

R E S O L U T I O N

WHEREAS, the Prince George=s County Planning Board has reviewed Departure from Parking Spaces Application No. 279 in conjunction with it=s review of Revision of Site Plan Special Exception 4082/01, requesting a reconstruction of a McDonald=s fast food restaurant and a minor revision of the parking lot design and landscape plan 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 May 16, 2002, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The subject property is located on the south side of Annapolis Road, approximately 400 feet east of the Capital Beltway. It is about .8 acre in size and currently developed with a 4,787-square-foot McDonald=s Restaurant with a playground and drive-thru window.
- B. History: The restaurant was constructed in 1968 in the C-M Zone, prior to the enactment of special exception requirements for fast-food restaurants. The drive-thru window was added in 1980 pursuant to a permit, which was later validated as having been issued in error (ERR-87). The validation of this permit also conferred upon the site the status of a legal nonconforming use.

In 1980, Special Exception 3864 for a new restaurant was approved, but was never utilized and was ultimately revoked. In 1992 McDonald=s obtained Special Exception 4082 for the purpose of adding a playground structure and other minor site revisions.

- C. Master Plan Recommendation: The *Adopted and Approved Master Plan for Glenn Dale-Lanham-Seabrook and Vicinity* recommends commercial use for the subject property.
- D. Request: The applicant desires to raze the existing building and reconstruct a slightly smaller restaurant (4,007 square feet) on the site. There will be minor modifications to the parking lot, primarily to change the location of the loading area. The site will continue to have a parking lot oriented to a one-way circulation pattern, in conjunction with the drive-thru window traffic. The playground will be eliminated and additional landscaping will take its place.
- E. Neighborhood and Surrounding Uses: The neighborhood defined for this case is the same neighborhood identified for SE 4082:

North - Annapolis Road

East and South - National Railroad Passenger Corporation Railway Line tracks

West - Capital Beltway

The neighborhood is comprised of retail and service-commercial uses. The following uses surround the property:

North - a hotel, offices, two restaurants, and an auto dealership in the C-M Zone.

East - auto repair, funeral home and motel in the C-M Zone

South - across the railroad tracks are apartments in the R-18 Zone

West - restaurants, an office building and the Lanham Station Shopping Center in the C-M Zone.

F. Parking Regulations:

The proposed use requires 66 parking spaces. The applicant's site plan shows 41 spaces within the boundaries of the special exception and an additional 27 spaces on an adjoining lot to the rear of the adjacent Jerry's Subs restaurant. A stream and small area of wetlands are located on this adjoining property, which would require state and federal wetland permits prior to filling and construction. For this reason, the applicant is not relying upon these parking spaces and has filed the companion departure from parking and loading spaces application. It is noted that the applicant's statement of justification refers to 42 parking spaces on the subject site; but revised plans, dated 4/25/02, correctly note that 41 spaces are located on site, therefore, requiring a departure of 25 parking spaces. Refer to Section L. of this report for a detailed discussion of the departure request.

The revised plans also show a 25-foot-wide access to the loading space and provides for two-way traffic on the southwestern access driveway to the location of the loading space, in conformance with the design standards of Part 11 of the Zoning Ordinance. The proposed plans also show conformance with all other parking and loading design standards.

G. Departure Requirements **Sec. 27-588(b)(8):**

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.**

The purposes of this Part are:

- (1) 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;**
- (2) 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;**

- (3) To protect the residential character of residential areas; and**
- (4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

The above purposes will be met. McDonald=s is proposing to build a restaurant with 90 seats. It has operated a slightly larger restaurant with 98 seats at this site for many years with 42 parking spaces. The applicant=s consultant, Street Traffic Studies, Ltd., carried out a parking survey on a weekday and weekend day, finding that at maximum usage, only 23 to 30 spaces were actually occupied. Staff field inspections revealed similar patterns of parking space use by patrons. Therefore, the proposed number of spaces is sufficient to serve the parking needs of the business and will not create traffic congestion on nearby streets. There are no residential areas near the business; therefore, no residential areas are impacted by the proposed departure.

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

The applicant is exploring the feasibility of providing parking on the adjoining property; however, the requested departure is the minimum necessary to bring the parking lot on the subject property into conformance with the requirements of the Zoning Ordinance.

- 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.**

This use has existed on the property for many years. The applicant is exploring alternative parking on adjacent property but the potential environmental constraints on that site create a circumstance special to this use, which creates the need for the current departure request.

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

There are no feasible alternatives to provide additional parking on this property.

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

There are no residential areas near the business; therefore, no residential areas are impacted by the proposed departure.

- (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.

Other businesses in the general vicinity of the subject property have on-site parking, and there are no unusual parking or loading conditions which create congestion on nearby streets.

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

The Adopted and Approved Master Plan for Glenn Dale-Lanham-Seabrook and Vicinity recommends commercial use for the subject property. Community Planning Division staff found no master plan issues raised by this application. (See memorandum from Paul Fields, January 31, 2002..

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

The subject site is not located within a municipality. The nearby City of New Carrollton has been notified of this application, and the applicant has met with city representatives. No referral reply was received from the city.

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

There are no parking facilities proposed in this vicinity.

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

- 1. Public transportation available in the area.**
- 2. Any alternative design solutions to off-street facilities which might yield additional spaces.**
- 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.**
- 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.**

There is no public transportation immediately adjoining the subject site; the applicant has explored alternative parking solutions; and there are no unusual hours of operation of adjoining

businesses which could have an affect upon parking requirements.

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, subject to the following condition:

1. The site plan shall be amended to show the centerline of the adjoining railroad right-of-way and the distance of residentially zoned property from the subject property line, in accordance with Section 27-350(a).

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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Brown and Hewlett voting in favor of the motion, and Commissioner Eley absent at its regular meeting held on Thursday, May 16, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of June 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:CW:rmk

(Revised 8/9/01)