

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 19, 2007, regarding Detailed Site Plan DSP-06016 for Taco Bell, Landover Hills, the Planning Board finds:

1. **Request:** Detailed Site Plan DSP-06016 was submitted in accordance with Section 27-461(b), footnote 24, which requires a detailed site plan for an eating or drinking establishment with full drive-through service in commercial zones. The subject property is zoned C-S-C (Commercial Shopping Center) and is not part of an integrated shopping center. The applicant proposes to demolish the existing fast food restaurant and build a new Taco Bell restaurant with drive-through service. The applicant originally requested a companion departure from sign design standards (DSDS) from Section 27-614 of the Zoning Ordinance to replace the existing freestanding sign with a new one on the site. The applicant has now requested a continuance of the DSDS to a later Planning Board hearing date in order to provide additional information related to the requested departure.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Fast Food Restaurant (Taco Bell)	New Taco Bell
Acreage	0.427	0.427
Lots	NA	NA
Parcels	1	1
Building Square footage/ GFA	2,000	2,580
Building Height (feet)	-	23.9*

*Not including the height of mounted aluminum arch above the front building entrance. The building measurements should be included in the detail sheet.

Parking Data

	Required	Proposed
Total Parking of which	19	19
Handicapped spaces (8'x18', Van Accessible)	1	1
Loading Spaces (12'x 40')	1	1

3. **Location:** The property is located in Planning Area 69, Council District 3, on the northeast quadrant of Annapolis Road (MD 450) and Chesapeake Road intersection.
4. **Surroundings and Use:** The proposed development is surrounded to the north and east by the existing shopping center in the C-S-C Zone, to the south by Chesapeake Road, and to the north the property fronts Annapolis Road (MD 450). The subject property is not part of an integrated shopping center or commercial center.
5. **Previous Approvals:** The subject site has a stormwater management concept approval, 33719-2005-00, which is valid through October 3, 2008. The site was certified as nonconforming on February 3, 1983, by permit 6134-81-CGU for Taco Bell fast food restaurant. The site also has an approved letter of exemption from the Prince George's County Woodland Conservation Ordinance, which will expire on August 18, 2007.
6. **Design Features:** The subject property consists of 0.427 acre of land in the C-S-C Zone. The proposed fast food restaurant site is accessed through two existing entrances on Annapolis Road (MD 450) and one existing entrance on Chesapeake Road. The applicant is proposing to demolish the existing Taco Bell building on the site and construct a new Taco Bell fast food with drive-through establishment on parcel D. The proposed Taco Bell restaurant is a one-story building, 2,580 square feet in size and 23 feet and 9 inches in height. The fast food restaurant will have a total of 45 seats.

The architecture for the proposed restaurant consists of a rectangular building with a tripartite composition. The base of the building consists of cultured stone in a color described as "Carmel Mountain," with the same color capstone. Exterior Insulating Finishing System (EIFS) in "Camel Back" color is used for the midsection; and a band with a painted pattern in several colors described as "Golden Rule," "Avocado," "Rookwood Terra Cotta," and "Plummy" is employed along the parapet of the building. The building front and side entrances (west and south sides) are emphasized with a projected entry and a canopy above. The applicant proposes to use rectangular decorative "Expression" panels with trellis along the south and north elevations. The "Expression" panels consist of the same color palette (red, yellow, green and purple) used on the painted pattern around the top portion of building.

The applicant provided a detail sheet for a four-square-foot round top directional sign. There are a few unidentified signs shown on the site plan, which should be removed. A condition of approval is included in the recommendation section of this report.

The proposed architectural elevations show three building-mounted signs for the Taco Bell restaurant. The detail sheet indicates that the building-mounted sign with the logo "TACO BELL" measures 9 feet 2 inches wide by 9 1/8 inches in height and is constructed of steel channel lettering in purple and magenta. Section 27-613 states: "In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs may be attached to the walls or roof of a building or to a canopy that is located at least ten (10) feet behind a street line. No signs may be erected on the top of a canopy;" thus, the three proposed attached signs on top of the canopies are not permitted. The applicant

should revise the detail sheet for the building signs to comply with the above section. A condition of approval is included in the recommendation section of this report.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in 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, which governs permitted uses in commercial zones (CB-49-2005). The proposed fast food restaurant with full drive-through service is a permitted use in the C-S-C Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-462, additional regulations for development in commercial zones.
 - c. The proposal is also in conformance with the requirements of Section 27-454, Regulations which govern development in the C-S-C Zone.
8. The following is a discussion of the sign regulations that apply to this site:

Sec. 27-613. Attached to a building or canopy.

(a) Location.

- (1) **In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs may be attached to the walls or roof of a building or to a canopy that is located at least ten (10) feet behind a street line. No signs may be erected on the top of a canopy. No sign shall be erected on a rear wall or canopy attached to a rear wall so that it is visible from any land in any Residential Zone or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan.**

Comment: There are three aluminum canopies with the "TACO BELL" logo in steel channel lettering above the canopy with recessed incandescent lamps that are located above the building front and side entrances and above the drive-through window. No signs may be erected on top of a canopy (Sec. 27-613 (a)(1)). The location of three proposed signs that are attached on top of the canopy should be revised. A condition of approval is included in the recommendation section of this report.

(c) **Area.**

(1) **In general.**

- (A) **The maximum permissible area of building and canopy signs is dependent upon the building or canopy width, the distance between the edge of the canopy and the street line toward which the sign faces, and whether the permissible sign area is divided between the building and the canopy.**

Comment: The proposed architectural elevations show three building signs for the Taco Bell restaurant. The area of the "TACO BELL" logo measures 1.25 feet in height by 9.12 feet in length. However, locating the sign logos on top of each canopy is not permitted. Thus, the applicant should revise the detail sheet for the building signs.

9. ***Landscape Manual:*** The proposed development is subject to Section 4.3, Parking Lot Requirements, and Section 4.4 Screening Requirements of the *Landscape Manual*.

In regard to Section 4.3(a), Parking Lot Landscape Strip of the *Landscape Manual*, the applicant selected option 4a.4, which requires a minimum four-foot-wide landscaped strip between the right-of-way line and the parking lot, with a minimum three-foot-high brick, stone, or finished concrete wall to screen the parking lots. The applicant proposes a three-foot-high stucco finished wall with a color matching the new building along the Annapolis Road and Chesapeake Road frontage. The proposed landscape plan is in compliance with the requirements of the *Landscape Manual*.

Section 4.3(b), Perimeter Area of the *Landscape Manual*, requires plant units along the northern and eastern property lines. The applicant is providing an adequate number of plant units in excess of the required amounts by the *Landscape Manual*.

Section 4.34(b) requires the screening of trash facilities. The proposed site plan indicates the location of the trash facility on the northeast corner of the property line. The dumpster facility is proposed to be screened by a cast metal structure treated in "Dark Green" with a pressure-treated wood double-swing gate.

Urban Design staff has reviewed the proposed landscape plan and determined that it complies with the requirements of the *Landscape Manual*.

10. **Woodland Conservation Ordinance:** This property is exempt from the requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the lot is less than 40,000 square feet in area, contains less than 10,000 square feet of woodland, and has no previous tree conservation plan. The subject site has a letter of exemption from the Prince George's County Woodland Conservation Ordinance which will expire on August 18, 2007.

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

Historic Preservation: In a memorandum dated January 12, 2007, the Historic Preservation Section stated the subject development has no effect on historic resources.

Community Planning: In a memorandum dated January 23, 2007, the Community Planning Division stated this application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. This application conforms to the retail commercial land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)*.

Transportation: In a memorandum dated January 26, 2007, the Transportation Planning Section offered the following: "Access and circulation remain very similar to the existing site. Plan proposes to demolish existing fast food restaurant and replace it with the same use of similar size. MD 450 is a master plan arterial, and the existing right-of-way is fully consistent with that recommendation." The Transportation Planning Section had no objection to the requested departure.

Subdivision: At the time of writing of this report no comment was received from the Subdivision Section.

Permits: In a memorandum dated January 31, 2007, the Permits Section offered numerous comments that have been either addressed or are part of the recommendation section of this report.

Environmental Planning: In a memorandum dated January 11, 2007, the Environmental Planning Section stated there are no environmental issues regarding the proposed detailed site plan.

Fire Department: As of writing of this report no comment was received from the Fire Department.

Department of Public Works and Transportation (DPW&T): In a memorandum dated April 4, 2007, the DPW&T offered the following:

- The property is located in the southeast corner of Chesapeake Road and Annapolis Road (MD 459) in Landover Hills. MD 450 is under the jurisdiction of the Maryland State Highway Administration (SHA). Access requirements and frontage improvements will be established by the SHA. Chesapeake Road is a county-maintained roadway; therefore, right-of-way dedication and roadway improvements are required in accordance with DPW&T's urban primary residential roadway standards.
- All improvements within the public right-of-way, as dedicated to the county, are to be in accordance with the county road ordinance, DPW&T's specifications and standards, and the American with Disabilities Act.

- A review of the traffic impact study to determine the adequacy of access point(s) and the need for accelerated/deceleration and turning lanes is required.
- Sidewalks are required along all roadways within the property limits in accordance with Section 23-105 and 23-135 of the county road ordinance.
- Conformance with street tree and street lighting standards is required.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- A review of the departure from design standards request determined that the new sign to be installed will be on private property and will have no impact on county right-of-way.

Health Department: In a memorandum dated February 1, 2007, the Prince George's County Health Department offered the following: "A raze permit must be obtained through the Department of Environmental Resources prior to the removal of any existing buildings. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed."

Washington Suburban Sanitary Commission (WSSC): In a memorandum dated February 1, 2007, WSSC stated water and sewer is available for the proposed site; and the WSSC demolition procedures to obtain raze permit from the county is required.

Maryland State Highway Administration (SHA): In a memorandum dated February 21, 2007, SHA stated the site plan shows two existing proposed entrances onto the site from MD 450 and one existing entrance on Chesapeake Road. The location of the ingress/egress on MD 450 nearest MD 450/Chesapeake Road intersection is not consistent with the State Highway Administration (SHA) guidelines. Access at this location may present some operational and safety problems. SHA recommends the entrance be modified to facilitate inbound traffic only. The proposed entrance along Chesapeake Road is subject to the rules and regulations of Prince George's County Department of Public Works and Transportation.

Comment: The entrance closest to the intersection of MD 450 and Chesapeake Road has been revised to 17 feet in width to accommodate inbound traffic only.

Town of Landover Hills: At the time of writing of this report no comments had been received from the Town of Landover Hills.

Town of New Carrollton: At the time of writing of this report no comments had been received from the Town of New Carrollton.

12. 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 without requiring unreasonable costs 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-06016, subject to the following condition:

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. Either provide a revised detail sheet for the building-mounted signage that shows removal or relocation of the signs on top of all canopies, or obtain approval of a departure from sign design standards from Section 27-613 to allow the signs in this location.
- b. Provide building measurements on the architectural elevation sheet.
- c. Identify the existing signs and/or remove them from the site plan.
- d. Screen all rooftop mechanical equipment such as HVAC units from the view from the street.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Cavitt and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, July 19, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of September 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

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