



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

PLANNING DIRECTOR DECISION

Limited Departures and Revisions to Approved Plans

Application No: ROSP-3445/04; DPLS-286

Project Name: Kentucky Fried Chicken

Reviewer's Name: Catherine H. Wallace

A. **Nature of the Applicant's Request:** Kentucky Fried Chicken (KFC) is requesting a minor revision to the site plan for this fast-food restaurant to permit the addition of a 75-square-foot cooler adjacent to the building due to the addition of an A&W root beer brand. The parking lot will also be restriped and plantings will be added to the landscape areas. In addition, five parking spaces were eliminated due to the widening of Branch Avenue; therefore, a departure of five spaces is requested.

B. **Required Findings:**

Section 27-325(c). Limited minor changes, Planning Director

- (1) **The Planning Director is authorized to approve minor changes administratively, without public hearing, in cases listed in (b), but only if the proposed minor changes are limited in scope and nature, including an increase in gross floor area or land covered by a structure other than a building up to ten percent (10%). The Director shall deny any administrative approval request proposing site plan changes which will have a significant impact on adjacent property.**
- (2) **Before approving a minor change, the Director shall make all findings the Planning Board would be required to make, if it reviewed the application.**
- (3) **The Director is not authorized to waive requirements in this Subtitle, grant variances, or modify conditions, considerations, or other requirements imposed by the Planning Board or District Council in any case.**
- (4) **The applicant's property shall be posted within ten (10) days of the Director's acceptance of filing of the application. Posting shall be in accordance with Part 3, Division 1. On and after the first day of posting, the application may not be amended.**
- (5) **The Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.**

- (6) If posting is waived or a written request for public hearing is not submitted within the posted time period, then the Director may act on the application. The Director's approval concludes all proceedings.
- (7) If the Director denies the application or a timely hearing request is submitted, then the application shall be treated as re-filed on the date of that event. The applicant, Director, and Technical Staff shall then follow the procedures for Planning Board review in (a) above.

Sec. 27-350. Drive-in or fast-food restaurant.

- (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 two hundred (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; and
 - (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.
- (b) A special exception shall not be required for the conversion of a drive-in restaurant to a fast-food restaurant, or the conversion of a fast-food restaurant to a drive-in restaurant, provided that no enlargement or extension takes place. The addition of a window or other facility to provide for drive-in service shall not be construed to be an enlargement or extension. The conversion shall be permitted for a drive-in or fast-food restaurant which has become a certified nonconforming use or was established pursuant to a Special Exception, provided that any conditions of the Special Exception remain in effect.

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

- (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;

- (ii) The departure is the minimum necessary, given the specific circumstances of the request;
 - (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;
 - (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
 - (v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.
- (B) In making its findings, the Planning Board shall give consideration to the following:
- (i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;
 - (ii) The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;
 - (iii) The recommendations of a municipality (within which the property lies) regarding the departure; and
 - (iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.
- (C) In making its findings, the Planning Board may give consideration to the following:
- (i) Public transportation available in the area;
 - (ii) Any alternative design solutions to off-street facilities which might yield additional spaces;
 - (iii) The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;
 - (iv) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.

C. Determinations:

1. The subject property is an irregularly shaped parcel located in the northeast quadrant of the Branch Avenue (MD 5)/Coventry Way interchange. It is also situated between the Clinton Square Shopping Center to the north and Coventry Way to the south. It is improved with a Kentucky Fried Chicken Restaurant.
2. The property is surrounded by the following uses, all of which are in the C-M Zone:

North/Northeast:	McDonald's Restaurant and a 7-Eleven convenience store
Southeast:	State Highway Administration stormwater management facility; and across Coventry Way: a funeral home and small office and retail businesses
Southwest:	MD 5 overpass over Coventry Way
Northwest:	Clinton Square Shopping Center
3. The applicant desires to add a 75-square-foot cooler to the restaurant, which currently measures 2,971 square feet. This is an increase in square footage of 2.5 percent above the approved square footage and is within the criteria for a limited minor change approvable by the Planning Director.
4. The construction of the MD 5 overpass at Coventry Way has resulted in the loss of five parking spaces, requiring the approval of a Departure from Parking and Loading Standards. The departure of 5 of the required 53 parking spaces is also within the criteria for a limited minor change. Similarly, the request for one additional compact parking space falls within these criteria.
5. On March 14, 2003, the property was posted in conformance with the requirements of Section 27-325(c)(4). No request to hold a hearing was received.
6. The proposed revision will have no appreciable effects on adjoining properties or views from the street. The proposed building materials and colors are compatible with the main structure, and the small size of the addition will allow it to blend in with the original building.
7. Due to its small size and compatibility with the main structure, the proposed addition will not alter the previous findings regarding specific requirements for a fast-food restaurant or the general requirements for special exception approval. The cooler will not add interior space that would affect parking requirements.
8. The requested parking space departure is the result of highway improvements to MD 5. Given the availability of the drive-through window and the parking experience at the restaurant, the remaining 48 spaces are adequate to serve the customers to the site and will not cause overflow parking onto adjacent properties or nearby streets.
9. Of the 48 parking spaces, one-third, or 16, are allowed to be compact. The proposed site plan shows 17 compact spaces, one more than allowed by the Zoning Ordinance. The effect of this departure will be insignificant in terms of parking availability and usage.

10. The proposed revisions comport with the 1993 Subregion V Master Plan recommendation for retail and service-commercial use.
11. The site is not subject to the requirements of the *Landscape Manual* because the increase in square footage is less than ten percent. The changes to the approved landscape plan are the result of the building of the ramp along Branch Avenue (MD 5). The Urban Design staff finds the landscape plan revisions to be a reasonable response to the impact of the ramp upon the development of the site.

D. **Recommendation:** APPROVAL of ROSP-3345/04 and DPLS-286.

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Date: _____ **APPROVED BY** _____
Fern V. Piret, Planning Director