

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DDS-611, McDonalds-University Boulevard requesting a departure from design standards for the expansion of a nonconforming fast-food restaurant in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on April 12, 2012, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is an irregularly shaped lot located on the north side of University Boulevard, 375 feet west of 24th Avenue. The site, also known as 2306 University Boulevard, is improved with a one-story, brick, fast-food restaurant with a drive-through window and an asphalt parking lot. Access to the site is gained from University Boulevard via two driveways. The applicant is proposing to close the westernmost driveway leaving a single point of access at the location of the existing entrance drive.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Fast-food Restaurant	Fast-food Restaurant
Gross Floor Area (GFA)	4,000 sq. ft.	4,372 sq. ft.
Acreage	1.07	1.07
Parcels	2	2

C. **History:** The subject site was placed in the C-S-C Zone upon adoption of the 1989 & 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment (SMA) for Planning Areas 65, 66 and 67*. In 1984, the use was certified nonconforming due to changes in the Zoning Ordinance and Special Exception SE-3527 was approved for an expansion of the existing building. The District Council approved Special Exception SE-4096 in 1993 to add a soft playland and the Planning Board approved Departure from Parking and Loading Standards DPLS-158 to waive five of the 80 required parking spaces. In 1997, the District Council approved a third Special Exception (SE-4201) which enclosed the playland and waived the additional resulting parking through Departure from Parking and Loading Standards DPLS-206. The playground enclosure was ultimately never built.

D. **Master Plan Recommendation:** This application conforms to the land use recommendations of the 1989 & 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment (SMA) for Planning Areas 65, 66 and 67* for retail

commercial land uses. The 2002 *Prince George's County Approved General Plan* placed the property in the Developed Tier. The vision for the Developing Tier is a network of sustainable transit supporting mixed-use, pedestrian oriented, medium- to high-density neighborhoods.

- E. **Request:** The applicant is proposing to raze and rebuild the McDonalds fast-food restaurant that has existed at this location since 1960. The resulting restaurant would be slightly larger and incorporate new architectural features and materials. The applicant is also requesting a departure of 18 parking spaces, since some of the existing parking on the site would be taken by a proposed dual drive through. In order to retain the existing freestanding sign along University Boulevard, the applicant must obtain a departure from sign design standards. Two additional departures are necessary; one for a substandard landscape yard and a second for a slight decrease in the width of a driveway to serve a loading space. The applicant is further requesting alternative compliance from Section 4.7 (Buffering Incompatible Uses) of the 2010 *Prince George's County Landscape Manual*.
- F. **Neighborhood and Surrounding Uses:** The appropriate neighborhood to be considered in this case is bounded on the northwest by a PEPCO (Potomac Electric Power Company) transmission line, on the east by the Northwest Branch and on the south by University Boulevard. This neighborhood includes a mixture of commercial and residential uses. Commercial development dominates the University Boulevard frontage. Medium density, single-family attached houses characterize the interior of the neighborhood. This is the neighborhood which was adopted in Special Exceptions SE-3527, SE-4096 and SE-4201.

The property is surrounded by the following uses:

- North—** A shopping center in the C-S-C Zone and a Pepco power line in the O-S Zone.
- East—** A shopping center in the C-S-C Zone.
- South—** Across University Boulevard is a gas station, convenience store and Laundromat in the C-S-C Zone.
- West—** A gas station in the C-S-C Zone.

- G. **Departure from Design Standards DDS-611:** As indicated above, the Applicant applied for Alternative Compliance from the 2010 *Prince George's County Landscape Manual*. Specifically, the Applicant proposed alternative compliance for Section 4.7 (Buffering Incompatible Uses) with regard to the bufferyard required along the northern property line. This request was denied by the Planning Director. Upon denial of a request for Alternative Compliance, the Applicant may apply for a Departure from Design Standards in accordance with Section 27-239.01 of the Zoning Ordinance. The McDonalds restaurant is classified as a "High Impact" use and the shopping center, since it less than 60,000 square feet in size, is classified as a "Medium Impact" use. The *Prince George's County Landscape Manual* requires a 30-foot building setback and 20-foot

landscape yard. The applicant is providing landscape yard that varies in width, but at its narrowest section, is 5.6 feet in width. Thus a departure of 14.4 feet is required.

In addition, Section 27-581 of the Zoning Ordinance requires that loading spaces be connected to streets via a 22-foot-wide drive aisle. The applicant is proposing a 20-foot-wide drive aisle. Thus, a two-foot departure is requested.

Section 27-239.01(b)(7) sets forth the required findings for a departure from design standards as follows:

**(A) In order for the Planning Board to grant the departure, it shall make the following findings:**

**(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

"The departure is the minimum necessary in this case. The subject property is only 1.078 acres in size. It is currently developed with a McDonald's restaurant and this application calls for the redevelopment of the property with a new McDonald's restaurant. As part of this proposal the applicant is also requesting departure from parking and loading standards. The site is too small to accommodate a modern restaurant and at the same time comply with the current standards regarding parking and landscaping. The applicant cannot comply with the Landscape Manual requirements and the design standards without further compromising the parking requirements.

The applicant is now proposing to completely replace the existing building with a modern facility that will not only allow it to present a new image to its customers, but improve the overall character of this commercial corridor. However, given the site limitations, it cannot fully comply with the Landscape Manual, design standards and parking requirements."

The Planning Board concurs with the applicant's assertion that the purposes of Subtitle 27 will be equally well or better served by the applicant's proposal. The opportunity to improve the site commensurate with their ability to meet today's design criteria on a compact site will result in an improvement to the site and the corridor. Therefore, the Planning Board concurs with the applicant's assertion that the purposes of Subtitle 27 will be equally well or better served by the applicant's proposal.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request;**

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

“One of the inherent difficulties in developing a site in the older communities of the County is to provide a use that meets the modern retail needs of the consumer and addresses current Zoning Ordinance requirements on small infill sites. It should be noted this request is due, in part, to the change in the Landscape Manual's classification of shopping center. All shopping centers were previously classified as “High Impact” uses and thus a buffer yard was not previously required for this property. With the adoption of the new Landscape Manual in 2010, shopping centers that are less than 60,000 square feet in size are classified as “Medium Impact” uses. Thus, a 4.7 buffer is required between the two uses. Unfortunately, the provision of such a buffer would inhibit the applicant's ability to design a site that meets the modern site design requirements as well as a site that meets the modern retail needs the consumer. In addition, the applicant is requesting a departure from parking and loading standards. In order to preserve on-site parking the applicant has chosen to provide 60 degree parking spaces. This, in turn, allows a one-way drive aisle. This drive aisle is 20 feet in width and more than exceeds the 18 foot requirement but does not comply with the 22-foot requirement for loading.”

The Planning Board concurs with the applicant's assertion that the request is the minimum necessary. The applicant must balance the need for parking spaces and adequate drive aisle with the need for landscaping along the northern property line where the site adjoins a shopping center. In order to provide the required 20-foot bufferyard or a 22-foot wide two-way drive aisle, 16 parking spaces would need to be removed. The alternative proposed by the applicant, a one-way drive aisle, parking spaces and a five-foot perimeter strip is the minimum necessary to ensure that all three code requirements are addressed. No other alternative can be identified which would decrease the amount of the departure.

**(iii) The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. As stated above, the applicant is proposing to construct a new McDonald's and incorporate into that design, a dual drive-through and a modern layout that will not only create a safer environment for its customers, but a more attractive layout. The lack of space makes it difficult for the applicant to provide the required number of parking spaces and a dual drive-through. The dual drive-through component at this location will increase the likelihood of the restaurant's success. Furthermore, this site is located inside the beltway in an area of the County that was

predominantly developed prior to 1949. This site is compact and a departure is necessary in order to redevelop this site utilizing current site design requirements.

- (iv) **The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

"The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. As stated above, the applicant is proposing to construct a new McDonald's and incorporate into that design, a dual drive-through and a modern layout that will not only create a safer environment for its customers, but a more attractive layout. The lack of space makes it difficult for the applicant to provide the required number of parking spaces and a dual drive-through. The dual drive-through component at this location will increase the likelihood of the restaurant's success. Furthermore, this site is located inside the beltway in an area of the County that was predominantly developed prior to 1949. This site is compact and a departure is necessary in order to redevelop this site utilizing current site design requirements."

The Planning Board agrees. The applicant's proposal will allow for a vast improvement to the architecture, interior circulation, landscaping and access to the site without compromising the integrity of the neighborhood.

- H. **Referral Comments:** None of the referral replies received had any objection to the application. The Transportation Planning Section agrees that the 53 spaces should be adequate to serve the use based on the studies of restaurants with a drive through, but would like the applicant to install a bike rack at the entrance. The Environmental Planning Section indicated that the site is exempt from the Woodland Conservation and Tree Preservation Ordinance requirements and that no environmental issues were identified. The Urban Design Section points out that the landscape plan submitted needs to be revised because it differs slightly from that recommended for approval in the Alternative Compliance application.
- I. **Zone Standards:** The site plan, with the approved request for alternative compliance and departures, along with recommended conditions, will be in conformance with all zoning requirements and regulations.

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 above-noted application.

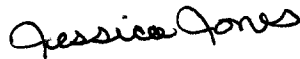
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of the final notice of the Planning Board's decision.

\* \* \* \* \*

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Squire, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 12, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10<sup>th</sup> day of May 2012.

Patricia Colihan Barney  
Executive Director



By Jessica Jones  
Planning Board Administrator

PCB:JJ:TL:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 4/30/12