

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Design Standards DDS-658, Oxon Hill McDonald's, requesting a reduction in the requirements of the 2010 Prince George's County Landscape Manual (Landscape Manual) 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 September 12, 2019, the Prince George's County Planning Board finds:

1. **Requests:** The subject application is for approval of a Departure from Design Standards, DDS-658, for a reduction in the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). This DDS is a companion case of Detailed Site Plan DSP-18051 (PGCPB Resolution No. 19-95) and Departure from Parking and Loading Standards DPLS-463 (PGCPB Resolution No. 19-96) that were approved 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

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.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Departure from Design Standards DDS-658:** Section 4.7 of the Landscape Manual requires a 50-foot building setback, and a minimum landscape yard width of 40 feet along the southern boundary line, where the subject site abuts a residentially-developed property. Based on the existing site limitations, the applicant has provided a 0.6-foot landscape yard along the southern boundary. The Planning Board found that the applicant is unable to provide equally effective measures and denied the alternative compliance request for this property line, necessitating a departure from design standards.

Section 27-239.01(b)(7) of the Zoning Ordinance contains the following required findings in order for the Planning Board to grant the departure:

- (A) **In order for the Planning Board to grant the departure, it shall make the following findings:**

- (i) **The purposes of this subtitle will be equally well or better served by the applicant's proposal;**

The site is bound on all sides by constraints established with the development of the property in 1972, and strict compliance with the requirements of the Landscape Manual cannot be effectively applied without completely redeveloping the site. The applicant is proposing a solution to screen the existing establishment and proposed additions in such a way that is comparable to other properties, and agreeable to the neighboring tenants. The Planning Board finds that the proposed improvements to the existing conditions will better serve the purposes of this subtitle.

- (ii) **The departure is the minimum necessary, given the specific circumstances of the request;**

The current layout of the site was established prior to the inception of the Landscape Manual. Minimal buffers were provided with the original layout, and given the existing conditions of the restaurant, parking space and drive aisle requirements, there is no ability to establish conforming buffers. Given these factors, the Planning Board finds that the applicant has minimized the impacts, to the extent possible.

- (iii) **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 1949;**

The parking area was constructed up to the southern property boundary with the original development of the site. Additionally, the adjacent residentially-developed property is zoned C-O and could be developed with a compatible use in the future. Given the standards relating to drive aisles and parking spaces, the Planning Board finds that the circumstances are unique, and the departure is necessary.

- (iv) **The departure will not impair the visual, functional, or environmental integrity of the site or the surrounding neighborhood.**

The Planning Board finds that the landscaping and screening fence proposed will improve the visual and environmental quality of the site, and reduce the existing impacts of the establishment on 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 (7)(A), above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.**

The Alternative Compliance Committee concluded, in the review of AC-19005, that there was no feasible proposal for alternative compliance that would exhibit equally effective design characteristics based on the limiting constraints along the southern boundary line, abutting the residentially developed property.

Based on the analysis above, the Planning Board approved the Departure from Design Standards, DDS-658, to allow a departure to the Section 4.7 buffer requirements, along the southern boundary line.

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 the above-noted application.

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.

\* \* \* \* \*

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