

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 September 12, 2019, regarding Detailed Site Plan DSP-18051 for Oxon Hill McDonald’s, the Planning Board finds:

1. **Requests:** The subject application is for approval of Detailed Site Plan DSP-18051, for a 1,373-square-foot building addition and the installation of a second drive-through lane on the existing eating and drinking establishment, specifically a McDonald’s restaurant. In conjunction with this DSP, the Planning Board approved a Departure from Parking and Loading Standards, DPLS-463 (PGCPB Resolution No. 19-96), to allow a reduction of 13 parking spaces, including one handicap-accessible space, and a Departure from Design Standards, DDS-658 (PGCPB Resolution No. 19-97), to allow a reduction in the requirements of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) on the same date by the Prince George’s County Planning Board.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
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**

<b>Eating and Drinking Establishment</b>	<b>Spaces Required</b>
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
<b>Total</b>	<b>55</b>
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
<b>Total</b>	<b>*42</b>

**Loading**

12 feet x 33 feet 1

\*See DPLS-463

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.

#### **Architecture**

The proposed architectural elevations depict a more contemporary franchise look from the traditional natural brick and double mansard roof. The brick will remain, however, the building will feature a more modern grey color scheme and incorporate panels and stucco. Visual elements faced with dark grey porcelain tile are shown on the front façade and the side entrance. These elements will provide dimension and focal interest to the two façades, with each featuring the corporate logo. The side element will emphasize the side entrance of the restaurant. The double mansard roof will be replaced with a straight parapet wall extending from the top of the building, defined by grey corrugated metal. The parapet will screen the mechanical equipment on the roof. The building will feature flat metal canopies above the window line across the front façade and the west façade, over each drive-through window, and at select points along each side façade.

#### **Signage**

A total of three building-mounted signs are proposed, with two located on the north façade and one on the west façade. The north façade signs will be the McDonald’s name across the parapet and the corporate logo “M,” which will be located on the tile visual element. The west side façade will feature the corporate logo “M” on the visual element, above the side entrance. The signs will measure approximately 46 square feet on the north elevation, and approximately 14 square feet on the west elevation. The signage table indicates conformance with the regulations provided in Section 27-613 of the Zoning Ordinance.

The site has an existing freestanding sign, approved with a previous application, which is not proposed to be revised with this application.

### COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George’s County Zoning Ordinance:** The application has been reviewed for compliance with the requirements of the Zoning Ordinance in the C-S-C Zone and the site plan design guidelines. The relevant requirements of the Zoning Ordinance are as follows:
  - a. The subject DSP is in general conformance with the requirements of Section 27-461 of the

Zoning Ordinance, which governs uses in commercial zones. The eating and drinking establishment, with drive-through service, is a permitted use in the C-S-C Zone, in accordance with Section 27-461(b), subject to footnote 24, which states:

“Subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle. Any fast-food restaurant 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. Such fast-food restaurants and their underlying special exceptions may be modified pursuant to the existing provisions relating to revisions or amendments to special exceptions generally and fast-food restaurants specifically as they exist in the Zoning Ordinance. The requirement for Detailed Site Plan approval does not apply to eating or drinking establishments within, and sharing the same points of vehicular access as, an integrated shopping center having six individual businesses (including the fast-food restaurant) and a minimum 50,000-square-foot gross floor area.”

- b. The DSP is consistent with the regulations in the C-S-C Zone including Section 27-454(a) regarding purposes; Section 27-454(b) regarding landscaping, screening, and buffering; and Section 27-454(d) regarding regulations in the C-S-C Zone.
  - c. The DSP is in general conformance with the applicable site design guidelines, as referenced in Section 27-283 and contained in Section 27-274 of the Zoning Ordinance. For example, vehicular and pedestrian circulation is designed to be safe, efficient, and convenient for both pedestrians and drivers; pedestrian access is provided to the site from the public right-of-way; and the architecture proposed for the building is constructed of durable, low-maintenance materials, and employs a variety of architectural features and designs, such as window and door treatments, projections, colors, and materials.
8. **Special Exception SE-3875:** On December 9, 1988, SE-4875 was granted by the ZHE for specified renovations to the existing fast food restaurant. This approval was subject to one condition, as follows:

- (1) **Approval of Special Exception SE-3875 is subject to the condition that the landscape strip within the right-of-way be maintained by the applicant. The site plan is Exhibit No. 20.**

The current proposal shows landscaping within the right-of-way. Permit SHA-3-PG-0683-19-DO from the Maryland State Highway Administration (SHA), was issued on July 31, 2019, to allow specified plantings within the 30-foot MD 414 right-of-way, subject to conditions by SHA. This condition shall be carried forward and modified as a condition of approval for this DSP.

9. **2010 Prince George’s County Landscape Manual:** The application is subject to the requirements of Sections 4.2, Landscape Strips Along Streets; 4.7, Buffering Incompatible Uses

(for the southern and western property lines); and 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. The landscape and lighting plan provided with the subject DSP contains the required schedules demonstrating conformance to these requirements, with the exception of Sections 4.2 and 4.7. Alternative Compliance AC-19005 was submitted, however, the Planning Board disapproved the Section 4.7 request for the southern property line, and approved DDS-658 for a reduction in the requirements. The Planning Board approved the AC request for the Section 4.2 and the Section 4.7 requirements, as follows:

REQUIRED: Section 4.2(c)(3)(A)(i), Landscape Strips Along Streets (Oxon Hill Road)

Length of Landscape Strip	148 feet
Width of Landscape Strip	10 feet
Shade Trees (1 per 35 l. f.)	5
Shrubs (10 per 35 l. f.)	43

PROVIDED: Section 4.2, Requirements for Landscape Strips Along Streets, (Oxon Hill Road)

Length of Landscape Strip	148 feet
Width of Landscape Strip	Varied 0–30*
Shade Trees	4*
Shrubs	93*

**Note:** \*The majority of the landscape strip width, three of the provided shade trees, and 81 of the provided shrubs are located in the public right-of-way of MD 414.

**Justification**

The underlying DSP proposes a building expansion of more than 10 percent of the gross floor area requiring conformance to Section 4.2, along MD 414. The original McDonald’s building was constructed in approximately 1972, prior to any landscape requirements. In 1989, Special Exception SE-3875 was approved for an enlargement of the building, and an associated variance from the 10-foot landscape strip requirement along the street was granted by the Board of Appeals.

Landscape requirements initially came into effect in 1990, and the current proposed building expansion now subjects the property to the 2010 Landscape Manual. However, the facts of the site development remain the same as when the variance was granted in 1989. The property was initially developed, in accordance with all requirements and the right-of-way line subsequently moved, impacting more of the site. The proposed building expansion extends closer to the right-of-way line but does not impact the landscape strip. The full landscape strip width and a comparable number of plants, including almost double the number of shrubs, are provided within the public right-of-way. At the time of the original variance approval, the applicant had obtained approval from the SHA to put plantings in the right-of-way.

Given the prior approval of a variance from the landscape strip requirement for this development,

the Planning Board finds the applicant's proposal equally effective as normal compliance with Section 4.2, as the proposed landscape strip width and additional plants are provided within the public right-of-way, in accordance with the SHA permit issued on July 31, 2019.

The Planning Board approves Alternative Compliance AC-19005, Oxon Hill McDonald's, from the requirements of the 2010 *Prince George's County Landscape Manual* from Section 4.2, Requirements for Landscape Strips Along Streets, along MD 414 (Oxon Hill Road), subject to conditions that have been addressed through plan revisions or included herein.

**Section 4.7, Buffering Incompatible Uses**

Subsequent to the AC review, the applicant requested a change in the proposed fence along the western boundary line from an opaque fence to a picket aluminum fence, citing the adjacent property owner and tenant's safety concerns. This change requires an AC as the plan is no longer in conformance with the requirements.

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the western property line, adjacent to commercial offices

Length of bufferyard	198 feet
Minimum building setback	30 feet
Minimum landscape yard	20 feet
Fence or wall	No, six-foot-high, non-opaque
Plant units (80 per 100 l.f.)	158

PROVIDED: Section 4.7-1, Buffering Incompatible Uses, along the western property line, adjacent to commercial offices

Length of bufferyard	198 feet
Minimum building setback	65 feet
Minimum landscape yard	12.5 feet
Fence or wall	No, six-foot-high, non-opaque
Plant units provided	161

**Justification**

The Landscape Manual allows for a 50 percent reduction in the Section 4.7 incompatible use bufferyard in the Developed Tier, when a six-foot-high, opaque fence is provided. The adjacent property owner expressed safety concerns with an opaque fence along the shared boundary and requested a metal, picket fence. The applicant provided a revised plan showing a six-foot-high aluminum picket fence, along the western boundary, with 161 planting units. It should be noted that none of the proposed site improvements impact this area of the property, so the new fence and plants are all enhancements to the existing condition. Given the adjacent property owner's concerns, the existing conditions, and the provision of the open-style aluminum fence and the full amount of required plant units, the Planning Board finds the applicant's proposal equally effective as normal compliance with Section 4.7.

The Planning Board approves Alternative Compliance AC-19005, Oxon Hill McDonald's, from the Section 4.7 requirements of the 2010 *Prince George's County Landscape Manual* for the western property line.

10. **Prince George's Country Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Tree Canopy Coverage Ordinance. Section 25-128 of the County Code requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance. In the C-S-C Zone, the coverage requirement is 10 percent, which for this application equates to 3,642 square feet. The subject DSP does not provide the required schedule demonstrating conformance to these requirements. A condition has been included in this resolution, to provide a schedule demonstrating conformance.
11. **Prince George's County Woodland and Wildlife Habitat Conservation:** The site is exempt from the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is less than 40,000 square feet in size. The site has a Natural Resource Inventory Equivalency Letter (NRI-119-2018) and Woodland Conservation Exemption Letter (S-112-2018), which were issued on August 2 and 6, 2018, respectively.
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 May 30, 2019 (Lester to Burke), which included the following summarized comments:

Pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, master plan conformance is not required for this application DSP, which is located in the Oxon Hill Neighborhood Center. The vision for the policy area is medium- to medium-high residential development, along with limited commercial uses.

The 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* recommends mixed-use land uses on the subject property and recommends that parking spaces be minimized to reduce impervious surfaces and located to the sides and rear of buildings. Additionally, innovative circulation and landscape design for parking areas shall be considered to reduce conflicts between cars and pedestrians.
  - b. **Transportation Planning**—The Planning Board adopted, herein by reference, a memorandum dated July 23, 2019 (Masog to Burke), which contains conditions of approval, included in this resolution.
  - c. **Subdivision Review**—The Planning Board adopted, herein by reference, correspondence dated May 7, 2019 (Onyebuchi to Burke), in support of this proposal.

- d. **Trails**—The Planning Board adopted, herein by reference, a memorandum dated August 12, 2019 (Barnett-Woods to Burke), which contains conditions of approval, included in this resolution.
  - e. **Permit Review**—The Planning Board adopted, herein by reference, a memorandum dated May 6, 2019 (Bartlett to Burke), which contained comments that have been either addressed by revisions to the plans, or have been included as conditions in this resolution.
  - f. **Environmental Planning**—The Planning Board adopted, herein by reference, a memorandum dated May 31, 2019 (Schneider to Burke), concluding that there are no issues with this proposal.
  - g. **Prince George’s County Fire/EMS Department**—The Office of the Fire Marshall did not provide comments on the subject application.
  - h. **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 DSP or DPLS.
13. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
14. Per Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:
- (4) 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 requirements of Subtitle 24-130(b)(15).**

The site does not contain any regulated environmental features or primary management area.

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 Alternative Compliance AC-19005, and further APPROVED Detailed Site Plan DSP-18051 for the above described land, subject to the following conditions:

- 1. Prior to certification of the detailed site plan (DSP), the applicant shall make the following



revisions to the plans:

- a. Provide a tree canopy coverage schedule demonstrating conformance to the requirements.
- b. Note on the plan that the landscape strip within the right-of-way must be maintained by the applicant, pursuant to Maryland State Highway Administration Permit SHA-3-PG-0683-19-DO.
- c. Add a trash enclosure detail to the plan, depicting the location and construction materials of the existing trash enclosure. The enclosure shall be the same color as the building.
- d. Indicate traffic flow into the drive-through lanes, as well as a minimum width of the drive aisles of 11 feet between the marking line and the adjacent parking spaces.
- e. Show three inverted-U bicycle parking racks near an entrance to the building.
- f. Correct the Section 4.2 and 4.7 landscape schedules to be consistent with, and refer to, the alternative compliance.
- g. Provide a six-foot-high black aluminum picket fence along the western property boundary.
- h. Show one directional sign at each driveway entrance.

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.

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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