

## 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 July 6, 2000, regarding Detailed Site Plan SP-00019 for Chick-Fil-A, the Planning Board finds:

1. Location: The subject property is located on the east side of US 301 at the intersection with Ballpark Road. The proposed development is bounded to the north by a property currently under development , a Mobil Gas Station; to the east by a vacant undeveloped property; to the south by Ripas Restaurant, all zoned C-M; and to the west by the US 301 right-of-way.
2. The Proposed Development: The purpose of this Detailed Site Plan is for the approval of a 4,211 square-foot fast-food restaurant. The plan includes site, landscape plans, and architecture. The subject property will be accessible from an existing common access drive off Ball Park Road that bisects the subdivision. The review is required and limited by a condition of the Preliminary Plat, as discussed in Finding 4 below.
3. Background: The *Bowie-Collington SMA* (1991) rezoned the subject property from R-A to the R-R Zone. The R-R Zone was recommended as the base zone to allow future implementation of the Conditional Employment Area recommendation of the master plan. In a memorandum (D'Ambrosi to Jordan) dated June 6, 2000, master plan issues pertaining to the subject application, and the proposed development are raised. See Finding 12 for a detailed discussion of the noted issues.

On April 11, 1994, the District Council approved Zoning Map Amendment Application No. A-9897, Zoning Ordinance No. 16-1994, for 3809 Crain Ltd. Partnership, which rezoned the property to C-M with no conditions or considerations.

4. The Approved Preliminary Plat: The Preliminary Plat, 4-94074, was approved by the Planning Board on October 13, 1994, with 13 conditions (PGCPB No. 94-298(A)). The overall lotting pattern, circulation pattern and access points shown on the site plan are in general conformance with the approved Preliminary Plat 4-94074. One (1) of the conditions of approval required specific action be taken or additional information be supplied at the time of Detailed Site Plan. Below is the specific condition warranting discussion pertaining to conformance to the approved Preliminary Plat:

13. **Prior to the issuance of any building permits, a limited Detailed Site Plan shall be approved by the Planning Board. The site plan, which shall be subject to a 45 day time limit from the date of acceptance, shall address the following:**

- a.       **Landscaping and buffering in relation to views from US 301.**
- b.       **Internal driveway circulation, parking, and truck access.**

**The subject plan shall not be subject to review for adequate public facilities issues or access issues related to the existing Rip's Restaurant site.**

Comment: The required Detailed Site Plan and its approval are the subject of this application. The subject conditions reference to landscaping and buffering in relation to views from US 301 appears to have been in response to specific discussion in the master plan with respect to the recommendation that the area be designated for employment. Although designated as an employment area, the subject use and that of the adjoining property, Mobil Gas Station, are commercial in nature and therefore it is desirable for these properties to have a more visual relationship with US 301 than that which was envisioned at the time of the master plan review process. The proposed commercial establishment will primarily have a two-fold target customer group, vehicular traffic traveling on US 301 and attendees of events at the Baysox Stadium. To ensure some level of commercial success, the subject property must be both visible and accessible from US 301 and Ball Park Road. Adjacent to the US 301 right-of-way the applicant has provided the required 10-foot-wide commercial/industrial landscape strip with the appropriate number of plant units. Staff believes that the proposed landscaping will allow for visual recognition of the commercial establishment from US 301, while generally providing the necessary buffering/screening of the parking bay that will be sited along the west property line parallel to the US 301 right-of-way. The plan proposes two groups of clustered ornamental trees and shrubs within the landscape strip, with three intermediate breaks of open green space along the length of the strip. Staff believes that the proposed ornamental trees in the landscape strip provide a medium height vertical element that will not compete with the height of the proposed structure, but will function as accents in the strip that break the horizontal expanse of the adjacent parking bay. Given the site's proximity to US 301, it is appropriate for the entire parking bay parallel to the right-of-way to be screened from view; therefore it is recommended that the three intermediate breaks of green space along the length of the strip be landscaped with a double-row of shrubs. In the overall context of the provision of a commercial establishment in this location, staff believes that the proposed landscaping/screening is appropriate in concept, and when augmented with the recommended shrubs will provide a treatment which satisfies the intent of the subject condition.

The subject plan was referred to the Permit Review and Transportation Sections for review of the development proposal with respect to internal driveway circulation, parking, and truck access. All of the required review components were found to be adequate upon analysis by the respective sections. Staff concurs with the findings of adequacy pertaining to on-site vehicular circulation.

5.   Special Exception Approval: A Special Exception is required for a fast-food-restaurant in the C-M Zone.

As of the writing of this staff report, the applicant has a pending Special Exception application for the subject property, SE-4368, scheduled to be heard before the Zoning Hearing Examiner on July 12, 2000. Section 27-270 of the Zoning Ordinance, Orders of Approval, does not preclude the Detailed Site Plan being heard prior to the Special Exception. The plans submitted for both the Detailed Site Plan and Special Exception are identical. Staff of the Urban Design and Zoning Sections have coordinated the review of both applications and have a level of comfort that all issues will be addressed with respect to the specific requirements and criteria by which each plan is reviewed. As required by Section 27-319(a) of the Zoning Ordinance, SE-4368 will be the base development plan to which DSP-00019 must conform with respect to all approval conditions and any physical changes to the plan layout, landscaping, etc. Therefore, it is recommended that any revisions to the Detailed Site Plan necessitated by the special exception approval, to demonstrate conformance to the approved special exception, be allowed at staff level by the Urban Design staff as designee of the Planning Board.

6 . The development data for the subject property is as follows:

Zone:	C-M
Total Site Area (Parcel B):	5.017 acres
Proposed Use:	Fast-Food Restaurant
Site Area (SP-00019 & SE-4368)	1.03 acres
Building Area:	4,211 sq. ft.
Parking Required:	
Fast-Food: (1 space/3 seats + 1 space/50 sq. ft. of GFA : excluding storage, patron areas, and seating)	51 spaces
Parking Provided:	51 spaces
Loading Spaces Required:	1 spaces
Loading Spaces Provided:	1 spaces

1. Conformance with the Requirements of the Zoning Ordinance in the C-M Zone, including the Requirements of the Prince George's Landscape Manual: The Detailed Site Plan is in general conformance with the regulations governing development in the C-M Zone.

Sections 4.2, Commercial and Industrial Landscape Strip Requirements, 4.3(b)(c), Parking Lot Requirements, Perimeter Landscape Strip Requirements, Interior Planting, and 4.7, Buffering Incompatible Uses, apply to the subject site. The landscape plans are in full conformance with the requirements of the *Landscape Manual*.

2. Conformance with the Requirements of the Woodland Conservation Ordinance: The subject application was referred to the Environmental Planning Section, and in a memorandum (Markovich to Jordan) dated June 27, 2000, the following comments were provided:

■ A Forest Stand Delineation and a Type I Tree Conservation Plan were not submitted with this application. However, a Type I Tree Conservation Plan (TCPI/105/90) was previously approved in conjunction with SE-3966. The TCPI was revised during the review and approval of Preliminary Plan of Subdivision (4-94074). That revision took into account Woodland Conservation Areas impacted by the Bowie Stadium and Ball Park Road. A Type II Tree Conservation Plan (TCPII/161/91) was approved in conjunction with a grading permit for the site and later revised prior to the construction of Ball Park Road. This site plan as submitted impacts some woodland areas not previously identified as being cleared. The TCPII has been revised to reflect the proposed development, to address any additional woodland clearing and the increased Woodland Conservation requirements. TCPII/161/91 as revised has been found to satisfy the requirements of the Prince George's County Woodland Conservation Ordinance and is recommended for approval.●

3. State Highway Administration: The subject application was referred to the State Highway Administration (SHA), and in a letter (Pedersen to Stouten) dated June 6, 2000, staff was notified that the SHA is currently in the process of reviewing conceptual design alternatives for a future US 301/MD 197 urban diamond interchange. One of the design alternatives, forwarded to Zoning Section staff by letter (McDonald to Stouten) dated January 23, 2000, with an accompanying sketch for the purposes of review of SE-4368, demonstrated that the future realignment of the US 301 right-of-way could potentially require the loss of up to seven (7) parking spaces and a significant portion of landscaping along the west and south property lines. This concept, as well as previous concepts, have been designed to implement the *1991 Bowie-Collington-Mitchellville Master Plan* recommendation for a grade separated interchange at US 301 and MD 197 as part of the recommended upgrading of US 301 to freeway status. The Zoning Ordinance defines a street or right-of-way line as:

**Street Line:** A line separating the "Street" from abutting property. For the purpose of this definition a "Street" is whichever of the following two groups of vehicular ways indicates the greatest right-of-way width:

- (A) A public or dedicated right-of-way at least thirty (30) feet in width; or a private road right-of-way or easement along which development is authorized pursuant to Subtitle 24; or
- (B) A proposed "Street" right-of-way or widening shown on the applicable "General Plan" or "Master Plan," or "Functional Master Plan"; or in the current Capital Improvement Program or Maryland State Five (5) Year Highway Construction Program; or on a "Record Plat."

The Master Plan recommends that US 301 be upgraded to a freeway of 6 to 8 lanes, with a variable right-of-way of up to 450 feet. The approved record plat for the

subject property (VJ 182 @ 81), which was recorded on March 4, 1998, shows a ■future right-of-way setback• consistent with the Master Plan recommendation. The current SHA Project Planning Division design is not shown on any of the above listed documents.

It is staff's understanding that the current SHA proposal for an urban diamond interchange is less land-intensive than the earlier proposals, and this proposal may ultimately be the one which is constructed. However, this is by no means certain, and until this specific design proposal is included in the State Construction Program, it cannot be considered in the determination of the actual right-of-way line for purposes of the Zoning Ordinance.

It is recommended that the applicant work with the State Highway Administration to achieve the best possible solution to this problem. Several options, such as a departure from parking and loading spaces, redesign of the site, or a negotiated agreement with SHA, are available to the applicant in the future as a remedy to the potential problem, although because of the fluidity of the interchange design process staff believes that any specific suggestion of, or condition of approval for implementation of, a final solution is premature at this juncture.

10. Transportation: The subject application was referred to the Transportation Planning Section and in a memorandum (Burton to Jordan) dated June 26, 2000, the following comments were provided:

■This property is part of Preliminary Plat 4-97016, also known as 3809 Subdivision. Based on PGCPB Resolution 94-298(A), that preliminary plat was approved with several conditions, including the following:

6. The maximum commercial development allowed for this site shall not exceed an amount of square feet of gross floor area that would generate 9,089 vehicle trips per day (not including the approved special exception for

a banquet hall and the relocation of existing uses described in Finding 12.i.).

7. Prior to the issuance of each commercial building permit (not including any of the existing uses as "Rips" that may be relocated to the subject property as described in Finding 12.i.), the applicant, his heirs, successors and/or assigns, shall pay a fee-in-lieu of construction for US 301 and MD 197 to the M-NCPPC based on the following formula:

$$\text{\$210} \times (\text{Daily Trips Generated per Building}) \times \frac{(\text{FHWA Construction Index for 4 quarters preceding permit application})}{(1994 \text{ FHWA Construction Index})}$$

■The site plan submitted with the subject application indicated a fast food restaurant with a drive-thru window. The plan shows a gross floor area of approximately 4,211 square feet. Based on information provided in the Institution of Transportation Engineers' (ITE) *Trip Generation Manual*, 6th edition, a fast food restaurant with a drive-thru window (834) will generate 496.12 trips per 1,000 feet of gross floor area. Consequently, the proposed facility will generate  $4.211 \times 496.12 = 2,089$  daily trips. Typically, some ■trips● to and from fast-food restaurants would normally be already on the road and therefore would not be considered as new trips. The *Manual* indicates that 45% of the A.M. trips and 47% of the P.M. trips are already on the road and are considered pass-by trips. Assuming an average pass-by rate of 46% being already on the road, then the actual new trips being created would be  $2,089 \times 54\% = 1,128$  daily trips. Previous approvals on the 3809 Subdivision which included a Home Depot store and a gas station, combined with the proposed fast-food restaurant will collectively generate approximately 8,244 daily trips. Condition 6, pursuant to PGCPB Resolution 94-298(A) regarding a trip cap has therefore been fulfilled. Regarding Condition 7, the applicant would be required to pay  $\text{\$210} \times 1,128 = \text{\$236,880.00}$ , index to 1994 construction index.

■The closest major intersection to the proposed site is **US 301/MD 197**. In the past several months, the State Highway Administration (SHA) has undertaken a Project Planning study of US 301 between US 50 and Mount Oak Road, which will include preparation of an environmental document as required under the National Environmental Policy Act (NEPA). One of the major issues to be addressed in that study is the upgrading of the US 301/MD 197 intersection to an interchange. The *Bowie-Collington-Mitchellville & Vicinity Master Plan* also recommends an upgrading of the intersection to an interchange. The SHA planning team has

identified several alternatives, however, as of this writing, a Selected Alternate has not been identified. The proposed right-of-way of one the alignments under consideration would encroach on the proposed site. The magnitude of the encroachment is such that approximately 7 parking spaces would be affected. Because the fifty one (51) spaces proposed represent the minimum number of spaces required, the applicant should either redesign the site lay-out, or file an application for a Departure of Parking and Loading Spaces (DPLS).•

Given all of the circumstances and unknowns of this case with respect to the future realignment of US 301, the final recommendation of the Transportation staff for redesign of the site or the filing of a DPLS by the applicant is not endorsed by the Urban Design Section. Rather, the conclusions in Finding 9 are more appropriate, calling on the applicant to work with the SHA to achieve the best possible solution to this problem.

11. Subdivision: The subject application was referred to the Subdivision Section and in a memorandum (Del Balzo to Jordan) dated June 15, 2000, the following comments were provided:

■The site plan includes all of Parcel B; the Chick-Fil-A restaurant is located in the southwest portion of Parcel B. The property is being developed with a gas station and the site plan includes reference to one additional proposed building. Access to Parcel B is provided via a driveway to Ballpark Road. While Parcel B has frontage on US 301, no access is permitted to US 301.

■As submitted, the site plan presents no subdivision issues. However, Subdivision Section staff have had numerous discussions with the applicant regarding this property. It is our understanding, based on these discussions, that the applicant wishes to create a legally separate lot for the Chick-Fil-A site using the lot line adjustment provisions of Section 24-108 of the Subdivision Regulations. Nine lots were approved in the adjoining Ripas Subdivision to the south; one lot was created for the restaurant, one for the motel, and seven lots were created for future development. It is the applicant's intent to execute a lot line adjustment involving Lots 1 and 2 of the adjoining subdivision and Parcel B. The



result would yield no additional lots; it would simply adjust the common boundaries between those lots, effectively moving Lot 1 from the Ripas Subdivision into the 3809 Subdivision. This is permissible under the provisions of Section 24-108 in that **no additional lots will be created.**

■Normally, this situation would not need to be addressed at the Detailed Site Plan stage. However, in this case, approval of the DSP as submitted may restrict the applicant's ability to carry out the lot line adjustment. The DSP shows access to an internal driveway on Parcel B. This driveway provides access to Ballpark Road. As simply one portion of Parcel B, the Chick-Fil-A site may use the driveway to access Ballpark Road. However, if the applicant intends to create a separate lot for Chick-Fil-A, then that driveway will be its sole access *on another lot*. The newly created parcel will have no direct access to a public street. With frontage on US 301, the Planning Board could deny access to US 301 and grant sole access through an easement pursuant to Section 24-128(b)(9) for safety reasons, but that is a subdivision action to be taken in conjunction with a subdivision application, generally a preliminary plat application.

■The Planning Board did approve access to Lot 1 in the Ripas Subdivision by an easement created pursuant to Section 24-128(b)(9) and denied direct access from Lot 1 to US 301. Staff have indicated to the applicant that the easement granted to Lot 1 would be assumed serve the newly created lot for Chick-Fil-A because essentially that lot would be Lot 1 ■relocated. To use this access, however, it must be shown on the site plan.

■Staff is not suggesting that the applicant proceed one way or the other, but the applicant should be aware that decisions made at this stage will affect the ability to effectuate the lot line adjustment in the future.

12. Urban Design: The applicant is proposing to provide a freestanding building structure that will be centrally located on the site with parking bays and drive aisles located around the subject property's perimeter, with two access points from the internal driveway that will service the subdivision. The proposed structure will be 25 feet high and linear in layout, with an exterior finish of a combination of brick and E.I.F.S. with a continuous projected horizontal metal canopy/soffit that acts as a accent band.

The Community Planning Division raised several planning issues in a referral memorandum previously noted in Finding 3. The following are comments and analysis with respect to concerns cited by Community Planning:

1. Although previously approved subdivision and site plans have established Ball Park Road and Governors Bridge Road as access roads to the employment area, it is clear that the master plan recommendation for a service road to run contiguous to the US 50 right-of-way, extending south from the existing Governors Bridge Road to the proposed interchange of MD 197 and US 301 was specifically with respect to the provision of an additional road that would essentially run parallel to the existing US 301. At the time of the future extension of Governors Bridge Road, Ball Park Road will be reevaluated and Governors Bridge Road will meet the needs of the recommended service road.
2. The referral from the Environmental Planning Section, which took noise from US 301 into consideration, indicated that no environmental impacts were associated with the subject application. Furthermore, with the future realignment of the US 301 right-of-way and its proximity to the subject property a berm within the proposed landscape strip outside the future right-of-way alignment is impractical and not a viable option for noise attenuation.
3. Staff believes that given the applicant's proposed architecture, site layout, and landscape screening, the subject development proposal will satisfy the intent of the master plan with respect

to the recommendation of providing attractive and functional development in this location.

4. Staff cannot obligate separate occupants of a subdivision to enter into an agreement for consolidated signage at this juncture of review, particularly when one occupant, Mobil Gas, has received site plan approval and is under construction and the remaining lot is a vacant pad site for which no development proposal has been submitted to this date. Staff does believe that the visual impact of the proposed sign, sited in the southwest corner of the property, will be lessened by the existence of the London Planetree shown located directly behind the sign. The subject tree is a shade tree that can reach approximately 100 feet in height with a canopy of up to 75 feet. The shade tree will provide a substantial backdrop for the sign, and will help somewhat reduce the scale of the sign to the passing motorist on US 301.
13. The subject property has an approved Stormwater Management Concept Plan (CSD # 988004050), which was approved on June 9, 1998.
14. Referrals: The subject application was referred to all applicable agencies and divisions; no significant issues were identified. Minor plan revisions were recommended or additional information was requested by the Permit Review Section in a memorandum (Bakka to Jordan) dated June 16, 2000. Subsequent to the receipt of the noted memorandum the applicant revised the plans to address all concerns and provide the requested information.
115. The subject application was referred to the City of Bowie, and in a memorandum (Robinson to Hewlett) dated June 26, 2000, it was recommended that the subject application be approved subject to conditions. Conditions can be found in the Recommendation Section of this staff report.
16. In general, the Limited Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCP161/91) and further APPROVED Detailed Site Plan SP-00019 for the above-described land, subject to the following conditions:

1. Prior to certification, the Detailed Site Plan shall be revised as follows:
  - a. Provide additional shrubs along the west property line, adjacent to the parking bay, in the Commercial Landscape strip. The species and quantity to be determined by the Urban Design staff as designee of the Planning Board.
  1. Substitute native plant materials for the proposed plant materials shown on the plan. The species to be determined by the Urban Design staff as designee of the Planning Board.
2. Prior to the issuance of permits the site plan shall be revised to be in conformance with the approved Special Exception plan, SE-4368, and all of its conditions of approval. The subject revision shall be administrative, by the Urban Design staff as designee of the Planning Board.
3. All handicap parking stalls shall be painted blue in their entirety in addition to the standard pavement painted symbol and signage located at the end of each stall. A note stating this should be added to the site plan.
4. No flags or banners shall be mounted, suspended or otherwise displayed from the building or be permitted on the site, except a standard size American flag. A note shall be provided on the site reflecting this condition.

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 Boone, seconded by Commissioner Brown, with Commissioners Boone, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 6, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of July 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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