

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Special Permit Application No. SP-190001, McDonald's Riverdale, requesting departure from the development plan design standards for building and site circulation modifications to an existing eating and drinking establishment with drive through, 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 May 28, 2020, the Prince George's County Planning Board finds:

1. **Location and site description:** The 0.76-acre property is known as Lots 4–8 of Dr. R. A. Bennett's Residue, as shown on a plat recorded in Plat Book SDH 4 page 88. It is located in the Mixed Use Town Center (M-U-TC) Zone at 6228 Baltimore Avenue, in the southwest quadrant of the intersection of MD 410 (East-West Highway) and US 1 (Baltimore Avenue). The site is currently improved with a 3,355-square-foot eating and drinking establishment, which is set back approximately 50 feet from US 1 and approximately 100 feet from MD 410. The site features one existing internally lit, building-mounted, business identification sign; one existing internally lit, freestanding, business identification sign; and drive-through signage. The business identification signs are located on the north side of the building, while the drive-through signs are located on the east, west, and south sides. The site also includes an existing parking lot with 37 parking spaces and one loading space. There are two driveway entrances, one located on US 1 and the other located on an alley abutting the western boundary of the site. Landscape areas are provided around the perimeter of the site.
2. **History and Previous Approvals:**
  - 1971— The property is first developed as an eating and drinking establishment (a Roy Rodgers restaurant) by right in what was then the Commercial Shopping Center (C-S-C) Zone.
  - 1978— Prince George's County Council Bill CB-27-1978 is enacted to designate fast-food restaurants as a separate class of restaurant, and required a special exception to permit the use. The existing restaurant did not have a special exception and, therefore, becomes a legal nonconforming use.
  - 1994— Special Exception SE-4178 is approved for the site, removing the nonconforming status.
  - 1994— The 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* (Planning Area 68 Master Plan and SMA) retains the property in the C-S-C Zone.

**1998**— SE-4311 is approved to raze the existing structure and develop the site with a McDonald's restaurant. Alternative compliance from the *Prince George's County Landscape Manual* and a departure from parking and loading standards are also approved.

**1999**— Revision of Site Plan ROSP-4311-01 is approved to revise the 1998 approval for a smaller footprint and make other minor site design changes. The currently existing building is constructed.

**2004**— The 2004 *Approved Town of Riverdale Park Mixed-Use Town Center Zone Development Plan* (Riverdale Park M-U-TC Development Plan) reclassifies this property to the M-U-TC Zone and requires a special exception to permit the use.

**3. Neighborhood and Surrounding Uses:** The general neighborhood is comprised of a mix of commercial and residential development. The site is surrounded by the following uses:

North/Northwest— MD 410 with single-family detached dwelling units in the One-Family Detached Residential Zone beyond.

Northeast— The intersection of MD 410 and US 1, with an office use in the M-U-TC Zone beyond.

East/Southeast— US 1 with commercial uses in the M-U-TC Zone beyond.

South/Southwest— An office use and its parking lot in the M-U-TC Zone.

West— An alley with a bank in the M-U-TC Zone beyond.

**4. Request:** This application is for a special permit site plan, which proposes to add two additions to the existing McDonald's restaurant. New building façades and signage, as well as modifications to the drive through and parking lot are also proposed. The first of the two additions is located on the north side of the building and is 268 square feet. The second of the two additions is located on the south side of the building and is 43 square feet. The total addition area of 311 square feet will increase the size of the building from 3,355 square feet to 3,666 square feet. New signs are proposed on all four sides of the building. The site is located within the Town of Riverdale Park and is subject to the Riverdale Park M-U-TC Development Plan.

A fast-food restaurant, with a drive-through, is a use permitted as a special exception under the development plan (page 70), and a special exception was previously approved in 1998. A special permit plan is now required for the proposed renovation because it does not meet all of the design standards of the development plan. The applicant is requesting departures from the applicable unmet standards with this application. Following approval of the special permit, the special exception will have to be revised in order to complete the project. An application to revise the current SE-4311, known as ROSP-4311-02, was accepted on January 31, 2020 and is pending

Planning Director review, following the Prince George's County Planning Board approval of this special permit.

The departures requested, and approved, are as follows:

- a. A departure from Building Openings Standard 1 (page 54) to allow less than 60 percent transparency on the street-facing façades.
- b. A departure from Building Placement and Streetscape Standard 1 (page 34) to allow the building (with additions) to occupy a minimum of 50 percent of the net lot area.
- c. A departure from Building Placement and Streetscape Standard 2 (page 34) to allow the new addition façades to occupy less than 66 percent of the build-to line.
- d. A departure from Building Height Standard 1 (page 45) to allow the building additions to be one story, instead of two.

As described in the applicant's most recent statement of justification (SOJ) received on April 9, 2020, incorporated by reference herein, the applicant also requested several other departures, but only to the extent that the proposed building did not comply with the related standards. It was determined that no other departures were needed, as the proposed building additions either did comply with the related standard or the standard was not applicable. In addition, the applicant indicated that they would no longer seek departures from the sign design standards of the M-U-TC Zone, and will instead provide compliant signage (a change from previous versions of the SOJ). Therefore, the four standards listed above are the only standards requiring departures.

In order for the Planning Board to grant departures from the strict application of any standard or guideline approved in the development plan, the Planning Board must make the findings listed in Section 27-548.00.01(a)(2) of the Prince George's County Zoning Ordinance. The applicant's SOJ addresses the required findings.

5. **Master Plan Recommendation:** The Planning Area 68 Master Plan and SMA retained the subject property in the C-S-C Zone. The Riverdale Park M-U-TC Development Plan and associated zoning map amendment were approved by the County Council in January 2004 via Prince George's County Council Resolution CR-5-2004. The site is located within the boundary of the development plan, which reclassified the subject property to the M-U-TC Zone.

The design standards of the development plan apply to all new development and improvements on properties located within the M-U-TC Zone, unless otherwise noted, including buildings, additions, exterior renovations, new entrance and window treatments, signs, and fencing. Development that increases existing gross floor area by 15 percent or 7,500 square feet, whichever is smaller, shall subject the site to full review for compliance with the design standards. Lesser changes to the site and additions to single-family residential dwellings shall not subject the entire site to review for compliance, only the portions impacted by the improvements.

Additions of less than 250 square feet of gross floor area and additions to single-family residential dwellings are exempt from the requirements of the Building Placement and Streetscape section. Based on these applicability standards, the proposed 311 square feet of additional gross floor area are not exempt from the requirements of the Building Placement and Streetscape section. However, while the additions are subject to full compliance with the design standards, the entire site is not subject, only the portions affected by the applicant's proposed improvements.

Section 27-239.02(a)(6)(B) of the Zoning Ordinance authorizes the Planning Board to grant a special permit in the M-U-TC Zone. The special permit site plan revision proposed with this application is not in conformance with the development plan design standards; therefore, the applicant is seeking a departure from the applicable unmet standards, which were outlined above in this resolution.

**6. Special Permit Findings:**

Section 27-239.02(a)(6)(B) states:

- (B) The Planning Board may grant a Special Permit in the M-U-TC Zone if it finds that the site plan is in conformance with the approved Town Center Development Plan and its guidelines and specific criteria for the particular use. In the event a Special Permit is approved by the Planning Board, the approval is conditional upon the issuance of a building or use and occupancy permit by the Department of Environmental Resources, Permits and Review Division.**

Section 27-548.00.01(a)(2) states:

- (2) The Planning Board is authorized to allow departures from the strict application of any standard or guideline approved in a Town Center Development Plan in accordance with the procedures set forth in Section 27-239.01 and subject to the following findings:**

- (A) A specific parcel of land has exceptional narrowness, shallowness, or shape; exceptional topographic conditions; or other extraordinary situations or conditions;**

The property is exceptionally narrow, when considered against the space requirements of the existing restaurant and drive-through. Efficient circulation within and around the property requires continued location of the building in the property's center. The subject property, at its widest, is approximately 150 feet; this can be compared to the property across the street, currently occupied by a bank with a drive through, which is approximately 232 feet at its widest. Almost every square foot of the property not used for the building is taken up with parking and drive aisles. It is not possible to locate the building additions on the build-to line or cause them to occupy more than 50 percent of the net lot area,

without significantly affecting the functionality of the site. In addition, there is only limited space available for service areas such as the kitchen, which cannot have the required window-to-wall ratio.

**(B) The strict application of the Development Plan will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

The strict application of the Riverdale Park M-U-TC Development Plan will result in several peculiar and unusual practical difficulties upon the applicant. The fast-food restaurant building was constructed in 1999, five years prior to adoption of the development plan. Given the relatively minor changes proposed, strict compliance with the development standards would require demolition of the building and new construction on different portions of the property—an exceptional hardship that would essentially be a redevelopment, not a renovation.

**(C) The departure will not substantially impair the intent, purpose, or integrity of the General Plan, Master Plan, or the Town Center Development Plan.**

A fast-food restaurant with a drive-through is a use permitted as a special exception by the development plan (page 70). The continuation of the existing fast-food establishment/drive-through, which has an approved special exception, is therefore a use that is compatible with the intent of the plan. The proposed departure will not substantially impair the plan's intent, purpose, or integrity. The proposed additional drive-through lane, parking and sidewalk adjustments, building modernization, architectural enhancements, and small additions will neither substantially interfere with the integrity of the neighborhood nor implementation of the development plan. The enhancements to the building and site are attractive and appropriately scaled.

Based on the preceding, the Planning Board finds that the required findings of Section 27-239.01 of the Zoning Ordinance are met, and that the requested departures are therefore approved.

7. **Recommendation of the Municipality:** The Town of Riverdale Park submitted a letter to the Planning Board dated May 14, 2020 (Lestitian to Hewlett), which is incorporated by reference herein. According to the letter, the town council recommended approval of SP-190001.
8. **Further Planning Board Findings and Comments from Other Entities:** The following referrals were received and are incorporated herein by reference.
  - a. Urban Design Section email dated May 4, 2020 (Burke to Diaz-Campbell)
  - b. Permit Review Section dated March 30, 2020 (Bartlett to Diaz-Campbell)
  - c. Prince George's County Police Department dated April 1, 2020 (Contic to DRD)

- d. Historic Preservation Section dated April 7, 2020 (Stabler to Diaz-Campbell)
- e. Environmental Planning Section dated April 13, 2020 (Schneider to Diaz-Campbell)
- f. Transportation Planning Section (trails) dated April 13, 2020 (Smith to Diaz-Campbell)
- g. Transportation Planning Section (traffic) dated April 15, 2020 (Hancock to Diaz-Campbell)
- h. Community Planning Division dated April 13, 2020 (Sams to Diaz-Campbell)

9. **Planning Board Hearing of May 28, 2020:** At its meeting on May 28, 2020, the Planning Board commented on the site plan and building elevations provided with the application. The Planning Board noted that there were few crosswalks on the site plan, and stated that additional crosswalks would help improve the pedestrian visibility and safety on the site. In particular, a crosswalk to the building entrance, crossing the drive through lane, was discussed. The pedestrian elements of the site will be further evaluated with the Revision of Special Exception Plan (ROSP-4311-02) for the project and the applicant agreed to work with staff to improve the site plan to address the crosswalk comments provided by the Planning Board.

The Planning Board also noted that the façade facing US 1 lacked articulation. Though the building addition areas are not located along this façade, the Planning Board asked the applicant if they could improve this façade in another way to make up for the lack of windows. The Planning Board specifically recommended improving the façade with public art. The applicant agreed to explore the possibility of providing varied architectural finishes, public art or another means of visually improving the façade. The architecture of the building will be further reviewed and ultimately be approved with the pending ROSP.

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 approve the above-noted application, subject to the following conditions:

- 1. Prior to certification, the special permit site plan shall be revised as follows:
  - a. Show details and elevations of the proposed externally lit building signs.
  - b. Provide a sign table for all existing and proposed freestanding and building signs.
  - c. Remove all of the approval blocks from the plan. Leave a blank, 2-inch square space in the bottom right corner for insertion of a new approval block, to be provided by the Development Review Division.

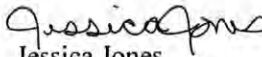
- d. Provide a site plan note quantifying the departure from each standard, including building coverage of net lot area, percentage of build-to line occupation, and transparent material percentage of the ground-floor façade.
- e. Provide a site plan note indicating that the site is exempt from the requirements of the Prince George's County Tree Canopy Coverage Ordinance.
- f. Remove General Note 23.
- g. The special permit plan set shall only include the plans pertinent to the departures approved, including the site plan and architectural elevations.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court 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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 28, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of June 2020.

Elizabeth M. Hewlett  
Chairman

By   
Jessica Jones  
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY  
David S. Warner /s/  
M-NCPPC Legal Department  
Date: June 3, 2020