



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

MCPB No. 19-015  
Site Plan No. 820180090  
New Hampshire Ave. Restaurant Redevelopment  
Date of Hearing: February 7, 2019

**APR 16 2019**

**RESOLUTION**

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

WHEREAS, on March 7, 2018, Potomac Foods Real Estate, LLC<sup>1</sup> (“Applicant”) filed an application for approval of a site plan for a 2,890 square foot eating and drinking establishment (Burger King) with a drive thru, on 0.77 acres of NR (Neighborhood Retail) zoned-land, located on the southwest corner of New Hampshire Ave (MD-650) and Cloverly Street (15427 New Hampshire Avenue), approximately 350 feet east of the intersection of Briggs Chaney Road and MD-650 (“Subject Property”), in the Cloverly Policy Area and 1996 *Cloverly Master Plan* (“Master Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820180090, New Hampshire Ave. Restaurant Redevelopment (“Site 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 January 25, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on February 7, 2019, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on February 7, 2019, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Patterson, with a vote of 3-0; Commissioners Anderson, Fani-Gonzalez, and Patterson voting in favor, with Commissioner Dreyfuss abstaining and Commissioner Cichy absent.

<sup>1</sup> The site plan Application listed Potomac Foods Group as the Applicant/Developer. Potomac Foods Real Estate, LLC is the correct legal title. Potomac Foods Real Estate, LLC is leasing the property from the owned, Safeway Inc.

Approved as to  
Legal Sufficiency

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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820180090 for a 2,890 square foot eating and drinking establishment (Burger King) with a drive thru the Subject Property, subject to the following conditions:<sup>2</sup>

### **Density, Height & Housing**

1. Density

The Site Plan is limited to a maximum of 2,890 square feet of fast food restaurant with one drive-thru on the Subject Property.

2. Height

The development is limited to a maximum height of 22 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

### **Open Space, Facilities and Amenities**

3. Amenity Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 10,540 square feet of amenity space as shown on the Certified Site Plan.
- b. Before the issuance of Use and Occupancy certificate for the restaurant development, all public amenity space areas on the Subject Property must be completed.
- c. The Applicant must provide a landscape buffer (between sidewalk and street) along Cloverly Street as shown on the Certified Site Plan, unless modified by MCDOT.

4. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to outdoor seating/furniture, specialty pavement (patio), and sidewalks.

### **Site Plan**

5. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.

6. Lighting

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<sup>2</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off fixtures or BUG equivalent.
- c) Deflectors will be installed on all proposed freestanding light fixtures (outside of the right-of-way) to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

## **Transportation & Circulation**

### **7. Pedestrian & Bicycle Circulation**

- a) The Applicant must provide two (2) short-term bicycle parking spaces. The short-term spaces must be inverted-U racks (or approved equal) installed in a well-lit area near the entrance to the building.
- b) The Applicant must construct all sidewalks and sidepaths, both on and adjacent to Subject Property and within the limits of disturbance, to applicable ADA standards.
- c) The Applicant must ensure that access from Cloverly Street and New Hampshire Avenue to Parcel D, Block C (Record Plat 21236) and the proposed lot is maintained via the drive-aisles identified on the Certified Site Plan and Certified Site Plan Amendment.

### **8. Parking**

The Applicant shall not restrict parking lot use to restaurant patrons only.

### **9. Site Plan Surety and Maintenance Agreement**

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

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, outdoor patio, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

**10. Development Program**

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

**11. Certified Site Plan**

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

- a) Include the stormwater management concept approval letter and other applicable agency review letters development program, Preliminary Plan resolution and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c) Modify data table to reflect development standards approved by the Planning Board.
- d) Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of New Hampshire Ave. Restaurant Redevelopment, Site Plan No. 820180090, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

1. *The development satisfies any previous approval that applies to the site.*

The Site Plan does not conflict with the previous approvals that apply to the site.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This finding is not applicable since there is no development plan or schematic development plan in effect on October 29, 2014 associated with this Property.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

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

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Use Standards

A restaurant is a permitted use in the NR zone, however, the proposed restaurant includes a drive-thru which is a limited use in the NR zone.

Limited Use Standards 59.3.5.14.E – Drive-thru

In addition to the development standards noted below, there are use standards for a drive-thru use. The drive-thru use meets the following limited use standards:

2. Use Standards - *Section 59-3.5.14.E Drive-Thru*

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

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

There are no residential uses within 100 feet of the Subject Property.

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

The Drive-Thru Restaurant is not accessed from a street with a residential classification.

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

In this case, the main wall (front) of the building is facing Cloverly Street, as envisioned by the Master Plan. The restaurant's drive-thru service window, drive aisle and queuing area are located behind the front main wall of the building.

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

The Subject Property is a corner lot. The drive aisle, service window and stack area are located behind the building on the Safeway Driveway side. At no point is the drive-thru facility directly between the side wall and New Hampshire Ave, however the drive aisle and queuing area protrudes past the side wall building line. The drive-thru queuing area will be screened from New Hampshire Avenue by a visual buffer consisting of a row of

flowering evergreen shrubs and a 3-foot-tall vertical board-on-board fence, as shown on the Certified Site Plan.

v. *Site plan approval is required under Section 7.3.4*

Approval of this Site Plan application by the Planning Board will satisfy this requirement.

b. Development Standards

The Subject Property includes approximately 0.77 acres zoned Neighborhood Retail. The Application satisfies the applicable development standards as shown in the following data table:

**Data Table**

Site Plan Data Table (NR Zone -Standard Method of Development)

| <b>Standard</b>                               | <b>Required/Permitted</b>    | <b>Approved</b>         |
|---|------------------------------|-------------------------|
| Tract Area (Existing Parcel)                  | n/a                          | 33,399 SF<br>(0.766 AC) |
| Proposed dedication                           | n/a                          | 561.72 SF<br>(0.013 AC) |
| Site Area (Net tract area)                    | n/a                          | 32,837 SF<br>(0.753 AC) |
| Density (max)                                 | 0.75 FAR/25,049 SF           | 0.09 FAR/2,890 SF       |
| Front setbacks                                | 0 ft. min.                   | 84 ft. min.             |
| Side street setbacks                          | 0 ft. min.                   | 12 ft. min.             |
| Rear setbacks                                 | 0 ft. min.                   | 71 ft. min.             |
| Max Building Height                           | 45 ft. max                   | 22 ft. max              |
| Amenity Open Space                            | 10% Min (3,284 SF)           | 32% (10,540 SF)         |
| - Lawn/Landscape                              |                              | 7,100 SF                |
| - Sidewalks                                   |                              | 2,980 SF                |
| - Patio/outdoor seating                       |                              | 460 SF                  |
| Parking Setbacks from street (minimum)        |                              |                         |
| - MD-650                                      | 6 ft. min.                   | 36 ft. min.             |
| - Cloverly Street                             | 6 ft. min.                   | 13 ft. min              |
| Parking                                       | 6 spaces total               | 20 spaces               |
| - Vehicle spaces (4 per 1,000 SF patron area) | 5 spaces (1,250 patron area) | 18 spaces               |
| - ADA parking (1 per 25                       | 1 space                      | 2 spaces                |

|                                     |          |                  |
|-------------------------------------|----------|------------------|
| spaces)                             |          |                  |
| - Bicycle spaces (1 per 10k SF GFA) | 1 space  | 2 spaces         |
| - Bicycle (long-term storage)       | 0 spaces | 1 storage locker |

c. General Requirements

i. *Site Access*

As discussed in the Preliminary Plan, access to the Subject Property is adequate to serve the development. The Subject Property has frontage on New Hampshire Avenue and Cloverly Street. The site will be accessible from Cloverly Street and the drive aisle on the Safeway Property via an existing inter-parcel connection in the rear of the Property. The inter-parcel connection will remain, in general, as is it is configured today, with minor improvements. The second access point between the Subject Property and the Safeway drive aisle will be shifted further to the southeast (away from MD-650) and converted to an exit only which will improve on-site circulation and eliminate conflict between vehicles entering and exiting the site from multiple access points. The two other existing access points on Cloverly Street will be closed as part of this Application.

ii. *Parking, Queuing, and Loading*

The Site Plan provides adequate parking to serve the proposed restaurant. In the NR zone, four parking spaces are required for every 1,000 square feet of patron area. Based on the proposed 1,250 square feet of patron area, the Applicant is required to provide a minimum of 5 parking spaces. Eighteen parking spaces have been provided on-site as requested by the Applicant to meet market demand. Each parking space meets the minimum 8.5' x 18' dimensional requirements and are arranged in a location that allows for safe, efficient and orderly maneuvering.

Section 6.2.7 Queuing Design Standards (Drive-thru)

Drive-thru restaurants are required to accommodate queuing space for at least 5 vehicles. The Burger King drive-thru is designed to accommodate queuing area for 7 standard size vehicles between the pick-up window and the entrance to the drive-thru without



impeding the designated exit (only) or vehicles utilizing the parking spaces that are perpendicular to the drive-thru lane. A 4-foot-wide sidewalk and planting strip between the drive-thru lane and parking spaces provides a safe pedestrian path from the parked vehicle to the buildings side entrance, eliminating the need for pedestrians to walk in the drive aisle. A raised curb also protects pedestrians on the sidewalk from vehicles that are actively parking.

iii. *Open Space and Recreation*

The Applicant is required to provide 10% amenity open space because the Subject Property is being developed with a General Building type under the standard method of development in the NR zone and the tract area is greater than 10,000 square feet.

The Application satisfies the open space requirements by providing 32% (10,540 square feet) of amenity space on the Site including landscaped area, lawn, sidewalks, and a patio area. The amenity open space provided exceeds the 10% (3,284 square feet) required area and it includes amenities for the use and enjoyment of employees and visitors.

iv. *General Landscaping and Outdoor Lighting*

The Application includes a variety of new landscaping and lighting throughout the Property. Street trees are provided along MD-650 and Cloverly Street to enhance the pedestrian environment, provide shade, and create an aesthetically pleasing presence on the road.

The Applicant will be planting a variety of native trees and shrubs throughout the Property. Willow oaks will be planted along the perimeter of the drive aisles and parking lot edge to provide shade. A row of Autumn Glory red oaks will be planted parallel to the rear property line to provide shade and visual interest in the fall. The trees will shade 33% or 4,300 square feet of the 12,950 square foot surface parking lot, which exceeds the minimum 25% (3,238 square feet) shading requirement.

To match the current street lights on Cloverly Street, the Applicant is installing four 13-foot-tall decorative cast iron light poles with residential style Washington Globe luminaries (LED), two on Cloverly Street and two on New Hampshire Avenue. Lighting on-

site consists of 5 freestanding pole lights positioned on the perimeter of each parking area and the drive-thru. Wall sconces on the side of the building will provide illumination to pedestrians entering and exiting the restaurant.

The photometric plan submitted by the Applicant shows that the proposed lighting will adequately illuminate the site creating a safe environment, without creating light spillage or excessive glare on adjacent properties or the rights-of-way. As conditioned, all site lighting provides adequate, safe and efficient illumination.

v. *Screening*

The only screening requirements that apply to the Application are those required for the drive-thru facility which is discussed in detail in the limited use findings above. The Application as conditioned meets the screening requirements of the Zoning Ordinance.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on December 7, 2018. The plan will meet stormwater management requirements through the use of pervious pavement and micro-bioretenion.

b. Chapter 22A, Forest Conservation

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

On October 30, 2018, a Forest Conservation Plan Exemption 42019037E under Chapter 22A-5(s)(2) was granted for the Application.

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

i. Parking and circulation

As shown on the Site Plan, pedestrian and vehicular access and circulation is safe, adequate and efficient. Currently, there are multiple vehicular access

points from the Safeway drive aisle and Cloverly Street and no clearly defined circulation pattern. As previously discussed, the internal circulation will be redesigned to provide clear circulation patterns and limiting pedestrian and vehicular conflicts by centralizing vehicular access to the Property. The Site Plan continues to provide access between the commercial areas, maintains the inter-parcel connection. The inter-parcel connection is an important feature for the vitality of the Cloverly Commercial Area because it provides a logical, convenient and safe way for vehicles to access individual businesses without requiring them to use MD-650.

The Site Plan shows sidewalks from the proposed 10-foot sidepath along the frontage of New Hampshire Avenue and lead-in sidewalks to the door of the building, a designated pedestrian crossing across the drive-thru lane from the parking area to the building, as well as crosswalk leading from the ADA parking spots adjacent to the drive-thru. The pedestrian crossing area throughout the site will provide a clear path for pedestrians to enter the building from the path and surrounding parking lot.

The building location, parking layout and drive-thru configurations will improve vehicular circulation on the Property and create safer, more controlled site conditions between Cloverly Street and the Safeway drive aisle.

*ii.* Building massing

The building is compatible with the existing development in the Cloverly Commercial area. The building is single story with a footprint of approximately 2,890 square feet, 1,250 square feet of which is patron area. The building is generally rectangular and approximately 84 feet long and 41 feet wide. The building occupies the northeast side of the Property, oriented with its longest side parallel to Cloverly Street where the main entrance is located. As envisioned in the Master Plan, the building is oriented towards Cloverly Street, with outdoor seating, specialty pavement, and street trees, which further the overall arching goal of transforming Cloverly Street into a "Mini-Mainstreet".

The building façade will be finished with multiple materials, including two types of stone, brick and engineered sand finish (like stucco). The body of the façade is an engineered finish with a horizontal band of stone at the bottom. The entrances and windows to the building are articulated with parapet walls and introduction of stone and brick. The face design gives the building depth and breaks up the longer sections of blank wall where windows are

infeasible (such as the kitchen). Metal canopies will overhang the entrances providing shelter from the elements and further defining the access point

iii. Open space, and site amenities

The location of the proposed Amenity Open Space and amenities, such as the patio, sidewalks and sidepath are safe and well-integrated into the Site design. Throughout the Site, the existing and proposed sidewalks provide a safe location for pedestrians to access the restaurant, patio, parking area and surrounding businesses. The patio area located in a logical location, safely within the pedestrian realm, and does not create any conflicts for the public. The short-term bicycle parking racks are located adjacent to the main entrance, visible to patrons. The approved location and design of the open space and site amenities will be safe for users.

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

The Site Plan conforms with the recommendations of the 1997 *Cloverly Master Plan*, including the design recommendations for the “Cloverly Commercial Area”. The Master Plan recommends redevelopment of the Cloverly commercial area in general, and specifically the redevelopment of the commercial properties along Cloverly Street and Briggs Chaney Road, placing emphasis on strengthening the retail vitality of the area and encouraging its use as a public gathering place. The Master Plan provided two possible development scenarios, non-assemblage and assemblage (p22). Because the property in the Cloverly Commercial Area was owned by multiple entities, making assemblage unlikely, the Master Plan recommended a Main Street design concept to help guide redevelopment along Cloverly Street.

With the guidance provided in the Master Plan, some of the main street design elements such as on-street parking, street trees and special lighting have already been achieved as individual properties with frontage on Cloverly Street have incrementally redeveloped.

*“Encourage street-oriented development along Cloverly Street to provide a walkable, pedestrian-friendly commercial area that encourages social gathering. Street oriented development is achieved by locating buildings close to the street with on-street parking. Sidewalks area to be enhanced with tightly space street trees, seating areas, special paving and lighting, visible and safe connections to the proposed park at the eastern end of Cloverly Street” (page 24).*

The development will further improve Cloverly Street, and provide elements that haven't yet been implemented, such as providing street-oriented development and outdoor seating with specialty paving which will help activate the street. The Applicant is also proposing to realign the curb, recapturing additional space to provide a sidewalk and a more robust tree panel. Street lights of the same design as the existing lighting on Cloverly street will be continued along the Subject Property's frontage.

*"Improve vehicular access and circulation in the Cloverly Commercial Area by providing interconnected parking lots and coordinated driveways between independently owned properties"* (page 26).

Access to and from Cloverly Street will be consolidated. The primary inter-parcel connection through the Subject Property will be reconfigured, but function the same way it does today, providing the only vehicular connection between businesses on Cloverly Street and the Safeway drive aisle. In general, the development will provide much needed revitalization and activation to an underutilized property. As conditioned, the frontage improvements will achieve many of the goals envisioned for the Cloverly Commercial Area in the Master Plan.

New Hampshire Avenue (MD-650) is a Master Planned Major Highway with a minimum 120-foot right-of-way. In front of the Subject Property, New Hampshire Avenue has four through lanes and two-way center turn lane. The approved Preliminary Plan is providing the necessary dedication to provide a minimum of 120 feet from the opposite right-of-way line across New Hampshire Avenue, an average dedication of approximately 2 feet. As recommended in the 2018 *Bicycle Master Plan*, the Applicant is constructing a 10-foot wide sidepath along the frontage of the Subject Property on New Hampshire Avenue, partially within the right-of-way and partially in a public improvement easement on the Subject Property.

Cloverly Street is a two-lane Business District Street with parking on one side with a minimum right-of-way of 70 feet. Sufficient right-of-way has already been dedicated on Cloverly Street. As shown on the Certified Site Plan, the Applicant is reconstructing Cloverly Street to be a width consistent with the remainder of the street and to comply with the appropriate MCDOT Business District street section as envisioned by the Master Plan. The existing curb line will be moved closer to the street centerline, making a consistent curb line with the properties to the southwest along the same side of the street and creating a Business District street with parking on one-side. Moving the curb will allow the Applicant to install a 10-foot wide tree panel with street trees, a 6-foot wide

sidewalk, and a minimum two-foot wide maintenance strip. This improvement will greatly enhance the aesthetics of this street.

8. *The development 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.*

The Application will be served by Adequate Public Facilities as discussed and approved with Preliminary Plan 120180260.

9. *The development is compatible with existing and approved or pending adjacent development.*

The proposed general building type is compatible with regard to scale, massing and height with the existing development surrounding the Subject Property. The building orientation and location in relation to Cloverly Street is consistent with the existing pattern of development on the south side of Cloverly Street.

10. *There is a need for the approved use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the approved location will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

The Applicant submitted a Needs Study, dated November 2, 2018, which presents market information that demonstrates that there is presently an insufficient number of limited service restaurants in the Market Area to satisfy the current population. In fact, there are no other quick service restaurant with a drive-thru currently serving the Cloverly population (excluding the Starbucks Kiosk within the Cloverly Safeway) based on the identified Market Area. Based on the information provided in the Needs Study, a need exists for a quick service restaurant with a drive-thru at this location and will not result in a multiplicity or saturation of similar uses in the neighborhood.

11. *The decrease in gross floor area devoted to Retail/Service Establishment uses will not have an adverse impact on the surrounding area.*

The Subject Property was zoned C-1 on October 29, 2014. According to Maryland State Property records, the existing building contains approximately 1,750 square feet of gross floor area for retail/service establishments. The proposed building is 2,890 square feet of gross floor area for retail/service establishments, therefore, the gross floor area is not being decreased and the surrounding area will not be adversely affected.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 16 2019 (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 Commissioner Cichy, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Cichy and Patterson voting in favor, and Vice Chair Dreyfuss and Commissioner Fani-González absent at its regular meeting held on Thursday, April 4, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board