

MEMORANDUM

DATE: January 31, 2002
TO: Montgomery County Planning Board
VIA: Joseph R. Davis, Chief *JRD*
 Development Review Division
FROM: Robert A. Kronenberg, RLA *RAK*
 Planning Department Staff
 (301) 495-2187



REVIEW TYPE: Site Plan Review
APPLYING FOR: C-1 Zone; 1.19 Acres Property
 Drive-in Restaurant
PROJECT NAME: Paint Branch Farms
CASE #: 8-02017
REVIEW BASIS: Site Plan Review Required in the C-1 Zone, Article 59-C-341.2
 Site Plan Review Required for reduction of parking setback for
 commercial properties adjacent to residentially zoned properties, Zoning
 Regulations 59-E-2.81

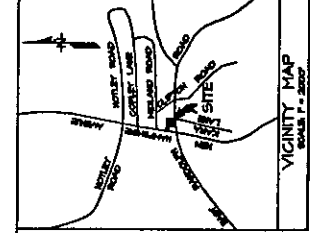
ZONE: C-1 Commercial
LOCATION: Cloverly
 504 East Randolph Road, 140 feet east of New Hampshire Avenue

MASTER PLAN: White Oak
APPLICANT: McDonald's Corporation
FILING DATE: November 6, 2001
HEARING DATE: January 31, 2002

STAFF RECOMMENDATION: Approval of a modification to a drive-in restaurant, with the following conditions:

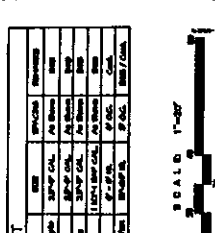
1. Standard Conditions dated October 10, 1995, Appendix A.
2. Conditions of the Special Exception (S-610B) granted by the Board of Appeals of Montgomery County on December 14, 2001.
3. Conditions of MCDPS stormwater management concept approval dated May 11, 2001.
4. Prior to signature set approval, applicant to provide the following revisions and/or information:
 - a. Show all zoning lines, easements, buffers and ROWS

- b. Sidewalks:
 - i. All internal sidewalks to be a minimum of 4 feet in width;
 - ii. Show sidewalk connection from East Randolph Road to the entrance of the proposed building in the southwest corner and provide a painted crosswalk where the sidewalk crosses the drive aisle;
 - iii. Identify and label the existing 6-foot bike path along East Randolph Road;
 - iv. Provide painted crosswalks across each access point into the site from New Hampshire Avenue and East Randolph Road;
- c. Label and identify the correct number of parking spaces required and provided on the site.
- d. Identify and locate the existing trees on the adjacent residential property and provide tree protection measures to ensure trees on lot 3 (Paint Branch Farms) remain healthy during construction activities;
- e. Landscape and Lighting Plan to show the following:
 - i. Provide a lighting distribution plan showing details and specifications for lighting fixtures (fixtures, cut sheets, wattage, illumination summary, pole height, deflector shields); lighting levels shall follow the Illuminating Engineering Society of North America (IESNA), Lighting for Parking Facilities, RP-20-98, which recommends that light levels in parking lots where enhanced security is desired, not exceed a 15:1 Maximum to Minimum Uniformity Ratio;
 - ii. Distribution Plan to include any wall pack or wall mounted fixtures on the proposed building;
 - iii. Distribution Plan to include safety lighting methods to address after-hour lighting distribution;
 - iv. Light poles not to exceed 18 feet in height, except in the northeast corner which shall not exceed 14 feet in height;
 - v. All light fixtures shall be full cut-off fixtures;
 - vi. Deflectors to be installed on all fixtures causing potential glare or excess illumination, specifically on the adjacent residential property to the north;
 - vii. Illumination levels not to exceed 0.5 footcandles (fc) at any property line abutting a residential zone;
 - viii. Provide details of the 8-foot board-on-board fence in the northeast corner of the site, as required in the approved Special Exception (S-610B);
 - ix. Provide 6-8 foot tall Leyland Cypress, adjacent to the proposed 8-foot board-on-board fence;
- 5. Applicant to improve the entrance into the site from New Hampshire Avenue to include a more accessible right-in, right-out turning movement, consistent with SHA design standards.
- 6. Applicant to improve the access points from Randolph Road to include a wider turning radius, consistent with MCDPW&T design standards.
- 7. The proposed replacement fast-food restaurant is limited to 4,115 square feet with 2,139 square feet of patron area and a drive-through window. [See memo from Transportation Planning dated July 19, 2001]



PLANT LIST

NO.	SYM.	SYMBOLICAL NAME	COMMON NAME	SIZE	SPACING	REMARKS
1	A	Large shrub	Red Bud	30" x 40"	10' x 10'	100
2	B	Medium shrub	Red Bud	24" x 36"	10' x 10'	100
3	C	Small shrub	Red Bud	18" x 24"	10' x 10'	100
4	D	Large tree	Red Bud	30" x 40"	10' x 10'	100
5	E	Medium tree	Red Bud	24" x 36"	10' x 10'	100
6	F	Small tree	Red Bud	18" x 24"	10' x 10'	100
7	G	Large tree	Red Bud	30" x 40"	10' x 10'	100
8	H	Medium tree	Red Bud	24" x 36"	10' x 10'	100
9	I	Small tree	Red Bud	18" x 24"	10' x 10'	100
10	J	Large tree	Red Bud	30" x 40"	10' x 10'	100
11	K	Medium tree	Red Bud	24" x 36"	10' x 10'	100
12	L	Small tree	Red Bud	18" x 24"	10' x 10'	100

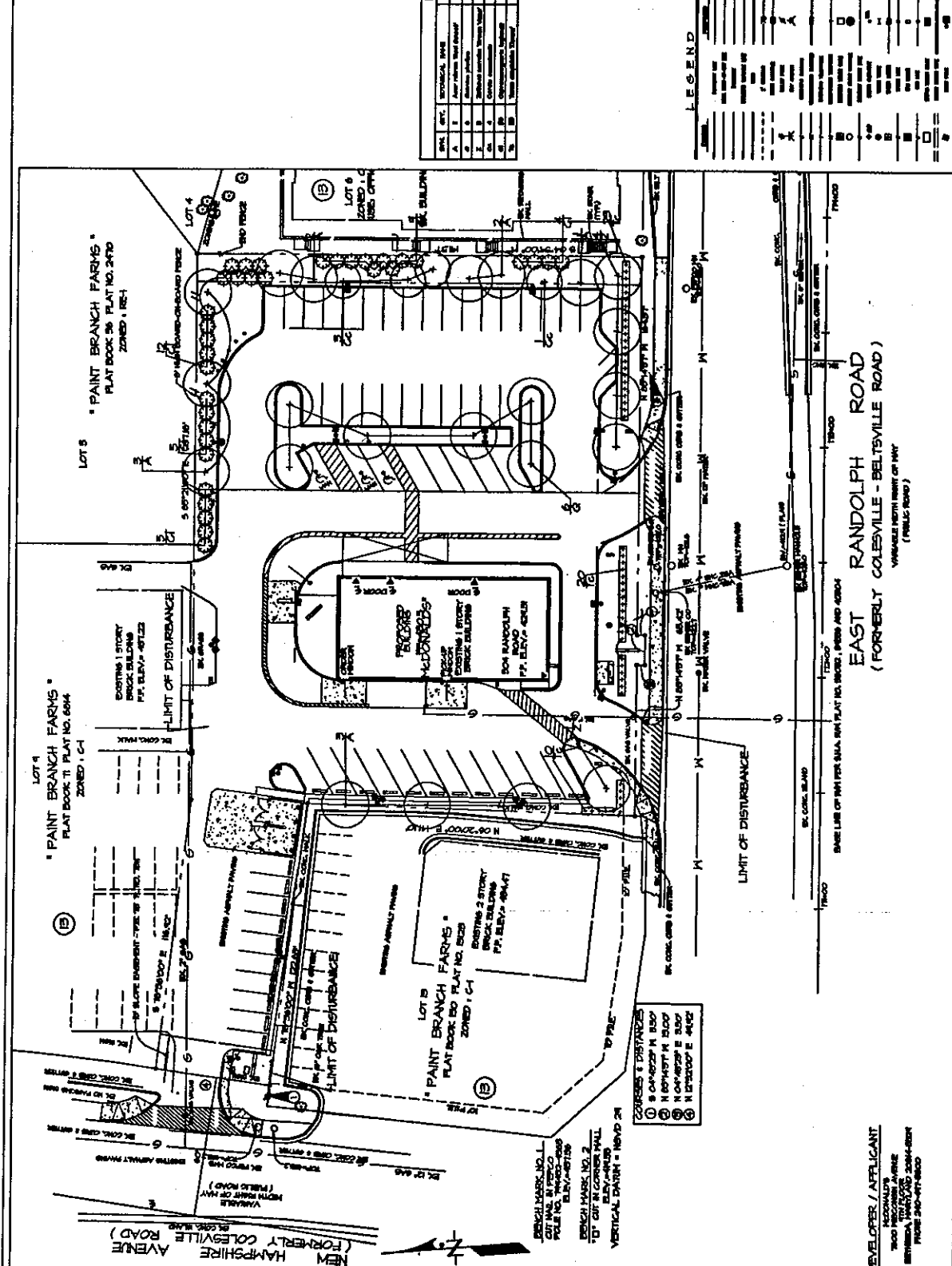


McDONALD'S CORPORATION

504 Randolph Road
Colesville, Maryland

Electron District No. 5
Montgomery County, Maryland

LANDSCAPING PLAN C-5



LEGEND

Symbol	Description
Circle with dot	Proposed Tree
Square with dot	Proposed Shrub
Triangle with dot	Proposed Flowering Shrub
Circle with cross	Proposed Tree
Square with cross	Proposed Shrub
Triangle with cross	Proposed Flowering Shrub
Circle with dot and cross	Proposed Tree
Square with dot and cross	Proposed Shrub
Triangle with dot and cross	Proposed Flowering Shrub

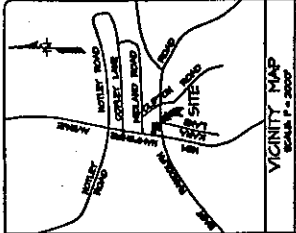
DEVELOPER / APPLICANT
McDONALD'S CORPORATION
504 RANDOLPH ROAD
COLESVILLE, MARYLAND 21038-4400
PHONE: 301-991-1000

RESIDUE OF LOTS 10, 11 AND 12, BLOCK "19"
PAINT BRANCH FARMS
COLESVILLE DISTRICT NO. 5
MONTGOMERY COUNTY, MARYLAND

RECEIVED

JAN 24 2002

REVIEW COMMENT REVIEW DIVISION



SCALE: 1"=40'

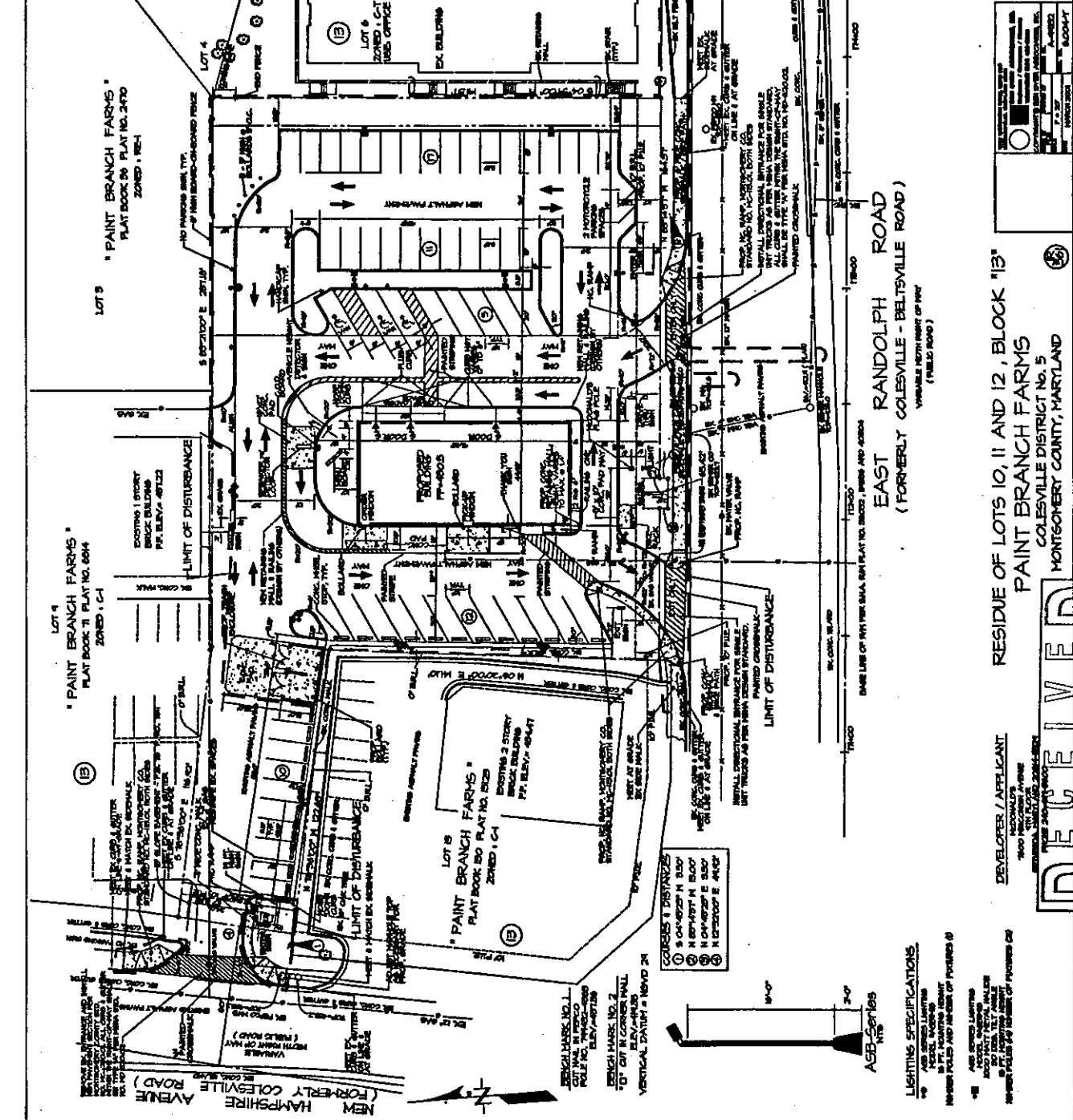
COURSE	NO.	DESCRIPTION	REMARKS
1	1	50 FT HIGH	
1	2	75 FT HIGH	
1	3	100 FT HIGH	
1	4	125 FT HIGH	
1	5	150 FT HIGH	
1	6	175 FT HIGH	
1	7	200 FT HIGH	
1	8	225 FT HIGH	
1	9	250 FT HIGH	
1	10	275 FT HIGH	
1	11	300 FT HIGH	
1	12	325 FT HIGH	
1	13	350 FT HIGH	
1	14	375 FT HIGH	
1	15	400 FT HIGH	

AA
MCDONALD'S CORPORATION

NO.	DATE	DESCRIPTION	BY
1	12-24-01	CONCEPT SITE PLAN	AA
2	12-24-01	CONCEPT SITE PLAN	AA
3	12-24-01	CONCEPT SITE PLAN	AA
4	12-24-01	CONCEPT SITE PLAN	AA

LEGEND

NO.	SYMBOL	DESCRIPTION
1	(Symbol)	CONCEPT SITE PLAN
2	(Symbol)	CONCEPT SITE PLAN
3	(Symbol)	CONCEPT SITE PLAN
4	(Symbol)	CONCEPT SITE PLAN
5	(Symbol)	CONCEPT SITE PLAN
6	(Symbol)	CONCEPT SITE PLAN
7	(Symbol)	CONCEPT SITE PLAN
8	(Symbol)	CONCEPT SITE PLAN
9	(Symbol)	CONCEPT SITE PLAN
10	(Symbol)	CONCEPT SITE PLAN
11	(Symbol)	CONCEPT SITE PLAN
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14	(Symbol)	CONCEPT SITE PLAN
15	(Symbol)	CONCEPT SITE PLAN
16	(Symbol)	CONCEPT SITE PLAN
17	(Symbol)	CONCEPT SITE PLAN
18	(Symbol)	CONCEPT SITE PLAN
19	(Symbol)	CONCEPT SITE PLAN
20	(Symbol)	CONCEPT SITE PLAN



RECEIVED

JAN 24 2002

DEVELOPER / APPLICANT:
MCDONALD'S CORPORATION
3000 FARMVILLE DRIVE
FARMVILLE, NC 27830

RESIDUE OF LOTS 10, 11 AND 12, BLOCK "B"
PAINT BRANCH FARMS
COLESVILLE DISTRICT NO. 5
MONTGOMERY COUNTY, MARYLAND

EAST RANDOLPH ROAD
(FORMERLY COLESVILLE - BELTSVILLE ROAD)
(VARIABLE WIDTH PORTION OF ROAD)
(PUBLISHED)

DEVELOPMENT REVIEW DIVISION

SUMMARY OF ISSUES:

In the course of site plan review and discussion, staff and the applicant reviewed the building location, access to and from the site, screening of adjacent properties and lighting distribution. Design and placement of parking spaces was studied for adaptability to the site and more efficient vehicular circulation within the site. Additional landscaping was provided to assist in screening of the building and parking from Randolph Road and the adjacent residential properties. Lighting was reviewed for visibility and safety of the users of the proposed building and for any negative reflection or glare into adjoining residential properties. Location of the proposed entrance was reviewed for safe alignment and sight distance from Randolph Road and New Hampshire Avenue by MCDPW&T and SHA.

RELATED ISSUES PERTINENT TO SITE PLAN REVIEW:

Site plan waiver to reduce the permitted distance of 35 feet for parking surfaces, spaces and driveways from an adjoining residential property [Zoning Ordinance 59-E-2.81]:

The applicant is seeking a waiver from Section 59-E-2.81 of the Zoning Ordinance, which requires "all parking surfaces, spaces and driveways to be setback from a property line adjoining a residentially zoned lot the appropriate setback in that particular residential zone".

The adjacent property, lot 3 of Paint Branch Farms, is zoned RE-1 and abuts the northeast boundary of the subject site. The zoning ordinance requires a 35-foot setback from the property line to any type of parking surface. Currently, the existing pavement surface for parking and drive-aisle is approximately 5-feet from the property line. The site plan proposes to increase the distance for the drive aisle to 10-feet and parking to 29-feet from the adjoining property. The site plan also proposes to mitigate the impacts to the adjacent property by erecting an 8-foot board-on-board fence and installing 6-8 foot tall Leyland Cypress.

Staff supports the request for this waiver due to the mitigation proposed for the adjacent property.

PROJECT DESCRIPTION: Surrounding Vicinity

The subject property is located north on East Randolph Road, approximately 140 feet east from the intersection of East Randolph Road and New Hampshire Avenue (Route 650). Access from East Randolph Road consists of a separate right-in and right-out turning movement, and a reconstructed right-in and right-out only access from New Hampshire Avenue.

The adjacent commercial properties to the north are zoned RE-1 and C-1. The property to the east is zoned CT and the office building (512 E. Randolph Road, Site Plan #8-00020) to the west is zoned C-1. The property across East Randolph Road is a gas station and is zoned C-1. The residential neighborhoods of Carole Acres and Old Georgetown Estates to the south of Randolph Road are both zoned R-90.

The intersection of Randolph Road and New Hampshire Avenue consists of a mix of commercial and retail uses, surrounded on the outskirts by a mix of residential uses, primarily single-family detached home

PROJECT DESCRIPTION: Site Description

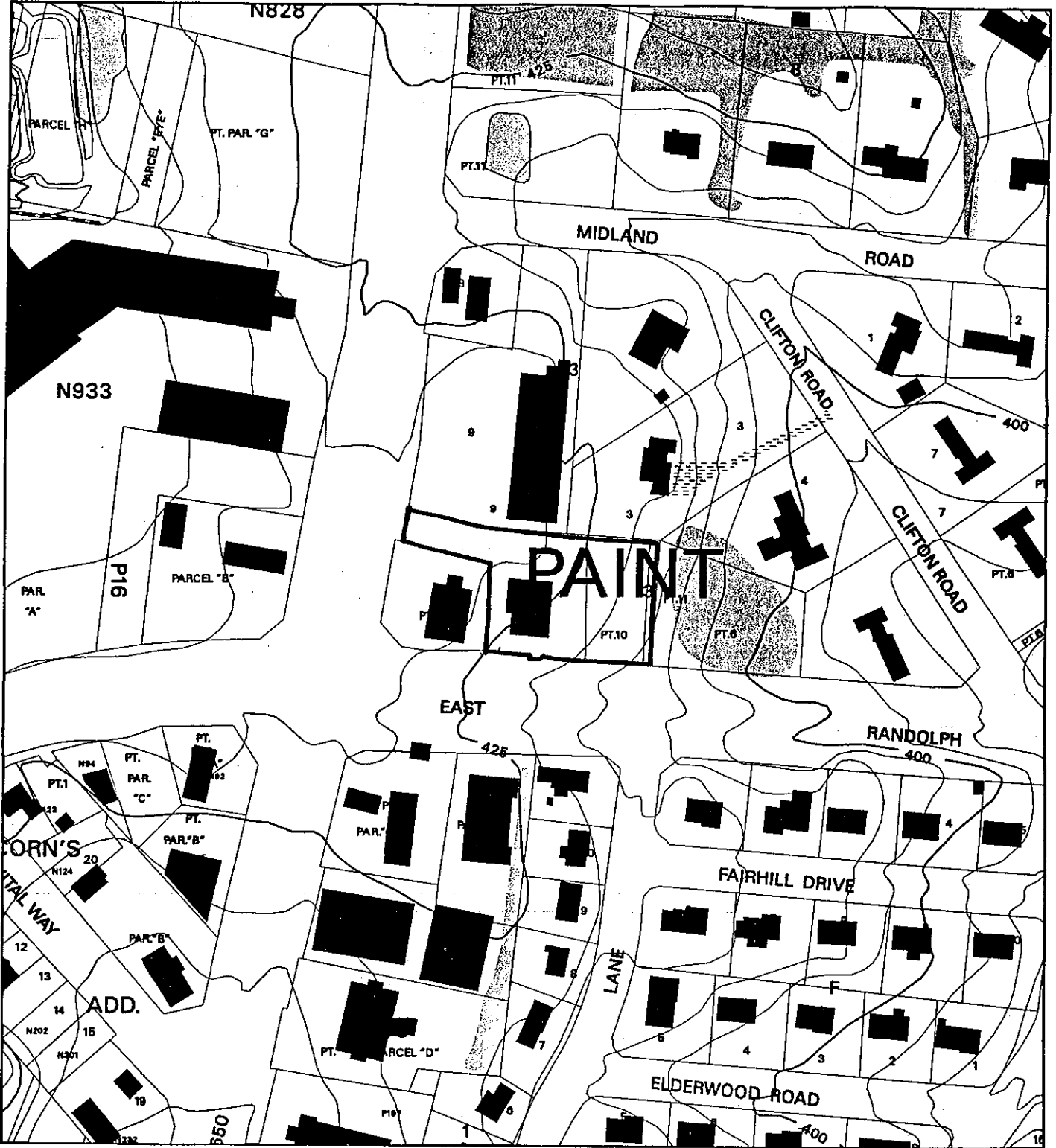
The site is presently occupied by an existing one level McDonald's building and associated parking. The majority of the site is paved with a minimal amount of green area around the northern and southern perimeters. The existing drive-aisle and parking in the northeast corner is presently 5-feet+/- from the residentially zoned property.

The property is accessed by Randolph Road to the south and New Hampshire Avenue to the east. Access to the site is restricted to right-in, right-out turning movements due to concrete medians prohibiting left turns from both major roads. The shared access from New Hampshire Avenue serves the subject site as well as the commercial property to the north (lot 9 of Paint Branch Farms).

The subject site is part of Lots 10, 11 and 12 of Paint Branch Farms subdivision. The residential property (lot 3, Paint Branch Farms) to the northeast is presently shielded by a wood fence and a sparse strip of woods. The adjacent site to the west (512 Randolph Road, Site Plan #8-00020) is a commercial property currently under construction. The frontage of the property contains a 7-foot wide concrete sidewalk and a 1-2-foot tall retaining wall with minimal planting. The sidewalk also serves as a planned Class II bikeway (PB-23).

The overall slope of the property is approximately 5%.

VICINITY MAP FOR
PAIN T BRANCH FARMS (8-02017)



Map compiled on December 06, 2001 at 10:35 AM | Site located on base sheet no - 217NE01

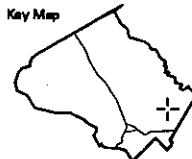
NOTICE

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 M-NCPPC.

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.

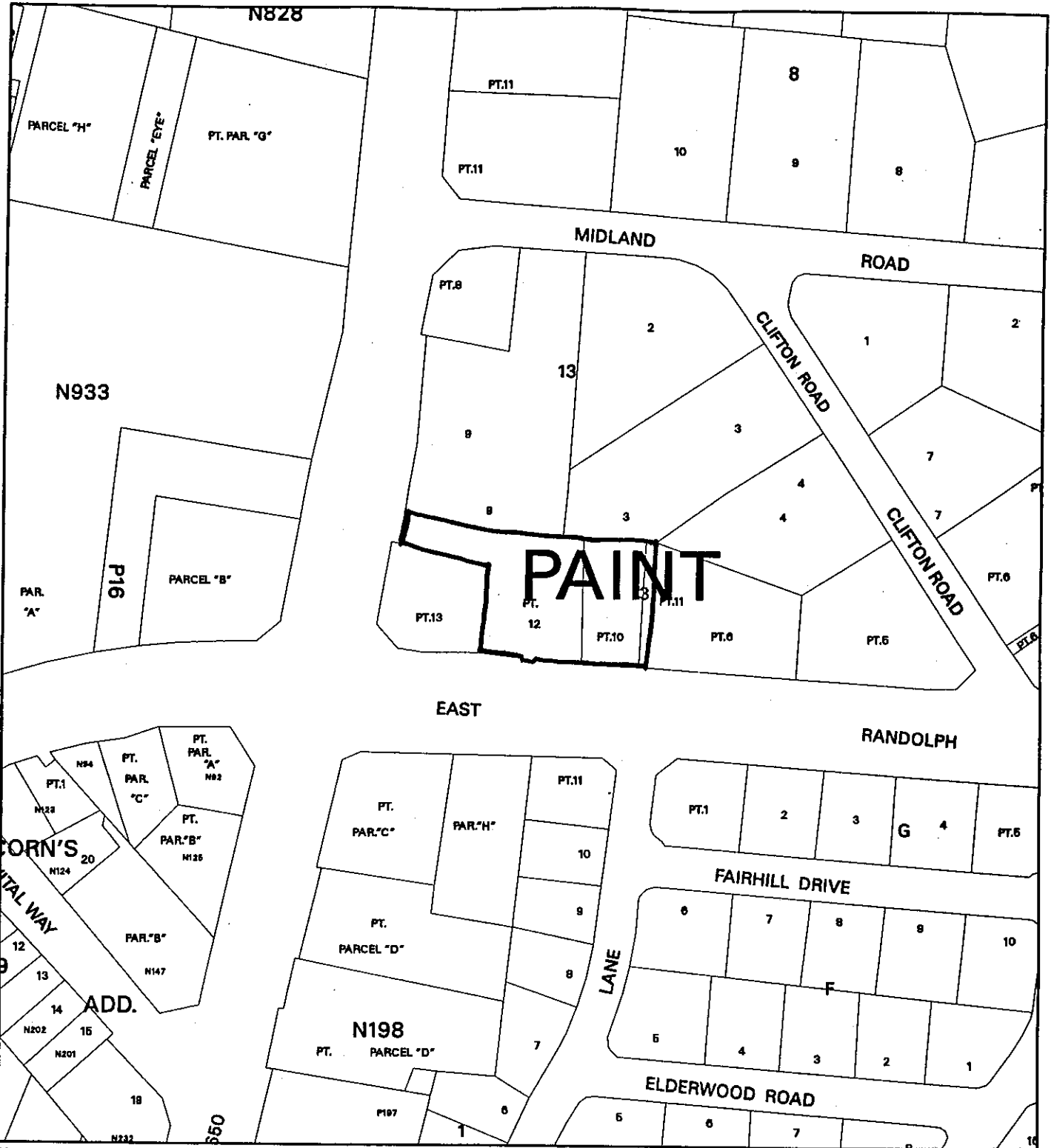
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



1 : 2400

VICINITY MAP FOR
PAINT BRANCH FARMS (8-02017)



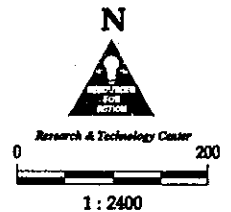
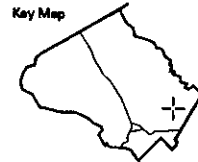
Map compiled on December 06, 2001 at 11:49 AM | Site located on base sheet no - 217NE01

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PROJECT DESCRIPTION: Proposal

The current proposal for Site Plan consists of an eating and drinking establishment including a drive-in. The current McDonald's building will be demolished and a more modern building will be constructed in the same location with a more efficient vehicular circulation and parking layout. The site plan is consistent with the approved Special Exception (S-610B), approved by the Board of Appeals of Montgomery County on December 14, 2001.

Vehicular circulation is being improved with a more-defined drive-in, allowing more efficient stacking of cars. Circulation will consist of one-way movement around the building and two-way vehicular circulation for the revised parking lot. Additional handicapped-accessible spaces are being provided with clearly marked crosswalks into the building. Pedestrian circulation into the site has been improved with lead walks into the site and clearly marked crosswalks from Randolph Road. All three access points serving the site will also be clearly marked with painted crosswalks for pedestrian movement.

Landscaping consists of shade trees within the parking lot and a mix of evergreen, ornamental and shade trees on the northern and eastern perimeters of the property. An 8-foot board-on-board fence and 6-8 foot tall Leyland Cypress will be installed to screen the adjacent residential property to the northeast. Shrub massing, in conjunction with the shade trees will assist in providing a necessary screen of the parking along Randolph Road. This will continue the streetscape that was approved for the commercial property to the east, currently under construction. Lighting was reviewed for conformance to guidelines for parking facilities and adverse effects on adjacent residential properties. The applicant has reduced the number of light fixtures and reduced the pole height to 18 feet on the site from the existing conditions. The poles in the northeast corner will be lowered to 14 feet and equipped with deflector shields to avoid any negative glare or excess illumination on the adjacent residential property.

A waiver was submitted and reviewed by staff to permit parking and the associated drive aisle closer to an adjacent residentially zoned property than the zone allows. Staff supports the waiver because the impact to the adjacent property is being minimized from its current conditions. Presently, the parking and drive-aisle is approximately 5-feet from the property. The site plan has been revised to relocate the drive-aisle and parking, 10-feet and 29-feet, respectively, away from the boundary.

Storm Water Management Concept for the Site Plan was approved on May 11, 2001 by the Montgomery County Department of Permitting Services.

PROJECT DESCRIPTION: Prior Approvals

In 1978 the Board of Appeals for Montgomery County granted a Special Exception (S-610) to continue the operation of a restaurant, to include a drive-through window. The Special Exception has been modified several times, including S-610A and minor modifications in 1984 and 1989 (Resolution dated July 26, 1984, addition of a cashiers booth; Resolution dated June 15, 1989, elimination of original condition of approval requiring security patrols). The latest Special Exception (S-610B), dated December 14, 2001 granted permission to demolish the existing building and reconstruct a more modern building with modified parking at the subject site.

The Board will require the Applicant to receive a parking setback waiver from the Planning Board at the time of Special Exception site plan review, subject to the Planning Board's authority under Chapter 59-E of the Montgomery County Zoning Ordinance.

Accordingly, the Board grants the requested modification subject to the following conditions:

- 1. The Applicant shall be bound by all of its testimony and exhibits of record and the testimony of its witnesses, to the extent that such testimony and representatives are identified in the Board's opinion granting the special exception modification.*
- 2. All terms of the existing Special Exception remain in effect, except as modified herein.*
- 3. The hours of operation for the facility will be limited to the following: 5:30 a.m. to midnight from Sunday to Thursday and 5:30 a.m. to 1:00 a.m. on Friday and Saturday.*
- 4. The applicant must adhere to sign standards as set forth in Section 59-F-4.2 (b) of the Zoning Ordinance for a commercial area.*

ANALYSIS: Conformance to Master Plan

The proposal conforms to the 1997 Approved and Adopted White Oak Master Plan recommendations for environmental management and land use. The subject site is specifically defined as part of the "Colesville Community", which is in the northern portion of the Master Plan area.

Land Use

This property is located at the intersection of Randolph Road and New Hampshire Avenue where numerous commercial and retail businesses operate. The Master Plan states that "there is an opportunity for some new development and re-development to occur in the southwest quadrant of New Hampshire Avenue and Randolph Road", although it does not specifically target this site for re-development, rather rezoning to CT (Commercial Transition).

The Master Plan provides guidance for reviewing special exceptions, such as this, in the Planning Area. The Plan recommends "new buildings or any modifications or additions to existing buildings to be compatible with the character and scale of the adjoining neighborhood".

The proposed building will enhance the area and site and will be compatible with the surrounding neighborhood. The landscaping, screening and subsequent site improvements will significantly enhance the overall appearance visual quality of the area.

Environmental

The subject site is exempt from forest conservation law and the proposed structure will not impact any forest or specimen trees.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Lot Area (ac.):		1.19 acres
Green Space (%):	10%	23.5%
Building Coverage (%):		7.9%
Building Height (ft.)	30	19
Parking Setbacks (ft.):		
From East Randolph Road	10	10
From New Hampshire Ave	10	13
From Lot 9 (C-1 Zone)	0	0
From Lot 13 (C-1 Zone)	4	1 (existing)
From Lot 6 (C-T Zone)	4	13.53
From Lot 3 (RE-1 Zone)	35	10*
Building Setbacks (ft.):		
From East Randolph Road	10	40
From New Hampshire Ave	10	178
From Lot 9 (C-1 Zone)	0	60
From Lot 13 (C-1 Zone)	0	54
From Lot 6 (C-T Zone)	0	128
From Lot 3 (RE-1 Zone)	35	62
Parking:		
Standard (25 sp./1000sf)	54	57
handicapped-accessible	3	3
motorcycle	2	2
bicycle	3	4
Total	57	60

*Represents an increase of between 10 feet and 29 feet over the existing condition. Waiver to be applied for in connection with Site Plan in accordance with parking Performance Standards Section 59-E-4.5.

FINDINGS for Site Plan Review:

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

The site plan meets all of the conditions of the Special Exception approved by the Board of Appeals of Montgomery County on December 14, 2001.

2. The site plan meets all of the requirements of the zone in which it is located.

See Project Data Table above.

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

- a. **Location of Buildings**

The proposed eating and drinking establishment, including a drive-in, is oriented in a safe and efficient manner. The proposed one-level building will replace the existing one-level building in the same location.

- b. **Open Spaces**

The Stormwater Management Concept for the proposed development was approved with conditions by the Montgomery County Department of Permitting Services (DPS) on May 11, 2001.

- c. **Landscaping and Lighting**

The 23 percent of green space proposed on the property surpasses the required amount of 10 percent. The green space will include landscaping and grass areas within the parking facility and on the perimeter of the property.

Landscaping on the site consists of shade trees within the parking area to create a cooling effect in the summer heat. A mixture of evergreen and deciduous trees, as well as shrub massing will provide screening from adjacent properties and Randolph Road. An 8-foot board-on-board fence will be erected in the northeast corner of the site to provide additional screening for the residential property.

Exterior lighting is proposed for the building and the ancillary parking area. Lighting was reviewed for safety and conformance to parking standards for commercial properties. Pole heights will be limited to 18 feet, except in the northeast corner where the pole height is limited to 14 feet. Deflector shields will also be required to mitigate any negative glare or illumination on adjacent

properties, specifically the residentially zoned property.

e. **Vehicular and Pedestrian Circulation**

Vehicular and pedestrian circulation is safe and efficient and provides improved turning movement within the site.

There are three one-way access points into the site: two from Randolph Road and one shared entrance off of New Hampshire Avenue. Vehicular circulation is being improved with a more-defined drive-in, allowing more efficient stacking of cars. Circulation will consist of one-way movement around the building and two-way vehicular movement for the revised parking lot. Additional handicapped-accessible spaces are being provided with clearly marked crosswalks into the building. Pedestrian circulation into the site has been improved with lead walks into the site and clearly marked crosswalks from Randolph Road. All three access points serving the site will also be clearly marked with painted crosswalks for pedestrian movement.

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

The relationship of the building is consistent with the surrounding uses. The activity associated with the proposed building will not cause any negative effect on the adjacent properties.

Landscaping within and around the site will significantly enhance the visual quality of the site and overall appearance of the major intersection.

Light poles and fixtures will be relocated and the pole height will be reduced to prevent glare or negative illumination on adjacent properties and Randolph Road.

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

The site is exempt from Forest Conservation law.

APPENDIX

- A. Standard conditions dated October 10, 1995
- B. Special Exception (S-610B) approved December 14, 2001
- C. Documentation and memos from supporting agencies

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to plat recordation.
 - a. Development program to include a phasing schedule as follows:
 1. Street tree planting must progress as street construction is completed, but no later than six months after completion of the building and parking facilities.
 2. Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 3. Phasing of dedications, stormwater management and sediment/erosion control.
 - b. Site Plan Enforcement Agreement to delineate conditions of approval.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Limits of disturbance;
 - b. Methods and location of tree protection;
 - c. Conditions of DPS Stormwater Management Concept approval letter dated May 11, 2001;
 - d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - e. The development program inspection schedule;
 - f. Street trees 50 feet on center along all public streets;
 - g. Lighting distribution plan to include details and specifications of all fixtures, as well as summary of illumination.
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.

BOARD OF APPEALS
For
MONTGOMERY COUNTY

Stella B. Warner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

Case No. S-610-B

PETITION OF McDONALD'S CORPORATION

OPINION OF THE BOARD

(Hearing held September 12, 2001)

(Effective Date of Opinion: December 14, 2001)

This proceeding is a petition pursuant to Section 59-G-2.16 of the Montgomery County Zoning Ordinance (Chapter 59, Mont. Co. Code 1994, as amended) (Drive-In Restaurants). The Petitioner proposes the demolition and reconstruction of an existing drive-in restaurant with a drive-through window and the extension of the hours of operation to 5:30 a.m. to midnight, Sunday through Thursday and 5:30 a.m. to 1:00 a.m., Friday and Saturday.

Patricia A. Harris, Esquire and Erica A. Leatham, Esquire represented McDonald's Corporation. Testifying in support of the special exception site plan were William Hunter, Michael Powell and Isaac Green of McDonald's Corporation and Stephen Mordfin of Ben Dyer Associates, planner. Also present at the hearing and testifying in opposition was Mr. Arthur Archuleta, an adjoining property owner.

The subject property is Part of Lots 10, 11 and 12, Block 13, Paint Branch Farms subdivision, located at 504 E. Randolph Road, in the C-1 Zone.

Decision of the Board: Special Exception **Granted**, subject to the conditions enumerated below.

PETITIONER'S CASE

The Applicant, McDonald's Corporation, has owned and operated a Drive-in Restaurant at this site since 1968. Special Exception S-610 was approved in 1978, permitting the continued operation of the restaurant and including a drive-through window. The Special Exception has been modified several times, including S-610A and minor modifications in 1984 and 1989 (Resolution dated July 26, 1984, addition of a cashier's booth; Resolution dated June 15, 1989, elimination of original condition of approval requiring security patrols). The Applicant requests permission to demolish the existing 30-year old restaurant and replace it with a modern McDonald's prototype restaurant to facilitate its use of the site and to better accommodate its customers without adversely impacting neighboring uses.

Case No. S-610-B**Page 2.**

The property is located along the northern side of E. Randolph Road, approximately 140 feet east of the intersection of E. Randolph Road and New Hampshire Avenue. Access is provided along E. Randolph Road and from New Hampshire Avenue via the "panhandle" shape of the property. See Exhibits 4(b) and 11, Boundary Survey and Vicinity Map.

The surrounding land uses include a mix of residential and commercial uses reflecting the property's location near the edge of the Colesville Commercial Center. The Colesville Shopping Center and the rear of a residential lot zoned RE-1 abut the north property line, a two story retail use with a convenience store is located to the west, an office building is under construction to the east and across Randolph Road is a gas station and telephone switching station. All the commercial land uses lie within the C-1 Zone. See Exhibit 11, Zoning and Vicinity Map.

The Applicant proposes to demolish the existing one-story with basement, 5,013 square foot structure, and construct a new building with a drive-through window. The existing building is obsolete and no longer meets the company's operational requirements. The new building will have a footprint of 4,115 square feet, with 2,139 square feet devoted to patron area. As part of this proposal, the Applicant intends to remove the "PlayLand" to improve pedestrian and vehicular access through the site. The new building and drive-through lane will be located in approximately the same position as the existing building and drive-through lane.

The new restaurant will have a mansard roof and other architectural features as shown on Exhibit 5, Elevations.

A total of 61 parking spaces were originally proposed per Exhibit 4(d), the original special exception site plan. The special exception site plan, as amended at the hearing provides 59 parking spaces. This is a reduction of ten parking spaces from the existing parking layout. A minimum of 54 parking spaces are required.

An enclosed trash corral will be located along the commercially zoned area of the site as shown on Exhibits 4(d), 20 and 23, special exception site plan. The trash corral will be completely enclosed. Other trash receptacles will be located throughout the parking area.

Additional landscaping is proposed along the northern property line bordering the residential zone. The Applicant proposed increasing the existing northern buffer area, which ranges in width from 2 feet to 7 feet, to a ten foot wide landscaped buffer area and replacing the existing six foot tall fence with an eight foot tall board-on-board fence to shield the residential lot from the parking area. Additional landscaping and green areas throughout the site are proposed to nearly double the existing green area. See Exhibit 24.

The easternmost of the three existing curb cuts along E. Randolph Road will be eliminated to improve pedestrian safety and vehicular circulation on the property and along E. Randolph Road. See Exhibits 4(d), 20 and 23, special exception site plan.

Case No. S-610-B**Page 3.**

A traffic study is not required to satisfy Local Area Transportation Review to determine the adequacy of public facilities because the proposed restaurant will generate the same or fewer peak hour trips than the existing restaurant. See M-NCPPC Staff Recommendation, Exhibit 16.

Stormwater management will be in underground pipes and will be handled completely on site. Currently, stormwater management is not provided.

Hours of operation are proposed to be from 5:30 a.m. to midnight, Sunday through Thursday and 5:30 a.m. to 1:00 a.m., Friday and Saturday. This represents an increase in the existing hours by one-half hour every morning and one hour in the evening, Sunday through Thursday. Hours are determined by customer demand and based on a company standard.

The Applicant met with the Greater Colesville Citizen's Association before and after filing for the proposed modification and revised several design elements in response to community concerns. A letter of support from the civic association was introduced to the record as Exhibit 18.

Mr. Stephen Mordfin testified as an expert in planning that the proposed modification conforms to all zoning regulations, with the exception of the parking setback. Mr. Mordfin testified that it is the Applicant's intention to request a waiver from the Planning Board at the time of Site Plan review to provide a ten-foot parking setback along the northern boundary rather than the required 35 feet. Mr. Mordfin also testified that the special exception site plan meets all the requirements for the Special Exception as enumerated in Sections 59-G-1.21 and 59-G-2.16 of the Montgomery County Zoning Ordinance.

Mr. William Hunter, Real Estate Representative of McDonald's, testified that the existing building is obsolete and the proposed modification is the most efficient way to bring the facility in line with modern standards. Mr. Hunter also testified that the demographics of the area do not support the maintenance of the "PlayLand," necessitating its removal. Mr. Isaac Green testified that as the operations manager of the site, he receives and responds to any complaints about the operation of the restaurant. Mr. Green also testified that standard operating procedure at the site involves picking up trash within a one block radius twice a day and within the parking lot every one-half hour. Mr. Green and Mr. Michael Powell, Project Manager, testified that deliveries normally occur once a week, at approximately 11:00 p.m. and last approximately two hours. Mr. Powell also testified as to the amount of lighting to be provided on the property according to the photometric plan, Exhibit 21. He testified that the plan was a worst case scenario because it was based on output from 24-foot lightpoles; 20-foot poles will be used at the site, which will reduce the foot-candles. In addition, Mr. Powell testified that the use of directed shields along the northern property line would prevent excess light spill-over onto the neighboring residential property.

Case No. S-610-B**Page 4.****ADDITIONAL TESTIMONY**

Mr. Arthur Archuleta, the owner of the adjoining residential lot (Lot 3, Block 13), appeared at the hearing to testify in opposition to the proposed Special Exception modification. Mr. Archuleta testified as to his concerns regarding site circulation, the timing of deliveries, landscaping in the buffer area, lighting along the shared property line and the need for the eight-foot fence to preclude truck occupants from dumping trash into his rear yard from the parking lot.

The Applicant agreed to address these concerns by (1) restricting deliveries to between the hours of 7:00 a.m. to 9:00 p.m. and/or one delivery per week in the evenings to be concluded by midnight; (2) adjusting and shielding lights to provide adequate security without causing excessive light spillover onto Mr. Archuleta's property; and (3) eliminating two parking spaces in the northeastern corner of the site and increasing the landscaped buffer in the northeastern corner. This revision will accommodate a thirty-foot turning radius along the eastern drive also to provide sufficient separation between the site and the rear of the residential lot. In addition, the Applicant agreed to post "No Parking" signs to the west of the curve and add five-foot bollards at five foot intervals along the landscaped curve. The addition of the landscaped area, signs and bollards in place of two parking spaces, in conjunction with the eight foot tall fence, acts to eliminate the opportunity for truck occupants to toss trash into Mr. Archuleta's yard.

FINDINGS OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Both the Planning Board and its Technical Staff recommended approval of the proposed modification, S-610B, with conditions. See Exhibit 16.

FINDINGS OF THE BOARD

Based on the binding testimony and the exhibits of record, the Board finds that the proposed Special Exception can be granted.

Sec. 59-G-1.2. Conditions for granting.

59-G-1.2.1. Standard for evaluation. A special exception must not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and

operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception.

The inherent and non-inherent effects of the proposed modification have been established by the existence of the previously approved special exception. Furthermore, this use has operated at the existing site for more than 20 years and the proposed modification will result in a drive-in restaurant that is similar in scale and operation to the existing use.

59-G-1.21. General conditions.

(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.

The Board finds that the proposed special exception modification for a drive-through restaurant is permissible in the C-1 zone.

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

The Board finds that the proposed modification complies with the standards and requirements for a drive-in restaurant found in Section 59-G-2.16.

(3) Will be consistent with the general plan for the physical development of the District, including any master plan thereof adopted by the Commission. Any decision to grant or deny special exception must be consistent with an recommendation in an approved and adopted 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 the granting of 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.

Case No. S-610-B**Page 6.**

The Board finds that the proposed modification is consistent with the White Oak 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 finds that the design and scale of the proposed modification will be in harmony to the general neighborhood.

- (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.

The Board finds that the proposed modification will not have a detrimental effect on the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

- (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.

The Board finds that the proposed use will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity in accordance with Section 59-G-1.21(a)(6) of the Zoning Ordinance.

- (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.

The Board finds that the proposed use will not, when evaluated in conjunction with existing and approved special exceptions in the neighboring one-family residential area, increase the number, intensity or scope of special exception uses sufficiently to affect the area adversely or alter its predominantly residential nature, in accordance with Section 59-G-1.2 1 (a)(7) of the Zoning Ordinance.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the

Case No. S-810-B

Page 7.

subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The Board finds that the proposed use will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area, in accordance with Section 59-G-1.27(a)(8) of the Zoning Ordinance.

- (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.

The Board finds that the proposed use 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, in accordance with Section 59-G-1.21(a)(9) of the Zoning Ordinance. The Board finds that the sewer and water capacity for the proposed modification is sufficient and finds that the elderly care facility will be adequately served by existing public utilities.

- (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.

The Board finds that approval of a preliminary plan of subdivision is not required in this case.

- (ii) With regard to findings related to public roads, the Board . . . must further determine that the proposal will have no detrimental effect on the safety of vehicular or pedestrian traffic.

The Board finds that the proposal will not have a detrimental effect on the safety of vehicular or pedestrian traffic and that the public roads are adequate to accommodate the proposed use.

Section 59-G-2.16. Drive-In restaurants.

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 in the location proposed.

Case No. S-610-B**Page 8.**

The Board finds that the Special Exception modification will not constitute a nuisance because of noise, illumination, fumes, odors or physical activity in the location proposed.

- (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 such buildings or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity.

The Board finds that the proposed modification will create an improved circulation pattern within the site and access to and from the site will be improved from East Randolph Road.

- (c) The use of the proposed location will not pre-empt frontage on any highway or public road in such 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.

The Board finds that there is no interior or commercial area that would be preempted by the proposed redevelopment and further, the proposal will not reduce the visibility or accessibility to any future interior commercial zoned area. Furthermore, the removal of the play area will allow the full facade of the building to be seen from the street.

- (d) When such 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, sightly, solid fence, not less than 5 feet in height, together with a three-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.

The Board finds that the installation of an 8-foot high fence and landscaping along the northern property line that abuts residentially zoned land will provide adequate screening.

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

use are prohibited.

The Board finds that there will be no displays, parked vehicles or other obstructions that adversely affect visibility at the intersections or entrances to the Property.

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

The Board finds the proposed placement of the lighting, height of the light poles and directed shields will result in no reflection or glare into any adjoining residential zone.

- (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.

The Board finds that the location of the existing facility is not a corner lot; therefore, the above criteria will not apply.

The Board will require the Applicant to receive a parking setback waiver from the Planning Board at the time of special exception site plan review, subject to the Planning Board's authority under Chapter 59-E of the Montgomery County Zoning Ordinance.

Accordingly, the Board grants the requested modification subject to the following conditions:

1. The Applicant shall be bound by all of its testimony and exhibits of record and the testimony of its witnesses, to the extent that such testimony and representations are identified in the Board's opinion granting the special exception modification.
2. All terms of the existing Special Exception remain in effect, except as modified herein.
3. The hours of operation for the facility will be limited to the following: 5:30 a.m. to midnight from Sunday to Thursday and 5:30 a.m. to 1:00 a.m. on Friday and Saturday.
4. The applicant must adhere to sign standards as set forth in Section 59-F-4.2 (b) of the Zoning Ordinance for a commercial area.



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

May 11, 2001

Erica Jackson
Ben Dyer Associates, Inc.
11721 Woodmore Road, Suite 200
Mitchellville, MD 20721

Re: Stormwater Management **CONCEPT** Request
for McDonald's Paint Branch
SM File #: 203617
Tract Size/Zone: 1.2 Ac/C-1
Total Concept Area: 1.2 Ac
Tax Plate: JR561
Lots/Block: 10-12/13
Parcel: 10
Liber/Folio: 3702/438
Montg. Co. Grid: 31E8
Watershed: Northwest Branch

Dear Ms. Jackson:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quantity control via underground detention and on-site water quality control via a structural filtration unit.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Install trench drains at the drive entrances to convey additional runoff to the on-site stormwater management facilities.
2. A detailed review of the stormwater management design computations will occur at the plan review stage.

This list may not be all-inclusive and may change based on available information at the time.

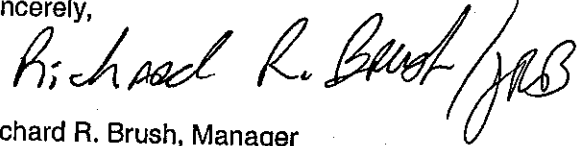
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

Erica Jackson
May 11, 2001
Page 2

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,

A handwritten signature in black ink that reads "Richard R. Brush" followed by a stylized monogram "RRB".

Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:enm mce

cc: M. Shaneman
S. Federline
SM File # 293617

QN - ON; Acres: 1.2
QL - ON; Acres: 1.2



July 19, 2001

A-8

MEMORANDUM

TO: Nkosi Yearwood, Planner
Community-Based Planning Division

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Ed Axler, Coordinator *EM*
Transportation Planning

SUBJECT: Special Exception Case No. S-610-B
McDonald's Restaurant
504 East Randolph Road, Silver Spring
Fairland/White Oak Policy Area

This memorandum is Transportation Planning staff's adequate public facilities review of the subject special exception case to remove the existing McDonald's restaurant and replace it with a new one.

RECOMMENDATION

Transportation Planning staff recommends the following conditions as part of the APF test for ~~transportation requirements related to~~ granting approval of this special exception case:

1. Limit the replacement fastfood restaurant to 4,115 square feet with 2,139 square feet of patron area and a drive-through window.
2. Provide adequate delineation of pedestrian walkways between the sidewalks of the adjacent roadways into the restaurant to minimize conflicts with vehicles.

DISCUSSION**Site Location and Accesses**

The site is located in the northeast quadrant of East Randolph Road and New Hampshire Avenue. (MD 650). The number of site accesses from East Randolph Road

would be reduced from three to two. The existing site access from New Hampshire Avenue is to be retained.

Master Plan Roadways and Bikeways

According to the *White Oak Master Plan*, the nearby roadways are classified as follows:

1. East Randolph Road is classified as a major highway, M-75, with a 120-foot right-of-way and an existing Class I bikeway, EB-5.
2. New Hampshire Avenue is classified as a major highway, M-12, with a 120-foot right-of-way and a planned Class II bikeway, PB-23.

On-Going Transportation Project

The Maryland State Highway Administration (SHA)'s Congestion Relief Study includes improvements at the intersection of East Randolph Road and New Hampshire Avenue as candidate intersection No. M-10. The proposed improvements are as follows:

1. An additional southbound through lane on New Hampshire Avenue.
2. The reconfiguration of the northbound left-most through lane to a left-turn lane.
3. The reconfiguration of the northbound right-turn lane to a combination right-turn and through lane.
4. A northbound receiving lane on the north leg of New Hampshire Avenue.

These intersection improvements do not currently have funds allocated for construction, but could if improvements at other intersections are deferred.

Local Area Transportation Review

A traffic study is not required to satisfy Local Area Transportation Review (LATR) because the new fastfood restaurant is proposed to replace the existing restaurant. The new fastfood restaurant would generate fewer peak-hour trips than the existing restaurant. Otherwise, a traffic study is typically required when the proposed land use generates 50 or more total peak-hour trips during the weekday morning peak period (7:00 to 9:00 a.m.) and during the evening peak period (4:00 to 6:00 p.m.). Using the trip-generation rate from the *Local Area Transportation Review Guidelines* for fast-food restaurants (over 3,600 square feet with and without a drive-through window), the number of peak-hour trips generated during the weekday morning and evening peak periods are as follows:

Fastfood Restaurant	Square Footage	Peak-Hour Vehicle Trips			
		Morning		Evening	
		New	Total	New	Total
Existing	5,013	53	178	71	237
Proposed	4,115	44	146	58	195

Total trips include new, pass-by, and diverted trips. Pass-by and diverted trips are existing trips going to and coming from another primary destination such as work or home. Pass-by and diverted traffic is assumed to be 70% of the total traffic.

Policy Area Review/Staging Ceiling Condition

The Fairland/White Oak Policy Area has a remaining capacity of negative 1,365 jobs under the *FY 01 Annual Growth Policy* transportation staging ceilings as of June 30, 2001. However, the existing fastfood restaurant of 5,013 square feet (or equivalent to 13 jobs) is 898 square feet larger than the proposed replacement of 4,115 square feet (or equivalent to 10 jobs).

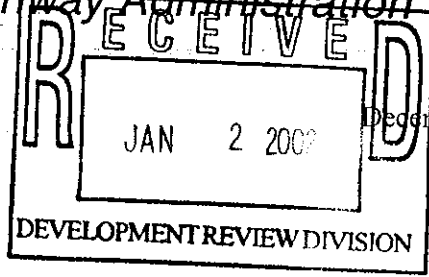
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SPEX S-610-B McDonald's Restaurant.doc



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator



December 21, 2001

To LARRY POWSFORD

Mr. Malcolm Shaneman
Acting Supervisor Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Montgomery County
MD 650
Paint Branch Farms
File No. 8-02017

Dear Mr. Shaneman:

This office reviewed the submitted plan and offer the following:

- Access to this property is subject to the "Rules and Regulations" of this Administration with a permit issued by this office to reconstruct (1) one existing entrance to a typical directional right-in right-out entrance.
- Storm water drainage plans and computations are to be submitted for review.

If you have any questions, please contact Greg Cooke at 410-545-5595 or out toll free number in Maryland only 1-800-876-4742 (x5595). You may also email him at (gcooke@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits
Division

T-017

gc

cc: Mr. Charlie Watkins
Mr. Raleigh Medley
Mr. Robert Kronenberg-MNCPPC
Ben Dyer Associates, Inc.

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



**MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED MANAGEMENT DIVISION**

Rockville Center - 255 Rockville Pike, Suite 120 - Rockville, Maryland 20850-4166
Telephone No. 240-777-7780 - FAX No. 240-777-7715

**SUBDIVISION PLAN REVIEW: MNCPPC Development Review Committee (DRC)
Comprehensive Water Supply and Sewerage Systems Plan Issues**

MNCPPC File Number: 8-02017

DRC Meeting Date: 12/17/2001

Subdivision Plan Name: Paint Branch Farms

Proposed Development: replacing existing restaurant - McDonalds

Watershed: Paint Branch

Zoning: C-1

Planning Area: Colesville-White Oak

Site Area: 1.2 acres

Location: East Randolph Road

Engineer: Ben Dyer Associates, Inc. 301-459-9200

Water Supply and Sewerage Systems (as specified on the subject subdivision plan or plan application)

Proposed Water Supply:

Proposed Wastewater Disposal:

Community (public) WATER system

Community (public) SEWER system

Existing Service Area Categories: Water: W - 1

Sewer: S - 1

Water/Sewer Plan Map Amendment:

Water Supply Comments:

Sewerage System Comments:

Yes; the water supply system is consistent with the existing water service area category

Yes; the sewerage system is consistent with the existing sewer service area category

***Additional Comments:**

Replacing existing McDonalds restaurant.

When the record plat is submitted to MCDEP, the engineer should note the number of seats in the existing restaurant, along with any other existing development which is to be removed, along with the number of seats in the proposed restaurant and any other new development information.

Prepared by: Alan Soukup/Dorothy Pecson

Date prepared: 12/10/2001

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FOREST CONSERVATION PLAN RECOMMENDATIONS

TO: Special Exception Reviewer, Community Based Planning Division

SUBJECT: Project Name McDonald's Renovation Paint Branch Farms Date Recd 4/3/01NRI/FSD # 4-01296E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption or waiver:

EXEMPTION:

- Single lot** - Applies to an activity conducted on an existing single lot of any size that is: 1) not subject to special exception; 2) does not disturb more than 40,000 square feet of forest; 3) does not violate a previously approved tree save plan; and 4) for which a declaration of intent has been filed with the Montgomery County Planning Director.
- Grandfathering Provision** - Lot(s) covered by a preliminary plan of subdivision or site plan for which the plan was:
 - Approved before July 1, 1984 and has less than 40,000 sq. ft. of forest cover.
 - Approved or extended between July 1, 1984 and July 1, 1991.*Note: Plans approved before July 1, 1991 that are revised after that date and will result in cutting of more than 5,000 additional square feet of forest are not exempt.*
- Real Estate Transfer** - Transfer to provide a security, leasehold, or other legal or equitable interest in a portion of a lot or parcel. Transfer does not involve a change in land use or new development or redevelopment, with associated land disturbing activities; and both the grantor and grantee have filed a declaration of intent.
- Agricultural** - Exempt from platting and requirements to obtain a sediment control permit and meets the definition of agricultural activity specified in section 22A-3(b).
- Tree Nursery**
- Planned Unit Development** - Activity or development within a planned unit development which:
 - Development or Project Plan was approved before January 1, 1992 and site plans were approved before July 1, 1992
 - Development or Project Plan was approved before January 1, 1992 and site plans were not approved before July 1, 1992, but the PD was 75% or more complete on January 1, 1992 (measured by the total acreage subject to the PD that has received site plan approval).*Note: A development plan or project plan amendment approved after January 1, 1992 is not exempt if it results in the cutting of more than 5,000 additional square feet of forest.*
- Small Property Exemption** - Activity occurring on a tract less than or equal to 1.5 acre in size where there is no existing forest and afforestation requirements would be less than 10,000 square feet; or, activity occurring on a tract less than or equal to 1 acre in size where activity will not result in the clearing of more than 30,000 square feet of existing forest and reforestation requirements would be less than 10,000 square feet.
Note: Tree preservation and/or replanting of individual trees may be required. Forest within any priority area on-site must be preserved.

Special Exceptions only:

- Special Exception applications for existing structures which will not result in clearing of existing forest or trees.
- Modifications to an existing special exception use which was approved prior to July 1, 1991, provided that the revision will not result in the cumulative clearing of more than 5000 additional square feet of forest.

This property is is not within a Special Protection Area*.

* Properties within a Special Protection Area (SPA) must submit a Preliminary Water Quality Plan. Contact Leo Galanko at MCDEP for information regarding the requirements (301-217-6323).

Other/Comments D.O.J. waived no forest on-site.

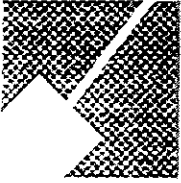
Signature: _____

Cathy Conlon, Environmental Planning Division

Date: 4/6/01

cc: Kevin Hedge, Ben Dyer Assoc. for the applicant (Fax 301-430-2001)

FGPREXEM:PT r3/99



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
DEVELOPMENT REVIEW COMMITTEE RECOMMENDATIONS

TO: Malcolm Shaneman
Development Review Division

SUBJECT: Plan # 8-02017 Name Paint Branch Farms (1.19 acres) E Randolph Rd.
NRI/FSD 4-01296E
DRC date: December 17, 2001

The above-referenced plan has been reviewed to determine if it meets requirements of the Guidelines for Environmental Management of Development in Montgomery County, and other county regulations that may apply. The following recommendations are made for the DRC meeting:


SUBMITTAL ADEQUACY

- Plan is complete. (see recommendations below)
 Plan is incomplete. The following items must be submitted:
 Forest Conservation Plan
 NRI/FSD (Approved)
 SWM Concept or Waiver Application
 100-YR Floodplain Study
 Drainage Area Map
 Other

EPD RECOMMENDATIONS:

- Hold for the following Revisions/Additional Information before scheduling for Planning Board:
 Revise forest conservation plan (see FCP recommendation sheet)
 Water and/or Sewer category change approval necessary (see comments)
 DPS floodplain study approval necessary
 DPS SWM concept approval necessary _____
 Other (see comments)
 Comments:

1. No concerns note with plan submittal.
2. Applicant is requesting a reduction in parking facility setback from required 35' to 10' across portion of rear lot line
3. Plan is exempt from Forest Conservation requirements. Landscaping plan should avoid use of non-native invasive plant species.

SIGNATURE:  (Dominic Quattrocchi) DATE: 14DEC2001
Environmental Planning Division

Cc Phillip Miller, ET AL, Applicant
File

File Number	Project Name	Substantial Comments
8-02017	Paint Branch Farms	<p><u>WATER AND SEWER AVAILABLE</u></p> <p>An existing 12-inch water main and an 8-inch sewer main in East Randolph Road about the subject property.</p> <p><u>PAY SERVICE CONNECTIONS AND APPLICABLE FEES AND CHARGES</u></p> <p>Submit Connection application form to WSSC's One-Stop-Shop and settle all fee requirements. (This is a prerequisite for "building permit" release.)</p> <p><u>SUBMIT ON-SITE PLAN</u></p> <p>Submit on-site plans for water lines greater than 2-inches or sewer lines greater than 4-inches (to the One-Stop-Shop). A professional engineer registered in Maryland must prepare plans. Plans must conform to W/S Design Standards.</p> <p><u>HYDRAULIC INFORMATION REQUIRED</u></p> <p>For commercial, industrial or public type buildings, to include apartment designs, fire sprinkler system hydraulic data, including estimated flow rate in gallons per minute and building top and lowest floor elevations, are required by WSSC.</p> <p><u>PAY SYSTEM DEVELOPMENT CHARGE (SDC) FEE</u></p> <p>System Development Charge (SDC) payment is required. Make payment to WSSC's One-Stop-Shop at the time of application for plumbing permit to install fixtures or hookup to the Commission's water and/or sewerage system(s).</p> <p>For extending an existing on-site system, it will be necessary for you to contact the Permit Services Unit at (301) 206-4003 or visit our One-Stop Shop located on the lobby level of our Consolidated Office Building at 14501 Sweitzer Lane, Laurel, Maryland 20707.</p>