

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 July 13, 2006, regarding Detailed Site Plan DSP-06007 for Ceddie's Seafood, the Planning Board finds:

1. **Request:** The subject application is for approval of the use of the former Kentucky Fried Chicken building for a sit-down seafood restaurant as defined by Section 27-107.01(a)(200)(C)(ii): "A restaurant which serves food primarily on nondisposable tableware, but provides incidental carryout service, where the space used for carryout service does not exceed five percent of the total patron seating area or eighty square feet (whichever is less)." The site is 0.41 acres in the C-M Zone.

Development Data Summary

	EXISTING	PROPOSED
Zone	C-M	C-M
Use(s)	Vacant (former KFC building)	Sit-down Restaurant
Acreage	0.41	0.41
Parcels	0	0

Architectural detail

Structure Use	Total Finished Area (sq. ft.)	Building Height (feet)
Existing Restaurant	2,200	15

Other Development Data

Parking	Required	Provided
Standard Parking	18	18
Of which Handicap Parking	2	2

2. **Location:** The site is in Planning Area 76A, Council District 8. More specifically, it is located on the east side of Indian Head Highway (MD 210), 500 feet south of its intersection with Southern Avenue.
3. **Surroundings and Use:** The subject property is bounded to the north by a car stereo store in the C-M Zone, and to the east and south by consolidated storage in the C-M Zone. The site is accessed through a steel entrance gate off Indian Head Highway.
4. **Previous Approvals:** The subject site has an approved letter of exemption dated January 25, 2006,

from the Prince George's County Woodland Conservation Ordinance. The approval will be valid through January 25, 2008.

5. **Design Features:** The applicant proposes to use the former Kentucky Fried Chicken building for a sit-down seafood restaurant. The existing brick building will be used for Ceddie's Seafood restaurant without any addition or alteration to the building itself, except to close off the existing drive-in window. The total base finished area of the building is 2,200 square feet. Fences exist along all sides of the proposed property. To the north of the property is a chain-link fence, to the east and west tubular steel fences, and to the south a tubular steel fence with masonry piers. There are two tubular gates at the east and west entrances.

The applicant originally proposed replacing the existing freestanding sign, which has no face (KFC Permit 1307-83-CGU), with a new freestanding pylon sign. The proposed pylon sign measured ten feet by six feet, which exceeded the sign area allowed. The proposed sign required a departure from sign design standards per Section 27-614(c)(3)(B). The applicant decided to eliminate the freestanding sign from this application. Staff therefore recommends removal of the existing Kentucky Fried Chicken pylon sign from the site plan.

COMPLIANCE WITH EVALUATION CRITERIA

6. **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)(1)(A)(i), which governs permitted uses in commercial zones. The proposed sit-down restaurant is a permitted use in the C-M Zone.
 - b. The proposed sit-down restaurant is in compliance with Section 27-107.01(a)(200)(C)(ii) of the Zoning Ordinance.
7. **Landscape Manual:** The proposed development is exempt from the requirements of the *Landscape Manual* since the applicant proposes to use the existing building without any change in the gross floor area (GFA) of the Kentucky Fried Chicken building.

There are few existing trees on the site to be maintained. The staff recommends providing plant units along the western property line, which is accessed off Indian Head Highway, and replacing the azaleas originally planted around the building. The staff also recommends providing a sight-tight fence to screen the trash facility.

The Urban Design staff reviewed the proposed landscape plan and found that the submittals are in general compliance with the applicable sections of the *Landscape Manual*.

8. **Woodland Conservation Ordinance:** The subject site is 0.41-acre Parcel "A" and zoned C-M. This site is not subject to the provisions of the county Woodland Conservation Ordinance because it

is less than 40,000 square feet in size and contains less than 10,000 square feet of woodland. The site does not have a previously approved Tree Conservation Plan and one is not required. The site has an approved letter of exemption from the Environmental Planning Section, Countywide Planning Division, dated January 25, 2006.

9. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Community Planning: In a memorandum dated May 17, 2006, the Community Planning Division stated there are no master plan or General Plan issues pertaining to this application.

Transportation: In a memorandum dated April 27, 2006, the Transportation Planning Section offered no comments.

Subdivision: In a memorandum dated June 1, 2006, the Subdivision Section noted the site is known as Parcel A (NLP 120@19) recorded in the land records in 1984. The site plan should be revised to label the tax map, grid and parcel. The DSP does not propose any gross floor area and is exempt from the requirement of filing a preliminary plan of subdivision. Bearings and distances should be provided on all property lines.

Trails: In a memorandum dated June 12, 2006, the trails planner noted there are no master plan trails recommendations.

Permits: In a memorandum dated February 10, 2006, the Permit Review Section offered ten comments, which have either been addressed or are in the recommendation section of this report as proposed conditions.

Environmental Planning: In a memorandum dated May 16, 2006, the Environmental Planning Section recommends approval of the detailed site plan.

Department of Environmental Resources (DER): In a memorandum dated May 1, 2006, DER staff stated no objection to the proposed project.

Fire/EMS Department: The Fire/EMS Department had not responded to the referral request at the time the staff report was written.

Department of Public Works and Transportation (DPW&T): In a memorandum dated May 22, 2006, DPW&T offered the following:

The property is located on the east side of Indian Head Highway (MD 210), 500 feet south of its intersection with Southern Avenue. The site is an existing commercial retail development and a name change is the sole purpose of this submittal. DPW&T does not have any additional requirements.

Maryland State Highway Administration. (SHA): In a memorandum dated May 19, 2006, SHA stated that their office has no objection to Detailed Site Plan DSP-06007.

Town of Forest Heights: As of the writing of this report, no comment was received from the Town of Forest Heights.

10. 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.

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-06007, subject to the following conditions:

1. Prior to certificate approval, the following modifications or revisions shall be made to the detailed site plan, or the following information shall be provided:
 - a. Revise the site plan to label the tax map, grid and parcel.
 - b. Provide bearings and distances on all property lines.
 - c. Provide a site plan note indicating the use of the building as a "sit-down" restaurant.
 - d. Revise the parking schedule to reflect the use of building.
 - e. Remove the Kentucky Fried Chicken use from the parking schedule.
 - f. Provide the height of all fences on the site plan.
 - g. Remove the existing menu board from the site plan.
 - h. Revise General Note 7 to reflect the sit-down restaurant as a medium impact use.
 - i. Provide details and specifications of trash facilities and the associated screening. Any fence employed for screening shall be attractive, durable, and low-maintenance, and shall not be constructed of wood.
 - j. Provide plant units along western property line adjacent to Indian Head Highway and surrounding the existing building.
 - k. Remove the existing pylon sign from the site plan.

- l. Provide an overall site plan.
- m. Provide a site plan note to indicate the hours of operation.
- n. Prior to certificate approval, provide details of building-mounted signs.

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.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Clark, seconded by Commissioner Eley, with Commissioners Clark, Eley, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, July 13, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of July 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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