

Statement of Justification
Chick-fil-A
22705 Clarksburg Road, Clarksburg, Maryland
Site Plan Amendment No. 82014016C
Forest Conservation Plan No. F2024003A

I. Introduction

On behalf of Chick-fil-A (the "Applicant"), we are submitting applications for approval of an Amendment to the previously approved Site Plan (No. 82014016B) (the "Amendment") for consideration by the Montgomery County Planning Board (the "Planning Board") and Forest Conservation Plan No. F2024003A. Through this Amendment, the Applicant proposes to develop a portion of the property located at 22705 Clarksburg Road in Clarksburg, Maryland (the "Property") under the standards of the MXPD Zone.¹ The Applicant proposes to redevelop a portion of the existing surface parking lot on the Property with a Chick-fil-A restaurant with a drive-thru, featuring high-quality architecture and streetscape elements (the "Project"). The Project will result in efficient land use through infill of the existing surface parking lot and by serving as a complementary use in the context of surrounding retail, and residential. In addition, the Project will improve the pedestrian environment and connections, and enhance landscaping and stormwater management. As detailed herein, the Project substantially conforms with the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* (the "Master Plan"), the Cabin Branch Design Guidelines (the "Design Guidelines"), applicable functional master plans, and also complies with the development standards of the prior MXPD Zone,

¹ The Property is a legacy (or grandfathered) site pursuant to Section 7.7.1.B of the Current Zoning Ordinance. The proposed drive-thru restaurant will be developed under the development standards of the prior MXPD Zone, and the use standards of the Current Zoning Ordinance.

as set forth in the Montgomery County Zoning Ordinance in effect on October 29, 2014 (the "Prior Zoning Ordinance"). The Project also complies with the use standards under the current Zoning Ordinance adopted in 2014 (the "Current Zoning Ordinance").

II. Background

A. Site Location, Surrounding Context, and Existing Conditions

The Property is located along Clarksburg Road (MD 121) and Gosnell Farm Drive, confronting the Clarksburg Premium Outlets. The Property is bound by Clarksburg Road to the north with retail, pharmacy, and service station uses located on the Gosnell Properties to the north, beyond the Clarksburg Road right-of-way. The Property is bound by Gosnell Farm Drive to the south and east, with the Clarksburg Premium Outlets and associated surface parking confronting the Property. Townhouses and single-family detached homes are located to the southwest of the Property, beyond Cabin Branch Avenue.

The Property is part of a larger Site Plan area, which is approximately 84.24 acres of net lot area generally located within the northernmost portion of the Cabin Branch development. The Property is part of Lot 1 of the Cabin Branch Subdivision, as recorded in the Land Records of Montgomery County at Plat No. 25001. The larger Cabin Branch development is located south of the intersection of I-270 and Clarksburg Road, consisting of Lots 1, 3 & 4 and Parcels A & B, Block AN, as recorded in the Land Records of Montgomery County at Plat No. 25001. The Cabin Branch development is a mixed-use community (approximately 535 acres) bordered by I-270, Clarksburg Road (MD 121), and West Old Baltimore Road. The Gateway 270 Office Park is located across I-270 from the Property.

The Property features significant topography by its northern boundary, along Clarksburg Road. An existing retaining wall runs the full extent of this northern boundary, from Cabin Branch Avenue east to the northernmost corner of the Property at Gosnell Farm Drive. Landscaping and identity signage for the Clarksburg Premium Outlets is located at this corner. A sidewalk on Clarksburg Road currently leads into the Property, adjacent to the Clarksburg Premium Outlets identity sign. The Property largely sits below the grade change along the northern boundary, with topography sloping from north to south and west to east. The Property has been graded and is currently improved with 2 curb cuts and surface parking, including 90 parking spaces.

B. Zoning and Permitted Uses

Cabin Branch previously was zoned MXPDP, but was rezoned CRT-0.5, C-0.25, R-0.25 H-130T and CR-2.0, C-2.0, R-1.5, H-90T in connection with District Map Amendment G-956 (adopted July 15, 2014 and effective October 30, 2014). Pursuant to Section 7.7.1.B.1 of the Current Zoning Ordinance, the Applicant is submitting this Amendment for review of the development standards under the requirements of the Prior Zoning Ordinance (*i.e.* under the standards of the previous MXPDP Zone). The proposed restaurant with drive-thru use will be reviewed under the Current Zoning Ordinance as discussed herein. Pursuant to the Current Zoning Ordinance, a restaurant with drive-thru use is permitted as a Limited Use within the CRT Zone.

C. Surrounding Zoning and Land Uses

The Property is surrounded by various CRT-0.5, C-0.25, R-0.25 H-130T Zoned properties that were previously also located in the Property's prior MXPDP Zone. The surrounding zoning and land uses are as follows:

North: Immediately north of the Property, across Clarksburg Road, are retail, pharmacy, and service station uses located on the Gosnell Properties, currently zoned CRT-0.5, C-0.25, R-0.25 H-130T.

East: Immediately to the east of the Property, across Gosnell Farm Drive, is the Clarksburg Premium Outlets and expanses of associated surface parking, currently zoned CRT-0.5, C-0.25, R-0.25 H-130T.

South: The Property is bound by Gosnell Farm Drive to the south. Expanses of surface parking serving the Clarksburg Premium Outlets are located to the south, currently zoned CRT-0.5, C-0.25, R-0.25 H-130T.

West: An unimproved landscaped property is located immediately adjacent to the Property to the west. A residential community consisting of townhouses and single-family detached dwellings is located to the west across Cabin Branch Avenue. This single-family residential community is zoned CRT-0.5, C-0.25, R-0.25 H-130T and was previously located in the MXPDP Zone.

III. Legacy Rights

As mentioned, the Applicant is submitting this Amendment for review under the standards and procedures of the Prior Zoning Ordinance (*i.e.* under the standards of the previous MXPDP Zone) pursuant to Sec. 7.7.1.B.1 of the Current Zoning Ordinance. Section 7.7.1.B.1 of the Current Zoning Ordinance provides that:

Any development plan, schematic development plan, diagrammatic plan, concept plan, project plan, sketch plan, preliminary plan, record plat, site plan, special exception, variance, or building permit filed or approved before October 30, 2014 must be reviewed under the standards and procedures of the property's zoning on October 29, 2014, unless an applicant elects to be reviewed under the property's current zoning. . . . The approval of any of these applications or amendments to these applications under Sec. 7.7.1.B.1 will allow the applicant to proceed through any other required application or step in the process within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.

As such, the MXPDP development standards apply to this Amendment.² Although the physical improvements on the Property and this Amendment have legacy rights under the standards and procedures of the Prior Zoning Ordinance, newly established uses must also comply with the use standards contained in the Current Zoning Ordinance. As

² See June 17, 2024, DPS Confirmation Letter, P. Wolford to S. Silber and M. Goutos. The Department of Permitting Services has confirmed that the prior MXPDP Zone development standards apply to this Amendment and the current CRT Zone standard method of development standards are not applicable.

demonstrated in this Statement below, the Application meets the Limited Use standards for a drive-thru as set forth in Section 3.5.14.E.2.a of the Current Zoning Ordinance.

IV. Prior Approvals

A. Development Plan Amendment

The Cabin Branch development was initially approved under Development Plan Amendment DPA 13-02 on February 4, 2014. The approved Land Use Plan of the Development Plan delineated two development areas: Area A and Area B. Area A has been approved for a total of up to 1,150,000 SF of employment, retail and entertainment uses, up to 100 dwelling units for seniors, and up to 7,500 SF of public use space. Area B has been approved for 275-750 dwelling units and up to 450,000 SF of retail, employment, and entertainment uses, 150-500 dwelling units for seniors, and up to 7,500 SF of public use space. The Project is proposed within Area B, at a location envisioned for restaurant uses to serve the larger development and surrounding community.

B. Preliminary Plan

The currently approved density of the entire Cabin Branch development was established via Preliminary Plan Amendment 12003110B, which was approved by the Planning Board on October 6, 2008. Preliminary Plan Amendment 12003110C was approved on December 23, 2014 for "...450,000 square feet of retail and restaurant uses, parking facilities, and public amenities comprising a retail center (Site Plan No. 820140160, Cabin Branch Premium Outlets at Cabin Branch) within the multi-phased mixed-use development on the Subject Property." The trip generation, calculated as part of Preliminary Plan Amendment 12003110C, expressly included trips associated with the

Project and the total number of trips were shown to fit within the approved trip cap for the overall Cabin Branch development, pursuant to Preliminary Plan Amendment 12003110C.

C. Site Plan

The Property is subject to two separate Site Plan approvals: Infrastructure and Road Only Site Plan 820050150 and overall Site Plan 820140160.

Infrastructure and Road Only Site Plan 820050150 was approved on September 19, 2007 to establish the infrastructure, forest conservation, and water quality plans. This Site Plan requires subsequent site plans to amend or establish the details of specific elements for the development of the different areas of Cabin Branch. Infrastructure and Road Only Site Plan 820050150 was most recently amended as 82005015G on July 25, 2017.

Site Plan 820140160 was approved December 23, 2014 for 450,000 square feet of retail and restaurant uses, parking facilities, and public amenities and to amend the Infrastructure Site Plan. Site Plan 820140160 has been amended twice since 2016. First, as 82014016A on April 25, 2016, for an administrative amendment to accommodate minor changes to grading, stormwater management, crosswalk locations, parking lot layout, dumpster location, and landscaping. Most recently, the Site Plan was amended as 82014016B on June 14, 2018, for changes to approved landscaping, hardscaping, site details and retaining walls, and various building materials and finishes.

V. **Proposed Development**

A. Development Program

The Applicant is proposing to develop the Property with an approximately 6,350 square foot Drive-thru restaurant. The building will be approximately 40 feet in height. The

high-quality building materials and color pallet of the proposed Chick-fil-A have been designed to complement the other buildings within the surrounding context and Clarksburg Premium Outlets.

B. Architecture and Design

The Project has been specifically sited and designed to complement the surrounding architecture and character of Cabin Branch and to provide a flexible dining option, as envisioned by the Development Plan. The proposed Chick-fil-A is designed to provide architectural interest on all facades – with special attention paid to defining a new street edge at this gateway location along Gosnell Farm Drive. The overall design incorporates a vertical orientation in order to foster architectural interest and activate the streetscape while mitigating views of drive-thru queuing and parking at the rear of the Property.

The building includes a tower feature to read as a 2-story element and provide presence along the street. Aesthetically, all building façades have been treated similarly and incorporate glazing and building articulations. The building materials and neutral color pallet complement the existing architecture in the surrounding context. The Project will provide extensive outdoor seating and a plaza at the front façade near the public pedestrian access from Clarksburg Road as a public amenity and to further activate the pedestrian environment.

C. Site Layout and Vehicular and Pedestrian Circulation

As a result of discussions and coordination with Planning Staff, the Applicant has reconfigured the layout of the site. The new layout is the result of many months of discussions with Staff on how the site could be improved to activate the street (the “Improved Layout”). Although not required under the MXPDP Zone (the zone by which the

Property is being developed), the Applicant has pulled the proposed restaurant building as close to Gosnell Farm Drive as possible in order to help activate the street. Activated open space has been added to promote better connectivity through sidewalk connections, eating areas, benches and landscaping. The site connects with the existing sidewalks on three sides of the building in unique ways. One connection is the plaza that links to the existing stair on the higher graded portion of the Gosnell Farm Drive roundabout. A second connection is made to the existing sidewalk on the lower graded portion of the Gosnell Farm Drive roundabout that also connects to one of the outdoor dining areas. A third connection is made with a new sidewalk axis along the main entry elevation that connects the parking area to a different part of Gosnell Farm Drive. A second outdoor dining area is also connected here. Each of these three connected areas will have landscaping and benches to foster an enhanced pedestrian experience.

Furthermore, as shown on the Improved Layout, the Applicant has reoriented the building and reconfigured the site layout so that the drive-thru is now located behind the building and tucked below the significant grade that separates the Property from Clarksburg Road. With this reconfigured layout, the restaurant building – in combination with landscaping, masonry walls, and strategic siting utilizing grade changes – will screen the drive-thru from the surrounding rights-of-way.

Based on comments by Planning Staff, the Applicant has increased green area on-site by reducing the drive-thru lanes from three lanes to two lanes while still providing sufficient vehicular queuing capacity to meet customer demand. This thoughtful overall design – with the dual drive-thru lanes, double ordering station, dual lane order fulfillment,

and other design efficiencies – will ensure ease of movement and adequate queuing areas on the Property.

Furthermore, to ensure safe pedestrian connections between the parking and proposed restaurant building, the Applicant has introduced a wide, well-marked pedestrian crossing with signage in clear view located at the point of meal fulfillment, where cars naturally stop to receive their orders. Thoughtful consideration has been given to eliminating blind spots in the drive-thru lane and to fully segregate the path of drive-thru traffic from pedestrian walkway paths and pedestrian connectivity within the center.

Additionally, the Project will significantly improve the pedestrian experience and promote pedestrian safety by providing streetscape improvements in accordance with the prior approvals for the overall Cabin Branch community. In particular, the Applicant is proposing improvements proximate to the subject property that will complement the existing bike and pedestrian circulation program that was analyzed and approved as part of Site Plan 820140160 (pictured below).



Circulation Diagram

Planning Staff and County agencies thoroughly examined and reviewed bike and pedestrian circulation and safety as part of the prior Site Plan approval, ultimately making recommendations for improvements that have been implemented and currently exist within the overall community. To this end, the proposed improvements will align with the existing bike and pedestrian infrastructure to encourage connectivity from the site to the premium outlets and residential areas of Cabin Branch.³

More specifically, a proposed ten-foot sidewalk, with landscape areas buffering the sidewalk and road from the plaza and seating areas, will be added as part of this development. The frontage along the private drive that extends from the intersection of Clarksburg Road and Gosnell Farm Drive provides a ten-foot sidewalk for connectivity and circulation, exceeds the applicable requirements for a private sidewalk, and is consistent with Master Plan recommendations. These improvements will significantly enhance the pedestrian environment and provide a buffer from the vehicular traffic in the right-of-way to connect to the patio and seating areas adjacent to the restaurant. In addition, through coordination with Staff, the Applicant has also agreed to extend this sidewalk further to the south and west along Gosnell Farm Drive to provide bicycle and pedestrian infrastructure on the Property's southern frontage. With this extension, the Applicant is proposing to implement and connect to bike and pedestrian facilities along the full extent of the Property's frontage to both satisfy functional master plan recommendations and increase connectivity throughout the Cabin Branch community.

³ See Planning Staff Report for Site Plan 820140160. As part of its analysis of prior Site Plan 820140160, Planning Staff found that the proposed bike and pedestrian connectivity adequately and efficiently integrates the overall property into the surrounding neighborhood. The Applicant is proposing appropriate bike and pedestrian infrastructure improvements to connect into the existing adequate circulation network.

Additionally, the focal architectural element that signifies the pedestrian entrance at the Property's northeast corner and the patio area will activate the pedestrian environment at this prominent gateway thoroughfare. Together, the proposed improvements will significantly improve pedestrian connectivity and vehicular circulation on the Property to create safer, more controlled site conditions.

D. Parking and Loading

The existing surface parking lot has been preserved, yet has been updated to (1) accommodate Planning Staff's preferred orientation and siting of restaurant, (2) facilitate drive-thru queuing and service internally on the site, (3) implement safe vehicular and pedestrian internal circulation, and (4) incorporate landscaping throughout the site and surface parking. The Applicant proposes to provide a sufficient number of on-site parking spaces, in accordance with applicable requirements of the Prior Zoning Ordinance for the MXPB Zone. Pursuant to the applicable Prior Zoning Ordinance requirements, on-site parking is calculated as 25 spaces per 1,000 square feet of patron area. The Applicant is proposing 3,200 square feet of patron area, which equates to a requirement of 80 on site parking spaces. The Applicant will provide a total of 90 parking spaces on the Property. No parking will be provided between the front building line and Gosnell Farm Drive. Rather, the Applicant has strategically configured the site to ensure that, in combination, the building, landscaping, and masonry walls will screen a majority of the parking from view. Notably, the Project utilizes the site's steep topography along the northern property line to screen parking and drive-thru queuing from the Clarksburg Road right-of-way – which sits above the Property. To further accommodate multimodal transportation for both future employees and visitors, five bicycle spaces will also be provided on-site.

E. Conformance with Other Applicable Review Criteria

1. Forest Conservation

The Project has an approved Forest Conservation Plan #820140160. Due to a Water Quality Plan requirement, an amended Final Forest Conservation Plan has also been submitted for approval.

2. Stormwater Management and Sediment Control

The Project complies with the requirements of Chapter 19 of the Montgomery County Code. Applicable requirements under Chapter 19 are addressed in the previous Stormwater Management Water Quality Plan approval No. SM264517, approved by DPS on September 30, 2014. The existing approval is submitted for amendment and approval by DPS. A Sediment Control and Stormwater Management Plan will also be submitted for approval and permit prior to commencement of construction on the Property.

3. Adequate Public Facilities

The public facilities will continue to be adequate following development of the Property for a restaurant with drive-thru use and the proposed development will not have an adverse effect on existing traffic conditions.

After completion of the proposed Chick-fil-A restaurant with drive-thru, the total number of trips generated by the overall Cabin Branch development will remain well below the development capacity approved for the Property. Importantly, the Property will continue to operate within the parameters of the approved Preliminary Plan with the development of the Chick-fil-A restaurant with drive-thru. A traffic statement has been submitted as part of this application. The traffic statement demonstrates that a Local Area

Transportation Review (LATR) study is not required for the Project based on the trip generation findings, as noted above.

The Property is already served by existing water and sewer. The Property is located within water and sewer categories W-1 and S-1. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission ("WSSC") through connections to the existing water and sewer lines already existing on site.

Electric, gas and telecommunications services will also be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently operating in accordance with the Annual Growth Policy and will continue to be sufficient following construction of the Project.

VI. Master Plan Conformance

A. 1994 Clarksburg Master Plan & Hyattstown Special Study Area

The Property is located within the Master Plan's "Mixed-Use Center." The 1994 Master Plan envisions the "Mixed-Use" Center as a "neighborhood core" that consists of a cluster of higher density residential uses, retail services, office uses, and civic uses – with urban design promoting transit and pedestrian serviceability.

The Project contributes to the existing retail in the "Mixed-Use Center" with a desirable new dining option. Importantly, the Amendment incorporates several Master Plan urban design recommendations to improve the urban form of the "Mixed-Use Center" at this location and encourage pedestrian activity to and from the site. The Project is in substantial conformance with the requirements of the Master Plan and furthers many of its objectives, including:

- *Street oriented buildings are encouraged throughout the neighborhood.*
- *Retail and office uses in the core should face streets with parking behind.*
- *Create a strong neighborhood focal point by concentrating public and retail uses in the same general area.*
- *Provide an interconnected system of streets.*
- *Provide for attractive land uses that encourage opportunities for social interaction and promote community identity.*
- *Proposes retail and employment uses at a pedestrian scale and oriented to the needs of residents.*
- *Provide connectivity between residential neighborhoods and between residences and commercial areas.⁴*

The Project advances several applicable Master Plan recommendations. Notably, the Project promotes (1) high-quality design at pedestrian scale, (2) safe pedestrian connectivity through additional infrastructure, (3) desirable, neighborhood-serving land uses, (4) new opportunities for social interaction and community identity and (5) positioning parking behind the building. Specifically as it relates to the Master Plan’s design recommendations, the Project utilizes a relatively vertical footprint to foster architectural interest and define a street edge at this gateway location. High-quality, compatible building materials are utilized to promote visual interest. A plaza is located at the corner of the site, further contributing to the Project’s human scale and inviting pedestrians into the restaurant from the extended sidewalk network. This strategic siting and design elements at the northeast corner of the Property are intended to promote the “Mixed-Use Center” aesthetically and functionally by cohesively complementing the surrounding mixture of employment, residential, and retail uses within the Cabin Branch

⁴ See Master Plan, pages 9-19, 16-18, 28-30, 67-70, and 97-98.

“Mixed-Use Center.” Accordingly, the Project contributes to the vibrant mix of uses in the existing “Mixed-Use Center” and substantially conforms with the Master Plan.

B. 2018 Bicycle Master Plan

The *Bicycle Master Plan* reflects the existing side path and striped bikeway to the north of the Property, along Clarksburg Road. The side path is designated as a low traffic stress bikeway and the striped bikeway is identified as a moderate/high traffic stress conventional bike lane. A very low traffic stress separated bike lane is planned along Gosnell Farm Drive, which is envisioned for a future connection to existing side paths along Cabin Branch Avenue. The Project will substantially comply with the *Bicycle Master Plan*.

The Project will improve the overall bicycling experience at this location. The sidewalk along Clarksburg Road will be extended to and connected with the Project to facilitate safe access to the future restaurant from the existing bicycle transportation network. On site streetscape improvements extending west from the Gosnell Farm Drive roundabout, including a ten-foot sidewalk and a variable width landscape buffer along the parking lot frontage, are proposed to enhance the pedestrian and bicycling experience. The *Bicycle Master Plan*'s recommends very low traffic stress separated bike lane planned further west along Gosnell Farm Drive. Although the *Bicycle Master Plan* recommends this separated bike lane along Gosnell Farm Drive, the plan is not clear as to which side of the road that the bike lane should be provided on. As currently shown on the County's *Bicycle Master Plan* GIS, the bike lane appears to be located on the southern side of Gosnell Farm Drive—opposite from the Project's frontage. Although the original Site Plan was approved for bicycle and pedestrian adequacy, the Applicant has agreed, through

coordination with Staff, to provide a 10-foot shared use path along the Project's frontage along Gosnell Farm Drive. The shared use path would extend along the Gosnell Farm Drive frontage to the east and connect with the Applicant's proposed sidewalk adjacent to patio and seating areas. Moreover, this shared use path is intended to accommodate bike and pedestrian use to enhance connectivity to the site and throughout the overall Cabin Branch community, in substantial conformance with the applicable *Bicycle Master Plan* recommendation.

The overall development, including the roadway infrastructure, is well established. Current improvements at this location include terraced masonry retaining walls to accommodate the change in elevation. Accordingly, it is not possible to implement the very low traffic stress separated bike lane along this portion of Gosnell Farm Drive with the subject Minor Site Plan Amendment.

C. 2023 Pedestrian Master Plan

The Project will greatly enhance the pedestrian experience and substantially conform with the County's *Pedestrian Master Plan* to make walking safer, more comfortable, and more convenient, through pedestrian-oriented design. To this end, the Project has been strategically sited and designed at pedestrian-scale to activate the streetscape along Gosnell Farm Drive and foster pedestrian activity. As mentioned, the Applicant is proposing new pedestrian facilities and connections to existing facilities along the full extent of the Property's frontage to both satisfy functional master plan recommendations and increase connectivity throughout the Cabin Branch community. The improved pedestrian infrastructure with this Amendment is intended to encourage foot

traffic and safe connections to the Property, premium outlets, and surrounding residential community.

VII. Design Guidelines

A. 2018 Cabin Branch Design Guidelines

In addition to the Master Plan and applicable County functional master plans, the Project conforms with the *2018 Cabin Branch Design Guidelines*. The Design Guidelines are intended to promote an active, vibrant, pedestrian-oriented community that supports a broad range of uses and activities. The Project broadly advances the intent of the Design Guidelines by replacing existing auxiliary surface parking with a neighborhood-serving restaurant that complements the surrounding mixture of uses throughout Cabin Branch. Moreover, the designated Town Architect for the Village at Cabin Branch (KTTY) has reviewed the proposed design and determined that, with minor changes to the proposed façade fronting the surface parking lot, the Minor Site Plan Amendment complies with and meets the architectural intent of the Design Guidelines. The Project specifically advances the following Design Guidelines:

Guiding Principles

- There should be a variety of uses, services and building types in Cabin Branch that serve the needs of residents, workers and visitors alike and recognize its role in the greater Clarksburg and Montgomery County area as a residential community as well as a community for health care, employment, retail, and hospitality uses.
- Parking, except for on-street parking should be located behind buildings, or should be treated architecturally to be compatible with adjacent uses, be bermed and landscaped from the view of the perimeter roadways to the extent possible or include architecturally compatible retaining walls.

- Where retail uses front streets with active pedestrian activity, the ground level of buildings should include shops, restaurants, or treatments (such as windows, awnings, etc.) that access the sidewalk.
- There should be a network of streets that provide alternatives for traveling through the community for vehicles, cyclists, and pedestrians.
- Buildings that terminate a street of important vista should have special design and massing such as a special façade, lobby entrance, tower element or other special treatment.

Site Design

- Buildings along public streets should create a street edge, or face a public plaza or open space at significant nodal points.
- A comprehensive pedestrian circulations system of sidewalks and/or walkways should be provided within a parcel, with connections to adjacent parcels. The circulation system should be developed considering the source and destination of pedestrians.
- Parking areas must be buffered either by existing vegetation, new landscape material, decorative walls, landscaped berms, evergreen hedge, or a combination of these techniques.

Architectural Design

- The design of building elevations in terms of size, massing, style, details and use of materials and colors should respond to its environment and be compatible with adjacent structures.
- There shall be consistent architectural theme or style incorporated into the retail area.
- Parking areas must be buffered either by existing vegetation, new landscape material, decorative walls, landscaped berms, evergreen hedge, or a combination of these techniques.
- Building elevations are important and should generally be designed “in the round” with suitable details and materials on all sides.
- Electrical and mechanical equipment, generators, etc., whether located on the roof or on the ground, must be screened from public view in a manner compatible with the architectural elements of the building or by the use of berms, walls, fences, plant material, placement underground, or other appropriate means.

- Noise producing mechanical equipment should be located and screened so as to moderate any impact upon adjacent uses. This includes loading areas that may service refrigeration trucks in proximity to residential.

As detailed herein, the Project has been designed to (1) promote high-quality urban form at this gateway location, (2) encourage safe pedestrian activity with connections to the Clarksburg Premium Outlets and existing sidewalk network, and (3) create opportunities for social interaction and gatherings for the surrounding community. Importantly, through close collaboration with Planning Staff, the Applicant has strategically sited and designed the proposed use to foster an urban form between the restaurant and the existing retail across Gosnell Farm Drive. The proposed building is sited close to Gosnell Farm Drive, with parking and queuing located to the rear of the site where it is buffered from view using a combination of landscaping, masonry, and grade. This strategic siting fosters a new, defining street edge at this location – featuring attractive building materials, highly articulated front and side facades, outdoor dining and seating, and compatible landscaping. As such, the Project presents a unique urban form for the proposed use that is compatible with its surrounding context and mitigates visual impacts of the drive-thru and utility-oriented sides of the building.

B. 2021 Complete Streets Design Guidelines

The Property is not located within the Clarksburg Town Center Complete Streets Design Guide Area Boundary. The Property is, however, bound by Clarksburg Road to the north, which is designated as a “Town Center Boulevard” in Montgomery County’s Master Plan of Highways & Transitways. Whereas designated “Downtown Boulevards” are identified as compact places with continuous building frontages along the street, the County’s Complete Streets Design Guidelines envision Town Center Boulevards as more

likely to have some buildings close and others set back from the street behind lawns or planted areas (as opposed to being “pulled-up to” the street). Town Center Boulevard street design should include elements that slow vehicle traffic, facilitate safe crossings and transit access for pedestrians, and provide visual cues to drivers that more pedestrian and bicyclists may be present. (*See Complete Streets*, page 46).

The Project will improve the pedestrian and bicycling experience at this location. The Project will provide streetscape improvements on site along Gosnell Farm Drive, including a ten-foot sidewalk and a variable width landscape buffer along the parking lot frontage to enhance the pedestrian and bicycling experience. Furthermore, the sidewalk along Clarksburg Road will be extended to and connected with the Project to provide safe pedestrian access from the surrounding pedestrian and bicycle transportation network.

VIII. Zoning Ordinance Conformance

A. Amendments to Applications Approved Before October 30, 2014

Pursuant to Section 7.7.1.B.3 of the Current Zoning Ordinance, the Applicant is seeking to amend the previously approved Site Plan under the development standards and procedures of the Property's zoning on October 29, 2014. As such, the Project is proposed for compliance with the allowed/required height, density, and development standards of the MXPDP Zone. Accordingly, this Amendment is being submitted under the development standards and procedures of the Property's zoning in effect on October 29, 2014. As discussed herein, the drive-thru use standards are being reviewed under the Current Zoning Ordinance.

B. Findings Required for Site Plan Approval (Prior Zoning Ordinance)

Section 59-D-3.4 of the Prior Zoning Ordinance establishes the findings required for approval of a site plan application. As set forth below, the Amendment satisfies each of these requirements:

- 1. The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Amendment conforms to all non-illustrative binding elements of the prior development plan. The Cabin Branch development was initially approved under Development Plan Amendment DPA 13-02 on February 4, 2014. The approved Land Use Plan of the Development Plan delineated two development areas: Area A and Area B. Area A has been approved for a total of up to 1,150,000 SF of employment, retail and entertainment uses, up to 100 dwelling units for seniors, and up to 7,500 SF of public use space. Area B has been approved for 275-750 dwelling units and up to 450,000 SF of retail, employment, and entertainment uses, 150-500 dwelling units for seniors, and up to 7,500 SF of public use space. The Project is proposed within Area B, at a location envisioned for a restaurant use to serve the larger development and surrounding community. The proposed density and land use conforms with the prior Development Plan.

- 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 illustrated on the Site Plan submitted with this Amendment, the proposed Project continues to satisfy all of the requirements of the MXPB Zone. This Property is not located within an urban renewal area.

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

The Site Plan is strategically designed to ensure the location of buildings, landscaping, and pedestrian and vehicular circulation systems are adequate, safe, and efficient. The Applicant has worked closely with Planning Staff to prioritize safe and efficient pedestrian and vehicular circulation. The proposed restaurant is sited in the northeastern corner of the Property to visually define a new street edge at this gateway location and also functionally allow for efficient vehicular and pedestrian access to the site. Through this strategic siting, the Project proposes safe pedestrian connections to the Property at this location from the existing sidewalk network and adjacent Clarksburg Premium Outlets. Internal pedestrian connectivity is also achieved with a new walking path along the building's frontage on Gosnell Farm Drive. Vehicular access is limited to the two existing curb cuts along Gosnell Farm Drive to the south. Internal vehicular circulation is organized along the periphery of the surface parking lot, with clearly identified drive-thru queuing lanes starting at the western portion of the Property and continuing east for service at the rear the restaurant building. This unique vertical orientation and siting for Chick-fil-A provides for safe vehicular and pedestrian circulation while distinguishing the site with high-quality urban form.

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

Through significant coordination with Planning Staff, the Applicant has made significant changes to the site layout since original conceptual design. These changes include:

- The restaurant building has been pulled closer to Gosnell Farm Drive to help define the pedestrian environment and activate the street;
- The addition of a focal vertical architectural element to signify the pedestrian entrance at the northeast corner of the Property, which provides a main pedestrian connection to the restaurant; and
- The re-orientation of the drive-thru so that it is located to the rear of the building to ensure high-quality urban form, safe and efficient circulation/queuing patterns, and mitigation of drive-thru visual impacts through grade changes.

The proposed restaurant building has been specifically designed to complement the surrounding architecture and character of Cabin Branch. This includes providing architectural interest along the side and front facades – with special attention paid to defining a new street edge at this gateway location. The overall design incorporates a vertical orientation in order to foster architectural interest and mitigate views of drive-thru queuing and parking. Aesthetically, all building façades have been treated similarly, and incorporate glazing and building articulations. The building materials and neutral color pallet complement the existing architecture in the surrounding context. The Project will provide outdoor dining and seating and a plaza at the front façade, to further activate the pedestrian environment.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation. A forest conservation plan amendment has been filed with this application. The Project complies with the requirements of Chapter 19 of the Montgomery County Code. Applicable requirements under Chapter 19 are addressed in the previous Stormwater

Management Water Quality Plan approval No. SM264517, approved by DPS on September 30, 2014. The existing approval will be amended as part of this application, and a new plan approval and associated permit will be issued.

In connection with the Project, the Applicant will utilize environmental site design (ESD) to the maximum extent practicable toward meeting the required water quality treatment needs for the improvements. A Sediment Control and Stormwater Management Plan will be submitted for approval and permit prior to commencement of construction on the Property.

C. Applicable Standards under Current Zoning Ordinance

1. Limited Use Standards - Section 7.3.1.E (Current Zoning Ordinance)

As discussed in this Statement, although the building and site improvements have legacy rights under the development standards of the prior MXP Zone, the use is subject to the standards of the Current Zoning Ordinance. Pursuant to Section 3.5.14.E of the Current Zoning Ordinance, the Project satisfies the standards below and as such, is appropriately classified as a Limited Use:

- 1) *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 Agricultural, Rural Residential or Residential Detached zoned properties located within 100 feet of the Property.

- 2) *Access to the site from a street with a residential classification is prohibited;*

Access to the Property is proposed along Gosnell Farm Drive, which is not classified as a residential street.

- 3) *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;*

The drive-thru service door, drive aisle, and queuing area is located to the rear of the proposed building.

- 4) *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 3 foot high wall or fence.*

This provision is not applicable, as the drive-thru door, drive aisle, and stacking area are each proposed at the rear of the restaurant building.

- 5) *Site plan approval is required;*

In accordance with this requirement, the Applicant is seeking Site Plan approval pursuant to this Amendment. As discussed above, the Project has legacy rights under the standards and procedures of the Prior Zoning Ordinance. The Project's compliance with the requirements of Section 59-D-3.4 is discussed in detail in Section VIII (b) above.

- 6) *A conditional use application for a Drive-Thru may be filed with the Hearing Examiner if the limited use standards (discussed above) cannot be satisfied.*

As demonstrated by this Statement, the Project satisfies each of the requirements listed in Section 3.5.14.E.2.a of the Current Zoning Ordinance. As such, the proposed drive-thru is classified as a permitted Limited Use and does not require Conditional Use approval.

2. Queuing Standards

The drive-thru restaurant use must comply with Current Zoning Ordinance requirements. As such, the Current Zoning Ordinance requires that a restaurant with drive-

thru have a minimum of five (5) queuing spaces (*see* Section 6.2.7.A of the Current Zoning Ordinance). The Applicant proposes a total queuing length of approximately 840', divided between dual drive-thru lanes, with more than 5 queuing spaces. This satisfies the underlying requirement and will satisfy Chick-fil-A's needs.

IX. Community Outreach

Although not required for this Amendment, the Applicant hosted a virtual pre-submission community meeting on January 11, 2024 via the ZOOM meeting platform. The Applicant provided notice for the pre-submission community meeting in accordance with the requirements set forth in the Development Review Procedures Manual and the Zoning Ordinance. A summary of the pre-submission community meeting is included with this application.

X. Conclusion

The Project will result in efficient land use through infill of the existing surface parking lot with a complementary use in the context of surrounding retail, improved pedestrian environment and connections, and enhanced landscaping and stormwater management. Moreover, the Project will strengthen the pedestrian connections in the immediate area, introduce compatible high-quality architecture and urban design elements for the proposed use, and deliver more convenient dining options that are intended to appeal to the surrounding community. As such, the Project will make a significant contribution to the overall vibrancy and continued success of Cabin Branch. As demonstrated by this Statement, the Amendment complies with all applicable requirements of the Zoning

Ordinance that govern development under the MXPB Zone. For all of the reasons stated above, the Applicant respectfully requests approval of this Site Plan Amendment.

6.17.24 DPS CONFIRMATION LETTER

From: "Wolford, Patricia" <Patricia.Wolford@montgomerycountymd.gov>
Date: June 17, 2024 at 2:57:51 PM EDT
To: "Silber, Stacy P." <spsilber@lercheary.com>, "Goutos, Melissa"
<Melissa.Goutos@montgomerycountymd.gov>
Subject: RE: Legacy Protection: CFA - Clarksburg: 22705 Clarksburg Road

Stacey,

Yes, I concur with what is stated below.

Thanks,
Tricia

Patricia D. Wolford

Section Manager for Zoning Review
Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, Maryland 20902
240-777-6245

From: Silber, Stacy P. <spsilber@lercheary.com>
Sent: Monday, June 17, 2024 9:57 AM
To: Wolford, Patricia <Patricia.Wolford@montgomerycountymd.gov>; Goutos, Melissa

<Melissa.Goutos@montgomerycountymd.gov>

Subject: FW: Legacy Protection: CFA - Clarksburg: 22705 Clarksburg Road

[EXTERNAL EMAIL]

Hi Tricia and Melissa,

Please let me know if you need anything further or if the you agree with the below –per our conversation.

Thanks. Stacy

Stacy P. Silber, Attorney

Pronouns: She, Her, Hers

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From: Silber, Stacy P. <spsilber@lerchearly.com>

Sent: Tuesday, June 11, 2024 4:12 PM

To: Wolford, Patricia <Patricia.Wolford@montgomerycountymd.gov>; Goutos, Melissa

<Melissa.Goutos@montgomerycountymd.gov>

Subject: Legacy Protection: CFA - Clarksburg: 22705 Clarksburg Road

Dear Tricia,

As we discussed, CFA proposes to develop 22705 Clarksburg Road with a restaurant with drive-thru. This property is part of the overall and previously approved development plan (DPA 13-02), site plan (820050150 and 820140160), and preliminary plan (12003110 B&C) for Cabin Branch. The subject Property was zoned MXPDP, and then was rezoned (as was much of Cabin Branch) to CRT-0.5, C-0.25, R-0.25 in connection with the District Map Amendment (G-956), adopted in 2014. Pursuant to Section 7.7.1.B.1 of the current zoning ordinance, the subject development of the CFA restaurant with drive-thru is subject to the development standards of the MXPDP zone.

Section 7.7.1.B.1 indicates that: "Any development plan, schematic development plan, diagrammatic plan, concept plan, project plan, sketch plan, preliminary plan, record plat, site plan, special exception, variance, or building permit filed or approved before October 30, 2014 must be reviewed under the standards and procedures of the property's zoning on October 29, 2014, unless an applicant elects to be reviewed under the property's current zoning. . . . The approval of any of these applications or amendments to these applications under Section 7.7.1.B.1 will allow the applicant to proceed through any other required application or step in the process within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014." (emphasis added). As such, the MXPDP development standards apply, and the CRT standard method of development standards are not applicable to this development. The drive-thru use is subject to the use standards of the new zone, including the limited use standards for a drive-thru as set forth in Section 3.5.14.E.2.a of the current zoning ordinance.

If you are in agreement with the above summary, please confirm by return email.

Thank you.

Stacy

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<https://www.montgomerycountymd.gov/cybersecurity>