

Montgomery Planning
CHICK-FIL-A TECH ROAD
SITE PLAN AMENDMENT NO. 82005022F



Description

Request for (1) a minor building expansion; (2) additional pedestrian access from the back of the building to the front, as well as a safe pedestrian connection from the rear drive aisle; (3) relocation of the utility transformer; and (4) dumpster enclosure concrete replacement.

No. 82005022F

Completed: 5-5-2023

MCPB

Item No.

5-18-2023

Montgomery County

Planning Board

2425 Reedie Drive, Floor 14

Wheaton, MD 20902

Planning Staff

ET

Emily Tettelbaum, Planner III, Midcounty Planning, Emily.Tettelbaum@montgomeryplanning.org, 301-495-4569

MAF

Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org, 301-495-4539

CS

Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org, 301-495-4653

LOCATION/ADDRESS

12289 Tech Road, Silver Spring

MASTER PLAN

2014 *White Oak Science Gateway Master Plan*

ZONE

CR-0.75 C-0.75 R-0.25 H-75

PROPERTY SIZE

8.54 acres

APPLICANT

Chick-fil-A, Inc.

ACCEPTANCE DATE

February 16, 2023

REVIEW BASIS

Chapter 59 in effect on October 29, 2014



Summary:

- Staff recommends approval with conditions of the site plan amendment.
- As allowed under Section 59.7.7.1.B.3, this amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.
- The Amendment includes a 180-square foot addition to the Chick-fil-A restaurant.
- Staff has not received any correspondence about this Application.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATION AND CONDITIONS.....	3
SITE PLAN 82005022F.....	3
SECTION 2: SITE DESCRIPTION.....	4
VICINITY.....	4
PROPERTY DESCRIPTION.....	4
SECTION 3: PROJECT DESCRIPTION.....	6
PREVIOUS APPROVALS.....	6
PROPOSAL.....	7
SECTION 4: SITE PLAN 82005022F FINDINGS AND ANALYSIS.....	9
SECTION 5: COMMUNITY OUTREACH	10
SECTION 6: CONCLUSION	10
ATTACHMENTS	10

SECTION 1: RECOMMENDATION AND CONDITIONS

SITE PLAN 82005022F

Staff recommends approval of Site Plan Amendment No. 82005022F, for (1) a minor building expansion; (2) additional pedestrian access from the back of the building to the front, as well as a safe pedestrian connection from the rear drive aisle; (3) relocation of the utility transformer locations; and (4) dumpster enclosure concrete replacement. The development must comply with the conditions of approval for Preliminary Plan No. 119910380 as listed in the resolution dated August 1, 1991. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required. The following condition is in addition to all prior conditions of approval, which remain in full force and effect.

1. At the time DPS collects development impact taxes, the applicant must comply with the White Oak Local Area Transportation Improvement Program (LATIP). The LATIP may be satisfied by either the payment of the required fee according to Chapter 52 and the 2020-2024 Growth and Infrastructure Policy, or construction of an improvement identified in “White Oak Science Gateway LATR/LATIP Cost Estimating Analysis White Paper” dated May 2019, as determined by MCDOT.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property is located at 12289 Tech Road in Silver Spring near the intersection of Route 29 and Tech Road in the eastern quadrant of the intersection of Tech Road and Prosperity Drive. Each pad site was reviewed and approved as an amendment to the Site Plan. The vicinity contains a mix of light industrial, heavy industrial, commercial, and service uses. These uses include a self-storage facility to the northeast, the WestFarm Tech Park to the east, a Home Depot and Marriott Courtyard further to the northeast, and the SHA Tech Park to the south.



Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Property consists of approximately 8.54 acres and is developed with the Westech Village Shopping Center. The shopping center includes approximately 35,980 square feet of restaurant and retail uses distributed among seven pad sites. A surface parking lot provides 516 parking spaces for

the shopping center. Small plazas with trees and sitting areas are interspersed throughout the Property, which has a “main street” pedestrian sidewalk that ties together all of the restaurant and retail buildings. Vehicular access is provided at four points: two entrances from Broadbirch Drive and one entrance each from Tech Road and Prosperity Drive. Pedestrian connections are provided from each public street.

The Property is located within the Paint Branch Watershed (Use III), but does not contain any streams, wetlands, floodplains, or environmental buffers.

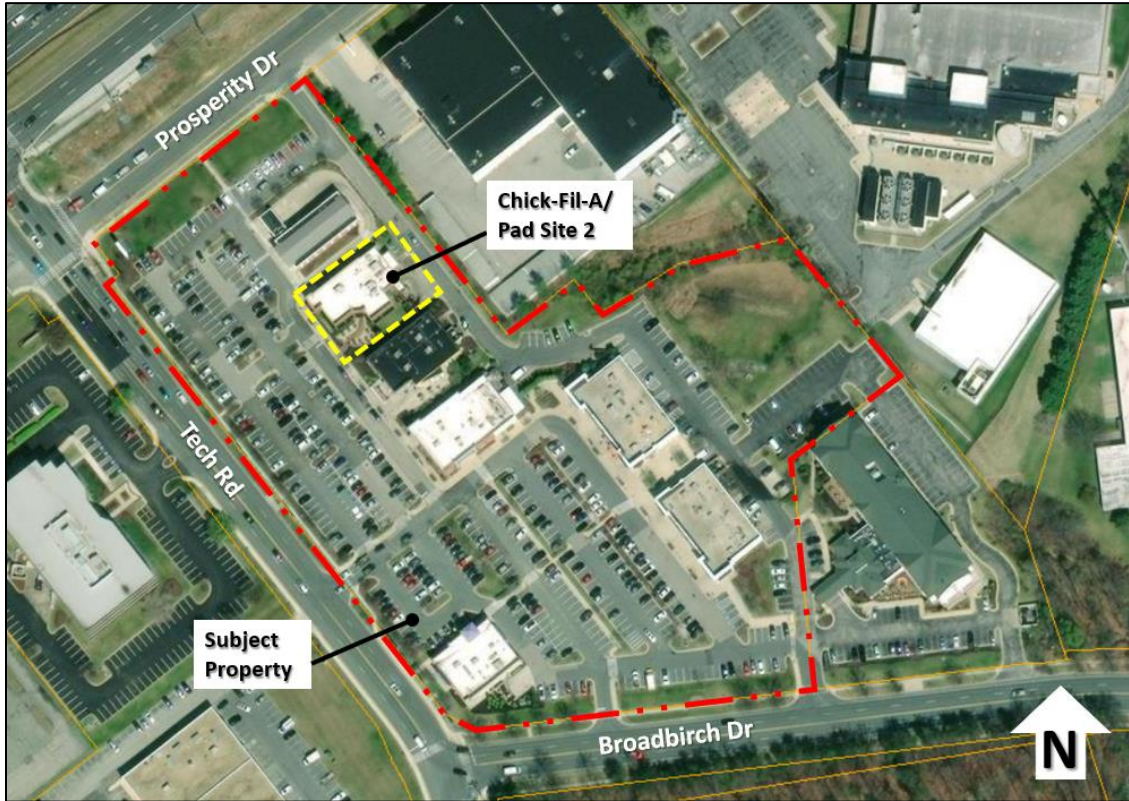


Figure 2 – Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

PRELIMINARY PLAN

On March 15, 1991, the Planning Board approved Preliminary Plan 119910380, which covered all of the original WestFarm lots that were zoned I-1 (Light Industrial). The Planning Board approved a subsequent minor revision of the subdivision record plat on September 9, 2004. The revision of the record plat created two lots including Lot 38, which constitutes the Subject Property.

SITE PLAN

Site Plan 820050220, Westech Village Corner, was approved with conditions by the Planning Board on June 2, 2005, to allow up to 44,000 square feet of commercial development within seven freestanding buildings on separate pad sites. The approved commercial development includes 24,000 square feet of restaurant space, 15,000 square feet of casual retail space, and a 5,000-square foot bank with a drive-thru lane. A Forest Conservation Plan was approved as part of the Site Plan.

As a condition of the original site plan approval, Condition 11b, the Applicant was required to submit a site plan amendment for each of the individual buildings on the approved site plan. The development approved by Site Plan 820050220, as subsequently amended, has been constructed.

Site Plan Amendment 82005022A was approved on August 9, 2005, for minor revisions to a bank building footprint, canopy, and landscaping on Pad Site 1.

Site Plan Amendment 82005022B was approved on November 14, 2006, for a freestanding restaurant building (TGI Friday's).

Site Plan Amendment 82005022C was approved on November 8, 2006, for a freestanding restaurant building (IHOP).

Site Plan Amendment 82005022D was approved on October 16, 2007, for a freestanding restaurant building (Panera Bread).

Site Plan Amendment 82005022E was approved by the Planning Board on August 25, 2009, (MCPB No. 09-83) for construction of a freestanding Chick-fil-A restaurant located on Pad Site 2 with a building footprint of 5,150 square feet.

All prior approvals were reviewed under the I-1 (Light Industrial) and US 29/Cherry Hill Employment Overlay Zones in the Zoning Code in effect on October 29, 2014.

PROPOSAL

The Site Plan Amendment Application proposes the following modifications to the Chick-fil-A restaurant on Pad Site 2:

- Minor Building Expansion

The Applicant is proposing an addition on the rear (northeast) side of the existing building. The addition will result in a net increase in the building square footage by 180 square feet. The addition will house the walk-in freezer, service area, mechanical/riser room, and office, and it will not be accessible to patrons.

- Dumpster Enclosure Concrete Replacement

The Applicant proposes to remove and replace the existing concrete pad within the dumpster enclosure located at the northeastern corner of the building. The trash corral will be replaced with in-kind materials as previously approved.

- Addition of Sidewalk and Relocated Landscaping

The Applicant proposes to add a sidewalk along the northern side of the building to connect the building addition to the restaurant entrance and parking lot. The sidewalk will be used by Chick-fil-A employees to access the kitchen, as well as provide a safe pedestrian connection from the rear drive aisle. The Applicant will replace landscaping, including two existing trees, which are being removed to accommodate the installation of the additional sidewalk. The replacement landscaping will be located between the new sidewalk and the adjacent drive aisle.

- Utility Relocation

The Applicant will relocate the Pepco transformer and ground utility box and their associated concrete pads to accommodate the building expansion and new sidewalk.

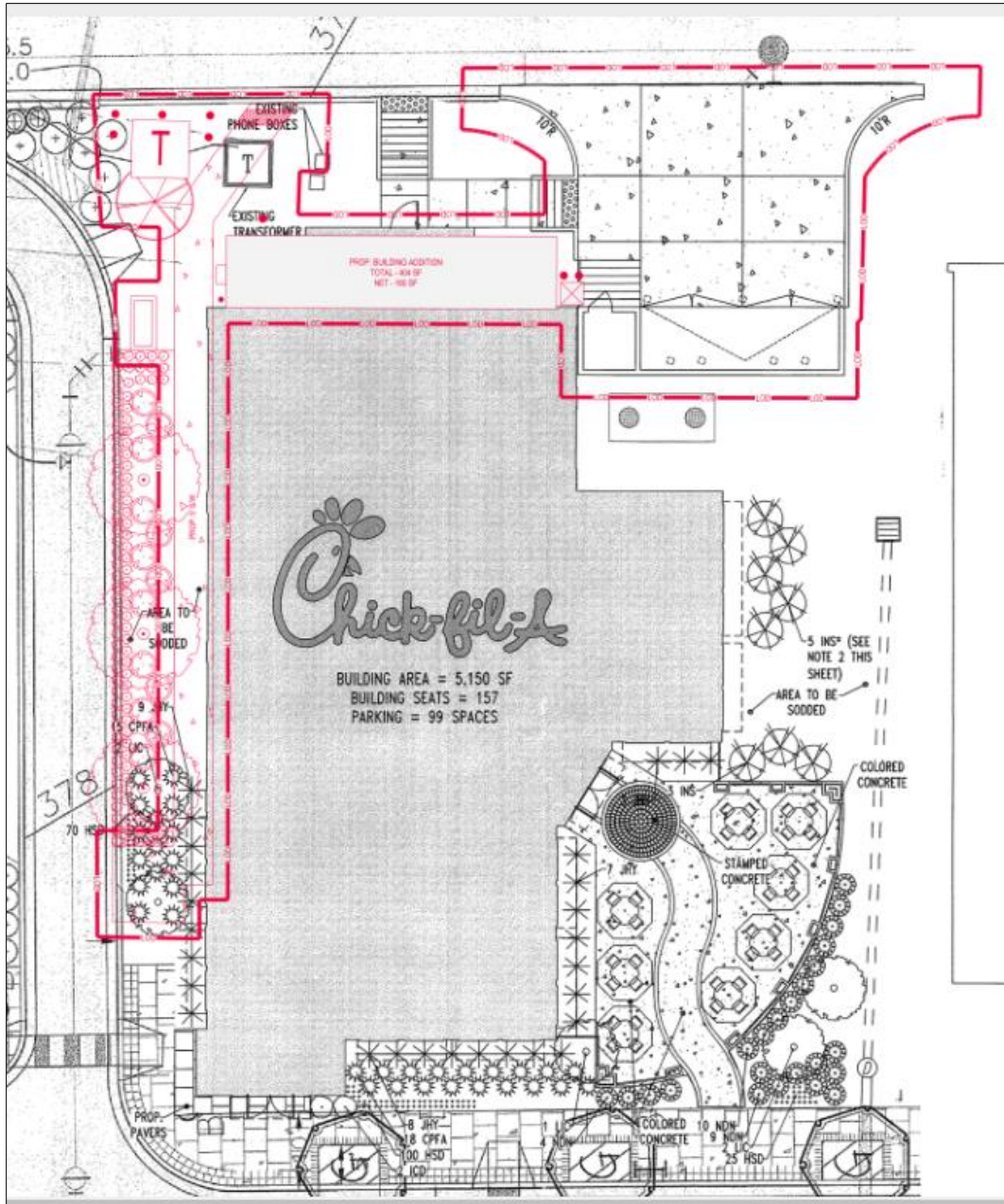


Figure 3 – Site Plan with Redline Changes

SECTION 4: SITE PLAN 82005022F FINDINGS AND ANALYSIS

Pursuant to Section 59.7.7.1.B.3 of the Zoning Ordinance, this Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. The proposed Amendment does not alter the intent of the previous findings except as modified below.

2. the site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56;

As demonstrated by Table 1, below, the Site Plan Amendment will satisfy the density and green space requirements of the I-1 and US 29/Cherry Hill Employment Overlay Zones from the Zoning Code in effect on October 29, 2014. All other development standards remain unchanged with this Amendment and remain in compliance with the Property’s zoning in effect on October 29, 2014.

*Table 1: Data Table for I-1 and US 29/Cherry Hill Employment Overlay Zones
Sections 59-C-5.3 and 59-C-18.13 (Zoning Code in Effect on October 29, 2014)*

Development Standard	Permitted/ Required I-1 Zone	Permitted/ Required Overlay Zone	Previously Approved¹	Proposed
Density (max)				
Overall Property	n/a	50,000 ²	31,193 sf ³	31,373 sf
Chick-fil-A	n/a	n/a	5,150 sf ⁴	5,330 sf
Green Space (min)	10%	35%	36.9%	36.7%
Overall Property		(130,166 sf)	(137,348 sf)	(136,568 sf)
¹ Site Plan No. 820050220, as amended. ² Any square footage devoted to eating and drinking establishment use is in addition to this amount. ³ Site Plan No. 820050220 approved 44,000 sf of commercial uses. Subsequent amendments approved with each pad side reduced the square footage to 31,193 sf. ⁴ Site Plan Amendment 82005022E.				

The Chick-fil-A is expanding by 180 square feet. In accordance with the 2020-2024 *Growth and Infrastructure Policy*, a transportation impact study is not required to satisfy the LATR test for this expansion because projects within the White Oak Policy Area are exempt from the LATR but are subject to a Local Area Transportation Improvement Program (LATIP). The LATIP program is designed to cost share currently planned transportation improvements for the area. The Applicant will pay a fee per their assumed impact based on trip generation, to the satisfaction of the Montgomery County Department of Transportation (MCDOT), which operates the LATIP program.

The parking requirement for a restaurant is based on the patron area. Since the Chick-fil-A is increasing the non-patron area of the restaurant, there is no change in the parking requirement.

3. the locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;

The expansion of the restaurant will have a negligible impact on the overall site design. The additional sidewalk enhances connectivity for restaurant employees between the front of the restaurant and the kitchen in the rear of the restaurant. The relocated landscaping will provide adequate and attractive buffering between the new sidewalk and the drive aisle.

5. the site plan meets all applicable requirements of Chapter 22A regarding forest conservation

The changes proposed with this Amendment are within the limit of disturbance (LOD) of approved Final Forest Conservation Plan No. 820050220. Therefore, the Amendment meets all requirements of Chapter 22A regarding forest conservation.

SECTION 5: COMMUNITY OUTREACH

Although not required, the Applicant held a virtual pre-submittal public meeting on December 14, 2022 related to the Site Plan Amendment. The Applicant has complied with all other submittal and noticing requirements.

As of the date of this Staff Report, no correspondence has been received about this Application.

SECTION 6: CONCLUSION

As conditioned, the Site Plan Amendment satisfies the applicable standards and findings of the Zoning Ordinance in effect on October 14, 2019. Therefore, Staff recommends approval of Site Plan Amendment No. 82005022F with the condition specified at the beginning of this report.

ATTACHMENTS

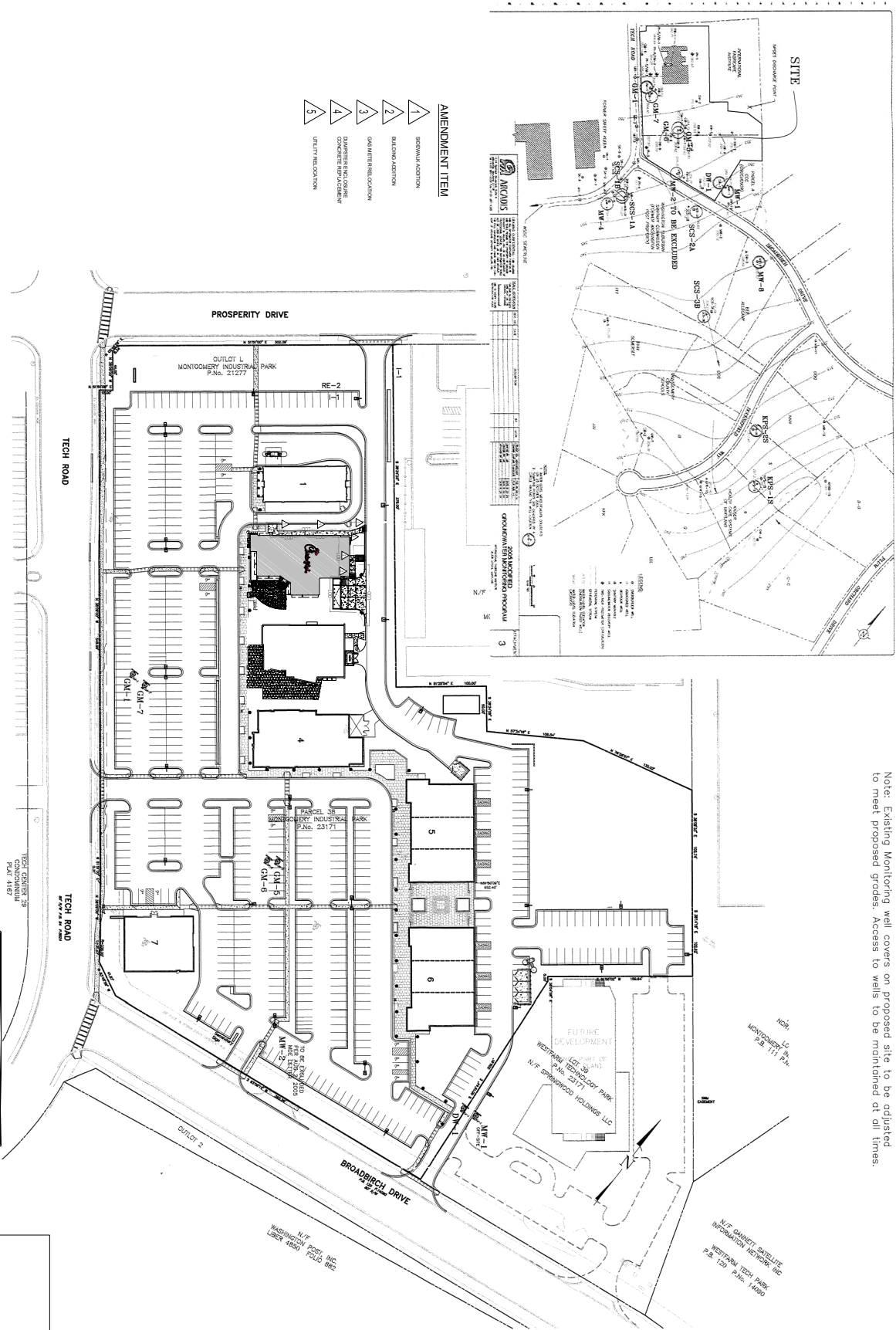
Attachment A: Site Plan Amendment

Attachment B: Prior Approvals

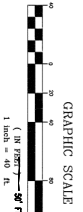
Attachment C: DPS Memo

ATTACHMENT A

Apr 12, 2023
 11:00 AM BEST DRAWING PLAN SET SITE PLAN AMENDMENT #82005022F (REVISION 1 - BLACKLINE PLAN) - LAYOUT 2 - OVERALL SITE PLAN



- AMENDMENT ITEM**
- 1 SIGNALLA ADDITION
 - 2 BUILDING ADDITION
 - 3 OUTLET WITH RELOCATION
 - 4 OUTLET WITH ENCLAVE
 - 5 UTILTY RELOCATION



THIS PLAN WAS MONITORED BY BOHLER ENGINEERING ON 08/15/22. PROJECT #18186677 AND BASED ON THE PREVIOUS APPROVED PLANS #16-06022, APPROVED 08/09/08.

Note: Existing Monitoring well covers on proposed site to be adjusted to meet proposed grades. Access to wells to be maintained at all times.

REVISIONS

REV.	DATE	COMMENTS
1	04/12/23	FINAL APPROVEMENT - 100% PLAN
2	04/12/23	FINAL APPROVEMENT - 100% PLAN

BOHLER
 SITE CIVIL AND CONSULTING ENGINEERING
 LAND SURVEYING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 PERMITTING SERVICES
 TRANSPORTATION SERVICES

811
 Call Before You Dig
 ALWAYS CALL 811
 175 BELL ST. SUITE 201
 BOSTON, MA 02114

CHICK-QUICK
 PROPOSED SITE IMPROVEMENTS
 12289 TECH ROAD
 SILVER SPRING, MD
 LOT 38, PLAN NO. 23171

BOHLER
 16701 MILL CREEK RD., SUITE 310
 SILVER SPRING, MD 20904
 Phone: (301) 894-4000
 Fax: (301) 894-4001
 MPE# 0101044501
 MPE# 0101044501

NICHOLAS SPEAR
 PROFESSIONAL ENGINEER
 LICENSE NO. 113122
 11000 WOODBURN ROAD, SUITE 100
 WOODBURN, MD 21791
 Phone: (301) 894-4000
 Fax: (301) 894-4001
 MPE# 0101044501

OVERALL SITE PLAN

SHEET NUMBER: 2

REVISION: 2 - 04/12/23

ATTACHMENT B

Date of Mailing: August 1, 1991



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation with Modifications (Motion of Comm. Keeney, seconded by Comm. Floreen, with a vote of 5-0; Comms. Keeney, Floreen, Bauman, Baptiste and Richardson voting in favor.)

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-91038
NAME OF PLAN: WESTFARM TECH. PARK (I-1)

On 03-15-91, WESTFARM ASSOC. LTD. PART., submitted an application for the approval of a preliminary plan of subdivision of property in the I1 zone. The application proposed to create 14 lots on 75.41 ACRES of land. The application was designated Preliminary Plan 1-91038. On 07-18-91, Preliminary Plan 1-91038 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-91038 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-91038, subject to the following conditions:

1. Existing agreement with Planning Board to limit development to a maximum density of 0.4 FAR. The Planning Board will review compliance with the agreement at the time of any "loophole review" under Chapter 8 Article IV of the County Code. The Planning Board must review any traffic mitigation agreement required under the "loophole" provisions, if any, for all Westfarm I-1 zoned lots
2. Record plat to reflect stream buffer boundary established by the technical staff for Parcel DDD or Outlot 1 and Parcel QQQ, as shown in the 7-1-91 Environmental Planning Division memorandum. The proposed AT&T right-of-way is specifically prohibited from being located within either the stream buffer area or the tree line immediately adjacent to the stream buffer, except that incursions into the stream buffer area outside the tree line for the AT&T right-of-way and into the tree line along Broadbirch Drive for the entrance

- continued -

into the parcel, as both are shown on the drawing attached to the July 1, 1991 Environmental Planning Division memorandum, shall be permitted and shall be accompanied by compensatory protection of an approximately equal area outside the stream buffer to be delineated by staff approval of a grading plan prior to building permit for the parcel so affected

3. Conditions of DEP stormwater management concept dated 4-8-91
4. Access and improvements as required to be approved by MCDOT
5. Necessary easements

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

Date Mailed: AUG 9 2005

Action: Approved Staff
Recommendation Subject to
Conditions.

Motion of Commissioner Robinson,
seconded by Commissioner Wellington,
with a vote of 5-0.

Chairman Berlage and Commissioners
Perdue, Bryant, Wellington and
Robinson voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Site Plan No.: 8-05022

NAME OF PLAN: Westech Village Corner

Date of Hearing: June 2, 2005

The date of this written opinion is AUG 9 2005 (which is the date that this opinion is mailed to all parties of record). 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 of Court - State). This site plan shall remain valid as provided in Section 59-D-3.8.

INTRODUCTION

On January 11, 2005, GB LLC c/o Grosvenor Atlantic Limited ("Applicant") submitted an application pursuant to Section 59-C-18.132(d)(1) of the Montgomery County Code ("Code") for the approval of a site plan for a retail commercial development, known as the WesTech Village Corner, on 8.54 acres of land located in the U.S.29/Cherry Hill Road Employment Area Overlay Zone ("Overlay Zone"). The application also requested a waiver of the maximum off-street parking coverage requirement pursuant to Section 59-C-18.132(b)(4)(B) of the Code. The application was designated Site Plan Review #8-05022. Subsequently, the Applicant requested authorization to commence clearing

and grading of the site prior to approval of the signature set of plans and issuance of the written Planning Board opinion. On June 2, 2005, Site plan Review #8-05022 was brought before the Montgomery County Planning Board ("Planning Board") for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Site Plan Review Application Form; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

THE SUBJECT PROPERTY

The subject property is located in the eastern quadrant of the intersection of Tech Road and Prosperity Drive ("Subject Property"). The site is strategically located along the northern boundary of the Overlay Zone, near the intersection of US 29 and Cherry Hill Road, approximately one mile from the I-95/Powder Mill Road interchange. The Subject Property consists of approximately 8.54 acres, of which 8.19 acres is zoned I-1 and 0.35 acres is zoned RE-2. The narrow strip of land that is zoned RE-2 adjoins the Prosperity Drive right-of-way and effectively constitutes a green buffer along the site's northwestern boundary. The Subject Property is located within the Paint Branch Watershed (Use III), but does not contain any streams, wetlands, floodplains or environmental buffers. The site contains approximately 2.16 acres of forest. A 24,899 square foot structure housing the International Fabricare Institute ("IFI") was previously located in the northwestern portion of the site, but was recently demolished. The Subject Property has road frontages on Prosperity Drive on the northwest, Tech Road on the southwest, and Broadbirch Drive on the south.

The surrounding vicinity contains a mix of light industrial, heavy industrial, commercial and service uses. A self-storage facility adjoins the site to the northeast. WestFarm Tech Park is located directly east. A Home Depot and a Marriott Courtyard Hotel are located further north and east of the site. The SHA Tech Park is located to the south across Broadbirch Drive. To the southwest, the former WSSC composting facility has been closed and is under study for development as an incubator technology facility. U.S. 29 runs parallel to Prosperity Drive to the northwest. In addition, significant development activity is expected south of the Overlay Zone with the planned US Food and Drug Administration facility.

BACKGROUND

Prior Approvals

The Subject Property was previously before the Planning Board as part of Preliminary Plan 1-91038, which covered all of the original WestFarm lots that were zoned I-1.¹ The Planning Board approved a subsequent minor revision of the subdivision record plat on September 9, 2004. The revision of the record plat created two lots: Lot 38, which constitutes the Subject Property, and Lot 39, which is proposed for future hotel development. The proposed development must also comply with the Retail Allocation Agreement dated April 13, 2005.

Environmental Considerations

The Maryland Department of the Environment ("MDE") has required monitoring and remediation work on the Subject Property since the 1990's to remove tetrachloroethylene, a hazardous chemical, that was generated by the dry-cleaning related activities of the previous occupant of the site, the International Fabricare Institute. In April 2003, the environmental remediation system was shut down to allow evaluation of the continued need for active remediation. Recently, based on data generated from continued soil and groundwater monitoring, MDE has determined that the levels of contaminants in the soil and groundwater in the area influenced by the remediation system have reached asymptotic levels and that further treatment would not be effective. Accordingly, MDE will allow the remediation system to be removed, but monitoring of the groundwater will continue to ensure that conditions remain stable. In addition, MDE is currently reviewing the Applicant's proposal to scale back the groundwater-monitoring program.

Based on concerns about contaminants in the soil and groundwater on the Subject Property, the Montgomery County Department of Permitting Services ("MCDPS") rescinded the original stormwater concept plan approval, dated January 5, 2005, and required further confirmation by MDE of acceptable groundwater and soil conditions relevant to the proposed uses. By letter dated March 11, 2005, MDE advised MCDPS staff that the conditions at the site are acceptable for the use of the property for restaurant and retail operations. MDE has also indicated that the proposed site plan would not cause any conflicts or concerns with any requirements MDE may impose to continue groundwater monitoring, including the location of future groundwater monitoring wells on the Subject Property. By letter to MCDPS dated April 27, 2005, MDE stated that it has no objection to the stormwater management concept plan for the site and believes that the proposed stormwater management facilities would not create

¹ Preliminary Plan No. 1-91038 was approved by the Planning Board on July 18, 1991(Planning Board Opinion dated August 1, 1991). At the Planning Board's public hearing on November 4, 1999, the Board extended the approval of Preliminary Plan No. 1-91038 until July 31, 2009.

adverse impacts on human health or the environment. Upon receipt of MDE's confirmation, MCDPS reissued the stormwater concept approval on May 5, 2005.

Traffic Impact

The traffic study submitted in support of Preliminary Plan No. 1-91038, and the resulting adequate public facilities approval, applied to all original WestFarm lots zoned I-1, including the Subject Property. As a result, the Applicant is not required to submit a traffic study analyzing the traffic impact at nearby intersections for the subject site plan. Nevertheless, the Applicant is required to submit a traffic statement indicating that the existing and proposed development does not exceed the previously approved general office density ceiling. Accordingly, the Applicant submitted a traffic statement dated December 10, 2004, and other supporting documents, showing that there is sufficient remaining available density for the proposed development. The Planning Board's Transportation Planning Staff reviewed the previous approvals and density allocations, the Applicant's submissions, and the proposed "draw-down" associated with the subject site plan and determined that there is adequate remaining approved I-1 zoned density available for the required "draw-down" for the subject site plan.²

PROPOSED DEVELOPMENT

The proposal includes 44,000 square feet of new commercial space, comprised of 24,000 square feet of restaurant space, 15,000 square feet of casual retail, and 5,000 square feet for a bank with a drive-through facility. The proposed site plan is comprised of seven freestanding buildings. Six of the buildings are organized in a loose orthogonal order along the primary circulation route, which essentially bisects the site along its internal longitudinal axis. A bank is located at one end, followed by three restaurants and two mixed-use buildings that each contain up to three casual retail and/or restaurant uses. The six structures vary modestly in size and scale and, despite a somewhat irregular building line, create a "main street" internal to the site. The variation in the size of the buildings and leasing spaces provides alternatives for tenants so that the restaurant park will include full-service restaurants, casual eateries, and lunch carryout services, in addition to general retail spaces. Small plazas are interspersed between the buildings, establishing a rhythm of solid-void that will enliven the "main street", provide public open space and encourage pedestrian activity. The plazas will be paved in scored concrete with brick accenting at the tree boxes, seating areas, and restaurant entrances. An additional restaurant is located in a seventh building that will anchor the corner of Broadbirch Drive and Tech Road. Vehicular access will be provided at four points: two entrances from Broadbirch Drive and one entrance each from Tech Road and Prosperity Drive. A rear drive aisle will accommodate loading and delivery while completing a loop vehicular circulation pattern. Pedestrian connections are provided from each public street into the site,

² See Memorandum from Transportation Planning Staff to Development Review Division, dated 5/24/05, pages 3-10 (includes attachments).

along the internal drive and via a logical pattern marked clearly through the surface parking areas. The Tech Road frontage features a double row of street trees, hedge screening and a widened sidewalk. Street trees, hedge screening and sidewalks will also be added along the Broadbirch Drive and Prosperity Drive frontages. A bus shelter will be installed on Tech Road or Broadbirch Drive. Extensive landscaping, including shade trees and hedges will be provided within the surface parking areas. On-site stormwater management facilities will include a sand filter, a hydrodynamic water quality structure, dry wells, and natural swales within the landscaped islands located within the surface parking areas. In addition, the Applicant will file a site plan amendment for each structure prior to issuance of building permits as tenants are identified and the detailed designs are developed.

MASTER PLAN COMPLIANCE

The 1997 Approved and Adopted Fairland Master Plan ("Master Plan") recommended that "... a strategy to guide future development, such as creating a special district through an overlay zone, could unify the area by permitting supportive services such as restaurants and banks." Accordingly, the U.S. 29/Cherry Hill Road Employment Area Overlay Zone was developed to implement the recommendations of the Master Plan. The Overlay Zone applies to a 500-acre area that supports four different types of industrial zoning, including light industrial (I-1, I-4), heavy industrial (K-2) and research & development (I-3). The provisions of the Overlay Zone require site plan review of any proposed retail commercial development within the area (Section 59-C-18.132(d)(1) of the Code). The proposed site plan provides supportive services within the Employment Area in conformance with the intent of the Master Plan.

SUMMARY OF TESTIMONY AND EVIDENCE IN THE RECORD

At the public hearing, the Planning Board's expert technical staff ("Staff") recommended approval of the proposed site plan in accordance with the analysis and recommendations set forth in its staff report to the Planning Board, dated May 26, 2005 ("Staff Report"). Using GIS maps, aerial photographs, and oblique angle aerial photography, along with rendered analytical plans, Staff described the proposed site plan, including a review of development data and zoning conformance, prior approvals, existing site conditions, surrounding development and road alignments. Staff testified that the layout and varied scale of the structures and open spaces, the unified architecture, special paving, landscaping and unique lamps create a "main street" internal to the site. Staff further explained that the "main street" character, the landscaping of the parking areas to the greatest possible degree, the street trees and hedge screening along the road frontages, and the full pedestrian connections mitigate the effects of substantial amounts of surface parking. In conclusion, Staff informed the Planning Board that, since the publication of the Staff Report, it had received comments from the Fairland Master Plan Citizens Advisory Committee in support of the application and from the Calverton Citizens Association.

The Applicant's legal counsel appeared before the Planning Board and further described the site and the proposed development. The Applicant's representative noted that the proposed development constitutes the restaurant park at WesTech, which has been discussed for some time. He explained that the site design provides two settings for the restaurants to enhance flexibility and the attractiveness of the site to potential tenants. The plan includes a series of restaurants in a line, with easy and convenient pedestrian access among them and the casual retail buildings, and informal sitting areas around them for patron use while waiting for tables or eating takeout food. The unified pad connects the buildings so that there are no conflicts with traffic movements. The site plan also includes a separate restaurant pad to accommodate restaurants that desire a more independent identity.

No other speakers testified at the public hearing.

Waiver of Limit on Off-Street Parking Coverage

Section 59-C-18.132(b)(4)(B) of the Zoning Ordinance provides that off-street parking may not occupy more than 45% of the site area in the Overlay Zone, but also specifically authorizes the Planning Board, in unusual circumstances, to waive the requirement at the time of site plan approval upon a finding that a more compatible arrangement of uses would result. The proposed plan shows 46.9% of the site as paved parking surface, exceeding the maximum by 1.9%.

Through its testimony and Staff Report, Staff supported the Applicant's request for a waiver of the maximum parking lot coverage requirement. Staff explained that the unusual site geometry, the disposition of the RE-2 portion of the Subject Property as buffer, and the surrounding traffic patterns rigidly prescribe the site's ingress-egress points and, as a result, its internal circulation pattern. Staff further explained that the physical restrictions of the site significantly limit design alternatives for the surface parking, and ultimately, the development efficiency of the site itself. Further reasons for staff support of the waiver include:

- The resulting single-loaded drive aisle that aligns the retail store fronts, while increasing the amount of site paving, increases the visibility and safety of the desired pedestrian patterns; streetscape design for this internal "main street" further enhances the character, activity and compatibility desired;
- The parking lot design achieves 10% internal green space, twice the requirement of the zoning ordinance;
- The plan proposes minimal drive aisle width throughout the site;
- The plan meets the intent of the zoning ordinance limit on surface paving by providing a substantial amount of internal green space and attractive, abundant landscaping, including a double row of shade trees along Tech Road.

In support of the requested waiver of the limit on parking lot coverage, the Applicant's counsel testified that the Code specifically authorizes the Planning Board to

waive the requirement. He further testified that the waiver is justified because: the increase in the parking area is very small; the plan is designed for maximum efficiency with minimal single-loaded drive aisles; the plan meets the parking requirements; the unique design of the site; and the plan provides twice the required amount of landscaping within the parking area. The Applicant's written submissions explain that a single-loaded aisle is necessary because of the unusual site geometry and the parameters set by the number of parking spaces required, and the required dimensions of parking spaces and drive aisles. The Applicant contended, however, that the single-loaded aisle was turned into an asset by making it the main drive aisle, creating an urban edge along the front of the buildings and an attractive streetscape.

Commencement of Clearing and Grading Prior to Approval of Signature Set of Plans and Prior to Issuance of the Planning Board's Written Opinion

In its Staff Report and testimony, Staff supported the Applicant's request that it be allowed to begin clearing and grading of the Subject Property prior to approval of the signature set of plans. Staff explained that the complex environmental issues associated with the remediation of contamination that resulted from the previous occupant's use of the site prolonged the site plan review period by four months. Staff concluded that allowing clearing and grading to begin prior to signature set would have little effect on the environment or adjacent properties for the following reasons:

- The extensive study of site conditions required by multiple agencies allows a satisfactory level of confidence in available site data;
- MDE and MCDPS have indicated satisfaction with site and stormwater management design;
- The structure formerly used by the IFI was recently demolished pursuant to a MCDPS permit and its site was stabilized;
- The Subject Property is vacant;
- No on-site forest conservation is proposed;
- The site is served by fully constructed public streets;
- The Planning Board has signed the new record plat for the two lots associated with the site plan that were the subject of the recent minor subdivision amendment;
- Proposed Condition #9 requires the Applicant to secure Staff approval of the final forest conservation plan prior to clearing and grading.

Staff did not support allowing commencement of clearing and grading prior to issuance of the Planning Board's written Opinion.

The Applicant's counsel testified that the most important issue for the Applicant is a need to begin grading of the site. He testified that it has taken much longer than expected to get through the zoning text amendment process, the site plan process, and to resolve the unexpected issue with MDE about the remediation of the pollution that arose from the prior occupant's use of the site. He thanked Staff for its support of the

Applicant's request to start grading before the signature set of plans is issued. Noting the protracted time required for writing the Planning Board's opinions, especially over the past 6 to 8 months as the opinions have become more elaborate and laborious, he requested that the Board allow the Applicant to commence grading of the site prior to issuance of the Board's opinion. The Applicant's counsel acknowledged that his request was unusual, but testified that allowing the Applicant to proceed with grading in this instance would not entail much risk for the following reasons: the lots are recorded - the minor subdivision amendment will be recorded within the week; the IFI building has been demolished and its site has been graded and stabilized; there is no on-site forest conservation; construction of an office building in the I-1 Zone would not require site plan review, but would proceed directly to the building permit process; the proposed conditions do not conflict with allowing grading before issuance of the Board's opinion. He testified that the Applicant needs to be able to show the potential restaurant tenants that development of the site is moving forward because restaurants are reluctant to sign a lease until they know when they will be able to proceed under their own control. He further noted that the Applicant is requesting permission to proceed only with clearing and grading of the site and understands that it will have to wait for the Board's written Opinion and the signature set of plans to apply for building permits. Another representative of the Applicant testified that the ability to start as soon as possible is critical because the Applicant is in jeopardy of losing its lead tenant if it is not able to deliver the pad in October 2005.

In response to a question from Commissioner Perdue, the Board's legal counsel testified that she was reluctant to advise the Board to allow clearing and grading before issuance of the Opinion. She acknowledged that while issuance of the Board's opinions is taking longer than in the past, she testified that she had assured the Applicant's counsel that she would try to expedite this particular opinion in light of the Applicant's time constraints. Noting that not a week goes by that legal staff doesn't hear from applicants under time pressures, she testified that she is concerned that allowing the Applicant to proceed with clearing and grading prior to the Board's formal action on the application would become a precedent. In response to a question from Chairman Berlage regarding how long it would take to issue an opinion that was "really, really top priority", legal staff testified that, in light of the fact that this is an uncontested case, its goal would be to have the opinion in the Board's packet in two weeks, approval the next week, and then mail-out.

In response to a question from Commissioner Wellington regarding whether such expedited issuance of the opinion would meet the Applicant's needs, the Applicant's counsel testified that it has a contractor and subcontractors under contract. He also testified that if the Planning Board authorizes grading in advance of issuance of the opinion and the signature set, MCDPS' review of the plan will commence sooner.

Chairman Berlage stated that he is sympathetic to the Applicant's request, noted that the restaurant park is an amenity that the broader community has sought for a long time, and questioned how allowing the Applicant to proceed to grading before the

Board's opinion is issued would create a precedent. In response, legal counsel testified that there is no regulatory prohibition. Commissioner Perdue noted that other applicants would not be able to clear and grade prior to issuance of the Board's opinion without the Board approving a condition specifically allowing them to do so. The Applicant's counsel agreed and clarified that if the Planning Board approves its request to commence clearing and grading, the Board would have to include a condition to that effect in its approval and direct Staff to advise MCDPS that such action had been taken.

The Planning Board approved the Applicant's request as follows:
The Applicant may begin clearing and grading prior to issuance of the Planning Board's written opinion, based on the Board's oral opinion delivered at the public hearing on June 2, 2005. The Applicant may begin clearing and grading prior to Staff approval of the signature set of plans, but only after the Final Forest Conservation Plan and Sediment Control Plans have been approved. The Signature Set of plans shall be approved by Staff prior to issuance of any building permit.

Square Footage Allocation Among Uses

The Applicant's counsel also proposed adding the word "approximately" to Staff's description of the allocation of square footage among the different uses. The Applicant's counsel explained that the amount of space allocated to each use might fluctuate as the tenants of the casual retail buildings are identified. He testified that the total square footage would stay the same and the amount of parking and non-restaurant retail would stay within the requirements of the Zoning Ordinance, but allowing flexibility within the 44,000 square foot total would enable the Applicant to accommodate various tenants without returning to the Planning Board.

Staff opposed the Applicant's proposed modification of the square footage language. Staff explained that the proposed conditions of approval require that future site plan amendments be filed for each building and any change in the square footage could be accommodated in those amendments. Staff further testified that the parking analysis should be reviewed with each of the future site plan amendments because the different uses require very different amounts of parking³ and if the mix changes, the parking required for the development will also change. The Board rejected this request from the Applicant, limited specifically the square footage as recommended by staff, and acknowledged that the Applicant can seek a site plan amendment to modify these square footage restrictions at any time.

FINDINGS

Based on all of the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

³ For example, the parking requirement for restaurant patron areas is five times the amount of parking required by retail uses.

1. A development plan or a project plan for the optional method of development is not required.
2. The Site Plan meets all of the requirements of the I-1, RE-2, and U.S. 29/Cherry Hill Road Employment Area Overlay Zones as demonstrated in the Project Data Table included on page 4 of the Staff Report, with the exception of the limit on off-street parking coverage.

As discussed above, the Applicant has requested a waiver of the limit on off-street parking coverage for the subject development. The Planning Board finds that Section 59-C-18.132(b)(4)(B) of the Code explicitly allows the Planning Board to waive this requirement in unusual circumstances and approve a greater amount of surface parking area at the time of site plan approval when a more compatible arrangement of uses would result. Accordingly, the Planning Board approves the requested waiver, finding that the proposed parking area coverage of 46.9% is a slight increase over the 45% standard that will result in an arrangement of uses on the site that enhances the "main street" character of the development, encourages the desired activity level, and increases the visibility, attractiveness and safety of the desired pedestrian circulation patterns. The Planning Board further finds that the proposed small increase in coverage is justified by the site geometry, the physical restraints of the site, the acceptable ingress/egress locations, and the substantial amount of green space internal to and along the boundaries of the parking areas,

3. The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.

a. Buildings

The Planning Board finds that the proposed locations of the buildings are adequate, safe and efficient. The site layout, incorporating a linear arrangement of buildings set back from major public streets and street front parking, promotes functional use similar to the older strip mall configuration. The plan breaks from the strip mall stereotype, however, by using separate buildings, modestly varied in size and scale and arranged along a looser building line, in conjunction with intermittent public open spaces to promote a "main street" environment that is attractive and safe for pedestrians. The plan also incorporates a stand-alone restaurant building and two casual retail buildings, each containing up to three uses, to increase the flexibility and attractiveness of the development. The location of the loading and delivery in the rear of the buildings further promotes site efficiency and pedestrian safety.

b. Open Spaces

The Planning Board finds that the locations of the open spaces are adequate, safe and efficient. The proposed development exceeds the green area requirements for the I-1 Zone and the Overlay Zone. In addition, the entire RE-2 zoned portion of the site is a green buffer. The plan also provides more than double the required internal green space in the parking areas.

The mini-plazas located between the restaurant and retail buildings will provide a high quality of public space that will encourage pedestrian activity. These areas will be enhanced with landscaping, special paving materials, lighting and seating. A larger public plaza area is optimally placed between Buildings 5 and 6 to serve the casual restaurant and retail uses proposed for these buildings. The plaza areas will provide space for the restaurant and retail customers to meet, wait for tables, and eat takeout meals.

c. Landscaping and Lighting

The Planning Board finds that the landscaping and lighting proposed for the site are adequate, safe and efficient. Despite the large amount of surface parking, the proposed landscaping will provide an effective measure of green relief. The streetscape treatment proposed for Tech Road, which will include a double row of red maple trees straddling a 5-foot sidewalk and hedge screening along the boundary of the surface parking areas, will provide an attractive, shaded street edge and enhance the pedestrian experience. Street trees, hedge screening and wide sidewalks will also enhance the Prosperity Drive and Broadbirch Drive frontages. Within and around the surface parking areas, ground plantings and hedges are strategically placed to separate walkways from vehicles and promote a compatible, attractive environment. Landscaping is also used to define the public use spaces. The proposed lighting will add to the attractiveness and safety of the buildings and open space areas on the site.

d. Recreation Facilities

The proposal is exempt from recreation requirements because it does not include any residential uses.

e. Vehicular and Pedestrian Circulation

The Planning Board finds that the proposed vehicular and pedestrian circulation systems are adequate, safe, and efficient.

The vehicular entrances provide efficient and safe ingress and egress from Broadbirch Drive, Prosperity Drive, and Tech Road. Each entrance links logically to the internal drive. Although the drive aisles appear tightly dimensioned, the modulated rows of parking and intermediate connecting drives provide adequate maneuvering opportunities. The continuation of the internal drive around the rear of the buildings provides efficient circulation through the site. The location of loading and delivery areas in the rear of the buildings, separate from parking areas, promotes site efficiency and minimizes pedestrian and vehicular conflicts to further promote safety. The loop circulation pattern also incorporates the bank's drive-through service and queuing. In addition, the bank service drives incorporate dedicated curbing to shield pedestrians from vehicular traffic.

The pedestrian circulation system includes the plaza areas, sidewalks and striped crosswalks. Pedestrian connections are provided from each public street into the site, along the internal street, and through the surface parking areas. The wide sidewalks, marked crosswalks, and bus shelter will facilitate the use of public transportation to and from the site. Shade trees, hedges and ground plantings along the sidewalks and within the parking areas provide directional cues to enhance the safety, efficiency and attractiveness of the pedestrian routes.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The Planning Board finds that the proposed restaurant and retail buildings, public plazas and surface parking areas are compatible with each other and with existing and proposed adjacent and surrounding development. The long-anticipated restaurant park will serve the surrounding industrial and commercial development. The placement of the proposed buildings will result in compatible relationships between the structures, the plaza areas, and the surface parking. The substantial landscaping around and within the parking areas and along the site boundaries will sufficiently enhance and screen the development. The setbacks exceed the requirements for the I-1 and Overlay Zones.

In addition, the Planning Board finds that the compatibility of the final building footprints, surface treatments, materials, landscaping, and amenities will be reviewed further when the Applicant submits a site plan amendment to the Planning Board for each building in compliance with Condition # 11 of this Opinion.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Applicant prepared a preliminary forest conservation plan in accordance with Montgomery County law. According to the plan, all of the existing forest on the Subject Property will be cleared. Of the 2.78 acres of required reforestation, 0.56 acres will be met through on-site landscaping. The remaining 2.22 acres will be met through off-site reforestation or a forest bank. Condition #6 of this Opinion requires compliance with the conditions of the final forest conservation plan prior to issuance of the first building permit for the development or MCDPS issuance of sediment and erosion control permits. Condition #6 also requires that the Applicant demonstrate compliance with all MDE requirements related to hazardous chemical remediation on the site. The Planning Board finds that compliance with the requirements of Condition #6 will ensure that the site plan meets all applicable forest conservation requirements of Chapter 22A.

PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Site Plan Review #8-05022 for 44,000 square feet of new commercial space on 8.54 acres in the I-1/RE-2/U.S.29/Cherry Hill Road Employment Area Overlay Zone, of which 24,000 square feet is restaurant space, 15,000 square feet is casual retail space, and 5,000 square feet is commercial bank space with a drive-through service facility, and approves a waiver to allow increased surface parking coverage per Section 59-C-18.132(b)(4)(B) of the Code, subject to the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 1-91038 as listed in the Planning Board opinion dated August 1, 1991, and the conditions of approval of its subsequent minor revision, the revised Subdivision Record Plat approved by the Planning Board on September 9, 2004, and any applicable agreements, including the Retail Allocation Agreement dated April 13, 2005.
2. Site Design
Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:
 - a. Extend the area of special paving northward along the side of Building 2 and along the side of Building 1 to enlarge the pedestrian refuge space and increase safety;
 - b. Extend the area of special paving between Building 3 and Building 4;
 - c. Provide unified curb line for narrow landscape strip between landscape islands at head-in parking facing Buildings 2, 3, and 4 to increase pedestrian safety; plant intermittent hedges or tall grass within the narrow landscape strip;
 - d. Show a public access easement over the street edge sidewalk on Tech Road.

3. Landscaping

- a. Add two Red Maple shade trees to the south end of the site frontage on Tech Road;
- b. Add hedge screening to the sides of all parking areas visible from the street, i.e., near Building 7 on Broadbirch Drive; add landscaping around the connecting sidewalk at Prosperity Drive adjoining the RE-2 zone parcel;
- c. Add three Honey Locust trees to the "main street" sidewalk;
- d. Add two Honey Locust trees to the side of Building 4 or a 3-foot-wide, brick-edged landscape box at curb;
- e. Add one shade tree in the parking lot near Building 4;
- f. Provide details for brick banding, special paving treatment, seating, furnishings and fixtures;
- g. Provide hedges at 36 inch height at the time of planting;
- h. Provide shade trees at 2.5-3-inch caliper at the time of planting;
- i. Provide shade trees every 40 feet for the surface parking area behind Lot 39; add hedge to screen parking within 24 months of Planning Board approval unless a site plan application has been filed for Lot 39;
- j. Show the sidewalks and street trees on Prosperity Drive and Broadbirch Drive; replace any missing or diseased trees.

4. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential/commercial development;
- b. All light fixtures shall be full cut-off fixtures.
- c. Illumination levels shall be less than 1.0 footcandles (fc) at any property line abutting county roads; average max/min ratio must not exceed 5:1;
- d. The height of the light poles shall not exceed 26 feet including the mounting base.

5. Transportation

The Applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated May 24, 2005:

- a. Limit development as part of the subject Site Plan to a 44,000 square feet Restaurant Park, or the equivalent of 176,000 square feet of general office;
- b. Participate in the traffic mitigation program for the entire WestFarm Technology Park to satisfy the WestFarm Traffic Mitigation Agreement, dated October 11, 1994;
- c. Upgrade the existing 4-foot wide sidewalk along Tech Road (along property frontage) to a 5-foot wide sidewalk with tree panel;
- d. Provide adequate sidewalks, handicapped access ramps and crosswalks both on- and off-site in coordination with the Montgomery County

Department of Permitting Services, prior to occupancy permits; the sidewalk ramps should meet Americans with Disability Act (ADA) Best Practices;

- e. Install a bus shelter either on Tech Road or on Broadbirch Drive in coordination with the Montgomery County Department of Public Works and Transportation/Division of Transit Services; show the location of the shelter on the signature set.

6. Forest Conservation

The Applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated May 26, 2005:

- a. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to issuance of first building permit or Montgomery County Department of Permitting Services issuance of sediment and erosion control permits;
- b. Location of 2.22 acres of offsite reforestation or forest bank site to be reviewed and approved by M-NCPPC staff prior to issuance of first building permit;
- c. Prior to release of first building permit, applicant to demonstrate compliance with all Maryland Department of the Environment requirements related to hazardous chemical remediation on the site.

7. Stormwater Management

Conditions of Montgomery County Department of Permitting Services (DPS) revised stormwater management (SWM) concept approval dated May 5, 2005.

8. Development Program

Applicant shall construct the proposed development in accordance with a Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. The Development Program shall include a phasing schedule as follows:

- a. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the buildings adjacent to those streets.
- b. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- c. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
- d. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

9. Clearing and Grading

- a. The Applicant may begin clearing and grading prior to M-NCPPC approval of signature set of plans only after the final Forest Conservation Plan and Sediment Control Plans have been approved. Signature set of plans shall be approved by M-NCPPC prior to issuance of any building permit;

- b. The Applicant may begin clearing and grading prior to MNCPPC approval of the written opinion (based on the oral opinion issued by the Planning Board June 2, 2005).

10. Signature Set

Prior to signature approval of the site/landscape plans the following revisions shall be made and/or information provided, subject to staff review and approval:

- a. Verify SWM facility access and use; label parcel ownership
- b. Verify the number of parking spaces;
- c. Label all building and parking setbacks on the plans;
- d. Label dimensions of all drive aisles, sidewalks, tree panels;
- e. Provide Development program, inspection schedule, and Site Plan Opinion
- f. Show Limits of disturbance.
- g. Methods and locations of tree protection.
- h. Note stating the M-NCPCC staff must inspect tree-save areas and protection devices prior to clearing and grading
- i. Provide details and specifications for furnishings and fixtures, lightings, landscaping, and paving materials for Building 1, Building 5, and Building 6; provide building elevations with dimensions.

11. Site Plan Amendments

- a. All site plan amendments filed by the applicant must comply with requirements of §59-D-2.6 of the Montgomery County Zoning Ordinance;
- b. The Applicant shall file a site plan amendment for each proposed structure, Building 2, Building 3, Building 4, and Building 7 (as shown in the staff report), prior to issuance of building permit, providing the following information, including the requirements of §59-D-3.23;
- c. Detailed building footprint and lease lines;
- d. Location, building height, ground coverage, FAR and use;
- e. Calculation of building coverage, density, green area, parking supply;
- f. Setbacks from zoning lines, public streets and roads;
- g. Location and dimensions of streets, roads, drive aisles, parking facilities, loading areas, pedestrian connections, sidewalks, bus stops, points of access;
- h. Landscape plan showing paving materials, plant species, spacing and size;
- i. Furnishings and fixtures details and specifications;
- j. Detailed lighting plan;
- k. Building elevations with dimensions;
- l. Add notes to plans stating any changes from Site Plan 8-05022 approval;
- m. Site plan development data;
- n. The Applicant shall provide a Phasing Plan showing construction sequence and lease lines prior to issuance of building permit.

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MR 7/25/04
Approved for legal sufficiency
M-NCPCC Office of General Counsel

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday July 28, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Wellington, seconded by Commissioner Robinson, with Chairman Berlage, Vice Chair Perdue, and Commissioners Bryant, Robinson, and Wellington present and voting in favor of the motion, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 8-05022, Westech Village Corner.



Certification As To Vote of Adoption
Technical Writer



AUG 25 2009

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

MCPB No. 09-83
Site Plan No. 82005022E
Project Name: Westech Village Corner, Pad 2, Chick-Fil-A
Hearing Date: July 30, 2009

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on June 23, 2009, Chick-Fil-A ("Applicant"), filed a site plan amendment application designated Site Plan No. 82005022E ("Amendment") for approval of the following modifications:

1. The building footprint has been reduced and outdoor patron area has been included;
2. Vehicle access and a dumpster area have been added;
3. Pedestrian circulation and paving have been modified to accommodate the new footprint and provide access to the dumpster area; and
4. Landscaping and screening have been slightly modified.

WHEREAS, on June 2, 2005, the Planning Board approved site plan 82005022 which proposed a retail/commercial development on 8.54 acres of land; and

WHEREAS, on August 9, 2005, the Planning Board approved site plan 82005022A for minor revisions to a bank building footprint, canopy and landscaping on Pad Site 1; and

WHEREAS, on November 14, 2006, the Planning Board approved site plan 82005022B for a freestanding restaurant building (TGI Friday's); and

WHEREAS, on November 8, 2006, the Planning Board approved site plan 82005022C for a freestanding restaurant building (IHOP); and

WHEREAS, on October 16, 2007, the Planning Board approved site plan 82005022D for a freestanding restaurant building (Panera Bread).

Approved as to
Legal Sufficiency:

Mary Garrison 9/22/09
M-NCPPC Legal Department

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated July 20, 2009 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on July 30, 2009, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

WHEREAS, the Planning Board finds that the Amendment does not alter the overall design character of the development in relation to the original approval. And further, these modifications do not affect the compatibility of the development to its surrounding neighborhood; and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby expressly adopts the Staff's recommendation and analysis as set forth in the Staff Report and hereby approves Site Plan No. 82005022E; 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 site plan 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 AUG 25 2009 (which is the date that this opinion 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).

* * * * *

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 Cryor, seconded by Commissioner

MCPB No. 09-83
Site Plan No. 82005022E
Westech Village Corner, Pad 2, Chick-Fil-A
Page 3

Alfandre, with Chairman Hanson, and Commissioners Cryor, Alfandre, and Wells-Harley present and voting in favor of the motion, and Commissioner Presley absent, at its regular meeting held on Thursday, July 30, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board

ATTACHMENT C

DPS-ROW CONDITIONS OF APPROVAL

February 22, 2023

82005022F CHICK-FIL-A TECH ROAD

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan file:

“07-RSITE-82005022F-002.pdf V2” uploaded on/ dated **“12/22/2022”**.

As there seems to be minimal impact to the County ROW, we do not have any comment at this point.