

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 SE 4306/1 (MINOR CHANGE) (DPLS 273) & (DDS 525)

Application	General Data
Project Name Bojangle's  Location West side of Allentown Road approximately 800' north of Maxwell Avenue, known as 5001 Allentown Road.  Applicant Allentown Road Associates, LLC 15942 Shady Grove Road Gaithersburg, Maryland 20877	Date Accepted 7/17/01
	Planning Board Action Limit
	Tax Map & Grid 098 D-2
	Plan Acreage 0.6170 Acres
	Zone C-S-C
	Dwelling Units
	Square Footage
	Planning Area 76B
	Council District 09
	Municipality None
	200-Scale Base Map 207SE6

Purpose of Application	Notice Dates
RO SP SE 4306/1 - Restriping of parking lot & replacing existing free-standing sign in accordance with Sections 27-325 & 27-317  DPLS 273 - Departure of 13 of the required 42 off-street parking spaces in accordance with Sections 27-568 & 27-588  DDS 525 - Departure from width of drive aisle in accordance with Section 27-560	Adjoining Property Owners (CB-15-1998) 08/21/01
	Previous Parties of Record (CB-13-1997) 07/23/01
	Sign(s) Posted on Site 09/26/01
	Variance(s): Adjoining Property Owners None
Staff Recommendation	Staff Reviewer
APPROVAL	APPROVAL WITH CONDITIONS
DISAPPROVAL	DISCUSSION
DPLS-273	ROSP-4306/1
DDS-525	

NEW-DATA.FRM

October 3, 2001

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board

VIA: Arie Stouten, Zoning Supervisor

FROM: Tom Lockard, Senior Planner

SUBJECT: **Revision of Site Plan (Minor Change) Special Exception Application No. 4306/1**  
**Departure from Parking and Loading Standards Application No. 273**  
**Departure from Design Standards Application No. 525**

REQUEST: **ROSP-4306/1: Minor Change to Parking Lot**  
**DPLS-273: Departure of 9 of 38 required off-street parking spaces**  
**DDS-525: Departure of 6 feet from the 22-foot-wide drive aisle requirement**

RECOMMENDATION: **ROSP-4306/1: Approval, subject to conditions**

**DPLS-273: Approval**

**DDS-525: Denial**

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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.

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## FINDINGS:

A. Location and Field Inspection: The subject property is 0.67 acre in area and is located on the northwest side of Allentown Road, 800 feet northeast of its intersection with Maxwell Avenue. The site is developed with a vacant building which has been used as a variety of fast-food restaurants over the last 30 years. The site is part of a larger group of uses which was at one time an integrated shopping center. One of the major anchors of that center, a Memco retail store, has been closed for many years and is currently occupied by a church. The property continues to share access to Allentown Road with the church and other nearby retail businesses.

B. History: The building on the site was originally constructed in 1970 as a Jr. Hot Shoppe restaurant. At that time, eating and drinking establishments were a permitted use in the C-S-C Zone. After changing to a Roy Rogers, the use became nonconforming in 1978, when the District Council passed legislation requiring a special exception for fast-food restaurants. In 1990, when the restaurant was sold to Hardees, it was certified as a legally established nonconforming use.

In 1998, the McDonald's Corporation received permission from the District Council to convert the site to a McDonald's restaurant as part of a major site redesign pursuant to SE-4306. The existing building was to be razed and a new building constructed. However, McDonald's has since decided not to pursue development of the site.

C. Master Plan Recommendation: The 1981 Master Plan for Subregion VII recommends retail-commercial use for the site.

D. Requests:

**ROSP-SE-4306/1:** The applicant seeks permission to make the following renovations:

1. Remodel the interior and exterior facade of the building.
2. Provide a new preview board, menu board and speaker to facilitate drive-through orders.
3. Restripe parking spaces, crosswalks and spaces for the handicapped.
4. Replace the existing freestanding sign.

**DPLS-273:** The applicant requests a departure of 9 of 38 required off-street parking spaces.

**DDS-525:** The applicant requests a departure of 6 feet from the 22-foot drive aisle width requirement.

E. Neighborhood and Surrounding Uses: The site is surrounded by the following uses:

Northwest: A church in the C-S-C Zone

Northeast: A real estate business and a flea market in the C-S-C Zone.

South and East: Across Allentown Road is the Andrews Air Force Base in the I-1 Zone.

The neighborhood is defined by the following boundaries:

North and Northwest: The Capital Beltway (I-495)  
Northeast: Suitland Road  
South and Southeast: Allentown Road  
West: Auth Road

This is the same neighborhood accepted in SE-4306. It contains strip-commercial uses along Allentown Road. The southwest corner of the neighborhood near Auth Road is developed with garden apartments and single-family residences in the Andrews Manor subdivision.

F. Minor Change Provisions: Section 27-325(b) - Minor Changes to Special Exception Site Plans:

(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 exist:**

(A) **Situation No. 1**

- (i) **There is a proposed increase in gross floor area of 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; or**
- (ii) **There is a proposed change in a landscaped plan.**

Finding: The building approved as part of SE-4306 was 3,246 square feet in area. The applicant is proposing to use the existing building, which is 3,340 square feet. The resulting 94-square-foot difference is less than a ten percent increase. In addition, the applicant is proposing changes to the parking lot.

G. Specific Special Exception Requirements: Section 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;**

Finding: The nearest residentially zoned land is more than 200 feet away.

- (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;**

Finding: A bicycle rack for six bicycles is shown on the site plan.

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

Finding: There has been a fast-food restaurant on this site for more than 30 years. During that time it has not, nor will it, restrict the availability or upset the balance of land use in the neighborhood for other commercial uses. The other commercial uses in the neighborhood include the Andrews Manor Shopping Center, which is well-leased. There is little vacant commercial land in the area.

- (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.**

Finding: The site is located along a heavily-used commercial strip, which will not be negatively impacted by the same type of use which has existed on the property for more than 30 years. However, the site plan must be amended to show the location of and required screening for the trash dumpster.

H. Departure from Parking and Loading Space Requirements:

- (a) **Section 27-588(b)(8) of 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:**

- (A) **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.**
- (B) **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.**

**(C) To protect the residential character of the residential areas.**

**(D) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

Finding: The purposes of Section 27-550 will be generally served by the applicant's request to waive a total of 13 of the 42 required parking spaces for their proposed fast-food restaurant. The site, due to the fact that it has been developed for three decades, cannot physically accommodate the additional parking spaces without a total reconfiguration of the site. Doing so would result in few additional spaces, and would necessarily decrease the area available for landscaping. The site continues to gain access from a shared drive with other adjoining uses. The site is surrounded by parking for other commercial and institutional uses; there are no residences to impair. When weighing its positive impact of additional green space versus the need for additional parking spaces, staff could not find the need so overwhelming as to recommend the additional parking spaces be provided.

The applicant has provided a parking analysis which shows that a similarly situated restaurant (a Bojangle's on US 301 in Upper Marlboro) had a mid-day peak demand of 21 parking spaces. This compares favorably to a study conducted in 1998, which showed the then-existing Roy Rogers restaurant had a peak demand of 18 spaces, while a McDonald's further north on Allentown Road had a peak demand of 22 spaces. Thus, it would seem that the 29 parking spaces will be sufficient to serve the needs of the restaurant.

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

Finding: The departure is the minimum necessary given the specific circumstances of the request and to alleviate circumstances special to the subject property, i.e., the use having been in existence for more than 30 years.

**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.**

Finding: This restaurant was approved and constructed prior to most of today's design criteria for parking lots.

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

Finding: All methods for calculating the number of spaces required have been used, and there is no method which results in fewer spaces being necessary other than a reduction in the number of seats in the restaurant, which seems excessive.

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

Finding: There are no adjoining residential areas to be infringed upon.

(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.**

Finding: The site is located as a de facto pad site surrounded by the expansive parking lot for the Church of the Great Commission on one side and the Great Eastern Antique Flea Market on the other. These parking lots contain hundreds of parking spaces.

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

Finding: The 1981 Master Plan for Subregion VII recommends that the existing commercial areas in the Camp Springs community be strengthened with additional appropriate uses so that they may evolve into activity centers. The plan is silent on the question of parking spaces. Certainly, the renovation and reopening of this long-abandoned business will help strengthen the commercial area.

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

Finding: The site is not located within a municipality.

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

Finding: There are no parking facilities shown in this vicinity in the county CIP.

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

1. **Public transportation available in the area.**

Finding: There is Metrobus service along Allentown Road.

2. **Any alternative design solutions to off-street facilities which might yield additional spaces.**

Finding: The only alternative design solutions would involve a total reconfiguration of the building and site (such as was proposed by McDonald's), and would then result in only an additional parking space or two.

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.**

Finding: The adjoining church has services on Sunday morning and some Sunday evenings. It also has weekly meetings on Tuesday and Wednesday evenings. The Great Eastern Antique Flea Market does not have posted hours of operation. The Coldwell-Banker building has normal M-F business hours.

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.**

Finding: The site is located in the C-S-C Zone.

- I. Landscape Manual Requirements: When SE-4306 was approved in 1998, it was subject to the approval of an Alternative Compliance application (AC-97078). The applicant must show this landscaping on the site plan.
- J. Zone Standards: The proposed development is in compliance with the regulations of the C-S-C Zone.
- K. Sign Regulations: The applicant proposes to replace the existing freestanding sign. The sign location on the site plan exceeds the setback criteria from the right-of-way. However, the applicant should note that the sign must also comply with the height and area requirements of the sign regulations.
- L. Departure from Design Standards Application No. 525 (Departure of 6 feet from the 22-foot drive aisle width):
- (a) **Section 27-239.01(b)(9) of 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 this Subtitle will be equally well or better served by the applicant's proposal.**

Finding: The applicant seeks permission to retain a 16-foot-wide drive aisle, pointing out that this drive aisle has been sufficient for many years. While we would agree that the drive aisle has been at or near this width for many years, staff is of the opinion that the drive aisle should be brought up to a full 22 feet. Doing so would only require the removal of a small amount of curbing, and it would ensure an adequate width, safe for two-way traffic circulation.

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

Finding: The departure is not the minimum necessary, since it can easily be rectified and the full 22-foot-wide drive aisle accommodated.

3. **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.**

Finding: The departure is not necessary to alleviate any unique circumstances.



**4. The departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.**

Finding: The requirement for a 22-foot-wide drive aisle is necessary to ensure for safe traffic movement on the site. To allow for an unnecessary reduction jeopardizes the safety of patrons and thus the integrity of the site and the surrounding neighborhood.

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

Finding: This departure is not from a standard contained in the *Landscape Manual*.

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.**

Finding: The purposes for zoning are contained in Section 27-102. These purposes generally seek to protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the county. With the recommended conditions, the proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The proposal will simply continue a use that has occurred on this site for many decades.

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

Finding: With the conditions recommended, the proposed use and site plan are in conformance with the applicable regulations and requirements.

**(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.**

Finding: The proposed use is consistent with the recommendation of the *Subregion VII Master Plan*, which recommends retail-commercial use for the property.

**(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.**

Finding: The subject property has been developed with a fast-food restaurant since 1970. It has functioned as a pad site, part of a larger commercial development sharing common access points and relying on shared circulation. Because this application simply represents a

continuation of this situation, the site is expected to function as before and will not create a negative impact on the surrounding area. With the exception of the drive aisle departure, which staff views as unnecessary, there will be no adverse effects on the health, safety or welfare.

**(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

Finding: The site is exempt from this provision in that it is less than 40,000 square feet in area and does not have a previously approved TCP.

**CONCLUSION:**

The applicant has met their burden of proof in two of these three applications (ROSP-SE-4306/1 and DPLS-273). They have failed to meet that burden in the remaining application (DDS-525). Therefore staff recommends:

**ROSP-SE-4306/1:** APPROVAL, subject to the following conditions:

1. The site plan shall be revised to show the following:
  - a. The location of and required screening for the dumpster.
  - b. A 22-foot-wide drive aisle.
  - c. The landscaping approved in AC-97078.

**DPLS-273:** APPROVAL

**DDS-525:** DENIAL