THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2020-110 File No. DPLS-476

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Parking and Loading Spaces DPLS-476, McDonald's Stuart Lane, 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 June 18, 2020, the Prince George's County Planning Board finds:

1. **Requests:** The subject application is for approval of a Departure from Parking and Loading Spaces, DPLS-476, which requests a reduction of 32 parking spaces. This DPLS is a companion case of Detailed Site Plan DSP-19058 (PGCPB Resolution No. 2020-109) that was approved on the same date by the Prince George's County Planning Board.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-S-C/M-I-O	C-S-C/M-I-O
Use	Eating and Drinking Establishment	Eating and Drinking Establishment
Total Acreage	0.972	0.972
Parcels	2	2
Gross Floor Area (sq. ft.)	3,478	4,157
Number of Seats	105	80

Parking and Loading Requirements

Eating and Drinking Establishment	**Spaces Required**
80 interior seats at 1 space/3 seats	27
2,256 sq. ft. at 1 space/50 sq. ft., excluding storage and patron seating	46
Total	**73**
Of which are required handicap-accessible spaces	3
Loading	
4,157 sq. ft. GFA at 1 space/2,000–10,000 sq. ft. of GFA	1

	Spaces Provided
Standard Spaces	23
Compact Spaces	15
Handicap-accessible Spaces	3
Total	**41**
Loading	
15 feet x 33 feet	1

3. **Location:** The site is in Planning Area 81A, Council District 9. More specifically, it is located on the west side of Stuart Lane, between Stuart Lane and Woody Terrace, approximately 175 feet south of MD 223 (Woodyard Road), and within the Conical Surface (Left Runway) Area E, of the Military Installation Overlay (M-I-O) Zone.

4. **Surrounding Uses:** The site is bounded to the north and south by commercial uses in the Commercial Shopping Center (C-S-C) Zone, to the east by Stuart Lane with the Clinton Park and Ride beyond, and to the west by Woody Terrace with commercial uses beyond.

5. **Previous Approvals:** The site is currently improved with a McDonald's restaurant, which was originally constructed in 1977 when the site was located in the Local Commercial, Existing Zone. In 1978, the site was rezoned to the C-S-C Zone through a sectional map amendment for Planning Area 81. On July 1, 1978, Prince George's County Council Bill CB-27-1978 was enacted, which introduced the definition of fast food restaurants and required the approval of a special exception for this use in the C-S-C Zone, thereby rendering the restaurant legally nonconforming. In 1982, a certification of the nonconforming use was granted, pursuant to Permit 3224-82-CGU. In 1988, Special Exception SE-3884 was granted by the Zoning Hearing Examiner (ZHE) for an expansion and improvements to the restaurant. The expansion to the restaurant, which included increasing the number of seats to 105, resulted in a parking requirement of 75 spaces. With only

57 spaces proposed, DPLS-76 was approved with the special exception, and was implemented, pursuant to issuance of Permit 2341-1989-CGU.

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 companion DSP proposes a 482-square-foot addition to the front of the existing building, facing Stuart Lane, to provide for additional dining area; however, the reconfiguration will result in a decrease from 105 to 80 seats. This work will also allow for upgrading handicap-accessible facilities. Two additions, totaling approximately 192 square feet, are proposed on the southeast corner and north side of the building to accommodate the additional drive-through service, with the addition of a second drive-through lane. This second drive-through lane is proposed only for the ordering area; a single access drive 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 along the north side of the property, thereby necessitating the DPLS. The two existing entrance drives, from both Stuart Lane and Woody Terrace, and parking and a trash enclosure on the southern end of the site remain unchanged with the companion DSP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Departure from Parking and Loading Spaces, DPLS-476:** The applicant has requested a departure of 32 parking spaces from the required 73 spaces for the 80 proposed seats in the expanded eating and drinking establishment. Pursuant to Section 27-588(b)(7) of the Zoning Ordinance, the Prince George's County Planning Board must make the following 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;

The applicant asserts that 41 parking spaces will be sufficient to serve the parking needs of the use. The applicant has seen a marked increase over time in the use of their drive-through service to the point that the applicant is installing a double drive-through system on the site. This double drive-through system requires that some of the existing parking be removed from the site, but the applicant believes that parking demand will be more than offset by improved drive-through services.

The applicant had a parking analysis conducted on the site. Parking counts were collected on two separate days, Tuesday, September 10, 2019 and Saturday, September 14, 2019, in 15-minute intervals between 8 AM and 8 PM. According to the analysis, parking peaked at 24 cars on September 10th at 6:15 PM and at 31 cars at 10:15 AM on September 14th. The applicant is proposing 41 parking spaces and Institute of Transportation Engineers calculations indicate that 36 weekday and 38 weekend parking spaces meet the demand at the restaurant.

The analysis states that the parking requirement for the use in Subtitle 27 "does not take into account any reduced parking demand as a result of having a drive-through window." The applicant continues by noting that sales figures show that 61 percent of business for this site occurs by means of drive-through service.

The applicant intends to expand the building by nearly 700 square feet, but seating will be reduced by 25 seats. Some of the added space will be needed to service the double drive-through system, while other improvements include an expanded and more comfortable dining room experience with added space.

Based on our current health crises and uncertainty in the future, the Planning Board is in agreement with the parking analysis. Given that the Planning Board has found no evidence to the contrary, the applicant's analysis is found to be credible. The expansion of the dining room, modernization of the restaurant, and double drive-through will not change existing conditions to a great degree, and the applicant's arguments are supportable.

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

This is a small site, and currently fully developed with the restaurant and parking. The applicant has shown that the site currently has adequate on-site parking, and it is anticipated that the reduced seating combined with the addition of the double drive-through service will offset the reduced parking. It is important to note that the site has been operating with reduced parking through DPLS-76, which was approved in 1988, which allowed 57 spaces for the 105 seats. This application seeks approval for the reduction of the spaces available on-site by 16 spaces, with the reduction of 25 seats. Therefore, the Planning Board finds that this finding is met, and the departure is the minimum necessary.

(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 applicant asserts that the offering of drive-through service warrants special consideration for the subject use, given its nature as proposed at this location and has demonstrated that the use of the drive-through lane has substantially decreased the demand for on-site parking, and the addition of the double drive-through system will further increase the efficiency of customer service at this restaurant and further reduce the demand for parking.

It is noted that the area near the restaurant includes a shopping center, as well as two bus stops, and the Clinton Park and Ride parking lot. The applicant has indicated that several patrons walk to the restaurant from nearby locations including a residential community nearby.

The case of specialness is a difficult standard to prove. Given the brand name, the demonstrated efficiency of the drive-through service and its impacts on parking, combined with the proposed expansion of the drive-through function on this site, the Planning board finds that the applicant has made the case that circumstances are special. The location of the site in a dense mixed-use area of the County contributes to proving that the location is special.

(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's statement of justification indicates that all methods for calculating the number of spaces required were utilized, including the provision of compact spaces. Given the site constraints on this property, expanding the drive-through lanes necessitates an overall reduction in the number of parking spaces.

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

This restaurant is located in a commercial area, but within walking distance from a residential community. Residential homes are not adjacent to the site and the departure will not infringe upon them. The site is primarily surrounded by roadways and the Clinton Park and Ride lot. This finding is met.

(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;

On-street parking is not available in the vicinity of this site and, although a number of adjacent sites have available parking, there would be practical

difficulties to utilizing them for the purpose of patronizing this restaurant, other than the Clinton Park and Ride. The Planning Board finds that the applicant has demonstrated sufficient parking on-site for this expansion.

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

The property is the subject of the provisions of the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*. The sector plan recommends commercial shopping center uses for the property, and eating and drinking establishments are permitted uses in the C-S-C Zone. Therefore, the continued use of the property for a McDonald's restaurant is consistent with the recommendations of the master plan.

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

This site is not within a municipality. This consideration is therefore not applicable.

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

At this time, no public parking facilities are proposed in the general vicinity of this property.

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

(i) Public transportation available in the area;

The Prince George's County TheBus system (Route 30) has a stop in front of this property on Woody Terrace. Directly across Stuart Lane, from this site, is the Clinton Park and Ride, which has a bus stop to serve Routes 32 and 36. These routes serve as connections to the Southern Avenue Metro Station and Branch Avenue Metro Station, respectively, and Route 30 connects south to Charles County.

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

Alternative design solutions to off-street facilities have been utilized by providing compact spaces and angled parking.

(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;**

This restaurant will follow restaurant hours similar to the other restaurants nearby. Non-restaurant uses in the vicinity include office and retail uses.

(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. Therefore, this finding is not applicable to the subject application.

Based on the analysis above, the Planning Board approved DPLS-476, to allow a reduction of 32 parking spaces.

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 Circuit Court 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, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 18, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of July 2020.

Elizabeth M. Hewlett
Chairman

Jessica Jones

By Jessica Jones
Planning Board Administrator

EMH:JJ:TB:nz

APPROVED AS TO LEGAL SUFFICIENCY
David S. Warner /s/
M-NCPPC Legal Department
Date: June 26, 2020