



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: *Nancy Harmon 7/27/09*
M-NCPPC Legal Department *JH*

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 June 20, 2009 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on June 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 _____ (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).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____,

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_____, and _____ voting in favor of the motion, [***modify vote as applicable if PB member absent, abstains, etc.***] at its regular meeting held on Thursday, _____, in Silver Spring, Maryland.

Royce Hanson, Chairman
Montgomery County Planning Board