

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 April 23, 2009, regarding Detailed Site Plan DSP-08045 for 301 Commercial Center/Chick Fil-A, the Planning Board finds:

1. **Request:** The subject application is for approval of a 4,956-square-foot freestanding Chick Fil-A restaurant in the Miscellaneous Commercial (C-M) Zone.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-M	C-M
Use(s)	Vacant	Restaurant
Acreage	1.039	1.039
Lots	2	2
Building square footage/GFA	0	4,956

Other Development Data:

	REQUIRED	APPROVED
Total Parking Spaces	19	48
Handicapped Spaces (van accessible)	2	4
Loading spaces	1 space @ 12' x 45'	1

3. **Location:** The subject property is known as Parcel J of the 301 Commercial Center, located southbound on US 301 (Crain Highway) between Clymer Drive and Albert Road in Planning Area 85A in the Brandywine Community, Council District 9. The proposed Chick Fil-A restaurant is located northwest of the intersection of Albert Road and southbound US 301, across from the Brandywine Crossing Shopping Center.
4. **Surrounding Uses:** The surrounding properties are zoned C-M, Commercial Shopping Center (C-S-C), and Rural Residential (R-R). Directly across on US 301 (northbound) from the proposed Chick Fil-A restaurant is the Brandywine Crossing Shopping Center. Across from Albert Road is the Cadillac Hotel which is located on the left-side entrance of the restaurant.

5. **Previous Approvals:** Preliminary Plan of Subdivision 4-06142 was approved for seven parcels on 9.1525 acres and the resolution (PGCPB Resolution No. 07-105) was adopted on June 7, 2007. Final Plat 5-08240 (301 Commercial Center) was approved by the Planning Board on December 11, 2008. The Planning Board approved Type I Tree Conservation Plan TCPI/001/07 concurrently with Preliminary Plan 4-06142. A Type II Tree Conservation Plan, TCPII/017/08, was approved by staff on April 10, 2008 for the larger 301 Commercial Center of which Parcel J is a part.
6. **Design Features:** The applicant proposes to develop a 4,956-square-foot standard prototype Chick Fil-A restaurant on Parcel J, consisting of approximately 1.039 acres. The proposed Chick Fil-A restaurant entrance will be located on a private ingress/egress drive extending from Albert Road to Clymer Drive through the 301 Commercial Center.

The proposed Chick Fil-A restaurant is a typical franchise prototype design of a one-story building with a flat roof and small gables located on the front and above the pedestrian entrance on the side. The gross floor area of the restaurant is 4,956 square feet. The exterior is completely brick on all four sides. Two color tones of brick are used for the façade of the building. Seventy-five percent of the building has red brick from the base up and the upper twenty-five percent of the building has beige brick. The front elevation of the building facing US 301 features the front pedestrian entrance (single-glass door with metal canopy), a large window located in the center, and a smaller window with awning on the right side. On the front elevation above the center window is the building signage stating "Chick Fil-A, The Original Chicken Sandwich," which has backlighting. The main entrance is located on the left elevation of the building facing the parking lot and Albert Road. There are continuous windows along the left elevation of the building with a double glass door entrance and metal canopy. Above the double glass doors is the building signage "Chick Fil-A," with backlighting. The rear elevation of the building will be used for loading and unloading. In the rear, there is a single loading door made of steel with signage above that says "Chick Fil-A," with backlighting. On the right elevation of the building is the proposed drive-through window with a metal canopy above and signage that says "Chick Fil-A" with backlighting. There are also five windows with awnings on the eastern half of the building. Accessible from the left elevation of the Chick Fil-A building is the parking lot with four handicap parking spaces.

A free-standing pylon sign is shown on the detailed site plan. Details of its design were provided at the Planning Board meeting. The Board found the sign to be acceptable and approved it as part of this application.

7. **Prince George's County 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. In accordance with Section 27-459(c), C-M (Commercial Miscellaneous) Zone, of the Zoning Ordinance which governs development in a commercial zone, the proposed Chick Fil-A restaurant is a permitted use in the C-M Zone.

8. ***Prince George's County Landscape Manual:*** The proposed Chick Fil-A restaurant is subject to Section 4.2, Commercial and Industrial Landscaped Strip Requirements; Section 4.3, Parking Lot Requirements; and Section 4.4, Screening Requirements, of the *Prince George's County Landscape Manual*.
 - a. The landscape plan provides all required information regarding Sections 4.2 and 4.3. The detailed site plan conforms to the requirements of Sections 4.2 and 4.3.
9. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance. A tree conservation plan is required. A Type II tree conservation plan was completed April 10, 2008 for the complete 301 Commercial Center (Parcels H-N). This site is subject to the provisions of the Woodland Conservation Ordinance because the property is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. The site plan proposes clearing 3.48 acres of the existing 3.60 acres of upland woodland, clearing 0.15 acre of the existing 1.33 acres of woodland within the 100-year floodplain, and clearing 0.54 acre off-site. The woodland conservation threshold is 1.17 acres. The worksheet correctly calculates the woodland conservation requirement for this proposal as 3.52 acres. The plan proposes to meet this requirement by providing 0.09 acre of on-site preservation and 3.43 acres of off-site mitigation for a total of 3.52 acres. The proposed on-site woodland preservation area is within the evaluation area and contiguous with the regulated area depicted on the *Approved Countywide Green Infrastructure Plan*. A note shall be placed on the final plat of subdivision citing the tree conservation restrictions, as called for in Condition No. 3 of PGCPB Resolution No. 07-105, for Preliminary Plan No. 4-06142.
10. **Planning Board Analysis:**

Archeology—A Phase I archeological survey is not required for the site. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. An examination of aerial photographs indicates that most of the property has been graded and disturbed by modern construction. An archeological survey just to the north of the subject property exhibited many areas of modern disturbance and no archeological sites were identified. However, the applicant should be aware that there are four archeological sites, 18PR416, 18PR542, 18PR543, and 18PR601, within a one-mile radius of the subject property. Site 18PR416 is the location of Pheasant's Thicket, a late 18th or early 19th century plantation belonging to the Robinson family and is situated about 780 feet north of the subject property. The Robinson Family owned a number of slaves. Part of the subject property was at one time part of the Pheasant's Thicket plantation. Also, a tributary of Timothy Branch, which is a tributary to Mattawoman Creek, runs along the western edge of the subject property.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take

into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

Community Planning—This application is not inconsistent with the 2002 General Plan Development Pattern Policies for a possible future Center in the Developing Tier, however, it is not entirely consistent with the stated vision for this area in that it lacks pedestrian or transit-oriented design features. Also, this application does not completely conform to the land use recommendations for Office/Light Manufacturing/Business Park in the Brandywine Special Study Area.

This application is located in a possible future Center in the Developing Tier. As stated above, the vision for centers is to promote development of mixed-residential and nonresidential uses moderate-to high-densities and intensities in context with surrounding neighborhoods and with a strong emphasis on transit-oriented design. Correspondingly, pedestrian-oriented development is recommended at this location. The proposed commercial land use, however, is inconsistent with this recommendation in that it is an auto-oriented (drive-through) fast-food restaurant. Pedestrian traffic will presumably be minor as compared to vehicular traffic. It is difficult to discern just how the proposed site plan will encourage pedestrian patronage, and therefore, how it will implement the vision for the future Brandywine Center.

The 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B* recommends Office/Light Manufacturing/Business Park land use for this area as part of the Brandywine Special Study Area. The master plan describes this area as follows: “The functions of a ‘village’ level commercial activity center (anchored by a major grocery store/supermarket and including a variety of small retail and commercial service, business, public and residential uses), should be included in the business area located south of the Waldorf Bypass. This area should be a primary location for convenience and retail commercial services for both residents and employees throughout the Brandywine area. The retail center should be designed with a park-like ambiance including trees, fountains, benches, a shaded court area, sidewalk cafes, and the like.” (Page 87).

Urban Design: Although the master plan articulated a vision for the subject property based on possible future designation as a center in the Developing Tier, the property is zoned C-M which is not a zone customarily associated with a park-like ambiance. The purpose of the C-M Zone is “to provide locations for miscellaneous commercial uses which may be disruptive to the harmonious development, compactness, and homogeneity of retail shopping areas.” It is important to note that a detailed site plan is required for this use solely because it is an eating and drinking establishment in the C-M Zone, for which detailed site plan is required by CB-49-2005. None of the other five uses in the larger 301 Commercial Center will be subject to detailed site plan, so the Planning Board will have no ability to influence the design of the other parcels or move them in the direction of the park-like vision in the master plan. For these reasons, the Planning Board concludes that it is not reasonable to request changes to the subject site in pursuit of a vision for a possible future center when the proposed development is consistent with the zone in which it is located, and any changes possible on this site are unlikely to be noticeable in the context of the

very auto-dominated cluster of commercial uses likely to be built in the larger 301 Commercial Center.

Transportation—Access and circulation are acceptable and consistent with past plans, and with Condition 8 of the preliminary plan approval. The uses proposed by this plan and other planned development on this site are within the trip cap established by Condition 13 of the preliminary plan approval.

Trails—There are no trail requirements for the site. There are no master plan trails issues identified in the Adopted and Approved Subregion V Master Plan that impact the subject site. The Stream Valley Trail is planned along the tributary of Timothy Branch that is to the west of the proposed Chick Fil-A. The approved Preliminary Plan of Subdivision 4-06142 included stream valley dedication to accommodate this master plan trail. Condition 6 of Res. No. 07-105 for the approved Preliminary Plan 4-06142 required the construction of a standard sidewalk along Clymer Drive, which will provide access from surrounding residential properties.

Historic Preservation—The proposed subdivision for a fast food restaurant at 301 Commercial Center will have no effect on historic resources.

Subdivision—The Detailed site plan is only for Parcel J. The preliminary plan has received signature approval. Parcel J overlaps most of the Maryland Motor Court site, including portions where the sewage disposal system is shown on the approved preliminary plan. Grading for this site may impact areas of the abandoned well and septic tanks. We have not received confirmation that any of these structures have been removed, backfilled or abandoned. The health department should be consulted for guidance with these conditions.

The detailed site plan is in substantial conformance with the approved preliminary plan.

Environmental Planning—The Type II Tree Conservation Plan TCP/017/08 was approved by staff on April 10, 2008. The TCP includes the entire development. The proposed Chick Fil-A has no impact on the TCP because it is located in an area where all woodland is to be removed.

The Environmental Planning Section also stated that US 301 is an adjacent source of traffic-generated noise. The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA noise contour is 507 feet from the centerline of US 301. Because the property is zoned C-M, traffic-generated noise from US 301, based upon a predicted average daily traffic of 81,687 vehicles, will not exceed state noise standards.

Department of Public Works and Transportation (DPW&T)—In a memorandum dated January 5, 2009, The Department of Public Works and Transportation offered the following comments. Clymer Drive and Albert Road are considered commercial and industrial roadways. These roads are to be improved in accordance with the County's Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act (ADA).

Compliance with DPW&T's utility policy is required. Proper temporary and final patching and the related mill and overlay in accordance with the established "DPW&T Policy and Specification for Utility Installation and Maintenance Permits" are required. Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.

The proposed site development is consistent with the approved DPW&T Stormwater Management Concept Plan 50400-2006-00 dated January 17, 2007. The site must be in conformance with DPW&T's street tree and street lighting specifications and standards. A soil survey investigation report which will include subsurface exploration, geotechnical engineering, and evaluation for public streets and structures is also required.

11. As required by Section 27-285(b)(1) of the Zoning Ordinance, the Planning Board may approve a Detailed Site Plan if it finds that the 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-08045, 301 Commercial Center/Chick Fil-A.

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, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, April 23, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of April 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator