



NORTHWOOD NEWS

PUBLISHED BIMONTHLY BY THE NORTHWOOD-FOUR CORNERS CIVIC ASSOCIATION ■ APRIL 2002

KFC Seeks Exception to Its 'Adverse Effects'

Drive-through restaurants are not permitted in C-4 zones unless the Board of Appeals grants a special exception. To get a special exception, KFC/Pizza Hut must convince the Board—on at least 10 different points—that “inherent and non-inherent adverse affects” of a drive-through restaurant will not injure or be a nuisance to nearby properties and the general neighborhood. And they must show that the county needs one, due to an insufficient number of drive-

throughs nearby, and that it will not cause a saturation of such uses in the same general neighborhood.

Inherent adverse effects are “the physical and operational characteristics necessarily associated with the particular use...” Such effects might include: the fast-food business model, delivery of food and supplies in large trucks, customer traffic, trash storage and removal, noise and odors, lighting and signage, etc.

■ *“Inherent adverse effects alone are not a sufficient basis for denial of a special exception.”*

Non-inherent adverse effects are “the physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site.” Such effects might include: the small lot size and its corner position; its proximity to residences, a church, and a high school; an existing parking shortage currently allowed by an earlier special exception; and incompatibility with the historic Art-Deco architecture of Woodmoor Shopping Center.

■ *“Non-inherent adverse effects, alone or in conjunc-*

tion with inherent adverse effects, are a sufficient basis to deny a special exception.”

Interestingly, the zoning code also states that, even if a proposed use is compliant
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Next Meeting On 17th of April

The next meeting of the Northwood-Four Corners Civic Association will be held on Wednesday, 17 April 2002, at 7:30 p.m. at the North Four Corners Recreation Center. The Rec Center is located at the end of Southwood Road, just off Edgewood Drive.

All residents of the Northwood-Four Corners area are invited to attend and express their views. Please note that only paid members of the NFCCA are eligible to vote. (Annual dues are \$5 per person and may be paid at the meeting.) ■

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PRESIDENT'S MESSAGE

Say that a community, either through its individual members or its civic associations, decides to oppose a proposal to locate a new fast food drive-through restaurant in its midst. It's not enough to base the opposition on the fact that we "don't like it" or that we don't want our neighborhood to be a dumping ground for junk food outlets. We need to build a case within the criteria that the powers-that-be, i.e., the Montgomery Board of Appeals, will use to grant or reject the proposal.

As you know, the situation is not hypothetical: TriCon Global, now Yum Foods, wants to build a KFC/Pizza Hut drive-through behind the Woodmoor Center. The NFCCA has joined the Woodmoor-Pinecrest and Indian Springs civic associations, along with the Blair High School PTSA and the Allied Civic Group, in opposition.

Thus, this issue of the *Northwood News* contains articles about the uses now allowed by the property's C-4 zoning designation, the criteria for granting special exceptions to the zoning, and how all this sits with the approved and adopted Four Corners Master Plan.

At our April meeting [see page 1 for details], we will use this information to consider additional motions to amend the resolution we passed in February. We also will consider any new business of concern to members. Please plan to attend.

—Ken Hawkins

KFC Seeks Special Exception

(continued from page 1)
with this section, it "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."

Under zoning section 59-G-1.21, General Conditions (a), KFC/Pizza Hut must show that the proposed use is:

1. a permissible special exception in C-4 (it is);
2. complies with the standards and requirements in 59-G-2.16 specific to a drive-through (see below);
3. consistent with the physical development of the district and its adopted and approved master plan;

4. in harmony with the general character of the neighborhood, i.e., population density, design, scale, and bulk of new structures, intensity and character of activity, traffic and parking conditions and number of similar uses;
 5. not detrimental to the use, peaceful enjoyment, economic value of surrounding properties and the general neighborhood;
 6. not a cause of objectionable noise, vibrations, fumes, odors, dust, illumination, glare at the site;
 7. not, when considered in conjunction with existing and approved special exceptions in any neighboring one-fam-
- (continued on page 3)

Creek Cleanup

It's time for our annual spring cleanup of Lockridge Creek. Help beautify our surroundings and reduce the loading of pollutants to the Northwest Branch. Celebrate Earth Day and see how the trees we rescued last fall are doing. Join us at **9:30 a.m.** on **Saturday, 20 April 2002.** (Raindate: Sunday, 21 April.) We will start at the Lockridge Drive and Dennis Avenue intersection and work our way into the Northwest Branch Park. Be sure to bring gloves and wear sturdy shoes, long sleeves, and long pants.

For more information or to help with this event, call Carole Barth, 301.593.7863. ■

NORTHWOOD NEWS

Northwood News is published by the Northwood-Four Corners Civic Association. The NFCCA represents the 950 households in the area bounded by Colesville Road (Route 29), University Blvd. (Route 193), Eisner Street, and the Northwest Branch.

Any resident of this area is eligible to join the NFCCA. Annual dues are \$5 per person and may be paid at any Association meeting or mailed to the treasurer.

Northwood News is published five times a year—in October, December, February, April, and June. To place an ad or discuss a story, please contact the editor.

Editor

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KFC Seeks Special Exception

(continued from page 2)

ily residential area [such as the special exception in place for the Woodmoor Center's back parking lot], a cause of increased number, intensity, or scope of special exception uses sufficient to affect the area adversely or alter the predominantly residential nature of the area;

8. not an adverse effect to the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area;

9. served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage; and

10. in regard to findings related to public roads, the

Board must determine that the proposed use will have no detrimental effect on the safety of vehicular or pedestrian traffic.

KFC/Pizza Hut, in addition to showing that the proposed drive-through meets all the above specific standards and requirements, must meet those under the special exception part specific to drive-through restaurants, section 59-G-2.16. This section has seven subsections, several of which repeat requirements from elsewhere (noise, odor, lighting glare, screening from adjacent residences, etc.). But its sub-part (b) is worth quoting in this case:

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. ■

NOTICE

If you attended the NFCCA meeting on 13 February and left behind an article of winter clothing, please call Ken or Maggie Hawkins, 301.681.0762.

NFCCA BOARD

The Board of Directors for the Northwood-Four Corners Civic Association meets five times a year, in October, December, February, April, and June. All Board meetings are open to the public, but only residents who have paid dues to the NFCCA may vote. The 2001-2002 Board is listed below; please contact them directly with any concerns you may have about our neighborhood.

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The Purpose of C-4 Zoning at Woodmoor Center

The purpose of the C-4 zone is “to provide locations for low-density commercial uses of a nature which are compatible with locations on arterial or major roads outside of central business districts and regional shopping centers.” Further, it is intended for locations “where low-intensity development is necessary to preclude an adverse impact on public facilities in the area.”

The zoning ordinance goes into detail about:

- permitted building height: two stories or 30 feet;
- floor areas, lot coverage: not to exceed 0.25 FAR [floor area ratio] and 25 percent of lot;
- lot frontage: lot must have a minimum frontage of

100 feet on an arterial or major road;

- set backs: 10 feet from right-of-way for streets and no less than setback required of neighboring residential properties; and

- parking: in accordance with a detailed scheme in part 59-E, must have a minimal impact on adjoining residential properties and be screened from them. [Note: An NFCCA member will speak about the parking requirements at our April meeting.]

The zoning ordinance also allows more intensive development on C-4 sites under additional special regulations, providing that the approved and adopted master plan does not disallow it for the specific property. KFC/Pizza Hut’s

application for a special exception is made under these additional requirements, based on the assumption that the lot is integral to the shopping center:

- minimum area of lot: the more intensive development may not be made on lots less than two acres;

- development density: allows floor area above 0.25 FAR up to 0.75 if compatible with intensity of surrounding existing and planned land uses and would not adversely impact existing and planned public facilities nearby and accords with the master plan; and

- height limit/lot coverage: building height to three stories or 40 feet/building can cover up to 35 percent of lot. ■

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Join in Planting Native Trees, Shrubs Along Lockridge Drive

By Carole Barth and Charles Pritchard

Join members of the NFCCA, Trout Unlimited, the Sierra Club, and the Maryland Native Plant Society—along with representatives from Montgomery County DEP and MNCPPC—for a tree planting in Northwest Branch Park at 9:30 a.m. on Saturday, 6 April. We will be planting trees along the Lockridge Drive trail leading into the park.

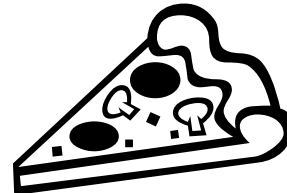
Recent stream restoration work, coupled with the earlier WSSC pipe repairs, have opened the tree canopy along the trail. This increased sunshine makes it even easier

for exotic invasive plants like multiflora rose and burning bush to crowd out native understory plants. Planting native trees and shrubs will help keep the trail from becoming a choked tangle of thorns.

Meet at the end of Lockridge Drive. Be sure to bring gloves and wear sturdy shoes, long sleeves, and long pants. Bring your own tools (especially garden carts or wheelbarrows) if you can. Light refreshments will be provided. For more information, or to help with this event, call Carole Barth at 301.593.7863 or Charles Pritchard at 301.593.1781. ■

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The Proposed KFC Restaurant and the Vision Behind the Four Corners Master Plan

By Jim Zepp

The Master Plan adopted by the Maryland-National Capital Park and Planning Commission (MNCPPC) in 1996 set out a vision for the Four Corners area that emphasized preservation of the community's physical and social structures. Except for a few very small sites, the land in the Four Corners area is already built upon or set aside for public open space or recreational uses. The local housing is in good condition and among the most affordable in Montgomery County, the residents are well educated and are economically and racially diverse, and there

is ready access to most public and commercial amenities. Consequently, the Master Plan Citizens Advisory Committee saw the greatest need is protecting these positive attributes into the future.

Specifically regarding the commercial area surrounding the Colesville Road/University Boulevard intersection, the Master Plan states on page 14:

If Four Corners is viewed as a small town, as it is by some residents, then the commercial district is the center. When residents of the Four Corners area look to the broader community for essential services, they

discover many of their needs can be met locally. Residents can find everything from a quart of milk to a hair stylist. At the local bakery or post office, neighbors may meet by chance and spend a few minutes catching up on each other's lives. These small-scale, nearby retail and service businesses are an integral part of the Four Corners community. Not only do they provide services that are necessary to daily life, their small town atmosphere and friendliness foster a sense of community.

Accordingly, the Master Plan recommended that the
(continued on page 9)

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However, if there is a hole in a glove, even the tiniest pinprick, it will allow an electrical charge access to flow through the glove and, subsequently, through the lineworker. Severe injury—and sometimes death—is the result. For this reason, these gloves are tested daily before any lineworker dons them. Obviously, climbing a pole

covered with staples and nails means a greater risk than a lineworker already faces.

If you have lost a pet or

are holding a yard sale, please advertise elsewhere, not on a utility pole. It's a life and death matter! ■

KFC and the 4C Master Plan

(continued from page 7)
 entire Woodmoor Shopping Center receive a C-4 limited commercial zoning. The reason given for this zoning was, "The C-4 Zone is more in keeping with Woodmoor's function as a low density neighborhood shopping center." The area next to Pierce Drive was specifically cited for concern that any future development in that location would provide a transition to the adjacent residences.

With this background, the proposed Kentucky Fried Chicken (KFC) restaurant is

clearly not an acceptable use for this property. As was stated at the February NFCCA meeting by the KFC representatives, this restaurant's business will be from 60 percent or greater drive-through customers. This is characteristic of a highway-oriented business, not a neighborhood shopping area. It will not contribute to the general character of the Woodmoor Shopping Center as a destination for local community services and it will not provide a transition to the residential area as the existing structure on Pierce Drive does. ■



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What You Can Do If You Oppose The Proposed KFC Drive-Through

The NFCCA's last meeting (in February) was devoted to a presentation by representatives of TriCon Global (now Yum Foods) and Kentucky Fried Chicken. TriCon/KFC must have a special exception from the county planning ordinance to build and operate a drive-through Kentucky Fried Chicken/Pizza Hut Express at the corner of Lexington Drive (the street directly behind Woodmoor Center) and University Boulevard.

NFCCA members attending the meeting voted *unanimously* to oppose the TriCon/KFC application. The resolution reads: "The Northwood-Four Corners Civic Association voted on February 13, 2002, to oppose the application of TriCon Global/Kentucky Fried Chicken for a special exception to the zoning ordinance to operate a drive-through restaurant in Four Corners (Case S-2505)."

For more detailed information, come to the next NFCCA meeting (see page 1), where we will continue our discussion and entertain revisions to the voted resolution.

Send an Appealing Letter

We highly recommend that you write to express your opinion to the Montgomery County Board of Appeals. The hearing to consider Yum Foods/KFC's application has been postponed until 29 May 2002, so your letter must arrive before this date. (Don't wait until the last minute!)

You also may attend the

meeting, which is open to the public, and express your views there. Due to the passions inflamed by this issue, however, writing letters may allow folks to express their opposition more calmly.

Should you choose to write to the Board of Appeals, address your letter to: Mr. Donald H. Spence, Jr., Chairman, Montgomery County Board of Appeals, Stella B. Werner Council Office Building, 100 Maryland Avenue, Room 217, Rockville, MD 20850. Refer to *Case Number S-2505*. Be sure to mention that you're a resident of the Northwood Park area of Silver Spring (or that you live in Four Corners) and *include both your own name and address*. You are responding to the application before the Montgomery County Board of Appeals to grant a special exception to operate a Kentucky Fried Chicken/Pizza Hut Express drive-through restaurant at the corner of Lexington Drive and University Boulevard.

Remember, it is not enough that you "don't want it." You need to address specific reasons why the KFC/Pizza Hut applicants fail to meet the requirements of a "special exception" (see the 10 "adverse effects" listed in the story on page 1), how it will transgress the purpose of C-4 commercial zoning at Woodmoor Center (see page 5), and/or how it will violate the Four Corners Master Plan (see page 7). ■

Streetscaping

NFCCA board member Alan Friedman reports that the lobbying for Timberwood/Sutherland streetscape maintenance funding is progressing. He attended a Citizens Revitalization Committee meeting, with the result that the Silver Spring Citizens Advisory Committee (SSCAC) will be testifying before the County Council on 9 April in favor, as will other civic associations in Silver Spring. Rusty Wallace of SSCAC is very supportive. Alan is sending a letter to the County Council on behalf of NFCCA.

If anyone from our civic association wishes to testify or write a letter, that would be great. Also, FYI, in the long run, the county may push for the creation of a special taxing district for the Four Corners merchants to cover maintenance costs. A study showed that the merchant base is too small, so that issue should prove to be interesting. ■

Baby Network Now 18 Strong

The Northwood-Four Corners Baby Network begun in October now has 18 home-based parents participating. Stay-at-home parents with preschool children (aged four and under) meet once a month for support, fellowship, and fun.

If you live in the Northwood-Four Corners area and are interested in joining us, please contact Jacquie Bokow at 301.593.8566 for information about the next meeting. ■

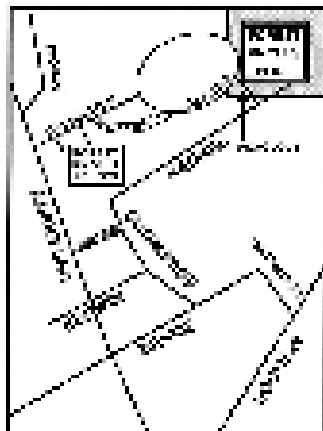
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*membership not necessary for lessons



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