

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

**July 22, 2024**

MCPB No. 24-062  
Site Plan No. 82002017A  
504 E Randolph Rd - McDonalds SBS  
Date of Hearing: July 18, 2024

## **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, under 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, including the zoning then in effect; and

WHEREAS, on February 1, 2002, the Planning Board, by Resolution MCPB No. 8-02017, approved Site Plan No. 820020170<sup>1</sup> for the demolition of the existing McDonald's and reconstruction of a new McDonald's along with improvement to the Site on 1.20 acres of C-1 (Current Zone NR-0.75 H-45)-zoned land, located at on E. Randolph Road, 75 feet east from the intersection of New Hampshire Avenue ("Subject Property"), in the 2014 *White Oak Science Gateway Master Plan* ("Master Plan") area; and

WHEREAS, on September 20, 2023, McDonald's USA, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan to expand the existing drive-thru by adding an additional drive-thru lane. The existing 3,062 square foot building will remain. The proposal includes minor site modifications, including the closure of an existing access point on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82002017A, 504 E Randolph Rd – McDonalds SBS ("Site Plan," "Amendment," 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,

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<sup>1</sup> The demolition and construction approved in Site Plan No. 820020170 did not occur.

dated July 8, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 18, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82002017A to expand the existing drive-thru by adding an additional drive-thru lane, as well as other modifications to the Site’s landscaping, circulation, and access, by superseding all previous conditions with the following conditions:<sup>2</sup>

**Density, Height & Housing**

1. Density  
The Site Plan is limited to a maximum of up to 4,115 square feet of total development on the Subject Property for a fast-food drive-thru restaurant with up to two (2) drive-thru lanes.
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.

**Special Exception**

3. Before issuance of any building permit the applicant must meet the requirements of Special Exception S-610-B or receive an approval of a modified Special Exception from the Board of Appeals.

**Open Space, Facilities and Amenities**

4. Green Area  
The Applicant must provide a minimum of 6,320 square feet of green area (12.2% of the net lot area) on-site.

**Environment**

5. Forest Conservation & Tree Save Plan
  - a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.0.10 of the Forest Conservation Regulations.

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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.

- b. The Applicant must comply with all tree protection and tree save measures shown on the approved Tree Save Plan. Tree save measures not specified on the Tree Save Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- c. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Tree Save Plan.

6. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated June 25, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

**Transportation & Circulation**

7. Transportation

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated September 25, 2023, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

8. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated June 3, 2024, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

**Site Plan**

9. Development Program

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

10. 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, development program, and Site Plan resolution and approved Special Exception on the approval or cover sheet(s).
- b. Add the following notes:
  - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
  - ii. “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.”
  - iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
- c. Include approved Fire and Rescue Access Plan.
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.
- f. Provide parking for 2 Motorcycle and 3 bicycle spaces.
- g. Replace the existing fence with an 8-foot-tall board-on-board fence along the rear of the Property.
- h. Provide an updated ADA accessible ramp with a detectable warning surface at the southwest corner of the building to replace the existing curb ramp.
- i. Revise Green Area plan to reflect the site boundary size and the approved green area.
- j. Include a Tree Save Plan that meets the requirements of Sec. 22A-6 of Chapter 22A. The plan must include off-site trees and tree protection measures to protect them from construction impacts.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 504 E Randolph Rd – McDonalds SBS Site Plan No.82002017A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report (July 8, 2024) are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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:

- 1. The Site Plan is consistent with an approved development plan or a project plan for the optional method of development, if required.***

As conditioned, the Site Plan Amendment must meet Special Exception S-610-B or a future modified Special Exception.

- 2. The Site Plan meets all of the requirements of the zone in which it is located.***

The following data table shows how the Project meets the requirements for the C-1 zone, per Zoning Ordinance in effect on October 29, 2014.

*Table 1: 504 E Randolph Road McDonalds SBS Site Plan Amendment Data Table for C-1 Zone, Section 59-C-4.34.*

Development Standard	Permitted/ Required	Site Plan No. 820020120	Existing	Proposed Site Plan Amendment 82022017A
Site Area	51,950 SF (1.19 AC)	51,950 SF (1.19 AC)	51,950 SF (1.19 AC)	51,950 SF (1.19 AC)
Mapped Density C-1 (current zoning NR)				
Commercial (GFA/FAR)	4115	3062	3062	3062
Building Height	30	20	20	20
Green Area (min sf)	10%	23.5%	7.4%	12.2%
Building Setback				
Front - East Randolph Road	10	40	40	40
Side – New Hampshire	10	178	N/A	N/A
Side – Lot 13 (C-1 Zone)	0	54	27	27
Side – Lot 6 (C-T Zone)	0	128	156	156
Rear – Lot 9 (C-1 Zone)	0	60	81	81
Rear – Lot 3 (RE-1 Zone)	35	62	81	81

Development Standard	Permitted/ Required	Site Plan No. 820020120	Existing	Proposed Site Plan Amendment 82022017A
Parking Setback - Minimum Setbacks (ft)				
Front - East Randolph Road	10	10	12	12
Side – New Hampshire	10	13	0	0
Side – Lot 13 (C-1 Zone)	4	0	0	0
Side – Lot 6 (C-T Zone)	4	13	0	0
Rear – Lot 9 (C-1 Zone)	0	0	6	6.5
Rear – Lot 3 (RE-1 Zone)	35	10	6	8.5
Parking Spaces (Standard: 25 spaces per 1,000 sf)				
Total		58	65	65
Handicapped		3	3	3
Motorcycle		2	0	2
Bicycle		3	0	3

***Previously Granted Waiver for Parking Surface Setback Requirements of 59-E.2.81***

As part of Site Plan No. 820020170, and as conditioned in the related special exception approval, the Planning Board granted a waiver from Section 59-E.2.81, pursuant to 59-E.4.5, of the prior Zoning Ordinance, which requires “all parking surfaces, spaces and driveways to be setback from a property line adjoining a residential zoned lot the appropriate setback in that particular zone.”

The adjacent property, Lot 3 of Paint Branch Farms, is zoned RE-1 and abuts the northeast boundary of the Subject Site. The setback requirement is 35 feet from the property line to any type of surface on the site. The current existing pavement surface for parking and drive aisle is approximately 6 feet, as approved by Site Plan No. 820020170, and will be increased to 8.5 feet with this Amendment. The Amendment will provide new planting and maintain the existing 8-foot tall board-on-board fence. The 8-foot setback provided by the Amendment does not exceed

the 6-foot setback previously approved by the Board, therefore the Board confirms the granting of the waiver and finds that the setback provided is consistent with the prior approval.

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

**a. *Building Location***

The building location is unchanged with the Subject Amendment and will maintain its orientation and function in a safe and efficient manner.

**b. *Open Spaces, Landscaping and Lighting***

The Project will provide 12.2% of green space, which is more than what is currently onsite. The green area will include landscaping islands within the parking lot and along the perimeter of the Property.

As conditioned, the exterior lighting will meet the requirements per Chapter 59 and Special Exception S-610-B (as modified in the future).

**c. *Vehicular and Pedestrian Circulation***

Access to the Site is provided via Randolph Road to the south and New Hampshire Avenue to the west. The only modification to existing conditions will be the removal of the middle access curb cut on Randolph Road, reducing the number of curb cuts on Randolph Road to two. All access points will remain right-in-right-out movements. Pedestrian access the Site will continue to be provided via existing sidewalks along Randolph Road and New Hampshire Avenue.

Parking will continue to be provided via surface parking lots both on-site and via the adjacent eastern property. The western parking lot, which is located closest to the existing building, will be reconfigured from angled parking to perpendicular parking stalls. A total of 65 parking spaces will be provided on-site, including three ADA spaces. This exceeds the required minimum of 54 spaces.

The existing one-lane drive-thru will be converted to a two-lane drive-thru by widening the drive-thru along the east side and at the rear of the Site. The two-lane drive-thru will transition back to a one-lane drive-thru lane on the west side of the Site. The widening of the drive-thru in addition to the removal of the middle access will allow additional space for queuing vehicles on-site and

reduce the potential for queuing vehicles to spill out onto Randolph Road. The modification will allow 19 vehicles to queue within the drive-thru.

The existing one-way drive lane located adjacent to the drive-thru lane will remain, allowing for additional circulation through the Site. Loading and garbage truck circulation will occur along the rear of the Property utilizing the rear drive aisle.

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

The drive-thru restaurant is consistent with surrounding commercial/retail uses located at the intersection of East Randolph Road and New Hampshire Avenue. The Subject Amendment will allow more vehicles to access the drive-thru while limiting access to East Randolph Road by removing one access point improving vehicular circulation on the Site. This improves the restaurant's viability in the future. The Project will also maintain the buffers between the Property and the RE-1 zoned property at the rear.

***5. The site plan meets all applicant requirements of 22A regarding forest conservation.***

The Property is subject to Montgomery County Forest Conservation Law, Chapter 22A of the County Code, but is exempt from the requirements to submit a Forest Conservation Plan. Forest Conservation Exemption No. 42024252E was confirmed on July 2, 2024 per Section 22A- 5(t) for a modification to a non-residential developed property because no more than 5,000 square feet of forest is being cleared, the modification does not result in the cutting, clearing or grading of any forest in the stream buffer or forest on a property located in a special protection area which must submit a water quality plan, the modification does not increase the developed area by more than 50% and the existing principal building is retained, and no residential uses are proposed. As conditioned a Tree Save Plan is required to be submitted with the Certified Site Plan, showing detailed and specific tree protection measures to protect off-site trees.

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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

**July 22, 2024**



(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution approved and adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Vice Chair Pedoeem, seconded by Commissioner Hedrick, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, July 18, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board