



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 11-96

File No. DSP-10039

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 20, 2011, regarding Detailed Site Plan DSP-10039 for Coral Hills McDonald's, the Planning Board finds:

1. **Request:** The Planning Board approves the proposal for a 3,885-square-foot, one-story, freestanding McDonald's eating and drinking establishment with drive-through service on Parcel 44 in an existing integrated shopping center (Coral Hills Shopping Center) in the Commercial Shopping Center (C-S-C) Zone. The proposed eating and drinking establishment, with drive-through service, is permitted in the C-S-C Zone subject to DSP approval.

The boundary of the submitted detailed site plan is for the entirety of the Coral Hills Shopping Center, and the McDonald's is proposed on Parcel 44 within the shopping center. While the applicant may have been able to limit the review of the detailed site plan by only submitting a plan that included the boundaries of Parcel 44, this was not done. The subject review for the detailed site plan focuses on the McDonald's proposal, but also includes other issues that arose during the review that are pertinent to the shopping center at large.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Shopping Center	Shopping Center and Eating or Drinking Establishment with Drive-Through Service
Acreage	6.968	6.968
Square Footage/GFA	86,484	90,369
Parcels	A, C, D, E, 44, 45	A, C, D, E, 44, 45

Parking Requirements*

	REQUIRED	APPROVED
Total Parking Spaces for 90,369 sq. ft. @ 1/250 sq. ft.	362	338
Handicap Spaces	8 (1 Van-Accessible Handicapped)	14 (2 Van-Accessible Handicapped)
Loading spaces	3	5

* The applicant has an approved Departure from Parking and Loading Spaces (DPLS-330) for the reduction of 24 parking spaces out of 362 required by the Zoning Ordinance.

3. **Location:** The 6.97-acre property is located at 4783 Marlboro Pike on the south side of Marlboro Pike at its intersection with Boones Hill Road in Capitol Heights, Maryland. The overall shopping center has 620 feet of frontage on the south side of Marlboro Pike; 470 feet of frontage on the east side of Boones Hill Road; 244 feet of frontage on Edgewick Avenue; and 114 feet of frontage on Omaha Street. There is no access to the property from either Edgewick Avenue or Omaha Street.
4. **Surrounding Uses:** To the north of the subject property across Marlboro Pike are retail establishments in the C-S-C Zone. East of the subject property are commercial retail uses in the C-S-C Zone fronting Marlboro Pike. South of the retail uses fronting Marlboro Pike are single-family detached homes in the One-Family Detached Residential (R-55) Zone. South of the subject site are single-family detached homes in the R-55 Zone. West of the subject site across Boones Hill Road is a Metro bus repair and parking facility.
5. **Previous Approvals:** Coral Hills Shopping Center has two previous departure approvals. Departure from Design Standards DDS-278 for the location of a loading space within 50 feet of a residentially-zoned property was approved in 1987. Departure from Parking and Loading Spaces DPLS-330 was approved for the reduction of 24 parking spaces out of 362 required by the Zoning Ordinance, and the resolution (PGCPB No. 08-105(C)) for that approval was adopted on July 31, 2008 and corrected on October 6, 2008. The DPLS was necessary due to the McDonald's proposal, which proposed the removal of surface parking spaces within the shopping center to accommodate the addition of a new 3,800-square-foot restaurant building with drive-through. At the time of the approval of DPLS-330, the proposed fast-food restaurant within an integrated shopping center was permitted by right in the C-S-C Zone.

Subsequent to the approval of DPLS-330, the applicant filed for the following construction permits: fine grading permit (32731-2009-G) on November 9, 2009; and building-only permit (6360-2010) on February 18, 2010, which was later upgraded to a building and grading permit (CGU-6360-2010-02) on August 4, 2010. On June 8, 2010, County Council Bill CB-19-2010 was adopted and enacted 45 days later, shortly after the issuance of the fine grading permit for the subject proposal. County Council Bill CB-19-2010 removed the fast-food restaurant use from the Zoning Ordinance and replaced it with new provisions regarding eating and drinking

establishments. Eating and drinking establishments in the C-S-C Zone, with and without drive-through service, were revised to require detailed site plan approval in accordance with Part 3, Division 9 of the Zoning Ordinance.

The subject detailed site plan application has been filed to satisfy the requirements of CB-19-2010. While a building permit has already been issued for the subject proposal by the Prince George's County Department of Environmental Resources (DER) and construction has begun, a notarized letter from the applicant's representative to the associate director of DER (Gibbs to Carr, December 10, 2010) stated that a final use and occupancy permit for the McDonald's restaurant will not be issued until the subject detailed site plan has been approved by the Planning Board (and the District Council, if necessary).

At the time of this resolution, the McDonald's building is largely constructed. **Further, CB-56-2011 is currently proposed as legislation that amends the Zoning Ordinance and includes a provision to permit an eating and drinking establishment within an integrated shopping center by-right, without detailed site plan review.**

6. **Design Features:** There are four existing vehicular access points into the Coral Hills Shopping Center. Two 30-foot-wide ingress/egress driveways are located on the south side of Marlboro Pike and two 30-foot-wide ingress/egress driveways are located on the east side of Boones Hill Road. The main entrance into the shopping center is mid-point in the site's frontage on the south side of Marlboro Pike. No changes to the existing access points are proposed.

The Planning Board approves the construction for a 3,885-square-foot McDonald's restaurant within the existing 86,484-square-foot Coral Hills Shopping Center. The McDonald's restaurant is proposed in the northwest portion of the shopping center's existing parking compound near the intersection of Marlboro Pike and Boones Hill Road. The restaurant is set back approximately 65 feet from the property line and is served by one 28-foot, one-way drive isle that loops from the northeast corner of the building towards the west. On the west side of the building, the drive-aisle splits to provide an exit lane and a ten-foot-wide drive-through lane, which continues around the south side of the building. The site plan proposes 12 new angled parking spaces on the north side of the building, one loading space to the west, and nine new perpendicular spaces and one dumpster enclosure to the south.

The proposed McDonald's restaurant building is one of the franchise's newer architectural models and has a contemporary appearance. The design is of a one-story, red brick and stone veneer building with a flat roof. The flat plane of the roof is broken with the addition of a stone-clad, tower-parapet feature and a golden, metal, sloping curve as a roof cap design element. The building is mostly red brick with occasional horizontal bands of a brick reveal. Darker brick is proposed on the south side of the building in the area of the drive-through pick-up windows, and in wider horizontal bands between the pick-up windows. Stone veneer is proposed mostly in the area of the dining room. Awnings with yellow and orange bands are proposed above the dining room windows.

One flag pole for a United States of America flag is approved on the northeast corner of the building site near the building entrance. United States, state, and municipal flags are permitted and are not considered signage from the standpoint of the Zoning Ordinance.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the C-S-C Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The Planning Board finds that the subject application is in conformance with the requirements of Section 27-461(b) of the Zoning Ordinance, which governs uses in commercial zones. The proposed eating or drinking establishment, with drive-through service, is permitted in the C-S-C Zone subject to DSP approval.
 - b. The Planning Board finds that the layout is consistent with Section 27-462, regulations regarding building setbacks.
 - c. The Planning Board finds that the DSP is in conformance with the applicable site design guidelines contained in Sections 27-283 and 27-274. The following discussion is offered:
 - (1) The drive-through has been designed to provide adequate space for queuing lanes.
 - (2) Pedestrian access is proposed into the site and through parking lots to major destinations, utilizing a clearly marked and striped pedestrian route, as recommended in Section 27-274(2)(c). The applicant proposes a handicap-accessible pedestrian link from the existing sidewalk on Marlboro Pike to the restaurant entrances.

While a pedestrian link is provided, it is not entirely separated from vehicular circulation routes. Pedestrians must cross the 28-foot-wide drive aisle and pass through one row of parking to access the restaurant entrance from Marlboro Pike.

To reduce pedestrian and vehicular conflicts, the applicant proposes one-way circulation through the restaurant's drive-aisle, which will add additional predictability to vehicular movements and allow for safer pedestrian movement across the parking lot and drive-aisle into the main restaurant entrances.
 - (3) One additional loading space is proposed near the McDonald's. The loading space, as designed, will be clearly marked and will be separated from parking areas to the extent feasible. The applicant proposes to screen the loading space from the Boones Hill Road right-of-way with a six-foot-high, vinyl, sight-tight fence.

- (4) The Planning Board finds that the detailed site plan shall include the location of and provide details for any proposed site amenities such as trash receptacles for the McDonald's restaurant. No trash receptacles for restaurant users are indicated on the site plan. While trash receptacles are generally always provided near entrance or exit doors, the Planning Board finds that a durable secure trash receptacle shall also be provided for customers north of the parking lot near the defined pedestrian walkway to reduce incidence of littering along the site's Marlboro Pike frontage. The applicant shall locate a trash receptacle on the site plan for the McDonald's and provide a detail.
- d. The proposal includes building-mounted signs and directional signage (also known as regulatory signage). The signs have been reviewed for conformance with C-S-C Zone regulations with regard to signs. The Planning Board adopts the following findings:
 - (1) The applicant proposes nine building-mounted signs: three 41.3-square-foot, internally-lit signs featuring the name "McDonald's"; four 7-square-foot, internally-lit logo signs; and two 1.3-square-foot signs above the main building entrances with the text "Welcome."

Building-mounted signs are regulated by Section 27-613, signs attached to a building or canopy. None of the proposed signs are designed to be visible from any land in any residential zone or land proposed to be used for residential purposes. None of the proposed signage extends above the lowest point of any roof.

Within integrated shopping centers in the C-S-C Zone, the permitted sign area is regulated as follows:

Section 27-613(c)(3)(C)

- (i) **The area of all of the signs on a building shall be not more than two (2) square feet for each one (1) lineal foot of width along the front of the building measured along the wall containing the principal entrance of each individual place of business to a maximum of four hundred (400) square feet.**

Based upon the lineal feet of building width indicated on the site plan, the proposed building-mounted signage appears to be well within the amount permitted by Section 27-613 of the Zoning Ordinance; however, the Planning Board finds that the applicant shall provide a table that clarifies the amount of building-mounted signage permitted by the Zoning Ordinance, and that provided.

- (2) Directional signage is regulated by Section 27-629, regulatory signage. In commercial zones, a maximum of 12 square feet of directional or regulatory signage is permitted on private property. The detailed site plan indicates that 11.7 square feet of signage, which includes three directional signs are proposed.
8. **Conformance to Record Plat WWW 35 @ 39 and NLP 127 @ 89:** The overall shopping center property is known as Parcels 44, 45, C, D, E, and A, located on Tax Map 72 in Grid D-3, and is 6.97 acres. The site is in the Commercial Shopping Center (C-S-C) Zone and is located within the Coral Hills Shopping Center. The overall site is improved with an 86,484-square-foot retail center that was built between 1984 and 1993 based on aerial photos of the site on PGAtlas. Parcels 44 and 45 are acreage parcels never having been the subject of a record plat. Parcels C, D, and E were recorded in Plat Book WWW 35 @ 39 on June 24, 1959. Parcel A was recorded in Plat Book NLP 127 @ 89 on July 10, 1986. The site plan shows the boundary, bearings, and distances of the property as reflected on the record plats. However, for Parcels C, D, and E, the site plan should show clearly the building restriction line as reflected on record plat WWW 35 @ 39. There is an existing AutoZone auto parts building (developed pursuant to a permit approved July 19, 2005) constructed in front of the building restriction line. The applicant should consider filing for a new record plat to adjust the building restriction line. Pursuant to Section 24-108 of the Subdivision Regulations, the applicant can file a final plat for the site for which no preliminary plan is required.
9. **The Requirements of Departure from Parking and Loading Standards DPLS-330:** Departure from Parking and Loading Spaces DPLS-330 was approved by the Planning Board for the reduction of 24 parking spaces out of 362 required by the Zoning Ordinance, and the resolution (PGCPB No. 08-105(C)) for that approval was adopted on July 31, 2008 and corrected on October 6, 2008. The District Council affirmed the Planning Board's decision with one additional condition of approval on November 16, 2009. The following condition is relevant to the subject approval:
 1. **Prior to certification, the applicant shall revise the site plans to replace the wood dumpster screen with either a vinyl, metal, or brick screen.**

A detail within the subject proposal indicates that the McDonald's dumpster enclosure will be brick, demonstrating conformance with the above condition.
10. **Prince George's County Landscape Manual:** The subject detailed site plan for the Coral Hills Shopping Center McDonald's is comprised of six parcels: A, C, D, E, 44, and 45. The Planning Board finds that the landscaped areas for the shopping center (formerly known as the Marlboro Pike Shopping Center) were developed pursuant to an approved landscape plan prepared by Macris, Hendricks, and Witmer P.A in 1987, prior to the effective date of the October 1990 *Prince George's County Landscape Manual* (Landscape Manual). Even though the plan was approved pre-Landscape Manual, the plan demonstrated conformance with the landscape requirements of the time, including landscape strips along the property's street frontages and more than five percent interior landscape area in the parking lot.

In 2005, a revised landscape plan was submitted for Parcel E, upon which the AutoZone was proposed. At the time of the permit approval for Parcel E, conformance with the 1990 Landscape Manual was required; however, due to the limited relatively small size of the addition, many sections of the 1990 Landscape Manual did not apply.

The Planning Board finds that the current proposal for the McDonald's on Parcel 44 is subject to the requirements of the 1990 Landscape Manual, and not the December 2010 *Prince George's County Landscape Manual*, because the applicant's building and grading permit applications (32731-2009-G and CGU-6360-2010-02) were filed prior to the effective date of the 2010 Landscape Manual. The landscape plan must demonstrate that the requirements of the 1990 Landscape Manual will be met for the entirety of Parcel 44, the legally described parcel upon which the McDonald's is located, just as the permit for the Auto Zone was required in 2005. Section 4.2, Commercial and Industrial Landscaped Strip Requirements, applies to Parcel 44 because the McDonald's proposal indicates a more than ten percent increase in gross floor area. In addition, Section 4.3, Parking Lot Requirements, and Section 4.4, Screening Requirements, apply to the area occupied by the newly created parking, dumpsters, loading spaces, and mechanical equipment. The required landscape schedules to demonstrate compliance with the 1990 Landscape Manual on Parcel 44 are required. The applicant shall provide landscape schedules that demonstrate conformance with Section 4.3(a), Parking Lot Landscaped Strip Requirements, and Section 4.2 prior to signature approval of the detailed site plan.

With the subject landscape plan, the applicant proposes to replace a portion of the missing plants that were previously approved as a part of the 1987 Marlboro Pike Shopping Center landscape plan. The submitted landscape plan notes that a total of 14 new shade trees are proposed to replace missing shade trees in the parking lot. Nine shade trees indicated on the 1987 landscape plans will not be replaced, as the planting islands in which those shade trees were planted have been paved over with concrete. Even with the removal of those six previously approved planting islands, the subject landscape plan meets the five percent interior landscape area required prior to the enactment of the 1990 Landscape Manual.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The Planning Board finds that the project is not subject to the Woodland and Wildlife Habitat Conservation Ordinance because the subject site contains less than 10,000 square feet of woodland and has no previously approved tree conservation plans. The site also does not contain any regulated environmental features. The applicant has submitted an approved letter of exemption to the Woodland Conservation Ordinance that is valid until February 19, 2012 and an approved Natural Resources Inventory Equivalency Letter (NRI-EL-034-2011) that is valid until July 20, 2016.
12. **Tree Canopy Coverage Ordinance:** The Tree Canopy Coverage Ordinance came into effect on September 1, 2010. All activities that require a grading permit after September 1, 2010 must provide the tree canopy coverage percentages required by Section 25-128 of the Tree Canopy Coverage Ordinance. The Planning Board finds that a tree canopy coverage schedule shall be

shown on the associated landscape plan demonstrating how the requirement is being met for the site.

13. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The Planning Board adopts the following findings:
- a. **Community Planning:** The Planning Board finds that although this application does not strictly conform to the mixed-use land use recommendations in the 2009 *Adopted Marlboro Pike Master Plan and Endorsed Sectional Map Amendment* for this site, the master plan retained the property in the C-S-C Zone, and the C-S-C zoning permits the proposed use. One additional plan issue was described as follows:
 - (1) The site plan proposes to keep the shopping center dumpsters in their current location on Marlboro Pike. The location of the dumpsters is not consistent with the vision for the area. The Planning Board encourages that alternative sites be found for the dumpsters.
 - b. **Transportation Planning:** The Planning Board adopts the following findings:
 - (1) There are no master plan right-of-way impacts regarding the subject proposal. Access and circulation are acceptable as shown. There are no underlying plans which would restrict the proposed use from the standpoint of transportation.
 - (2) The subject plan shows existing concrete sidewalks along the subject property frontage of Marlboro Pike and Boones Hill Road. No road frontage improvements are proposed by this application, and the existing sidewalks along Marlboro Pike and Boones Hill Road appear to be adequate for the proposed use. The applicant's proposal does not conflict with the county's adopted complete streets policy that is contained in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). The applicant's proposed sidewalk connection to Marlboro Pike and the ADA (Americans with Disabilities Act) ramp appear to be adequate for the proposed use. The site plan also shows a proposed five-foot-wide sidewalk connection between Marlboro Pike and the main entrance to the building. This sidewalk connection appears to be adequate and accessible.

The area master plan provides guidelines for bike lanes along Marlboro Pike; however, bike lanes have not been implemented by the Maryland State Highway Administration (SHA), and the subject proposal does not contain any significant road frontage improvements whereby implementation of bike lanes could be achieved.
 - (3) The Planning Board finds that adequate bicycle and pedestrian transportation facilities exist to serve the proposed use as approved.

- c. **Subdivision Review:** Pursuant to Section 24-107(c)(B) of the Subdivision Regulations, the Planning Board finds that Parcel 44 is exempt from the requirement of filing a preliminary plan of subdivision because the parcel was created by deed prior to January 1, 1982 and the total gross floor area (GFA) of the development proposed does not exceed 5,000 square feet. The applicant should be aware that cumulative development after December 31, 1991, which results in more than 5,000 square feet or GFA on Parcel 44, will result in the requirement for the approval of a preliminary plan of subdivision pursuant to Section 24-107(c)(B) as indicated above.

The Planning Board finds that it is in the applicant's interest to file for a new record plat to adjust the building restriction line on record plat WWW 35 @ 39.

- d. **Environmental Planning:** The Planning Board adopts the following findings:
- (1) The proposal is not subject to the Woodland and Wildlife Habitat Conservation Ordinance because the subject site contains less than 10,000 square feet of woodland and has no previously approved tree conservation plans.
 - (2) The site does not contain any regulated environmental features per Natural Resources Inventory NRI-EL-2011.
- e. **Permit Review:** The DSP is subject to the 1990 Landscape Manual because building permit (CGU-6360-2010-02) was filed prior to December 13, 2010.
- f. **Historic Preservation:** The Planning Board adopts the following findings:
- (1) The application for an eating and drinking establishment in an established shopping center in the C-S-C Zone will have no effect on identified historic sites, resources, or districts.
 - (2) A Phase I archeological survey is not recommended on the above-referenced 6.97-acre property located at 4783 Marlboro Pike in Capitol Heights, Maryland. The application proposes a McDonald's eating establishment in the Coral Hills Shopping Center. The subject property has been extensively disturbed by previous development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any archeological sites.
- g. **Department of Public Works and Transportation (DPW&T):** DPW&T provided a standard response on issues such as frontage improvements, soils, storm drainage systems, and utilities in order to be in accordance with the requirements of DPW&T. Those issues will be enforced by DPW&T at the time of the issuance of permits. The proposed

development has an existing site development permit (32731-2009). DPW&T also indicated that the subject DSP is consistent with approved Stormwater Management Concept Plan 29716-2008-00 dated February 2, 2009.

14. As required by Section 27-285(b) of the Zoning Ordinance, the Planning Board finds that the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
15. Per Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.

The Planning Board finds that the site does not contain any regulated environmental features, such as streams, wetlands, or floodplain. Therefore, no preservation or restoration of environmental features is required as part of this DSP approval.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-10039, subject to the following conditions:

1. Prior to signature approval, the following revisions shall be made to the detailed site plan or the following information shall be provided:
 - a. Provide the location and detail for a durable secure trash receptacle for customers north of the McDonald's parking lot, on Parcel 44, near the defined pedestrian walkway to reduce the incidence of littering along the site's Marlboro Pike frontage.
 - b. Provide a table demonstrating total permitted building signage area as well as proposed building signage area in order to show compliance with Section 27-613 of the Zoning Ordinance.
 - c. Provide a landscape schedule that demonstrates conformance with Section 4.3(a), Parking Lot Landscape Strip Requirements, and Section 4.2, Commercial and Industrial Landscape Strip Requirements, of the 1990 *Prince George's County Landscape Manual* for Parcel 44.
 - d. A tree canopy coverage worksheet shall be provided demonstrating that the ten percent tree canopy requirement for the site is fulfilled.

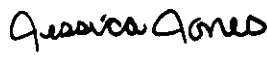
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Squire, with Commissioners Bailey, Squire, Cavitt and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, October 20, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of November 2011.

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 10/26/11