

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Parking and Loading Spaces Application No. DPLS-472, McDonald's at University Boulevard, requesting approval 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 21, 2020, the Prince George's County Planning Board finds:

1. **Request:** The site is occupied by an existing restaurant with drive-through service. The applicant is proposing changes to the site layout, in order to accommodate the Maryland State Highway Administration's (SHA) partial condemnation of the property for installation of Purple Line tracks. The area condemned varies in width, but reaches 22 feet, 7 inches at its widest point, as measured from the existing front property line. Within this area, 12 parking spaces and approximately 10 feet of landscape buffering are to be razed. The existing signage near the driveway entrance will also have to be relocated. The applicant proposes 6 new parallel parking spaces to replace the 12 to be removed; new landscaping at the front of the property, outside the condemnation area; and relocated signage.

The applicant requested a Departure from Parking and Loading Spaces (DPLS-472), in order to allow a reduction in the number of parking spaces required, pursuant to Section 27-568(a) of the Prince George's County Zoning Ordinance- Schedule of spaces required, generally. This departure is for the reduction of the number of existing parking spaces provided on-site from 53 to 47. The number of parking spaces required on-site by zoning is 75.

In conjunction with this DPLS, the Planning Board approved companion departures DDS-656 (PGCPB Resolution No. 2020-86) for reducing the amount of landscaping required along MD 193 (University Boulevard), and DSDS-700 (PGCPB Resolution No. 2020-87) for reducing the setback required for a freestanding sign.

2. **Development Data Summary:** The following chart summarizes the approved development for the subject property.

	APPROVED
Zone	C-S-C
Use(s)	Commercial
Total Acreage	1.07
Number of Parcels	2
Gross Floor Area	4,372 sq. ft.

3. **Location:** The subject site consists of two parcels, known as Parcel A of the Coopersmith Tract (the east parcel), and Parcel A of the Karl M. Hohensee Et Ux Property (the west parcel). The site

is in the Commercial Shopping Center (C-S-C) Zone and is located on the north side of MD 193, approximately 0.5 mile east of its intersection with Riggs Road. The site is accessed from MD 193.

4. **Surrounding Uses:** The subject site is bound on the north and east by other commercial uses in the C-S-C Zone; to the south by MD 193, with additional commercial uses in the C-S-C Zone, and single-family detached dwellings in the One-Family Detached Residential (R-55) Zone beyond; to the west by a gas station in the C-S-C Zone; and to the northwest by transmission line right-of-way, owned by the Potomac Electric Power Company, in the R-55 Zone.
5. **Previous Approvals:** A restaurant with drive-through service has existed on-site since the 1960s. The use became certified nonconforming in 1984, in conjunction with Permit #50520-84U, but is no longer deemed nonconforming, due to the provisions of Section 27-461(b) of the Zoning Ordinance, Footnote 24. Four special exceptions have been approved for renovations of the McDonald's; the first, SE-3527, was approved in 1984 for expansion of the existing restaurant building. The second, SE-4006, was approved in 1993 to add a soft playland. The third, SE-4201, was approved in 1997 to enclose the playland, though this enclosure was never built.

The fourth and current Special Exception, SE-4686, along with associated departures DDS-611, DPLS-361, and DSDS-669, and Alternative Compliance AC-11028, were approved by the Prince George's County District Council in January 2013. SE-4686 authorized razing the existing restaurant building and building a new one of about the same size in a different location on the property. AC-11028 allowed parking and the trash enclosure to be located within the landscape bufferyard required by Section 4.7, Buffering Incompatible Uses, along the northwestern property line. DDS-611 allowed for a departure from the Section 4.7 landscape bufferyard requirement, along the northern and eastern property lines. DPLS-361 allowed a reduction in the number of required parking spaces from 75 to 53, and DSDS-669 allowed the property to retain its existing freestanding sign five feet behind the street line. The previously approved DPLS is discussed further in this resolution in the context of the presently requested one.

An application to revise the current Special Exception SE-4686, known as Revision of Site Plan ROSP-4686-01, was accepted on February 25, 2020 and is pending Planning Director review following the Prince George's County Planning Board approval of the subject departure and its companion cases.

6. **Zoning Ordinance Parking and Loading Standards:** Section 27-568(a)(5)(d) sets forth the required number of parking spaces for eating and drinking establishments with drive-through service. In this instance, the 4,384-square-foot eating and drinking establishment requires one parking space per three seats in the establishment, as well as one space per 50 square feet of gross floor area (GFA), excluding any area used exclusively for storage or patron seating, and any exterior patron service area. The plan includes 87 seats and 2,322 square feet of nonexcluded GFA. Therefore, a total of 75 parking spaces are required. The site has a previously approved DPLS-361, which was approved on April 12, 2012 by the Planning Board and affirmed on January 28, 2013 by the District Council. This departure authorized a reduction in the minimum number of parking spaces from 75 spaces to 53 required spaces. The applicant requested

DPLS-472, in order to allow a further reduction in the minimum number of parking spaces required from 53 to 47, a net reduction of 6 spaces.

Departure from Parking and Loading Spaces: When the requested departure is from the number of parking or loading spaces required, the required findings for approval are set forth in Section 27-588(b)(7)(A) of the Zoning Ordinance. The required findings are shown in **BOLD** below, with staff responses in plain text following:

Section 27-588. Departures from the number of parking and loading spaces required.

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

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

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

[Section 27-550. Purposes

(a) 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 four purposes listed under Section 27-550 of the Zoning Ordinance will be served by the applicant's request. According to the applicant, the fast food restaurant on the site has operated since 1960, and in that time, it has been demonstrated that most of its customers are served by the existing dual drive through. The proposed site changes will remove 12 parking spaces from the front of the property and replace them with 6 parallel parking spaces, resulting in a net reduction of 6 spaces. Even with this net reduction however, the parking on-site will continue to adequately serve the needs of all persons associated with the building and use. The remaining spaces will adequately serve the minority of

customers who choose to park and walk in rather than use the drive through. It is unlikely that patrons will use nearby public streets for parking, given that MD 193 is a busy street with no parking on it, and patrons would have to cross this road in order to reach the restaurant if they parked on nearby neighborhood streets. The new parking spaces will be convenient to the restaurant, helping it to in turn continue acting as an amenity to the surrounding area.

There may be some impact on the character of the residential area across the street, due to the construction of the Purple Line. However, this impact is beyond the applicant's control. The applicant has responded appropriately to the Purple Line's construction by providing landscaping around the new parking spaces and next to the front property line, which will increase the aesthetic appeal of the property.

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

The requested departure is the minimum necessary. The six parking spaces proposed by the applicant are the most they can recover given the area of SHA's condemnation and related site constraints.

- (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 requested departure is necessary, in order to alleviate the applicant from circumstances related to the installation of the Purple Line and the loss of approximately 4,830 square feet of land area. The lack of space makes it difficult for the applicant to provide the required number of parking spaces and a dual drive through. Thus, the site is compact, and a departure is necessary, in order to maintain the site's functionality.

- (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**

The applicant has employed all methods of calculating the number of spaces required.

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

The parking and loading needs of the adjacent residential area will not be infringed upon if the departure is granted. The residential area across MD 193

from the site is served by on-street parking along 24th Avenue and private driveways belonging to individual dwellings. Based on the traffic pattern and road design of MD 193, both before and after the construction of the Purple Line, it would be impractical for patrons of the restaurant to park in this residential area.

Based on the preceding analysis, the required findings for approval set forth in Section 27-588(b)(7)(A) are met for DPLS-472.

7. **Further Planning Board Findings and Comments from Other Entities:** The relevant comments submitted from referred agencies were addressed as part of the review of this application. The following referral memorandums were received, and are incorporated by reference herein:
- Community Planning Section, dated March 13, 2020 (Hartsfield to Diaz-Campbell)
 - Urban Design Section, dated April 2, 2020 (Bossi to Diaz-Campbell)
 - Transportation Planning Section (Trails referral), dated March 9, 2020 (Ryan to Diaz-Campbell)
 - Police Department, dated February 19, 2020 (Contic to Development Review Division)
 - SHA, dated February 20, 2020 (Woodroffe to Diaz-Campbell)

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 conditions:

1. Prior to approval of permits, a Certificate of Landscape Maintenance shall be submitted, in accordance with Section 1.7 of the 2010 *Prince George's County Landscape Manual*. The new landscape strip plantings and any dead or missing plant material identified for replacement through the Certificate of Landscape Maintenance, shall be shown on the permit plans and installed upon completion of on-site construction activities.
2. Prior to certification of the departure site and landscape plans, the plans shall be revised to:
 - a. In the Zoning Requirements table on the coversheet, provide under "parking stall sizes" information on the regular and compact parallel parking spaces provided.
 - b. In the Zoning Requirements table on the coversheet, under "parking lot requirements," indicate that a departure has been approved, rather than alternative compliance requested.

- c. Remove the approval blocks from all sheets. In the lower right corner of the plans, leave a 2-inch square blank space for placement of a new certification block, to be provided by the Development Review Division.
- d. In the general notes of the as-built survey, provide the source of the bearings shown on the plan for the Coopersmith Tract.
- e. In the general notes of the as-built survey, remove Note 4, as there is a known proposed change in the street right-of-way line shown on the plans.
- f. On the landscape plan, ensure no new plant materials are shown within the Maryland State Highway Administration right-of-way, and that old plant materials within the right-of-way are labeled as to be removed.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, May 21, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of June 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY
David S. Warner /s/
M-NCPPC Legal Department
Date: May 29, 2020