

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed DSDS-675, McDonald’s (Chavez Lane), requesting a departure from sign design standards to allow a freestanding sign on a property where a building is set back less than 40 feet from the front property line 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 June 28, 2012, the Prince George's County Planning Board finds:

1. **Request:** The subject application is for approval of a departure from sign design standards from Section 27-614(a)(1) of the Zoning Ordinance, which requires that freestanding signs only be located on properties where the building associated with the sign is located at least 40 feet behind the front street line for a 4,326-square-foot, one-story, freestanding eating or drinking establishment with drive-through service on an existing McDonald’s site in the Commercial Shopping Center (C-S-C) Zone.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Eating or drinking establishment with drive-through service	Eating or drinking establishment with drive-through service
Acreage	1.19	1.19
Parcels	2	2
Square Footage/GFA	4,159	4,326

TREE CANOPY COVERAGE

	REQUIRED	APPROVED
Tree Canopy	4,698 sq. ft.	5,193 sq. ft.

Parking Requirements*

	REQUIRED	APPROVED
Total Parking Spaces (1 space per every 3 seats for 72 seats plus 1 space per 50 square feet for 4,326 square feet)	60	46*
Of which		3
Handicap Spaces	3	2 (van-accessible)
Total Loading Spaces	1	1

* Note: A departure from the number of parking spaces required (DPLS-374) for the reduction of 14 spaces from the 60 spaces required by the Zoning Ordinance has been filed as a second companion case with DSP-11006.

3. **Location:** The 1.19-acre property is located on the northern side of Chavez Lane, approximately 250 feet east of its intersection with Walters Lane. The site is also located in Planning Area 75A, Council District 6, within the Developed Tier.
4. **Surrounding Uses:** The subject property is bounded to the north by Pennsylvania Avenue (MD 4), with single-family detached units beyond; to the south by Chavez Lane, with the Penn Forest Shopping Center beyond; to the east by single-family attached residential dwelling units; and to the west by an existing gas station, Walters Lane, and multifamily dwellings beyond.
5. **Previous Approvals:** The project is subject to the requirements of Preliminary Plan of Subdivision 4-06104, approved by the Planning Board on February 22, 2007, PGCPB Resolution No. 07-52, Wallington Estates, which was adopted by the Planning Board on March 15, 2007. Parcels 4 and 5 were recorded as Record Plat 5-07345 in Plat Book PM 220-50 on June 25, 2007 in accordance with the requirements of Preliminary Plan of Subdivision 4-06104. The project is also subject to the requirements of the approval of Stormwater Management Concept Plan 12682-2011, approved by the Department of Public Works and Transportation (DPW&T) on August 4, 2011.
6. **Design Features:** The proposed DSP indicates three vehicular access points off Chavez Lane. The two access points on the eastern portion of the site's frontage are proposed as one-way, providing direct access to the drive-through service. The third access point on the westernmost portion of the site's frontage is proposed as two-way and directly accesses the main parking area on the site.

The application shall construct a new 4,326-square-foot McDonald's restaurant on an existing McDonald's restaurant site to replace an existing 4,159-square-foot building. The existing building will be demolished before the new building will be constructed on the site. The new restaurant building is proposed to be set back ten feet from the front property line. The

rectangular building is oriented toward Chavez Lane with a drive-through window on the western façade proximate to the western property line, shared with the adjacent gas station. Angled on-site surface parking spaces are provided on both sides of the building, with perpendicular spaces provided in a parking lot on the western portion of the site and perpendicular to the central portion of the rear property line. Two enclosed dumpsters and a loading space are located on the western portion of the rear property line.

The proposed McDonald's restaurant building is specified as a "4587 plus R5 plus F5 2009 Series Building" and has a contemporary appearance with some architectural detailing. Two entrances to the building are located on southern (Chavez Lane) and eastern ("non-drive through") sides. The one-story, flat-roof building with a building height of 21 feet 8 inches is finished with a combination of red and grey face brick, cultured stone, and aluminum doors and coping. The aluminum coping and cultured stone have been used as accent elements to break up the dominance of brick on all of the elevations. A roof cap element is provided in the yellow often characteristic of McDonald's restaurants. A tower element has been used at the front entrance. The flat plane of the roof of the tower element is broken with the addition of a stone veneer parapet and a golden, metal, sloping curve as a roof-cap design element. Darker brick is proposed on the eastern side of the building in the area of the drive-through pick-up windows, and in the form of wide horizontal bands between the pick-up windows. Additional stone veneer is proposed mostly in the area where the dining area is located. Awnings with yellow and orange bands are proposed above the dining room windows. The southern and eastern elevations are designed as the main elevations of the building. The northern and the western elevations (where the drive-through windows are located) are designed as the secondary elevations.

The lighting fixtures proposed include pole lights for the site and building-mounted wall sconce fixtures for the building. The pole lights are to be 22 feet high, with fully cut-off luminaires. A condition of this approval ensures a two foot-candle reading along the eastern property line, and a reduced foot-candle reading along the project's Pennsylvania Avenue (MD 4) and Chavez Lane rights-of way, to ensure that lighting spill-over will not negatively impact the adjacent property.

A total of approximately 100 square feet of building-mounted and 284 square feet of site signage have been proposed with this DSP. The signage includes a typical McDonald's golden arch corporate sign and other site signs, including directional signs. The double-sided pole-mounted identification sign, with the golden arch logo, is located on the northern side of the building, proximate to Pennsylvania Avenue (MD 4). An additional golden arch logo is included as building signage on each of the restaurant's four façades. The site plan also includes a 103-inch by 6-foot nine-inch menu board in front of the drive-through lane.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Departure from Sign Design Standards DSDS-675:** The applicant requested a departure from sign design standards pursuant to Section 27-612 from Section 27-614(a)(1) of the Zoning Ordinance, which requires that freestanding signs only be located on properties where the

building associated with the sign is located at least 40 feet behind the front street line. The applicant sought to maintain the existing sign which is located along the property's Pennsylvania Avenue (MD 4) frontage. The building proposed location on the subject property is over 40 feet from Pennsylvania Avenue, but only 10 feet from Chavez Lane. Therefore, a departure of 30 feet is required. Each required finding in **boldface type** below, followed by Planning Board comment:

(i) The purposes of this Part (Section 27-589) will be served by the applicant's request;

The purposes of this Part in Section 27-589 are as follows:

(1) To promote the health, safety, and welfare of the present and future inhabitants of the Regional District;

The sign will help direct patrons safely from Pennsylvania Avenue (MD 4) and the surrounding network to the proposed McDonald's. Granting the DPLS will promote the welfare of present and future inhabitants of the Regional District by providing clear direction to the proposed facility.

(2) To encourage and protect the appropriate use of land, buildings, and structures;

The sign will support an appropriate commercial use developed in accordance with the requirements of the Zoning Ordinance in the C-S-C Zone.

(3) To regulate unsightly and detrimental signs which could depreciate the value of property and discourage quality development in the Regional District;

The sign is in good repair and therefore is in keeping with this purpose of the sign regulations of the Zoning Ordinance.

(4) To regulate signs that are a hazard to safe motor vehicle operation;

The sign will not present any of the hazards to safe motor vehicle operation as detailed in Section 27-593 of the Zoning Ordinance, which include signs that distract drivers and/or obstruct clear sight. In fact, it will help to safely guide motor vehicles to the site.

(5) To eliminate structurally unsafe signs that endanger a building, structure, or the public;

Replacing the existing aged sign on the property with a structurally sound updated sign will serve this stated purpose of the Zoning Ordinance sign regulations. The existing sign is in good repair and therefore is in keeping with this purpose of the sign regulations of the Zoning Ordinance.

- (6) To prevent the proliferation of signs that could detract from the scenic qualities of the landscape or the attractiveness of development; and**

The single sign along the site's Pennsylvania (MD 4) frontage will serve this purpose.

- (7) To control the location and size of signs, so as to provide for adequate identification and advertisement in a manner that is compatible with land uses in the Regional District.**

The single sign will serve this purpose. Its location, rather than the size, is the issue in this departure and the sign's size is in conformance with Zoning Ordinance sign regulations.

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

The 30-foot departure is the minimum necessary to allow the existing sign to stay in its current location, where it has been located for several decades. If the departure is not granted, the applicant will have to relocate the sign, reducing its visibility from Pennsylvania Avenue (MD 4) to the detriment of the site as a commercial enterprise.

- (iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;**

The departure is necessary on this site, hampered as a through-lot with frontages on two rights-of-ways. A modified layout that employs a more efficient two-lane drive-through arrangement forces the building less than 40 feet from Chavez Lane, thereby creating the necessity for the departure request. It is also necessary because the shared parking on the adjacent gas station is not available to the applicant for the subject project.

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

The freestanding sign associated with the site is located on Pennsylvania Avenue (MD 4). Given the fact that this sign has been in this location since the 1960s, there is no reason to believe that granting this departure will impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood. On the contrary, this use has operated from this site since the 1960s with no apparent adverse impact on the site or the surrounding neighborhood.

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.

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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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Squire and Hewlett voting in favor of the motion, and with Commissioner Shoaff abstaining at its regular meeting held on Thursday, June 28, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of July 2012.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj