

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Parking and Loading Standards DPLS-463, Oxon Hill McDonald’s, requesting a reduction of 13 parking spaces, including one handicap-accessible space, 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 September 12, 2019, the Prince George’s County Planning Board finds:

1. **Requests:** The subject application is for approval of a Departure from Parking and Loading Standards, DPLS-463, which requests a reduction of 13 parking spaces, including one handicap-accessible space. This DPLS is a companion case of Detailed Site Plan DSP-18051 (PGCPB Resolution No. 19-95) and Departure from Design Standards DDS-658 (PGCPB Resolution No. 19-97), for a reduction in the requirements of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual), that were approved on the same date by the Prince George’s County Planning Board.
2. **Development Data Summary:**

| | EXISTING | APPROVED |
|----------------------------|--------------------------------------|--------------------------------------|
| Zone | C-S-C | C-S-C |
| Use | Eating and Drinking Establishment | Eating and Drinking Establishment |
| Total Acreage | 0.836 | 0.836 |
| Parcels | 1 | 1 |
| Gross Floor Area (sq. ft.) | 3,443 | 4,816 |
| Number of Seats | 53 | 60 |

Parking and Loading Requirements

| Eating and Drinking Establishment | Spaces Required |
|--|------------------------|
| 60 interior seats at 1 space/3 seats | 20 |
| 1,723 sq. ft. at 1 space/50 sq. ft., excluding storage and patron seating | 35 |
| Total | 55 |
| Of which are handicap-accessible spaces | 3 |

| Loading | |
|--|---|
| 4,816 sq. ft. GFA at 1 space/2,000-10,000 sq. ft. of GFA | 1 |

| | Spaces Provided |
|----------------------------|------------------------|
| Standard Spaces | 26 |
| Compact Spaces | 14 |
| Handicap-accessible Spaces | 2 |
| Total | 42 |

| Loading | |
|-------------------|---|
| 12 feet x 33 feet | 1 |

3. **Location:** The site is in Planning Area 76B, Council District 8. More specifically, it is located on the south side of Oxon Hill Road, approximately 238 feet west of John Hanson Lane. The site is known as 6126 Oxon Hill Road, in Oxon Hill, Maryland.
4. **Surrounding Uses:** The site is bounded to the north by MD 414 (Oxon Hill Road), to the south by a Commercial Office (C-O) zoned property, which is developed with a single-family detached residential dwelling, to the east with an eating and drinking establishment in the Commercial Shopping Center (C-S-C) Zone, and to the west with an office building in the C-O Zone.
5. **Previous Approvals:** The site is currently improved with a McDonald's restaurant, which was originally constructed in 1972, when the site was zoned C-O. Subsequently, due to Prince George's County Zoning Ordinance changes, the restaurant became nonconforming in the C-O Zone. On December 9, 1988, Special Exception SE-3875 was granted by the Zoning Hearing Examiner (ZHE) for an expansion and improvements to the restaurant. A Declaration of Finality for the case was issued by the District Council on February 13, 1989. A Departure from Parking and Loading Standards, DPLS-73, was granted by the Planning Board on December 1, 1988 (PGCPB Resolution No. 88-580), for a reduction in the required number of parking spaces from 71 to 60 spaces. In 1988, the Zoning Ordinance required a 10-foot landscape strip to be provided along the road frontage as measured from the ultimate right-of-way line along MD 414. A variance to a 10-foot landscape strip was granted by the Board of Zoning Appeals on January 11, 1989.

On August 1, 1991, a revision to the special exception ROSP-SE-3875-1, was approved by the

Planning Board (PGCPB Resolution No. 91-307) to install outdoor soft play equipment. Although this equipment was installed pursuant to the approval, it has since been removed.

In 2010, the County Council approved legislation CB-19-2010, to create a use classification known as eating and drinking establishment and removed the term “fast food restaurant.” The approved legislation contained footnotes for the C-S-C Zone, stating that eating and drinking establishments with drive-through service, which were “operating pursuant to an approved special exception as of the effective date of CB-49-2005 shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use.”

6. **Design Features:** The subject DSP proposes a 1,291-square-foot addition to the front of the existing building to provide for additional dining areas, and an increase in the number of patron seats. This work will also allow for upgrading handicap-accessible facilities. An 82-square-foot addition is proposed on the southeast corner of the building, to accommodate an additional drive-through window. A second drive-through order lane is proposed to allow cars to enter the double drive through from a single access drive, which will split at the order boards, then merge back into a single lane for payment and pick up. The addition of this second drive-through lane will result in the loss of parking spaces, particularly along the south side of the property, thereby necessitating the DPLS.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Departure from Parking and Loading Standards, DPLS-463:** The applicant has requested a departure of 13 parking spaces, including one handicap-accessible space, from the required 55 spaces for the expanded eating and drinking establishment. Pursuant to Section 27-588(b)(7) of the Zoning Ordinance, the Planning Board must make the following findings:

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

- (i) The purposes of this Part (Section 27-550) will be served by the applicant’s request;**

The applicant has seen a significant increase over time in the use of their drive-through service, to the point that the applicant is installing a double drive-through on the site. This double drive-through requires that some of the existing parking spaces be removed from the site, but the applicant believes that parking demand will be more than offset by improved drive-through services.

The applicant has done two separate studies of on-site parking. The initial study was more observational and concluded low utilization of site parking during peak hours. The second study was a more technical count over longer periods of time and concluded that the parking demand for this site is 0.45 spaces per seat. Given the current proposal of 60 seats, the study suggests that 27 parking spaces would

be sufficient for this site.

The statement of justification (SOJ) states that the parking requirement for the use in Subtitle 27 “does not take into account any reduced parking demand as a result of having a drive-thru window.” The applicant continues by noting that sales figures show that 63 percent of business for this site occurs by means of drive-through.

The applicant intends to expand the building by nearly 1,400 square feet, but seating will only be increased by seven seats. Some of the added building space will be needed as a function to serve patrons of the double drive-through system, but most of the added space will improve the dining experience for patrons that choose to park and eat inside.

The transportation planners did observe parking utilization on the site during weekday lunch hours, and the staff’s observations were consistent with the two studies. Given that the staff has found no evidence to the contrary, the applicant’s studies are found to be credible. The expansion of the use by seven seats will not change existing conditions to a great degree, and the applicant’s arguments are supportable.

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

This is a small site, and currently fully developed with the restaurant and parking. The applicant has shown that the site currently has adequate on-site parking, and it is anticipated that the small increase in seating would be more than offset by the addition of the double drive-through service. Therefore, the Planning Board found that this finding is met and the departure of 13 spaces is the minimum necessary.

(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 applicant asserts that the offering of drive-through service warrants special consideration for the subject use given its nature as proposed at this location and has demonstrated that the use of the drive-through lane has substantially decreased the demand for on-site parking. The addition of the double drive-through system will increase the efficiency of customer service at this restaurant, and further reduce the demand for parking. The area near the restaurant is densely developed with office, commercial/retail, and residential uses, and many patrons have the opportunity to safely walk to the site from nearby homes or businesses.

Given the demonstrated efficiency of the drive-through service and its impacts on parking, combined with the proposed expansion of the drive-through function on this site, it is believed that the applicant has made the case that circumstances are special. The location of the site in a dense mixed-use area of the County helps to prove that the location is special, in conformance with this finding.

- (iv) **All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

The applicant's SOJ indicates that all methods for calculating the number of spaces required were utilized, including the provision of compact spaces. Given the site constraints on this property, expanding the drive-through lanes necessitates an overall reduction in the number of parking spaces.

- (v) **Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

The use exists in a mostly commercial area, and while there are dense residential areas nearby, they are not adjacent to the site and not close enough that patrons of this site could easily use the residential parking. The site is surrounded by roadways and other commercially-zoned properties. Although there is a residentially-developed property adjacent to this site, due to layout and access, parking infringement is highly unlikely.

- (B) **In making its findings, the Planning Board shall give consideration to the following:**

- (i) **The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;**

On-street parking is not available in the vicinity of this site, and although a number of adjacent sites have available parking, there would be practical difficulties to utilizing them for the purpose of patronizing this restaurant. The Planning Board finds that the applicant has demonstrated sufficient parking on-site for this expansion.

- (ii) **The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;**

When this restaurant was approved for a major revision in 1988, the 1981 *Master Plan for Subregion VII* and the 1984 *Approved Subregion VII Sectional Map Amendment* were applicable. That master plan recommended commercial office use for the property. However, the zoning of the property was subsequently

changed from C-O to C-S-C, thus allowing a fast-food restaurant as a special exception. During the review and approval of SE-3875, findings were made by the Planning Board and the ZHE that the continued use of the property as a fast food restaurant would not impair the integrity of the master plan. The master plan recognized the existing restaurant on the property as legally nonconforming and accordingly placed the property in the C-S-C Zone in order to reflect that use, which had been in existence for many years.

The property is now subject to the provisions of the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. The property is located within the Oxon Hill Regional Center, which is described as consisting of strip commercial uses, shopping centers, big box stores, and offices. It is expected that National Harbor will stimulate density and mixed-use development. The plan recognizes the existing retail commercial zoning for the property. Therefore, the continued use of the property for a McDonald's restaurant, which is permitted in the C-S-C Zone, is in conformance with the master plan, and does not impair the master plan.

Plan Prince George's 2035 Approved General Plan places the property within a neighborhood center, and the future land use map for the neighborhood recommends mixed-use for the property and surrounding properties. The continued use of the property for a McDonald's restaurant is consistent with a recommendation for mixed-use.

(iii) The recommendations of a municipality (within which the property lies) regarding the departure; and

This site is not within a municipality. Therefore, this consideration is not applicable.

(iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.

At this time, no public parking facilities are proposed in the general vicinity of this property.

(C) In making its findings, the Planning Board may give consideration to the following:

(i) Public transportation available in the area;

The D12, NH1, and 35 Metrobus routes all serve the subject property, with a stop at the frontage of the adjacent property to the west. The NH1 route provides a direct link to National Harbor as well as to the Southern Avenue Metrorail station, located about 3.8 miles away.

(ii) Any alternative design solutions to off-street facilities which might yield additional spaces;

Alternative design solutions to off-street facilities have been utilized by providing compact spaces and angled parking.

(iii) The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;

This restaurant will follow restaurant hours similar to the other restaurants nearby. Non-restaurant uses in the vicinity include office and retail uses.

(iv) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.

The subject property is in the C-S-C Zone. Therefore, this finding is not applicable to the subject application.

Based on the analysis above, the Planning Board approved DPLS-463, to allow a reduction of 13 parking spaces, including one handicap-accessible space.

8. Further Planning Board Findings and Comments from Other Entities: The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopted, herein by reference, a memorandum from DPIE dated August 13, 2019 (Giles to Burke), providing standard comments which will be addressed through their separate permitting process, and indicated that they have no objection to the approval of the DPLS.

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 Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner, and Hewlett voting in favor of the motion, and with Commissioners Bailey and Washington absent at its regular meeting held on Thursday, September 12, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of September 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:TB:gh