THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 12-31 File No. DPLS-361

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-361, McDonalds-University Boulevard requesting a departure from parking and loading standards for the expansion of a nonconforming 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 April 12, 2012, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is an irregularly shaped lot located on the north side of University Boulevard, 375 feet west of 24th Avenue. The site, also known as 2306 University Boulevard, is improved with a one-story, brick, fast-food restaurant with a drive-through window and an asphalt parking lot. Access to the site is gained from University Boulevard via two driveways. The applicant is proposing to close the westernmost driveway leaving a single point of access at the location of the existing entrance drive.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Fast-food Restaurant	Fast-food Restaurant
Gross Floor Area (GFA)	4,000 sq. ft.	4,372 sq. ft.
Acreage	1.07	1.07
Parcels	2	2

C. **History:** The subject site was placed in the C-S-C Zone upon adoption of the 1989 &1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment* (SMA) *for Planning Areas 65, 66 and 67.* In 1984, the use was certified nonconforming due to changes in the Zoning Ordinance and Special Exception SE-3527 was approved for an expansion of the existing building. The District Council approved Special Exception SE-4096 in 1993 to add a soft playland and the Planning Board approved Departure from Parking and Loading Standards DPLS-158 to waive five of the 80 required parking spaces. In 1997, the District Council approved a third Special Exception (SE-4201) which enclosed the playland and waived the additional resulting parking through Departure from Parking and Loading Standards DPLS-206. The playground enclosure was ultimately never built.

D. **Master Plan Recommendation:** This application conforms to the land use recommendations of the 1989 &1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity*

and Adopted Sectional Map Amendment (SMA) *for Planning Areas 65, 66 and 67* for retail commercial land uses. The 2002 *Prince George's County Approved General Plan* placed the property in the Developed Tier. The vision for the Developing Tier is a network of sustainable transit supporting mixed-use, pedestrian oriented, medium- to high-density neighborhoods.

E. **Request:** The applicant is proposing to raze and rebuild the McDonalds fast-food restaurant that has existed at this location since 1960. The resulting restaurant would be slightly larger and incorporate new architectural features and materials. The applicant is also requesting a departure of 18 parking spaces, since some of the existing parking on the site would be taken by a proposed dual drive through. In order to retain the existing freestanding sign along University Boulevard, the applicant must obtain a departure from sign design standards. Two additional departures are necessary; one for a substandard landscape yard and a second for a slight decrease in the width of a driveway to serve a loading space. The applicant is further requesting alternative compliance from Section 4.7 (Buffering Incompatible Uses) of the 2010 *Prince George's County Landscape Manual.*

F. **Neighborhood and Surrounding Uses:** The appropriate neighborhood to be considered in this case is bounded on the northwest by a PEPCO (Potomac Electric Power Company) transmission line, on the east by the Northwest Branch and on the south by University Boulevard. This neighborhood includes a mixture of commercial and residential uses. Commercial development dominates the University Boulevard frontage. Medium density, single-family attached houses characterize the interior of the neighborhood. This is the neighborhood which was adopted in Special Exceptions SE-3527, SE-4096 and SE-4201.

The property is surrounded by the following uses:

North— A shopping center in the C-S-C Zone and a Pepco power line in the O-S Zone.

East— A shopping center in the C-S-C Zone.

South— Across University Boulevard is a gas station, convenience store and Laundromat in the C-S-C Zone.

West— A gas station in the C-S-C Zone.

G. **Departure from Parking and Loading Standards DPLS-361:** The plan correctly notes that 76 parking spaces and one loading space are required to serve this use. The site plan indicates that 53 spaces can be provided, a deficit of 23 spaces. The applicant has already received a departure of five spaces, necessitating an additional departure of 18 spaces. A departure from parking and loading standards is required to address this reduction in parking spaces provided. Section 27-588(b)(7)(A) of the Zoning Ordinance sets forth the following findings to grant a departure from parking and loading standards:

Section 27-588(b)(7)(A) Required Findings

(i) The purposes of this Part (Section 27-550) will be served by the applicant's request;

(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;

This proposal complies with this purpose. The applicant's proposal will provide adequate off-street parking and loading areas in order to serve the needs of McDonald's employees and customers. The applicant has operated a restaurant from this site since 1960 and has determined that a significant amount of its business is associated with the drive-through service. Thus, the applicant is proposing to install a dual drive through. The applicant believes that the addition of the dual drive-through and modifications to the existing parking area will address the parking needs of its employees and will not have any adverse impacts on the community. In addition, 17 different aerial photos of this site were reviewed from the years 1964 to 2011. They show an average of 18 parking spaces being occupied, with a maximum parking utilization of 28 spaces. Two visits to the site, on a weekday afternoon and a weekend evening, showed parking counts of 20 and 11 cars, respectively.

(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;

This proposal complies with this purpose because the applicant will provide a dual drive-through window. The applicant anticipates the majority of its customers to use the dual drive-through window, which decreases the likelihood that customers will need to use public streets for parking. In addition, the applicant is proposing to reduce the number of access points from two down to one

(3) To protect the residential character of residential areas; and

Although this site adjoins property located in a residential zone, that property is developed with a PEPCO transmission line.

(4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District;

This proposal complies with this purpose. There will be ample parking for restaurant patrons. There will also be landscaping and loading areas on-site. The

parking is conveniently located where the customers will not have a far walk to the front door entrance to the restaurant. This proposal will be an amenity in the regional district since it will be part of a project which will replace an older restaurant with dated architecture with a modern facility.

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

This proposal complies with this purpose. The departure is the minimum necessary considering this proposal calls for the redevelopment of the subject property. As stated above, this site has been developed since 1960. The site is compact and the applicant is proposing to redevelop the site with a more modern restaurant with a modern layout.

(iii) 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;

The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. As stated above, the applicant is proposing to construct a new McDonald's and incorporate into that design, a dual drive-through and a modern layout that will not only create a safer environment for its customers, but a more attractive layout. The lack of space makes it difficult for the applicant to provide the required number of parking spaces and a dual drive-through. The dual drive-through component at this location will increase the likelihood of the restaurants success. Furthermore, this site is located inside the beltway in an area of the County that was predominantly developed prior to 1949. This site is compact and a departure is necessary in order to redevelop this site utilizing current site design requirements.

(iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and

All methods of calculating the number of spaces have been explored. There is no alternative but to obtain a departure.

(v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

The only residential property within the immediate vicinity of the site is developed with a PEPCO transmission line.

In addition, Section 27-588(b)(7)(B) of the Zoning Ordinance sets forth the following:

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

(i) 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 five hundred (500) feet of the subject property;

The adjacent retail and office commercial uses have sufficient parking. There is no on-street parking along University Boulevard.

(ii) The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;

This application conforms to the land use recommendations of the 1989 &1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment* (SMA) *for Planning Areas 65, 66 and 67* or retail commercial land uses.

(iii) The recommendations of a municipality (within which the property lies) regarding the departure; and

This site is not within a municipality.

(iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.

No public parking facilities are proposed in the Prince George's County Capital Improvement Program within the general vicinity of the property.

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

(i) Public transportation available in the area;

There is a Metro bus and County Bus route along University Boulevard. However, given the nature of this use, it is somewhat unlikely that a customer would take public transportation to this site.

(ii) Any alternative design solutions to off-street facilities which might yield additional spaces;

The size and configuration of the site does not lend itself to an alternative design that would yield more parking opportunities. A total of 53 spaces are provided.

(iii) 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 five hundred (500) feet of the subject property;

The subject fast-food restaurant use has longer hours of operation than its neighbors (except for the gas station), thereby affording the site extra parking spaces if needed. However, as stated previously, it would be rare if ever at all that all the on-site parking spaces would be used at one time.

(iv) 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 County Code.

The subject property is in the C-S-C Zone and multifamily dwellings are not proposed under this application. Consequently, the above section is not applicable to the subject property.

H. **Referral Comments:** None of the referral replies received had any objection to the application. The Transportation Planning Section agrees that the 53 spaces should be adequate to serve the use based on the studies of restaurants with a drive through, but would like the applicant to install a bike rack at the entrance. The Environmental Planning Section indicated that the site is exempt from the Woodland Conservation and Tree Preservation Ordinance requirements and that no environmental issues were identified. The Urban Design Section points out that the landscape plan submitted needs to be revised because it differs slightly from that recommended for approval in the Alternative Compliance application.

I. **Zone Standards:** The site plan, with the approved request for alternative compliance and departures, along with recommended conditions, will be in conformance with all zoning requirements and regulations.

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.

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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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Squire, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 12, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of May 2012.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:TL:arj

APPROVED AS TO LEGAL SUFFICIENCY.
M-NCPPC Legal Department
Date 4/30/12