

## R E S O L U T I O N

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 July 12, 2001, regarding Detailed Site Plan DSP-01025 for Outback Steakhouse At Inglewood Restaurant Park, the Planning Board finds:

1. Request: The subject application is for the approval of a Detailed Site Plan for a restaurant in the I-3 Zone.
2. Location: The site is located in Planning Area 73, Council District 05. More specifically, it is situated at the southwest corner of the intersection of MD 202 (Landover Road) and Lottsford Road.
3. Surroundings and Use: The property is part of an assemblage of land known as the Inglewood Restaurant Park. The subject site is part of Lot 36 of Conceptual Site Plan SP-80034. It is also Lot 1 of Preliminary Plat 4-95122 and Lot 48 in an existing record plat 5-96028, known as ASection Five, @ Lots 48 through 52. To its northwest are Lots 49 and 50 of the record plat; to its southeast is Lottsford Road; to its northeast is MD 202; and to its southwest is Street A, which is an 82-foot right-of-way subdivision street which has been dedicated to public use.
4. Previous Approvals: The subject site has a previously approved Conceptual Site Plan, SP-80034; Preliminary Plat of Subdivision, 4-82133; Preliminary Plat of Subdivision, 4-95122; and Stormwater Management Concept Plan, #1170-2001. The site is exempt from the Prince George's County Woodland Conservation Ordinance, exemption number E-161-95. The exemption will not expire until January 25, 2003.

5. Site Plan Data

<b>Zone</b>	<b>I-3</b>
<b>Proposed Use</b>	<b>Restaurant</b>
<b>Lot Area</b>	<b>1.97 acres</b>
<b>Paved Area</b>	<b>1.02 acres</b>
<b>Proposed Building Area</b>	<b>6,276 square foot</b>
<b>Proposed Building Height</b>	20 feet
<b>Parking Required</b>	<b>74 spaces</b>
Handicapped Parking required	3 spaces
<b>Parking Provided</b>	<b>117 spaces</b>
Standard ( 9.5' X 19.0' )	57 spaces
Compact ( 9.0' X 19.0' )	27 spaces
Compact ( 9.0' X 18.0' )	28 spaces
Standard Handicapped Space	4 spaces
Van Accessible Handicapped Space	1 space

6. Design Features: The proposed restaurant is a single-story steel frame building with decorative mansard and gable roofs concealing its flat roof. It is situated in the middle of the site with a seating capacity of 220 seats and is surrounded by surface parking lots.

The exterior finishes are brick veneer and columns, horizontal wood siding with smooth painted finish, painted wood trim and roof fascias in offsetting color from the siding, and standing seam metal roof panels on the mansard and gable roof surfaces. The designer of the building has been attentive to characteristics of the surrounding structures and landscape environment. The building form is attractive and should be inviting to customers of the restaurant.

COMPLIANCE WITH EVALUATION CRITERIA:

7. Zoning Ordinance: The subject application has been reviewed for compliance with the requirements in the I-3 Zone and the Site Plan Design Guidelines of the Zoning Ordinance.
- a. The subject site is part of a large restaurant park within the Inglewood Business Community (approximately 82.7 acres) in the I-3 Zone, previously approved as Conceptual Site Plan SP-80034. Per Section 27-473 (b), restaurant use is permitted on an industrial park between 25 and 99 acres provided the use meets the requirements prescribed by Footnote Ten as noted below:
- (A) The minimum seating capacity is one hundred fifty (150);
  - (B) More than fifty percent (50%) of its revenue is derived from the sale of food;

- (C) The operation is limited to the sale of food and beverages for consumption on the premises;
- (D) Customer service is at table side. No counter service and no cafeteria style service is provided;
- (E) The restaurant is not open to the public before 11:00 A.M.; and
- (F) The establishment is not a fast food restaurant.(CB-21-1987)

The Detailed Site Plan is in compliance with the requirements of the Zoning Ordinance for development in the I-3 Zone, with the following exceptions for which the applicant has filed variance applications:

- a. Setback: Section 27-474 (b) of the Zoning Ordinance, Setbacks in the I-3 Zone, requires a minimum 20-foot building and surface parking setbacks from adjoining land in any nonresidential zone. For every one foot of building height there is an additional one foot setback required. But the Ordinance allows fifty (50) percent of this additional required yard to be used for surface parking as specified under Endnote 3 of this section. The proposed restaurant building is 20 feet in height. The required setback in total between the subject site and Lot 50 will be 30 feet for the surface parking and 40 feet for the building. The Outback restaurant building is in compliance with the yard setback requirements, but the parking lots encroach into the required setback.

The Detailed Site Plan provides more than 10 feet of landscape strip between the subject site and the abutting property line of Lot 50. The applicant is requesting a variance of 20 feet from this yard setback requirement.

Along the property line between the subject site and Lot 49 (where the applicant has filed a lot line adjustment application with the Subdivision Section to formally change the approved lot line to the subject Detailed Site Plan configuration), the surface parking lots of the Detailed Site Plan in areas B and C do not have any setback from the property lines of Lot 49. Once again, the restaurant building has the required 40-foot setback. The applicant is requesting a variance of 30 feet from this setback requirement for the surface parking lots.

- b. Required Access: Section 27-471 (h) Required Access, states:

**A(1) Each Planned Industrial/Employment Park (including each property in separate ownership) shall have frontage on, and direct vehicular access to, a street having a right-of-way width of at least seventy (70) feet. @**

The current lot configuration shown on the record plat was based on the prior variance approval (V-239-95) and Preliminary Plat of Subdivision 4-95122. A private access easement through Lot 50 was allowed for vehicular access to Lot 49. Lot 49 was denied access from its frontage street, which is MD 202. Access to MD 202 is prohibited by the State Highway Administration. A request for

utilization of a private access easement to enter Lot 49 in accordance with the provisions of Section 24-128(b)(9) of the Subdivision Regulations was previously approved (V-11-96). No action was taken since the approvals on behalf of the applicant and the above two variances expired.

The subject site has some 230 linear feet of road frontage on Lottsford Court. Due to the close proximity of the Lottsford Road and Lottsford Court intersection, placing an ingress/egress point along the road frontage would produce unnecessary traffic hazards to patrons entering and leaving the restaurant park. The layout of all access points to the restaurant park was reviewed comprehensively and approved by the Planning Board on the BET Soundstage and Inglewood Restaurant Park Infrastructure Detailed Site Plan SP-95102. The current vehicular access design follows the same concept. A variance of direct vehicular access to the subject site from the same private access easement leading to Lot 49 is requested.

- c. Net Lot Area: Section 27-474(c), Net Lot Area, of the Zoning Ordinance prescribes that all lots in the I-3 Zone shall have a minimum net lot area of 87,120 square feet. A variation of 30,492 square feet was previously approved for the subject site to allow it to be platted as 56,628 square feet in total gross tract area. But a variance of 1,338 square feet is still required in order to meet the minimum net lot area requirements in this case.

The applicant was requesting this variance in the Variance Request dated May 8, 2001. In the revised Variance Request submitted later, dated June 19, 2001, the applicant decided to apply for the lot line adjustment to increase the lot size of the subject site to the required minimum net lot size instead of asking for the aforementioned variance. Thus the net lot area is no longer an issue in this case.

- d. Per Section 27-230 of the Zoning Ordinance, a variance may only be granted when the Planning Board finds that:

**A(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;@**

Comment: The staff believes that the subject site has an extraordinary design situation or condition. The I-3 Zone is the only industrial zone which has many special requirements, such as the minimum net lot area, setbacks required for all yards, additional setback for each foot of building height, and so on. That these unique requirements were set for the I-3 Zone was originally based on the expectation that I-3 Zone land use would be utilized as a campus-like industrial or office park. The approval of this restaurant park altered somewhat this contemplation of the I-3 Zone and thus left the subject site in a unique situation.

**A(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and@**

Comment: The strict application of this subtitle, i.e., 30-foot setback of surface parking lots from the respective adjacent property lines, would substantially reduce the possible parking spaces which are needed for this development and result in an inefficient design that would in turn damage the design intent of the entire restaurant park. The strict application of the setback requirements will result in peculiar and unusual practical difficulty to the owner of the property.

**A(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.@**

Comment: The subject site is situated inside a partially developed restaurant park. To its northwest on Lot 50 is the existing BET Soundstage quality restaurant with a gross floor area of 11,950 square feet and seating capacity of 363 seats. The immediate portion on Lot 50 abutting the subject site is the previously approved private access easement per the provisions of Section 24-128(b)(9). To the northeast of the subject site is Lot 49, which is one of the five lots in the approved Preliminary Plat of Subdivision 4-95122 and is intended for restaurant use. The unique character of this restaurant park calls for a design treatment of the property as an entity instead of as individual lots. In fact, under this restaurant park concept each fee simple lot is dependent upon the others for access, circulation and even parking space. Because of the character of the existing restaurant park neighborhood, the granting of the variance will not substantially impair the intent, purpose or integrity of the *General Plan* or master plan. This belief was also confirmed by the referral comment of the Community Planning Division which states that, AThere are no master plan issues raised by this application.@

The proposed restaurant development has a set of extraordinary design circumstances that justify approval of the aforementioned variances. Due to the property being located in an existing restaurant park, which is part of the developed industrial area, Inglewood Business Community, and the existing character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the *General Plan* or master plan, while denying the variance request would result in a peculiar or unusual practical difficulty upon the owner of the property. The staff therefore recommends approval of the variances of setbacks and required access discussed above.

8. Conceptual Site Plan SP-80034: The Conceptual Site Plan, SP-80034, Inglewood Business Community, was approved by the Prince George=s County Planning Board on June 26, 1980. The property is zoned I-3 and Section 27-396 of the Zoning Ordinance in effect at the time requires that a conceptual site plan be submitted for review by the Planning Board prior to approval of a Preliminary Plat of Subdivision and site development plan. The Conceptual Site Plan, consisting of 35 lots, was approved in accordance with Subtitle 27, Zoning, of the Prince George=s County Code.

Condition 1 attached to the approval of Conceptual Site Plan SP-80034, which is applicable to the Detailed Site Plan, requires the following finding:

**A1. The concerns of the Environmental Planning Division and the SHA regarding stormwater management and flood plain delineation shall be addressed on the preliminary plan and/or site development plan.@**

Comment: Preliminary Plat of Subdivision 4-95122 covers five lots and has a Stormwater Management Concept Plan, #900077. The Preliminary Plat also has a clear delineation of the floodplain. The subject property of DSP-01025 is Lot 1 of Preliminary Plat of Subdivision 4-95122. It is situated at the corner of Lottsford Road and MD 202 away from the floodplain in question. It has a separately approved Stormwater Management Concept Plan, # 1170-200. The subject Detailed Site Plan is found to be consistent with Stormwater Management Concept Approval #1170-200.

Per Section 27-285(b), Required findings, the Planning Board may approve a Detailed Site Plan if it finds that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan. A review of the subject Detailed Site Plan indicates that it is in conformance with the previously approved Conceptual Detailed Site Plan, SP-80034.

9. Preliminary Plat of Subdivision: Preliminary Plat of Subdivision 4-82133 is a preliminary plat for 15 lots. It was approved by the Prince George=s County Planning Board on February 10, 1983. No condition of this approval is applicable to the subject application.

Preliminary Plat of Subdivision 4-95122 is a re-subdivision of Lots 33 and 36 in the Conceptual Site Plan, SP- 80034, into Lots 1 to 5, which was approved by the Prince George=s County Planning Board on January 18,1996. Conditions attached to the approval of Preliminary Plat of Subdivision 4-95122 require that the approval of the Detailed Site Plan should be subject to the following:

**A4. The applicant, his heirs, successors and/or assigns, shall construct the Master Plan trail along the subject property=s frontage along Lottsford Road. The type of trail and timing of its construction shall be determined at the time of Detailed Site Plan for lots abutting Lottsford Road.@**

Comment: The subject property is abutting Lottsford Road. According to the referral comments of the Transportation Planning Section, the Adopted and Approved Largo-Lottsford Master Plan recommends that Lottsford Road be designated as a Class III bikeway with appropriate signage. Because Lottsford Road is a county right-of-way, the applicant, and the applicant=s heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage.

- A6. Development on this site shall be limited to a 11,950-square foot quality restaurant, 14,000 square feet of high turnover restaurant space, 3,750 square feet of fast food restaurant space and a 12-pump service station with convenience market and car wash within the subject property, or other permitted uses which generate no more than 404 AM and 374 PM peak hour trips as determined under the *Guidelines for the Analysis of the Traffic Impact of Development Proposals* (April 1989). Development beyond the limits set by this condition shall require a new Preliminary Plat of Subdivision and a new finding of adequate public facilities for transportation. To provide evidence of compliance with the overall trip cap of 404 AM and 374 PM peak hour trips, each Detailed Site Plan submitted for development within any portion of the subject property shall indicate the total approved development, stated in square feet of gross floor area, prior to and including the date of the submission of the site plan. The Transportation Planning staff shall analyze each site plan application using the most current estimate of trip generation.@**

Comment: This condition sets a trip cap for the possible development. The existing BET Soundstage restaurant is the 11,950-square-foot quality restaurant. The subject application proposes 6,276 square feet of gross floor area which will be considered as part of the 14,000 square feet of high turnover restaurant space. The proposed restaurant development is well below the trip cap of Condition 6. According to the referral comments of the Transportation Planning Section, the submitted Detailed Site Plan did not identify the total approved development stated in square feet of gross floor area required by the aforesaid condition. The applicant addressed this issue subsequently by showing both the approved and the proposed development in square feet of gross floor area on the revised detailed site plan after he received the referral comments from the Transportation Planning Section.

10. Landscape Manual: The proposed development is subject to the provisions of Section 4.3, Parking Lot Requirements, of the *Landscape Manual*.
- a. The proposal meets the requirements of Section 4.3 a., Landscape Strip Requirements. Per Section 4.3a, which governs the landscape strip treatment and planting that shall be provided on the property between the parking lot and public right-of-way when a parking lot is located adjacent to a public right-of-way, the site plan has provided three landscape strips with a minimum of 10 feet wide along the property lines fronting onto MD 202, Lottsford Road and Lottsford Court, respectively, with a total of 28 shade trees and 311 shrubs.
  - b. The proposal is only partially in conformance with the requirements of Section 4.3b., Perimeter Landscape Requirements. Along its north boundary, the subject site is adjacent to Lots 50 and 49, of which Lot 50 is the existing BET Soundstage restaurant property and Lot 49 is currently vacant. Both lots are zoned for the restaurant use. Per Section 4.3b, a minimum five-foot-wide landscape strip between the parking lots and adjacent property line shall be

provided. One tree and 3 shrubs are required per 35 linear feet of parking lot perimeter. Alternative Compliance (AC-01001) from this requirement for the portions along the property line of Lot 49 has been requested.

The perimeter portions in question consist of Perimeter Areas B and C as shown on the Landscape Plan, which have a length of 91 feet and 198 feet, respectively. Per the planting requirements of Section 4.3b, 9 shade trees and 27 shrubs are required.

The unique character of the restaurant park requires that the entire park should be treated as a whole entity with the landscaping focus on the exterior landscape strips of the park along MD 202, Lottsford Road and Lottsford Court. The applicant proposes to substitute for the 9 shade trees and 27 shrubs required in the perimeter landscape strips, a significant amount of extra planting around the outside of the parking compound.

The Alternative Compliance committee recommended approval of this alternative design because it is substantially identical to the alternative compliance application (AC-96007) which was approved for the BET Soundstage restaurant when it was approved under DSP-95102. This approach, it is felt by the AC Committee, will be equal to or better than normal compliance in its ability to fulfill the requirements of the *Landscape Manual*. At the time this staff report was written, the approval recommendation of the AC committee was pending the action of the Planning Director. The recommendation of the Planning Director on AC-01001 will be presented at the Planning Board hearing.

- c. The proposal meets the requirements of Section 4.3 c. Interior Planting. Per Section 4.3c, the required interior planting area is five percent of the total parking area when the parking lot size is between 7,000 and 49,999 square feet, which is 2,234 square feet in this case. The Detailed Site Plan provides an interior planting area of some 3,350 square feet with 14 shade trees.

- 11. Woodland Conservation Ordinance: The property is subject to the provisions of the Prince George=s County Woodland Conservation Ordinance because the entire site has over 40,000 square feet of gross tract area and contains more than 10,000 square feet of existing woodland.

- a. This site has a numbered Exemption Letter (E-116-95) dated January 25, 2000, which was approved for the site based on disturbance of less than 5,000 square feet of woodland. The exemption will expire by January 25, 2003.
- b. There is no previously approved Tree Conservation Plan. There is no Tree Conservation Plan submitted with this Detailed Site Plan.



12. Referral Comments: The subject application was referred to all concerned agencies and divisions. Major referral comments are summarized as follows:
- a. The City of Landover Hills had not responded to the referral request at the time the staff report was written.
  - b. The State Highway Administration, in a memorandum dated May 22, 2001, has no objection to the proposed improvements as shown on Detailed Site Plan DSP-01025.
  - c. The Permit Review Section provided questions concerning the background of the restaurant park, compliance with the applicable regulations and additional information being added to the Detailed Site Plan in a memorandum dated May 15, 2001. The information has been provided and the questions have either been addressed in the review process or included in the Recommendation section of this staff report as conditions.

The Permit Review Section also reviewed the signage of the proposed restaurant. The signage review includes both building signs and freestanding signs. In a memorandum dated June 1, 2001, the Permit Review Staff identified that the proposed sign designs are in conformance with the applicable requirements of the Zoning Ordinance except for two instances of non-conformance in the building sign design. One instance of noncompliance that was found with the building signs is that:

**A The primary identification sign will require a Departure From Sign Design Standards (DSDS), as the entire sign is located above the lowest point of the roof to which it is attached (ref:27-613 (b)(2) and figure 65 (of the Zoning Ordinance)).@**

The other sign design issue identified by the Permit Review Section is existing with the freestanding signs. According to the referral comment, the proposed freestanding sign is located off-site. Section 27-593(a)(13) prescribes that this off-site location of the freestanding sign is prohibited.

Staff Comment: The sign in question is a kind of gateway sign for the entire restaurant park and is located on the adjacent Lot 49 to the northwest of the subject property. This zig-zag pattern freestanding sign with three panels oriented toward MD 202 was first introduced in Finding 12 at the time the approval of BET Soundstage and Inglewood Restaurant Park Infrastructure Detailed Site Plan SP-95102. It states that:

A The freestanding signs for the various restaurants in the restaurant park will be consolidated in an innovative low brick sign all along Landover Road (MD 202). The wall will be constructed as a series of zig-zags with painted aluminum cubes extending

above the wall at regular intervals, one cube identifying each restaurant. The cubes will employ A>push-through= internally illuminated letter.@

- d. The subject application was referred to the Transportation Section and in a memorandum dated June 6 , 2001, transportation staff noted that the site plan is acceptable from the standpoint of access and circulation. But the staff found that the site plan fails to meet partially condition 6 attached to the approval of the Preliminary Plat of Subdivision 4-95122, which requires that, as quoted by the staff in the referral comment:

**A ... to provide evidence of compliance with the overall trip cap ..., each Detailed Site Plan submitted for development within any portion of the subject property shall indicate the total approved development, stated in square feet of gross floor area, prior to and including the date of submission of the site plan.@**

The Transportation Planning Staff found that the information required by Condition 6 is not provided.

Staff Comment: The approved and the proposed developments in square feet of gross floor area have been shown on the revised detailed site plan after the applicant received the referral comments from the Transportation Planning Section.

In a separate memorandum from the Transportation Planning Section dated June 13, 2001, on Detailed Site Plan Review for Master Plan Trail Compliance, transportation staff identified that the trail required in this development is a Class III bikeway with appropriate signage on Lottsford Road, according to the Adopted and Approved Largo-Lottsford Master Plan. A financial contribution of \$210 to the Department of Public Works and Transportation for the placement of the above signage on the bikeway within the right-of-way of Lottsford Road is required.

- e. The Environmental Planning Section found in a memorandum, dated June 12, 2001, that:

**A The plan as submitted addressed all applicable environmental requirements and is recommended for approval subject to one minor condition at the end of this memorandum.@**

The proposed condition reads:

**A Prior to certification the Detailed Site Plan a copy of an approved Stormwater Management Concept Approval Letter shall be submitted.@**

Staff Comment: The subject site has an approved Stormwater Management Concept Plan, #1170-2001. The Stormwater Management Concept Approval letter was submitted with this Detailed Site Plan. The DER/Concept staff confirmed in the referral memorandum dated May 25, 2001, that the site plan for Outback Steakhouse at Inglewood Restaurant Park, DSP-01025, is consistent with Stormwater Management Concept Approval Plan #117-2001.

- f. The Subdivision Section offered several findings regarding lot line adjustment and variances per Section 27-471(d), 27-471(h) and 27-474(c), in a memorandum dated May 31, 2001.

Staff Comment: The applicant has filed a lot line adjustment application and is requesting the mentioned variances concurrently with this Detailed Site Plan review. (See Finding 7 of this report for the detailed discussion.)

- g. In a memorandum dated May 29, 2001, the Department of Public Works and Transportation of Prince George's County stated that:

**A. . . Frontage improvements along the frontage of property on Lottsford Road and Lottsford Court in accordance with DPW&T's Specifications and Standards are required.@**

13. The Detailed Site Plan, if revised in accordance with the proposed conditions, will represent a reasonable alternative for satisfying the Site Design Guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development from its intended uses.

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 Detailed Site Plan DSP-01025, Alternative Compliance No. AC-01001 and further approved Variance Application No. VD-01025A, with the following conditions:

1. Prior to issuance of any sign permits, the applicant shall apply for a Departure From Sign Design Standards (DSDS) for the proposed building sign per Section 27-613(b)(2) of the Zoning Ordinance, as the entire sign is located above the lowest point of the roof to which it is attached.
2. Prior to certification of approval of DSP-01025, the applicant shall make the following revisions to the Detailed Site Plan:
  - a. A loading space of 12 by 33 feet shall be clearly identified on the Detailed Site Plan and be properly located and screened pursuant to the provisions of the both the Zoning Ordinance and the *Landscape Manual*.

- b. A direct pedestrian access to the subject site from Lottsford Court shall be provided.
3. Prior to issuance of the first building permit, the applicant, and the applicant=s heirs, successors, and/or assigns shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of Class III bikeway signage along Lottsford Road.

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 Eley, seconded by Commissioner Scott, with Commissioners Eley, Scott, Hewlett, Lowe, and Brown voting in favor of the motion, at its regular meeting held on Thursday, July 12, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of July 2001.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:rmk:HZ