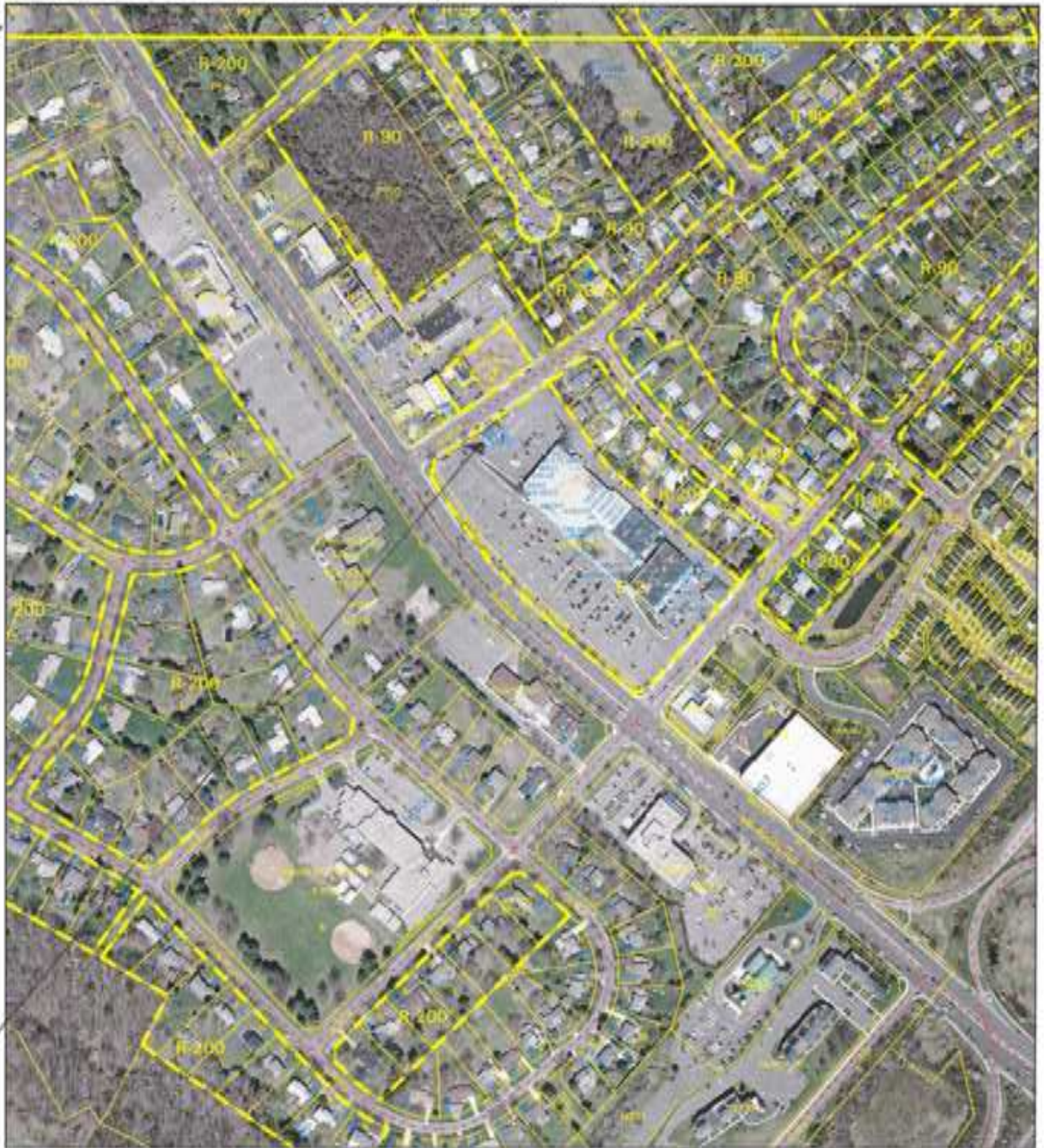


ATTACHMENTS

S-2642 TACO BELL/LONG JOHN SILVER'S



Map compiled on December 30, 2005 at 11:30 AM | Site located on base sheet no. 232NW09 | Date of Orthophotos: April 2004 | Orthophoto Images Licensed from VARGIS LLC.

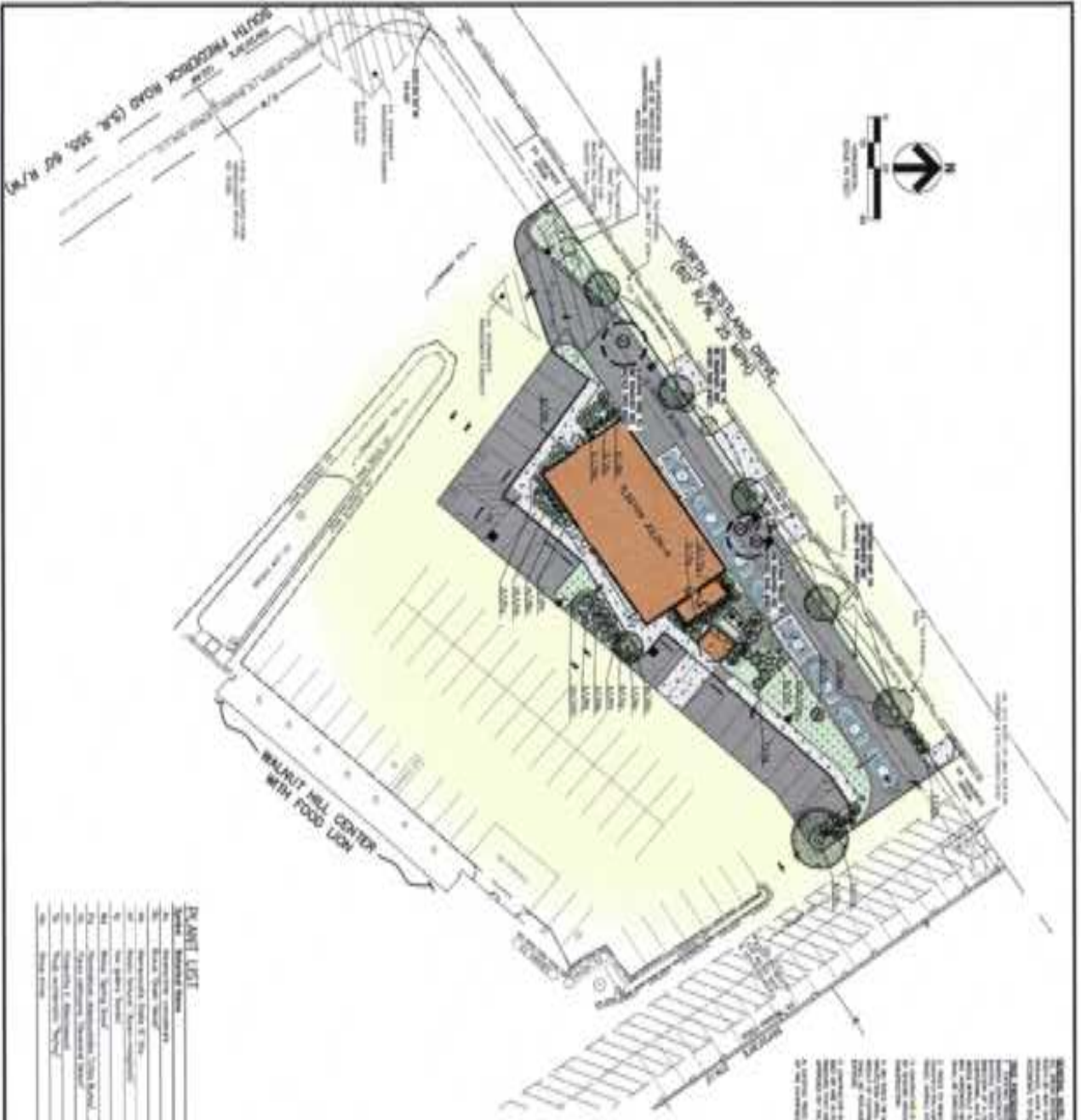
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Property lines are compiled by adjusting the epiery lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric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

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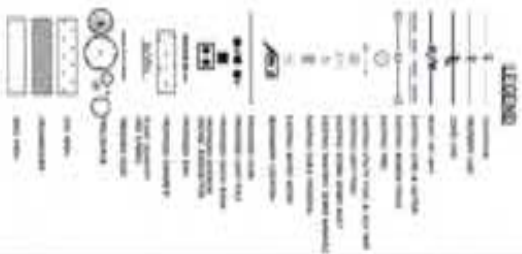


PLANT LIST

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PLANNING NOTES

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
3. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE UTILITIES SHOWN ON THIS PLAN.
4. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
5. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE UTILITIES SHOWN ON THIS PLAN.



CONTRACT NOTES

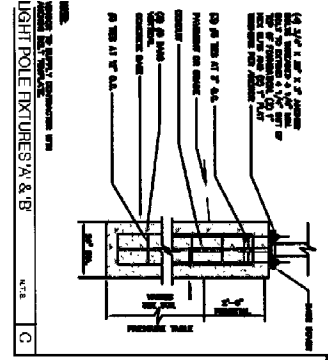
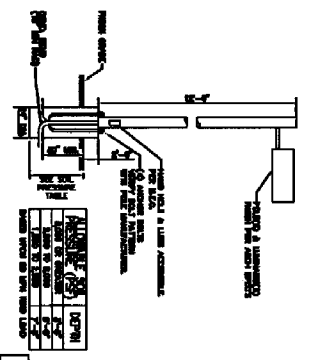
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STATISTICS						
Item/Location	Symbol	Qty	Height	Watt	Watt/ft ²	Avg/ft ²
General Building	+	128	42.7 ft	0.23 ft	12.21	4.24
Outdoor Parking Lot	+	0.1	4.8 ft	0.0 ft	N/A	N/A
Parking Lot	+	3.1	8.4 ft	0.2 ft	42.01	10.31

LUMINAIRE SCHEDULE						
Symbol	Lead	Qty	Code	Wattage	Lamp	Foot Candles
+	A	4	074 FT 200WATT	074-200WATT	1-200W CLEAR WHT BU	0.23
+	B	1	074 FT 200 WATT	074-200WATT	1-200W CLEAR WHT BU	0.23
+	C	2	074 FT 400 WATT	074-400WATT	1-400W CLEAR WHT BU	0.79



GREENBRIAR
FLAT LENS
W/ HOUSE SIDE SHIELD



- KEY NOTES**
- 1. 3"Ø x 12" HGT. 4" DIA. (1" DIA. FOR BRACKET ONLY)
 - 2. ELECTRICAL WIRE
 - 3. 1/2"Ø x 12" HGT. 1/2" DIA.
 - 4. 1/2"Ø x 12" HGT. 1/2" DIA.
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10.10.13
GPD ASSOCIATES
GLASS PYLE SCHOMER BURNS & DEHAVEN INC.
350 SOUTH MAIN STREET, SUITE 2511 AMHERST, OHIO 44001
330-503-2221 FAX 330-503-2210


E1.0
SITE ELECTRICAL PLAN



Taco Bell / Long John Silver's

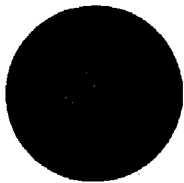


148'x11'-0"


CPD ASSOCIATES
 CONSULTING ENGINEERS & ARCHITECTS
 120 South Main Street, Suite 200
 Akron, Ohio 44311
 330.427.2100 • Fax 330.427.2101

REFERRAL COMMENTS

|



December 28, 2005

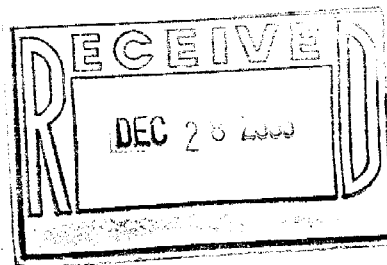
MEMORANDUM

TO: Elsabett Tesfaye, Planner
Community-Based Planning Division

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

FROM: Ed Axler, Planner/Coordinator *EA*
Transportation Planning

SUBJECT: Special Exception Case No. S-2642
Taco Bell/Long John Silver
16531 Frederick Road, Gaithersburg
Derwood Policy Area



This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of this subject special exception use in the C-2 zone for a proposed new building that replaces an existing smaller stand-alone building within the Walnut Hill Shopping Center.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements for this special exception use within the proposed leased area within the Walnut Hill Shopping Center:

1. Limit the special exception use to a fast-food restaurant with a drive through window of 2,951 square feet.
2. Provide directional signs and pavement markings to guide customers arriving from North Westland Drive to reach the drive-through windows by using the western curb cut into the Walnut Hill Shopping Center.

3. Provide pedestrian connections that meet Americans for Disabilities Act requirements by constructing the following:
 - a. A sidewalk with handicapped ramps along the western side of the proposed building that connects the sidewalk along North Westland Drive to the main restaurant's entrance on the south side.
 - b. A delineated pedestrian crosswalk across the western exit of the drive-through lane with a "pedestrian crossing" facing the westbound vehicular traffic.

For the special exception case within the lease/pad site, Transportation Planning staff finds that the proposed action, with staff recommended conditions, satisfies the Local Area Transportation Review (LATR) test and will have no adverse effect on area roadway conditions or nearby pedestrian facilities based on the plans, statement of operations, and traffic study.

DISCUSSION

Site Location

The Walnut Hill Shopping Center is located on the east side of Frederick Road between South Westland Drive and North Westland Drive or approximately 2,000 feet north of Shady Grove Road. This proposed lease/pad site for this special exception use is located within the northeastern parking area of the shopping center or in the southeast quadrant of the intersection of South Frederick Road (MD 355) and North Westland Drive.

Master-Planned Roadways/Bikeway and Other Non-Master-Planned Roadways

In accordance with the *Gaithersburg Vicinity Master Plan*, South Frederick Avenue is designated as a major highway, M-6, with a 120-foot right-of-way. The *Countywide Bikeways Functional Master Plan* designates a signed shared roadway, SP-64, along South Frederick Avenue.

The other adjacent and nearby non-master-planned roadways are as follows:

1. North Westland Drive is a functional primary residential street with a 70-foot right-of-way from South Frederick Avenue to Walnut Hill Road.
2. East of Walnut Hill Road, North Westland Drive is a secondary residential street with a 60-foot right-of-way.
3. South Westland Drive is a secondary residential street with a 60-foot right-of-way.
4. Walnut Hill Road is a tertiary residential street with a 50-foot right-of-way.

Vehicular Access Points

The vehicular access points to the Walnut Hill Shopping Center are from South Frederick Road, South Westland Drive, and North Westland Drive. The subject lease/pad site is accessed from North Westland Drive via South Frederick Road and through the shopping center. Three curb cuts from North Westland Road currently serve as access points into Walnut Hill Shopping Center. As part of the subject special exception, the middle curb cut is to be closed.

Vehicular Circulation

Motorists can enter the drive-through lane from the western access point from North Westland Drive as well as from the shopping center parking lot. The drive-through window is proposed to hold up to eight vehicles and is longer than the typical fast-food drive-through aisle. Staff finds that the length of queuing area is sufficient to accommodate the maximum anticipated number of "drive-through" customers. The queue of waiting motorists tends to be limited by motorists' perception of when the line becomes so long such that the convenience of staying in their vehicles is not worth extra time in line. Then it becomes more convenient to park and walk into the fast-food restaurant.

Non-Local Vehicular Traffic through the adjoining Walnut Hill Neighborhood

Park and Planning staff met with citizens representing the Walnut Hill Neighborhood Association to discuss their concerns regarding potential traffic impacts (i.e., including trucks and noise) and other issues. The community representatives expressed concern regarding both existing and additional non-local traffic that would be generated by the subject fast-food restaurant using the residential street, Walnut Hill Road. Walnut Hill Road provides an alternative parallel route from North Westland Drive to South Westland Drive instead of traveling through the shopping center. South Westland Drive is the preferred street to turn left onto Frederick Avenue because there is a traffic signal at this intersection, whereas none exists at the intersection with North Westland Drive. Given that these residential streets are public rights-of-way, any operational solutions to discourage non-local traffic may be coordinated through the Montgomery County Department of Public Works and Transportation.

Vehicular counts were collected in April 2005 at the intersections of Walnut Hill Road with South Westland Drive and North Westland Drive. The observed traffic volume along Walnut Hill Road was 33 peak-hour trips during the weekday morning peak hour between 6:30 and 9:30 a.m. and 38 peak-hour trips during the weekday evening peak hour between 4:00 and 7:00 p.m. This traffic volume is considered low and is equivalent to an average of one vehicle every 1.5 to 2 minutes. Since only 17 homes front this block of Walnut Hill Road, Transportation Planning staff concludes that through traffic does use this segment of Walnut Hill Road, but that the through traffic is generated by both nearby commercial and residential land uses and would not be substantially increased by the proposed action.

Parking for the Subject Special Exception within the Walnut Hill Shopping Center

The parking area for the proposed fast-food restaurant includes both the spaces on the south side of the new building within the leasable area, as well as all the other parking spaces within the shopping center. Parking spaces within the leasable area will not be reserved exclusively for use by this subject restaurant. The shared parking agreement between the special exception petitioner and the shopping center requires that the parking spaces within the Walnut Hill Shopping Center are not reserved for and may not necessarily be adjacent to any one store.

A parking study was conducted on July 9 and 10, 2005, Friday and Saturday, to determine the number of spaces occupied and the duration of the current parking demands in the northeast corner of the Walnut Hill Shopping Center. The current parking demand was observed to be 35 occupied parking spaces where as between 80 and 90 percent were parked for a duration of less than 30 minutes.

The parking demand for the proposed fast-food restaurant was projected to be 29 parking spaces based on the Institute of Transportation Engineers' *Parking Generation Report*. Adding these 29 restaurant parking spaces to the current parking demand of 35 occupied parking spaces equals a total of 64 parking spaces needed to serve the businesses within this northeastern corner. The overall parking supply would be adequate in the northeast corner because a supply of 73 parking spaces is available with a surplus of nine spaces. The Taco Bell/Long John Silver employees would probably park nearby in the underutilized northwestern area of the shopping center's parking lot to give customers priority parking in front of the main entrance. For the occasion when the parking demand exceeds the typical usage, the Walnut Hill Shopping Center has agreed to permit use of additional shared parking spaces outside the proposed special exception's lease/pad area with the other retail tenants of the shopping center.

In addition, the retail uses located within this northeastern corner include an auto parts and a convenience store. Fridays and Saturdays are the busier days of the week for the other existing high-turn-around retail uses. In addition, the peak parking demand occurs at a different time of day for the existing retail uses than the proposed fast-food restaurant.

Pedestrian Facilities

Sidewalks exist along South Frederick Avenue, North Westland Drive, and South Westland Drive. With the improvement described in Recommendation No. 3, the vehicular traffic that is generated by this special exception use would not adversely affect the existing pedestrian environment.

Adequate Public Transportation Facilities Review for the Special Exception Use on the Lease/Pad Site

The petitioner submitted a traffic study to satisfy APF/LATR requirements for the subject special exception case on the lease/pad site within the Walnut Hill Shopping Center. The traffic study was used to determine if there would be any adverse impact by the traffic generated during the

weekday peak periods by the proposed special exception use. Based on the results of the traffic study, the table below gives the projected number of peak-hour trips generated by the proposed special exception use within the weekday evening peak period (4:00 to 7:00 p.m.). The proposed fast-food restaurant would be closed within the weekday morning peak period (6:30 to 9:30 a.m.).

Type of Trip Purpose	Peak-Hour Vehicular Trips	
	Morning	Evening
Pass-by* Trips	Closed to the Public	50
New** Trips		51
Total Trips		101

* Pass-by trips are those for which the proposed fast-food restaurant is not the primary trip origin or destination, but secondary to other primary origins and destinations such as trips between home and work.

** New trips are those for which the proposed fast-food restaurant is the primary trip origin or destination.

A traffic study was submitted to satisfy LATR because the proposed fast-food restaurant with a drive through window generates 30 or more peak-hour trips within the weekday three-hour evening peak period. The traffic study assumed conservatively that no peak-hour trips were generated from the existing building. Based on the results of the traffic study, the table below shows the critical lane volume (CLV) values in the existing, background, and total traffic conditions.

Intersection	Peak Hour	Traffic Condition		
		Existing	Background	Total
MD 355 & North Westland Drive	Morning	1,006	1,007	1,007
	Evening	1,147	1,156	1,202
MD 355 & South Westland Drive	Morning	1,251	1,256	1,256
	Evening	1,181	1,182	1,184
North Westland Drive & Walnut Hill Road	Morning	42	42	42
	Evening	53	53	53
South Westland Drive & Walnut Hill Road	Morning	96	96	96
	Evening	83	83	83

The CLV values shown in the table are lower than the congestion standard of 1,475 for the Derwood Policy Area. Thus, no improvements would be required at these intersections to satisfy LATR. The traffic study was submitted for a 2,924 square foot building whereas the petition currently requests approval of a 2,951 square foot building. Transportation Planning staff finds that the difference of 27 square feet is equivalent to one additional peak hour trip, which could result in the total future CLV values in the table above being higher by one CLV. Staff finds that this difference does not change the LATR study findings and the submitted traffic study provides sufficient information for staff to support approval of the 2,951 square foot building.

Under the *FY 2005 Annual Growth Policy*, Policy Area Transportation Review is no longer considered in the APF review.

Walnut Hill Shopping Center's Adequate Public Facilities Review

For the existing commercial land uses plus proposed special exception use located in the entire shopping center parcel, an APF test for the entire shopping center is not required because the net additional square footage of replacing the existing building with the larger fast-food restaurant structure does not result in exceeding the maximum approved square footage. Additional details are provided in Appendix A.

EA:gw
Attachments

cc: Carlton Gilbert
Mary Goodman
Erica Leatham –Holland & Knight
Karl Moritz
David Niblock – DPS, Rockville
Carl Starkey

mmo to Tesfaye re Taco Bell S2642

Appendix A: APF Status of the Walnut Hill Shopping Center

An APF test for the entire shopping center is not required because the net additional square footage of replacing the existing building with the larger fast-food restaurant structure does not result in exceeding the maximum approved square footage. The regulatory actions are as follows:

1. The Walnut Hill Shopping Center was built in 1967 on Parcel "B", Block "A" with C-2 zoning. Parcel "B", Block "A" was recorded as a plat before January 1, 1982, and zoned for non-residential land uses. The property owner in 1989 registered this property as a "loophole" property under the Emergency Bill 25-89 and Subdivision Regulation 89-1 ("Loophole Legislation") in Section 8-31(a)(1), enacted on July 24, 1989, and expired 12 years later in 2001. Registered loophole properties were subject to a less-stringent APF test compared with a typical subdivision review. Such registered loophole properties required a traffic study to satisfy Local Area Transportation Review (LATR) only when either:
 - a. The *additional* number of site-generated peak-hour trips generated by the non-residential land uses was 50 or more, or
 - b. The addition to the existing development is equal to more than 5,000 square feet.

For additional development over 5,000 square feet in policy areas that were then in moratorium, the Policy Area Transportation Review test had also less stringent requirements.

2. To accommodate the existing Food Lion supermarket, a building permit was released in December 1995 (i.e., between 1989 and 2001 when the loophole legislation was in effect) for a net increase of 5,000 square feet for a total square footage of commercial land uses in the Walnut Hill Shopping Center. The net increase of 5,000 square feet equals to an addition of 9,476 square feet for the supermarket minus a credit of 4,476 square feet for removing two buildings (i.e., one was 1,496 square feet and the other was 2,980 square feet). As a registered loophole property, preliminary plan of subdivision was not required, plus site plan review was not required for the then proposed land uses in the C-2 zone.

APF reviews are typically analyzed conservatively by rounding up to the maximum anticipated square footage. Such was the APF review for the 1995 building permit where 5,000 additional square footage was approved, while approximately 2,952 square feet was built – resulting in a "credit" of 2,048 square feet.

3. According to Montgomery County Code Chapter 50, Section 35(k), an APF approval is valid for 12 years if approved prior from July 25, 1989 until Oct 19, 1999. Therefore the shopping center's APF approval in 1995 for the net increase of 5,000 square feet and credit of 2,048 square feet would expire in 12 years after its 1995 approval or in 2007.
4. For the subject special exception case, the existing stand-alone building is to be replaced by a proposed 951-square-foot larger building. The increase of 951 square feet to the shopping

center would be less than the valid APF approval credit of 2,048 square feet and the reason why no further APF review is required for the Walnut Hill Shopping Center.

Without the valid APF approval credit, any additional square footage as a stand-alone non-residential building within the shopping center would require further APF approval. When the loophole legislation expired in July 25, 2001, loophole properties were again subject to the same APF test that would be enforced at the time of subdivision review. However Section 8-30(b)(1) of the Montgomery County Code differentiated between additions of existing non-residential structures and new stand-alone buildings – where after 2001, only additions up to 5,000 square feet would be permitted before requiring an APF/LATR test on property that was recorded before 1982 with non-residential zoning.

Appendix B: Replacement Building Proposed for the subject Special Exception Case

Transportation Planning staff estimates that the existing rectangular building contains approximately 2,000 square feet of gross floor area. Under the definition below according to the Montgomery County Department of Permitting Services (DPS), the existing canopy that covers the previous bank's drive-through windows is not included in the calculation of the gross floor area. Under Section 8-38: Rates (e), gross floor area is defined as:

- (1) "Gross floor area," as used in this Article, means the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of a party wall.
- (2) "Gross floor" area does not include any:
 - a. unfinished basement or attic area with a clear height less than 7 feet 6 inches;
 - b. interior amenity space required to obtain approval of a site plan;
 - c. area occupied by an atrium or other multi-story space other than the first floor of the space;
 - d. area occupied by unenclosed mechanical, heating, air conditioning, or ventilating equipment;
 - e. parking garage or area; or
 - f. other accessory structures that is not a separate building.

Given the above definition of gross square feet, the proposed 2,951 square-foot replacement building would increase the square footage of the existing building (i.e., former tanning salon) by 951 square feet.



December 20, 2005

MEMORANDUM

TO: Elsabett Tesfaye, Zoning Analyst
Development Review Division

VIA: John Carter, Chief
Community-Based Planning

Sue Edwards, I-270 Team Leader *Sue*
Community-Based Planning

FROM: Pamela Johnson, Planner Coordinator *PJ*
Community-Based Planning (301-495-4590)

SUBJECT: Board of Appeals Petition No. S-2642
Drive-In Restaurant (Taco Bell) at 16575 Frederick Road,
Gaithersburg

PROPOSAL DESCRIPTION

Description of Site and Neighborhood - The proposed .32-acre site is the location of a former drive-in bank and then a tanning salon, and is about 130 feet from Frederick Avenue. The site is in the lower northwest corner of the Walnut Hill Shopping Center on Frederick Avenue near the boundary with the City of Gaithersburg. The nearly eight-acre shopping center, is zoned C-2 and faces other C-2 property across North Westland Drive (Attachment 1). The property to the immediate northeast of the subject site and the shopping center is a single-family residential community called Walnut Hill and zoned R-200.

Two residences are closest to the subject use; the side yard of the nearest home abuts the entrance driveway to the subject restaurant, while the rear yard of the second home adjoins this driveway. The rear portions of this entire residential block were mistakenly considered as commercially zoned when the shopping center was first built in the 1960's, resulting in the lack of any required buffer between the two uses. A corrective map amendment in 1965 placed the R-R Zone on the adjoining residential properties. (See Attachment 2) The historic

Oakmont residential community, zoned R-90 and R-200 is across North Westland Road and just northeast of the subject site.

The proposed eighteen-foot tall building would total about 2,950 square feet. Two of the existing entrance driveways to the shopping center would also serve the restaurant. One of these entranceways is about 20 feet from a thin, six-foot wood fence separating the shopping center from the adjacent residences (Attachment 3). A row of parking spaces to be used by the proposed Special Exception use adjoins this fence 5 feet from the fence line.

The driveway leads directly to the stacking lane (for up to eight cars) for the drive-through service window. This service lane and an outer pass-by lane would be parallel to and separated by a three-foot lawn panel from the five-foot sidewalk along North Westland Drive. The drive-through service would operate from 10 am to 3 am Mondays through Thursdays, and 10 am to 4 am weekends; dining room service would close at 11 pm weekdays, and 12 am weekends. The restaurant would employ eleven persons peak shift. The applicant estimates the use requires 35 parking spaces. The lower shopping level containing the subject site also contains a 24-hour 7-11 store and two other shops.

Master Plan - The subject site as well as the Walnut Hill Shopping Center are within the boundaries of the 1985 Gaithersburg Vicinity Master Plan. The Plan's zoning map designates C-2 zoning, and the land-use map retail commercial for the subject site, and R-200 zoning for single-family residential for the adjacent residential property, with no additional guidance on these properties.

CONCLUSION

Staff finds the proposal conforms with the land-use and zoning maps of the Master Plan. Staff concerns about impacts of the proposed special exception use are briefly described in the following paragraphs.

Incompatibility of Proposal with Adjacent Residential Neighborhood - Due to the unusual proximity of the proposed use to its residential neighbors, impacts from the use on these neighbors would be especially evident. The entrance drive for the proposed use would be only 20 feet from the side yard property line of the closest resident, the eight-vehicle- stacking lane for the drive-through lane is only 43 feet from this line; and the speaker box for the drive-through lane is just 120 feet from this line.

Staff believes the adjacent neighborhood would be adversely affected by the sounds of the restaurant's expected 22-to-28/hour vehicles (and their radios) entering the drive-through lane, noise projecting from the speaker box, and the sounds of patrons' socializing. Also light from light poles within 100 feet of residential property would be disruptive. (While the remaining shopping center

has outdoor light poles, they are primarily on the upper center level and along the streets, and not a major impact on these residences.)

Staff notes the operating hours of the service window and speaker box operating until 3:00 or 4:00 a.m would be disruptive to adjoining residences. Overall the impacts imposed on neighbors by the subject use would be of a much greater intensity and of a much more intrusive character than impacts of the commercial uses allowed by right in this shopping center.

Inadequate buffering exists to shield the neighboring residents from the proposed use. The subject site lacks the buffers usually provided for parking facilities with six or more vehicles. A dilapidated wood fence and a few shade trees buffers the proposed use from the adjacent residences. Typically, a twelve-foot-and a 30-foot buffer (the rear yard of the second-closest resident adjoins the driveway and parking area for the subject use) would screen parking facilities adjacent to the side and rear yards respectively of R-200-zoned residential property. A fence or similar screening in good condition would reinforce this buffer.

The proposal shows a three-foot wide grass strip separating the drive-through and pass-by lanes beside the proposed service window from the sidewalk along North Westland Drive. The standard separation for a street right-of-way (r-o-w), such as North Westland Drive and the public sidewalk within that r-o-w from the proposed restaurant's driveways along the restaurant's northwest boundary is a ten-foot landscaped buffer strip. A ten-foot rather than a three-foot landscaped buffer would better shield pedestrians on the public sidewalks from vehicles patronizing the proposed use, provide an adequate landscaping strip and also enhance the appearance of the restaurant from North Westland Drive.

Community Concerns – Throughout this application Planning Board staff has been in contact with three community associations; the applicant contacted property owners about the previous version of the proposal. Staff also met with representatives of the Walnut Hill Citizens' Association representatives, talked with other residents, and reviewed residents' letters about the proposal. The Walnut Hill Citizens Association met with staff on September 28, 2005, and last met with the applicant on October 14, 2005. The Association stated in their October 3, 2005 letter that they opposed the proposal, which they believed would be detrimental to their community.

The Walnut Hill Citizens' Association especially objects that the proposed restaurant's entrance drive and stacking lane for the drive-through window would be too close to their residences, that the restaurant would be open too late, that noise from traffic and patrons as well as bright lights would adversely impact them, and that insufficient mitigation measures were proposed. These residents thought the proposal would generate too much traffic and parking, which would overflow into and adversely impact their neighborhood, and that patrons' trash

would be a nuisance. Other residents' letters complained that the use would draw an undesirable late night element into the neighborhood.

Mitigation Measures to Increase Proposal's Compatibility –Staff recommends that compatibility of the proposal with the adjacent neighborhood could be increased through the following measures:

1. Replacing the existing thin wood fence separating the parking area and entrance driveway for the subject use and shopping center from the adjacent residential properties, with a solid masonry wall, at least six feet tall, extending from the driveway's beginning along at the North Westland Drive and extending 150 feet into the commercial center property, thus buffering the lower shopping center level that will be used for the driveway and parking for the subject use.
2. Eliminating the parking beside the two adjoining residential properties and increase the existing five-foot buffer strip from five to 12 feet. This area should be landscaped with large evergreen trees tall enough to provide a visual screen of the proposed special exception use. Ornamental shrubs should also be planted in this area.
3. Increasing the grass buffer strip separating the restaurant's pass-by and drive-through vehicular lanes from the sidewalk along North Westland Drive from three-to-ten feet wide. (Retain the proposed trees.)
4. Reducing operating hours for the drive-through window to 11:30 pm.

Application No.: E-392

Date Filed: October 29, 1949

Hearing Date: _____

APPLICATION FOR SECTIONAL MAP AMENDMENT TO THE ZONING ORDINANCE,
filed in accordance with Section 104-36 of the Zoning Ordinances for Montgomery
County, Maryland.

The Maryland-National Capital Park and Planning Commission, 8787
Georgia Avenue, Silver Spring, Maryland, makes application with the County
Council of Montgomery County sitting as the District Council for that portion
of the Maryland-Washington Regional District within Montgomery County, for
the reclassification of certain lands in the Gaithersburg (9th) Election Dis-
trict of Montgomery County.

Reclassification from the C-2 (General Commercial Zone) to the R-3
(Rural Residential Zone) is requested for parts of Lots 1 thru 10 in Block A,
part of Lot 1 in Block C and a part of Lot 1 in Block G, Walnut Hills, Section
One, as recorded among the Montgomery County Land Records on plat 4267, Block
23, a copy of which is filed with this application. Total area involved in
these parts of lots is approximately 1.36 acres.

John F. Nicholas
JOHN F. NICHOLAS
Secretary-Treasurer

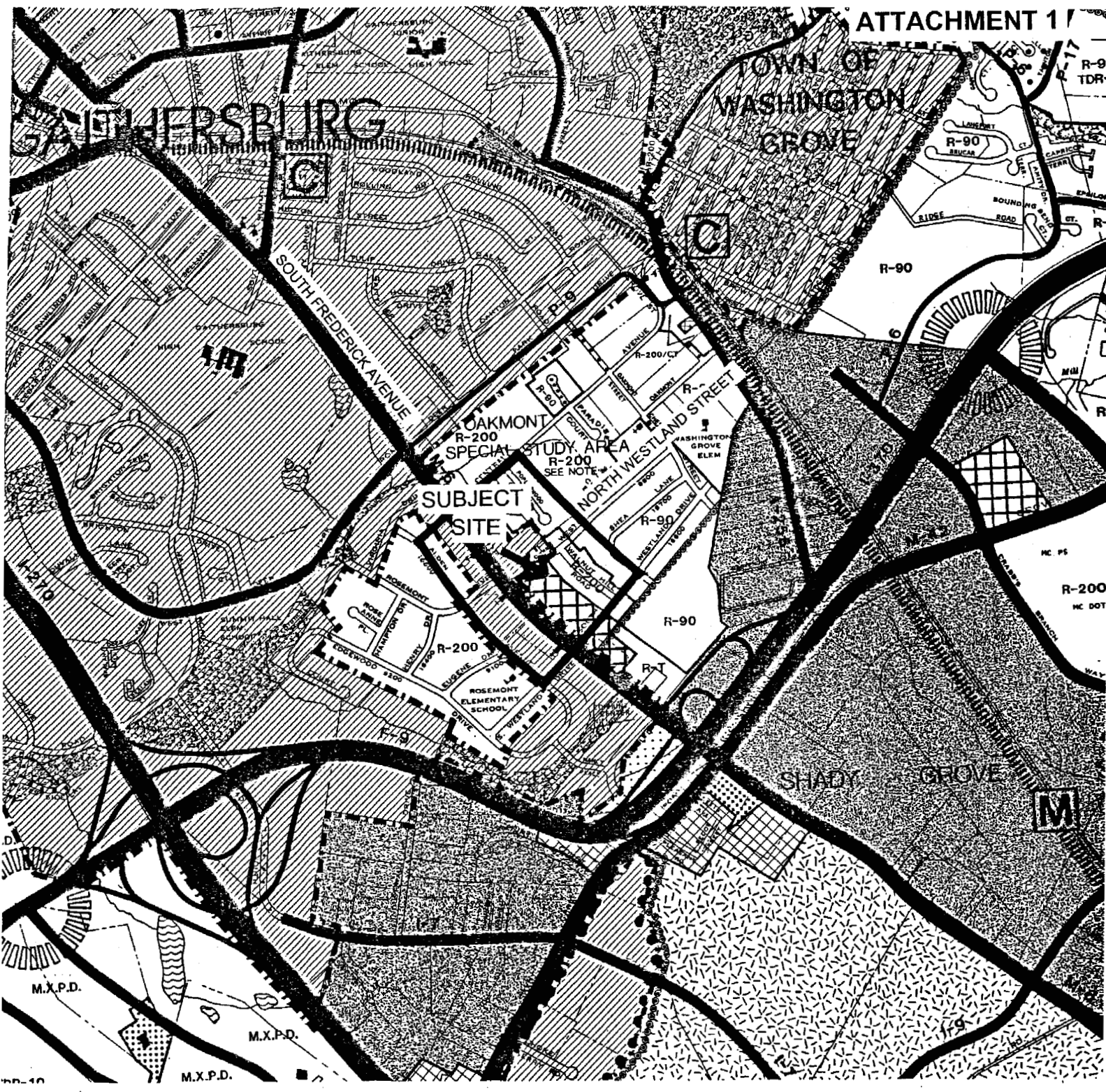
SUBSCRIBED and sworn before me this

29th

day of

October

Carl E. Anderson
Notary Public



APPROVED AND ADOPTED

Project Area

Gaithersburg Vicinity Master Plan

MONTGOMERY COUNTY, MARYLAND

JANUARY 1985

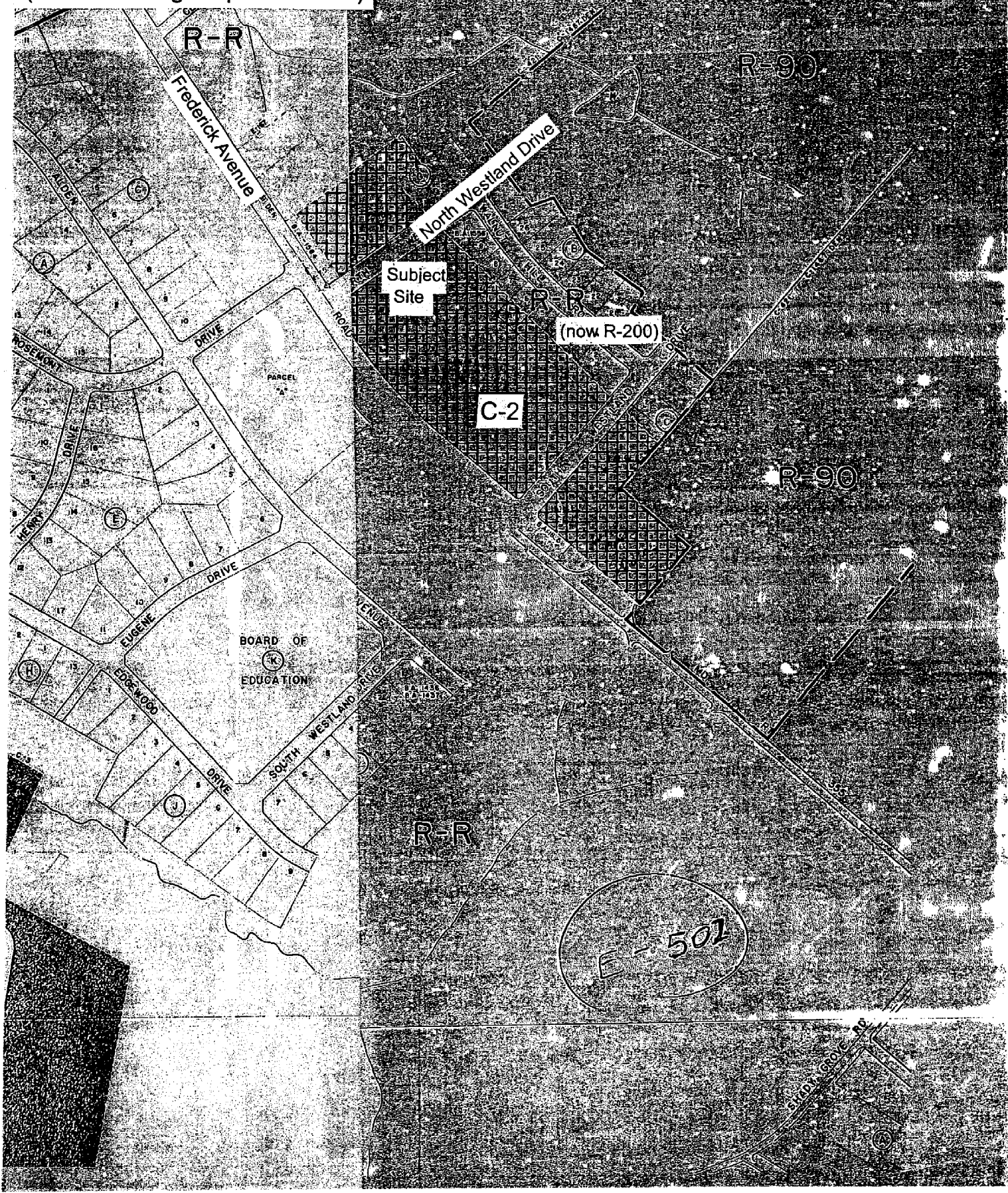


General Commercial

E-502

October, 1965

(before zoning map correction)



E-502
October, 1965
(after zoning map correction)

R-R

R-90

North Westland Drive

Subject Site

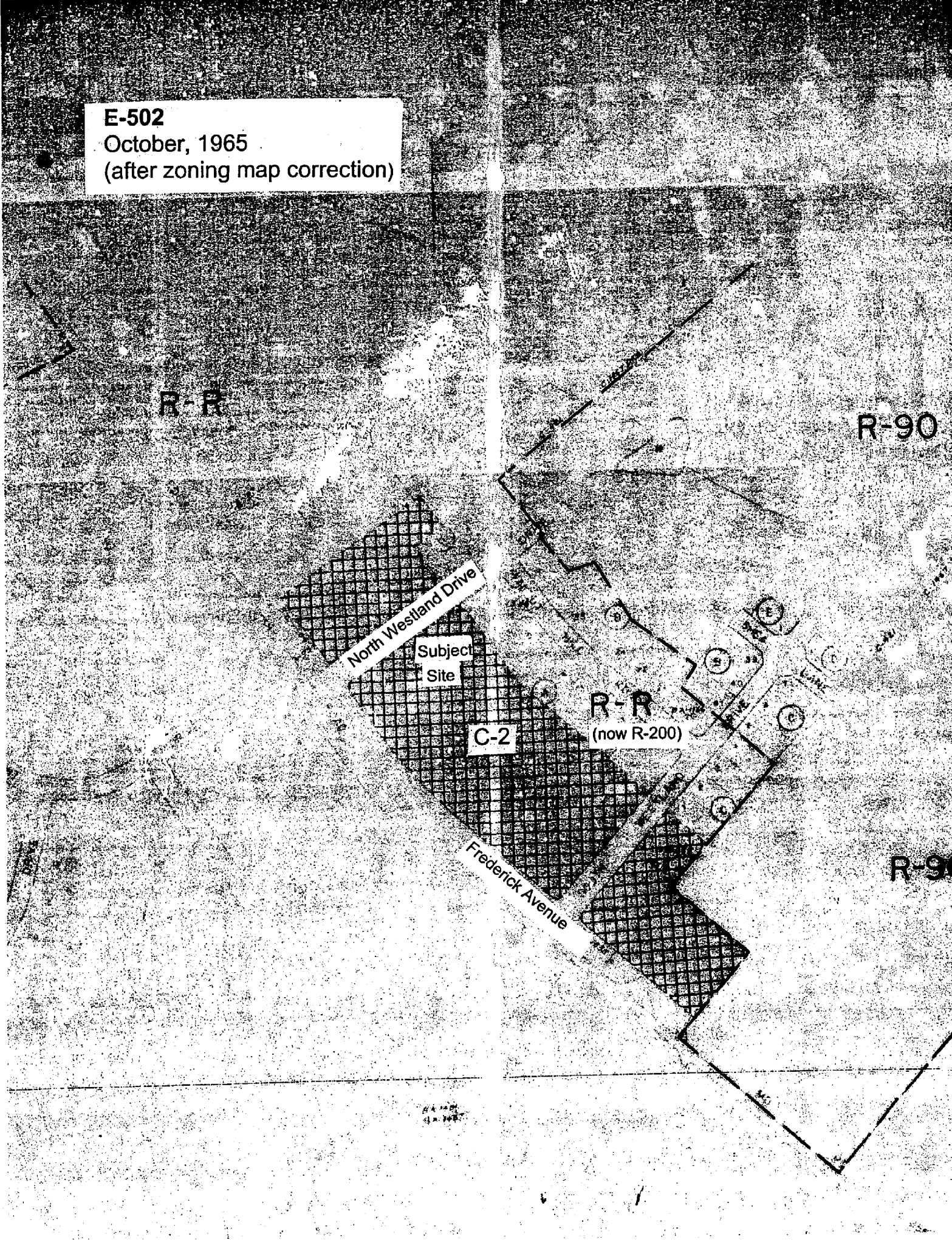
C-2

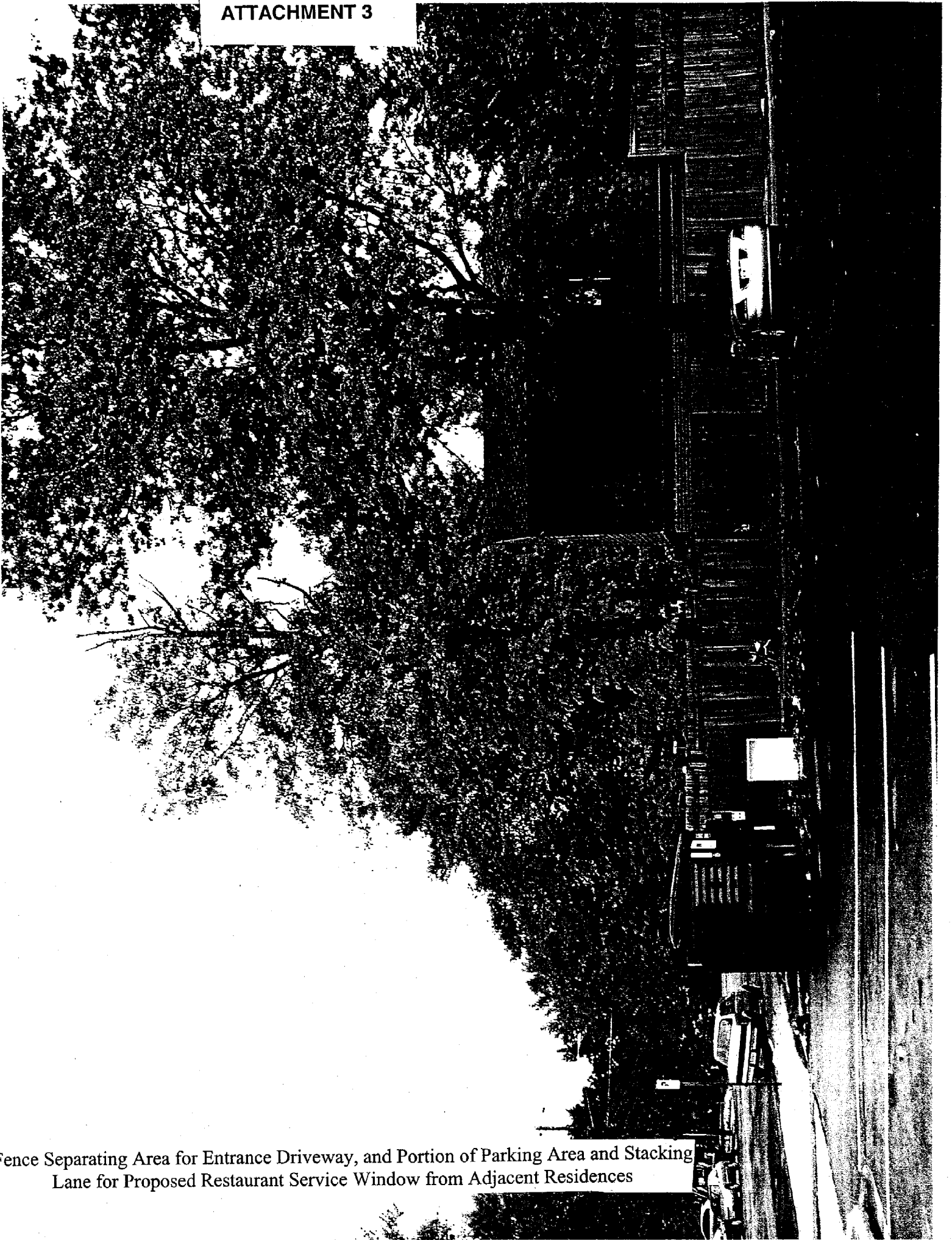
R-R
(now R-200)

Frederick Avenue

R-90

64 200
13 100





Fence Separating Area for Entrance Driveway, and Portion of Parking Area and Stacking Lane for Proposed Restaurant Service Window from Adjacent Residences

MEMO

Date: July 6, 2005
To: Elisabeth Tesfaye
From: Krishna Akundia *agm*
Gary Goodwin

Subject: Proof of Need Analysis: Taco Bell @ 16575 S. Frederick Avenue,
Gaithersburg, Maryland

Findings: Applicant's proposed Quick Service Restaurant provides choice and
convenience to neighborhood.

Research and Technology Center staff has reviewed petitioner's proof of need analysis for Taco Bell/Long John Silver's restaurant with a drive-through window at 16575 Frederick Avenue. The proposed Taco Bell/Long John Silver's will be located within the Walnut Hill Shopping Center.

Testing Need

The zoning ordinance does not specify what shall constitute a needs test in special exception cases. Since January 2000, Research staff has employed a set of measures in each of the special exception cases it has handled. Staff considers these reasonable tests of "the public convenience and service...considering the present availability of such uses to that neighborhood..." as stated in Zoning Ordinance 59-G-1.24.

In making its recommendation, staff considered two factors: proximity and choice. Does the neighborhood have convenient access to quick service restaurants and particularly to Mexican and Seafood quick service restaurants? Secondly, does the proposed use, offer the residents of the neighborhood greater choice?

With respect to choice, staff reviewed the types of businesses in the neighborhood. While there are 94 restaurants in the 20877 zip code area where the proposed use will be located, we found a dearth of Mexican cuisine in that zip code area and particularly quick service Mexican. Moreover, within the Walnut Hill Shopping Center, based on databases available to staff, no quick service restaurants were listed as tenants. Thus, staff finds that neighborhood choice will be enhanced by the proposed use.

With respect to proximity, staff agrees with petitioner that customers to Walnut Hill Shopping center will benefit from a quick service Mexican/seafood restaurant on the grounds.

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MEMORANDUM

Date: June 28, 2005

To: Elsabett Tesfaye
Community Based Planning Division

From: Taslima Alam *TBA*
Development Review Division

Subject: Board of Appeals Petition No. S-2642

The proposed structure is located on a plated parcel; therefore, it does not require any subdivision.



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

TO: Elsabett Tesfaye, Development Review
VIA: Mary Dolan, Environmental Planning *MD*
FROM: Michael Zamore, Environmental Planning *MZ*
DATE: May 12, 2005
SUBJECT: Special Exception S-2642
Taco Bell of America – Long John Silver's Restaurant

Environmental Planning staff has reviewed the Special Exception request referenced above. Staff recommends **approval** of this request.

Forest Conservation

The project site is part of the Walnut Hill Shopping Center, which is completely developed. The site has a Special Exceptions exemption (No.4-05250E issued March 14, 2005) from the requirements of Chapter 22A (Forest Conservation Law).

Environmental Guidelines

This site is not located within a Special Protection Area. There is currently no green space onsite. The proposed use is dedicating 30% (4,160 square feet) of its total land area to green space, which exceeds the 10% (1,399 square feet) that is required. This special exception use will, therefore, improve the area's immediate environment.

Watershed Protection

The property is in the Upper Muddy Branch subwatershed of the Muddy Branch watershed. The *Montgomery County Countywide Stream Protection Strategy* (CSPS, 1998) lists subwatershed, stream and habitat conditions as 'fair', based on data available at the time. Stream channels in the area are incised and bank stability is poor. There are visible signs of sediment deposition and embeddedness problems in the mainstem. These problems have resulted from high imperviousness and inadequate riparian buffers in the headwaters. Areas outside the City of Gaithersburg have been designated as Watershed Restoration Areas because of the need for restoration to address serious problems that have led to poor stream conditions.

Water and Sewer Availability

There is adequate existing water and sewer to serve the property.

Air Quality and Other Issues

The proposed use will generate no objectionable noise, vibrations, fumes or odor that will adversely affect surrounding users.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: April 18, 2005

TO: John Carter, Community Based Planning Division
Melissa Banach, Strategic Planning Division
Tom Vanderpoel, Community Based Planning Division
Mary Dolan, Environmental Planning Division
Daniel Hardy, Transportation Planning Division
Tanya Schmieler, Park Planning and Development Division
Gwen Wright, Historic Preservation Unit
Taslina Alam, Development Review Division
Sue Edwards, Community Based Planning Team 3

FROM: Carlton Gilbert
Development Review Division

PLEASE REPLY TO: Elsabett Tesfaye

SUBJECT: Board of Appeals Petition No. S-2642

Special Exception Request: Eating and drinking establishment with drive-in.

Location: 16531 Frederick Road, Gaithersburg

Zone: C-2

Please assign a person on your staff to review the case cited above. Written comments and recommendations are requested by **Monday, June 20, 2005** for the staff report on this case. Staff may sign case files out of the Development Review Division, briefly, for review.

In addition to any other observations, it would be helpful to have your input on the following:

Community Based Planning: 1) consistency with master plan, 2) whether the special exception will adversely affect the surrounding area, 3) any information or recommendation concerning relevant master planning studies or other government action now under way.

Environmental Planning: 1) environmental impact due to topographic or other factors which may cause problems, 2) conformance with tree preservation legislation of Chapter 22-A of the County Code.

Transportation Planning: traffic impact and adequacy of road network affected by request.

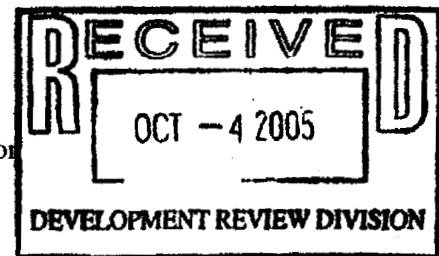
Park Planning & Development: impact on existing or proposed park areas.

Development Review: applicable subdivision requirements.

*No historic
sites affected.
-M Oaks
4/20/05*

COMMUNITY COMMENTS

The Walnut Hill Neighborhood Association
Leo Kabatt, President
16545 South Westland Drive
Gaithersburg, MD 20877
301 977-6302



October 3, 2005

Mr. Derick Berlage
Chairman, Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Reference: Case number S-2642

The Walnut Hill Neighborhood Association RECOMMENDS DISAPPROVAL of the Request for Exception to locate a Taco Bell/ Long John Silver drive-in restaurant at the proposed site on North Westland Drive, in the Walnut Hill Shopping Center. We feel the restaurant operations are much closer to our residential area than what the site plan describes and much closer to a residential area than any other drive-in restaurant within a several miles of Walnut Hill.

We also feel the Request for Exception did not address the safety issues of the increase in traffic turning across a non-traffic-lighted intersection of MD 355 to access or depart the restaurant or the traffic impact on the adjacent neighborhood. The patrons of the proposed restaurant can reasonably be assumed to use neighborhood streets, principally Walnut Hill Road to access the stoplight at South Westland Drive and Route 355 as an access to southbound Route 355 and the I-370 interchanges. This failure to address the consequential impacts on our neighborhood leaves us concerned about increased vehicle traffic, noise and pedestrian safety (our neighborhood lacks sidewalks) on our neighborhood streets. Those streets are primarily the access roads to our homes and the elementary school located at the end of those streets.

SPECIFIC ISSUES:

The following sections deal with paragraphs from the request for Special Exception prepared by Holland+Knight LLP and dated April 4, 2005, and their statements addressing:
section III. PROPOSED USE SATISFIES SPECIFIC REQUIREMENTS OF SECTION 59-G-2.16, DRIVE-IN RESTAURANTS, and
section IV. PROPOSED USE SATISFIES GENERAL REQUIREMENTS OF SECTION 59-G-1.21 FOR A SPECIAL EXCEPTION.

Page 8, section IV, "F. Section 59-G-1.21(a)(6) - The proposed use will not, when evaluated in conjunction with existing or 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.

Taco Bell statement from the document: "The Property is located within a C-2 zone. The closest single-family residential area to the Property is approximately 150 feet to the east of the

Property. Therefore, the proposed Special Exception to allow an eating and drinking establishment in a C-2 Zone, which is designated in the Master Plan for a retail use, will not adversely affect the residential nature of this single-family neighborhood."

Association view: The Taco Bell fast food restaurant is not suitable for this particular C-2 Zone in that it encroaches on the adjacent residential area to a far greater degree than any other like restaurant within two-miles distance from the proposed location. The Taco Bell document describes the Property as being 150 feet from the nearest residential neighbor. The main building of the restaurant may be that far away however the driveway entrance and directed flow of traffic to the drive-in window is within 30 feet of the nearest resident. The lighting and other development of the site are also much closer than the 150 ft figure indicated in the proposal.

The proposed restaurant will send drive-in traffic on the above route until at least 3 o'clock in the morning, seven days a week, at the rate of 22-28 cars and hour - *statement of Taco Bell representative, July 21, 2005*. Just as the traffic from the existing 7-Eleven and other stores use Walnut Hill Road to regain access to Route 355, the traffic from the proposed development will also. In addition to the traffic noise at these late hours, the increased traffic will be hazardous to the pedestrian traffic that uses the neighborhood streets in the absence of sidewalks in the neighborhood. While the proposal indicates the management will survey the property for cleanliness and neatness frequently, they are not indicating they will survey and clean up the neighborhood streets where some of their patrons will dispose of the wrapping material and food product not needed by them upon the neighborhood streets. This is an existing problem with the 7-Eleven patrons.

Page 4, section III, "B. Section 59-G-2.16(b) -- The use at the proposed location will not create a traffic hazard or traffic nuisance, or cause frequent turning movements across sidewalks and pedestrian ways.

Taco Bell: *Taco Bell's response is limited to their control of traffic flow on-property only.*

Association view: The request for exception should be rejected because the plan fails to address restaurant contributory traffic flow and safety from adjacent roadways and within the adjacent neighborhood.

This proposed restaurant is near a busy intersection that lacks a traffic light (MD 355 & North Westland Dr.). The restaurant anticipates a lot of traffic crossing that intersection to enter the drive-in restaurant. The site plan describes restaurant business coming mainly from traffic flowing north on MD 355. However, Taco Bell knows very well that this will be the closest fast food drive-in to Gaithersburg High School, located about a mile to the north, where students are excited about the proposed restaurant. This means a rush of lunch hour students driving south on MD 355 to turn left across traffic to get to the Taco Bell. Remember, there's no traffic light to assist in a safe entrance or exit from the property. There is no reasonable expectation or basis in fact that the patrons of the proposed facility will be primarily entering and leaving on the northbound lanes of Route 355. The present traffic from the shopping center places a heavy burden on the traffic light at South Westland Drive and Route 355 for the purpose of continuing south. This is particularly evident in the rush hour periods when traffic from the existing stores can have traffic backed up to the entrance to the Walnut Grove neighborhood, almost 500 feet.

The absence of a traffic light at MD 355 and North Westland will force drive-in restaurant traffic into the adjacent neighborhood as it happens today, and as traffic increases in the shopping center from a drive-in restaurant, neighborhood traffic from outsiders can only increase.

The major reason traffic enters the Walnut Hill neighborhood is to get from North Westland Drive to South Westland Drive where the traffic light allows a safe left turn to go south on MD 355. A traffic light at MD 355 and North Westland Drive would eliminate this pass-through traffic and restore quiet to the street.

Page 7, section IV, "E. Section 59-G-1.21(a)(5) - The proposed use will not be detrimental to the use, peaceful environment, economic value or development of surrounding properties or the general neighborhood, and will cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activity.

1. Use, peaceful enjoyment, economic value and surrounding properties.

Taco Bell: Taco Bell describes their housekeeping policies and tells the reader they will be a good addition to the shopping center.

Association view: Like the discussion that preceded this paragraph, the Association feels the restaurant's proximity to the neighborhood, late business hours, and increased traffic will be detrimental to the use and peaceful environment of the adjacent neighborhood. As we suggested earlier the promised good housekeeping only is directed at their property and not the entire potential litter zone of the restaurants. As everyone has observed, the vicinities of drive-in restaurants are usually regions of excessive litter due to some of the patrons disposing of the unused food and wrapping material by simply ejecting it out the car window. We face this problem with existing stores due to the traffic patterns the busy traffic flow that Route 355 generates. When the shopping center hosted a Dairy Queen many years ago on the South Westland side of the shopping center, the residents of South Westland Drive were constantly picking up strewn and wind blown Dairy Queen wrappings and containers many houses down the street. We feel the effect of the proposed development will have a deleterious effect on the property values of the Walnut Hill neighborhood as the developer does not propose sufficient mitigation of traffic or visual impact to accommodate the proposed development.

Page 4, section III, "A. Section 59-G-2.6(a) -- The use will not constitute a nuisance because of noises, illumination, fumes, odors or physical activity in the location proposed.

Taco Bell statement in the document: "Taco Bell employs state-of-the art filter and ventilation systems to control odors." "...the Property will be improved with standard adjustable/directional lighting to avoid glare and spill-over onto other properties."

Association view: Visits to three area Taco Bell restaurants revealed well-illuminated restaurant areas. The exterior walls of the buildings are illuminated with lamps and the general area illuminated with light poles at about 22 feet height that permitted a strong light at a couple hundred feet. The existing building that Taco Bell proposes to replace is visible far into the neighborhood but shows no noticeable illumination. Comparisons of other Taco Bell lighting at similar distances suggests this restaurant would produce strong illumination that would shine down North Westland Drive and be visible far into the neighborhood until 3 am every day.

CONCLUSION: The Taco Bell fast food restaurant is not suitable for this C-2 Zone location and its Request for Exception should not be approved. Taco Bell proposes a NEW and drastic revision use of the existing retail space, and LONGER business hours than originally envisioned for the existing retail space. The drive-in nature of the restaurant necessitates much greater illumination over a larger area than a walk-in restaurant, with an extremely negative impact on the neighborhood. The visual footprint of a drive-in restaurant is not appropriate to be with 30 to 40 feet of homes and have the traffic flow directed this close as well. Traffic flow and vehicle noise at late hours and along with traffic safety concerns for a neighborhood without sidewalks should not be forced into OUR NEIGHBORHOOD because of a fast food drive-in restaurant. Our grade school children walk to school and the others wait for buses on the streets of the neighborhood including the corner of Walnut Hill Road and South Westland Drive where some of the traffic from this restaurant will pass. We hope the owners of the property can find some other type of store for this property.

Sincerely,



Leo Kabatt
For the Walnut Hill Homeowners Association

Copy furnished:

Ms Elsabet Tefaye
Montgomery County Department of Park & Planning
Development Review Div.
8787 Georgia Av.
Silver Spring, MD 20910-3760

Hearing Examiner
100 Maryland Av.
Room 200
Rockville, MD 20850

The Walnut Hill Neighborhood Association

Leo Kabatt, President
16545 South Westland Drive
Gaithersburg, MD 20877
301 977-6302

Lou Connor

September 28, 2005

Hearing Examiner
100 Maryland Av.
Room 200
Rockville, MD 20850

Reference: Case number S-2642

The Walnut Hill Neighborhood Association RECOMMENDS DISAPPROVAL of the Request for Exception to locate a Taco Bell/ Long John Silver drive-in restaurant at the proposed site on North Westland Drive, in the Walnut Hill Shopping Center. We feel the restaurant operations are much closer to our residential area than what the site plan describes and much closer to a residential area than any other drive-in restaurant within a several miles of Walnut Hill.

We also feel the Request for Exception did not address the safety issues of the increase in traffic turning across a non-traffic-lighted intersection of MD 355 to access or depart the restaurant or the traffic impact on the adjacent neighborhood. The patrons of the proposed restaurant can reasonably be assumed to use neighborhood streets, principally Walnut Drive to access the stoplight at South Westland Drive and Route 355 as an access to southbound Route 355 and the I-370 interchanges. This failure to address the consequential impacts on our neighborhood leaves us concerned about increased vehicle traffic, noise and pedestrian safety (our neighborhood lacks sidewalks) on our neighborhood streets. Those streets are primarily the access roads to our homes and the elementary school located at the end of those streets.

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Taco Bell statement from the document: "The Property is located within a C-2 zone. The closest single-family residential area to the Property is approximately 150 feet to the east of the

Property. Therefore, the proposed Special Exception to allow an eating and drinking establishment in a C-2 Zone, which is designated in the Master Plan for a retail use, will not adversely affect the residential nature of this single-family neighborhood."

Association view: The Taco Bell fast food restaurant is not suitable for this particular C-2 Zone in that it encroaches on the adjacent residential area to a far greater degree than any other like restaurant within two-miles distance from the proposed location. The Taco Bell document describes the Property as being 150 feet from the nearest residential neighbor. The main building of the restaurant may be that far away however the driveway entrance and directed flow of traffic to the drive-in window is within 30 feet of the nearest resident. The lighting and other development of the site are also much closer than the 150 ft figure indicated in the proposal.

The proposed restaurant will send drive-in traffic on the above route until at least 3 o'clock in the morning, seven days a week, at the rate of 22-28 cars and hour - *statement of Taco Bell representative, July 21, 2005*. Just as the traffic from the existing 7-Eleven and other stores use Walnut Hill Drive to regain access to Route 355, the traffic from the proposed development will also. In addition to the traffic noise at these late hours, the increased traffic will be hazardous to the pedestrian traffic that uses the neighborhood streets in the absence of sidewalks in the neighborhood. While the proposal indicates the management will survey the property for cleanliness and neatness frequently, they are not indicating they will survey and clean up the neighborhood streets where some of their patrons will dispose of the wrapping material and food product not needed by them upon the neighborhood streets. This is an existing problem with the 7-Eleven patrons.

Page 4, section III, "B. *Section 59-G-2.16(b) -- The use at the proposed location will not create a traffic hazard or traffic nuisance, or cause frequent turning movements across sidewalks and pedestrian ways.*

Taco Bell: *Taco Bell's response is limited to their control of traffic flow on-property only.*

Association view: The request for exception should be rejected because the plan fails to address restaurant contributory traffic flow and safety from adjacent roadways and within the adjacent neighborhood.

This proposed restaurant is near a busy intersection that lacks a traffic light (MD 355 & North Westland Dr.). The restaurant anticipates a lot of traffic crossing that intersection to enter the drive-in restaurant. The site plan describes restaurant business coming mainly from traffic flowing north on MD 355. However, Taco Bell knows very well that this will be the closest fast food drive-in to Gaithersburg High School, located about a mile to the north, where students are excited about the proposed restaurant. This means a rush of lunch hour students driving south on MD 355 to turn left across traffic to get to the Taco Bell. Remember, there's no traffic light to assist in a safe entrance or exit from the property. There is no reasonable expectation or basis in fact that the patrons of the proposed facility will be primarily entering and leaving on the northbound lanes of Route 355. The present traffic from the shopping center places a heavy burden on the traffic light at South Westland Drive and Route 355 for the purpose of continuing south. This is particularly evident in the rush hour periods when traffic from the existing stores can have traffic backed up to the entrance to the Walnut Grove neighborhood, almost 500 feet.

The absence of a traffic light at MD 355 and North Westland will force drive-in restaurant traffic into the adjacent neighborhood as it happens today, and as traffic increases in the shopping center from a drive-in restaurant, neighborhood traffic from outsiders can only increase.

The major reason traffic enters the Walnut Hill neighborhood is to get from North Westland Drive to South Westland Drive where the traffic light allows a safe left turn to go south on MD 355. A traffic light at MD 355 and North Westland Drive would eliminate this pass-through traffic and restore quiet to the street.

Page 7, section IV, "E. Section 59-G-1.21(a)(5) - The proposed use will not be detrimental to the use, peaceful environment, economic value or development of surrounding properties or the general neighborhood, and will cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activity.

1. Use, peaceful enjoyment, economic value and surrounding properties."

Taco Bell: Taco Bell describes their housekeeping policies and tells the reader they will be a good addition to the shopping center.

Association view: Like the discussion that preceded this paragraph, the Association feels the restaurant's proximity to the neighborhood, late business hours, and increased traffic will be detrimental to the use and peaceful environment of the adjacent neighborhood. As we suggested earlier the promised good housekeeping only is directed at their property and not the entire potential litter zone of the restaurants. As everyone has observed, the vicinities of drive-in restaurants are usually regions of excessive litter due to some of the patrons disposing of the unused food and wrapping material by simply ejecting it out the car window. We face this problem with existing stores due to the traffic patterns the busy traffic flow that Route 355 generates. When the shopping center hosted a Dairy Queen many years ago on the South Westland side of the shopping center, the residents of South Westland Drive were constantly picking up strewn and wind blown Dairy Queen wrappings and containers many houses down the street. We feel the effect of the proposed development will have a deleterious effect on the property values of the Walnut Hill neighborhood as the developer does not propose sufficient mitigation of traffic or visual impact to accommodate the proposed development.

Page 4, section III, "A. Section 59-G-2.6(a) -- The use will not constitute a nuisance because of noises, illumination, fumes, odors or physical activity in the location proposed.

Taco Bell statement in the document: "Taco Bell employs state-of-the art filter and ventilation systems to control odors." "... the Property will be improved with standard adjustable/directional lighting to avoid glare and spill-over onto other properties."

Association view: Visits to three area Taco Bell restaurants revealed well-illuminated restaurant areas. The exterior walls of the buildings are illuminated with lamps and the general area illuminated with light poles at about 22 feet height that permitted a strong light at a couple hundred feet. The existing building that Taco Bell proposes to replace is visible far into the neighborhood but shows no noticeable illumination. Comparisons of other Taco Bell lighting at similar distances suggests this restaurant would produce strong illumination that would shine down North Westland Drive and be visible far into the neighborhood until 3 am every day.

CONCLUSION: The Taco Bell fast food restaurant is not suitable for this C-2 Zone location and its Request for Exception should not be approved. Taco Bell proposes a NEW and drastic revision use of the existing retail space, and LONGER business hours than originally envisioned for the existing retail space. The drive-in nature of the restaurant necessitates much greater illumination over a larger area than a walk-in restaurant, with an extremely negative impact on the neighborhood. The visual footprint of a drive-in restaurant is not appropriate to be with 30 to 40 feet of homes and have the traffic flow directed this close as well. Traffic flow and vehicle noise at late hours and along with traffic safety concerns for a neighborhood without sidewalks should not be forced into OUR NEIGHBORHOOD because of a fast food drive-in restaurant. Our grade school children walk to school and the others wait for buses on the streets of the neighborhood including the corner of Walnut Hill and South Westland drive where some of the traffic from this restaurant will go. We hope the owners of the property can find some other type of store for this property.

Sincerely,

Leo Kabatt
For the Walnut Hill Homeowners Association