

Prince George's County Revision of Site Plan (Minor Change) Special Exception No. 4330/1

Applicant: DAVCO Restaurants, Inc.

Location: The subject property is located at the southwest quadrant of the intersection of Central Avenue and Hampton Park Boulevard

Request: Revision of Site Plan (Minor Change) Special Exception Application No. 4330/1

R E S O L U T I O N

WHEREAS, the applicant is requesting approval of a minor change to Special Exception No. ROSP-SE-4330/1 in accordance with Section 27-325(b) of the Prince George's County Zoning Ordinance; and

WHEREAS, under this provision the applicant is requesting modification to trash dumpster size, building footprint, parking layout and drivethrough aisle; 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 Technical Staff Report released February 16, 2000, recommended APPROVAL, with condition; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on February 24, 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 DETERMINATIONS:

- A. Location and Field Inspection: The property is located on the southwest quadrant of the intersection of Central Avenue and Hampton Park Boulevard, approximately 2,000 feet west of the I-95 and Central Avenue interchange. It comprises approximately .71 acre of land and is improved with a newly constructed Wendy's fast-food restaurant. The property has frontage on Hampton Park Boulevard and Central Avenue. It is accessed from both streets.
- B. History: The property was retained in the I-1 Zone in the approved 1986 Sectional Map Amendment for Suitland-District Heights and Vicinity. Special Exception 4330 was approved on March 2, 1999.
- C. Master Plan Recommendation: The 1985 Approved Master Plan for Suitland-District Heights and Vicinity recommends the property for light-industrial use in the ■Hampton Office Industrial Area and Employment Analysis Area 1.●
- D. Request: The applicant requests Planning Board approval of a minor change to an approved site plan (SE-4330) to allow a modification to the parking lot configuration and other minor changes. The proposed modification includes the enlargement of the trash dumpster, relocation of the two

handicap parking spaces, a slight increase in the footprint of the building and adjustment to the drive-through aisle to accommodate the new building foot print. The modification results in elimination of one parking space.

E. Neighborhood and Surrounding Uses: The neighborhood is generally defined by Central Avenue to the north, the Capital Beltway to the east, Ritchie Road to the west and Hampton Park to the south. The immediate area surrounding the site is characterized by a mixture of commercial and light-industrial uses located along both sides of Central Avenue in the I-1, C-S-C and C-O Zones. The nearest residential uses are located approximately 300 feet north of the site across Central Avenue, behind the C-O zoned properties. Surrounding uses include a bank to the west, a car wash and a motel to the south and a gas station to the east across Hampton Park Boulevard, all in I-1 Zone. A fast-food restaurant that was the subject of Special Exception No. 3805 is located north of the subject property across Central Avenue.

F. Minor Change Provision: **Section 27-325(b) permits changes to an approved special exception site plan for a property of less than five acres provided that either of the following situations exist.**

(A) Situation No. 1.

- (i) **There is a proposed increase in gross floor area of a building or in land area covered by a structure other than a building (over that approved on the original site plan) which is not greater than ten percent (10%) of the gross floor area or covered land area or five hundred (500) square feet, whichever is less; or**
- (ii) **There is a proposed relocation (in any direction) of any improvement (approved on the original site plan) which is not greater than ten percent (10%) of the distance to the boundary line of the Special Exception property or twenty (20) feet, whichever is less.**

(B) Situation No. 2.

- (i) **There is a proposed change in the design of a parking lot or loading area.**
- (ii) **There is a proposed change in a landscape plan.**

The proposed increase in the foot print of the building amounts to a total of 64 feet, which is slightly less than three percent (3%) of the total floor area. The increase in the foot print results in a minor modification to the drive-through aisle which has to be redrawn to accommodate the increase in the foot print. The applicant also proposes to rearrange the location of the two handicap spaces in front of the building (north). The rearrangement is intended to make the ramp more convenient to customers using the van-accessible space. It

will not affect the overall layout or number of parking spaces located on the north side of the building.

The proposed revision also involves the enlargement of the existing trash dumpster pad from 100 square feet (10' x 10') to 400 square feet (20' x 20'). Although the increase in the size of the dumpster pad results in the loss of one parking space, with the remaining 40 spaces, there will be adequate parking to serve the fast-food restaurant—three spaces more than the required 37 parking spaces. Staff notes minor inconsistencies between the drawing and the corresponding notations of the dumpster pad. The site plan must be revised to reflect accurate and consistent measurements. No change is proposed in the approved landscape plan.

G. **Specific Requirements:** Pursuant to **Section 27-350(a)**, a drive-in or fast-food restaurant may be permitted, subject to the following:

- (1) All proposed buildings, structures, and outdoor facilities (including vehicle parking) shall be located at least 200 feet from the nearest property line of any land in any Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan. The District Council may reduce this setback requirement when it determines that the landscaping, screening, and buffering requirements in the *Landscape Manual*, or other conditions, will adequately protect abutting residential property.**
- (2) A bicycle rack for at least six (6) bicycles shall be provided on the premises, unless the applicant demonstrates to the satisfaction of the District Council that the requirement is inappropriate because of the location or nature of the establishment.**
- (3) The use will not restrict the availability, or upset the balance, of land use in the neighborhood for other commercial uses.**
- (4) Special consideration shall be given to advertisement, outdoor display, outdoor activity, lighting, hours of operation and other aspects of the proposed operation to assure that the health, safety and general welfare of the community will be protected.**

The applicant demonstrated compliance with these requirements at the time the special exception was approved. The proposed revisions are truly minor and will not change the nature of the existing use nor will it affect the findings of the approved special exception.

Although the proposed revisions result in a loss of one parking space, the existing use on the property will still be served by adequate parking spaces. The proposed revision will not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses.

- H. **Parking Regulations: Section 27-568 of the Zoning Ordinance requires 1 parking space for every 3 seats plus 1 parking space for every 50 square feet of gross floor area (excluding any area used exclusively for storage or patron seating, or any exterior patron service area) for a drive-in or fast-food restaurant.**

Finding: The notation on the applicant's site plan indicates that the fast-food restaurant will have a total of 500 square feet of gross floor area (excluding any area used exclusively for storage or patron seating, or any exterior patron service area). The restaurant has 80 seats. A total of 37 parking spaces are required. A total of 40 parking spaces, including two handicap parking spaces (one van accessible) are provided.

- I. **Loading Requirements: Section 27-582 of the Zoning Ordinance requires one loading space for every 2,000 to 10,000 square feet of gross floor area (GFA).**

The proposal conforms to this requirement. One loading space is required and provided for the proposed fast-food restaurant which comprises 2,427 square feet of gross floor area.

- J. **Landscape Manual Requirements:** No change is proposed to the approved landscape plan.

- K. **Zone Standards:** The site plan conforms to all other development standards of the I-1 Zone.

- L. **Sign Regulations:** The freestanding sign appears to meet the requirements with regard to minimum setback, area and height.

- M. **Required Findings: Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:**

- (1) **The proposed use and site plan are in harmony with the purposes of this Subtitle.**
- (2) **The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**
- (3) **The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**
- (4) **The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**
- (5) **The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**
- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The requested revisions are so minor in nature that they do not alter the Council's previous findings of conformance with the general requirements. Therefore, the findings of consistency with the requirements of this section that were established in the initial approval are also relevant to this case.

NOW, THEREFORE, BE IT RESOLVED, that this application for a "minor change" to Special Exception No. 4330/1, is hereby APPROVED with the condition that the site plan shall be revised to reflect accurate dimensions and related notations of the dumpster pad.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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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 McNeill, seconded by Commissioner Boone, with Commissioners McNeill, Boone, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 24, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of March 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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