

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 Parking and Loading Standards Application No. 273 requesting a departure of 9 of the required 38 off-street parking spaces for a fast-food restaurant 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 9 of 38 required off-street parking spaces.

- 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 Parking and Loading Space Requirements:

(a) **Section 27-588(b)(8) 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 Section 27-550 will be served by the applicant=s request:**

- (A) To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses.**
- (B) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points.**
- (C) To protect the residential character of the residential areas.**
- (D) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

Finding: The purposes of Section 27-550 will be generally served by the applicant's request to waive a total of 13 of the 42 required parking spaces for their proposed fast-food restaurant. The site, due to the fact that it has been developed for three decades, cannot physically accommodate the additional parking spaces without a total reconfiguration of the site. Doing so would result in few additional spaces, and would necessarily decrease the area available for landscaping. The site continues to gain access from a shared drive with other adjoining uses. The site is surrounded by parking for other commercial and institutional uses; there are no residences to impair. When weighing its positive impact of additional green space versus the need for additional parking spaces, staff could not find the need so overwhelming as to recommend the additional parking spaces be provided.

The applicant has provided a parking analysis which shows that a similarly situated restaurant (a Bojangle=s on US 301 in Upper Marlboro) had a mid-day peak demand of 21 parking spaces. This compares favorably to a study conducted in 1998, which showed the then-existing Roy Rogers restaurant had a peak demand of 18 spaces, while a McDonald=s further north on Allentown Road had a peak demand of 22 spaces. Thus, it would seem that the 29 parking spaces will be sufficient to serve the needs of the restaurant.

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

Finding: The departure is the minimum necessary given the specific circumstances of the request and to alleviate circumstances special to the subject property, i.e., the use having been in existence for more than 30 years.

**3. The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949.**

Finding: This restaurant was approved and constructed prior to most of today=s design criteria for parking lots.

**4. All methods for calculating the number of spaces required have either been used or found to be impractical.**

Finding: All methods for calculating the number of spaces required have been used, and there is no method which results in fewer spaces being necessary other than a reduction in the number of seats in the restaurant, which seems excessive.

**5. Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

Finding: There are no adjoining residential areas to be infringed upon.

**(b) In making its findings, the Planning Board shall give consideration to the following:**

**1. The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within 500 feet of the subject property.**

Finding: The site is located as a de facto pad site surrounded by the expansive parking lot for the Church of the Great Commission on one side and the Great

Eastern Antique Flea Market on the other. These parking lots contain hundreds of parking spaces.

**2. The recommendations of an area master plan, or County or local revitalization plan, regarding the subject property and its general vicinity.**

Finding: The 1981 Master Plan for Subregion VII recommends that the existing commercial areas in the Camp Springs community be strengthened with additional appropriate uses so that they may evolve into activity centers. The plan is silent on the question of parking spaces. Certainly, the renovation and reopening of this long-abandoned business will help strengthen the commercial area.

**3. The recommendations of a municipality (within which the property lies) regarding the departure.**

Finding: The site is not located within a municipality.

**4. Public parking facilities which are proposed in the County=s Capital Improvement Program within the general vicinity of the property.**

Finding: There are no parking facilities shown in this vicinity in the county CIP.

**(c) In making its findings, the Planning Board may give consideration to the following:**

**1. Public transportation available in the area.**

Finding: There is Metrobus service along Allentown Road.

**2. Any alternative design solutions to off-street facilities which might yield additional spaces.**

Finding: The only alternative design solutions would involve a total reconfiguration of the building and site (such as was proposed by McDonald=s), and would then result in only an additional parking space or two.

**3. The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within 500 feet of the subject property.**

Finding: The adjoining church has services on Sunday morning and some Sunday evenings. It also has weekly meetings on Tuesday and Wednesday evenings. The Great Eastern Antique Flea Market does not have posted hours of operation. The Coldwell-Banker building has normal M-F business hours.

4. **In the R-30, R-30C, R-18, R-18C, R-10A, R-10 and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George=s=s County Code.**

Finding: The site is located in the C-S-C Zone.

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 APPROVAL of] \*and APPROVED DPLS-273.

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 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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