



PGCPB No. 11-53

File No. DSP-05066-03

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 May 26, 2011, regarding Detailed Site Plan DSP-05066-03 for Shops at District Heights, Chick-fil-A, the Planning Board finds:

1. **Request:** The subject application is for approval of a 4,676-square-foot, one-story, freestanding eating and drinking establishment (a "Chick-fil-A") with drive-through service.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant	Fast-Food Restaurant
Acreage	9.2481	9.2481
Parcels	2	2
Building square footage/GFA	0	4,676
Building square footage/Center	91,684	96,360

Other Development Data:

	REQUIRED	PROVIDED
Internal Green Space		
Phase I	13%	11.4%*
Phase II	8%	8.1%

*See Finding 9 regarding alternative compliance.

**PARKING SCHEDULE FOR DSP 05066-03 CHICK-FIL-A—SHOPS AT DISTRICT HEIGHTS,
 PARCEL A, PENN SILVER CENTER AND PARCEL 324**

	Gross Floor Area	Required Parking Spaces*	Regular Spaces Provided	Compact Spaces Provided	Handicap Spaces Provided	Total Parking Provided
Phase I Existing Shopping Center	91,684 S.F.	367	277	80	12	369
Phase II Chick-fil-A	4,676 S.F.	19	12	3	2	17
Total Shopping Center	96,360 S.F.	386	289	83	14	386

*Because the subject site is part of an integrated shopping center, parking is to be provided at one space per 250 square feet of retail space.

3. **Location:** The subject property is located in the northwestern quadrant of the intersection of Silver Hill Road (MD 458) and Pennsylvania Avenue (MD 4). The subject property is also located in Planning Area 75A, Council District 7.
4. **Surrounding Uses:** The subject property is bordered to the north by the Pennbrooke Terrace multifamily housing development; to the northeast by Pennsylvania Avenue (MD 4), with the Pennsylvania Station shopping center beyond; to the south by Silver Hill Road (MD 458), with a fast-food restaurant, a church, and a single-family detached unit beyond; and to the west by a church and its associated parking.
5. **Previous Approvals:** The property is the subject of Preliminary Plan of Subdivision 4-04125; Record Plat PM 232 @ 60; Detailed Site Plans DSP-05066, DSP-05066/01, DSP-05066/02; Departure from Design Standards DDS-562; and Special Exception SE-1808.
6. **Design Features:** The subject Chick-fil-A pad site is exclusively accessed by vehicles internally from the larger Shops at District Heights center, though it is bordered on two sides by the travelways of Silver Hill Road (MD 458) and Pennsylvania Avenue (MD 4). Parking is provided on the western side of the building with a drive-through loop around its eastern side. The site, including the parking lot, is landscaped with a combination of shade trees, shrubs, and grassed areas. Tables are provided adjacent to the drive-through for outdoor diners. The pad site is directly adjacent to the extensive parking lot provided for the Shops at District Heights.

The architecture for the project is prototypical for Chick-fil-A, utilizing large glazed areas, a predominance of two colors of brick as the architectural material, with darker banding utilized for contrast, together with a bright red color utilized as a design accent on umbrellas on the outdoor tables, awnings, and the signage. The roofline is varied, using flat roof in part, with pedimented roofs accentuating certain design features, including signage.

In order to improve the appearance of the highly visible side of the building facing Pennsylvania Avenue, the applicant should add windows and architectural features to that side of the building.

Light fixtures for the project are modest and unobtrusive, in a neutral color and primarily building-mounted. The fenestration pattern follows the design of the building and helps create visual interest by offering different sizes and types of windows reflecting the form and massing of each façade. A well designed and unobtrusive dumpster enclosure has been provided in a combination of brick and composite materials. The gates of said enclosure have been specified as steel painted in a dark-bronze-colored paint. The applicant should add an elevation drawing for the dumpster enclosure which is currently only included as a "section" drawing.

Signage

A signage plan for the Chick-fil-A project has been included as Sheet 5A of the plan set. It includes:

- Wall signage for the rear elevation, main entry elevation, playground elevation, and drive-through elevation, each only including the name of the restaurant;
- An elevation for a double-faced internally-illuminated monument sign, with a base measuring approximately 12 feet 4 inches long by 2 feet wide and 3 feet tall, supporting two signs. One sign features the "C" insignia for the restaurant, measuring approximately 4 feet 8 inches tall by 3 feet 8 inches wide, and the second includes the name of the restaurant, a changeable message board with three lines of 4-inch zip letters and the text "Breakfast—Closed Sunday," measuring approximately 8 feet 3 inches by 3 feet; and
- Elevations of the standing seam metal canopy intended to protect patrons from the elements at the drive-through window.

In addition, the applicant has submitted a 19-page packet from "Clayton Signs" for Building S06A, Store Number 2608. The site plan of this set indicates the one wall-mounted sign on each façade (indicated on this smaller set as Signs B, C, D, and E), and includes an additional eight signs that are assigned the identifiers "F, H1, H2, I, J, K (2 in number), and P." These signs do not appear to be excessive in number and are acceptable to the Planning Board.

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the C-S-C 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 commercial zones. The proposed eating or drinking establishment, with drive-through service, is permitted in the C-S-C Zone.

- b. The DSP also conforms to the requirements of Section 27-462, regulations in commercial zones.
8. **Record Plat as recorded in Plat Book PM 232 @ 60:** The property was recorded in Plat Book PM 232 @ 60 on May 12, 2010. The site plan shows all the bearings and distances of Parcel A as reflected on the record plat. The record plat contains six notes and the following notes in bold relate to the review of this application:

1. **Prior to issuance of building permits, the applicant shall obtain detailed site plan approved in accordance with condition 1 of PGCPB No. 04-279.**

This condition was met prior to issuance of building permits for the existing integrated shopping center on the site. With approval of Phase II, the Chick-fil-A, the subject revision application also conforms to this requirement.

2. **Development of this shall be in conformance with the approved stormwater management concept plan (#22962-2004-00), or any approved revision thereto.**

The Department of Public Works and Transportation (DPW&T) stated that the detailed site plan is not consistent with approved Stormwater Management Concept 22962-2004, dated September 8, 2008. Further, the DPW&T stated that a revision to the approved stormwater concept plan would be required if it were to match the subject detailed site plan. A condition of this approval requires that the applicant amend the stormwater concept to conform to the detailed site plan, prior to signature approval, and to provide revised referral comments to this effect to staff from DPW&T to ensure that the application is in conformance with this requirement.

3. **Issuance of building permits is subject to transportation conditions of PGCPB No. 04-279.**

After review of transportation-related Conditions 3, 4, and 5 of PGCPB Resolution No. 04-179, which formalized the approval of the relevant preliminary plan of subdivision for the site (4-04125), the Planning Board concludes that conformance to these conditions has been demonstrated. Demonstration of conformance with this condition will also be necessary at the time of the issuance of building permits.

4. **Total development shall be limited in accordance with condition 5 of PGCPB No. 04-279.**

Condition 5 limits total development within the subject property to 96,802 square feet consisting of an integrated shopping center, or equivalent development which generates no more than 90 AM and 405 PM peak hour trips. The site plan shows a total of 96,270 square feet, and this is within the square footage associated with the trip cap.

5. **Development of this property must conform to the detailed site plan which was approved by the Prince George's County Planning Board on July 5, 2006, DSP-05066, or as amended by any subsequent revisions thereto.**

Development of the property does conform to Detailed Site Plan DSP-05066, as amended.

6. **This plat is prepared in accordance with section 24-108(a)(1) to correct the configuration of the public utility easement along the Silver Hill Road right-of-way as shown on plat recorded in Plat Book 215 as Plat No. 72.**

This requirement is not relevant to the subject detailed site plan approval.

9. **Prince George's County Landscape Manual:** The proposed Chick-fil-A restaurant with drive-through is subject to Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements of the *Prince George's County Landscape Manual*.

- a. Section 4.2, Requirements for Landscape Strips Along Streets, applies to all public and private road frontages, which includes the project's Pennsylvania Avenue and Silver Hill Road frontages. The requirements of Section 4.2 include a minimum ten-foot-wide strip planted with one tree and ten shrubs for every 35 feet of road frontage, excluding driveway openings. The submitted DSP meets this requirement for Pennsylvania Avenue and Silver Hill Road frontages.
- b. The subject site is exempt from the requirements of Section 4.3(c) (1), Parking Lot Perimeter Landscape Strip Requirements, because it is part of an integrated shopping center. The DSP is subject, though, to Section 4.3(c)(2), Parking Lot Interior Planting Requirements, which requires that a certain percentage of the parking area, in accordance with the size of the parking lot, be interior planting areas with one shade tree for each 300 square feet of planting area. The landscape plan identifies the parking lot that will primarily service the Chick-fil-A as "Parking Lot Area 2" measuring approximately 27,475 square feet, which would be subject to the eight percent requirement because the total parking lot area is between 7,000 and 49,999 square feet. The landscape plan provides 8.1 percent of the total parking lot area in interior planting area and a total of 11 shade trees which satisfy the requirements of Section 4.3(c)(2).

The remainder of the parking area is also subject to Section 4.3(c)2, Parking Lot Interior Planting Requirements, which requires that a certain percentage of the parking area, in accordance with the size of the parking lot, be interior planting areas with one shade tree for each 300 square feet of planting area. The landscape plan identified the remainder of the parking lot for the Shops at District Heights as "Parking Lot Area 1," measuring approximately 137,465 square feet, which would also be subject to the eight percent requirement because the total parking lot area is between 7,000 and 49,999 square feet.

The landscape plan provides 11.4 of the 13 percent required to be shown as interior planting area and a total parking lot area in interior planting area and a total of only 49 of the 53 required shade trees. Because this does not fulfill the requirements of Section 4.3(c)(2), the applicant applied for alternative compliance.

- c. Section 4.4, Screening Requirements, requires that all dumpsters be screened from all adjacent roads. Though a section drawing of a dumpster enclosure was included in the plan set and a graphic provided for the PowerPoint, an elevation drawing of the dumpster was not provided. Therefore, a condition of this approval requires the applicant to revise the plans prior to signature approval, to include an elevation drawing of the dumpster enclosure in the plan set. Such elevation would then reflect the materials and colors indicated in the section drawing and the PowerPoint image.
- d. Section 4.7, Buffering Incompatible Uses, requires a buffer between adjacent incompatible land uses, which exist on the subject site's western and northern boundaries. Relief was granted, however, from the requirements of this section in Departure from Design Standards DDS-562.
- e. Section 4.9, Sustainable Landscaping Requirements, requires certain percentages of native plants be provided on-site, along with no invasive plants, and no plants being planted on slopes steeper than three-to-one. The submitted landscape plan provided the required schedule and notes, demonstrating conformance to the requirements of Section 4.9.
- f. In an alternative compliance recommendation, dated May 10, 2011, the Planning Director recommended approval of an Alternative Compliance application (AC-11007) requested from the requirements of Section 4.3(c) (2), Parking Lot Interior Planting Requirements, of the *Prince George's County Landscape Manual* as it applies to the existing parking area.

The alternative compliance report offered the following analysis of the parking areas subject to the above requirement:

Location:

The subject property is located at the intersection of Pennsylvania Avenue (MD 4) and Silver Hill Road.

Background:

The subject property, Shops at District Heights, Parcel A, is a 9.25-acre lot in the Developed Tier and is zoned Commercial Shopping Center (C-S-C). The underlying case, Detailed Site Plan DSP-05066-03, is a revision to add an eating or drinking establishment, with drive-through service, where no improvements have been made and was approved by the District Council on September 24, 2007. The property is currently improved with a shopping center and parking and bounded to the north by multifamily dwellings and to the west by a church.

The parking lots are split into two sections. The first section is existing parking that serves the shopping center uses, Parking Area #1. The second section, Parking Area #2, predominately serves the proposed development. It consists of 58 existing and 11 proposed parking spaces.

The applicant has filed this request for Alternative Compliance from Section 4.3(c)(2), Parking Lot Interior Planting Requirements, to reduce the required interior landscape area for the existing parking area.

Parking Area #1:

REQUIRED: 4.3(c)(2), Parking Lot Interior Planting Requirements, Parking Area #1.

Interior Planting Area Required	17,870 sq. ft. or 13%
Number of Shade Trees Required	53

PROVIDED: 4.3(c)(2), Parking Lot Interior Planting Requirements, Parking Area #1.

Interior Planting Area Provided	15,644 sq. ft. or 11.4%
Number of Shade Trees Provided	49

Parking Area #2:

REQUIRED: 4.3(c)(2), Parking Lot Interior Planting Requirements, Parking Area #2.

Interior Planting Area Required	2,198 sq. ft. or 8%
Number of Shade Trees Required	8

PROVIDED: 4.3(c)(2), Parking Lot Interior Planting Requirements, Parking Area #2.

Interior Planting Area Provided	2,226 sq. ft. or 8.1%
Number of Shade Trees Provided	11

Justification:

The applicant is requesting Alternative Compliance from Section 4.3(c)(2), Parking Lot Interior Planting Requirements, of the 2010 *Prince George's County Landscape Manual*. Section 4.3(c)(2) requires interior planting area in parking compounds larger than 50,000 square feet by providing 13 percent of landscape area and a nine-foot-wide parking island perpendicular to parking for every two bays. The subject plan provides the required number of shade trees, but does not contain the required area for planting. In addition to the required number of shade trees, the site also contains nine more shade trees than

required around the perimeter of the parking lot. The applicant is planting two additional shade trees in Parking Area #2 to help offset the lack of planting area for Parking Area #1. Also, the site has preserved a 72-inch diameter-at-breast-height Willow Oak tree which provides substantial shade in the parking lot.

The landscape plan approved with the original detailed site plan met the required ten percent necessary for the size of the parking lot. Since that time, the newly adopted *Prince George's County Landscape Manual* has increased the requirement to thirteen percent. The shopping center is fully operational and parking islands have already been landscaped. The Alternative Compliance Committee finds that making the applicant plant shade trees in alternative locations other than within proposed parking lot bays and the preservation of a tremendously large Willow Oak tree within the parking compound is supportable.

The Alternative Compliance committee finds the applicant's proposal to be equally effective as an alternative to Section 4.3(c)(2) with a condition that the existing oak tree be evaluated by a certified arborist. A treatment plan should be determined and administered prior to signature approval of the plans.

The Planning Board APPROVES of Alternative Compliance for Section 4.3(c)(2), Parking Lot Interior Planting Requirements, subject to the following conditions:

1. Prior to certificate approval of Detailed Site Plan (DSP-05066-03), the applicant shall submit a tree preservation plan, developed by a certified arborist or licensed tree expert, for the 72-inch Willow Oak tree located within the parking compound in order to recommend appropriate maintenance procedures for the tree and to maximize its growth and viability.
 2. Prior to the issuance of a building permit, verification that the measures described in the report have been undertaken shall be submitted.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance. Although the gross tract area of the subject property is greater than 40,000 square feet, there are less than 10,000 square feet of existing woodlands and there is no previously approved TCP. A Type I tree conservation plan, therefore, is not required. However, a letter of exemption from the requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance must be submitted prior to building permit issuance.
11. **Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned Commercial Shopping Center (C-S-C) are required to provide a minimum of ten percent of the gross tract area in tree canopy.

The overall development has a gross tract area of 9.11 acres and a requirement for tree canopy coverage of 0.91 acre, or 40,293 square feet. The submitted landscape plan shows a TCC schedule that proposes to meet the requirement with 47,675 square feet of a combination of existing trees and trees to be planted on-site, which exceeds the requirement. The submitted landscape plan shows the requirements of Subtitle 25, Division 3 which are being met and therefore, no additional information in this regard will be necessary.

12. **Detailed Site Plans DSP-05066, DSP-05066/01 and DSP-05066/02:** Detailed Site Plan .
DSP-05066 was approved by the Planning Board on July 6, 2006, with its decision memorialized in PGCPB Resolution No. 05-160. The application was subsequently called up and reapproved by the District Council on April 10, 2007. On July 9, 2007, the case was remanded. The case was then transmitted to the Zoning Hearing Examiner on July 26, 2007, with the District Council finally approving the case on September 24, 2007. Detailed Site Plan DSP-05066/01 was a staff level application approved on March 3, 2009 for the purpose of delineating a Phase I and Phase II on the approved detailed site plan. There is no information in the database regarding a second revision of the detailed site plan DSP-05066/02, which was submitted for signage for the Giant, but never pursued. All conditions of previous approvals continue to apply.
13. **Departure from Design Standards DDS-562:** Departure from Design Standards DDS-562 was approved by the Planning Board on April 10, 2007, with its decision memorialized in PGCPB Resolution No. 06-161. The District Council, however, elected to review the case and issued a final order in the case on April 10, 2007. The departure included the following:
 - Loading within 50 feet of residentially-zoned land;
 - 4.7 buffers (buffering incompatible uses) along the northern and western property lines; and
 - An eight-foot-high concrete security wall within the northern building setback.

The approval of DDS-562 was subject to the following condition:

The applicant shall provide a total of 160 plant units, including existing trees to be saved along the common property line with the adjacent church, within the 401-foot bufferyard at the northern portion of the western boundary of the site. The applicant shall use primarily shade trees that can be limbed up, to minimize the possibility of providing cover for criminal activity. Exact plantings shall be agreed on between the applicant and the Urban Design Review Section.

The subject project will not affect the previously required and established buffer along the northern portion of the western boundary of the site.

14. **Special Exception SE-1808:** Special Exception SE-1808 was approved in 1968 for a vehicle sales lot, service, body repair and other related uses to a new car sales lot. That use, however, does not

exist on the site today and the requirements associated with the special exception approval are therefore irrelevant to the subject application.

15. **Further Planning Board Findings:** The subject application was referred to the concerned agencies and divisions.

- a. The proposed revision to the detailed site plan for a 4,675-square-foot eating establishment with drive-through will have no effect on identified historic sites, resources, or districts.
- b. A Phase I archeological survey is not required for the property. The subject property is developed with an existing shopping center and parking lot, and a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicate that the probability of archeological sites within the property is low.

Section 106 of the National Historic Preservation Act (NHPA) may require archeological survey for state or federal agencies. The statute requires that applicants take into account the effects of their undertakings on historic properties, which include archeological sites, when state or federal monies, or federal permits are required for a project.

- c. The application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier. Additionally, the application conforms to the land use recommendations of the 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment*.
 - The 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* provides general guidance regarding the design of commercial buildings (pp. 546-551). The proposed elevations appear to adhere to those guidelines particularly with respect to building materials, color, fenestration, and architectural elements such as awnings, windows and building entrances. The subject property is in a highly visible location at the corner of Pennsylvania Avenue and Silver Hill Road which requires that greater attention be paid to architectural details that enhance visual interest.
 - In addition, given the high amount of pedestrian activity in the area, the applicant is providing the simplest route possible to the restaurant entrance from Silver Hill Road.
- d. There is an approved subdivision (Preliminary Plan 4-04125 and PGCPB Resolution No. 04-279) for the site including several transportation-related conditions as follow:
 - (1) **Condition 3:** Requires several improvements at the site's access from MD 458. The improvements are constructed and operational.

- (2) **Condition 4:** Requires dedication along Silver Hill Road (MD 458). This condition was enforced at the time of final plat approval, and has been shown correctly on all succeeding plans, including the subject plan.
- (3) **Condition 5:** Limits total development within the subject property to 96,802 square feet consisting of an integrated shopping center, or equivalent development which generates no more than 90 AM and 405 PM peak-hour trips. The site plan shows a total of 96,370 square feet, which is within the established trip cap.

On-site circulation within the immediate area of the use is acceptable.

The subject property was the subject of a 2004 traffic study, and was given subdivision approval pursuant to a finding of adequate transportation facilities made in 2004 for Preliminary Plan of Subdivision 4-04125. The uses proposed on this site plan are generally consistent with the uses proposed at the time of preliminary plan, making the basis for the prior findings valid. Therefore, it is determined that the subject project meets the criteria for site plan approval, from the standpoint of transportation as noted in Subtitle 27.

- e. The subject property is Parcel A on Tax Map 81 in Grid A-3, and is 9.11 acres. Parcel 10 is in the Commercial Shopping Center (C-S-C) Zone and is located within the Shops at District Heights. The applicant submitted a revised detailed site plan for the construction of a 4,686-square-foot Chick-fil-A restaurant on Parcel A. The property was recorded in Plat Book PM 232 @ 60 on May 12, 2010. The site plan shows all the bearings and distances of Parcel A as reflected on the record plat.
- f. At the time of the original DSP approval (July 27, 2006), it was noted that there were no master plan trails issues identified in either the 1985 Adopted and Approved Suitland-District Heights Master Plan or the 1985 Equestrian Addendum to the Adopted and Approved Countywide Trails Plan that impacted the subject application. However, since the time of the original approval, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) has been approved by the Planning Board and District Council. This plan recommends designated bike lanes along Silver Hill Road (MD 458) and a sidepath along Pennsylvania Avenue (MD 4). The MPOT also includes a "Complete Streets" element that includes several policies and strategies regarding the provision of sidewalks. The Trails, Bikeways, and Pedestrian Mobility chapter of the MPOT includes the following policy regarding pedestrian oriented development in centers and corridors:

POLICY 1: Incorporate appropriate pedestrian-oriented and transit-oriented development (TOD) features in all new development within designated centers and corridors.

The Complete Streets Section of the MPOT includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The site also lies just outside of the 2006 *Approved Suitland Mixed-Use Town Center Zone Development Plan* (MUTC), which recognizes the importance of pedestrian accessibility in this area. The Suitland MUTC Development Plan recommends sidewalks at least six feet wide in residential areas and at least eight feet wide in commercial areas. These sidewalks are to be buffered from vehicular traffic by a minimum six-foot-wide landscaped strip in order to allow for street trees and to buffer pedestrians from street traffic (Suitland M-U-TC, pages 30 and 36). Due to the commercial nature of the subject application and the proximity of residential development to the subject site, an enhanced pedestrian streetscape was recommended along Silver Hill Road as part of the original DSP.

The previously approved DSP-05066, was affirmed by District Council Order with conditions on September 24, 2007, for the site including the following condition regarding sidewalk facilities:

1. **Prior to signature approval of DSP-05066 and DDS-562, the applicant shall revise the plans as follows or submit the required additional documentation:**
 - a. **The applicant shall show a minimum six-foot-wide sidewalk, separated from the curb by a minimum six-foot-wide planting strip, along the subject site's entire frontage of Silver Hill Road (MD 458), unless modified by the State Highway Administration (SHA).**

This condition still applies to the subject site. The sidewalk along MD 458 is acceptable as shown on the submitted DSP. In addition to including the six-foot-wide sidewalk required by Condition 1a of DSP-05066, the subject application also reflects a sidewalk and striped walkway connection from Silver Hill Road (MD 458) to the sidewalk immediately around the proposed building. The provision of designated bike lanes can be considered by SHA as part of future road re-striping, maintenance, or improvement along MD 458. Under the current road configuration, it appears that sufficient space may not exist to stripe the road for designated bike lanes. However, SHA has striped the road to include wide outside curb

lanes, which is an acceptable treatment when space does not currently exist for full bike lanes.

Regarding Pennsylvania Avenue (MD 4), it should be noted that the original DSP approval predated the CMPOT recommendation for a sidepath along MD 4. However, due to pedestrian safety concerns along MD 4, the Maryland State Highway Administration (SHA) has begun a planning and design study for improving bicycle and pedestrian access and safety along the corridor. Although this study is in the very early stages, alternative improvements being evaluated include a sidepath along the north side of MD 4 and a standard sidewalk along the south side. Additional crossing improvements and safety enhancements will also be evaluated through this study. It is anticipated that pedestrian and trail improvements along MD 4 (including the frontage of the subject site) will be accommodated within the existing SHA right-of-way.

The plan is acceptable with respect to non-motorized transportation, furthers the goals expressed in the applicable master and functional plans, conforms to the requirements of all relevant prior conditions of approval, and meets the required findings for DSP approval expressed in Section 27-285 of the Zoning Ordinance.

The recently initiated Maryland State Highway Administration streetscape project for Pennsylvania Avenue (MD 4) will evaluate and address pedestrian access and safety comprehensively along the entire MD 4 corridor west of the Capital Beltway, including the frontage of the subject site.

- g. Permit matters have been addressed by the applicant or by conditions of approval.
- h. The subject property was previously reviewed for conformance with environmental regulations in 2004 as a Preliminary Plan of Subdivision (4-04125) which was approved with conditions. This application seeks the approval of a revised detailed site plan to construct a 4,676-square-foot eating establishment in the C-S-C Zone. The project is grandfathered from the Subtitle 27 submission requirements because it has a previously approved land development application (DSP-05066). As such, a natural resource inventory is not required with this application. The site is subject to the tree canopy coverage requirement of Subtitle 25, Division 3.

A review of the available information indicates that streams, wetlands, 100-year floodplain, areas of steep slopes, and Marlboro clays are not found to occur on this property. This site abuts two major noise generators, Pennsylvania Avenue and Silver Hill Road, an expressway and arterial roadway respectively, generally regulated for noise impacts. Because no residential or residential-type uses are proposed, however, this application was not evaluated for noise from transportation sources. The soils found to occur according to the *Prince George's County Soil Survey* are in the Sunnyside, Beltsville and Sassafras series. These soils have limitations with respect to perched water table, impeded drainage and steep slopes but will not affect the site layout. The site is fully

developed and there is no existing woodland on the site. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this application. This property is located in both Oxon Run and Henson Creek watersheds of the Potomac River basin and in the Developed Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

- (1) This site is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because although the gross tract area of the subject property is greater than 40,000 square feet, there are less than 10,000 square feet of existing woodlands, and there is no previously approved TCP. A Type I tree conservation plan is not required. A letter of exemption must be submitted at the time of permit issuance.

No additional information is required at this time with regard to woodland conservation. A condition of this approval requires that a letter of exemption be submitted at the time of building permit issuance.

- (2) Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties zoned C-S-C are required to provide a minimum of ten percent of the gross tract area in tree canopy.

The overall development has a gross tract area of 9.11 acres and as such, tree canopy coverage of 0.91 acre, or 40,293 square feet, is required. The submitted landscape plan shows a TCC schedule that proposes to meet and exceed the requirement with 47,675 square feet of a combination of existing trees and trees to be planted on-site.

The landscape plan shows the requirements of Subtitle 25, Division 3 being met. No additional information is required.

- i. The Prince George's County Fire/EMS Department offered information on private road design, the location and performance of fire hydrants and needed accessibility.
- j. The Department of Public Works and Transportation, noting that sidewalks are required along all state roads, suggested that coordination should properly be with the Maryland State Highway Administration. That department also stated that the detailed site plan is not consistent with approved Stormwater Management Concept 22962-2004, dated September 8, 2008 and suggested that the applicant pursue a revision to that stormwater management concept plan to support the stormwater management design included on the subject detailed site plan.

- k. The Maryland State Highway Administration declined to comment on the subject application.
 - l. The Washington Suburban Sanitary Commission offered numerous comments regarding needed coordination with other utilities. They also stated that all extensions of WSSC's system require a request for hydraulic planning analysis and the need to follow the System Extension Permit (SEP) process. They also offered a variety of comments regarding hydraulics and design considerations. A copy of WSSC's comments has been provided to the applicant. WSSC's concerns will be met through their separate application process.
 - m. In an e-mail received May 2, 2011, a representative of Verizon stated that the developer would have to provide conduit for a telephone connection.
 - n. Potomac Electric Power Company offered no comment on this application.
16. As required by Section 27-285(b) of the Zoning Ordinance, 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.
17. In regard to Section 27-285(b)(4) of the Zoning Ordinance which requires a finding that the detailed site plan preserves regulated environmental features and/or restores them in a natural state to the fullest extent possible, the site does not contain any regulated environmental features, such as streams, wetlands, or floodplain, and therefore, no preservation or restoration of environmental features is required as part of this DSP approval.

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-05066-03 and further APPROVED Alternative Compliance AC-110007, subject to the following conditions:

- 1. Prior to signature approval, the following revisions shall be made to the plans for the project or the following information shall be provided:
 - a. Revise Stormwater Concept 22962-2004 to conform to the detailed site plan and submit to Urban Design staff, a revised referral and/or statement from Department of Public Works and Transportation stating that the subject detailed site plan is in conformance with Stormwater Concept 22962-2004, as revised.
 - b. Submit a tree preservation plan, developed by a certified arborist or licensed tree expert, for the 72-inch Willow Oak tree located within the parking compound in order to recommend appropriate maintenance procedures for the tree and to maximize its growth and viability.

- c. The applicant shall work with staff, as designee of the Planning Board, to revise the signage plan for the project to include all proposed signage, with the proviso that staff review shall be limited to colors and materials to be used for the signage.
 - d. The applicant shall add an elevation drawing to the plan set for the dumpster enclosure that will reflect the brick walls and composite gates indicated in a section drawing and the "dumpster perspectives" that were provided for the PowerPoint show.
 - e. The applicant shall provide bike racks on the Chick-fil-A site, the number and location of which shall be determined in consultation with the Transportation Planning staff.
 - f. The applicant shall, in consultation with the Urban Design Section, revise the architectural elevations for the side of the building facing Pennsylvania Avenue (MD 4) in order to improve the appearance of that elevation through the use of elements which should include, but not be limited to, additional windows and/or false windows and additional gables, pediments, or similar features.
2. Prior to the issuance of a building permit, verification that the measures described in the tree preservation plan have been undertaken shall be submitted and shall be deemed acceptable by the Environmental Planning Section, as designee of the Planning Board.

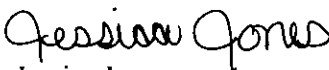
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Clark, seconded by Commissioner Vaughns, with Commissioners Clark, Vaughns, Cavitt and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, May 26, 2011, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 16th day of June 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department
Date 6-3-11