

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 16-14

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File No. DSP-00019-02

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on Thursday, January 28, 2016 regarding Detailed Site Plan DSP-00019-02 for Chick-fil-A, Ballpark Road, the Planning Board finds:

1. **Request:** The subject application is a request for approval of a 5,235-square-foot eating and drinking establishment with drive-through window, specifically a Chick-fil-A restaurant. The existing restaurant on the property will be removed.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-M	C-M
Use	Eating and drinking	Eating and drinking
Net lot Area	2.47	2.05
Parcels and lots	3	2
Square Footage	4,561 (to be removed)	5,235

Parking and Loading Data

Required

156 seats	52
GFA excluding storage and patron seating (1 space per 3 seats + 1 per 50 square feet of GFA)	<u>32</u>
Total (4 of which is required to be handicap)	84

Provided

Standard	71
Compact	18
Handicap—Van Accessible	<u>4</u>
Total (2 of which are van accessible)	93

Loading Spaces Required 1
(5,235 square feet of retail sales and service)

Loading Spaces Provided 1

3. **Location:** The property is located in Planning Area 74B, Council District 4, on the west side of Ballpark Road, approximately 400 feet south of its intersection with Robert S. Crain Highway (US 301).
4. **Surrounding Uses:** The subject parcel is bounded to the east by Ballpark Road, to the west by Robert Crain Highway (US 301), to the north by a gas station and to the south by C-M-zoned (Commercial Miscellaneous) parcels in Rip's Subdivision, which includes the existing Rip's Country Inn development.
5. **Previous Approvals:** Parcel C and Lot 10 were placed in the R-R (Rural Residential) Zone through the 1991 *Approved Master Plan and Adopted Sectional Map Amendment for Bowie-Collington-Mitchellville and Vicinity, Planning Areas 71A, 71B, 74A, and 74B*. It was then rezoned to the C-M Zone by the District Council on April 11, 1994 via Zoning Map Amendment A-9897.

The proposed detailed site plan (DSP) is the subject of two preliminary plans of subdivision. Parcel C and Lot 10 were part of Preliminary Plan of Subdivision 4-94074, which was approved by the Planning Board on September 22, 1994 (PGCPB Resolution No. 94-298(A)). A final plat was approved and recorded at Plat Book VJ 190 @ 41 on July 17, 2000.

On July 20, 2000, Detailed Site Plan DSP-00019 was approved by the Planning Board for the existing Chick-fil-A pursuant to the requirements of 4-94074 on Lot 10, as it exists today. In addition, Special Exception SE-4368 was approved on July 24, 2000 for the existing fast-food restaurant because, at the time, a fast-food restaurant was only permitted if a special exception was approved. On April 11, 2013, the Planning Board approved Revision of Site Plan ROSP-4368-01 for a 550-square-foot addition to the fast-food restaurant and Departure from Parking and Loading Standards DPLS-381 for a departure of five parking spaces from the required 56 parking spaces.

Lot 9 includes approximately 1.08 acres of land that was previously shown on the approved site plan for the abutting property to the south. Lot 9, which is a part of Preliminary Plan of Subdivision 4-98068 was approved by the Planning Board in 1999 (PGCPB Resolution No. 99-9). The approved site plan for the Rip's property to the south demonstrated required parking spaces on what is currently known as Lot 9 and adjacent property to serve the various uses on that property. The applicant is now proposing to construct a new Chick-fil-A restaurant on part of the property. Permit 52174 91-U-01, approved on January 3, 1992, certified the retail liquor store on the Rip's property as a nonconforming use. At that time, the property was located in the C-H (Highway Commercial) Zone. The property has since been rezoned to the C-M Zone.

6. **Design Features:** The subject detailed site plan proposes the construction of a 28.8-foot-high, 5,235-square-foot eating and drinking establishment, specifically a Chick-fil-A restaurant and an associated 93-space parking lot on Lots 9 and 10, and part of Parcel C. Outdoor seating is proposed in addition to 156 interior seats.

The subject property consists of Lots 9 and 10 and a portion of Parcel C, and is already developed with a Chick-fil-A restaurant on Lot 10. The proposed location of the new building will be on Lot 9, located to the south of the existing development. This proposed new building is to be phased such that the existing restaurant will continue to operate as the new building is under construction. Once the new building is completed, the existing building will be demolished and the entirety of Lot 10 will become the parking facility for the restaurant.

Vehicles will access the site via the existing shared access drive known as Ballpark Road at the existing entrance. The circulation on site accommodates vehicles by separating the drive-through traffic from the parking compound and will reduce the conflicts of backing vehicles from parking spaces that exists today on the developed site. The one required loading space is provided east of the building near the interior kitchen area of the building. A trash dumpster, surrounded by a brick enclosure, will be located in the northeastern corner of the site. Stormwater management will be accommodated on-site in bioretention and underground facilities.

The architectural elevations indicate that the primary material proposed for the exterior of the building is brick in two shades: red/brown brick and a beige colored brick. The building has a flat roof. The elevations are attractive on all sides of the building.

Freestanding Signage—A freestanding sign is proposed with this DSP application located at the northwest corner of the site, along US 301 as shown on the landscape plan. The site plan should be revised to show the same and to provide dimensions of the distance from the right-of-way and the side property line in accordance with code requirements. The freestanding sign shown on sheet A-1 indicates that the proposed signs are pole mounted. The proposal is for a 25-foot-high pole with two sign panels attached to it. The primary cabinet sign advertises “Chick-fil-A” text at the bottom with the typical logo above. This sign is red and white in color, and is internally lit. The primary sign is 9.5 feet in height by 7.23 feet in width for a total sign face area of 68.68 square feet. The bottom of this sign is located 15 feet above grade. Below this primary sign, on the same pole, is a secondary changeable message board sign. This sign features black lettering on a white background and is also internally lit. The sign measures 3.5 feet high by 6.42 feet wide for a total sign face area of 22.46 square feet. The message board proposes lettering of six inches in size and advertises that the establishment is closed on Sundays. The total sign face area of both signs combined is 91.14 square feet, which is within the allowable sign area for the C-M Zone.

Building Mounted Signage—Building mounted signage is shown on all four sides of the architectural elevations. In the C-M Zone, the building mounted signage is subject to the following:

- (B) In all Commercial Zones (except the C-O Zone) and all Industrial Zones (except the I-3 and U-L-I Zones), if all of the permissible sign area is to be used on any building occupied by only one (1) use that is not located within an integrated shopping or industrial center or office building complex, the following applies:
- (i) Each building shall be allowed a sign having an area of at least sixty (60) square feet.
 - (ii) Except as provided in (i), above, the area of all of the signs on a building shall be not more than two (2) square feet for each one (1) lineal foot of width along the front of the building (measured along the wall facing the front of the lot or the wall containing the principal entrance to the building, whichever is greater), to a maximum of four hundred (400) square feet.

The length of the building at the front entrance is 119.25 feet. This allows for the total building-mounted sign to be 238.5 square feet. The signage plan indicates the following signage area proposed for the building:

Entry Side Elevation	37.71 square feet
Drive-Through side elevation	24.17 square feet
Front Playground elevation	37.71 square feet
Rear Elevation	<u>13.60 square feet</u>
Total building-mounted signage	113.19 square feet

The building-mounted signage is in conformance with the sign area requirements.

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the C-M Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-461(b) of the Zoning Ordinance, which governs uses in the commercial zones. The proposed eating and drinking establishment with drive-through service is permitted in the C-M Zone subject to detailed site plan review.
 - b. The DSP shows a site layout that is consistent with Section 27-462 regulations of the commercial zones and the 2010 *Prince George's County Landscape Manual* (Landscape Manual) regarding building setbacks. The DSP is also in conformance with applicable site design guidelines in Section 27-283, which further cross-references to Section 27-274.
 - c. Signage was reviewed with this DSP application and found to be in accordance with Part 12 of the Zoning Ordinance.

8. **Conformance to Zoning Map Amendment A-9897:** On April 11, 1994, the District Council approved Zoning Map Amendment A-9897 without any conditions or considerations. Therefore, there are no conditions that are applicable to the review of this DSP.
9. **Conformance to Preliminary Plan of Subdivision 4-94074:** Preliminary Plan of Subdivision 4-94074, which covers the subject site, was approved by the Planning Board on September 22, 1994 (PGCPB Resolution No. 94-298(A)), subject to 13 conditions. The applicant recorded a final plat based on this preliminary plan of subdivision. The following conditions of approval attached to 4-94074 are applicable to this DSP review. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

1. **Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCPI/105/90). The following note shall be placed on the Final Plat of Subdivision:**

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/105/90), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25."

This condition was addressed prior to record plat, and the Type II tree conservation Plan (TCPII) was found in conformance with Type I Tree Conservation Plan TCPI-105-90 in previous approvals of the special exception site plan and detailed site plan for this site.

2. **A Type II Tree Conservation Plan shall be approved for this site by the Planning Director or her designee prior to the issuance of any grading permits.**

The Type II Tree Conservation Plan TCPII-161-91 was first approved on November 13, 1991 for grading only, prior to the approval of the TCPI-105-90. TCPII-161-91-01 was approved on January 20, 1998 in conformance with the TCPI.

The current TCPII-161-91 was last revised with the approval for modifications to the existing Chick-fil-A building. Woodland conservation is discussed further under the Environmental Review Section in Finding 13.

3. **Prior to the issuance of any building permits, a separate Stormwater Management Concept Plan addressing stormwater management on the subject site shall be approved by the Department of Environmental Resources (DER).**

The applicant has obtained an approved Stormwater Management Concept Plan, 1249-2015-00. The plan shows the use of several micro-bioretenment areas.

6. **The maximum commercial development allowed for this site shall not exceed an amount of square feet of gross floor area that would generate 9,089 vehicle trips per day (not including the approved special exception for a banquet hall and the relocation of existing uses described in Finding 12.i.).**

The Transportation Planning Section analyzed this requirement in their memorandum dated January 13, 2016, and their analysis is adopted in Finding 13(b) below.

7. **Prior to the issuance of each commercial building permit (not including any of the existing uses as "Rips" that may be relocated to the subject property as described in Finding 12.i.), the applicant, his heirs, successors and/or assigns, shall pay a fee-in-lieu of construction for US 301 and MD 197 to the M-NCPPC based on the following formula:**

**$\$210 \times (\text{Daily Trips Generated per Building}) \times$
(FHWA Construction Index for 4 quarters preceding permit application)
(1994 FHWA Construction Index)**

The Southeast Quadrant Study indicates that the banquet hall would generate 820 daily trips and the 6 pump gas station 330 daily trips totalling 1,150 daily trips. The applicant, his heirs, successors and/or assigns, shall receive a credit against the \$210/daily trip fee-in-lieu contribution. Different uses may be substituted to absorb this capacity with written permission from the current owner. The appraised value of the R-R zoned portion of the right-of-way for the Stadium Access Road represents a credit that may only be applied toward the cost of the above-referenced improvements with written permission from the current owner.

The Transportation Planning Section analyzed this requirement in their memorandum dated January 13, 2016, and their analysis is adopted in Finding 13(b) below.

9. **While the final determination for right-of-way shall be made as part of the Final Plat approval, it will not substantially deviate from the signed Preliminary Plat of Subdivision, unless agreed to by the applicant. The Governor Bridge Road right-of-way as shown shall be dedicated as an 80-foot right-of-way. The US 301 right-of-way as shown shall not have any structures constructed within it unless otherwise allowed by the State Highway Administration (SHA).**

The Transportation Planning Section analyzed this requirement in their memorandum dated January 13, 2016, and their analysis is adopted in Finding 13(b) below.

12. **Automatic fire suppression systems shall be installed in all commercial structures. This requirement shall be noted on the Final Plat.**

This condition is reflected on the DSP as Standard Note 20 on Sheet DSP-4 and should be noted on the lot line adjustment plat.

13. **Prior to the issuance of any building permits, a limited Detailed Site Plan shall be approved by the Planning Board. The site plan, which shall be subject to a 45 day time limit from the date of acceptance, shall address the following:**

- a. **Landscaping and buffering in relation to views from US 301.**
- b. **Internal driveway circulation, parking, and truck access.**

The subject plan shall not be subject to review for adequate public facilities issues or access issues related to the existing Rip's Restaurant site.

This DSP application has been filed to fulfill this condition, as well as the proposed use on the site requires DSP review. Regarding the landscaping and buffering of views from US 301, the proposed landscaping along the right-of-way of US 301 includes shade trees and a linear shrub planting along the edge of the drive-through lanes that connect to the ordering boards and the service window. The shrubs are currently shown as all one species. Some variation in the shrub planting should be provided for seasonal interest.

10. **Conformance to Preliminary Plan of Subdivision 4-98068:** The PPS for Lot 9, 4-98068, was approved (PGCPB Resolution No. 99-9) with 9 conditions. The applicant recorded a final plat based on this preliminary plan of subdivision. The following conditions are applicable to this DSP review. The text in **BOLD** is the actual text from the previous cases or plans. The plain text provides the comments on the plan's conformance with the conditions.

5. **If residential development is proposed on this site, a detailed site plan shall be required. Prior to detailed site plan, a noise study shall be prepared to determine the extent of the noise problem, and provide recommendations for mitigation. Noise mitigation measures, if needed, shall be included on the detailed site plan.**

Detailed Site Plan DSP-00019-02 proposes commercial development. However, since the proposal is for redevelopment of an eating or drinking establishment with drive-through service, a DSP approval is required.

7. **At the submission of each building permit within the 16.3-acre property, the applicant, his heirs, successors and/or assigns shall submit to the Transportation Division staff, documentation of the trip generation for the use(s) of each building permit. Prior to the issuance of the first building permit, the applicant, his heirs, successors and/or assigns shall submit counts of existing average daily trip generation for all existing uses. These counts will form the basis for all subsequent counts. At such point when the number of daily trips on the subject property has surpassed 4,990, the applicant, his heirs, successors and/or assigns shall pay a fee-in-lieu of construction for US 301 and MD 197 to the M-NCPPC based on the following formula:**

$$\$210 \times (\text{Daily Trips Generated per Building}) \times (\text{FHWA Construction Index for 4 quarters preceding permit application}) \div (1994 \text{ FHWA Construction Index}).$$

The Transportation Planning Section analyzed this requirement in their memorandum dated January 13, 2016, and their analysis is adopted in Finding 13(b) below.

Finding 13 of 4-98068 notes that direct vehicular access to US 301 is denied for safety reasons and an access easement is provided pursuant to Section 24-128(b)(9) of the Subdivision Regulations. This access easement, Ballpark Road, is defined as a driveway and not a street (27-107.01(225)), and is to be developed in accordance with the driveway standards in Part 11 of Subtitle 27. A note acknowledging the use of the easement pursuant to Section 24-128(b)(9) of the Subdivision Regulations has been added to the Standard Notes on Sheet DSP-4.

11. **Prince George's County Landscape Manual:** The proposal is subject to Section 4.2, Commercial and Industrial Landscaped Strip Requirements, Section 4.3, Parking Lot Requirements, Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses, and Section 4.9, Sustainable Landscaping of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).
 - a. **Section 4.2**—Commercial and Industrial Landscaped Strip Requirements, specifies that in all commercial zones, a landscape strip shall be provided on the property adjacent to all public rights-of-way. The landscape plan has provided the corresponding landscape strip and landscape schedule. The plan demonstrates conformance to the requirement.
 - b. **Section 4.3**—Parking Lot Perimeter Landscape Strip and Interior Planting requirements both apply to the subject application. The property to the north is a gas station and is considered a compatible use compared to the subject proposal, and the application conforms to the requirements of the perimeter planting strip. Interior Planting requires a certain percentage of the parking lot to be green area (interior planting area) for any parking lot which is 7,000 square feet or larger. The landscape plan identifies 42,188 square feet of proposed parking compound for the subject DSP; therefore, eight percent of the parking compound should be in green area and a minimum of

12 shade trees are required to be planted within the interior planting area. The plan demonstrates conformance to both of the requirements. The plan is also required to provide a perimeter landscape strip along Ballpark Road and the plans should be revised to demonstrate conformance to this section of the Landscape Manual.

- c. **Section 4.4**—Screening Requirements, specifies that the loading and trash facilities should be screened from public view either through the planting of vegetation or through the use of man-made screens and fencing. The loading facility is located on the northeast side of the site and will not be viewed, technically from a public street, as Ballpark Road is not a public street as defined by the code. In any case, the trash facilities are proposed to be screened with a similar material to that of the building and the gate should also be visually attractive, since it faces the parking compound.
- d. **Section 4.7**—Buffering Incompatible Uses, requires a buffer between adjacent incompatible land uses. The landscape plan correctly identifies the property to the south as a medium impact use and a Type “B” bufferyard is required and provided.

The landscape plan has provided the corresponding required landscape bufferyard and schedules.

- e. **Section 4.9**—Sustainable Landscaping, requires a minimum percentage of native plantings and prohibits the use of invasive species. The plan has been reviewed for conformance with the requirements; but the appropriate schedule should be added to the plans.

12. **Woodland Conservation and Tree Preservation Ordinance:** This property is subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because it has a previously approved Type II Tree Conservation Plan, (TCPII-161-91). A revision to the Type II Tree Conservation Plan TCPII/161/91-04 for the overall site was previously approved for this site and has been submitted with the current application; however, the TCPII must be revised to show the current proposal including the addition of Lot 9 to the plan.

Lot 9 is currently shown on TCPII-77-90 for the adjacent Rip’s Restaurant development. Lot 9 must be removed from TCPII-77-90 and added to the TCPII associated with the subject application. Both plans must be revised in accordance with the Environmental Technical Manual (ETM).

The total gross tract area of the currently approved TCPII is 60.06 acres. The woodland conservation threshold is 15 percent of the net tract as required in the C-M Zone. The total woodland conservation requirement is 9.43 acres. The woodland conservation worksheet for the overall site shows the woodland conservation requirement being met with 9.08 acres of on-site woodland preservation and 0.77 acres of on-site afforestation/reforestation. This proposal is in conformance with the approved TCPI, and the previous TCPII approvals. The worksheet will need to be updated on the revised TCPII to account for the added land area of Lot 9.

Prior to certification of the DSP, TCPII-161-91 should be revised to add Lot 9. The woodland conservation worksheet should be updated accordingly and the plan should also meet all technical requirements of the Environmental Technical Manual prior to certification of the DSP. A separate application should be made to revise TCPII-77-90 to remove Lot 9. The woodland conservation worksheet should be updated accordingly and the plan should meet all technical requirements of the Environmental Technical Manual.

13. **Further Planning Board Findings and Comments from Other Entities:**

- a. **Community Planning:** The application is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) intent and vision.

The application conforms to the land use recommendations of the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* for commercial land use. There are no planning issues.

- b. **Transportation Planning:** Detailed Site Plan DSP-00019-02 proposes to reconstruct an existing Chick-Fil-A restaurant currently located exclusively on Lot 10 of the approved Preliminary Plan (4-94074, PGCPB Resolution No. 94-288 (A)). The new and larger restaurant will be constructed on two lots; Lot 10 as noted above, and a portion of Lot 9 of another approved preliminary plan known as Rip's Subdivision (4-98068, PGCPB Resolution No. 99-9). The total daily trips generated by the existing Chick-Fil-A is estimated to be 840 vehicle trips. The proposed relocated and larger restaurant is estimated to generate 1,039 daily vehicle trips, or an increase of 199 daily vehicle trips.

Preliminary Plan 4-97074 has a total trip cap of 9,089 daily vehicle trips for all existing and allowed uses, not including the approved banquet hall and a gas station which Transportation staff previously determined would add an additional 1,150 daily vehicle trips to the stated and approved daily trip cap. With the approval of DSP-00019, the entire 840 daily vehicle trips were assumed to be part of the approved trip cap associated with 4-94074.

The Rip's Subdivision also has an approved trip cap of 4,990 daily vehicle trips. Condition 7 of the approval resolution states:

At the submission of each building permit within the 16.3-acre property, the applicant, his heirs, successors and/or assigns shall submit to the Transportation Division staff, documentation of the trip generation for the use(s) of each building permit..... At such point when the number of daily trips on the subject property has surpassed 4,990, the applicant, his heirs, successors and/or assigns shall pay a fee-in-lieu of construction for US 301 and MD 197 to the M-NCPPC based on the following formula:

$\$210 \times (\text{Daily Trips Generated per Building}) \times (\text{FHWA Construction Index for 4 quarters preceding permit application}) \div (\text{1994 FHWA Construction Index})$.

The uses currently existing on the RIP's subdivision include a motel/inn with 39 rooms and a restaurant and deli, with a combined total square footage of 18,438 square feet. Using the recommended trip generation rates for these uses, it is estimated that the restaurant and deli would generate a total of 2,344 daily trips and the 39-room motel/inn would generate 220 daily trips. Adding the 199 additional daily trips which will be generated by the larger Chick-Fil-A restaurant would mean that all existing and the proposed Chick-Fil-A restaurant would only generate 2,763 daily vehicle trips, which is still under the approved threshold of 4,990 vehicle trips, prior to making the required fee-in-lieu payments.

In a revised memorandum dated January 4, 2016, the applicant's traffic consultant proposed to allocate the estimated 1,039 daily trips associated with the new Chick-Fil-A on a 50/50 basis to the two approved subdivisions. Without any new approval resolutions for these two preliminary plans, the Planning Board is not comfortable with this approach, especially since most of the trips associated with the original Chick-Fil-A has been accounted as part of Preliminary Plan 4-98068.

The proposed site access points and on-site circulation patterns are deemed acceptable. The plan correctly shows, or proposes, no direct access to and from Crain Highway (US 301).

In summary, the proposed DSP-00019-02 conforms to all prior transportation-related approval conditions and represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

- c. **Subdivision:** The original case, Detailed Site Plan DSP-00019, included only Lot 10. Detailed Site Plan DSP-00019-02 proposes to consolidate Lots 9, 10, and part of Parcel C into two lots. The included properties were the subject of two prior Preliminary Plans of Subdivision, 4-94074 and 4-98068.

The included properties are zoned C-M. Detailed Site Plan DSP-00019-02 proposes to include only a portion of existing Parcel C, which is depicted on Record Plat VJ 190-41. Prior to building permit, a lot line adjustment plat should be approved to adjust the common boundary between Parcel C and Lot 10 and to remove Parcel C from the boundaries of DSP-00019-02, and to consolidate the area included in the DSP (Lots 9 and 10 and part of Parcel C) into two lots.

The DSP is in substantial conformance with the preliminary plans. Failure of the DSP and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time. The Subdivision Review Section recommended conditions that have been added to the plans.

At the public hearing, the applicant presented an e-mail (Conner to Lynch) dated January 21, 2016 indicating the following:

“Proposed DSP Condition:

“• Prior to certificate of approval, the Detailed Site Plan shall reflect and label the access easement running adjacent to and through Lot 9, for access to Ball Park Road from Lot 9, as recorded in Liber 37485 Folio 411.

“The vehicular access easement extension shall be shown and labeled on the final plat with following notes:

“• The vehicular access easements are authorized pursuant to 24-128(b)(9) of the Subdivision Regulations. Any modification to the location of the access easements shall require prior authorization from M-NCPPC.

“• (within the owners dedication); grant the access easements, as shown;”

d. **Permit Review:** Comments have been either addressed through revisions to the plans, or are addressed through proposed conditions of approval of this detailed site plan.

e. **Environmental Planning:** Lot 10 was previously reviewed as part of Type I Tree Conservation Plan TCPI/105/90, approved in conjunction with Special Exception SE-3966. The TCPI was later revised with the review and approval of Preliminary Plan 4-94074, which took into account woodland conservation areas impacted by the Bowie Stadium and Ballpark Road. The preliminary plan was approved, with conditions of approval contained in PGCPB Resolution No. 94-298(A), several of which pertain to the review of a limited detailed site plan and the associated TCPII as discussed below.

A Type II Tree Conservation Plan (TCPII-161-91) was initially approved in conjunction with a grading permit for the site, and was revised prior to the construction of Ballpark Road. A revised TCPII plan, TCPII-161-91-02 was approved with Detailed Site Plan DSP-00019 by the Planning Board on July 6, 2000, subject to conditions of approval contained in PGCPB Resolution No. 00-128. Type II Tree Conservation Plan TCPII-161-91-04 accompanied a minor revision to a special exception site plan for the expansion of the Chick-Fil-A restaurant located on Lot 10 and to add a dual-drive through facility.

Grandfathering

This application is not subject to the environmental regulations of Subtitle 24 and 27 that came into effect on September 1, 2010. It should be noted that land area (Lot 9) is being added to the previously approved TCP. This generally subjects applications to the current environmental regulations; however, the original land area of the DSP is covered by the currently approved and grandfathered TCPII-161-91-04, and the land area being added is covered under a separate approved and grandfathered Type II Tree Conservation Plan TCPII-77-90. Because all land area of the current application is covered by grandfathered TCPII's and because the current application proposes no clearing, it has been determined that both TCPII's will retain environmental grandfathering status based on the requirements of the current application.

Site Description

The subject property is shown as a 1.39-acre area in the C-M Zone. The site is located in the southeast quadrant of the Governor's Bridge Road/US 301 intersection. A review of available information indicates there are no regulated features on-site. According to the Web Soil Survey, two soil series are associated with the site. These include Collington-Wist complex (CnE) and Urban land-Collington-Wist complex (UrdB), which pose few development difficulties. According to available information, Marlboro clays are not present at this location. The Robert Crain Highway (US 301) is a traffic noise generator and noise impacts are anticipated; however, due to the proposed commercial use, noise is not an issue in relation to the development. According to information from Maryland Department of Natural Resources-Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of the property. There are no designated scenic or historic roads in the vicinity of the site. The site is located within a Center of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. The site is in the Green Branch watershed of the Patuxent River basin. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site is not mapped within the network.

Natural Resources Inventory/Existing Conditions

A Natural Resources Inventory Equivalency Letter NRI-EL-152-12-01 was issued for the subject property on February 2, 2015. The previous plan approvals and a review of the most recent aerial imagery show no woodland or environmental features within the proposed limit of disturbance for the current site development. No additional information is required with respect to the NRI.

- f. **Prince George's County Fire/EMS Department:** Comments had not been received from the Fire/EMS Department.
- g. **Department of Public Works and Transportation (DPW&T):** Comments had not been received from DPW&T.

- h. **The City of Bowie:** In a memorandum dated October 23, 2015, the City of Bowie indicated the following:

“On October 19, 2015, the Bowie City Council conducted a public hearing on the above referenced case. The subject site, which contains 2.82 acres, has frontage on U.S. Route 301 and East Ballpark Road, a private access easement connecting Ballpark Road and the Rip’s Property in the Bowie area. The applicant, Chick-Fil-A, Inc., is proposing to construct a new 5,235 sq. ft. fast food restaurant, two drive-through lanes and a 92-car parking lot. The property is zoned C-M (Commercial Miscellaneous), where the proposed use is permitted by right under the Prince George’s County Zoning Ordinance.

“During the public hearing, the City Council focused its attention on construction scheduling and timing of the new restaurant, proposed signage for the new building and site, and traffic in the immediate area of the subject site. At the conclusion of the public hearing, the City Council voted unanimously to recommend APPROVAL of Detailed Site Plan #DSP-00019-02, with the following conditions, which are intended to improve site and building aesthetics:

- “1. All handicap parking spaces shall be painted blue in their entirety, in addition to providing the standard pavement-painted symbol and signage located at the head of each space. A note shall be provided on the site plan reflecting this condition.
- “2. The site plan shall be revised to show a Stop sign at the site exit for the drive-through lane.
- “3. A bike rack(s), designed to accommodate up to five bicycles, shall be provided in the sidewalk area between the building and patio area, and placed so as to not interfere with pedestrian circulation or walkability. A detail of the bike rack(s) shall be provided on the site plan.
- “4. If any of the existing trees that remain on the site are diseased, damaged or die as a result of site construction, they shall be replaced with a native species shade tree.”

The applicant has revised the plan to provide notes indicating the above requirements of the proposed Conditions 1, 2, 3, and 4.

“5. Lighting

- “a. Decorative building-mounted light fixtures or a free-standing light pole shall be installed in the drive-through lane near the southwestern exterior portion of the building.
- “b. The combined height of the parking lot light poles and base shall be reduced to not exceed a height of 25 feet.”

The two conditions above have been added as conditions of the approval of this plan prior to signature approval of the plans.

- “c. Parking lot lighting shall use full cut-off fixtures that are fully shielded and directed downward to reduce glare and light spill-over. The lighting system shall include timing devices to turn off unneeded light during times the project is not opened. A note to this effect shall be provided on the site plan.”

The applicant has revised the plan to provide notes indicating the above requirements of the proposed Condition 5(c).

“6. Signage

- “a. No signs or graphics, other than the maximum vehicle height clearance, shall be affixed or attached to, or be part of the canopies in the drive through lanes.
- “b. No signs shall be permitted in any of the doors or windows of the restaurant, except signs on two doors, each of which may not exceed one square foot, indicating dining hours, and a street address number sign.
- “c. No flags, banners or large, inflatable forms of advertising shall be mounted, suspended or otherwise displayed from the buildings, or be permitted on the site, except one standard-size American flag.

“7. If any roof-mounted mechanical or HVAC equipment is proposed for the new restaurant, it shall be screened from view.

“8. The material and color used on the exterior walls of the trash area shall match those of the dark color brick used on new restaurant. The site plan shall be revised accordingly.”

The applicant has revised the plans to provide notes indicating the above requirements of the proposed Conditions 6, 7, and 8.

14. As required by Section 27-285(b), the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use. The detailed site plan and tree conservation plan, as submitted, have preserved the regulated environmental features of the site to the fullest extent possible.
15. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board must also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5). The detailed site plan and tree conservation plan, as submitted, have shown the conformance with this requirement.

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 Type 2 Tree Conservation Plan (TCP2-161-91-05) and further APPROVED Detailed Site Plan DSP-00019-02 for the above-described land, subject to the following conditions:

1. Prior to certification of approval of this detailed site plan (DSP), the following revisions shall be made to the plan or the following information shall be provided:
 - a. Decorative building-mounted light fixtures or a freestanding light pole shall be installed in the drive-through lane near the southwestern portion of the building.
 - b. The combined height of the parking lot light poles and base shall be reduced to not exceed a height of 25 feet.
 - c. The material and color used on the exterior walls of the trash area shall match those of the dark color brick used on the building.
 - d. Revise Sheets DSP-4 and DSP-6 to clearly label bearings and distances and lot areas, the parcel lines that will be proposed with the lot line adjustment plat.
 - e. Delineate and label the boundary between Preliminary Plans of Subdivision 4-94074 (p/o Parcel C and Lot 10) and 4-98068 (Lot 9).
 - f. The landscape plan shall be revised to: (1) demonstrate conformance to Section 4.3, Parking Lot Perimeter Landscape Strip along Ballpark Road and (2) variation in shrub planting along the drive-through stacking lanes.

- g. The Type II Tree Conservation Plan, TCPII-161-91, shall be revised to add Lot 9. The woodland conservation worksheet shall be updated accordingly.
 - h. A separate application shall be made to revise Type II Tree Conservation Plan TCPII-77-90 to remove Lot 9. The woodland conservation worksheet shall be updated accordingly.
 - i. The plans shall be revised to reflect and label the access easement running adjacent to and through Lot 9 for access to Ball Park Road from Lot 9, as recorded in Liber 37485 Folio 411.
2. Prior to approval of a building permit, a lot-line adjustment plat shall be approved and recorded in Prince George's County Land Records to adjust part of Parcel C and Lot 9 or 10. A note on the record plat shall reference that the site is subject to two preliminary plans of subdivision. Right-of-way dedication shall be in accordance with the approved detailed site plan along Robert Crain Highway (US 301).
3. The vehicular access easement extension shall be shown and labeled on the final plat with the following:
- a. A note stating:

"The vehicular access easements are authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations. Any modification to the location of the access easements shall require prior authorization from M-NCPPC."
 - b. A grant of the access easements included in the owner's dedication.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following 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 Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, January 28, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of February 2016.

Patricia Colihan Barney
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date

2/2/16

By

Jessica Jones

Jessica Jones
Planning Board Administrator

PCB:JJ:SHL:rpg