

R E S O L U T I O N

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 11, 2018, regarding Detailed Site Plan DSP-18019 for Chick-fil-A, Upper Marlboro, the Planning Board finds:

1. **Request:** The subject application is a request for approval of a 4,999-square-foot eating and drinking establishment with drive-through service on Lot 2. Specifically, the application is proposing a Chick-fil-A restaurant. The existing automotive repair facility on the property is proposed to remain.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	I-1 and I-2	I-1 and I-2
Use	Auto repair facility	Auto repair facility and eating and drinking establishment
Net lot Area	4.99	4.99
Parcels and lots	1	1
Square Footage	16,800 (to remain)	21,799 (4,999 proposed)

**Parking and Loading Data**

	<b>Required</b>
<b>Eating and Drinking Establishment</b>	
107 interior seats @ 1 space/3 seats	36
18 exterior seats @ 1 space/3 seats	6
650 sq. ft. GFA @ 1 space per 50 square feet of GFA excluding storage and patron seating	13
<b>Total</b> (3 of which are required to be handicap)	<b>55</b>

<b>Auto Repair Facility</b>	<b>Required</b>
11 service bays	33
(3 spaces per service bay)	
<b>Total</b> (2 of which are required to be handicap)	<b>33</b>

<b>Combined Total Required</b>	<b>88</b>
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<b>Provided</b>	
Standard (9.5 x 19)	117
Handicap Accessible (13 x 19)	7
<b>Total</b>	<b>124*</b>
<b>Loading Spaces Required</b>	<b>3</b>
(4,999 sq. ft. = 1/ 16,800 sq. ft. = 2)	
<b>Loading Spaces Provided</b>	<b>2**</b>

**Notes:** \* The total number of proposed spaces is sufficient, but the parking schedule provided by the applicant is inconsistent with the number of parking spaces shown on the plan and should be revised to show the accurate number of parking spaces proposed. Therefore, a condition has been included in this approval requiring that the parking schedule be revised to match the number of spaces shown on the plan.

\*\* Two loading spaces exist on the property adjacent to the existing building, however the plan requires three loading spaces for both uses. The site layout allows for sufficient space to accommodate an additional loading space, and a condition has been included in this approval requiring it to be shown on the plan.

3. **Location:** The property is located on Lot 2, in Planning Area 79, Council District 9, on the west side of US 301 (Robert S. Crain Highway) at the southwest quadrant of its intersection with Chrysler Drive.
4. **Surrounding Uses:** The subject parcel is bounded to the east by US 301 (Robert Crain Highway), to the west by Chrysler Way and property in the I-2 (Heavy Industrial) Zone, to the north by Chrysler Drive with commercial and retail uses in the I-1 (Light Industrial) Zone beyond, and to the south by a vehicle repair, sales and rental facility in the I-1 Zone.
5. **Previous Approvals:** The 4.99-acre site is currently improved with an auto repair facility, which is proposed to remain, on the southern portion of the lot. Lot 2, Block A was recorded at Plat Book WWW 77-8 on April 28, 1971, and approximately 3.36 acres of the site were previously shown on the approved site plan for the automotive repair facility. Preliminary Plan of Subdivision (PPS) 12-3312 was previously approved for the subject property, for which there are no available records.

The site is the subject of Stormwater Management (SWM) Concept Plan 56203-2015-00, which was approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on May 15, 2017 and is valid until May 15, 2020. It is noted that General Note 19 is incomplete and should be updated to reflect this information, as conditioned below.

In addition, a floodplain waiver was approved by DPIE on March 21, 2017. The waiver letter approves the use of fill in the floodplain to raise the finished floor elevation to two feet above the floodplain at 30.8 feet. The compensatory storage is to be provided by constructing underground storage pipes. No additional information is required for stormwater management or fill within the floodplain.

On May 30, 2018 the Zoning Hearing Examiner (ZHE) reviewed the subject application for authorization to issue a building permit for a structure within a proposed right-of-way. Specifically, the request for 22 parking spaces, a drive aisle, a retaining wall, and a landscape strip within the proposed right-of way of A-61. A recommendation was made to the District Council that any, and all, permits be authorized for the subject property in conjunction with the subject application.

On July 9, 2018 the District Council approved the applicant's request for construction of permanent structures in the master planned right-of-way and affirmed the Zoning Hearing Examiner's decision.

6. **Design Features:** The subject detailed site plan proposes the construction of a 21.75-foot-high, 4,999-square-foot eating and drinking establishment, with 107 interior seats and 18 outdoor seats and a drive-through with associated parking.

The subject property is already developed with an auto repair facility on the southern portion of Lot 2. The proposed location of the new building will be on the northern portion of Lot 2, located near Chrysler Drive and US 301 in an existing parking compound. Vehicles will access the site from Chrysler Drive, near the location of the existing access, which is being slightly reconfigured to accommodate the new use.

The 24-foot-two-way access drive extends south towards both uses. Vehicles will turn onto a two-way drive aisle accessing the proposed site and a one-way drive aisle encircles the building in a counterclockwise pattern, with a separate lane for drive-through service. The travel lanes are designed to reduce the conflicts of backing vehicles from parking spaces on the developed site. Two existing loading spaces are provided in the southern portion of the property adjacent to the existing building on the northern and western sides. An additional loading space is required for the two uses proposed and the plan should be revised to provide the additional loading space as conditioned in this approval. The trash dumpster appears to be surrounded by a brick enclosure, providing the required screening, but details have not been provided and should be shown for clarification. Therefore, a condition has been added to this approval to require that the details and specification of the trash enclosure be provided.

Stormwater management is proposed to be accommodated on-site using a series of bioretention and underground facilities.

**Architecture**—The architectural elevations show the proposed building and feature a flat roof with brick as the primary material, in two shades of brown. Several cantilevered canopies are proposed around the sides of the building that provide architectural accents near the building entrances and the location of the drive-through window. The elevations are attractive on all sides of the building and have been found acceptable.

**Freestanding Signage**—A freestanding sign is proposed with this DSP application located at the northeast corner of the site, along US 301. The 25-foot-high pole-mounted sign includes two internally-lit, double sided signs. The primary sign is 10 feet by 10 feet and advertises the red and white “Chick-fil-A” logo. A secondary, white, 32-square-foot, changeable message board is located below the primary sign. The total sign face area of the combined signs is 132 square feet and is within the allowable freestanding sign area for the property, as specified by Section 27-614.

**Building-Mounted Signage**—Building-mounted signage is shown on all four sides of the architectural elevations. In the I-1 and I-2 Zones, the building-mounted signage is subject to the regulations of Section 27-613, which measure the allowed signage area of the building based on the length of the building with the primary entrance. The length of the building at the front entrance is 128 feet. This allows for the total building-mounted signage to be 256 square feet. The signage plan indicates conformance with this requirement, with approximately 150 square feet of proposed building-mounted signage.

**Lighting and Dumpster Enclosure**—The lighting fixtures proposed on-site include pole-mounted lighting in the parking lot, as well as wall-mounted sconces along the sides and rear of the proposed building. The proposed lighting will not cause glare or light to bleed onto adjoining properties and is proposed to include full cut-off fixtures.

A separate dumpster enclosure is located in the northwestern portion of the site. It is noted that the site plan proposes a trash enclosure, but a detail has not been provided. Therefore, a condition has been added to this approval requiring a detail of the trash enclosure be provided and that it be designed with the similar materials and colors to blend with the architecture of the building and be visually attractive, since it faces the parking compound.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George’s County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-1 and I-2 Zones and the site plan design guidelines of the Zoning Ordinance.
  - a. The subject application is in conformance with the requirements of Section 27-473(b) of the Zoning Ordinance, which governs uses in the industrial zones. The proposed eating and drinking establishment with drive-through service is permitted in the I-1 and I-2 Zones subject to Footnote 54, which requires that a DSP be approved for the use.

- b. The subject application is in conformance with the requirements of Sections 27-469, 27-470, and 27-474 of the Zoning Ordinance, which provide regulations in the I-1 and I-2 Zones. Specifically, the proposed eating and drinking establishment with drive-through service meets the regulations of building setbacks and green area, as 34 percent green area is provided.
- c. **Site Design Guidelines:** Section 27-283 of the Zoning Ordinance requires that a detailed site plan be designed in accordance with the same design guidelines for a conceptual site plan in Section 27-274. Discussion of this DSP's conformance to these guidelines is summarized as follows:

**(2) Parking, loading, and circulation**

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site.**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.**
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.**

The DSP is in conformance with the site design guidelines regarding provisions for safe and efficient on-site pedestrian and vehicular circulation, as well as provisions for adequate illumination. Specifically, the plan shows a two-way entrance drive, separated from a one-way travel lane circling the building to provide safe parking and circulation. The required loading on site is screened appropriately by landscaping or the building, and pedestrian walkways are designed to safely allow for pedestrian movement on and through the site.

**(3) Lighting.**

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character.**

The proposed light fixtures include pole-mounted lighting in the parking area surrounding the building and provide a balanced lighting pattern throughout the property and on the sides of the building. The lighting placement has been designed to enhance the building entrances, pedestrian pathways, the site's design character, and improve safety while not causing a glare onto adjoining properties.

**(4) Views.**

- (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.**

The proposed building has been designed to provide a modern, clean, and appealing street presence along the roadways. This plan is designed to preserve, create, or emphasize views from the public roads that surround the property, by providing enhanced landscaping and context sensitive architecture. The site has frontage on two sides of the property along Chrysler Drive on the north, and US 301 on the east. The DSP is proposing a landscape strip along both road frontages.

**(5) Green Area.**

- (A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use.**

This DSP complies with the design guidelines regarding green area for this site by providing more than the 10 percent green area required by the zoning. The applicant is meeting the required amount and is reducing the impervious surface on-site by removing some of the existing paving on the property.

**(6) Site and streetscape amenities.**

- (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site.**

The applicant is not proposing site or streetscape amenities as part of this application. However, the DSP does propose landscape strips along all street frontages that will contribute to an attractive and coordinated development pattern of the streetscapes on bordering properties.

**(7) Grading.**

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.**

The development is being proposed on a property that has been previously developed and is an existing parking compound. Grading will be required to elevate the proposed development out of the existing floodplain and add stormwater facilities, which will be an improvement to the existing state of the property.

**(8) Service Areas.**

**(A) Service areas should be accessible, but unobtrusive.**

The DSP proposes loading areas on the southern portion of the site adjacent to the existing automotive repair facility. These loading areas are appropriately screened from public roadways by landscaping and the building. In addition, the trash facility proposed on the northwestern portion of the site is screened by an enclosure and landscaping.

**(9) Public Spaces.**

**(A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.**

The DSP does not propose any public space in this development, however, it is noted that an outside dining area is proposed on the south side of the building for staff and restaurant customers.

**(10) Architecture.**

**(A) When architectural considerations are references for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.**

**(B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**

**(C) These guidelines may be modified in accordance with Section 27-277.**

The proposed building has been designed to incorporate a variety of materials to create visual interest and includes materials such as glass, metal panels, and masonry accents.

8. **Conformance to Preliminary Plan of Subdivision 12-3312:** Preliminary Plan of Subdivision 12-3312, covers the subject site and was previously approved, however it is noted that there are no available records for this approval. The application has been reviewed by the Planning Board and the DSP was found to be in substantial conformance with the approved record plat for this site.
9. **2010 Prince George's County Landscape Manual:** The proposal is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). As shown on the submitted landscape plan, the required plantings and schedules in conformance with these requirements are provided.

However, it is noted that landscape plan does not clarify that the adjacent uses to the northwest and south are compatible and do not require buffers per Section 4.7. Therefore, a condition has been added to this approval requiring notes be added to the plan regarding Section 4.7 conformance.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site contains less than 10,000 square feet of existing woodlands and the site has no previously approved Tree Conservation Plans. In addition, it is noted that the site has been issued a standard exemption letter (S-056-2018).
11. **Prince George's County Tree Canopy Coverage Ordinance—**Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. The plan has been reviewed for conformance with the requirements and the appropriate schedule demonstrating conformance to the requirements is shown on Sheet 9.
12. **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. **Community Planning—**The Planning Board adopted herein by reference a memorandum dated August 16, 2018 (Wooden to Bishop), which included an in-depth discussion of the DSP's conformance with the Master Plan, which recommends commercial land uses on the subject property; and determined that, master plan conformance is not required with this DSP.
  - b. **Transportation Planning—**The Planning Board adopted herein by reference a memorandum dated August 15, 2018 (Burton to Bishop), which stated that the site involves a 1971 plat, and there is no evidence in the files of any details regarding an adequacy test for the subject property. However, pursuant to the *Trip Generation Manual, 9th Edition* (Institute of Transportation Engineers), this type of use will generate 101 AM and 82 PM peak-hour trips, when assigning a pass-by rate of 50 percent. As a means of



determining if the use would exceed the trip generation contemplated by the plat, it was determined that the site could develop with 87,000 square feet of general office space, generating 174 AM and 161 PM peak-hour trips. The existing building plus the proposed use would not exceed this trip generation.

In addition, it was noted that the master plan recommends the construction of a freeway adjacent to existing US 301 in the future, and then US 301 will be converted into a service road (A-61) providing local access. This development however, will not be accessible from US 301, but rather from a 24-foot driveway connecting to Chrysler Drive to the north. A small triangular portion of the ultimate master plan right-of-way for A-61 will encroach upon the northeastern corner of the subject property. This encroachment could impact some proposed parking spaces, as well as a portion of the proposed retaining wall. Structures are not allowed within a master plan right-of-way without permission from the District Council. It is noted that the applicant filed an application to the District Council seeking authorization to build a structure within a proposed right-of-way. The Planning Board noted that a July 2018 Order of Approval issued by the District Council, authorizes construction of a portion of the subject application within the planned A-61 right-of-way.

The Planning Board found no issues with regard to on-site circulation and noted that the site plan is acceptable as proposed.

- c. **Subdivision and Zoning Review**—The Planning Board adopted herein by reference a memorandum dated July 3, 2018 (Conner to Bishop), which analyzed the DSP for conformance to the approved PPS and noted minor technical corrections to the site plan, which have been incorporated into this approval.
- d. **Permit Review**—Permit related issues have been either addressed through revisions to the plans or are addressed through conditions of this approval.
- e. **Trails**—The Planning Board adopted herein by reference an e-mail dated August 15, 2018 (Shaffer to Bishop), which reviewed the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) recommendations for the property and included a discussion of the applicable standards for the property. It was noted that revised plans had been submitted during the review process and addressed previous issues regarding bike and pedestrian access. Due to the revisions provided by the applicant, the plans are acceptable and there are no conditions of approval related to pedestrian or bicycle access.
- f. **Environmental Planning**—The Planning Board adopted herein by reference a memorandum dated September 7, 2018 (Schneider to Bishop), relating to environmental issues.

A Natural Resource Inventory Equivalency Letter (NRI-265-15) was issued on January 4, 2016. No woodlands are located on the site. The 100-year floodplain is the only Regulated Environmental Feature located over the entire site and comprises the Primary Management Area (PMA).

Section 27-285(b)(4) of the Zoning Ordinance requires the following finding: “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 in accordance with the requirement of Subtitle 24-130 (b)(4).”

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with the guidance provided in the Environmental Technical Manual.

A letter of justification for the proposed impacts was date stamped as received on August 15, 2018 and then a revised submission on August 23, 2018. This property is almost entirely within the 100-year floodplain. The 100-year floodplain comprises all of the Primary Management Area (PMA) on the subject property, in accordance with the Subdivision Ordinance. The letter requests 1.67 acres of impacts to the entire PMA for the construction of parking, stormwater management facilities and a building. This site contains existing parking areas from a former car dealership. Due to the extensive PMA on-site, engineering for avoidance and minimization of the PMA to develop the property was unavoidable.

An exhibit was submitted along with the letter showing that the proposed use is for the general redevelopment of the site including all associated infrastructure. The proposed redevelopment will require stormwater management approval with the required floodplain controls, thus improving water quality and flood control over what currently exists on-site. The Planning Board supported this proposed impact.

- g. **Prince George’s County Fire/EMS Department**—The Prince George’s County Fire/EMS Department did not offer any comments.
- h. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail dated July 11, 2018 (Flores to Summerlin), WSSC offered numerous comments regarding the provision of water and sewer to the development. These comments have been provided to the applicant and will be addressed through WSSC’s separate permitting process.
- i. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE provided comments in the Stormwater Management Concept approval letter related to the development of this site and adopted herein by reference. The approved stormwater management plan will ensure that the development of this site will not result in any on-site or downstream flooding. Additional comments related to permits

and stormwater management will be addressed through DPIE's separate permitting process.

- j. **Prince George's County Health Department**—The Prince George's County Health Department did not offer any comments.
  - k. **Verizon**—Verizon did not offer any comments.
  - l. **Pepco (Potomac Electric Power Company)**—Pepco did not offer any comments.
  - m. **City of Upper Marlboro**—The City of Upper Marlboro did not offer any comments.
14. As required by Section 27-285(b)(1), this DSP, if approved with the conditions below, 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. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board found that the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible given the unusual development constraints of the property.

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 Detailed Site Plan DSP-18019 for the above described land, subject to the following conditions:

- 1. Prior to certification of approval of this detailed site plan (DSP), the following revisions shall be made to the plan or the following information shall be provided:
  - a. Revise the parking schedule to match the number of parking spaces shown on the plan.
  - b. Provide details and specifications of the proposed trash enclosure to be finished with materials and colors to match the architecture of the proposed building.
  - c. Revise the site plan to remove the proposed lease line.
  - d. Revise the landscape plan to provide notes regarding conformance to Section 4.7 of the 2010 *Prince George's County Landscape Manual*.
  - e. Revise General Note 19 on Sheet 4 to reflect the approval and expiration dates of the stormwater management concept plan.
  - f. Update the parking and loading schedule and plan to reflect the additional required loading space.

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.

\* \* \* \* \*

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 Bailey, with Commissioners Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, October 11, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of November 2018.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

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