test.

SE:CE:tc

Attachments

cc: Josh Sloan
Erin Grayson
Bill Barron
Khalid Afzal
Greg Leck
Sarah Navid
Corren Giles
Todd Brown
Tim Hoffman
Mickey Cornelius
Richard J. McCluskey

COLESVILLE COMMERCIAL CENTER

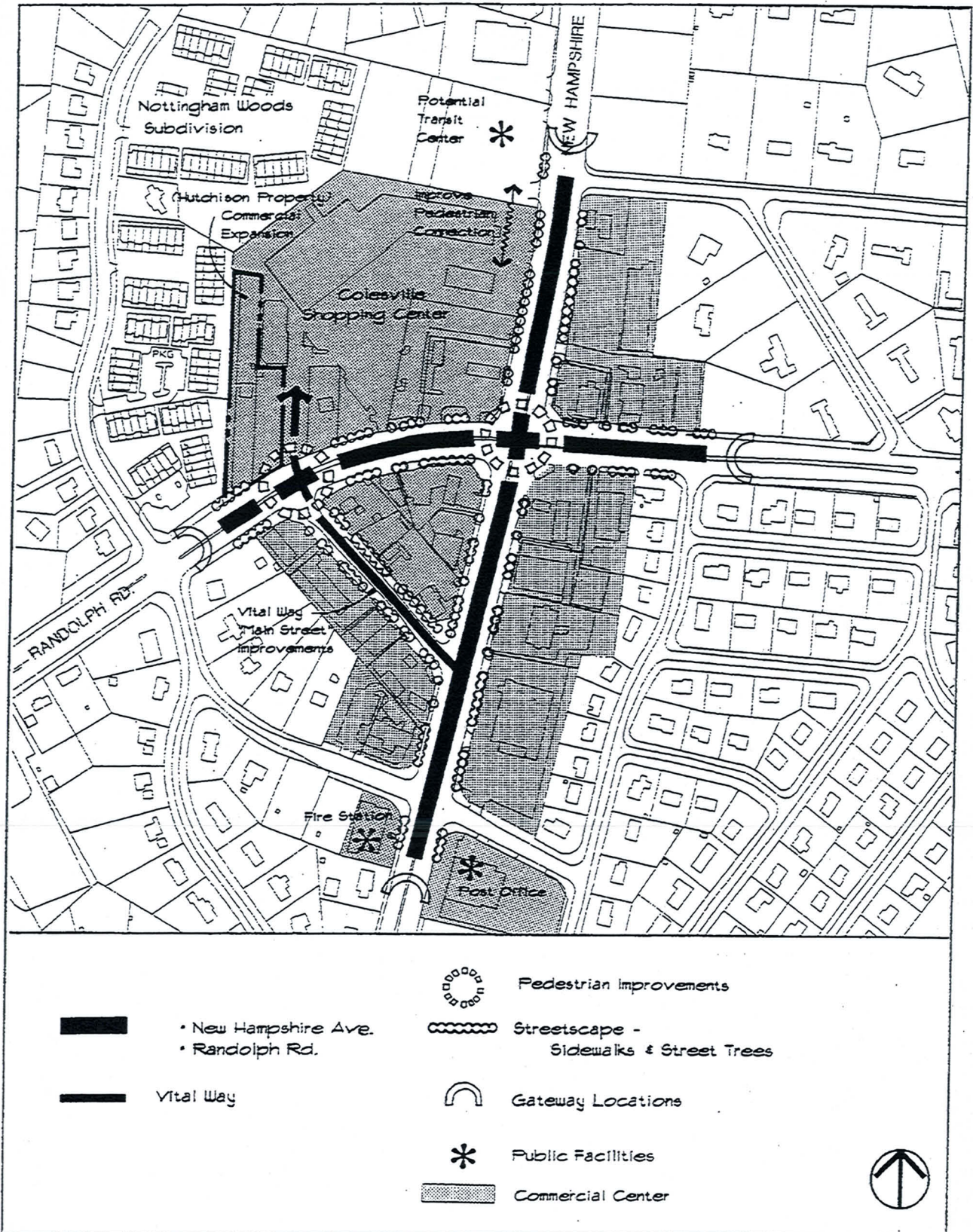
The Colesville Commercial Center is primarily a local, neighborhood retail center with some office space, a post office, and a park-and-ride facility. (See Figure 17, page 31.) The commercial center is 20.7 acres in size and has approximately 215,457 square feet of development. The majority of properties have been commercially developed. There is an opportunity for some new development and re-development to occur in the southwest quadrant of New Hampshire Avenue and Randolph Road. This center has over 15 acres of C-1 (convenience commercial) zoning.

RECOMMENDATIONS:

- Maintain current boundary of commercial zoning with the exception of adding the residential property (known as the Hutchison Property) located on Randolph Road, between the Nottingham Woods subdivision (Morningside) and the Colesville Shopping Center. (See Figure 17, page 31.)
- Rezone the 1.0-acre Hutchison Property (Parcels 43, 66, and 67) from R-90 (residential, one-family) to C-1 (convenience commercial.) This property should be the boundary between the commercial and residentially zoned property along Randolph Road. The 1961 *Upper Northwest Branch Watershed Plan* designated this property commercial. The 1981 Master Plan recommended residential zoning with a C-T (commercial, transitional) zoning option. Since 1981, townhouse development has occurred next to the property and the commercial center to the east has expanded. This Plan finds that the surrounding zoning (PD-7 [planned development] to the west and C-1 to the north and east) precludes reasonable use of the land under R-90 zoning. Commercial development on the Hutchison Property should occur in a manner that is compatible and integrated with the shopping center.
- Integrated development with the existing shopping center next door is desirable and, should it occur, the combined center should have consolidated parking and a single access point that is aligned with Vital Way. In any event, it is anticipated that development of this property in the C-1 zone will require Planning Board approval of a site plan. (A zoning text amendment to clarify that site plan is required for this property will be considered by the Council shortly after adoption of this Plan.) In evaluating the site plan application, particular attention should be paid to achieving the maximum level of compatibility with adjacent residences. Buildings and parking facilities themselves should be located to provide the maximum level of compatibility with neighboring residences. Required green space should be used in part to provide a buffer between residential uses and commercial parking. The development should provide for the maximum possible buffer between the adjacent residential development and the buildings and parking on this property. In no event should this buffer be less than 15 feet. Loading docks should be oriented away from residential property.
- A 0.862-acre lot immediately east of the commercial area is suitable for the Commercial Transition Zone, if satisfactory levels of compatibility with the adjacent residential community can be achieved. The Sectional Map Amendment filed in conjunction with this Plan will reconfirm existing zoning. The property owner may then apply for the Commercial Transition Zone through the Local Map Amendment process. This Plan encourages submission of a Schematic Development Plan for this property. In this way, the application can be reviewed on its own merits and appropriateness. Site plan review of this property will enable careful evaluation of building character, design and location, parking location and design, green space location and other issues of compatibility.

COLESVILLE COMMERCIAL CENTER

FIGURE 17

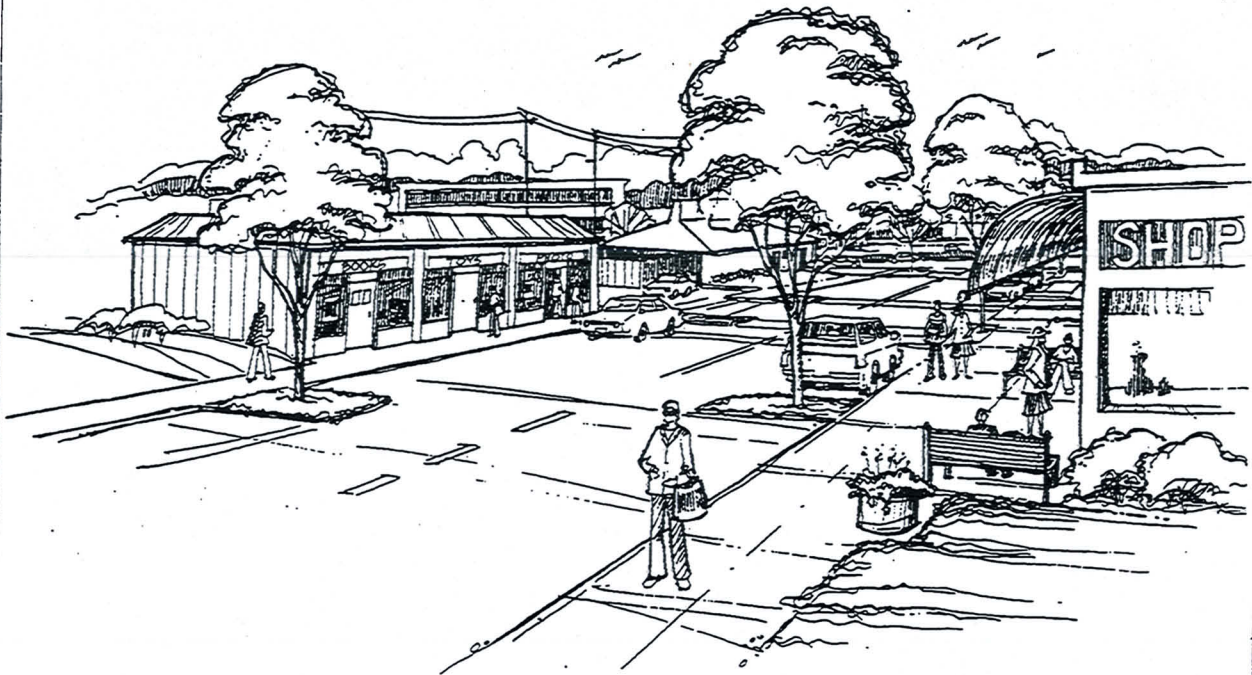


This Plan encourages development of offices with a residential design and character for this property, to provide compatibility between commercial and residential uses and cautions that compatibility issues may make the full floor area ratio impossible to achieve. Any building or buildings and parking should be located to minimize the impact on adjacent residential properties. Substantial landscaped screening should be located within required parking and building setbacks on all sides of the property to provide a sufficient buffer between residential and commercial properties. Access to the site should be designed to minimize turning movements.

- Require properties along Vital Way in the southwest quadrant of New Hampshire Avenue and Randolph Road to develop or to redevelop in a manner that provides a more unified, "Main Street" form of development. (See Figure 18, page 33.) ←
- Improve vehicular and pedestrian access between the Colesville Shopping Center and commercial properties along Vital Way. (See Transportation Chapter, page 48 and page 49.) ←
- Support a transit center at Colesville, next to the existing park-and-ride lot if future demand warrants construction. The transit center should be architecturally compatible with the Colesville Shopping Center. The pedestrian connection between the shopping center and the transit center should be enhanced to increase pedestrian convenience. (See Transportation Chapter, page 40.)



Vital Way "Before"

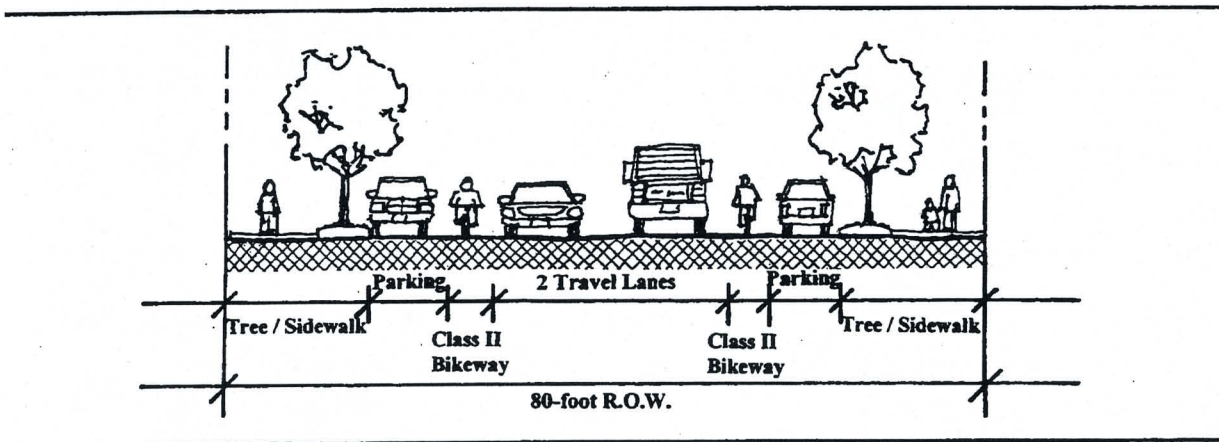


Vital Way "After"

as well as a traffic connection between US 29 and New Hampshire Avenue. Traffic forecasts indicate that a two-lane street will be adequate over the life of the Master Plan. This Plan recommends an arterial road cross-section that will allow for two lanes of traffic, on-street parking, sidewalks, and either a Class I or Class II bikeway within an 80-foot closed section cross-section that is compatible with the community. This section of Lockwood Drive should be designed with features to enhance pedestrian crossings and movement. Such features could include collars at intersections, alternating parking, or other design aspects that are deemed appropriate. The purpose is not to constrict vehicle movements, but to provide an increased level of pedestrian safety and convenience.

Lockwood Drive Closed Section Arterial

Figure 24



Commercial Business District Streets

- Improve Vital Way as a two-lane Commercial Business District Street between Randolph Road and New Hampshire Avenue. Provide on-street parking spaces and distinctive treatment to emphasize pedestrian crossings. In the future, this street should not function as a through street for vehicles traveling from eastbound Randolph Road to southbound New Hampshire Avenue since the exclusive right-turn lane will more appropriately accommodate the same movement. Vital Way is intended to function as a local street serving adjacent commercial areas. The recommended improvements should help local traffic and pedestrian access and encourage property owners to redevelop or improve their properties. (See Figure 25, page 50.)



Miscellaneous Road Improvements

- Recommend a network of two-lane secondary residential roads within the Milestone Drive property that allows access to the property from both New Hampshire Avenue and US 29. The park and ride lot and optional office development previously recommended for this site have been removed. (See page 42 and the Land Use and Zoning Plan chapter, page 22.) The roadways within the neighborhood should have sufficient right-of-way for sidewalks, street trees, and a Class II bikeway on the principal roadway serving the neighborhood, and should discourage cut-through traffic.
- Do not rebuild the bridge on Old Columbia Pike over the Paint Branch. The existing bridge over Paint Branch is unfit for automobile use. The 1981 *Eastern Montgomery County Master Plan* recommends rebuilding the bridge for automobiles to provide an additional crossing over Paint

Branch as well as improved access for the residents of the area just southwest of the Paint Branch. This Master Plan recommends that this portion of Old Columbia Pike be reserved for pedestrian and bicycle use. Forecasts indicate that opening of the bridge to vehicular traffic would not relieve the congestion on US 29, and the new interchange at Stewart Lane will benefit residents east of US 29.

INTERSECTION IMPROVEMENTS

Three intersections along New Hampshire Avenue have been identified as having forecasted congestion or safety problems. These intersections are New Hampshire Avenue at: 1) Lockwood Drive, 2) Powder Mill Drive, and 3) Randolph Road. Improvements to these intersections should be considered by the SHA and DPW&T in consultation with the community. In addition, this Plan recommends that intersection improvements be considered by the SHA and DPW&T along all major highways in the Master Plan area to improve pedestrian circulation.

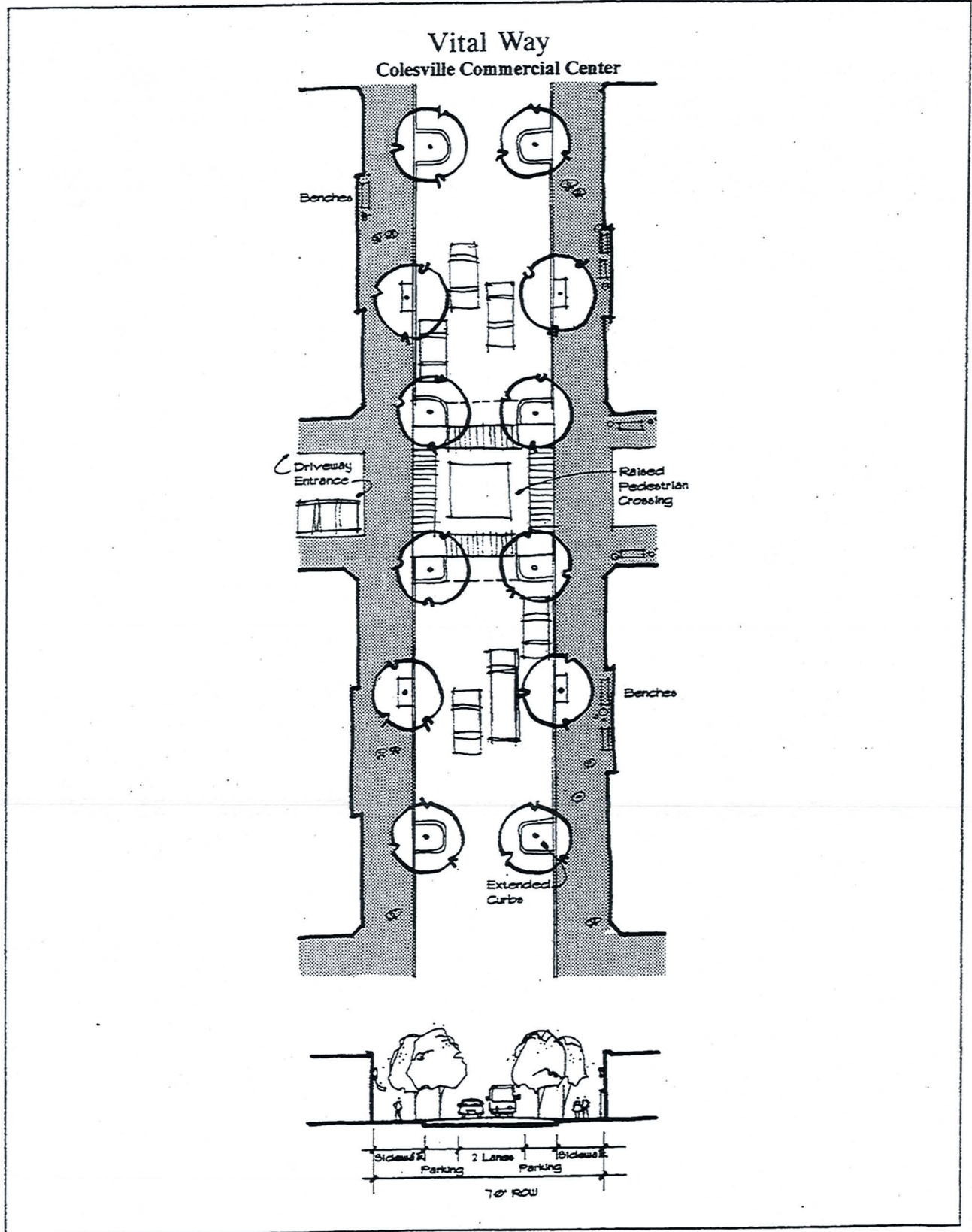
OBJECTIVE:

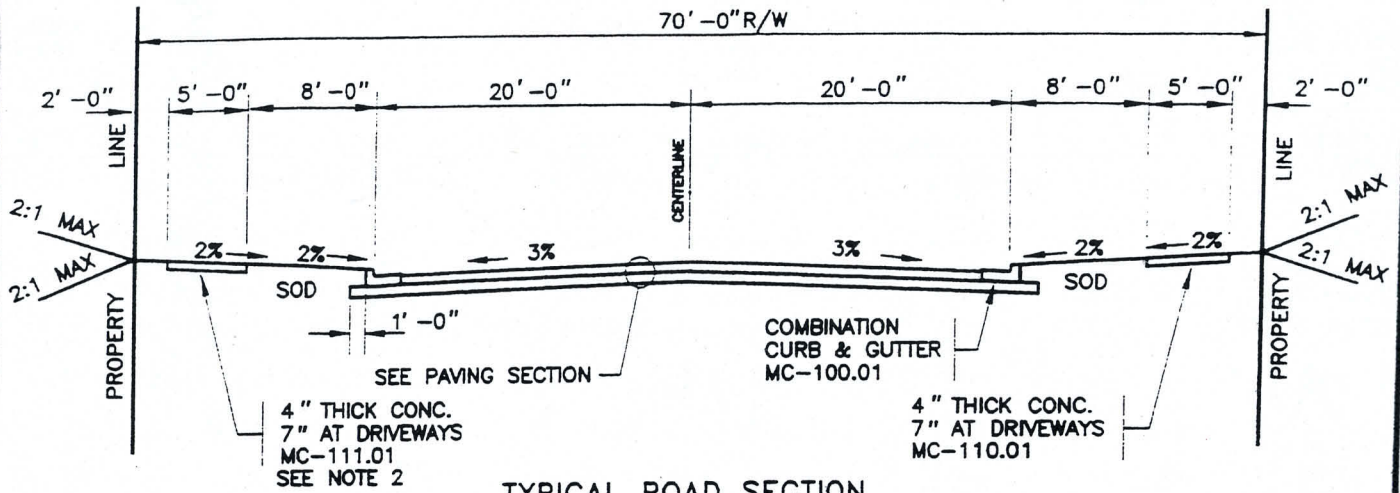
Where possible, improve intersections that are forecast to have serious congestion or safety problems.

RECOMMENDATIONS:

- Evaluate key intersections along New Hampshire Avenue to reduce projected traffic congestion. Changes should be evaluated based on their impact to pedestrian movement, the potential for new or additional cut-through traffic impact to adjacent neighborhoods, and overall traffic congestion. The SHA and DPW&T should review any recommended changes with the affected neighborhoods.
- Evaluate the future need for a traffic signal at Randolph Road and Vital Way. This Plan recommends that the Vital Way or the shopping center entrance on the north side of Randolph Road be realigned to create a normal intersection configuration. Currently, pedestrians and bicyclists have difficulty crossing Randolph Road at Vital Way. This Plan recommends that properties along Vital Way be redeveloped and that the street be reconstructed as a two-lane Commercial Business District Street from Randolph Road to New Hampshire Avenue. The redevelopment may result in circulation and pedestrian conflicts to a point where a signal may be warranted. These two improvements should also help remove local vehicular circulation between shopping areas from the congested intersection of Randolph Road and New Hampshire Avenue and eliminate some of the need to make U-turns.







TYPICAL ROAD SECTION

3" BITUMINOUS CONCRETE SURFACE COURSE IN TWO 1 1/2" LAYERS
7" BITUMINOUS CONCRETE BASE COURSE
8" GRADED AGGREGATE BASE COURSE IN TWO LAYERS
*
APPROVED SUBGRADE

PREFERRED

3" BITUMINOUS CONCRETE SURFACE COURSE IN TWO 1 1/2" LAYERS
9" BITUMINOUS CONCRETE BASE COURSE IN TWO 4 1/2" LAYERS
4" GRADED AGGREGATE BASE COURSE
*
APPROVED SUBGRADE

ALTERNATE

* SUBGRADE DRAINS REQUIRED
SEE MC-525.01

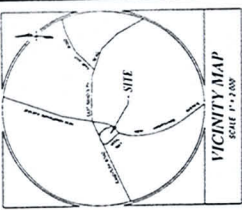
PAVING SECTION

GENERAL NOTES

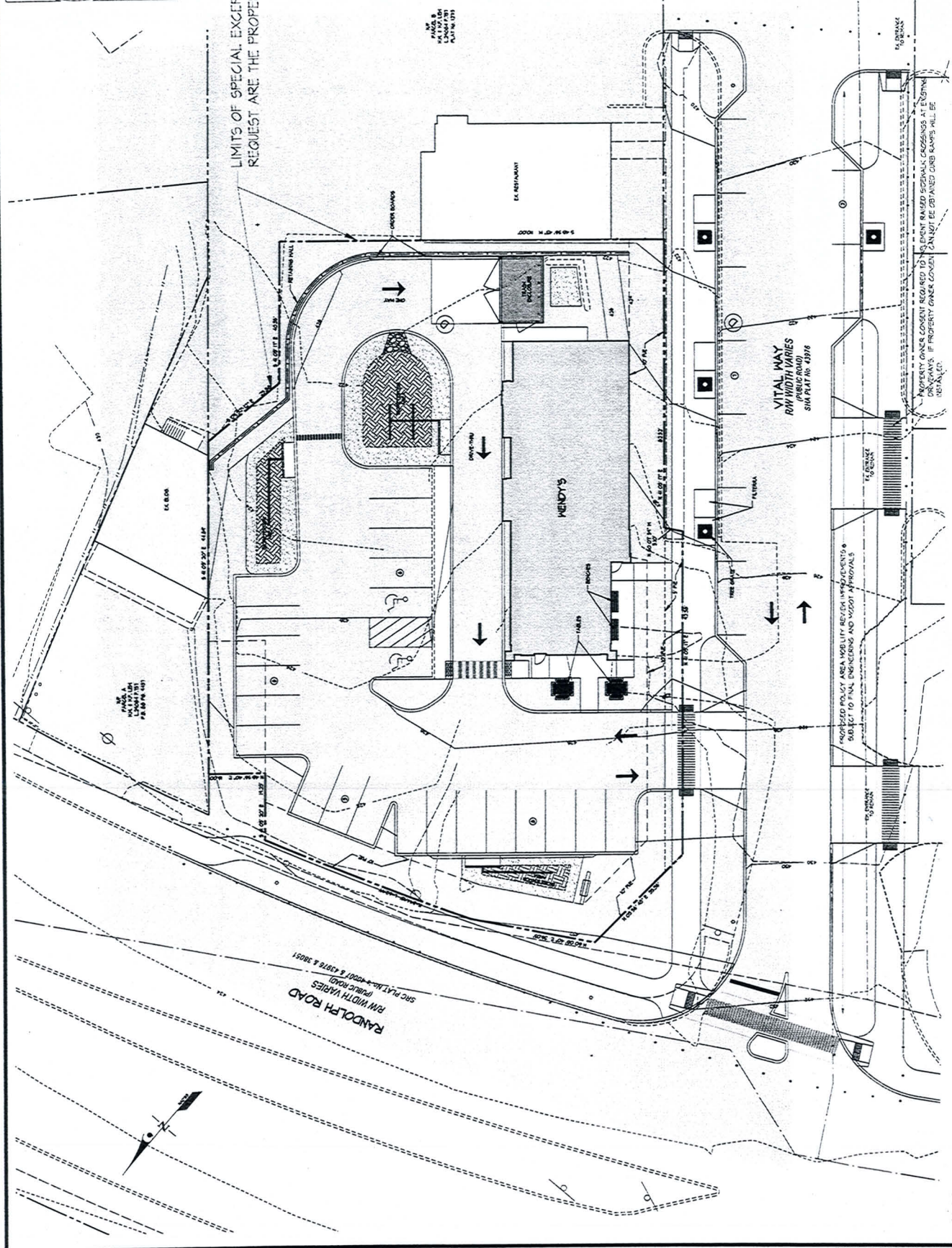
1. WHERE BUILDINGS ARE GENERALLY LOCATED AT THE PROPERTY LINE, THE SIDEWALK SHALL EXTEND FROM CURB TO PROPERTY LINE WITH A 5' WIDE BY 5' LONG (OR BY VARIABLE OR CONTINUOUS LENGTH) SPACE FOR TREE PLANTINGS.
2. OBSTRUCTIONS IN THE SIDEWALK THAT VIOLATE THE CLEAR WALKING SURFACE REQUIREMENTS OF THE "AMERICANS WITH DISABILITIES ACT" OF 1990 WILL NOT BE ALLOWED.
3. REFER TO MARYLAND STATE HIGHWAY ADMINISTRATION SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
4. TOP OF CURB ELEVATION = CENTERLINE ELEVATION - 0.19 (FOR 6" CURB HEIGHT).
5. WHEN A TRAFFIC BARRIER IS WARRANTED INCREASE THE RIGHT OF WAY TO ALLOW THE TRAFFIC BARRIER TO BE PLACED OUTSIDE OF THE SIDEWALK.

P.A.D.T.S.T.D. MC21502 7-1-94 9-37408 ON EST

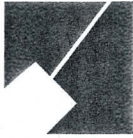
APPROVED <u>JAN 5/95</u> DATE	REVISED	MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
<i>Lesley Mack</i> DIRECTOR, DEPT. OF TRANS.		COMMERCIAL/INDUSTRIAL ROAD 70' RIGHT OF WAY
<i>Edgar [Signature]</i> CHIEF DIV. OF ENG. SERVICES		STANDARD NO. MC-214.03



LIMITS OF SPECIAL EXCEPTION REQUEST ARE THE PROPERTY LINES



GLW GONICK LITTLE & WEBER, P.A. CIVIL ENGINEERS AND ARCHITECTS 1200 W. CHESTER AVENUE, SUITE 200 RICHMOND, VIRGINIA 23261 TEL: (804) 353-7800 FAX: (804) 353-7801 WWW.GONICKLITTLEWEBER.COM	PREPARED FOR DINO RESTAURANTS INC 10000 W. WOODBURN ROAD PHOENIX, ARIZONA 85044 ATTN: THOMAS A. DODD	SCALE: 1" = 30' 	SPECIAL EXCEPTION SITE PLAN WENDY'S COLESVILLE LOT #1 PLAT # 03176	DATE: 11/10/10 DRAWN: DFW CHECKED: JMB DATE: JUNE, 2008 JOB NO.: FU-34
	11' 20' 30' 40' 50' 60' 10' 20' 30' 40' 50' 60'	COLESVILLE ELECTRIC CONTRACTORS, LLC 1200 W. CHESTER AVENUE, SUITE 200 RICHMOND, VIRGINIA 23261 TEL: (804) 353-7800 FAX: (804) 353-7801	SCALE: 1" = 10' 	NO. OF SHEETS: 3 SHEET NO.: 1 DATE: 11/10/10



INTEROFFICE MEMORANDUM

To: Cathy Conlon
Supervisor
Development Review Division

CC: Elsabett Tesfaye
Coordinator
Development Review Division

From: Joshua Sloan *JS*
Coordinator
Development Review Division

Via: Robert Kronenberg, Supervisor *RK*
Development Review Division

Subject: 12002056A, Wendy's Colesville

Date: 10/27/2008

RECOMMENDATION OF SITE PLAN SECTION STAFF

Because the proposed development will amend an approved site plan, site plan review staff is making initial comments on the pending special exception application and preliminary plan to avoid delays or possible conflicting recommendations. The development plan proposes changing the approved use and layout to a drive-through restaurant. This entails creating a more vehicular-oriented layout and a building that is separated from the sidewalk by two curb-cuts.

We believe the approved office building and vehicular layout is more appropriate to help establish a pedestrian-oriented street and to minimize vehicular/pedestrian conflicts. If the use is granted, we request that the Applicant reorganize their layout to maintain the single ingress/egress point and create an outdoor seating area adjacent to the side of the restaurant.

The proposed development is within the Colesville Commercial Center area of the White Oak master plan. The focus of this area is to create a "local, neighborhood, retail center with some office space". Vital Way, in particular is to become a main street with appropriate streetscape and amenities for pedestrians. The master plan specifically states that properties in this area should "redevelop in a manner that provides a more unified, 'Main Street' form of development". We do not believe this plan encourages such an environment and is detrimental to the vision of the street as it minimizes on-street parking opportunities and creates a more auto-oriented and non-local focus of development.

JCS