



Special Exception Request S-786-B, McDonald's

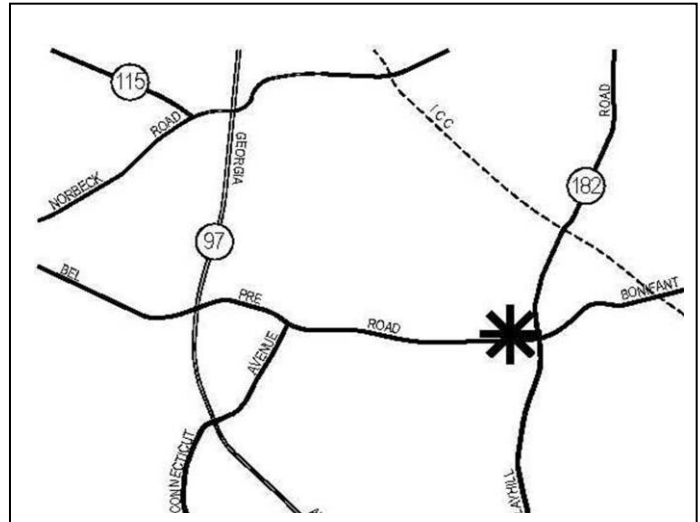
Completed: December 22, 2011
UPDATED: January 12, 2012

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notice dates—not applicable

description

- 2207 Bel Pre Road, Silver Spring
- C-1, 1994 Aspen Hill Master Plan
- Approx 26,679 s.f. of area
- Modification of an existing special exception for a drive-in restaurant on the property to allow for construction of a new building, reconfiguration of existing drive-through lanes and establishment of new one-way drive aisle.



A public hearing is scheduled by the Office of Zoning and Administrative Hearings for January 23, 2011

summary

Staff recommends approval with conditions. The application complies with the general conditions and standards for grant of a special exception for a drive-in restaurant, subject to the approval of an ~~8-foot~~ parking waiver to the ~~parking facility side yard setbacks~~ required number of parking spaces provided on-site, which would amount to a 16-space reduction. The application does not conflict with any land use recommendations of the applicable master plan or alter the character of the area and is unlikely to result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff has not received any community comments.

Staff analysis addresses the following issues:

1. Pedestrian and traffic circulation.
2. Dumpster location.

conditions of approval

1. All previous conditions of the special exception S-786 and S-707 shall remain in full force, unless modified by the current application.
2. Physical improvements are limited to those shown on the site and landscape plan submitted with the application, including modifications as provided in Condition 3 and Attachment 1. The applicant must maintain in good condition the proposed landscaped areas.
3. The project must provide a handicapped ramp on the south side of the building, leading into the pedestrian crossing, which crosses the drive-through exit.
4. The project must provide a pedestrian refuge at the end of the pedestrian crossing located on the southwest side of the drive-through lane's exit.
5. The project is subject to Site Plan review per §59-D-3 as required by § 59-C-4.341.2. The applicant must submit to the Board of Appeals any changes to the site, landscape and/or lighting plans stemming from the Site Plan review.
6. The applicant may not post the signs proposed until it obtains a signage permit from the Department of Permitting Services. A copy of the permit should be filed with the Board of Appeals. The applicant must submit to the Board of Appeals any changes to the signage details following Site Plan review by the Planning Board.
7. Prior to obtaining a building permit, the applicant must secure a cross-access easement from the owner of Lot 2, "Tremoulis Property," in order to use the proposed 434 square foot dumpster area, located on Lot 2.
8. The applicant obtain a waiver for providing 16 fewer parking spaces on-site than required pursuant to §59-E-4.5.

project description

The applicant, McDonald's USA, LLC proposes to modify an existing special exception for a drive-in restaurant at 2207 Bel Pre Road, Silver Spring. The proposed modifications involve the removal of the existing building and play area, construction of a new building within the existing footprint, reconfiguration of the drive-through lane and establishing a new one-way drive aisle. A proposed trash enclosure, which will expand the existing boundaries of the special exception use, has triggered this review.

The proposal is adding 349 square feet of total gross floor area to the restaurant. However, the actual patron area will be reduced by 715 square feet, and 21 seats. The result is a building that is 3,911 gross square feet, which includes 1,149 square feet of patron area. The reduction of the patron area is due to the removal of an existing basement and the relocation of the support area to the back of the restaurant. The drive-through will be rechanneled to better control vehicle movements on the property. A redesigned drive-through will run along the eastern and northern sides of the building. The project will provide separation between the existing drive aisles and the drive-through via curbing and planting islands, hindering cut-through traffic from the adjacent parking areas. The proposal will also provide two new menu boards and drive-through order stations, and the truck loading area will be relocated to the eastern side of the building (see Attachment 1).

The proposal will not alter the underlying operational aspects of the special exception and will continue to operate 24-hours, seven days per week. Deliveries, according to the applicant, will remain at three times per week. Additionally, there are no proposed changes to the existing number of employees: 14 employees during the morning peak periods; 16 employees during the lunch peak period; 14 employees during the evening peak period, and three employees during the overnight shift. A manager will be on-site at all times.

The existing McDonald's predates the need for a special exception in the zone. The initial special exception S-707 allowed for an expansion to the existing restaurant in 1979. In 1981, the Board of Appeals allowed the extension of one-year for implementation of the special exception. Two minor modifications were approved in 2002 and 2005, to allow for changes in the hours of operations. As a result of these modifications, the approved special exception, S-707, permits the restaurant to operate 24-hours per day, seven days per week.

An additional special exception, S-786, was approved in August 1981, granting the establishment of a new drive-in window and outdoor play area. In 1987, S-786 was amended as S-786-A, which established traffic-related improvements for Bel Pre Road.

The special exception area is approximately 26,679 square feet, which includes 26,245 square feet of the initial record lot (see Attachment 2) and 434 square feet of the adjacent Plaza del Mercado Shopping Center. The subject property is part of the Plaza del Mercado Shopping Center, which contains a variety of commercial uses.

neighborhood description

The special exception area fronts on Bel Pre Road, just west of its intersection with Layhill Road (see Attachment 3). The site is generally flat from Bel Pre Road looking north; however, the elevation of the subject site from east to west is a gentle slope (see Attachment 4). There are sidewalks along both sides of Bel Pre Road, which extend east towards Layhill Road. Argyle Middle School and the Parker Farm townhouse community is to the south of the site, and immediately west is the Kimberly Place community.

The neighborhood can be generally described as Ballows Way to the north, Queensguard Road to the south, Layhill Road, to the east, and Sun Valley Circle to the west. The area has multiple residential and transition zone classifications. Specifically, the site, which is C-2, is surrounded by RE-2, R-200, PD-7, R-30, O-M and C-T zones (see Attachment 3). Staff has identified 17 special exception applications on 14 different sites within the staff-defined neighborhood, including McDonald's. Applications for two of the seventeen special exceptions were denied. Three of the seventeen were modifications to existing special exception uses, and the majority of the approved special exceptions were approved prior to 1980. The existing special exception uses in the "neighborhood" are for automobile filling stations, a day care facility, pet shop, communications tower, and a recreational establishment.

master plan conformance

This site is located within the boundaries of the 1994 Approved and Adopted Aspen Hill Master Plan. The Master Plan contains specific recommendations for the larger Plaza Del Mercado Shopping Center, which is identified as significant site number 26 and referenced as a major activity center.

The Master Plan also has recommendations specific to special exception applications. On page 81 of the Master Plan, the applicable section reads:

- ◆ *“Protect major transportation corridors and residential communities from incompatible design of special exception uses. In the design and review of special exceptions, the following guidelines should be followed, in addition to those stated for special exception uses in the Zoning Ordinance.*
 - a. Any modification or addition to an existing building to accommodate a special exception use should be compatible with the architecture of the adjoining neighborhood and should not be significantly larger than nearby structures.
 - b. Front yard parking should be avoided because of its commercial appearance; however, in situations where side or rear yard parking is not available, front yard parking should be allowed only if it can be adequately landscaped and screened.
 - c. Close scrutiny should be given to replacing or enhancing the screening as viewed from the abutting residential areas and along the major roadways.”

The proposed McDonald’s is part of the Bel Pre Road transportation corridor. The proposed development is a single-story building, which is in scale with the surrounding structures and the Bel Pre Road transportation corridor. There are no issues with front yard parking, as the subject site is commercial. The proposed landscaping plan will enhance the view from Bel Pre Road with a planting bed that includes ornamental trees, evergreens, grasses and blooming herbaceous plants. The Master Plan also sites a possible redesign of the shopping center site to improve vehicle and pedestrian circulation, and provide an attractive edge along Bel Pre Road to conceal parking and animate the street. However, this recommendation applies to the shopping center as a whole and not to the individual pad sites. Staff finds that this application is in significant compliance with the 1994 Aspen Hill Master Plan.

transportation planning

The site is located within the Aspen Hill Policy area. The proposed restaurant would not generate any additional weekday peak-hour vehicular trips during the morning (6:30 to 9:30 A.M.) or the evening (4:00 to 7:00 P.P.) peak-hour periods. Even though the existing restaurant generates 30 or more existing peak-hour trips, a traffic study is not required to satisfy the Local Area Transportation Review (LATR) test because no additional new peak-hour trips would be generated by the proposed restaurant modernization (see Attachment 5).

Although developments located in the Aspen Hill Policy Area must mitigate 15% of their new site-generated vehicular trips, Policy Area Mobility Review (PAMR) trip mitigation is not required because the proposed special exception use generates no new peak-hour trips (the minimum threshold for trip mitigation in the current *Subdivision Staging Policy* is three new trips).

Staff finds that this special exception use meets the transportation-related requirements including the LATR and the PAMR tests. The net traffic impact by the amended special exception use will have no adverse impact on nearby roadway conditions or pedestrian facilities.

environmental planning

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #42011199E on June 9, 2011. The 0.60-acre site contains no streams, wetlands, or other environmental features on the subject property. The property is within the Bel Pre Creek subwatershed of the Northwest Branch – a Use IV watershed. The proposed project does not have any proposed activities within any streams, wetlands, or environmental buffers and is therefore in compliance with the Environmental Guidelines.

This property is subject to the Montgomery County Code Chapter 22A, Forest Conservation Law. However, this property is exempt from the requirements of submitting a Forest Conservation Plan per the approved NRI/FSD 42011199E. This exemption covers an activity occurring on a tract of land less than 1.5 acres in size with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

community comment

As of this writing, staff has not received any comments from the surrounding community regarding this special exception modification request.

standards for evaluation

The Zoning Ordinance specifies standards for evaluating compliance with general and specific conditions that require an analysis of inherent and non-inherent adverse effects. The first step in analyzing the inherent and non-inherent adverse effects of a special exception is to define the boundaries of the surrounding neighborhood, outlined in neighborhood description, above for this application.

An analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. Every special exception has some or all of these effects in varying degrees. What must be determined during the course of review is whether these effects are acceptable or would create adverse impacts sufficient to result in denial. To that end, inherent effects associated with the use must be determined. In addition, non-inherent

effects must be determined as these effects may, by themselves, or in conjunction with inherent effects, form a sufficient basis to deny a special exception.

The physical and operational characteristics necessarily associated with a drive-in restaurant include: (1) the building; (2) parking facilities; (3) lighting; (4) noise generated from the drive-in; (5) vehicular trips to and from the restaurant by patrons and employees (6) long hours of operation.

Staff finds that the size, scale, and scope of the requested use are minimal, and that any noise, traffic, neighborhood disruption, or environmental impacts associated with the use would be slight. There are no unusual characteristics of the site. Staff finds that there are no non-inherent adverse effects arising from the drive-in restaurant use sufficient to form a basis for denial.

conditions for granting a special exception (§59-G-1.2.1)

(a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

(1) Is a permissible special exception in the zone.

staff analysis: A drive-in restaurant is a permissible special exception in the C-1 Zone.

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2.

staff analysis: Based on the applicant's submittal, the proposed use would comply with the standards and requirements under §59-G-2.

(3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

staff analysis: The subject property is located within the boundaries of the 1994 Aspen Hill Master Plan. This subject site is part of the Plaza Del Mercado shopping center site, and the Master Plan identifies the shopping center as a significant site referenced as a major activity center. The Master Plan sites a

possible redesign of the shopping center site to improve vehicle and pedestrian circulation, and to provide an attractive edge along Bel Pre Road. The modification to the McDonald's site does improve vehicular and pedestrian circulation by providing one-way access around the drive-in site and limits cross-access from vehicles coming from the Plaza del Mercado parking lot to the McDonalds. The proposal to modify the existing use on the site will improve the appearance of the structure and internal circulation on the site, which is consistent with the objectives and recommendations of the Master Plan.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses. The Board or Hearing Examiner must consider whether the public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the special exception application was submitted.

staff analysis: The proposed use would be in harmony with the existing character of the surrounding residential neighborhood. This is a commercial use, in a commercial zone and is a replacement and modernization of the existing use. The proposed use will not generate new peak-hour trips, as discussed above, and the applicant is able to park all vehicles on-site.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

staff analysis: The proposed drive-in restaurant will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood. The McDonald's has been present on this site, prior to 1958 and the modification does not alter the operational aspects of the existing use.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

staff analysis: The proposed modification will not cause any objectionable adverse effects. There are no proposed changes to the operations of the existing restaurant. All lighting is adequate to serve the patrons and employees, and does not reflect onto any residential properties. The trash dumpster is enclosed and the applicant is providing adequate landscaping surrounding the site.

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number,

intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

staff analysis: This site is not in a residential zone, and it is surrounded with commercially developed properties. With the inclusion of this modification of an existing special exception use, there will be no net increase to the special exceptions in the area. The proposed request will have no adverse effect on any one-family residential area.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

staff analysis: For the reasons described in the sections above, staff believes that the proposed use would not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site.

- (9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

- i. If the special exception use requires approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception.
- ii. If the special exception does not require approval of a preliminary plan of subdivision, the Board of Appeals must determine the adequacy of public facilities when it considers the special exception application. The Board must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Management Policy standards in effect when the application was submitted.
- iii. With regard to public roads, the Board or the Hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.

staff analysis: The special exception does not require approval of an amended preliminary plan of subdivision because the dumpster's enclosure is located on the adjacent lot and prior to obtaining a building permit, the applicant will need to obtain a cross-access agreement in order to secure access to the dumpster. This site does require approval of a Site Plan, per §59-D-3. The available public

facilities are adequate to serve the proposed use. The proposal will not reduce the safety of vehicular or pedestrian traffic because the proposal maintains a similar pattern of ingress/egress to the site.

general development standards (§59-G-1.23, applicable subsections only)

- a) **Development Standards.** Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.21 or in Section G-2.

staff analysis: This site is located in the C-1 Zone. A comparison of the C-1 Zone development standards with the applicant’s proposal is in Table 1. Staff finds that the proposed application meets the required development standards of the zone. Staff measured the setbacks from the property line of the proposed McDonalds, not the special exception area, which includes the dumpster area (see Attachment 1). The dumpster location is not needed to satisfy setbacks of the existing special exception area, and meets the minimum setbacks for the C-1 Zone.

Table 1: Applicable Development Standards – C-1 Zone

Development Standards – R-60/Acc. Apt.	Requirement	Provided
Maximum Building Height (measured from the average elevation of finish grade surfaces along the front, sides and rear of the building)	30’	±22’
Minimum Green Area	10%	±14%
Minimum setbacks- Front Yard Side Yard Rear Yard	10’ None None	±38’ ±35’, ±60’ ±55’
Floor Area	None	3,911 GFA 1,149 s.f. (patron area)
Minimum parking	25/1,000 s.f. of patron area (1,149 sf patron = 29 spaces)	13
Accessory Structure	none	none

- (a) **Parking Requirements.** Special Exceptions are subject to all relevant requirements of Article 59-E.

staff analysis: The proposed special exception does not meet the parking requirement of providing minimum 29 on-site spaces per Article 59-E. The application is proposing to provide thirteen on-site parking spaces on site and provide the remaining 16 spaces on the adjoining Plaza del Mercado shopping center site. are provided. However, tThe approved site plan (~~#820060040~~) for the Plaza del Mercado allocates 35 off-site parking spaces (~~#820060040~~) for this special exception. Therefore, adequate parking exists for the proposed modification. Staff is supportive of a parking waiver this agreement because the applicant and the owner of Plaza del Mercado have an agreement to allocate use 35 off-site spaces in the larger parking lot to McDonald's customers. In additionA. Although this is a single parcel, with a single use and structure, this site functions with the adjacent Plaza del Mercado, and site circulation and parking is addressed for both parcels.

The drive aisles are being re-aligned to improve site circulation. Currently, the drive aisles and parking areas are not separated from the drive-through, and there is no safe way to access the drive-through window if a patron is on the west side of the McDonalds site without having to go back onto Bel Pre Road. The revised circulation provides for a continuous, one-directional flow around the site, subject to the applicant providing a pedestrian refuge, as outlined in Condition 3. Additionally, with the proposed improvements to the drive ~~to on~~ the east side of the building of the site, fewer will prevent patrons are likely to from making a wrong turn down a "one-way only" drive aisle from the adjoining parking lot. The applicant is providing landscape islands around the site to define the drive-through, and allow for less discouragement queue jumping if one were coming from the north or west of the parcel.

The proposed modification meets the applicable requirements of §59-E with the exception of the minimum on-site parking requirement as described in the previous paragraph. The applicant would need to seek a waiver for the number of parking spaces provided on-site. The reduction in parking space would result in 16 less spaces on the McDonald's site.

(b) **Minimum Frontage.** For the following special exceptions the Board may waive the requirement for a minimum frontage at the street line if the Board finds that the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of Section 59-G-1.21:

- a. Rifle, pistol and skeet-shooting range, outdoor;
- b. Sand, gravel, or clay pits, rock or stone quarries;
- c. Sawmill;
- d. Cemetery, animal;
- e. Public utility buildings and public utility structures, including radio and TV broadcasting stations and telecommunication facilities;
- f. Equestrian facility;
- g. Heliport and helistop.

staff analysis: Not applicable. The application satisfies the minimum frontage requirements of the C-1 Zone.

- (c) **Forest conservation.** If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.

staff analysis: This property is subject to Chapter 22A of the Montgomery County Code, Forest Conservation Law. However, this property is exempt from submitting a Forest Conservation Plan per the approved NRI/FSD42011199E because the proposed project occurs on a tract of land less than 1.5 acres in size with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

- (d) **Water quality plan.** *Not Applicable.*

- (e) **Signs.** The display of a sign must comply with Article 59-F.

staff analysis: The staff reviewed the proposed signs and locations, required by Article 59-F, and found that the proposed signage generally meets the standards under Article 59-F.

- (f) **Building compatibility in residential zones.** *Not Applicable.*

- (g) **Lighting in residential zones.** All outdoor lighting must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:

- (1) Luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.
- (2) Lighting levels along the side and rear lot lines must not exceed 0.1 foot-candles.

staff analysis: Not applicable, since the site is not in a residential zone, and not adjacent to any residential property.

need analysis(§59-G-1.25)

In addition to the findings of Article 59-G, the following special exceptions may only be granted when the Board, the Hearing Examiner or the District Council, as the case may be, finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving the existing population concentrations in

the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:

- (1) Eating and drinking establishments—Drive-in Restaurant.

staff analysis: The need for the proposed use was established at the time of the previous special exception approvals for the property. There is no net change of drive-through uses in the area, as the proposed modification is replacing the existing building, and the use and operations remains the same.

conditions for granting a drive-in restaurant (§59-G-2.16)

A drive-in restaurant may be allowed, upon a finding, in addition to findings required in Division 59-G-1, that:

- (a) The use will not constitute a nuisance because of noise, illumination, fumes, odors or physical activity.

staff analysis: The proposed modification will replace the use that has existed on the site since the 1950s and will not constitute a nuisance in the location proposed. McDonalds will continue to use state of the art filters and ventilation systems to control any odor that should arise from grease and other uses inherently associated with a drive-in restaurant. Additionally, the applicant proposes to install an enclosed trash dumpster. The applicant is not proposing to change any previously approved operations, including deliveries, with this modification request.

- (b) The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from which such buildings or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity.

staff analysis: No impact to traffic is anticipated as the applicant is reducing the patron area. Additionally, the drive-through lane is being redesigned to minimize any potential conflicts from the adjacent parking areas associated with the Plaza del Mercado shopping center. New pedestrian crosswalks will be constructed to create safer conditions for pedestrian access to the restaurant from the parking lot or sidewalk. To further enhance pedestrian safety, staff is recommending, as a condition of approval, a pedestrian refuge at the crosswalk located at the drive-through lane's exit at the southwest corner of the restaurant.

- (c) The use of the proposed location will not preempt frontage on any highway or public road in such a manner so as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use which is oriented to the same highway or public road.

staff analysis: The proposed modification does not preempt the frontage on any highway or public road to substantially reduce the visibility and accessibility of Plaza del Mercado, which also fronts on Bel Pre Road.

- (d) When the use abuts a residential zone or institutional premises not recommended for reclassification to commercial or industrial zone on an adopted master plan and is not effectively screened by a natural terrain feature, the use shall be screened by a solid wall or a substantial, slightly solid fence, not less than 5-feet in height, together with a 3-foot wide planting strip on the outside of such wall or fence, planted in shrubs and evergreens 3-feet high at the time of original planting and which shall be maintained in good condition. Location, maintenance, vehicle sight distance provisions, advertising and parking areas pertaining to screening shall be as provided for in the requirements contained in article 59-E.

staff analysis: The subject site does not abut a residential zone or institutional premises. In addition, the applicant is proposing landscaping along the site's frontage, which includes a variety of shade and shrub trees, ground cover and perennials (see Attachment 1) within a 15-foot landscape strip. As a condition of this report, the applicant will have to maintain the plantings in good condition. The applicant meets the screening requirement of Article 59-E.

- (e) Product displays, parked vehicles and other obstructions which adversely affect visibility at intersections or at entrances and exits to and from, such uses are prohibited.

staff analysis: The applicant does not propose product displays, parked vehicles or other obstructions, which adversely affect visibility at the entrances/exits to and from the use. The parked vehicles will be located to the side and rear of the site.

- (f) Lighting is not to reflect or cause glare into any residential zone.

staff analysis: This site is located approximately 80-feet away from the closest residential zone. The proposed lights are standard box lights with cutoffs to direct light downward, and the site is adequately buffered by landscaping and intervening roads.

- (g) When such use occupies a corner lot, the ingress or egress driveways shall be located at least 20 feet from the intersection of the front and side street lines of the lot, as defined in section 59-A-2.1, and such driveways shall not exceed 25-feet in width; provided that in areas where no master plan of highways has been adopted, the street line shall be considered to be at least 60-feet from the centerline of any abutting street or highway.

staff analysis: Not applicable since this property is not a corner lot.

conclusion

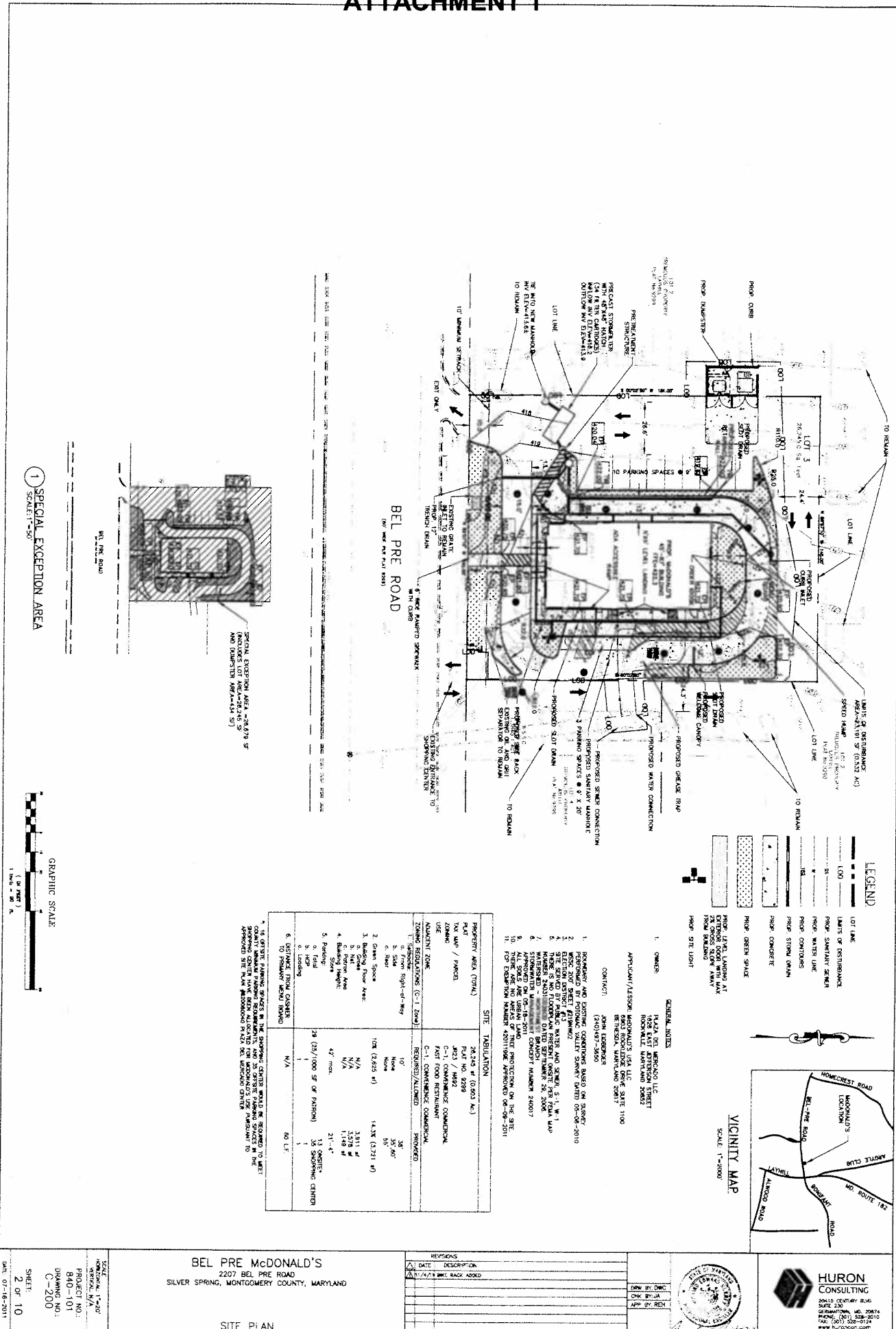
The proposal complies with the general conditions and standards for grant of a special exception for a drive-in restaurant. The modification does not conflict with any land use recommendations of the applicable master plan and is unlikely to result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval with conditions listed at the front of this report.

KA/rmk

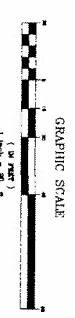
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Attachments

- Attachment 1-** Site and Landscape plans, per applicant submittal
- Attachment 2-** Special Exception Area
- Attachment 3-** General Location Map
- Attachment 4-** Site Photographs
- Attachment 5-** Memorandum from Ed Axler, Area 2 Transportation to Renée M. Kamen, Area 2, dated December 9, 2011

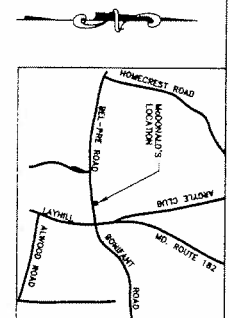


1 SPECIAL EXCEPTION AREA
SCALE: 1"=50'



LEGEND

- LOT LINE
- LIMITS OF DISTURBANCE
- PROPOSED SANITARY SEWER
- PROPOSED WATER LINE
- PROPOSED CONCRETE
- PROPOSED STORM DRAIN
- PROPOSED ASPHALT
- PROPOSED GREEN SPACE
- PROPOSED DRIVEWAY AT EXISTING DRIVE WITH MAXIMUM WIDTH FROM BUILDING
- PROPOSED DRIVEWAY FROM SITE (S&T)



GENERAL NOTES

- OWNER: HURON CONSULTING, INC., 1108 EAST JEFFERSON STREET, ROCKVILLE, MARYLAND 20852, TEL: (301) 477-1000, FAX: (301) 477-1001, WWW.HURONCONSULTING.COM
- CONTACT: JOHN EMBERSLEY, (240) 937-3500
- BOUNDARY AND EXISTING CONDITIONS BASED ON 2008 RECORD DRAWING BY PROLOGIC VALLEY SURVEY DATED 05-04-2010
- EXISTING SANITARY SEWER AND WATER LINES SHOWN AS 1"=1' IN THIS PLAN. THERE IS NO FEDERAL OR STATE RECORD MAP FOR THESE LINES.
- EXISTING SANITARY SEWER AND WATER LINES SHOWN AS 1"=1' IN THIS PLAN. THERE IS NO FEDERAL OR STATE RECORD MAP FOR THESE LINES.
- STORMWATER MANAGEMENT CONCEPT NUMBER 240017
- ALL NOTES ARE USABLE UNLESS OTHERWISE NOTED.
- FOR FURTHER INFORMATION, CONTACT THE DESIGNER AT (301) 477-1000.
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SITE TABULATION

PROPERTY AREA (TOTAL)	24.24 ac (10,603 sq ft)
PLAT MAP / PARCEL	APR 23 / 4682
USE	C-1 COMMERCIAL COMMERCIAL
ADJACENT ZONE	C-1 COMMERCIAL COMMERCIAL
ZONING REGULATIONS (C-1 Zone)	REQUIRED/ALLOWED
1. Setback	10' 36' 50'
2. From Right-of-Way	10' 36' 50'
3. From Rear	None
4. From Side	None
5. Building Floor Area	10K (2,685 sq ft)
6. Green Space	14.1K (3,221 sq ft)
7. Net Area	N/A
8. Net Lot Area	3,318 sq ft
9. Building Footprint Area	1,148 sq ft
10. Building Footprint	N/A
11. Building Footprint	47' max.
12. Lot Area	29 (24/1000 SF OF PARSON)
13. Lot Area	13 CHANGES
14. Lot Area	35 SHOPPING CENTER
15. Lot Area	N/A
16. Lot Area	NO L.F.

* 14. STATE PLANNING BOARD'S STATE PLANNING BOARD SHALL BE REQUIRED TO CONSIDER FEDERAL PROGRAM REQUIREMENTS AND TO PROVIDE PUBLIC SPACE IN THE PROJECT AREA. THE BOARD SHALL BE REQUIRED TO CONSIDER THE PROJECT'S IMPACT ON THE ENVIRONMENT AND TO PROVIDE PUBLIC SPACE IN THE PROJECT AREA.

BEL PRE McDONALD'S
2207 BEL PRE ROAD
SILVER SPRING, MONTGOMERY COUNTY, MARYLAND

SITE PLAN

REVISIONS

DATE	DESCRIPTION
11/17/11	DRIVE RACK ASSESS



HURON CONSULTING
2010 CENTURY BLVD
SUITE 200
ROCKVILLE, MD 20852
TEL: (301) 477-1000
FAX: (301) 477-1001
WWW.HURONCONSULTING.COM

DATE: 11-17-11
PROJECT NO.: 840-101
DRAWING NO.: C-200
SHEET: 2 OF 10
DATE: 07-16-2011

AI-1

LANDSCAPING NOTES & SPECIFICATIONS

General: All quantities of plants, materials, and equipment shall be based on the quantities shown on the drawings. The contractor shall be responsible for obtaining all necessary permits and for the cost of the same.

1. **PLANTING**
 Provide landscape with plants for all plant material prices of soil improvements, complete delivery and all related items shall be as shown on the drawings. The contractor shall be responsible for obtaining all necessary permits and for the cost of the same. The contractor shall be responsible for the cost of the same. The contractor shall be responsible for the cost of the same.

2. **SOIL CONDITIONS**
 Contractor shall be responsible for making necessary testing and soil analysis. The contractor shall be responsible for the cost of the same. The contractor shall be responsible for the cost of the same.

3. **UTILITIES (FOR PLANTING)**
 Before any work is done, the contractor shall locate all utilities. The contractor shall be responsible for the cost of the same. The contractor shall be responsible for the cost of the same.

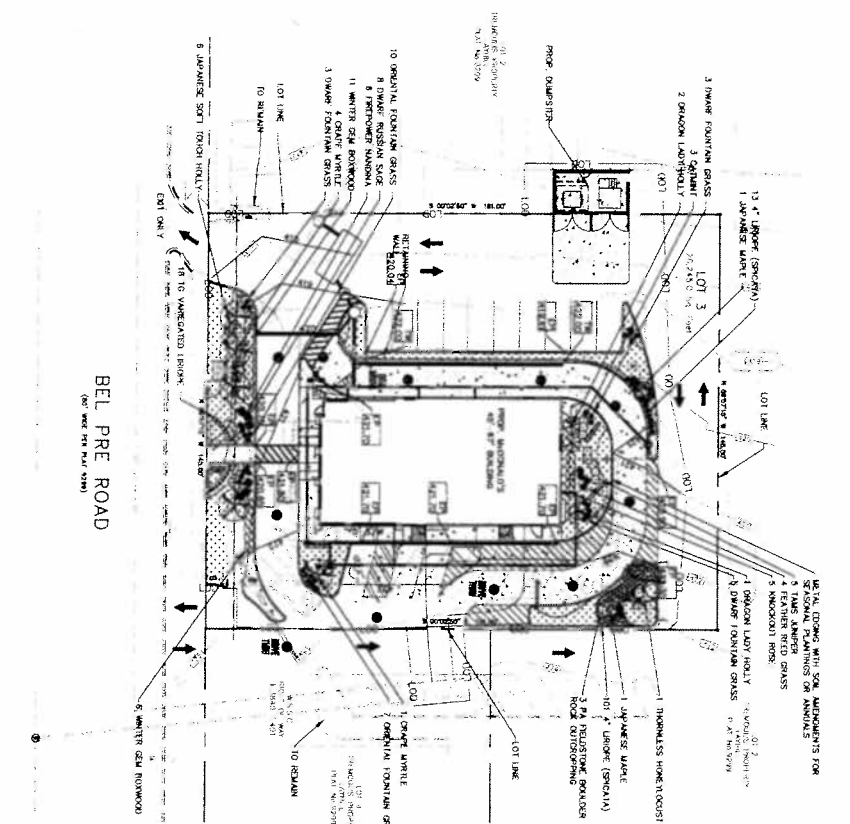
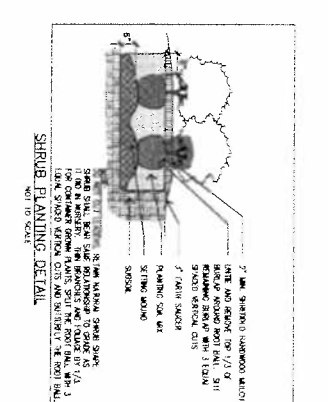
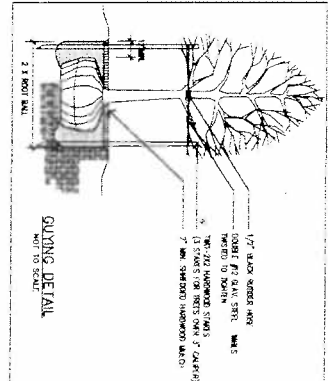
4. **IRRIIGATION SYSTEMS**
 The contractor shall be responsible for the design and installation of the irrigation system. The contractor shall be responsible for the cost of the same. The contractor shall be responsible for the cost of the same.

5. **IRRIIGATION MAINTENANCE**
 The contractor shall be responsible for the maintenance of the irrigation system. The contractor shall be responsible for the cost of the same. The contractor shall be responsible for the cost of the same.

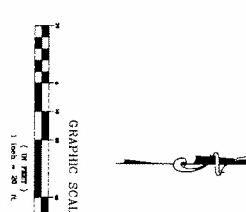
6. **STAKING AND SURVEILING**
 The contractor shall be responsible for the staking and surveying of the site. The contractor shall be responsible for the cost of the same. The contractor shall be responsible for the cost of the same.

7. **PROTECTIVE FENCING**
 The contractor shall be responsible for the installation of protective fencing. The contractor shall be responsible for the cost of the same. The contractor shall be responsible for the cost of the same.

8. **GENERAL NOTES**
 All work shall be done in accordance with the specifications. The contractor shall be responsible for the cost of the same. The contractor shall be responsible for the cost of the same.



ITEM	DESCRIPTION	QUANTITY	UNIT
1	18" BALL	1	EA
2	24" BALL	1	EA
3	36" BALL	1	EA
4	48" BALL	1	EA
5	60" BALL	1	EA
6	72" BALL	1	EA
7	84" BALL	1	EA
8	96" BALL	1	EA
9	108" BALL	1	EA
10	120" BALL	1	EA



BEL PRE McDONALD'S
 2207 BEL PRE RD
 SILVER SPRING, MONTGOMERY COUNTY, MARYLAND

LANDSCAPE PLAN

HURON CONSULTING
 2010 COUNTY BLVD
 SUITE 100
 GAITHERSBURG, MD 20878
 TEL: (301) 251-1100
 FAX: (301) 251-1101
 WWW.HURONCONSULTING.COM

REVISIONS

NO.	DATE	DESCRIPTION

DATE: 7/18/2011
SHEET: 7 OF 10

ATTACHMENT 2

Special Exception Area



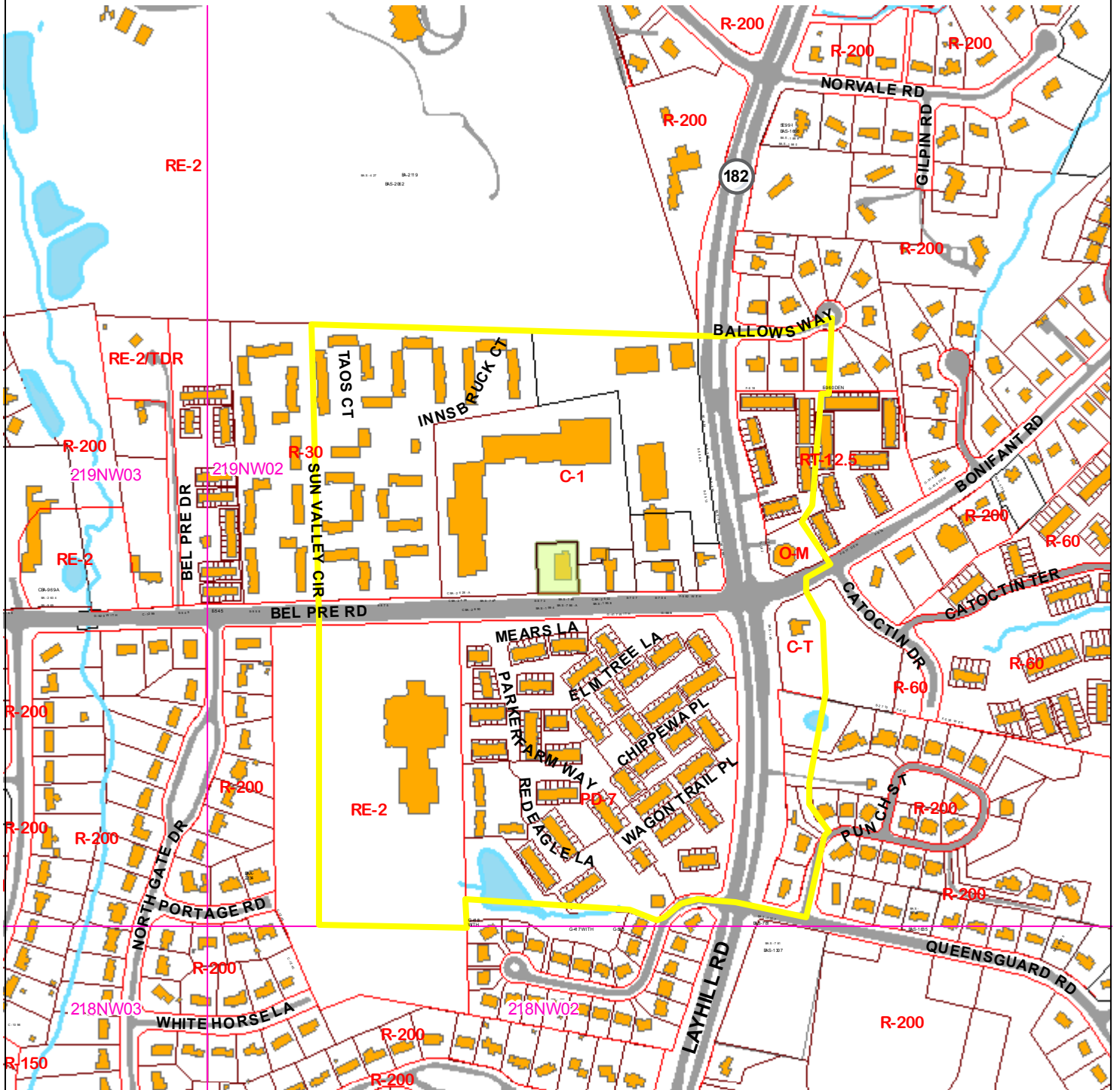
Plaza del Mercado

McDonalds

Speical Excetion Area

ATTACHMENT 3

General Location Map



LEGEND

-  Subject Site
-  Parcel
-  Building
-  Paved Area
-  Lake and Pond
-  Stream and River

NOTICE:

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from MNPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

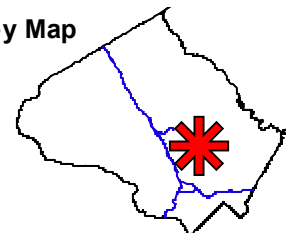
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

1 inch = 200 feet

Address: 2207 Bel Pre Road, Silver Spring, MD 20906

Key Map

NTS



ATTACHMENT 4



Figure 1: McDonalds northwest from Bel Pre Rd



Figure 4: Shared drive-aisle southeast towards Bel Pre Rd



Figure 2: McDonalds Drive-Through, northwest from parking area



Figure 3: Drive-Through, northeast from Bel Pre Rd

ATTACHMENT 5



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

December 9, 2011

MEMORANDUM

TO: Renee Kamen AICP, Senior Planner
Area 2 Planning Division

VIA: Khalid Afzal, Team Leader, East County Team
Area 2 Planning Division

FROM: Ed Axler, Transportation Planner Coordinator
Area 2 Planning Division

SUBJECT: Board of Appeals Petition S-786-B
Bel Pre McDonald's
2207 Bel Pre Road, Silver Spring
Aspen Hill Policy Area

This memorandum is Area 2 transportation planning staff's Adequate Public Facilities review of the proposed special exception case to modernize the existing McDonald's restaurant within the Plaza Del Mercado Shopping Center.

RECOMMENDATIONS

Area 2 transportation planning staff recommends the following conditions for this special exception case to meet its transportation-related requirements:

1. The project must be limited to a fast-food restaurant with one drive-through aisle and a 3,911-square-foot building, which includes a 1,149-square-foot patron area and 80 interior seats.
2. The project must provide handicapped ramps on both ends and a pedestrian refuge at the northwestern end of the pedestrian crossing at the drive-through lane's exit located on the southwest side of the restaurant.

The Area 2 transportation planning staff finds that this special exception use meets the transportation-related requirements including the Local Area Transportation Review (LATR) and the Policy Area Mobility Review (PAMR) tests. The net traffic impact by the amended special exception use will have no adverse impact on nearby roadway conditions or pedestrian facilities.

DISCUSSION

Site Location and Vehicular Access

The is located on the north side of Bel Pre Road, approximately 5,550 feet west of the intersection with Layhill Road (MD 182). Vehicular access to the restaurant is from within the Plaza Del Mercado Shopping Center and Bel Pre Road.

Master Plan Roadway and Bikeway

According to the 1994 *Aspen Hill Master Plan*, Bel Pre Road is designated as a five-lane arterial, A-40, with a recommended right-of-way of 80 feet and a Class I bikeway. A shared use path, SP-30, is designated along the south/opposite side of Bel Pre Road in the 2005 *Countywide Bikeways Functional Master Plan*. The existing right-of-way along the Bel Pre Road frontage is 80 feet wide and has 6-foot wide sidewalks along the both sides of the road.

Public Transit Service

Transit service is available as follows:

1. Ride-On routes 49 and 51 operate along the Bel Pre Road.
2. Ride-On routes 26, 39, 49, and 51 operate along nearby Layhill Road.

Pedestrian Circulation

The submitted plan included a lead-in pedestrian connection from Bel Pre Road sidewalk, two designated pedestrian crossings of the drive-through lane, and other pedestrian accommodations. As a condition of this approval, the applicant must provide handicapped access, as described in Recommendation No. 2.

Local Area Transportation Review

The existing fast-food restaurant with a drive-through aisle is proposed to be replaced by a modernized restaurant with a smaller patron area. The existing restaurant of 3,562 square feet that includes 1,766 square feet of cellar space is proposed to be replaced with a new 3,911-square-foot building. However, the patron area is proposed to be reduced from 1,664 square feet to 1,149 square feet for a 715-square-foot reduction. Likewise, the number of interior seats is proposed to be reduced from 111 to 80 seats.

The proposed restaurant would not generate any additional new weekday peak-hour vehicular trips during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.). Even though the existing restaurant generates 30 or more existing peak-hour trips during the weekday morning and evening peak periods, a traffic study would not be required to satisfy the LATR test because no additional new peak-hour trips would be generated by the proposed modernized restaurant.

Policy Area Mobility Review

Although developments located in the Aspen Hill Policy Area must mitigate 15% of their new site-

generated vehicular trips, PAMR trip mitigation is not required because the proposed special exception use generates no new peak hour trips (the minimum threshold for trip mitigation required in the current *Subdivision Staging Policy* is fewer than three new trips).

EA

cc: Mike Workosky

mmo to Kamen re McDonalds S-786-B.doc