

Prince George's County Nonconforming Fast-Food Restaurant Application No. 7

Applicant: McDonald's Corporation

Location: Northeast quadrant of the intersection of Baltimore Avenue (US 1) and Navaho Street

Request: Revision of Site Plan for a nonconforming fast-food restaurant in accordance with Section 27-242(b)(4)(A)

R E S O L U T I O N

WHEREAS, the applicant is requesting minor amendments to the site plan for a certified nonconforming fast-food restaurant; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the adopted Rules of Procedure of the Prince George's County Planning Board; and

WHEREAS, the applicant submitted a revised Site Plan in accordance with the conditions recommended in the Technical Staff Report; and

WHEREAS, after consideration of the testimony and Technical Staff Report at its regular meeting on November 9, 2000, the Prince George's County Planning Board agreed with the staff recommendation; and

WHEREAS, the Planning Board decision is based on the findings and conclusions found in the Technical Staff Report and the following additional DETERMINATIONS:

- A. Location and Field Inspection: The subject property is located in the northeast quadrant of the intersection of Baltimore Avenue (US 1) and Navaho Street in the City of College Park. It also has frontage on the south side of Berwyn House Road. The property is developed with a McDonald's fast-food restaurant and associated parking.
- B. History: The site has been developed with various fast-food restaurants for many years. In 1978, while still a Roy Rogers, the use became nonconforming upon enactment of CB-27-1978, which required a special exception for fast-food restaurants in the C-S-C Zone. The site was certified as a legal nonconforming use in 1987 through Application No. CNU-2539-87-CU. On April 11, 2000, the City of College Park approved two departures for the site. CPD-2000-1 permits a departure of 3 of the 59 required off-street parking spaces, while CPD-2000-2 allows for a freestanding monument sign to serve a building less than 40 feet from the right-of-way, as well as granting a 9 foot departure from the 10-foot setback for the sign.
- C. Master Plan Recommendation: The 1990 *Approved Langley Park-College Park-Greenbelt Master Plan* recommends a retail-commercial use for the site.
- D. Request: The applicant requests permission to make several minor revisions to the site plan which have come about, in part, as a result of the departures approved by the City of College Park:

1. Deletion of three parking spaces (in accordance with CPD-2000-1)
2. Modification of the two driveway entrances along Baltimore Avenue (US 1) to make the southernmost a right-in entrance only and the northernmost right-out exit only. Directional signs will be placed advising patrons of these restrictions.
3. Addition of a three-foot-high brick wall along the portion of the drive-thru lane that runs parallel to Baltimore Avenue (US 1)
4. Addition of three shade trees, a bench and a trash receptacle within the right-of-way for Baltimore Avenue (US1). This is an off-site improvement which the State Highway Administration has approved.
5. The removal of a split-rail fence along Berwyn House Road, accompanied by the provision of additional landscaping and a curb.
6. New landscaping along Navaho Street.
7. Removal of the existing chain-link fence along the eastern (rear) property line and replacing it with a six-foot-high board-on-board fence.
8. Additional landscaping along Baltimore Avenue (US 1)
9. Removal of the existing freestanding pole sign and replacing it with a ground-mounted monument sign (in accordance with CPD-2000-2)

E. Surrounding Uses: The subject property is surrounded by the following uses:

<u>North:</u>	A car dealership in the C-S-C
Zone	

East: Apartments in the R-10 Zone

South
and West: Along both sides of Baltimore Avenue (US 1),
commercial uses in the C-S-C Zone

F. Other Issues:

1. Landscape Manual: The site plan is exempt from the requirements of the Landscape Manual since no new gross floor area or parking spaces are proposed.
2. Continuity of Use: Section 27-241(c) of the Zoning Ordinance requires the applicant to document continuous operation of the use to retain its nonconforming status. The applicant must provide an affidavit attesting to no break in service exceeding 180 days, or that such break in service was beyond the owner's control. The applicant must provide this affidavit prior to the Planning Board's decision in the case.
3. Parking Requirements: The applicant has correctly noted that a total of 56 parking spaces are required, pursuant to CPD-2000-1. The site plan must be revised to show a parking schedule and, the dimensions of the regular parking spaces need to be shown.
4. Handicapped Access: A ramp or depressed curb for the parking spaces for the physically handicapped must be shown on the plan.
5. C-S-C Zone: The site plan meets the requirements and development regulations for the C-S-C Zone.

G. Required Findings: Pursuant to **Section 27-242(b)(4)(A)**, the following modifications of a certified nonconforming drive-in or fast-food restaurant may be permitted by the Planning Board without a Special Exception (**Section 27-384**):

- (1) The addition, relocation, or modification of a freezer on the sides or rear of the restaurant building;
- (2) The addition, relocation, or modification of gross floor area in order to provide rest rooms to serve the physically handicapped;

- (3) The addition, relocation, or modification of vestibules above and around points of access to the restaurant building; or
- (4) The addition, relocation, or modification of a fence, storage area, or trash enclosure.

Finding: The modifications proposed by the applicant are either those expressly permitted by this section of the Zoning Ordinance (the two fences and the majority of the low brick wall for the drive-through), off-site improvements agreed to by the State Highway Administration (the low brick wall, street trees, bench and trash receptacle along Baltimore Avenue), or the result of the actions of the City of College Park in their approval of CPD-2000-1 and CPD-2000-2 (the reduction in parking spaces, the new monument sign, curbing and landscaping). The proposed revisions are truly minor in nature and will serve to improve both the aesthetic and functional aspects of the site design.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board recommends that Nonconforming Fast-Food Restaurant Application No. 7 be APPROVED, subject to the following conditions:

- 1. The applicant shall provide an affidavit attesting to continuity of the use prior to final disposition of this application.
- 2. The site plan shall be revised to show the following:
 - (a) A revised parking schedule indicating that 56 parking spaces are provided
 - (1) The dimensions of the regular parking spaces
 - (2) A ramp or depressed curb for the parking spaces for the physically handicapped

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's actions 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 Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 9, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of November 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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