

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

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REVISION OF SITE PLAN SPECIAL EXCEPTION 4082/01 (DPLS-279)

Application	General Data
Project Name McDonald's (Lanham's Station)	Date Accepted 12/20/01
	Planning Board Action Limit N/A
Location Southeast side of MD 450 approximately 400 feet northeast of I-495, known as 9007 Annapolis Road.	Tax Map & Grid 044 B-3
	Plan Acreage 0.81
	Zone C-M
	Dwelling Units N/A
Applicant McDonald's Corporation 7600 Wisconsin Avenue, 9 th Floor Bethesda, Maryland 20814-3529	Square Footage N/A
	Planning Area 70
	Council District 05
	Municipality None
	200-Scale Base Map 207NE7

Purpose of Application		Notice Dates	
ROSP-4082/01-Reconstruction of building DPLS-279- Departure for 25 of the 66 required off-street parking spaces		Adjoining Property Owners (CB-15-1998)	May 3, 2002
		Previous Parties of Record (CB-13-1997)	None
		Sign(s) Posted on Site	April 26, 2002
		Variance(s): Adjoining Property Owners	N/A
Staff Recommendation		Staff Reviewer: Catherine H. Wallace	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

May 8, 2002

TECHNICAL STAFF REPORT:

TO: The Prince Georges County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Catherine H. Wallace, Planner/Coordinator

SUBJECT: **Revision of Site Plan (Minor Change) Special Exception Application No. 4082/01,
Departure from Parking and Loading Standards Application No. 279**

REQUEST: **Reconstruction of restaurant building and departure for 25 of 66 required parking
spaces**

RECOMMENDATION: **APPROVAL; with conditions**

NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date indicated above. The Planning Board also encourages all interested persons to request to become a person of record in this application. Requests to become a person of record should be made in writing and addressed to the Development Review Division at the address indicated above. Please call 301-952-3530 for additional information.

FINDINGS:

- A. Location and Field Inspection: The subject property is located on the south side of Annapolis Road, approximately 400 feet east of the Capital Beltway. It is about .8 acre in size and currently developed with a 4,787-square-foot McDonald's Restaurant with a playground and drive-thru window.
- B. History: The restaurant was constructed in 1968 in the C-M Zone, prior to the enactment of special exception requirements for fast-food restaurants. The drive-thru window was added in 1980 pursuant to a permit, which was later validated as having been issued in error (ERR-87). The validation of this permit also conferred upon the site the status of a legal nonconforming use.

In 1980, Special Exception 3864 for a new restaurant was approved, but was never utilized and was ultimately revoked. In 1992 McDonald's obtained Special Exception 4082 for the purpose of adding a playground structure and other minor site revisions.

- C. Master Plan Recommendation: The *Adopted and Approved Master Plan for Glenn Dale-Lanham-Seabrook and Vicinity* recommends commercial use for the subject property.
- D. Request: The applicant desires to raze the existing building and reconstruct a slightly smaller restaurant (4,007 square feet) on the site. There will be minor modifications to the parking lot, primarily to change the location of the loading area. The site will continue to have a parking lot oriented to a one-way circulation pattern, in conjunction with the drive-thru window traffic. The playground will be eliminated and additional landscaping will take its place.
- E. Neighborhood and Surrounding Uses: The neighborhood defined for this case is the same neighborhood identified for SE 4082:

North - Annapolis Road

East and South - National Railroad Passenger Corporation Railway Line tracks

West - Capital Beltway

The neighborhood is comprised of retail and service-commercial uses. The following uses surround the property:

North - a hotel, offices, two restaurants, and an auto dealership in the C-M Zone.

East - auto repair, funeral home and motel in the C-M Zone

South - across the railroad tracks are apartments in the R-18 Zone

West - restaurants, an office building and the Lanham Station Shopping Center in the C-M Zone.

- F. Minor Change Provisions Sec. 27-325.:

(a) **Minor changes, in general.**

- (1) The Planning Board is authorized to grant the minor changes covered by this section, and any variance requested in conjunction with the minor change.
- (b) Less than five (5) acres in size.
 - (1) Changes of site plans for property of less than five (5) acres may be permitted by the Planning Board, provided that either of the following two (2) situations exists:
 - (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 (see Figure 40); 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 (see Figure 41).
 - (B) Situation No. 2.
 - (i) There is a proposed change in the design of a parking lot or loading area; or
 - (ii) There is a proposed change in a landscape plan.

This application satisfies the minor change criteria of Section 27-325. There is no increase in floor area proposed, and there will also be a change in parking lot design and landscape plan; thus, both Subsections (A) and (B) above apply.

G. Specific Special Exception Requirements Sec. 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 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;

The proposed parking lot will be located approximately 90 feet from residentially zoned land and the building will be located about 163 feet from residentially zoned land. However, this residentially zoned land is located within the right-of-way of the adjoining railroad tracks. The railroad right-of-way is approximately 170 feet wide at the location of the subject property. Half of the right-of-way from the subject property line to the centerline of the railroad is in the C-M Zone. The other half adjoining R-R and R-18 zoned land to the south is in those respective residential zones. A reduction of the 200-foot wide setback requirement is, therefore, appropriate. The actual setback of the proposed parking lot on the subject property will be 175 feet, and the setback for the building will be 248 feet, from land in residential use. Moreover, the railroad tracks which intervene, form an effective buffer and are themselves more likely to impact adjoining properties than the subject restaurant.

The site plan currently refers to the split zoning of the railroad right-of-way but fails to provide specific information on the location of the centerline. This information must be shown on the site plan.

- (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;**

A bicycle rack is shown on the proposed site plan.

- (3) **The use will not restrict the availability, or upset the balance, of land use in the neighborhood for other commercial uses;**

As noted in the history of this property, a fast-food restaurant has existed in this location for 34 years. The surrounding neighborhood has a variety of retail and service-commercial uses, which includes both fast-food and other restaurants. The continuation of this use will not upset the balance of land uses in the neighborhood.

- (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.**

Given the subject property's location in a commercial area, there is no need to require unusual restrictions on advertisement, lighting, hours of operation, or activity.

H. Parking Regulations:

The proposed use requires 66 parking spaces. The applicant's site plan shows 41 spaces within the boundaries of the special exception and an additional 27 spaces on an adjoining lot to the rear of the adjacent Jerry's Subs restaurant. A stream and small area of wetlands are located on this adjoining property, which would require state and federal wetland permits prior to filling and construction. For this reason, the applicant is not relying upon these parking spaces and has filed the companion departure from parking and loading spaces application. It is noted that the applicant's statement of

justification refers to 42 parking spaces on the subject site; but revised plans, dated 4/25/02, correctly note that 41 spaces are located on site, therefore, requiring a departure of 25 parking spaces. Refer to Section L. of this report for a detailed discussion of the departure request.

The revised plans also show a 25-foot-wide access to the loading space and provides for two-way traffic on the southwestern access driveway to the location of the loading space, in conformance with the design standards of Part 11 of the Zoning Ordinance. The proposed plans also show conformance with all other parking and loading design standards.

- I. Landscape Manual Requirements: The proposed landscape plan complies with the regulations of the *Landscape Manual*, per the February 6, 2002, referral reply from the Urban Design Section.
- J. Zone Standards: The proposed site plan indicates compliance with the regulations of the C-M Zone.
- K. Sign Regulations: A freestanding sign is indicated in a location ten feet from the right-of-way for the Annapolis Road service road in compliance with the sign regulations.
- L. Departure Requirements ~~Sec. 27-588(b)(8)~~:

The Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:

1. **The purposes of Section 27-550 will be served by the applicant's request.**

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.**

The above purposes will be met. McDonald's is proposing to build a restaurant with 90 seats. It has operated a slightly larger restaurant with 98 seats at this site for many years with 42 parking spaces. The applicant's consultant, Street Traffic Studies, Ltd., carried out a parking survey on a weekday and weekend day, finding that at maximum usage, only 23 to 30 spaces were actually occupied. Staff field inspections revealed similar patterns of parking space use by patrons. Therefore, the proposed number of spaces is sufficient to serve the parking needs of the business and will not create traffic

congestion on nearby streets. There are no residential areas near the business; therefore, no residential areas are impacted by the proposed departure.

2. The departure is the minimum necessary, given the specific circumstances of the request.

The applicant is exploring the feasibility of providing parking on the adjoining property; however, the requested departure is the minimum necessary to bring the parking lot on the subject property into conformance with the requirements of the Zoning Ordinance.

3. 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.

This use has existed on the property for many years. The applicant is exploring alternative parking on adjacent property but the potential environmental constraints on that site create a circumstance special to this use, which creates the need for the current departure request.

4. All methods for calculating the number of spaces required have either been used or found to be impractical.

There are no feasible alternatives to provide additional parking on this property.

5. Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

There are no residential areas near the business; therefore, no residential areas are impacted by the proposed departure.

(B) In making its findings, the Planning Board shall give consideration to the following:

1. 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 500 feet of the subject property.

Other businesses in the general vicinity of the subject property have on-site parking, and there are no unusual parking or loading conditions which create congestion on nearby streets.

2. The recommendations of an area master plan, or county or local revitalization plan, regarding the subject property and its general vicinity.

The *Adopted and Approved Master Plan for Glenn Dale-Lanham-Seabrook and Vicinity* recommends commercial use for the subject property. Community Planning Division staff found no master plan issues raised by this application. (See memorandum from Paul Fields, January 31, 2002.)

3. The recommendations of a municipality (within which the property lies) regarding the departure.

The subject site is not located within a municipality. The nearby City of New Carrollton has been notified of this application, and the applicant has met with city representatives. No referral reply was received from the city.

4. **Public parking facilities which are proposed in the county's Capital Improvement Program within the general vicinity of the property.**

There are no parking facilities proposed in this vicinity.

(C) **In making its findings, the Planning Board may give consideration to the following:**

1. **Public transportation available in the area.**
2. **Any alternative design solutions to off-street facilities which might yield additional spaces.**
3. **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 500 feet of the subject property.**
4. **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.**

There is no public transportation immediately adjoining the subject site; the applicant has explored alternative parking solutions; and there are no unusual hours of operation of adjoining businesses which could have an affect upon parking requirements.

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.**

The general purposes of the Zoning Ordinance can be summarized as protecting and promoting the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the county, by promoting beneficial land use relationships. The District Council has found on two occasions that this restaurant exists in harmony with the purposes of this Subtitle, and the proposed revision will not alter that relationship.

- (2) **The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

With the approval of the requested departure, this use will be in conformance with all applicable requirements and regulations.

- (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.**

This use conforms to the recommendations of the applicable master plan.

- (4) **The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

The proposed revision will not alter the prior findings that a fast-food restaurant at this location 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.**

The proposed revision will not change the previous findings that the use is not, and 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 proposed use is exempt from the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is less than 40,000 square feet and does not have a previously approved Tree Conservation Plan. (Environmental Planning Section referral reply, January 25, 2002)

CONCLUSION:

The proposed use will update the current restaurant with a new building and parking and loading layout. It will have no other impacts on the surrounding area. Furthermore, based on the length of operation of a fast-food restaurant at this location, the relationship to the surrounding area appears to be a beneficial one. The requested parking space departure will similarly echo the current situation with regard to parking, and based on the traffic consultant study and staff field observations, the departure is warranted. The site plan was revised on April 25, 2002, to address staff comments. It must be revised to reflect the location of the railroad centerline to determine exact compliance with Section 27-350(a). Based on the above findings, we recommend APPROVAL of ROSP 4082 and DPLS 279 with the following recommendation for a site plan revision:

The site plan shall be amended to show the centerline of the adjoining railroad right-of-way and the distance of residentially zoned property from the subject property line, in accordance with Section 27-350(a).