



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

MCPB No. 15-128
Preliminary Plan No. 120150180
Chick-fil-A Olney
Date of Hearing: October 1, 2015

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CORRECTED RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on May 12, 2015, Chick-fil-A ~~John Martinez~~ ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 0.90 acres of land in the CRT zone, located at 18115 Georgia Avenue, east side, north of the intersection of Georgia Avenue and Olney-Sandy Spring Road ("Subject Property"), in the Olney Policy Area, Olney master plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120150180, Chick-fil-A Olney ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 18, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 1, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120150180 to create one lot on the Subject Property, subject to the following conditions:¹

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Approved as to
Legal Sufficiency

Christina Smith 1/4/16
M-NCPPC Legal Department

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1. This Preliminary Plan is limited to one lot for a 4,886 square foot restaurant and single drive thru.
 2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 30, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
 3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
 4. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated July 10, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval, except that the access point along Hillcrest Avenue should retain full vehicular movement. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
 5. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
 6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated May 28, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
 7. The Applicant must dedicate and show on the record plat(s) the dedication for Georgia Ave (MD 97) as shown on the Preliminary Plan.
 8. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly
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designated on the Preliminary Plan, "To Be Constructed By _____" are excluded from this condition.

9. The Subject Property is limited to one right-in/right-out access to Georgia Avenue (MD 97) and must be approved by Maryland State Highway Administration (MDSHA).
10. The Applicant must dedicate and show on the record plat, right-of-way to allow for the construction of a 10-foot shared use path as shown on the Preliminary Plan.
11. Prior to recordation of the plat(s), the Applicant must satisfy Montgomery County Department of Permitting Services (MCDPS) requirements to ensure the following pedestrian improvement:
 - a. Construct a 10-foot wide shared use path along entire property frontage on Georgia Avenue (MD 97) and provide necessary crosswalks and ramps, in the location shown on the Preliminary Plan.
12. Prior to the issuance of a Use and Occupancy Certificate, the Applicant must provide and have inter-parcel access open to vehicle and pedestrian traffic with the property to the east as shown on the Preliminary Plan.
13. The certified Preliminary Plan must contain the following note:

"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
14. Final approval of location of buildings, on-site parking, site circulation, sidewalks, and shared-use paths will be determined at Site Plan.
15. The record plat must show necessary easements.
16. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.

17. Prior to recordation of any plat, Site Plan No. 820150100 must be certified by M-NCPPC Staff.
18. No clearing or grading of the site, or recording of plats prior to certified site plan approval.
19. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the site plan.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Subject Property is located in Olney's "Town Center." The Master Plan recognized that Olney's Town Center could function as both a civic and commercial focus for Olney's communities. The Master Plan focused considerable attention on the Town Center, setting as an overall goal the creation of "an economically healthy, pedestrian-oriented, and well-connected Town Center to be the commercial and civic heart of the community." To achieve this goal, the Master Plan proposed a new Mixed Use Town Center Zone that would enable residential uses to be integrated in the Town Center and create a more compact pattern of development with a pedestrian orientation. The new zone was put in place, and, as part of the county's comprehensive revision of its zoning ordinance, Olney's Town Center is now in the Commercial/Residential Town (CRT) Zone.

The Master Plan included urban design recommendations for the town center, which were designed to implement the development pattern, activate streets and encourage pedestrian activity. The Master Plan sought buildings located close to streets; façades, entrances and storefronts that would enliven the streetscape; wider sidewalks; and public amenities.

The Application substantially conforms to those recommendations. The approved building is located directly on Georgia Avenue, activates the frontage, is significantly landscaped, and offers seating for patron use. There are windows

and awnings along the façade, as well as a door from the restaurant to the seating area. This treatment will contribute to a streetscape conducive to increased pedestrian activity.

The Applicant, a national restaurant chain, has made a serious effort to design a building that will be integrated into a town center that is active, walkable and connected. The approved use and lot substantially conforms to the recommendations adopted in the Olney Master Plan.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

The Subject Property is located at the northeast corner of Olney Sandy Spring Road (MD 108) and Georgia Avenue (MD 97). Access to the site is currently from two right-in/right-out entrances along Georgia Avenue. The Applicant proposes to close the right-in/right-out entrance that is closest to MD 108 and provide inter-parcel access with the property to the east that will create a connection from Georgia Avenue to Hillcrest Avenue. Vehicle parking will be provided on-site with surface parking spaces and bicycle parking will be provided with an inverted U-rack placed near the main entrance of the building.

The Applicant will construct a ten-foot shared use path along the Property frontage of northbound Georgia Avenue as indicated in the Countywide Bikeways Functional Master Plan. Additionally, the Applicant proposes to construct a lead sidewalk and stairs that will provide a direct connection from the shared use path on Georgia Avenue to their building.

Ride-on Route 52 and 53 and Washington Metropolitan Area Transit Authority (WMATA) Route Y2 and Y8 provide bus service within close proximity of the Subject Property. WMATA Route Y2 and Y8 connect the Medstar Montgomery Medical Center to the Silver Spring Metrorail station by way of Olney Sandy Spring Road and Georgia Avenue. The Y2 runs during the morning and afternoon peak periods and in the evening with service every 30 minutes. The route also runs on the weekend with service every 30 minutes. The Y8 Route runs during Monday through Friday during the midday with service every 30 minutes. Ride-On Route 52 connects Montgomery General Hospital to the Rockville Metrorail station with service every 30 minutes in the peak direction during the peak period Monday through Friday. Ride-On Route 53 connects the Shady Grove Metrorail station to the Glenmont Metrorail Station by way of Olney Sandy Spring Road with service every 30 minutes in the peak period Monday through Friday. The closest bus stop is located approximately 150 feet north of the Subject Property on Georgia Avenue for Route 53. The closest southbound

bus stop that serves all routes is located approximately 250 feet south of the Property on Georgia Avenue across Olney Sandy Spring Road.

Adequate Public Facilities Review (APF)

As conditioned, the Preliminary Plan for the 4,886 square foot restaurant and drive-thru will satisfy the LATR and TPAR requirements of the Adequate Public Facilities (APF) review.

Trip Generation

The peak-hour trip generation estimated for the development was based on trip generation rates included in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th edition. Based on the ITE trip generation rates the drive-thru restaurant will generate a total of 37 net new peak-hour trips during weekday morning peak period and 3 fewer peak-hour trips during weekday evening peak period after the pass-by, diverted trips, and existing use reductions are taken into account. A pass-by trip reduction is assumed because traffic is already using the adjacent roadway and enters the site as intermediate stop on their way to, or from, another destination. A diverted trip reduction is taken as these vehicles are already on the road network. The trips are on the road network already but choose to make additional turns or go out of their typical travel pattern to access the Subject Property. As such, if these trips are added back into the net total trips, the drive-thru restaurant use will generate an additional 99 trips in the morning peak hour and 34 new trips in the afternoon peak hour. This increase in number of trips will not increase the CLVs at the intersections to the point where they will fall below the acceptable CLV threshold.

Local Area Transportation Review (LATR)

A traffic study dated March 23, 2015, was submitted to determine the impact of the development on the area transportation system. Six local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard. All six are located in the Olney Policy Area with a Critical Lane Volume (CLV) standard of 1,450. Two of the six intersections, Olney Sandy Spring Road/Georgia Avenue and Olney Sandy Spring Road/Shopping Center Driveway, evaluated in the traffic impact study are currently signalized. The Property will have one right-in/right-out only access to Georgia Avenue. The Georgia Avenue/Five Guys driveway egress only will not provide any access for the Subject Property.

The development trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total

future traffic. The total future traffic was assigned to the critical intersections to evaluate the total future CLVs. All intersections analyzed are currently operating at acceptable CLV congestion standards and will continue to do so under the background development condition, and total future traffic condition with the approved use on the Subject Property.

Transportation Policy Area Review (TPAR)

The Property is located in the Olney Policy Area. According to the 2012-2016 Subdivision Staging Policy, the Olney Area is adequate under the roadway test but inadequate under the transit test. The Montgomery County Department of Permitting Services assesses the transportation impact tax based on square footage increase. Even though the change in use will generate 37 additional trips in the AM peak hour, the Applicant is reducing the square footage of the building; therefore, no TPAR payment is required.

Master Plan Transportation Facilities

The 2005 Approved and Adopted Olney Master Plan and 2005 Countywide Bikeways Functional Master Plan contain the following recommendations for adjacent roadway/bikeway facilities:

- Georgia Avenue (MD 97): A major highway (M-8) with four divided travel lanes (two lanes in each direction with a median) with a right-of-way of 120 feet. Sufficient right-of-way is being dedicated to implement all of the transportation elements that are identified in the Olney Master Plan.
- An off-road shared-use path (SP-39) on Georgia Avenue in front of the Subject Property.

The access to the Subject Property, as shown on the Preliminary Plan, will be adequate to serve the traffic generated by the development. The internal and external pedestrian circulation and walkways as shown on the both the Preliminary Plan and Site Plan will provide adequate movement of pedestrian traffic.

Other Public Facilities and Services

The restaurant will be served by public water and sewer. The existing septic system will be abandoned or removed per MCDPS standards. The Applicant will install a new 4-inch sewer line extending from the existing 8 inch sanitary sewer line within the Hillcrest Avenue right-of-way to the east. The Applicant will also construct a new 8 and 6 inch water line from the existing main that runs north below the southbound portion of the Georgia Avenue right-of-way. Electric and telecommunications are also available and adequate to service for the

restaurant. The Application is not subject to a School Facilities Payment because the proposal does not include residential development. All other public facilities and services such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The lot was reviewed for compliance with the dimensional requirements for the development of a general building type under the standard method in the CRT Zone. The lot as approved meets all the dimensional requirements for area, frontage, width, and setbacks in the CRT Zone. The exact building location, setbacks and additional requirements of the zone will be determined at site plan.

The Preliminary Plan has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Preliminary Plan meets all applicable sections. The approved lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations of the Olney Master Plan, and the intended commercial use.

The lot is adequate in size and shape to provide the necessary space to construct the drive-thru restaurant. The location and orientation of the lot allow the restaurant to front on Georgia Avenue and have a drive-thru in the rear of the lot. As envisioned by the Master Plan, the approved development will create a well-connected, pedestrian friendly, active commercial use.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) No. 42015083E was approved for the Property on October 31, 2014. The NRI/FSD identified all of the required environmental features on and adjacent to the Property, as further described in the Environmental Guidelines for Environmental Management of Development in Montgomery County (Environmental Guidelines).

The Subject Property is located within the Patuxent River watershed, which is classified by the State of Maryland as Use Class IV-P waters. A portion of the Property is located within the Patuxent River Primary Management Area due to its proximity to an offsite stream. Per the Environmental Guidelines, because the Property is zoned with a density greater than RE-2, it is subject to the "nonconformance requirements", which include stormwater management and best management practices. These requirements are adequately addressed through Environmentally Sensitive Design (ESD) measures approved by the Montgomery Department of Permitting Services as part of the stormwater management concept. The Property is not subject to any specific numerical impervious surface limitations. The Property does not contain any forest, streams, wetlands, 100-year floodplain, highly erodible soils, or environmental buffers. The topography slopes from the highest elevation in the southern portion of the Property, to the north. A small area of man-made steep slopes ($\geq 25\%$) exists adjacent to the north side of the existing building. There are no significant or specimen trees located on the Property. There is one specimen tree, a 50" diameter at breast height silver maple in fair condition, located on the adjacent property to the north. The Preliminary Plan meets all applicable requirements for protection of environmentally sensitive areas.

Forest Conservation

The Preliminary Plan meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The NRI/FSD application included a request for an exemption from submitting a Forest Conservation Plan (FCP). In a letter dated October 31, 2014, the FCP Exemption was confirmed under Section 22A-5(s)(1) because the tract of land is less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet. The Preliminary Plan meets all applicable requirements of the county Forest Conservation Law.

5. *All stormwater management requirements shall be met as provided in Chapter 19, article II, title "storm water management", Section 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

MCDPS has approved a stormwater management concept for the project in a letter dated May 28, 2015. The concept consists of ESD by the use of micro-bioretenment facilities and an underground detention/structural filtration facility.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

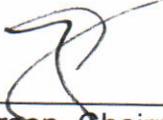
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 13 2015 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, January 14, 2016, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board