



The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3530

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Departure from Parking and Loading Spaces **DPLS-472**
Departure from Design Standards **DDS-656**
Departure from Sign Design Standards **DSDS-700**
McDonald's at University Boulevard

REQUEST	STAFF RECOMMENDATION
DPLS-472: A departure from Section 27-568(a) of the Zoning Ordinance DDS-656: A departure from Section 4.2 of the 2010 <i>Prince George's County Landscape Manual</i> DSDS-700: A departure from Section 27-614 of the Zoning Ordinance	APPROVAL with conditions

Location: On the north side of MD 193 (University Boulevard), approximately 0.5 mile east of its intersection with Riggs Road.

Gross Acreage:	1.08
Zone:	C-S-C
Gross Floor Area:	4,372 sq. ft.
Lots:	0
Parcels:	2
Planning Area:	65
Council District:	02
Election District:	17
Municipality:	N/A
200-Scale Base Map:	209NE02



Applicant/Address:
 McDonald's Real Estate Company
 110 N. Carpenter Street
 Chicago, IL 60607

Staff Reviewer: Eddie Diaz-Campbell
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Planning Board Date:	05/21/2020
Planning Board Action Limit:	N/A
Staff Report Date:	05/06/2020
Date Accepted:	02/10/2020
Informational Mailing:	06/14/2019
Acceptance Mailing:	01/02/2020
Sign Posting Deadline:	04/21/2020

Table of Contents

EVALUATION.....	3
FINDINGS	3
1. Request.....	3
2. Development Data Summary	4
3. Location.....	4
4. Surrounding Uses.....	4
5. Previous Approvals	4
7. 2010 Prince George’s County Landscape Manual Requirements	7
8. Zoning Ordinance Requirements for Freestanding Signs	9
9. Referrals.....	12
RECOMMENDATION	12

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Departure from Parking and Loading Spaces DPLS-472
Departure from Design Standards DDS-656
Departure from Sign Design Standards DSDS-700
McDonald's at University Boulevard

The Subdivision and Zoning staff has reviewed the above requested departures for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION

This departure from design standards was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of prior approvals;
- b. The requirements of the Prince George's County Zoning Ordinance;
- c. The requirements of the 2010 *Prince George's County Landscape Manual*;
- d. The requirements of the Tree Canopy Coverage Ordinance; and
- e. Referral comments

FINDINGS

1. **Request:** The site is occupied by an existing restaurant with drive-through service. The applicant is proposing changes to the site layout, in order to accommodate the Maryland State Highway Administration's (SHA) partial condemnation of the property for installation of Purple Line tracks. The area condemned varies in width, but reaches 22 feet, 7 inches at its widest point, as measured from the existing front property line. Within this area, 12 parking spaces and approximately 10 feet of landscape buffering are to be razed. The existing signage near the driveway entrance will also have to be relocated. The applicant proposes 6 new parallel parking spaces to replace the 12 to be removed; new landscaping at the front of the property, outside the condemnation area; and relocated signage. A departure is requested, in association with each of these three proposals, as follows:

- a. The applicant is requesting a Departure from Parking and Loading Spaces (DPLS-472), in order to allow a reduction in the number of parking spaces required, pursuant to Section 27-568(a) of the Prince George’s County Zoning Ordinance, Schedule of spaces required, generally. This departure seeks to reduce the number of existing parking spaces provided on-site from 53 to 47. The number of parking spaces required on-site by zoning is 75.
- b. The applicant is requesting a Departure from Design Standards (DDS-656), in order to allow a lesser standard of landscaping than required, for conformance with Section 4.2, Requirements for Landscape Strips Along Streets, of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). As a result of Purple Line development, the width of the frontage on MD 193 (University Boulevard) will be significantly reduced and will not provide adequate space to accommodate a landscape strip, as required by Section 4.2. The width of the proposed landscape strip varies between zero and about 5 feet, where a 10-foot width is required.
- c. The applicant is requesting a Departure from Sign Design Standards (DSDS-700), in order to allow relocation of the existing freestanding sign 5 feet behind the new post-condemnation right-of-way line. Section 27-614 of the Zoning Ordinance, Freestanding signs, requires a 10-foot setback from the right-of-way line.

2. **Development Data Summary:** The following chart summarizes the approved development for the subject property.

	EXISTING
Zone	C-S-C
Use(s)	Commercial
Total Acreage	1.07
Number of Parcels	2
Gross Floor Area	4,372 sq. ft.

- 3. **Location:** The subject site consists of two parcels, known as Parcel A of the Coopersmith Tract (the east parcel), and Parcel A of the Karl M. Hohensee Et Ux Property (the west parcel). The site is in the Commercial Shopping Center (C-S-C) Zone and is located on the north side of MD 193, approximately 0.5 mile east of its intersection with Riggs Road. The site is accessed from MD 193.
- 4. **Surrounding Uses:** The subject site is bound on the north and east by other commercial uses in the C-S-C Zone; to the south by MD 193, with additional commercial uses in the C-S-C Zone, and single-family detached dwellings in the One-Family Detached Residential (R-55) Zone beyond; to the west by a gas station in the C-S-C Zone; and to the northwest by transmission line right-of-way, owned by the Potomac Electric Power Company, in the R-55 Zone.
- 5. **Previous Approvals:** A restaurant with drive-through service has existed on-site since the 1960s. The use became certified nonconforming in 1984, in conjunction with Permit #50520-84U, but is no longer deemed nonconforming, due to the provisions of Section 27-461(b) of the Zoning Ordinance, Footnote 24. Four special exceptions have been approved for renovations of the McDonald’s; the first, SE-3527, was approved in 1984 for

expansion of the existing restaurant building. The second, SE-4006, was approved in 1993 to add a soft playland. The third, SE-4201, was approved in 1997 to enclose the playland, though this enclosure was never built.

The fourth and current Special Exception, SE-4686, along with associated departures DDS-611, DPLS-361, and DSDS-669, and Alternative Compliance AC-11028, were approved by the Prince George's County District Council in January 2013. SE-4686 authorized razing the existing restaurant building and building a new one of about the same size in a different location on the property. AC-11028 allowed parking and the trash enclosure to be located within the landscape bufferyard required by Section 4.7, Buffering Incompatible Uses, along the northwestern property line. DDS-611 allowed for a departure from the Section 4.7 landscape bufferyard requirement, along the northern and eastern property lines. DPLS-361 allowed a reduction in the number of required parking spaces from 75 to 53, and DSDS-669 allowed the property to retain its existing freestanding sign five feet behind the street line. The previously approved departures are discussed further in this technical staff report where they impact the presently requested ones.

An application to revise the current Special Exception SE-4686, known as Revision of Site Plan ROSP-4686-01, was accepted on February 25, 2020 and is pending Planning Director review following the Prince George's County Planning Board action on the subject departures.

6. **Zoning Ordinance Parking and Loading Standards:** Section 27-568(a)(5)(d) sets forth the required number of parking spaces for eating and drinking establishments with drive-through service. In this instance, the 4,384-square-foot eating and drinking establishment requires one parking space per three seats in the establishment, as well as one space per 50 square feet of gross floor area (GFA), excluding any area used exclusively for storage or patron seating, and any exterior patron service area. The plan includes 87 seats and 2,322 square feet of nonexcluded GFA. Therefore, a total of 75 parking spaces are required. The site has a previously approved DPLS-361, which was approved on April 12, 2012 by the Planning Board and affirmed on January 28, 2013 by the District Council. This departure authorized a reduction in the minimum number of parking spaces from 75 spaces to 53 required spaces. The applicant is now requesting DPLS-472, in order to allow a further reduction in the minimum number of parking spaces required from 53 to 47, a net reduction of 6 spaces.

Departure from Parking and Loading Spaces: When the requested departure is from the number of parking or loading spaces required, the required findings for approval are set forth in Section 27-588(b)(7)(A) of the Zoning Ordinance. The required findings are shown in **BOLD** below, with staff responses in plain text following:

Section 27-588. Departures from the number of parking and loading spaces required.

Section 27-588(b)(7) Required Findings:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

- (i) The purposes of this Part (Section 27-550) will be served by the applicant's request;**

[Section 27-550. Purposes

- (a) The purposes of this Part are:**
- (1) To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**
 - (2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
 - (3) To protect the residential character of residential areas; and**
 - (4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.]**

Staff finds that the four purposes listed under Section 27-550 of the Zoning Ordinance will be served by the applicant's request. According to the applicant, the fast food restaurant on the site has operated since 1960, and in that time, it has been demonstrated that most of its customers are served by the existing dual drive through. The proposed site changes will remove 12 parking spaces from the front of the property and replace them with 6 parallel parking spaces, resulting in a net reduction of 6 spaces. Even with this net reduction however, the parking on-site will continue to adequately serve the needs of all persons associated with the building and use. The remaining spaces will adequately serve the minority of customers who choose to park and walk in rather than use the drive through. It is unlikely that patrons will use nearby public streets for parking, given that MD 193 is a busy street with no parking on it, and patrons would have to cross this road in order to reach the restaurant if they parked on nearby neighborhood streets. The new parking spaces will be convenient to the restaurant, helping it to in turn continue acting as an amenity to the surrounding area.

There may be some impact on the character of the residential area across the street, due to the construction of the Purple Line. However, this impact is beyond the applicant's control. The applicant has responded appropriately to the Purple Line's construction by providing landscaping around the new parking spaces and next to the front property line, which will increase the aesthetic appeal of the property.

- (ii) The departure is the minimum necessary, given the specific circumstances of the request;**

The requested departure is the minimum necessary. The six parking spaces proposed by the applicant are the most they can recover given the area of SHA's condemnation and related site constraints.

- (iii) **The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;**

The requested departure is necessary, in order to alleviate the applicant from circumstances related to the installation of the Purple Line and the loss of approximately 4,830 square feet of land area. The lack of space makes it difficult for the applicant to provide the required number of parking spaces and a dual drive through. Thus, the site is compact, and a departure is necessary, in order to maintain the site's functionality.

- (iv) **All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

The applicant has employed all methods of calculating the number of spaces required.

- (v) **Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

The parking and loading needs of the adjacent residential area will not be infringed upon if the departure is granted. The residential area across MD 193 from the site is served by on-street parking along 24th Avenue and private driveways belonging to individual dwellings. Based on the traffic pattern and road design of MD 193, both before and after the construction of the Purple Line, it would be impractical for patrons of the restaurant to park in this residential area.

Based on the preceding analysis, staff finds that the required findings for approval set forth in Section 27-588(b)(7)(A) are met for DPLS-472.

- 7. **2010 Prince George's County Landscape Manual Requirements:** The site and proposed revisions to the landscaping are subject to the requirements of the Landscape Manual. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscape Requirements, are applicable. Conformance with the Landscape Manual was previously found in 2013 when SE-4686 was approved; while strict conformance was not possible, alternative compliance and a departure were approved alongside the special exception. Approval of AC-11028 allowed for parking and the trash enclosure to be located within the landscape bufferyard required by Section 4.7, Buffering Incompatible Uses, along the northwestern property line. Approval of DDS-611 allowed for a departure from the Section 4.7 landscape bufferyard requirement, along the northern and eastern property lines.

DDS-656 is a newly requested departure, separate from and additional to the DDS applications previously approved. This new departure would relieve the property from strict conformance with Section 4.2, Requirements for Landscape Strips Along Streets. The applicant proposes a landscape strip between zero and about 5 feet wide, where a 10-foot-wide landscape strip is normally required.

Departure from Design Standards: When the requested departure is from the design standards of the Landscape Manual, the required findings for approval are set forth in Section 27-239.01(7)(A) and (B) of the Zoning Ordinance. The required findings of Section 27-239.01(7)(A) are shown in **BOLD** below, with staff responses in plain text following:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

The site is too compact to accommodate the existing fast-food restaurant and impending Purple Line construction, and to simultaneously comply with the current standards regarding landscaping. However, there is still an opportunity to improve the property in a manner that closely aligns with the purposes and objectives of Section 4.2, Requirements for Landscape Strips Along Streets, namely to "enhance a business's commercial viability by improving its aesthetic appeal as viewed from the street to potential customers, investors, or passersby." The applicant's landscape plan advances this objective.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

The requested departure is the minimum necessary, especially given the fact that the area upon which the applicant can install/reinstall landscaping is extremely limited due to limitations imposed by SHA.

(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

The requested departure is necessary, in order to alleviate circumstances which are special to the subject property. SHA is removing approximately 10 feet of landscape buffering due to its partial condemnation of the property for the installation of the Purple Line tracks. The applicant will not be able to fully comply with the requirements of the Landscape Manual with the land area they have left to use, while still having space for other needed site features such as parking and driveways. These circumstances are unique to the properties, which will be affected by Purple Line condemnation proceedings.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

Landscaping will be reinstalled on the property in the wake of SHA's Purple Line construction, and the new landscaping will help revitalize the property and increase its visual appeal. The new landscaping will also be installed in such a way that it will not impact traffic circulation in the vicinity. SHA will handle the installation of a new relocated stormwater pipe, inlets, and associated connections. Based on these factors, the departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

The required finding of Section 27-239.01(7)(B) is shown in **BOLD** below, with staff response in plain text following:

- (B) For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements in paragraph (7)(A), above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.**

With respect to the specific departure requested, the applicant cannot provide a feasible proposal for alternative compliance that would exhibit equally effective design characteristics. The applicant proposed and was denied alternative compliance through application AC-11028-01. In its denial, the Alternative Compliance Committee noted "Spatial limitations on the subject site's frontage created by the public infrastructure project do not allow for normal compliance, or equally effective design, with the requirements of Section 4.2 for both the required landscape strip width and the number of plant units. Due to the limited frontage, the alternative design proposed in this application cannot be found to be equally effective as normal compliance with the requirements of Section 4.2(c)(3)(A)(i), Requirements for Landscape Strips Along Streets, along the MD 193 frontage." The design provides for landscape strip plantings consisting of trees and shrubs where it can reasonably be accommodated in the remaining limited frontage area.

Based on the preceding analysis, staff finds that the required findings for approval set forth in Section 27-239.01(7)(A) and (B) are met for DDS-656.

8. **Zoning Ordinance Requirements for Freestanding Signs:** Section 27-614 provides the following freestanding sign regulations, which pertain to the subject site:

(a) Location.

- (1) In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs shall only be located on property where the main building associated with the sign is located at least forty (40) feet behind the front street line. This shall not apply to integrated shopping centers, other commercial centers with three (3) or more businesses served by common and immediate off-street parking and loading facilities, industrial centers, or office building complexes.**

While the front street line will be moving due to Purple Line construction, the building will remain more than 40 feet behind the front street line. Therefore, a freestanding sign can still be permitted. The property is not in an integrated shopping center, a commercial center with three or more businesses, an industrial center, or an office building complex.

(4) Notwithstanding any other provisions of this Subtitle addressing setbacks and yards, in all Commercial and Industrial Zones (except the I-3 Zone), signs need only be located ten (10) feet behind the street line. Where the street line is situated behind the actual existing street right-of-way line, freestanding on-site signs may be temporarily located within the area between the street line and the existing street right-of-way line (the area of proposed future widening of an existing street), provided that:

- (A) The land area involved has not been, and is not in the process of being, acquired for street purposes;**
- (B) The sign is located at least ten (10) feet behind the existing street right-of-way line; and**
- (C) A written agreement between the owner and the Department of Permitting, Inspections, and Enforcement assures that the sign will be removed, at the owner's expense, at the time of acquisition of that area for street purposes.**

The applicant is requesting a DSDS for the location requirements because they propose to locate the property's freestanding sign five feet behind the street line. The street line will not be situated behind the street right-of-way line in this case, and the sign's new location will not be in an area proposed for future street widening. Rather, the applicant proposes moving the sign because its old location is in an area marked for future street widening with the Purple Line.

The site has a previous Departure from Sign Design Standards (DSDS-699), which was approved on April 12, 2012 by the Planning Board and affirmed on January 28, 2013 by the District Council. This departure authorized the property's existing freestanding sign to remain in place five feet behind the street line, so it did not have to move to come into conformance with the sign requirements at that time. With DSDS-700, the applicant now does seek to move the sign, but allow it to retain its position relative to the street line, which is also moving. They are requesting to relocate the sign so it will be five feet behind the new street line.

Departure from Sign Design Standards: When the requested departure is from the permissible locations for a sign, the required findings for approval are set forth in Section 27-239.01(7)(A). The required findings are shown in **BOLD** below, with staff responses in plain text following:

- (i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

In general, the purposes of the Sign Ordinance are to regulate unsightly and hazardous signs, to provide adequate identification and advertisement, to promote the general welfare of the residents of the county, and to foster the appropriate use of land, buildings, and structures. Although the required 10-foot setback is not being met, the applicant's goal is to retain the sign in its current position, relative to the front property line. Currently the sign is approved for a 5-foot setback through DSDS-669; the applicant is requesting that once condemnation is complete and the site's front property line is moved back, the setback be allowed to remain at five feet in its revised location. Retention of the existing sign in its current position, relative to the property line, would provide necessary visibility for the use in an appropriate manner, especially since the adjacent vehicular and pedestrian travel lanes will also be undergoing realignment. The height and area of the sign meet the requirements of the Prince George's County Code.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

The freestanding sign will be positioned so that it is not obstructive to pedestrians and motorists. The applicant is not requesting a departure that is more than necessary; the freestanding sign's noncompliance is a result of SHA's condemnation of the property's frontage.

(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

The requested departure is necessary, in order to alleviate circumstances which are special to the subject property. The departure is necessary to alleviate the applicant from setback violations caused by SHA's partial condemnation (and subsequent reconfiguration of property lines) and to ensure that the site maintains its commercial image. These circumstances are unique to properties which will be affected by Purple Line condemnation proceedings.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

A freestanding sign is necessary to provide adequate identification for the existing fast-food/drive-through use. The requested departure permits the freestanding sign to continue to communicate the presence of the fast-food establishment without compromising the character of the surrounding area or overpowering other nearby commercial uses. The freestanding sign in its new location will not have an impairing visual impact on the adjacent residential area, any more than it does in its current location.

Based on the preceding analysis, staff finds that the required findings for approval set forth in Section 27-239.01(7)(A) are met for DSDS-700.

9. **Referrals:** The relevant comments submitted from referred agencies for this application were included in this technical staff report. The following referral memorandums were received, and are incorporated by reference herein:

- Community Planning Section, dated March 13, 2020 (Hartsfield to Diaz-Campbell)
- Urban Design Section, dated April 2, 2020 (Bossi to Diaz-Campbell)
- Transportation Planning Section (Trails referral), dated March 9, 2020 (Ryan to Diaz-Campbell)
- Police Department, dated February 19, 2020 (Contic to Development Review Division)
- SHA, dated February 20, 2020 (Woodroffe to Diaz-Campbell)

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Subdivision and Zoning staff recommends that the Planning Board adopt the findings of this report and APPROVE Departure from Parking and Loading Spaces DPLS-472, Departure from Design Standards DDS-656, and Departure from Sign Design Standards DSDS-700 for McDonald's at University Boulevard, subject to the following conditions:

1. Prior to approval of permits, a Certificate of Landscape Maintenance shall be submitted, in accordance with Section 1.7 of the 2010 *Prince George's County Landscape Manual*. The new landscape strip plantings and any dead or missing plant material identified for replacement through the Certificate of Landscape Maintenance, shall be shown on the permit plans and installed upon completion of on-site construction activities.
2. Prior to certification of the departure site and landscape plans, the plans shall be revised to:
 - a. In the Zoning Requirements table on the coversheet, provide under "parking stall sizes" information on the regular and compact parallel parking spaces provided.
 - b. In the Zoning Requirements table on the coversheet, under "parking lot requirements," indicate that a departure has been approved, rather than alternative compliance requested.
 - c. Remove the approval blocks from all sheets. In the lower right corner of the plans, leave a 2-inch square blank space for placement of a new certification block, to be provided by the Development Review Division.
 - d. In the general notes of the as-built survey, provide the source of the bearings shown on the plan for the Coopersmith Tract.
 - e. In the general notes of the as-built survey, remove Note 4, as there is a known proposed change in the street right-of-way line shown on the plans.

- f. On the landscape plan, ensure no new plant materials are shown within the Maryland State Highway Administration right-of-way, and that old plant materials within the right-of-way are labeled as to be removed.