



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

PGCPB No. 13-47

File No. DSP-99006/01

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 April 25, 2013 regarding Detailed Site Plan DSP-99006/01 for McDonald's-Hyattsville, the Planning Board finds:

1. **Request:** The subject application requests amendment of the Table of Uses of the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP), to permit a 4,197-square-foot freestanding fast food eating and drinking establishment with drive-through, specifically a McDonald's, in the Commercial Shopping Center (C-S-C) and Transit District Overlay (T-D-O) Zones.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-S-C/T-D-O-Z	C-S-C/T-D-O-Z
Use(s)	Building Supply Store	Building Supply Store/Fast-food restaurant
Acreage	13.21	13.21
Building Square Footage/GFA	134,284	138,481 (4,197 new)

Parking

	PERMITTED	APPROVED
Home Depot – 134,284 square feet (Preferred Ratio of <4.35 spaces/100 s.f.)*	584	424
McDonald's – 4,197 square feet (Preferred Ratio of <4.35 spaces/100 s.f.)	18	64**
Total Parking	602	488

*Note: Per the TDDP, Mandatory Development Requirement P7.

**Note: The applicant is providing 64 parking spaces within the lease area, for an excess of 46 parking spaces. However, given that the total number of on-site parking spaces will be reduced with the subject application, the site is not subject to payment of an impact fee under either the preferred or the premium parking caps, as defined in the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP).

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3. **Location:** The subject site is located on the south side of East-West Highway (MD 410) at its intersection with Toledo Terrace, in Planning Area 68, Council District 2, in the Developed Tier.
4. **Surrounding Uses:** The site is bounded to the north by East-West Highway (MD 410) with the Post Park multifamily and retail development beyond; to the east and south by the Kiplinger Property, currently in the C-S-C and T-D-O Zone, but the subject of Conceptual Site Plan CSP-11002, which was recently approved by the Planning Board on February 28, 2013 (PGCPB Resolution No. 13-20), to rezone the property to the M-X-T Zone and propose a mixed-use, residential and commercial development; to the south by property owned by the Washington Metropolitan Area Transit Authority (WMATA) and containing above ground Metro rail tracks; and to the west by The Maryland-National Capital Park and Planning Commission (M-NCPPC) Heurich Community Park in the R-O-S Zone.
5. **Previous Approvals:** The 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone (T-D-O-Z)* rezoned the subject property from the M-X-T Zone to the C-S-C Zone. Subsequently, Preliminary Plan of Subdivision, 4-99004, for one parcel, was approved by the Planning Board on May 6, 1999 (PGCPB Resolution No. 99-78). Detailed Site Plan DSP-99006 was approved by the Planning Board for the existing building supply store, Home Depot, on-site on September 9, 1999 (PGCPB Resolution No. 99-146).
6. **Design Features:** Parcel A is developed with an existing 117,975-square-foot, one-story, 25-foot-high prototypical Home Depot building supply store, with an attached 16,309-square-foot, one-story, 24-foot-high garden center developed pursuant to the original DSP-99006 approval. The existing building sits at the far western end of the site, facing east, and the associated 507-space parking lot spreads out in front of it. Access to the site is from one private drive that intersects East-West Highway (MD 410) at the south side of its signaled intersection with Toledo Terrace at the far northeastern corner of the site. The drive then curves to the southwest, following the southern property line, with multiple openings to the parking aisles. The streetscape along East-West Highway (MD 410) is fully improved per the TDDP and the subject application does not propose to remove or change these improvements at all, except for a minor revision to the design of the existing brick screen wall.

The proposed 4,197-square-foot, one-story, approximately 23-foot-high, freestanding McDonald's fast food restaurant will be located in the far northeastern corner of the existing on-site parking lot, closest to the site's access drive intersection with East-West Highway (MD 410). The building itself will sit along the northern edge of the property, within 23 feet of the right-of-way of East-West Highway, with a proposed drive-through located immediately adjacent to the south side of the building. The existing parking lot will then be reconfigured between the drive-through and the access drive to the south, including a new entrance onto the access drive. A trash corral and a loading space will be located at the western end of the building. During plan review, it was noted that vehicles queued for the drive-through could conflict with vehicular circulation into and out of the parking area adjacent to the drive-through. The applicant agreed with this analysis and informally submitted a revised plan showing an improved circulation plan. If the use with the drive-through is approved, the DSP will have to be revised prior to certification to address this

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queuing issue. A sidewalk connects the sidewalk within the East-West Highway (MD 410) right-of-way to the front of the building. There is an existing meandering brick screen wall along the northern edge of the property which will be reconfigured into a straight, three-foot-high portion between the proposed building and the right-of-way.

The proposed building itself is specified as a "2011 Series 38101 R5 plus F5" and has a contemporary appearance with some architectural detailing. The main entrance is located along the eastern façade, facing the access drive, with another public entrance along the northern façade, facing East-West Highway (MD 410). Additionally, multiple painted, metal service doors are located along the northern and western facades. The one-story, flat-roof building, with a maximum building height of 23 feet four inches, is finished with a combination of red and dark brown face brick, cultured stone, and aluminum doors and coping. The aluminum coping and cultured stone have been used as accent elements to break up the dominance of brick on all of the elevations. A roof cap element at the front of the building, on the east façade, is provided in the yellow characteristic of McDonald's restaurants. A tower element has been used at the front entrance, in the southeastern corner of the building. The flat plane of the roof of the tower element is broken with the addition of a stone veneer parapet and a golden, metal, sloping curve as a roof-cap design element. The dark brown brick is proposed on the southern side of the building in the area of the drive-through pick-up windows, and in the form of wide horizontal bands between the pick-up windows. Yellow and grey metal awnings are proposed along most sides of the building above doors, dining room windows and the drive-through pick-up windows.

A total of approximately 120 square feet of building-mounted signage has been proposed with this DSP. No new freestanding signage, except directional and menu boards, is proposed due to the building's close proximity to the right-of-way. The building-mounted signage includes the prototypical, internally-illuminated McDonald's golden arch corporate sign on all four facades and white name letters on all façades, except for the western side.

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the C-S-C and T-D-O Zones of the Zoning Ordinance and found to be in conformance as discussed below.

- a. The subject application is for a proposed freestanding fast food restaurant and a change in the Table of Uses for the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP). This document supersedes the Table of Uses for permitted uses in the Zoning Ordinance for the C-S-C Zone.

The Zoning Ordinance in Section 27-548.09.01(b)(1), Amendment of the Approved Transit District Overlay Zone, states the following:

(b) Property Owner.

- (1) A property owner may ask the District Council, but not the Planning Board, to change the boundaries of the T-D-O Zone, a property's**

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underlying zone, the list of the allowed uses, building height restrictions or parking standards in the Transit District Development Plan. The Planning Board may amend the parking provisions concerning the dimensions, layout, or the design of parking spaces or parking lots.

The section above allows the owner of a property to request an amendment of the list of allowed uses. The owner's representative has filed a request to amend the table of uses to allow a freestanding fast food eating and drinking establishment with drive-through service on the subject site only.

Additionally, Section 27-548.09.01(b)(5) states the following:

- (5) The District Council may approve, approve with conditions, or disapprove any amendment requested by a property owner under this Section. In approving an application and site plan, the District Council shall find that the proposed development conforms to the purposes and recommendations for the Transit Development District, as stated in the Transit Development District Plan, and meets applicable site plan requirements.**

The District Council has mandatory review of this project because the applicant is asking for an amendment to the use table that is only allowed if granted by the District Council. In regard to the change to the use table, the Planning Board provides a recommendation to the District Council.

The purposes of the T-D-O-Z and the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP) contained in Section 27-548.03 of the Zoning Ordinance and on page 9 of the TDDP. The purposes are stated below and following each is the applicant's justification of how the subject proposal conforms to those purposes:

- (1) To enhance the development opportunities in the vicinity of transit stations;**

"McDonald's is a nationally recognized restaurant chain that will provide the residents of the area with an additional dining choice. The applicant believes that this location will provide the residents of the area as well as transit riders with an additional dining option within close proximity to the Metro."

- (2) To promote the use of transit facilities;**

"The placement of the McDonald's building along the East-West Highway frontage of the property will help further define the urban edge and create a

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pedestrian friendly environment that will in turn help create a stronger sense of identity for the Metro Station.”

- (3) To increase the return on investment in a transit system and improve local tax revenues;**

“As noted above, this area of the site is currently being used for parking. The addition of another national chain restaurant to this site will increase the value of the property and in turn increase the tax revenues generated by the property.”

- (4) To create a process which coordinates public policy decisions, supports regional and local growth and development strategies, and creates conditions which make joint development possible;**

“The applicant will be coordinating the development of the property with state and local agencies.”

- (5) To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;**

“The TDOZ allows for flexibility in the development process through the use of amendments to the TDDP. In this case, the amendment to the Table of Uses for the property as part of the DSP process will allow further redevelopment of Subarea 9 in a manner that is more conducive to a changing market and to the proposed development of other subareas in the transit district.”

- (6) To minimize the costs of extending or expanding public services and facilities, by encouraging appropriate development in the vicinity of transit stations;**

“Additional retail commercial development within close proximity to the Prince George’s Plaza Metro Station will encourage Metro ridership and in turn decrease the use of the surrounding road network. In addition, the proposed McDonald’s will be an additional dining choice in close proximity to Metro as well as the surrounding residential communities. The Applicant will provide connections to the existing pedestrian network and further enhance an environment that encourages pedestrian traffic through the transit district.”

- (7) To provide mechanisms to assist in financing public and private costs associated with development;**

“There will be no public costs associated with this development. All costs will be borne by the applicant.”

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(8) To provide for convenient and efficient pedestrian and vehicular access to Metro stations;

"The site is located approximately 2,000 feet from the Prince George's Plaza Metro Station. As noted earlier, the Applicant will provide connections to the existing pedestrian network and further enhance an environment that encourages pedestrian traffic through the transit district."

(9) To attract an appropriate mix of land uses;

"The Applicant's proposal will add one more dining choice to the area. As indicated above, this portion of Subarea 9 is occupied by parking spaces."

(10) To encourage uses which complement and enhance the character of the area;

"The DSP and associated elevations of the building demonstrate that the proposed building will, through the use of architecture, compliment other properties in the area that have been developed in conformance with the guidelines set forth in the Transit District Development Plan."

(11) To insure that developments within the Transit District possess a desirable urban design relationship with one another, the Metro station, and adjoining areas; and

"The DSP demonstrates that the proposed building complies with or exceeds the site design guidelines. Although the building located along East-West Highway does not meet the build-to-line requirements, it does conform to the amendment previously approved for the plaza. In addition, the applicant has oriented the building to create a greater street presence and help continue to enhance the urban edge along East-West Highway."

(12) To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme.

"Amendments to the TDDP were previously approved for the subject property as part of the DSP for the Home Depot. The applicant is not proposing any additional amendments. In fact, by placing the building along the East-West Highway frontage, the applicant's proposal brings the site into further conformance with the goals and requirements of the TDDP."

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In addition to the general purposes of the T-D-O-Z contained in the Zoning Ordinance, the purpose of Subarea 9 is stated on page 114 of the TDDP, which states:

To provide for retail, service and office uses. A mixed-use development should be considered in the future for this property given its close proximity to the Metro Station.

“The applicant’s proposal will comply with the TDDP’s purpose of providing additional retail space in Subarea 9. With regard for the recommendation regarding a mixed use development, since the approval of the TDDP, Post Park was approved and constructed. This development reduced the amount of retail commercial development in the Transit District and increased the amount of residential, further creating a balanced mix of land uses in the Transit District.”

The Planning Board agreed with the applicant’s proposal to include a freestanding fast food eating and drinking establishment within the existing Home Depot parking lot. This addition will help increase the mix of uses and density on the site, while minimizing the costs to public services. However, the proposed drive-through service cannot be found to promote the use of transit facilities or create a desirable urban relationship to enhance the character of the area. Therefore, the Planning Board found that the drive-through service should be removed from the use and a condition requiring this has been included in this approval.

- b. Section 27-548.08(c) lists the required findings for approving a DSP in the T-D-O Zone as follows:

- (A) **The Transit District Site Plan is in strict conformance with any mandatory requirements of the Transit District Development Plan;**

The DSP is in strict conformance with the mandatory requirements of the 1998 *Approved Transit District Development Plan for the Prince George’s Plaza Transit District Overlay Zone* (TDDP) as discussed further in Finding 8 below.

- (B) **The Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan;**

The DSP is consistent with the guidelines and criteria for development contained in the TDDP as discussed further in Finding 8 below.

- (C) **The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone, and applicable regulations of the underlying zones;**

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The detailed site plan meets all the requirements of the T-D-O-Z and the applicable regulations of the underlying zone as elaborated further in this finding and Finding 8.

- (D) The location, size, and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize safety and efficiency, and are adequate to meet the purposes of the Transit District Overlay Zone;**

The proposed restaurant, with the elimination of the drive-through service, fits into the existing site layout in order to maximize safety and efficiency and is adequate to meet the purposes of the T-D-O-Z as described in Finding 7a above.

- (E) Each structure and use, in the manner proposed, is compatible with other structures and uses in the Transit District, and with existing and proposed adjacent development.**

The proposed structure and use, if the proposed drive-through service is removed, will be compatible with the surrounding and existing development by placing more building frontage along the East-West Highway (MD 410) right-of-way.

8. **The 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone (TDDP):** The subject property is defined as Subarea 9 in the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP). This makes it subject to all of the District-wide Mandatory Development Requirements and Site Design Guidelines, along with Subarea-specific Mandatory Development Requirements and Site Design Guidelines as listed on page 114 of the TDDP.

Section 27-548.08(c)(1) of the Zoning Ordinance requires that the Planning Board find the site plan is in strict conformance with any Mandatory Development Requirements and is consistent with the guidelines and criteria for development in the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP). The applicant submits that the DSP meets all of the applicable standards and, therefore, has not requested any modifications to these requirements.

The Planning Board found the submitted DSP to be in conformance with the applicable Mandatory Development Requirements and consistent with the guidelines. The following requirements warrant discussion at this time:

- S5 All primary and secondary pedestrian routes shall be constructed using special paving materials. (See Figure 7 for crosswalks.)**

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A condition has been included in this approval requiring the sidewalk connecting the restaurant to the streetscape along East-West Highway (MD 410) be revised to provide special paving.

G11 Primary entrances should be designed as one of the major architectural features so they are clearly identifiable and offer a sense of arrival.

The Planning Board found that the sense of arrival at the primary entrance, on the eastern façade, would be enhanced if the DSP was revised to include an expanded paved area, including specialty paving, tables and chairs for customer use and decorative plantings. A condition requiring such has been included in this approval.

S30 All new retail development shall provide four bike racks per 10,000 gross square feet of floor space with each rack holding a minimum of two bicycles.

The applicant submitted that sufficient bike parking was provided with the previous Home Depot DSP approval. However, bike parking is required for this proposed retail space and it should be located in a spot convenient to the McDonald's. These revisions have been included as a condition in this approval.

S31 At the time of Detailed Site Plan, the number of trash cans and locations shall be shown on the plan. Trash receptacles should be placed in strategic locations to prevent litter from accumulating in and around the proposed development.

This requirement has partially been met with this submission. The detailed site plan identifies an area on the west side of the proposed structure as a trash corral. However, there is no information to say how many dumpsters are located in this corral area. Additionally, individual trash receptacles should be strategically located to prevent litter accumulation. The DSP should be revised prior to certification to clarify these issues and a condition requiring such has been included in this approval.

9. **Conformance to Preliminary Plan of Subdivision 4-99004:** Preliminary Plan of Subdivision 4-99004 (PGCPB Resolution No. 99-78) for Home Depot was approved by the Planning Board on May 6, 1999. The resolution for the approved preliminary plan contains eleven conditions which warrant the following discussion:

2. A Type II Tree Conservation Plan shall be approved in conjunction with the Detailed Site Plan.

The site has a previously approved Type II Tree Conservation Plan, TCP II-046-99, with which the proposed development is in conformance because no change is proposed to the previously approved limit of disturbance (LOD).

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3. **Development of this site shall be in conformance with the approved stormwater concept plan, Concept 998003250.**

The Department of Public Works and Transportation (DPW&T) indicated that the subject application is not consistent with the approved Stormwater Management Concept Plan, 2259-2011. Therefore, a revised concept approval is required prior to certification of the DSP and the approved and valid date should be noted on the plan.

5. **In addition to the typical review, the Detailed Site Plan shall examine:**
 - a. **The possible location of a site for a Medical Evacuation Unit.**
 - b. **The alignment of the trail connection.**
 - c. **Road improvements required by the State Highway Administration.**
 - d. **Stormwater management outfalls onto park property.**

The previous DSP approval found conformance with this condition and the subject application does not propose any improvements that affect any of the mentioned improvements.

6. **At the time of Detailed Site Plan, the applicant shall demonstrate conformance to the requirements and guidelines for the subject subarea as defined in the Transit District Development Plan (TDDP) for the Prince George's Plaza Transit District Overlay Zone, as well as general conformance to all other regulations in the same document. If the proposed parking in addition to already approved total parking exceeds that which is allowed by the TDDP, the applicant shall submit new studies as required by staff in order to determine any additional facilities needed to support the planned development.**

Conformance with the TDDP and TDO Zone are discussed in Findings 7 and 8 above. The subject application actually proposes to reduce the number of total parking spaces on the site.

10. **Conformance to Detailed Site Plan SP-99006:** The Planning Board approved Detailed Site Plan DSP-99006 on September 9, 1999 (PGCPB Resolution No. 99-146) subject to seven conditions, which warrant the following discussion:

1. **Prior to certification, the Detailed Site Plan shall be revised as follows:**
 - a. **The sidewalk connecting the store to the streetscape along East West Highway shall be revised to provide special paving.**

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The subject application does not affect the sidewalk connecting the Home Depot to the streetscape; however, the Planning Board found that a similar condition be enforced for the sidewalk connecting the proposed McDonald's to the streetscape along East-West Highway (MD 410).

- i. **A note shall be provided stating that any stormdrain inlets associated with the development and all inlets on the subject subarea shall be stenciled with "Do Not Dump. Chesapeake Bay Drainage".**

The subject application proposes new stormdrain inlets; therefore, the Planning Board found that a similar condition be enforced for the subject application.

3. **Prior to issuance of any building permit, the following improvements shall be in place, fully bonded or permitted for construction:**
 - a. **Reconstruct Kiplinger Access Drive as a 4-lane divided access roadway from its intersection with MD 410 to the proposed first site access driveway and as a 4-lane undivided roadway per Prince George's County DPW&T standards to the site's second access point.**
 - b. **Provision of 30 feet turning radii for the right-turning traffic to and from the Kiplinger Access Drive.**
4. **The location of the proposed hiker/biker trail on Park Property shall be staked in the field, and approved by Park Planning and Development staff prior to construction.**
5. **Prior to the issuance of a building permit, a Recreational Facilities Agreement shall be executed for the trail, and a performance bond posted for the construction of the trail, and to warrant the restoration, repair or improvements for the stormdrain system on park property.**

A building permit has already been issued for the existing Home Depot on the subject property; therefore, the three above conditions have been fulfilled as required.

11. **The 2010 Prince George's County Landscape Manual:** Per Section 27-450 of the Zoning Ordinance, landscaping, screening, and buffering of all development in commercial zones shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Additionally, the TDDP (page 30) requires that all properties within the transit district satisfy the requirements of the Landscape Manual. The requirements apply as follows:

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- a. **Section 4.2, Requirements for Landscaped Strips along Streets**—Section 4.2 specifies that, for all nonresidential uses in any zone and for all parking lots, a landscape strip shall be provided on the property abutting all public and private streets. The previous approved DSP met this requirement and the proposed improvements do not require the removal of any of the plantings in this area. Additionally, the submitted DSP provides the appropriate schedule detailing how the requirements of this section will be met along the frontage of East-West Highway (MD 410) immediately adjacent to the McDonald's through the use of shade trees and a three to four-foot-high masonry wall.
- b. **Section 4.3, Parking Lot Requirements**—Section 4.3 specifies that proposed parking lots larger than 7,000 square feet provide planting islands throughout the parking lot to reduce the impervious area. The DSP proposes revisions to the existing parking compound on-site. It provides schedules for Parking Lot Perimeter Landscape Strips, Section 4.3(c)(1), which does not apply to the subject application. These schedules should be removed from the plan.

Regarding Section 4.3(c)(2), Parking Lot Interior Planting Requirements, the landscape plan provides the correct schedule for the two different compounds on-site. However, there are several inaccuracies in the schedules that should be corrected, including the schedule not matching the one in the Landscape Manual (see 7. and 10. b) and the number of trees required should be calculated based on the provided interior planting area. This means that Parking Compound 1 is short of the required number of shade trees and additional trees should be added. Additionally, the schedule for Parking Compound 2 shows the requirements being met; however, no plan was provided showing this. These issues have been included in conditions of this approval.

- c. **Section 4.4, Screening Requirements**—Section 4.4 requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets. The subject DSP provides a six-foot-high brick screen wall between the loading space and East-West Highway (MD 410) and encloses the proposed trash area with an eight-foot-high brick-veneered corral to meet the requirements of this section.
- d. **Section 4.7, Buffering Incompatible Uses**—The subject application is exempt from the requirements of this section because it does not involve an total increase in gross floor area (GFA) on-site of ten percent, or 5,000 square feet, it does not extend any new structure or paved area closer to an adjacent property in a less-intense use category, and it does not involve a change of use from a lower- to higher-intensity use category. This should be noted as such on the plan.
- e. **Section 4.9, Sustainable Landscaping Requirements**—This DSP application is subject to Section 4.9, which requires that a percentage of the proposed plant materials be native plants. However, the number of plants in the schedule does not match the plant schedule

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and the plant schedule does not designate which plants are native species. These issues should be revised on the DSP prior to certification.

12. **Prince George's County Woodland Conservation Ordinance:** The property is subject to the 1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance (WCO) because the site has a previously approved tree conservation plan. A Tree Conservation Plan (TCP II-046-99) was approved for the site on August 12, 1999, and the site has been developed in conformance with that approval. The previous tree conservation plan had an overall requirement of 3.94 acres that was met with 0.28 acres of reforestation/afforestation, 3.57 acres of off-site woodland credits and 0.09 acres of on-site woodland preservation.

The proposed development is in conformance with the existing Type II tree conservation plan (TCP II) because no change is proposed to the previously approved limit of disturbance. Because this is a major addition to the subject site, the TCP II should be revised to show the proposed McDonald's restaurant facility and parking lot revisions. Conditions regarding this revision have been included in this approval.

13. **Tree Canopy Coverage Ordinance:** The project is subject to the requirements of Subtitle 25, Division 3, The Tree Canopy Coverage Ordinance (TCC), because it will require a permit for more than 1,500 square feet of disturbance. The requirement for the subject property is ten percent of the gross tract area, or 1.32 acres (57,543 square feet), based on the C-S-C zoning. The required worksheet was provided for the tree canopy coverage (TCC) requirement showing it being met by a combination of 0.37 acres of on-site woodland conservation, 1.02 acres of other existing trees on-site and 3,525 square feet of proposed landscape trees. However, no information was provided about how the area of existing trees was calculated. Therefore, a condition has been included in this approval requiring this information be supplied prior to certification.

14. **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 subject application is consistent with the 2002 General Plan Development Pattern policies for centers in the Developed Tier. This application conforms to the land use recommendations of the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone*. The proposed addition of drive-through service is contrary to the goals of the Prince George's Plaza Transit District.

Although the TDDP does not specifically identify the intended future land uses for parcels within the plan area, it links the allowed/desired uses to the zone and provides a purpose statement that calls for retail, service and office uses with consideration of mixed-used development in the future. In this case, the zoning of the property is C-S-C, and the permitted uses are generally in conformance with that zone, emphasizing commercial retail and office uses.

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The transit district development plan does not permit eating and drinking establishments with drive-through service in the C-S-C Zone. The applicant must request an amendment to the development plan to allow the requested use which will require the approval of the District Council.

While the applicant should be commended for proposing an innovative drive-through configuration that strives to preserve the primary pedestrian network along East West Highway (MD 410), the drive-through component by its very nature is contrary to the goals for the Prince George's Plaza Transit District to create a pedestrian-friendly environment along East-West Highway (MD 410) (page 14). The TDDP emphasizes the importance of pedestrian access and circulation (page 28) and identifies the public right-of-way as the location of the primary pedestrian system and focus of pedestrian connectivity. The parking area and drive-through for the proposed McDonald's have been designed to be less suburban in character and more pedestrian-friendly and walkable. The proposed restaurant is sited with the longer side of the building close to the East-West Highway right-of-way. The parking lot, the drive-through, and the associated circulation for the two functions are located behind the building. The main entrance will connect with an existing six-foot sidewalk adjacent to East-West Highway (MD 410). An eight-foot-high screen wall and landscaped plantings will conceal the loading area from public view along the street. The façades of the building will be articulated with brick, cultured stone, and metal roof panels which will provide visual interest along the public right-of-way. Should the amendment be approved, the relationship between the drive-through queuing area and parking drive aisles should be clarified by the applicant to ensure that there are no issues with vehicular stacking and egress during peak operating hours. Additionally, the portion of the East-West Highway (MD 410) elevation near the service doors should have greater façade articulation to help break up the blank wall areas.

Although the planned configuration of the McDonald's is less suburban and promotes a more pedestrian-friendly environment, the Planning Board found any potential amendment to the development plan to permit drive-through service would be detrimental to the transit district goals and desired development pattern. However, should this application be amended or conditioned to preclude the drive-through component the proposed restaurant building would help reinforce the street-wall and pedestrian environment and would contribute positively to the transit district.

A condition has been included in this approval requiring the removal of the drive-through service from the proposed use.

- b. **Transportation Planning**—In September 1999 PGCPB No. 99-146 approved a detailed site plan (DSP-99006) for a retail store of 117,975 square feet in Parcel 9 of the T-D-O-Z. The proposed restaurant would be located adjacent to and east of the existing retail building.

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The enactment of County Council CB-56-2011 by the District Council, and the resulting amendment of Section 27-107.01 of the Zoning Ordinance, essentially combined fast-food and drive-in restaurants with the more general category termed eating or drinking establishments. The use table in the TDDP, however, distinguishes between a fast-food restaurant and other types of eating and drinking establishments, and greatly limits the circumstances in which a fast-food restaurant can be located. In general, the fast-food restaurant, following the guidance in the TDDP use table, can only be located within another building or located as an accessory to a recreation facility.

In reviewing the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP), that document attempted to limit fast-food restaurants by placing them in locations where the provision of drive-through service would be difficult if not impossible. Therefore, while the Planning Board supports the placement of a fast-food restaurant on the subject site, it was found that the inclusion of drive-through service is inconsistent with the TDDP. This contention is based on the goals of the transit district, including the creation of a pedestrian-friendly environment. It is also based on the general goals of the Transit District Overlay (T-D-O) Zone given in Section 27-548.03. Furthermore, the "Transportation Review Guidelines, Part 1" document includes a checklist to assist in the determination of excellent or successful transit-oriented development (TOD). The checklist, which is based on review of similar checklists and sets of regulations around the United States, indicates that lack (or non-provision) of drive-through facilities is a positive characteristic.

The existing retail store consisting of 117,975 square feet with a 16,309-square-foot garden center on Parcel A was approved with 507 parking spaces on 13.21 acres of land. The T-D-O-Z required a maximum parking of 4.35 spaces per 1,000 square feet or 18 parking spaces for the proposed McDonald's use. The applicant is providing 64 parking spaces, an excess of 46 parking spaces. Combined, there will be net loss of 19 parking spaces proposed by this site plan, leaving 488 parking spaces remaining within Parcel A. Given that parking spaces will be eliminated under this site plan, the site is not subject to payment of an impact fee under either preferred or the premium parking caps, as defined in the TDDP.

One of the required findings for a detailed site plan within the T-D-O-Z is that the buildings, pedestrian and vehicular circulation systems and parking/loading areas maximize safety and are adequate to meet the purposes of the T-D-O-Z. The site plan shows the fast food restaurant adjacent to East-West Highway (MD 410). The proposed drive-through service is located directly south and adjacent to the building. This creates a conflict between vehicles and pedestrians seeking to enter the building. Virtually all of the restaurant's patrons must cross the drive-through service lane in order to enter the proposed fast-food restaurant, including the handicapped patrons using the designated parking spaces.

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The configuration of the drive-through service lane and the potential queuing creates issues with persons seeking to enter or exit the parking on the site. Even the queuing of two or three cars at the entrance to the drive-through service lane, where the menu board is located and where orders are taken, would block much of the site's parking. This area requires additional signage even if drive-through service is maintained in order to lessen the likelihood of queued vehicles blocking parking.

These operational issues provide another justification for the elimination of the drive-through service. Given the site constraints, the plan would be much more functional for all users, including delivery vehicles, if drive-through service were eliminated on the plan. Beyond these issues, the site plan is acceptable. Access is acceptable.

In summary, the Planning Board found that the subject application does generally conform to the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP) and other prior approved plans. It is determined that while the use is acceptable at this location, the provision of the drive-through service (a) poses issues with the TDDP and the general goals of the T-D-O Zone, (b) is not consistent with excellent TOD, (c) creates conflicts with patrons entering the building, and (d) results in queuing issues affecting vehicles entering and leaving, and should be eliminated from the plan.

A condition has been included in this approval requiring the removal of the drive-through service from the proposed use.

- c. **Subdivision Review**—The subject property is known as Parcel A, located on Tax Map 41 in Grid E-2, within the C-S-C Zone and is 13.21 acres. A review of applicable conditions attached to approval of the relevant Preliminary Plan of Subdivision 4-99004 has been incorporated into Finding 10 above.

Parcel A was recorded in Plat Book VJ 188-33 on November 19, 1999. The record plat contains five notes and the following notes in **bold** relate to the review of this application:

4. This plat is subject to a recreation facilities agreement recorded in Liber 13466 at Folio 335.

The recorded recreation facilities agreement indicates that the developer is to construct an eight-foot-wide asphalt trail and stone veneer headwall. The construction of the recreation facilities are to be completed prior to issuance of the certificate of occupancy. The Home Depot store was built in 2000 and is currently occupied.

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5. **This plat is subject to an access easement, in accordance with Section 24-128(b)(9) of the Subdivision Regulations, Prince George's code, recorded in Liber 13408 at Folio 634.**

The DSP is not proposing any access to East-West Highway, (MD 410). The proposed McDonald's restaurant will be using the existing access location of the Home Depot onto the access easement. No new access locations are being proposed with this DSP.

The bearings, distances, and public utility easement (PUE) on the site plan are consistent with the record plat. However, the DSP has some inconsistencies that need to be address. The DSP should be revised with the following technical corrections:

- (1) Show and label the entire acreage for Parcel A
- (2) Clearly show and label the access easement Liber 13408 Folio 634 as reflected on the record plat VJ 188-33.
- (3) Clearly show and label the PEPCO easement Liber 6909 Folio 325 as reflected on the record plat VJ 188-33.

The Detailed Site Plan DSP-99006-01 is in substantial conformance with the approved Preliminary Plan of Subdivision 4-99004 and record plat if the above comments have been addressed. Failure of the site plan and record plat to match will result in the grading and building permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

The suggested conditions have been included in this approval.

- d. **Trails**—The applicant's proposal is in strict conformance with the trail-related mandatory development requirements of the TDDP.

The applicant has submitted the required information, specifically a general description of the proposed pedestrian system that appears to be adequate for the intended use. The applicant's proposal conforms with the required information to be submitted with a Detailed Site Plan, as described in Section 27-546(b)(1) of the Zoning Ordinance. A statement regarding the "description of the relationship between vehicular and pedestrian circulation systems" is required site plan content.

In this regard, and in their Statement of Justification, the applicant states that the landscape plan "incorporates pedestrian safety into its design. Clear lines of site for both automobiles and pedestrians are provided so as to allow for safe travel throughout Subarea 9."

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The Planning Board agreed with this assertion. No new curb cuts are proposed along East-West Highway (MD 410). The proposed building is located along East-West Highway (MD 410). The proposal includes a vehicular access via the existing East-West Highway (MD 410) access drive at the Home Depot. A direct sidewalk connection to the existing sidewalks and streetscape along East-West Highway (MD 410) is shown on the plans. The sidewalks and the pedestrian zone appear to be adequate to meet the purposes of the Transit District Overlay Zone (T-D-O-Z) as required by 27-548.08(c) of the Zoning Ordinance. The streetscape contains pedestrian scaled lighting and other amenities and is in strict conformance with the TDDP's District Wide Mandatory Development Requirements.

Further, the applicant's proposal shall be in conformance with the requirements of the T-D-O (Transit District Overlay) Zone. The applicant's proposal is consistent with the "Regulations" contained within Section 27-548.06(e) of the Zoning Ordinance, which requires that the "pedestrian system within a Transit District shall be oriented toward serving the Metro station, as well as other development within the District."

The design of the building and drive through layout orients sidewalks towards East-West Highway (MD 410) in order to provide access to the nearby Prince George's Plaza Metro Station. The sidewalks are wide enough for a bicycle to use, and bicycles can ride within the limits of East-West Highway (MD 410). The site is close to the access to the Northwest Branch Trail and the proposal conforms to the TDDP's District Wide and Subarea 9 Mandatory Development Requirements that are described in the TDDP.

A more detailed analysis of trails-related Mandatory Development Requirements was then provided. Based on that analysis, the Planning Board concluded that the proposed pedestrian walkways, lighting, and bicycle parking do not conflict with the TDDP. The site will be conveniently located along East-West Highway (MD 410) and will be accessible to the Prince George's Plaza Metro Station and the Northwest Branch Trail. The following conditions shall be considered:

- a. *Install two u-shaped bicycle parking spaces close to the main entrance to the building anchored into a concrete base.*
- b. *Prior to certification, the detailed site plan shall show two u-shaped bicycle parking spaces near the main entrance to the building.*
- c. *Details of the bicycle parking and signage shall be provided on the detailed site plan.*
- d. *A bicycle parking area sign (MUTCD D4-3) shall be erected at the parking location (see MUTCD Part 9, Traffic Control for Bicycle Facilities, Section 9B.23.).*

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The suggested conditions have been included in this approval.

- e. **The Department of Parks and Recreation (DPR)**—In a memorandum dated March 6, 2013, DPR indicated they had no comment on the subject application.
- f. **Permit Review**—The fast-food restaurant is not a permitted use in the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP) and no further comments were provided.
- g. **Environmental Planning**—The Planning Board reviewed a summary of the environmental site description and provided an analysis of the site plan's conformance with environmental requirements in the applicable 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP). This analysis is discussed in Finding 8 above as necessary.

A Natural Resource Inventory Equivalency letter, NRI-090-11, in conformance with the environmental regulations, was issued on April 25, 2011 and submitted with the current application. The site has less than 10,000 square feet of woodlands and no regulated environmental features will be impacted as part of the proposed application.

- h. **Fire/EMS Department**—No response was received from the Prince George's Fire/EMS Department.
- i. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated March 12, 2013, DPW&T offered comment regarding needed coordination with the State Highway Administration (SHA) regarding the roads adjacent to the subject project and standard comments regarding storm drainage systems and soils investigation. Additionally, they indicated that the proposed DSP was not consistent with the approved Stormwater Management Concept 2259-2011.

A condition has been included in this approval that would require proof of an approved stormwater management concept plan and letter consistent with the proposed layout prior to certification of the DSP.

- j. **Prince George's County Police Department**—In a memorandum dated February 25, 2013, the Prince George's County Police Department stated that there are no crime prevention through environmental design (CPTED) concerns at this time with the subject application.
- k. **Prince George's County Health Department**—In a memorandum dated March 1, 2013, the Environmental Engineering Program of the Prince George's County Health Department offered the following comments and recommendations:

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- (1) The photometric plan reflects what appear to be areas of excessive light levels on the site, but does not extend far enough to include light levels at the adjacent property lines. There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. The photometric plan should be revised to indicate that all proposed exterior light fixtures will be shielded, fixed in the full cut-off position and located so as to minimize light trespass caused by spill light onto adjacent properties.

A condition has been included in this approval requiring this revision to the DSP.

- (2) There are seven existing carry-out/convenience store food facilities and two markets/grocery stores within a one-half mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.

The subject application does propose a fast-food restaurant; however, given the existing development on-site, it is not likely that there would be room for a market or grocery store instead of the proposed restaurant which has such a small footprint and impact.

- (3) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

This requirement will be enforced at the time of permit; however, a note should be provided on the DSP indicating conformance with these requirements.

- (4) During the demolition/construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

This requirement will be enforced at the time of permit; however, a note should be provided on the DSP indicating conformance with these requirements.

1. **Maryland State Highway Administration (SHA)**—In a memorandum dated March 25, 2013, SHA requested a Traffic Impact Study (TIS) for review to determine if any off-site improvements will be required. SHA stated that if it is concluded that off-site

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improvements are required to East-West Highway (MD 410), an access permit will be required.

The Planning Board reviewed the following response to the requested TIS:

Aside from the fact that issues of off-site transportation adequacy are generally not reviewed at the time of detailed site plan, the specific requirements of the applicable TDDP greatly reduce the need for adequacy review at any stage of development provided that the development proposal conforms to the TDDP. For these reasons, no traffic study has been requested or reviewed. However, the applicant shall be made aware that SHA has requested a study, and that agency may compel the provision of a study by the applicant in the event that any permits from SHA are needed to implement this use.

- m. **Washington Metropolitan Area Transit Authority (WMATA)**—WMATA did not provide comments on the subject application.
- n. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated February 27, 2013, WSSC offered comments on needed coordination with buried utilities and WSSC easements and the requirements for connection to the existing water and sewer lines.
- o. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide comments on the subject application.
- p. **The City of Hyattsville**—In an letter dated April 16, 2013, it was noted that the City Council of Hyattsville, at their April 15, 2013 meeting, voted unanimously to oppose the proposal to construct a McDonald's restaurant with a drive-through within the Prince George's Plaza Transit District Overlay Zone (TDOZ). Additionally, the City stated that they do not support the applicant's request for an amendment to the table of uses to permit eating and drinking establishments with drive-through service. The City stated that the request is inconsistent with the pedestrian and transit oriented intent of the TDDP and will compromise the walkability and long-term development within the TDOZ. The City continues to maintain the position that restaurants with drive-through service are not an appropriate land use within this TDOZ and if the applicant requires a drive-through as part of the development, the City is opposed to this proposed detailed site plan.

A condition has been included in this approval requiring the removal of the drive-through service from the proposed 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 Type II Tree

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Conservation Plan (TCPH-046-99-01) and further APPROVED Detailed Site Plan DSP-99006/01 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the plans, the applicant shall revise the detailed site plan or provide additional information as follows:
 - a. Revise the DSP to remove the drive-through portion of the use and convert the area into green space or amenity space.
 - b. Revise the DSP to show an expanded paved area in the front of the restaurant, to the east, to include specialty paving, tables and chairs for customer use and decorative plantings.
 - c. Submit a copy of an approved Stormwater Management Concept plan and letter consistent with the proposed layout.
 - d. The sidewalk connecting the McDonald's to the streetscape along East-West Highway (MD 410) shall be revised to provide special paving to be approved by the Urban Design Section as designee of the Planning Board.
 - e. Revise the DSP to include notes and a detail regarding the stenciling of storm drain inlets with "Do Not Dump – Chesapeake Bay Drainage." A copy of the sediment and erosion control plan containing notes and details regarding the same stenciling shall be submitted.
 - f. Remove the Section 4.3(c)(1) Parking Lot Perimeter Landscape Strip schedules from the DSP.
 - g. Revise the Section 4.3(c)(2) schedules to match the one in the 2010 *Prince George's County Landscape Manual* (Landscape Manual) and to accurately reflect the required number of shade trees, and that requirement being met. Additionally, provide a landscape plan for the entirety of Parking Compound 2.
 - h. Revise the DSP to note the exemption from Section 4.7 of the 2010 *Prince George's County Landscape Manual*.
 - i. Revise the Section 4.9 schedule on the DSP to match the number of plants in the plant schedule and revise the plant schedule to designate which plants are native species to be in conformance with the 2010 *Prince George's County Landscape Manual*.
 - j. Revise the Type II Tree Conservation Plan TCPH-046-99 as follows:
 - (1) Show the proposed building and parking lot layout for the proposed application.
 - (2) Show the previous TCP approval and add "01" to the approval block.

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- (3) Have the revised plan signed and dated by the qualified professional preparing the plan.
- k. Revise the DSP to indicate how many trash receptacles are within the corral area and where proposed individual trash receptacles, at least two, will be located throughout the proposed seating and parking areas adjacent to the McDonald's.
- l. Revise the DSP to show how the area of existing trees credited in the tree canopy coverage schedule was calculated.
- m. Revise the DSP to show and label the entire acreage for Parcel A
- n. Revise the DSP to clearly show and label the access easement, Liber 13408 Folio 634, and the Potomac Electric Power Company (PEPCO) easement, Liber 6909 Folio 325, as reflected on the record plat.
- o. Revise the DSP to show a minimum of two u-shaped bicycle parking spaces, anchored into a concrete base, close to the main entrance of the building and provide details of the bicycle parking and signage (MUTCD D4-3).
- p. Revise the photometric plan to indicate that all proposed exterior light fixtures will be shielded and fixed in the full cut-off position and footcandle levels throughout the proposed area of improvement will be minimized to the maximum extent practicable.
- q. Provide a plan note that indicates conformance to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- r. Provide a plan note that indicates the applicant's intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

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.

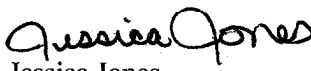
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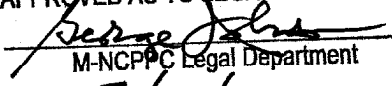
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, April 25, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of May 2013.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 5/3/13