

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 June 18, 2020, regarding Detailed Site Plan DSP-19058 for McDonald's Stuart Lane, the Planning Board finds:

1. **Requests:** The subject application is for approval of Detailed Site Plan DSP-19058, for a total of 679 square feet of building additions and the installation of a second drive-through lane on the existing eating and drinking establishment, specifically a McDonald's restaurant. In conjunction with this DSP, the Planning Board approved a Departure from Parking and Loading Spaces, DPLS-476 (PGCPB Resolution No. 2020-110), to allow a reduction of 32 parking spaces.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-S-C/M-I-O	C-S-C/M-I-O
Use	Eating and Drinking Establishment	Eating and Drinking Establishment
Total Acreage	0.972	0.972
Parcels	2	2
Gross Floor Area (sq. ft.)	3,478	4,157
Number of Seats	105*	80*

Note: *The number of seats was not clearly provided on the DSP. A condition has been included in this resolution to provide a note with the existing and proposed number of seats in the general notes.

Parking and Loading Requirements

Eating and Drinking Establishment	Spaces Required
80 interior seats at 1 space/3 seats	27
2,256 sq. ft. at 1 space/50 sq. ft., excluding storage and patron seating	46
Total	73
Of which are required handicap-accessible spaces	3
Loading	
4,157 sq. ft. GFA at 1 space/2,000–10,000 sq. ft. of GFA	1

	Spaces Provided
Standard Spaces	23
Compact Spaces	15
Handicap-accessible Spaces	3
Total	41
Loading	
15 feet x 33 feet	1

3. **Location:** The site is in Planning Area 81A, Council District 9. More specifically, it is located on the west side of Stuart Lane, between Stuart Lane and Woody Terrace, approximately 175 feet south of MD 223 (Woodyard Road), and within the Conical Surface (Left Runway) Area E, of the Military Installation Overlay (M-I-O) Zone.
4. **Surrounding Uses:** The site is bounded to the north and south by commercial uses in the Commercial Shopping Center (C-S-C) Zone, to the east by Stuart Lane with the Clinton Park and Ride beyond, and to the west by Woody Terrace with commercial uses beyond.
5. **Previous Approvals:** The site is currently improved with a McDonald's restaurant, which was originally constructed in 1977 when the site was located in the Local Commercial, Existing Zone. In 1978, the site was rezoned to the C-S-C Zone through a sectional map amendment for Planning Area 81. On July 1, 1978, Prince George's County Council Bill CB-27-1978 was enacted, which introduced the definition of fast food restaurants and required the approval of a special exception for this use in the C-S-C Zone, thereby rendering the restaurant legally nonconforming. In 1982, a certification of the nonconforming use was granted, pursuant to Permit 3224-82-CGU. In 1988, Special Exception SE-3884 was granted by the Zoning Hearing Examiner (ZHE) for an expansion and improvements to the restaurant. The expansion to the restaurant, which included increasing the number of seats to 105, resulted in a parking requirement of 75 spaces. With only

57 spaces proposed, DPLS-76 was approved with the special exception, and was implemented, pursuant to issuance of Permit 2341-1989-CGU.

In 2010, the County Council approved legislation, CB-19-2010, to create a use classification known as eating and drinking establishment and removed the term fast food restaurant. The approved legislation contained footnotes for the C-S-C Zone, stating that eating and drinking establishments with drive-through service, which were “operating pursuant to an approved special exception as of the effective date of CB-49-2005 shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use.”

6. **Design Features:** The subject DSP proposes a 482-square-foot addition to the front of the existing building, facing Stuart Lane, to provide for additional dining area; however, the reconfiguration will result in a decrease from 105 to 80 seats. This work will also allow for upgrading handicap-accessible facilities. Two additions, totaling approximately 192 square feet, are proposed on the southeast corner and north side of the building to accommodate the additional drive-through service, with the addition of a second drive-through lane. This second drive-through lane is proposed only for the ordering area; a single access drive will split at the order boards then merge back into a single lane for payment and pick up. The addition of this second drive-through lane will result in the loss of parking spaces along the north side of the property, thereby necessitating the companion DPLS. The two existing entrance drives, from both Stuart Lane and Woody Terrace, and parking and a trash enclosure on the southern end of the site remain unchanged with this DSP.

Architecture

The proposed architectural elevations depict a more contemporary franchise look from the traditional natural brick and double mansard roof. The brick will remain; however, the building will feature a more modern grey color scheme and incorporate aluminum batten and exterior insulation finishing system (EIFS). Visual elements faced with aluminum, simulated wood-grain, and vertical batten panels are shown on the front façade and each side entrance. These elements will provide dimension and focal interest to the entrances, with each featuring the corporate logo sign. The double mansard roof will be replaced with a straight parapet wall extending from the top of the building to screen the mechanical equipment. This parapet is defined by dark grey EIFS above the patron area, and a slightly lighter grey corrugated metal around the remainder of the building. The building will feature flat metal canopies above the window line across the front façade and down each side façade to the entrances, as well as over each drive-through window.

Signage

A total of six building-mounted signs are proposed, with two located on the north side façade, three on the south side façade, and one on the front/east façade. The north and south side façade signs will be the McDonald's name across the parapet and the corporate logo M, over the entrance vestibules. The front façade will feature the corporate logo M, set to the right of center. The logo signs will measure approximately 14 square feet, and the McDonald's signs on each side are approximately 33 square feet each. A signage table was provided on the DSP, but it does not match the details provided on the plan, nor the elevations, and is not correct relative to the regulations provided in Section 27-613 of the Prince George's County Zoning Ordinance. This section allows for the area of all signs on the building to be not more than two square feet per one lineal foot along the front of the building only, or the wall containing the principal entrance to the building, whichever is greater. Therefore, a condition has been included in this resolution requiring the signs and sign areas to be consistent in the signage table, the architectural elevations, the details provided on the DSP, and all signage to be in conformance with Section 27-613. It should be noted that this may require the removal of some of the proposed signage.

The site has an existing freestanding sign, approved with a previous application, which is not proposed to be revised with this application.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The application has been reviewed for compliance with the requirements of the Zoning Ordinance in the C-S-C Zone and the site plan design guidelines. The relevant requirements of the Zoning Ordinance are as follows:
 - a. The subject DSP is in general conformance with the requirements of Section 27-461 of the Zoning Ordinance, which governs uses in commercial zones. The eating and drinking establishment, with drive-through service, is a permitted use in the C-S-C Zone, in accordance with Section 27-461(b), subject to Footnote 24, which states:

“Subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle. Any fast-food restaurant operating pursuant to an approved Special Exception as of the effective date of CB-49-2005 shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such fast-food restaurants and their underlying special exceptions may be modified pursuant to the existing provisions relating to revisions or amendments to special exceptions generally and fast-food restaurants specifically as they exist in the Zoning Ordinance. The requirement for Detailed Site Plan approval does not apply to eating or drinking establishments within, and sharing the same points of vehicular access as, an integrated shopping center having six individual businesses (including the fast-food restaurant) and a minimum 50,000 square foot gross floor area.”

- b. The DSP is consistent with the regulations in the C-S-C Zone including Section 27-454(a) regarding purposes; Section 27-454(b) regarding landscaping, screening, and buffering; and Section 27-454(d) regarding regulations in the C-S-C Zone.
 - c. The DSP is in general conformance with the applicable site design guidelines, as referenced in Section 27-283 and contained in Section 27-274 of the Zoning Ordinance. For example, vehicular and pedestrian circulation is designed to be safe, efficient, and convenient for both pedestrians and drivers; pedestrian access is provided to the site from the public right-of-way; and the architecture proposed for the building is constructed of durable, low-maintenance materials, and employs a variety of architectural features and designs, such as window and door treatments, projections, colors, and materials.
8. **Special Exception SE-3884:** On December 9, 1988, SE-3884 was granted by the ZHE for specified renovations to the existing fast food restaurant, with no conditions.
9. **2010 Prince George's County Landscape Manual:** The application is exempt from the requirements of the 2010 *Prince George's County Landscape Manual* because the proposal involves a total cumulative increase of less than 10 percent, and less than 5,000 square feet, with no change in use.
10. **Prince George's Country Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. This DSP proposes less than 5,000 square feet of disturbance and is therefore not subject to this requirement.
11. **Prince George's County Woodland and Wildlife Habitat Conservation:** The site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property contains less than 10,000 square feet of woodland. The site has a Natural Resources Inventory Equivalency Letter (NRI-127-2019) and Woodland Conservation Exemption Letter (S-147-2019), which were issued on October 18 and 17, 2019, respectively.
12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
- a. **Community Planning—** The Planning Board adopted a memorandum dated May 20, 2020 (Lester to Burke), incorporated herein by reference, which provided the following summarized comments:

Pursuant to Part 3, Division 9, Subdivision 3, of the Zoning Ordinance, master plan conformance is not required for this application.

This property is located within the M-I-O Zone for height, Surface E, left runway with an approximate height limit of 201 feet. A condition is included in this resolution to provide a reference to the M-I-O Zone in the general notes.

- b. **Environmental Planning**—The Planning Board adopted a memorandum dated May 18, 2020 (Schneider to Burke), incorporated herein by reference, which concluded that there were no issues with this proposal.
- c. **Historic Preservation**—The Planning Board adopted a memorandum dated April 23, 2020 (Stabler to Burke), incorporated herein by reference, which concluded that this proposal will not impact any historic sites, historic resources, or known archeological sites. A Phase I archeology survey is not required.
- d. **Transportation Planning**—The Planning Board adopted a memorandum dated May 19, 2020 (Saunders to Burke), incorporated herein by reference, which provided an evaluation of the departure for parking and loading spaces.
- e. **Trails**—The Planning Board adopted a memorandum dated May 18, 2020 (Ryan to Burke), incorporated herein by reference, which provided an evaluation for conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*. A condition to replace the existing bicycle racks with two, inverted U-style bicycle racks is included in this resolution.
- f. **Permit Review**—The Planning Board adopted a memorandum dated May 18, 2020 (Jacobs to Burke), incorporated herein by reference, which offered comments that have been addressed by revisions to the plans.
- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopted a memorandum dated May 15, 2020 (Giles to Burke), incorporated herein by reference, in which DPIE provided comments to be addressed at time of permits.
- h. **Prince George's County Health Department**—The Planning Board adopted a memorandum dated April 17, 2020 (Adepoju to Burke), incorporated herein by reference, in which the Health Department provided standard comments and recommendations to be addressed at time of permits.
- i. **Prince George's County Police Department**—The Planning Board adopted a memorandum dated April 30, 2020 (Contic to Burke), incorporated herein by reference, in which the Police Department provided no comments on this proposal.
- j. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not provide any comments on this application.

13. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
14. Per Section 27-285(b)(4), which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:
 - (4) **The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(15).**

The site does not contain any regulated environmental features or primary management area.

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 Detailed Site Plan DSP-19058 for the above described land, subject to the following conditions:

1. Prior to certification of the detailed site plan (DSP), the applicant shall make the following revisions to the plans:
 - a. Provide a note showing the existing and proposed number of seats in the general notes.
 - b. Provide a reference to the Military Installation Overlay Zone in the general notes, identifying that the site is within the Conical Surface (Left Runway) Area E, with an approximate height limit of 201 feet.
 - c. Provide the cardinal points on the building elevations.
 - d. Revise the proposed building-mounted signs and areas to be consistent in the signage table, the architectural elevations, and the details provided on the DSP, and in conformance with Section 27-613 of the Prince George's County Zoning Ordinance.
 - e. Replace the existing bicycle racks with two inverted U-bicycle racks near an entrance to the building.
 - f. Provide the building dimensions on the plan.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, June 18, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of July 2020.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:TB:nz

APPROVED AS TO LEGAL SUFFICIENCY
David S. Warner /s/
M-NCPPC Legal Department
Date: June 26, 2020