

C O R R E C T E D R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed Departure from Design Standards Application No. 525 requesting a departure of six feet of the required 22 foot drive aisle width 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 October 11, 2001, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The subject property is 0.6" acre in area and is located on the northwest side of Allentown Road, 800" feet northeast of its intersection with Maxwell Avenue. The site is developed with a vacant building which has been used as a variety of fast-food restaurants over the last 30 years. The site is part of a larger group of uses which was at one time an integrated shopping center. One of the major anchors of that center, a Memco retail store, has been closed for many years and is currently occupied by a church. The property continues to share access to Allentown Road with the church and other nearby retail businesses.
- B. History: The building on the site was originally constructed in 1970 as a Jr. Hot Shoppe restaurant. At that time, Aeating and drinking establishments@ were a permitted use in the C-S-C Zone. After changing to a Roy Rogers, the use became nonconforming in 1978, when the District Council passed legislation requiring a special exception for fast-food restaurants. In 1990, when the restaurant was sold to Hardees, it was certified as a legally established nonconforming use.

In 1998, the McDonald=s Corporation received permission from the District Council to convert the site to a McDonald=s restaurant as part of a major site redesign pursuant to SE-4306. The existing building was to be razed and a new building constructed. However, McDonald=s has since decided not to pursue development of the site.

- C. Master Plan Recommendation: The 1981 Master Plan for Subregion VII recommends retail-commercial use for the site.

- D. Request:

The applicant requests a departure of 6 feet from the 22-foot drive aisle width requirement.

- E. Neighborhood and Surrounding Uses: The site is surrounded by the following uses:

Northwest: A church in the C-S-C Zone

Northeast: A real estate business and a flea market in the C-S-C Zone.

South and East: Across Allentown Road is the Andrews Air Force Base in the I-1 Zone.

The neighborhood is defined by the following boundaries:

North and Northwest: The Capital Beltway (I-495)
Northeast: Suitland Road
South and Southeast: Allentown Road
West: Auth Road

This is the same neighborhood accepted in SE-4306. It contains strip-commercial uses along Allentown Road. The southwest corner of the neighborhood near Auth Road is developed with garden apartments and single-family residences in the Andrews Manor subdivision.

F. Departure from Design Standards Application No. 525 (Departure of 6 feet from the 22-foot drive aisle width):

(a) **Section 27-239.01(b)(9) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:**

1. The purposes of this Subtitle will be equally well or better served by the applicant=s proposal.

Finding: The applicant seeks permission to retain a 16-foot-wide drive aisle, pointing out that this drive aisle has been sufficient for many years. While we would agree that the drive aisle has been at or near this width for many years, staff is of the opinion that the drive aisle should be brought up to a full 22 feet. Doing so would only require the removal of a small amount of curbing, and it would ensure an adequate width, safe for two-way traffic circulation.

2. The departure is the minimum necessary, given the specific circumstances of the request.

Finding: The departure is not the minimum necessary, since it can easily be rectified and the full 22-foot-wide drive aisle accommodated.

3. The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949.

Finding: The departure is not necessary to alleviate any unique circumstances.

4. The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.

Finding: The requirement for a 22-foot-wide drive aisle is necessary to ensure for safe traffic movement on the site. To allow for an unnecessary reduction jeopardizes the safety of patrons and thus the integrity of the site and the surrounding neighborhood.

- (b) **For a departure from a standard contained in the *Landscape Manual*, the Planning Board shall find, in addition to the requirements in paragraph (A) above, that there is no feasible proposal for alternative compliance, as defined in the *Landscape Manual*, which would exhibit equal or better design characteristics.**

Finding: This departure is not from a standard contained in the *Landscape Manual*.

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 [Recommended DENIAL of DDS-525] *DENIED DDS-525.

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 Eley, seconded by Commissioner Lowe, with Commissioners Eley, Lowe, Brown and Hewlett voting in favor of the motion, and with Commissioner Scott absent at its regular meeting held on Thursday, October 25, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of November 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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