

Case No: ROSP-4196-01
AC-20004

Applicant: McDonalds Forest Heights, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 4 - 2022

AN ORDINANCE, approving a revision (ROSP-4196-01) to previously approved Site Plan for Special Exception 4196 (SE-4196) (Alteration, Enlargement, Extension or Reconstruction of a Certified Non-Conforming Use) (Fast Food Restaurant), approved in 1995, to enclose the play area and add additional parking, and also approving AC-20004, a request for Alternative Compliance to Sections 4.2 and 4.7 of the Landscape Manual to allow a reduced bufferyard, on .77-acre of land in the C-M (Commercial Miscellaneous) Zone, located in the southeast quadrant of the northernmost intersection of Livingston Road with Indian Head Highway (MD Route 210) and the western boundary abuts the service road in the Indian Head Highway right-of-way, known as Arapahoe Drive, and identified as 5501 Livingston Road, in the Town of Forest Heights, Maryland, in Council District 8.

WHEREAS, on March 27, 1997, the Decision of the Zoning Hearing Examiner approving SE-4196 for the play area enclosure became final; and

WHEREAS, the instant application is a request to revise the previously approved Site Plan for SE-4196; and

WHEREAS, the revision to the previously approved Site Plan (RSOP-4196-01) is to raze the existing McDonald's restaurant building and construct a new larger McDonald's restaurant building on the property; and

WHEREAS, the application also includes a request for Alternative Compliance (AC-20004) to Sections 4.2 and 4.7 of the Landscape Manual to allow a reduced bufferyard; and

WHEREAS, the Technical Staff of the Planning Board recommended disapproval of the application; and

WHEREAS, the Planning Board elected not to schedule a hearing on the application request and adopted Technical Staff's recommendation of disapproval of the application as its own; and

WHEREAS, the application request was advertised, and the application request was posted on the property prior to the public hearing, in accordance with law; and

WHEREAS, the subject property is located within the municipal boundaries of the Town of Forest Heights; and

WHEREAS, the Town of Forest Heights, where the property is located, did not oppose the application; and

WHEREAS, on December 1, 2021, the Zoning Hearing Examiner conducted a public hearing in accordance with the requirements of the Prince George's County Code on the application request; and

WHEREAS, on January 31, 2022, the Zoning Hearing Examiner filed a disposition recommendation of approval of the application, subject to conditions, with the District Council; and

WHEREAS, upon review of the Zoning Hearing Examiner's disposition recommendation of approval with conditions, the District Council determined that the application should be approved; and

WHEREAS, on March 14, 2021, the District Council directed Staff to prepare an Ordinance approving the application request in accordance with the Zoning Hearing Examiner's disposition recommendation of approval with conditions; and

WHEREAS, as expressly authorized by the Regional District Act, Title 22 of the Land Use Article of the Annotated Code of Maryland, and Subtitle 27 of the Prince George's County Code, the District Council hereby adopts the Zoning Hearing Examiner's disposition recommendation of approval with conditions filed on January 31, 2022.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1: The application request, ROSP-4196-01 and AC-20004, to revise the previously approved Site Plan for SE-4196, are hereby APPROVED, subject to conditions as follows:

1. The required setbacks have not been accurately reflected on the Plans.
2. The parking schedule should be revised to reflect parking and loading space requirements set forth on pages 15 and 16 of Exhibit 36.
3. The Section 4.2 landscape schedules should reflect "shades trees" instead of "canopy trees" and reflect the provided landscape strip width, in accordance with the *2010 Prince George's County Landscape Manual*.
4. The Section 4.2 landscape schedules need to be updated on the Landscape Plan.
5. A Sign Area Table has not been provided on the Site Plan to demonstrate the maximum required sign area. The Site Plan will need to provide sign area calculations to show conformance to Part 12 of the Prince George's County Zoning Ordinance.
6. The plant schedule on the Landscape Plan should indicate all plant materials as native or non-native.
7. The existing use of the abutting property to the east should be indicated on the Site Plan, in accordance with the uses provided in the Prince George's County Zoning Ordinance.

SECTION 2: This Ordinance shall take effect on the date of its enactment.

Enacted on March 28, 2022, by the following vote:

In Favor: Council Members Burroughs, Dernoga, Franklin, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Members Davis and Glaros.

Vote: 9-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: _____
Calvin S. Hawkins, II, Chair

ATTEST:

Donna J. Brown
Clerk of the Council