



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

MCPB No. 16-045
Site Plan No. 81999001G
Chick-fil-A Germantown
Hearing Date: April 21, 2016

APR 26 2016

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on November 12, 1998, the Planning Board approved Site Plan No. 819990010 for 181,900 gross square feet of commercial/retail use and 98,559 gross square feet of hotel use on 24.74 acres of land zoned TS;

WHEREAS, on April 10, 2003, the Planning Director administratively approved Site Plan Amendment No. 81999001A for the Fairfield Inn within Phases E/F; and

WHEREAS, on December 12, 2004, the Planning Director administratively approved Site Plan Amendment No. 81999001B, for the Bailey's Pub and Grill (currently owned and operated by Green Turtle) within Phase D, Parcel D; and

WHEREAS, on December 1, 2005, the Planning Director administratively approved Site Plan Amendment No. 81999001C, for an IHOP restaurant within Phase E/F; and

WHEREAS, on September 21, 2006, the Planning Board approved Site Plan Amendments No. 81999001D and 81999001E, for a Commerce Bank consisting of a 1-story building approximately 5,100 square feet (currently TD Bank) within Phase D, Parcel D; and

WHEREAS, on January 21, 2011, the Planning Board approved Site Plan Amendment No. 81999001F, for Panera Bread, consisting of 5,097 square feet within Phase D, Parcel D; and

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

MNCPPC Legal Department
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on February 10, 2016, Chick-fil-A ("Applicant"), filed an application for approval of an amendment to the previously approved site plans for approval of the following modifications:

1. Add 344 square feet to the kitchen area at the rear of the existing restaurant; and
2. Add 20 evergreen shrubs along the rear portion of the drive-thru aisle.

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81999001G, Chick-fil-A ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated April 8, 2016, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 21, 2016, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 81991001G; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of the Chick-fil-A Germantown Site Plan Amendment No. 81999001G, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required; and

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect, and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, the Montgomery County Planning Board FINDS that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous amendments and that all findings remain in effect; and

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

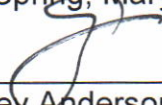
BE IT FURTHER RESOLVED, that the date of this written resolution is ~~APR 27 2016~~ ^{APR 26 2016}, (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Dreyfuss, with Chair Anderson and Commissioners Dreyfuss and Presley voting in favor, and Vice Chair Wells-Harley and Commissioner Fani-González absent, at its regular meeting held on Thursday, April 21, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board