

MONTGOMERY COUNTY  
SIGHT DISTANCE EVALUATION

Page \_\_\_\_\_ of \_\_\_\_\_

Facility/Subdivision Name: Wendy's at Wheaton Plaza Preliminary Plan #: \_\_\_\_\_

Street Name: VEIRS MILL ROAD (MD-586) Master Plan Classification: \_\_\_\_\_

Posted Speed Limit: 35 m.p.h.

Street/Drwy. 1 ( \_\_\_\_\_ ) Street/Drwy. 2 ( \_\_\_\_\_ )

Sight Distance (feet) OK?  
Right 649' OK  
Left 233' OK

Sight Distance (feet) OK?  
Right \_\_\_\_\_  
Left \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GUIDELINES

| Classification or Posted Speed<br>(use higher value) | Required<br>Sight Distance<br>In Each Direction# |
|--|--|
| Tertiary - 25  | 150  |
| Secondary - 30                                       | 200  |
| Business - 30  | 200  |
| Primary - 35   | 250  |
| Arterial - 40  | 325  |
| (45)   | 400  |
| Major - 50   | 475  |
| (55)   | 550  |

# Source AASHTO

Sight distance is measured from an eye height of 3.5 feet at a point on the centerline of the driveway (or side street), 6 feet back from the face of curb or edge of traveled way of the intersecting roadway, to the furthest point along the centerline of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing.)

ENGINEER/SURVEYOR CERTIFICATE

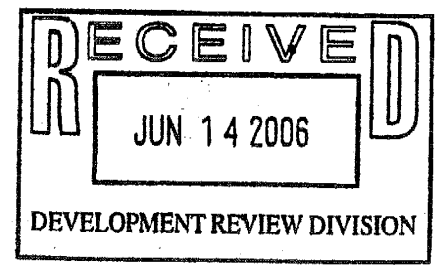
I hereby certify that this information is accurate and was collected in accordance with these guidelines.

N. KAO  
Signature

5/1/06  
Date

MD # 18659  
PLS/P.E. MD Registration No.

S.E.A.L.  
PROFESSIONAL ENGINEER



Accepted By: \_\_\_\_\_  
Date: \_\_\_\_\_



rec'd 6/14/06



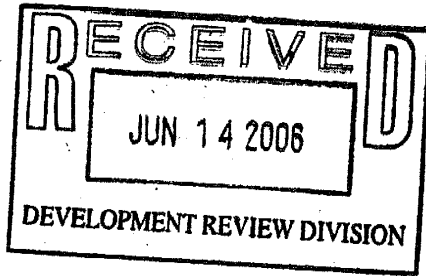
DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

Robert C. Hubbard  
Director

August 18, 2005

Ms. Joanne Cheek  
Dewberry  
203 Perry Parkway, Suite 1  
Gaithersburg, MD 20877



Re: Stormwater Management **CONCEPT** Request  
for Wendys at Westfield Wheaton  
Preliminary Plan #: N/A  
SM File #: 219146  
Tract Size/Zone: .43/C-2  
Total Concept Area: .43ac  
Lots/Block: N/A  
Parcel(s): 6  
Watershed: Lower Rock Creek

Dear Ms. Cheek:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via the use of a hydrodynamic water quality structure. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.

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

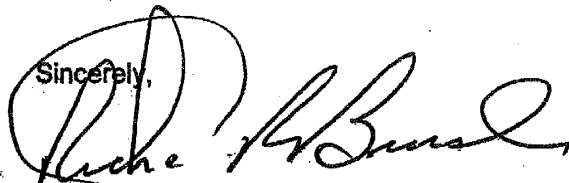
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

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



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

Sincerely,



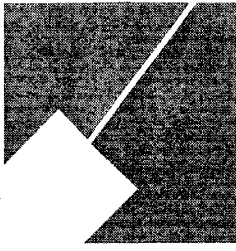
Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:dm CN 219146

cc: R. Weaver  
S. Federline  
SM File # 219146

QN - On Site; Acres: .43ac  
QL - On Site; Acres: .43ac  
Recharge is not provided

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

June 27, 2006

MEMORANDUM

TO: Sandra Youla, Zoning Analyst  
Development Review Division

FROM: Khalid Afzal, Team Leader, Georgia Avenue Team  
Community-Based Planning Division

KA

SUBJECT: Wendy's on Veirs Mill Road in Wheaton-Master Plan Comments

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The proposed special exception, S-2664, for a fast-food restaurant is located on the south side of Veirs Mill Road at the entrance to the Westfield Shopping Mall in Wheaton. It is within the 1990 *Sector Plan for the Wheaton Central Business District and Vicinity*.

The subject site is Zoned C-2 and is part of the Wheaton Plaza property. It is located at one of the two entrances to Wheaton Plaza on Veirs Mill Road across the street from the Wheaton Metro Station and the Wheaton bus station, which includes both the Ride-on and the Metro buses.

Community-Based Planning staff believes that a drive-through fast food restaurant with a one-story building surrounded by parking lot and driveways is not consistent with the vision of the Wheaton Sector Plan and the efforts of the community and the County to revitalize Wheaton CBD. The proposal would be detrimental to the long-term goal of creating a vibrant, pedestrian-oriented urban place around the Wheaton Metro Station.

Staff believes that the goals, recommendations and design guidelines of the Sector Plan, when taken as a whole, point to a vision of Wheaton that is contrary to the proposed drive-through fast food restaurant on Veirs Mill Road. Even though the language of the Master Plan, while stressing the importance of creating a more pedestrian-oriented environment in the Marketplace (the area bounded by Veirs Mill Road, University Boulevard, and Georgia Avenue) and the area north of the Metro station, does not specifically prohibit drive through restaurants at this or any other location, the intent of the Plan—to revitalize the entire Wheaton commercial core and create an attractive, pedestrian-oriented environment throughout the Wheaton CBD and Wheaton Plaza—does not support a suburban style drive-through fast food restaurant at this location.

On page 35, Urban Design Guidelines, the Plan states:

“The urban design objectives and guidelines are provided to promote a coherent and well integrated physical environment, enhance the livability and attractiveness, and retain the sense of the Marketplace in Wheaton. A number of these objectives reflect the County’s commercial revitalization program, which has stimulated significant reinvestment in retail establishments. This program consists of building renovations, façade easements, and the Wheaton Streetscape, which helps to unify and integrate the built environment...”

Under “Encourage pedestrian circulation”, it further states:

“This [encourage pedestrian circulation] can be accomplished through the development of a safe, convenient, and comfortable pedestrian system that creates vitality and interest in the area. Plazas and open spaces offer the opportunity for social interaction and should be provided. These open spaces must be intentional and defined, not merely residual spaces left by buildings. Building entrances should open onto the street or other public space. Retail should be provide at the ground level of commercial streets to achieve urban vitality...”

The Wheaton CBD is one of four central business districts in the County (the other three being Bethesda, Silver Spring, and Chevy Chase). The County, through its Department of Housing and Community Affairs, has made considerable investment in revitalizing Wheaton and preserving a unique place and reinforcing the existing fabric of small retail and ethnic stores through its façade easements and renovation program. The County has also helped create the state designation of Wheaton as an enterprise zone, an arts and entertainment district, a special tax district (Wheaton Urban District) and a parking management district.

The County, the Wheaton Urban District Advisory Committee, and the Kensington-Wheaton Chamber of Commerce have conducted multiple design charrettes on revitalizing Wheaton in the past ten years. In every case, the recommendations have emphasized creating a pedestrian-oriented place with a compact development pattern with buildings built up to the sidewalks or a public space, parking in the back or consolidated in common lots and structures, and attractive streetscape with public open spaces instead of single use parking lots. The proposal is contrary to these aspirations in that it creates a typical highway-oriented, low-density, suburban style retail use at a location in downtown Wheaton where a higher density, mixed-use building oriented to the street, that would set an example for future developments, is more desirable and can be accomplished.

Staff believes that the kind of design issues raised by this development need not be discussed in detail in the Master Plan, because doing so would mean that every site in the Master Plan area is described with the specificity of detailed building design for every possible permitted use and the numerous building types possible for that use in

the underlying zone. The Master Plan need not give detailed guidance on well established standards of good design that are a basic part of good place making and best urban design practices.

Staff's main issue is not that it is a fast food restaurant, but that the design of the facility, the site layout, amount of site area dedicated to parking and driveways, and the relationship of the building to the street (and the sidewalk) is not appropriate for this location. This building is a suburban model placed on an urban street without regard to its context, the pedestrian traffic around this site, and the role of this site and this building to the overall goal of creating a more attractive urban place in Wheaton. Staff's question is—how does this proposal contribute to the long-term goal of creating a better place in Wheaton through good design?

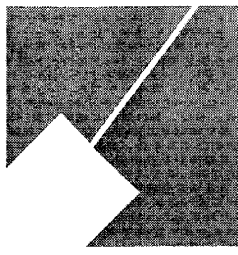
Staff is also concerned that allowing this building type (as an urban design issue) at this location would set a wrong precedent for redevelopment of other similar properties and make it harder to achieve the goal of making Wheaton a compact, pedestrian-oriented urban place with high quality urban design. The property is located at a very visible and prominent location. It is going to have a significant effect on the physical perception of Wheaton—positive or negative. Staff's position is that a car-oriented, suburban retail model would not be a positive addition to help improve the visual character of Wheaton.

The subject site is located at one of the highest pedestrian traffic areas in the County. Pedestrians coming by Metro or buses cross Veirs Mill Road at this location and use the sidewalk in front of this site to enter the Wheaton Plaza property for shopping or other services. Locating a car-oriented retail use at this location is not supported by sound planning principals, which would suggest a more pedestrian-oriented use.

Community-Based Planning Staff concludes that this proposal is not consistent with the goals and objectives of the Wheaton Sector Plan.

slg rec'd m 7/3/2006  
FINPC

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

June 29, 2006

**MEMORANDUM**

TO: Sandra Youla, Zoning Analyst  
Development Review Division

VIA: Daniel K. Hardy, Supervisor *DKH*  
Transportation Planning

FROM: David Paine, Planner/Coordinator *DP*  
Transportation Planning

SUBJECT: Board of Appeals Petition S 2664  
Wendy's at Wheaton Plaza  
11030 Veirs Mill Road, Wheaton  
Wheaton CBD Policy Area

**RECOMMENDATION**

Transportation Planning staff recommends supporting a denial for the application of this special exception use. Staff finds that the applicant has not sufficiently shown that the non-inherent effects of the special exception use on this site could be mitigated. Staff is also concerned as to whether or not the drive-through use in such close proximity to the Metrorail station satisfies compatibility requirements, but defers those findings to Community-Based Planning staff. Staff has identified numerous improvements that could satisfy the required transportation-related findings. At this time, however, staff cannot make a positive finding that, if included as conditions supporting an approval, the improvements could all fit on the subject site.

**DISCUSSION**

Site Location

The currently vacant site is located on the west side of Veirs Mill Road (MD 586) in Wheaton at the southern entrance to the Westfield Shoppingtown Mall, adjacent to the Wheaton Metrorail station park-and-ride garage, and across Veirs Mill Road from the Wheaton Metrorail station portal and bus transfer area.



### Site Vehicle Access

Vehicular access to this site is shown from a driveway fronting Veirs Mill Road and existing driveways off of the entrance lane to the Westfield Shoppingtown Mall. The driveways off of the entrance lane to the Mall would be converted to a single right in and right out condition.

An illustration (dated June 13, 2006) showing truck turning movement onto the site has not been commented on by the State Highway Administration (SHA), the agency controlling site access permits from Veirs Mill Road (MD 586). Staff finds that an AASHTO SU-30 design vehicle cannot adequately access the site from Veirs Mill Road - as shown, there is not sufficient width in the driveway to accommodate that movement. The applicant has submitted in their statement of operations that service vehicles and deliveries will be limited to outside of patron service hours, so as to not impair normal access and circulation of patron vehicles. However, the illustration shows the turning template crosses into the middle lane before accessing the site. Staff finds that this access point, as proposed by the petitioner, should not be permitted as it can cause an unsafe roadway condition.

The truck turning movement also crosses a mountable curb in a channelization design, a design flaw that is not recommended and may result in damage to the curb from regular truck access. Additionally, at ten feet wide, the channeling may be too narrow to meet SHA requirements for access and channeling. The turning movement also appears to cross the curb inside the site. To be recommended for approval, staff would require construction of a driveway treatment, with level sidewalk, at the MD 586 entrance so that the pedestrian crossing would be level with the sidewalk. At this location vehicles need to navigate the grade change and not pedestrians. A driveway treatment would also avoid truck damage noted above. Staff would recommend widening the drive area inside the site to 24 feet wide at this location, which could remove this conflict.

### Pedestrian Circulation and Pedestrian/Vehicle Conflict

As shown on the June 12, 2006 site plan, pedestrians will access the site via a raised sidewalk across the parking lot from Veirs Mill Road to the side of the restaurant. Staff acknowledges this modification made by the applicant, at the request of staff, to make the site more pedestrian friendly. Additionally, Wheaton Central Business District (CBD) streetscape is provided along the site frontage to provide adequate walking space for pedestrians not destined for the restaurant. However, staff believes that the pedestrian accommodations need to be increased as noted in the section above in order to maximize their safety and comfort in this CBD area. Bike racks are shown on the most recent site plan.

For Special Exception approval of a drive-thru in a C-2 zone, staff needs to make a finding as to whether vehicles will make "frequent turning movements across sidewalks and pedestrian ways, disrupting pedestrian circulation within a concentration of retail activity." (Sec. 59-G-2.16b). In this context, staff notes that the site is located between the Wheaton Metrorail station and the Westfield Shoppingtown Mall. During the weekday peak hours studied

in the traffic study, an average of 75 (AM) and 84 (PM) pedestrians crossed the nearby intersection to the corner where the site is located. In a supplemental letter received on June 22, 2006 the applicant's traffic consultant states: "there could be potential pedestrian/vehicle conflicts less than 10% of the time."<sup>1</sup> Staff, using a different approach, believes that there could be potential conflicts as high as 31% of a given peak hour.<sup>2</sup> No quantitative threshold exists in the Zoning Code or in professional guidelines regarding a threshold turning movement frequency value sufficient to warrant denial. To be more pedestrian accommodating, staff would require the applicant to reduce the widths of the driveways along the Mall access drive from 20 feet to 14 feet and channelization to calm traffic and reduce pedestrian exposure to traffic. If done, this would reduce the second estimate to 25% for that pedestrian route.

Staff also needs to make a finding that the special exception use will not "constitute a nuisance because of noise, illumination, fumes, odors or physical activity in the location proposed." Staff has not received enough justification from the applicant to make this finding. Staff does, however, note that this would be the first drive-thru restaurant approved adjacent to a Metrorail station.

The June 2006 site plan shows a sidewalk at the southwest corner of the site that does not meet Americans for Disabilities Act criteria regarding sidewalk width and clear space. This sidewalk, adjacent to a vertical obstruction (the entrance monument to the mall), needs to be seven feet wide.

### Mid-Block Crossings

The shortest path from the Metrorail station portal and bus transfer area to the Mall involves making an illegal and unsafe midblock crossing of Veirs Mill Road between Reddie Drive and the Metro Access driveway. Currently many pedestrians choose to avoid crossing Veirs Mill Road in marked crosswalks at the signalized intersections of either Reddie Drive or the Metro Access/Southern Mall access drive (a walking distance approximately 400 feet longer, through either intersection, than via the midblock crossing). They are also choosing to not use the pedestrian overpass that exists at this location between the Metro portal and Metro park-and-ride garage, which involves a change of level and walking through the Metro Garage. Department of Public Works and Transportation currently has a project to construct a five-foot-high fence in the median of Veirs Mill Road, opposite the station entrance, to prevent the mid-block crossings and redirect pedestrians to the three safe and legal crossings noted above. The project has funding and is expected to begin construction soon. Staff notes that while this condition is not the responsibility of the applicant, it is indication of the level of pedestrian activity adjacent the site.

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<sup>1</sup> From the letter: "The Veirs Mill Access is approximately 40 feet in width in the crosswalk area. This entrance is expected to have 63 vehicles entering/exiting the site during the morning peak and 42 vehicles during the evening peak... Looking at the higher of the two volumes, if it was assumed that each vehicle required five seconds to pass thru the driveway, the total time period for potential conflicts would be 315 seconds or a maximum of 8.75% of the time. This assumes that there would be a pedestrian crossing the entrance when a vehicle is entering or exiting the site, which is highly unlikely."

<sup>2</sup> In Maryland State Law, Pedestrians in a crosswalk have the right of way from vehicles. Assuming that the higher number of pedestrians crossing the road will continue on to the Mall, (84 in the PM), a combined crossing widths of the driveways as 40 feet, and a pedestrian speed of 3.0 fps, pedestrians could be legally occupying the crosswalk for 19 minutes of a peak hour. For comparison, a pedestrian count taken by Montgomery County at Woodmont Avenue/Bethesda on September 11, 2004 shows approximately 100 crossings in the peak hour.

### Master Planned Roadways

According to the *Wheaton CBD Sector Plan* Veirs Mill Road is classified as a Major Highway, M-13, with a 120-foot right-of-way. Currently less than the sixty feet from centerline is dedicated. If this site were subject to subdivision, the applicant would be required to show this dedication on their plans.

### Local Area Transportation Review

A traffic study was required to satisfy Local Area Transportation Review because the proposed use generates 30 or more peak hour trips within a weekday peak period (i.e., 6:30 to 9:30 a.m. and 4:00 to 7:00 p.m). According to the submitted traffic study, the proposed use will generate 136 AM and 88 peak hour trips. In the traffic study, the table below summarizes the resulting critical lane volume (CLV) values for the existing, background (unbuilt and concurrent development), and total traffic conditions.

**Exhibit 1. Critical Lane Volumes**

| Intersection                           | Weekday Peak-Hour | Traffic Condition |            |       |
|--|-------------------|-------------------|------------|-------|
|  |                   | Existing          | Background | Total |
| Veirs Mill Road (MD586) & Reddie Drive | AM                | 713               | 794        | 822   |
|  | PM                | 1,079             | 1,225      | 1,230 |
| MD 586 & Mall Access/Metro Bus Drive   | AM                | 588               | 624        | 660   |
|  | PM                | 875               | 1,013      | 1,040 |
| MD 586 & Georgia Avenue (MD 97)        | AM                | 1,115             | 1,179      | 1,182 |
|  | PM                | 990               | 1,099      | 1,102 |

For both weekday peak-hours in all traffic conditions, the CLV values do not exceed the congestion/CLV standard of 1,800 for the Wheaton CBD Policy Area at any of the three intersections.

Since the intersections are in the Wheaton CBD Policy Area, a pedestrian crossing time analysis was also calculated by the petitioner and reviewed by the Department of Public Works and Transportation (DPWT). The results are listed in the table following.

## Exhibit 2. Pedestrian Crossing Times

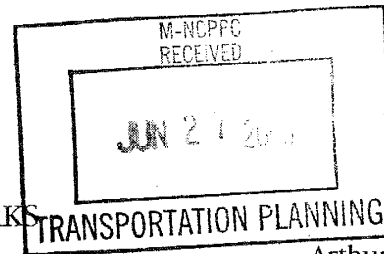
| Intersection   | Crossing Distance to middle of Far Curb Lane (feet) | Traffic Condition        |                              |                               |
|--|---|--------------------------|------------------------------|-------------------------------|
|  |   | Available Time (seconds) | Crossing Time @ 3 fps (LATR) | Crossing Time @ 4 fps (MUTCD) |
| <b>Veirs Mill Road (MD586) &amp; Reedie Drive/Mall Access North</b>      |   |                          |                              |                               |
| North Leg of Veirs Mill Road (MD 586)                                    | 77  | 26                       | 25.7                         | 19.25                         |
| South Leg of Veirs Mill Road (MD 586)                                    | 77  | 26                       | 25.7                         | 19.25                         |
| Reedie Drive leg   | 57  | 19                       | 19.0                         | 14.25                         |
| Wheaton Plaza leg  | 58  | 19                       | 19.3                         | 14.5                          |
| <b>Veirs Mill Road (MD586) &amp; Metro Bus Access /Mall Access South</b> |   |                          |                              |                               |
| North Leg of Veirs Mill Road (MD 586)                                    | 77  | <b>19</b>                | <b>25.7</b>                  | 19.25                         |
| South Leg of Veirs Mill Road (MD 586)                                    | 77  | <b>20</b>                | <b>25.7</b>                  | 19.25                         |
| Metro Bus Access leg   | 57  | <b>17</b>                | <b>19.0</b>                  | 14.25                         |
| Wheaton Plaza leg  | 50  | 17                       | 16.7                         | 12.5                          |

DPWT contends that pedestrian crossing times are adequate, given the Manual for Uniform Traffic Control Devices (2000). The LATR guidelines require accommodation of the pedestrian crossing at 3.0 feet per second (fps) and state that longer crossing times (to allow 2.5 fps) are desirable. As shown in bold text in Exhibit 2, the available time is insufficient to cross at a walking speed of 3 fps on three of the eight crosswalks analyzed. Staff will work with DPWT on this matter, but notes that the condition does not meet the LATR guideline at this time.

DPWT also comments that the CLVs calculated are acceptable, but finds that there is inadequate storage capacity to accommodate projected northbound traffic volumes on MD 586 between MD 97 and the Metro Bus Access intersection as noted in their attached letter dated June 22, 2006. Given the recent receipt of the comment by DPWT, staff notes that additional information from the applicant would be required to assess whether the turning bays can be modified to accommodate the projected movement.

DP:gw  
Attachment

cc: Jody Kline  
Ray Burns, SHA  
Matt Greene, Pedestrian Safety Coordinator



DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
County Executive

Arthur Holmes, Jr.  
Director

## Memorandum

June 22, 2006

To: David Paine, Planner/Coordinator  
Transportation Planning  
The Maryland-National Capital Park and Planning Commission

Via: Gregory M. Leck, Leader *GL*  
Traffic Engineering and Operations Section

From: David C. Adams, Engineer III *DA*  
Traffic Engineering and Operations Section

Subject: Review of the Traffic Impact Study for Special Exception S-2664, Wheaton Wendy's, Wheaton CBD Policy Area

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### Background:

The proposed Wendy's with a drive-thru is located at 11030 Veirs Mill Road (MD 586). All critical intersections have a Congestion Limit of 1,800 CLVs for the Wheaton CBD Policy Area.

The proposed site is now vacant and is located on the northeast corner of the southern Veirs Mill Road entrance to Wheaton Shopping Center. The site plan shows two driveways on both the entrance road and MD 586.



### Division of Operations

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101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878  
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

Trip Generation Totals are listed below:

| Peak Hour Trip Generation |         |     |       |         |     |       |
|---------------------------|---------|-----|-------|---------|-----|-------|
|                           | AM Peak |     |       | PM Peak |     |       |
|                           | In      | Out | Total | In      | Out | Total |
| Pass-By                   | 34      | 33  | 67    | 23      | 21  | 44    |
| New                       | 35      | 34  | 69    | 23      | 21  | 44    |
| Total Trips               | 69      | 67  | 136   | 46      | 42  | 88    |

Review:

The consultant has calculated pedestrian crossing times using a walking speed of 3.0 feet per second whereas Section 4E.09 in the Uniform Manual of Traffic Control Devices (2000) gives guidance on using a walking speed of 4 feet per second.

| Intersections   | Crossing Distance to middle of far curb lane | Available Time | Crossing Time @ 3 fps | Crossing Time @ 4 fps |
|---|--|----------------|-----------------------|-----------------------|
| <b>MD 586/Metro Bus Access/Wheaton Plaza Access S</b> |  |                |                       |                       |
| North leg of MD 586                                   | 77   | 19             | 25.7                  | 19.25                 |
| South leg of MD 586                                   | 77   | 20             | 25.7                  | 19.25                 |
| Metro Bus Access leg                                  | 57   | 17             | 19.0                  | 14.25                 |
| Wheaton Plaza leg                                     | 50   | 17             | 16.7                  | 12.5                  |
| <b>MD 586/Reedie Drive/Wheaton Plaza Access N</b>     |  |                |                       |                       |
| North leg of MD 586                                   | 77   | 26             | 25.7                  | 19.25                 |
| South leg of MD 586                                   | 77   | 26             | 25.7                  | 19.25                 |
| Reedie Drive leg                                      | 57   | 19             | 19.0                  | 14.25                 |
| Wheaton Plaza leg                                     | 58   | 19             | 19.3                  | 14.5                  |

Note: In addition to the crosswalks across MD 586, pedestrians may use the pedestrian bridge over MD 586 between the elevator equipped Metro parking garage and an elevator/stair tower on the east side of Veirs Mill Road next to the Metro Bus station and the access tunnel to the Metro Rail Station.

The consultant finds that no critical intersection will have Total Traffic CLVs approaching the Policy Area Standard of 1,800 CLVs; with a maximum CLV of 1284 for the PM peak hour at the MD 586/mall entrance/Metro bus entrance intersection.

This intersection does not provide sufficiently long approach lanes to accommodate the PM northbound through and left-turn total traffic projections. The consultant projects a total PM northbound left-turn volume of 613 into the southern Wheaton Plaza entrance, requiring a queuing distance of 406 feet for the two left-turn lanes based upon using SHA's queuing factor of 1.25 feet/peak hour vehicle. The available length is limited to ~225 feet. The unaccommodated left-turns would back up into the northbound through lanes on Veirs Mill Road. The northbound through lanes on MD 586 do not have the length/capacity to hold the overflow of left turn traffic because they are heavily loaded with 460 vph, resulting in queues of 575 feet, much longer the 325-foot distance from the southern mall entrance to the intersection of MD 97 and MD 586. The combined left/through backup is projected to extend south of MD 586's left-turn bay on Georgia Avenue towards Windham Lane.

Summary:

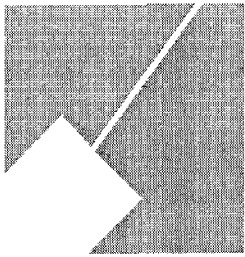
Pedestrian crossing times are adequate. S-2664 for Wendy's at Wheaton Plaza has acceptable calculated CLV numbers but has grossly inadequate queuing lengths to accommodate projected northbound Total Traffic PM lefts and troughs on Veirs Mill Road, MD 586, at its intersection with the MetroBus station entrance and mall entrance.

Cc: Glenn Cook, The Traffic Group, Inc.  
Ray Burns, SHA

S-2664Wendy's20April2006

5/4/06 7/2/06

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

MEMORANDUM

Date: June 30, 2006

To: Sandra Youla, Development Review Division

Via: Mary Dolan, Countywide Planning Division, Environmental

From: Pamela Rowe, Countywide Planning Division, Environmental

Subject: Special Exception Request No. S-2664  
Wendy's at Wheaton Plaza

Recommendations

The Environmental Planning staff has reviewed the proposed plans and finds that, with the following condition, the request satisfies all relevant Environmental requirements.

Conditions for Approval

The following recommendation is made for approval, should this application go forward:

1. Prior to release of building permits, provide evidence of compliance with all federal and state Clean Water Act requirements for underground storage tank (UST) abandonment and/or removal.

Discussion

This site is located on Veirs Mill Road and is surrounded by Wheaton Plaza and the WMATA Wheaton Metro Station. The site is the location of a former automotive filling station. A Phase I Environmental Site Assessment was conducted on August 15, 2003. Four active underground storage tanks on the property were found to be in good condition, with no reportable levels of subsurface contamination on-site. No mention was made in the report on the amount or type of contents in the tanks. All applicable federal and state requirements must be adhered to in the decommissioning of the USTs, to ensure that there is no future contamination of the site or down-gradient areas. The decommissioning is currently in progress, under the oversight of MDE. Staff recommends that the applicant provide evidence of compliance prior to release of building permits for this site.

Basis for Recommendation

Upon satisfaction of the condition for approval recommended above, the proposed use of the site, a drive-through fast-food restaurant, will not adversely affect existing or future environmental conditions.



### **Forest Conservation**

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this site on 9/13/05. The site was granted a Forest Conservation Plan exemption on 9/13/05 that was recertified on June 30, 2006, on the basis of small lot size (.43 acres), and no significant trees to be impacted on-site. An existing 16" sycamore located just off the site within a landscaping island is to be removed and replanted.

### **Environmental Guidelines**

This property is **not** located within a Special Protection Area or Primary Management Area. The site is entirely paved, with no wetlands, steep slopes, erodible soils, or rare, threatened and endangered (RTE) species. There are no environmental stream valley or floodplain buffers on or adjacent to the site.

### **Regional Water Quality**

The site is located in the Sligo Creek watershed, upstream of the Dennis Avenue regional stormwater management pond. The drainage from this site flows through an enclosed stormdrain system, into a short (appr. 800') segment of natural stream channel, then back into an enclosed stormdrain at the corner of McComas, until the flow daylights near Dennis Avenue and flows into the stormwater management pond below Dennis Avenue. This stormwater facility provides quantity control for areas that drain to it; additional measures to treat water quality will be provided on-site.

Food preparation and serving facilities must also aid in the prevention of sanitary sewer blockages and overflows (SSOs), through the application of appropriate on-site fat, oil and grease (FOG) management activities. Inappropriate FOG disposal may lead to clogged sanitary sewers, which in turn can lead to overflows that cause property damage and harm to aquatic conditions should the sewage overflow into a stream or stormdrain. Inappropriate outdoor storage of waste oils may also result in illicit discharges to the stormdrain system if storage drums overflow or leak. The fast-food establishment proposed for the site has provided plans showing grease interceptors and waste recycling measures for the handling of waste cooking fats, oil and grease. The oil storage containers are covered and located on the opposite side of the property from stormdrain inlets, and they utilize a contractor to remove and recycle waste cooking oil.

### **Stormwater Management**

The Department of Permitting Services approved a stormwater concept for this site on August 18, 2005, which proposes to provide water quality control in an underground structure.

### **Noise**

The proposed use of the site is not expected to generate noise that is incompatible with surrounding uses. The proposed on-site use is not noise-sensitive and does not require on-site noise protection measures.

### **Dust**

There should be no objectionable fumes, noise or odors resulting from the proposed use. Dust is not expected to be problematic.

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FOREST CONSERVATION RECOMMENDATIONS**

**TO:** Sandra Youla, Development Review Division

**SUBJECT:** Project Name Wendy's at Wheaton Plaza (recertification) Date Recd 6/15/06  
NRI/FSD # 4-06005E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption:

EXEMPTION:

**X Small Property**

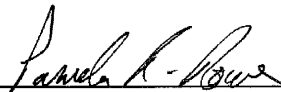
**X** Activity occurring on a tract less than or equal to 1.5 acre in size where there is no existing forest and afforestation requirements would be less than 10,000 square feet, and no specimen or champion trees will be disturbed;

***Note: Tree Save Plan, including preservation and/or replanting of individual trees is required in lieu of a FCP where trees are impacted. Forest within any priority area on-site must be preserved.***

***NOTE: Per section 22A-6(b) of the Forest Conservation Law, Tree Save Plans may be substituted for Forest Conservation Plans on properties where the proposed development is exempt from Forest Conservation except that it involves clearing of specimen or champion trees.***

**This property is not subject to a Tree Save Plan.**

**This property is not within a Special Protection Area.**

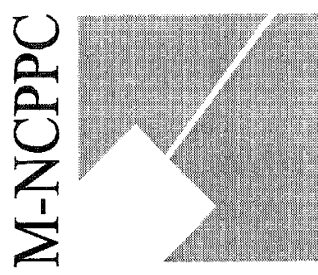
Signature:   
Pamela Rowe x4541, Environmental Planning

Date: 6/30/06

cc: Hannah Robinson, G&O, for the applicant (Fax 301-444-8181)

fcpxemption.doc r01/03

5/4/2006 TO 1/26/06



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.org

January 26, 2006

**Memorandum**

- To:** Sandra Youla, Development Review  
Carlton Gilbert, Zoning Supervisor, Development Review
- Via:** Karl Moritz, Research & Technology Center, 301-495-1312
- From:** Gary Goodwin, Research Coordinator  
Krishna Akundi, Senior Planner *KRISHNA*
- Re:** Evaluation of the Proof of Need Analysis for a quick service restaurant at the intersection of Veirs Mill Road and Georgia Avenue in Wheaton, Special Exception S-2664
- Finding:** Applicant has met his burden of proof. The proposed Wendy's will increase competition particularly among the area's burger oriented quick service restaurants.

***Background***

DavCo Restaurants Inc. of Baltimore has proposed a quick service restaurant, a Wendy's, at the Georgia Avenue-Veirs Mill entrance to the Westfield's Shoppingtown in Wheaton. On January 13<sup>th</sup> 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: field 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**

Applicant defines his market area as a 4-minute drive from the proposed site. The applicant makes the argument that the market area for quick service restaurant ought to

be defined in this manner (see page 3-1 of applicant's report): "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. This configuration, however, does not take into account the variations in traffic patterns and travel time to the central business district over a given day. For example, it may not take someone living near Dennis and Julep avenues the same amount of time to drive to the proposed site in the early morning as it would during lunchtime or the evening.

Although staff accepts applicant's market area designation in this case, we would prefer a more concrete definition: One that defines the market area as the Wheaton CBD or the Retail Preservation Overlay Zone or other distance-based designation and then delineates the physical boundaries of that market area.

Applicant shows, based on demographic data and location of future residential developments, that there would be ample demand for eating and drinking establishments. There is a minor problem with data consistency in applicant's Exhibit 3-1 and 3-2: all data except employment is presented for the 4-minute polygon. Existing and forecast employment data is reported for the Wheaton CBD planning area.

It would seem that the daytime population (workers and shoppers) in the CBD would serve as a target population for eat and drink establishments yet there is no discussion of this segment of the market. Arguably, employees of local businesses and visitors to the CBD 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 undersupply, the applicant uses a standard industry technique to estimate consumer-spending potential in the defined market area. Applicant finds that the defined area's quick service restaurant market could absorb an additional \$5.7 million in consumer spending. 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.

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

Applicant provides a listing of competing quick service restaurants (QSRs) within a 4-minute drive time of proposed site. Applicant, however, mislabeled the exhibit. The 13 competing restaurants that applicants lists in Exhibit 4-1 are located in Silver Spring and Wheaton. Some are in the 20906 zip and others in the 20902 zip code.

Exhibit 4-1 illustrates how many of the 13 restaurants have drive-through windows, the square footage of each, and the estimated annual sales. What is missing is any indication of the menu or food concept differences among the applicant's sample.

An important issue is identifying the type(s) of quick service restaurants in and around the proposed site that compete with the subject property. Staff determined that the subject property competes with other burger concept quick service restaurants.

Searching the ReferenceUSA databases, staff found that there are 118 restaurants (quick service, up-scale, family, and buffet style) in the 20902 and 20906 zip codes. Staff further found that there are 56 restaurants on the three major thoroughfares near the subject property: Georgia Avenue, Veirs Mill Road, and University Boulevard West (see attachment 1).

Staff identified the service style and food concept for many of the 56 restaurants. The subject property is a limited-service restaurant also known as a quick service restaurant. According to the U.S. Census a limited service restaurant is defined as an establishment primarily engaged in providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to the customer's location. One characteristic of a limited service restaurant or quick service establishment is that it has a limited menu and offers prepared meals at a low price. A snack and nonalcoholic beverage bar is also considered a quick service restaurant.

Staff found that there are 19 quick service restaurants along the major thoroughfares in the market area that— like the subject property— are affiliated with a national chain. Among these 19, only two currently have burgers as their main food concept. These two are McDonald's franchises. Thus, while one could suggest that residents in the general neighborhood of the proposed property have access to a diverse number of quick service restaurants, they are not saturated by quick service restaurants that cater the burger concept.

Staff finds that the applicant has met his burden of proof. The proposed Wendy's will increase competition particularly among the area's burger oriented quick service restaurants.

ATTACHMENT 1

COMPETITOR RESTAURANTS IN THE GENERAL NEIGHBORHOOD OF SUBJECT PROPERTY

|    | NAME                          | ADDRESS                    | CITY          | ST | ZIP   | PHONE          | Chain (Y/N) | Concept        | Style         |
|----|-------------------------------|----------------------------|---------------|----|-------|----------------|-------------|----------------|---------------|
| 1  | IHOP                          | 2526 University Blvd W     | Wheaton       | MD | 20902 | (301) 942-2323 | Y           | American       | Casual Dining |
| 2  | Ledo Pizza                    | 2638 University Blvd W     | Wheaton       | MD | 20902 | (301) 929-6111 | Y           | Pizza/Pasta    | Casual Dining |
| 3  | Shoney's                      | 11190 Veirs Mill Rd        | Wheaton       | MD | 20902 | (301) 942-4434 | Y           | American       | Casual Dining |
| 4  | Cancun Restaurant             | 11260 Georgia Ave          | Wheaton       | MD | 20902 | (301) 949-9638 | N           | Mexican        | Casual Dining |
| 5  | Daesung Restaurant            | 11215 Veirs Mill Rd        | Wheaton       | MD | 20902 | (301) 949-1500 | N           | Asian          | Casual Dining |
| 6  | Dusit Thai Cuisine            | 2404 University Blvd W     | Wheaton       | MD | 20902 | (301) 949-4140 | N           | Asian          | Casual Dining |
| 7  | Full Key Restaurant           | 2227 University Blvd W     | Wheaton       | MD | 20902 | (301) 929-8818 | N           | Asian          | Casual Dining |
| 8  | Good Fortune Chinese Rstrnt   | 2646 University Blvd W     | Wheaton       | MD | 20902 | (301) 933-2526 | N           | Asian          | Casual Dining |
| 9  | Nam's Vietnamese Restaurant   | 11220 Georgia Ave          | Wheaton       | MD | 20906 | (301) 933-4385 | Y           | Burger         | Casual Dining |
| 10 | Outback Steakhouse            | 13703 Georgia Ave          | Silver Spring | MD | 20902 | (301) 948-0383 | Y           | Portuguese     | Casual Dining |
| 11 | Roy Rogers Family Restaurants | 11160 Veirs Mill Rd        | Silver Spring | MD | 20906 | (301) 949-5605 | N           | Asian          | Casual Dining |
| 12 | Portuguese Restaurant         | 12210 Veirs Mill Rd        | Silver Spring | MD | 20906 | (301) 942-5200 | N           | Asian          | Casual Dining |
| 13 | Soeul Soondae Restaurant      | 12203 Veirs Mill Rd        | Silver Spring | MD | 20906 | (301) 933-4494 | N           | Asian          | Casual Dining |
| 14 | Assi Korean Restaurant        | 13625 Georgia Ave          | Silver Spring | MD | 20906 | (301) 929-6350 | N           | Asian          | Casual Dining |
| 15 | Jiarchang Restaurant          | 13625 Georgia Ave          | Silver Spring | MD | 20906 | (301) 933-5105 | N           | Asian          | Casual Dining |
| 16 | Lotte Japanese Restaurant Inc | 13625 Georgia Ave          | Silver Spring | MD | 20906 | (301) 933-9307 | N           | Mexican        | Casual Dining |
| 17 | Santa-Telca Restaurant        | 12210 Veirs Mill Rd        | Silver Spring | MD | 20902 | (301) 933-2447 | N           | Asian          | Casual Dining |
| 18 | Japan Sanku                   | 11160 Veirs Mill Rd        | Silver Spring | MD | 20906 | (301) 933-2447 | N           | Seafood        | Casual Dining |
| 19 | Magic Of New Orleans          | 13701 Georgia Ave          | Silver Spring | MD | 20902 | (301) 949-0888 | N           | Sandwich       | Casual Dining |
| 20 | Arby's                        | 11160 Veirs Mill Rd        | Wheaton       | MD | 20902 | (301) 962-6002 | Y           | Mexican        | QSR           |
| 21 | Baja Fresh                    | 2800 W University Blvd W   | Wheaton       | MD | 20902 | (301) 946-8286 | Y           | Chicken        | QSR           |
| 22 | KFC                           | 2119 University Blvd W     | Wheaton       | MD | 20902 | (301) 946-8286 | Y           | Chicken        | QSR           |
| 23 | Quiznos Sub                   | 2800 University Blvd       | Wheaton       | MD | 20902 | (301) 949-0500 | Y           | Sandwich       | QSR           |
| 24 | Starbucks                     | 11160 Veirs Mill Rd        | Wheaton       | MD | 20902 | (301) 933-6091 | Y           | Snack/Beverage | QSR           |
| 25 | Starbucks                     | 2800 University Blvd W     | Wheaton       | MD | 20902 | (301) 933-9093 | Y           | Snack/Beverage | QSR           |
| 26 | Chicken Basket                | 11435 Georgia Ave          | Wheaton       | MD | 20902 | (301) 949-8818 | N           | Chicken        | QSR           |
| 27 | China Chef                    | 11323 Georgia Ave          | Wheaton       | MD | 20902 | (301) 949-8170 | Y           | Asian          | QSR           |
| 28 | Max's Koshher Cafe            | 2319 University Blvd W     | Wheaton       | MD | 20902 | (301) 949-6297 | N           | Jewish         | QSR           |
| 29 | Nick's Diner                  | 11199 Veirs Mill Rd        | Wheaton       | MD | 20902 | (301) 933-5459 | N           | American       | QSR           |
| 30 | Cinnabon                      | 11160 Veirs Mill Rd # F110 | Silver Spring | MD | 20902 | (301) 933-7790 | Y           | Snack/Beverage | QSR           |
| 31 | Dominos Pizza                 | 13659 Georgia Ave          | Silver Spring | MD | 20906 | (301) 949-1401 | Y           | Pizza/Pasta    | QSR           |
| 32 | Jerry's Subs & Pizza          | 12445 Veirs Mill Rd        | Silver Spring | MD | 20906 | (301) 942-7230 | Y           | Pizza/Pasta    | QSR           |
| 33 | KFC                           | 12415 Georgia Ave          | Silver Spring | MD | 20906 | (301) 942-7730 | Y           | Chicken        | QSR           |
| 34 | Mc Donald's                   | 12313 Georgia Ave          | Silver Spring | MD | 20906 | (301) 929-0372 | Y           | Burger         | QSR           |
| 35 | Mc Donald's                   | 11160 Veirs Mill Rd        | Silver Spring | MD | 20906 | (301) 949-0736 | Y           | Burger         | QSR           |
| 36 | Orange Julius                 | 11160 Veirs Mill Rd        | Silver Spring | MD | 20902 | (301) 933-9299 | Y           | Snack/Beverage | QSR           |
| 37 | Papa John's Pizza             | 13860 Georgia Ave          | Silver Spring | MD | 20902 | (301) 603-0730 | Y           | Pizza/Pasta    | QSR           |
| 38 | Subway Sandwiches & Salads    | 11160 Veirs Mill Rd # 108  | Silver Spring | MD | 20906 | (240) 290-2222 | Y           | Sandwich       | QSR           |
| 39 | Taco Bell                     | 12220 Veirs Mill Rd        | Silver Spring | MD | 20906 | (301) 871-9286 | Y           | Mexican        | QSR           |
| 40 | Pizza Boli's                  | 13630 Georgia Ave          | Silver Spring | MD | 20906 | (301) 929-0900 | Y regional  | Pizza/Pasta    | QSR           |
| 41 | Pizza Hut                     | 12216 Veirs Mill Rd        | Silver Spring | MD | 20906 | (301) 933-3399 | Y           | Pizza/Pasta    | QSR           |
| 42 | Pizza Hut                     | 13623 Georgia Ave          | Silver Spring | MD | 20906 | (301) 933-3399 | Y           | Pizza/Pasta    | QSR           |
| 43 | Pizza Hut                     | 12331 Georgia Ave # A      | Silver Spring | MD | 20906 | (301) 933-1205 | Y regional  | Pizza/Pasta    | QSR           |
| 44 | Farrell's Ice Cream Parlor    | 11160 Veirs Mill Rd        | Silver Spring | MD | 20902 | (301) 946-8922 | Y regional  | Snack/Beverage | QSR           |
| 45 | Zi Pani Breads & Cafe         | 13804 Georgia Ave          | Silver Spring | MD | 20906 | (301) 871-0256 | Y           | Pasta          | QSR           |
| 46 | Barmaby's Pub                 | 2417 University Blvd W     | Wheaton       | MD | 20902 | (301) 949-3232 | N           | Tavern         | QSR           |
| 47 | De lounge                     | 11305 Georgia Ave          | Wheaton       | MD | 20902 | (301) 933-6886 | N           | Tavern         | QSR           |
| 48 | Wok Gourmet                   | 2306 Shorefield Rd         | Wheaton       | MD | 20902 | (301) 962-0888 | N           | Asian          | QSR           |
| 49 | Pollo Dorado                  | 12218 Veirs Mill Rd        | Silver Spring | MD | 20906 | (301) 946-6222 | N           | Mexican        | QSR           |
| 50 | Pollo Three Amigos            | 13643 Georgia Ave          | Silver Spring | MD | 20906 | (301) 949-5599 | N           | Mexican        | QSR           |
| 51 | Southern Wings                | 11160 Veirs Mill Rd        | Silver Spring | MD | 20902 | (301) 933-0300 | N           | Chicken        | QSR           |
| 52 | Steak Escape                  | 11160 Veirs Mill Rd        | Silver Spring | MD | 20902 | (301) 942-6020 | N           | Chicken        | QSR           |
| 53 | Super Bowl II                 | 12345 Georgia Ave          | Silver Spring | MD | 20906 | (301) 933-4050 | N           | N              | QSR           |
| 54 | Super Buffet                  | 12391 Georgia Ave          | Silver Spring | MD | 20906 | (301) 962-5030 | N           | N              | QSR           |
| 55 | Texas Bbq Factory             | 11160 Veirs Mill Rd        | Silver Spring | MD | 20902 | (301) 933-8275 | N           | N              | QSR           |
| 56 | Yett Gol                      | 12337 Georgia Ave          | Silver Spring | MD | 20902 | (301) 949-2222 | N           | N              | QSR           |

Source: Reference USA, QSR Magazine, The Ultimate Restaurant Database, websites

*Slg rec'd 3/23/06, THW*

2103 Dayton Street  
Silver Spring, Maryland 20902  
March 22, 2006

Office of Zoning and Administrative Hearings  
Montgomery County  
100 Maryland Avenue  
Rockville, Maryland 20850

**RECEIVED**

MAR 23 2006

**OFFICE OF ZONING AND  
ADMINISTRATIVE HEARINGS**

Re: S2664

Dear Sir or Madam:

I am writing to oppose the installation of a drive-in restaurant on Viers Mill Road at Westfield Wheaton Shopping Mall, which I will refer to as the Bally entrance.

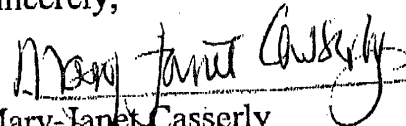
The traffic flow at that location is particularly poor given the amount of traffic trying to enter and exit the mall at the corner where the restaurant would be located, the pedestrian traffic illegally crossing from the Metro station; traffic proceeding past the Mall going north on Viers Mill Road, not to mention the traffic going south on Georgia Avenue that attempts to enter the Mall at the Bally entrance.

I do have to wonder if anyone from the appropriate office has looked closely at this site at a time when the general public is trying to use this area.

I hope you will give serious consideration to the points I have noted above before allowing this project to continue.

Thank you.

Sincerely,



Mary Janet Casserly

Cc: Tom Perez, by e-mail

*cc: Sandra via  
fax 3/23/06*

EXHIBIT NO. 16

REFERRAL NO. 5-2664