



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

MCPB No. 19-126  
 Site Plan No. 81990055D  
**McDonald's - Derwood**  
 Hearing Date: November 7, 2019

NOV 14 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 February 21, 1991, the Planning Board, by MCPB Opinion mailed on February 25, 1991, approved Site Plan No. 819900550, for a 1,008 square foot addition to the existing 3,000 square foot fast food restaurant on 1.83 acres of C-3 zoned-land, located at 15801 Frederick Road ("Subject Property"), in the 2006 Shady Grove Sector Plan ("Sector Plan") area; and

WHEREAS, on October 9, 2003, the Planning Board approved an amendment to the Site Plan No. 81990055A, by MCPB opinion mailed October 27, 2003 for the addition of a DVD vending machine on the Subject Property; and

WHEREAS, on October 25, 2013, McDonald's USA, LLC ("Applicant") filed an amendment to the Site Plan No. 81990055B, which was subsequently withdrawn; and

WHEREAS, on September 19, 2018, Planning Department Staff approved an administrative amendment to the Site Plan No. 81990055C for the reconfiguration of the existing drive-thru lane to side-by-side two-point order, with associated menu boards, updated pedestrian and vehicular circulation, and bicycle parking spaces; and

WHEREAS, on August 1, 2019, the Applicant filed an application for approval of an amendment to the previously approved site plan for approval of the following modifications:

1. Three small additions totally 496 square feet;
2. Relocation of a drive through window; and
3. Minor changes to the landscape plan.

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81990055D, McDonald's - Derwood ("Site Plan," "Amendment," or "Application"); and

Approved as to  
 Legal Sufficiency

*Christa Scott 10/31/19*

WHEREAS, per Section 59-7.7.1.B.3, the Planning Board reviewed this Site Plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; 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 October 25, 2019, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 7, 2019, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 81990055D subject to the following conditions:

**Site Plan Conformance**

1. The development must comply with the conditions of approval for Site Plan Nos. 819900550, 81990055A, and 81990055C. 81990055B was submitted for review and subsequently withdrawn.

**Density**

2. The Site Plan is limited to a maximum of 6,082 square feet of development, which is comprised of the existing 5,586 square foot building and 496 square feet of proposed additions.

**Site Design**

3. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the site plan, as determined by M-NCPPC Staff.

**Landscaping**

4. Prior to the end of the first planting season after the issuance of the final building permit, all landscape plant materials must be installed.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect.; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Derwood McDonald's Site Plan No. 81990055D, 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 given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, the Montgomery County Planning Board FINDS, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous amendments, and that all findings remain in effect; and

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 Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written Resolution is NOV 14 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 written opinion, 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 Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioner Cichy voting in favor, and Commissioners Patterson and Verma absent at its regular meeting held on Thursday, November 7, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board