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Special Exception Application

SE-4574

Application	General Data
Project Name: Panda Restaurant Location: Northeast corner of Hampton Park Boulevard and Hampton Mall Drive North, known as 8800 North Hampton Mall Drive. Applicant/Address: Panda Restaurant Group, Inc. 1683 Walnut Grove Avenue Rosemead, California 91770	Date Accepted: 09/01/06
	Planning Board Action Limit: NA
	Plan Acreage: 0.68
	Zone: I-1
	Dwelling Units: N/A
	Square Footage: 2448
	Planning Area: 75A
	Tier: Developed
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 201NE08

Purpose of Application	Notice Dates
Fast Food Restaurant	Adjoining Property Owners Previous Parties of Record Registered Associations: 07/25/06 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation		Staff Reviewer: Laxmi Srinivas	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

March 13, 2007

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Laxmi Srinivas, Senior Planner

SUBJECT: **Special Exception Application SE-4574**

REQUEST: **Panda Restaurant**
Fast food restaurant with a drive-through window

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the planning board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3530.

FINDINGS:

- A. Location and Field Inspection:** The subject 0.68-acre property is located in the I-1 Zone on the northeast corner of Hampton Park Boulevard and Hampton Mall Drive North and is known as 8800 North Hampton Mall Drive. The site is developed with an existing 3,300-square-foot Pizza Hut restaurant. Access to the property is from two-way entrances along Hampton Mall Drive North and Hampton Park Boulevard. The property has approximately 175 feet of frontage along Hampton Park Boulevard and approximately 116 feet of frontage along Hampton Mall Drive North.

B. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Restaurant	Fast food restaurant with drive-through window
Acreage	0.68	0.68
Lots	NA	NA
Parcels	1	1
Square Footage/GFA	3,300	2,448

Other Development Data

- C. History:** The District Council approved a Special Exception SE-3510 for the existing 3,300-square-foot Pizza Hut restaurant on July 30, 1984.
- D. Master Plan Recommendation:** The property is located in an area identified in the 2002 General Plan as the Developed Tier. The application is in conformance with the land use recommendations of the 1985 approved Master Plan and 1986 adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B. The master plan retained the I-1 Zone for the property.
- E. Request:** The applicant is proposing a 2,448-square-foot fast-food restaurant with a drive-through window for Panda Express. The proposed building will replace the existing Pizza Hut restaurant building. The driveway for the drive-through is proposed behind the restaurant building on the north side of the property. Parking is proposed on the south side of the building near the entrances to the site. The applicant is also proposing new signage.
- F. Neighborhood and surrounding uses:** The subject property is located in a neighborhood defined by the following boundaries:
- MD 214 (Central Avenue) on the north
 - I-95 on the east
 - Ritchie Road on the south and east

The property is surrounded by the following uses:

North—Vacant gas station in the I-1 Zone.

East—Retail (7-Eleven store) in the I-1 Zone.

South—Hampton Mall Drive North and retail and vacant property in the I-1 Zone across from Hampton Mall Drive North.

West—Hampton Park Boulevard and hotel and restaurant in the I-1 Zone across from Hampton Park Boulevard.

G. Specific Special Exception Requirements:

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 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 subject property is surrounded by industrially zoned properties. There are no residential properties or residentially zoned properties within 200 feet of the boundaries of the subject property.

- (2) A bicycle rack for at least six 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;**

Since the master plan has designated Hampton Park Boulevard as a designated bikeway, it is appropriate to provide bicycle racks. A condition of approval has been added to provide six bicycle racks.

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

The proposed restaurant will complement the retail, hotel and restaurant uses on the surrounding properties and will not restrict the availability, or upset the balance, of land use in the neighborhood for other commercial uses.

- (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.**

The applicant is proposing a variety of signs for outdoor display and advertisement. A sign permit is required for the proposed signs. The applicant is proposing to use existing light poles and proposed light poles for illumination. Conditions of approval have been added to ensure that the proposed lighting does not adversely impact the surrounding properties. The restaurant will be open from 11 a.m. to 10 p.m., Sunday through

Saturday. The hours of operation will complement the hours of operation of the surrounding retail uses.

With the proposed conditions, the proposal will ensure 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.**

Since the applicant is demolishing the existing structure and constructing a new structure on the property, a special exception is required.

- H. Parking Regulations:** Section 27.568(a)(3), Schedule of Parking Spaces, of the Zoning Ordinance requires one parking space for every three seats plus one parking space for 50 square feet of gross floor area (excluding storage and exterior seating)

Proposed Seating and SquareFootage	Required Parking	Proposed Parking
52 interior seats	52/3=18 spaces	18
16 exterior seats	16/3=6	6
1,273 square feet (excluding storage and patron seating)	1,019/50=21	21
TOTAL	45	33

The parking schedule provided by the applicant is incorrect. A condition of approval has been added to provide the correct parking schedule. Since the applicant is providing less than the required number of parking spaces, a departure from the parking and loading standards is required. A condition of approval has been added to require the same.

- I. Landscape Manual Requirements:** Section 27.328.02, Landscaping, Buffering and Screening, of the Zoning Ordinance states that all special exceptions requiring the construction, enlargement or extension of a building are subject to the requirements of the *Landscape Manual*. Since the applicant is demolishing the existing building and constructing a new building, the proposal is subject to the requirements of Section 4.2, Section 4.3, and Section 4.7 of the *Landscape Manual*. The dumpster and mechanical equipment are subject to screening requirements of Section 4.4 of the *Landscape Manual*.

The proposal does not comply with the requirements of Section 4.3 along the northern property line and the requirements of Section 4.7 along the eastern property line. Therefore, the applicant has obtained approval of an Alternative Compliance application AC-07002.

- J. Zone Standards:** The subject property is in the I-1 Zone. Section 27.473, Uses Permitted, of the Zoning Ordinance requires a special exception approval for a fast-food restaurant with a drive-through window in the I-1 Zone. The proposal is consistent with the development standards for lot coverage, frontage, setbacks, height, etc., in the I-1 Zone. Although the proposal is consistent

with the development standards for the I-1 Zone, the data table does not reflect the proposed setbacks, etc. A condition of approval has been added to require the same.

K. Sign Regulations: The applicant is proposing the following signs for the proposed restaurant:

1. **Building Identification Sign:** This sign is proposed on the front elevation facing Hampton Mall Drive North. The sign will be a self-illuminated sign stating “Panda Express.” It will be 21 feet and 8 inches in length and 2 feet and 3.25 inches in width, with a total area of 48.99 square feet. This sign is referred to as Sign A on the drawings.
2. **Restaurant Logo Signs:** The restaurant logo sign is proposed on the front elevation facing Hampton Mall Drive North and the side elevation facing Hampton Park Boulevard. The signs will be self-illuminating signs depicting the restaurant logo. They will be 6 feet 6 inches in diameter with a total area of 42.25 square feet. The signs are referred to as Sign B1 and Sign B2 on the drawings.
3. **Freestanding Identification Sign:** This sign is proposed on the west side of the restaurant building to be visible from Hampton Park Boulevard. The sign will be a double-faced, self-illuminated sign depicting the restaurant logo and identifying that it has drive-through facilities. It will be mounted on 12-inch diameter piping. It will have a total height of 25 feet. The sign itself will be 8 feet and 4 inches wide and 8 feet and 4 inches high with a total area of 82 square feet. This sign is referred to as Sign K on the drawings.
4. **Directional signs:** Two directional signs are proposed, one at the entrance to the drive-through and the other at the exit for the drive-through. The sign at the entrance is a double-faced self-illuminated sign stating “drive through.” The sign at the exit is a double-faced self-illuminated sign stating “No entry” on one side and “Thank you” on the other side. Both the signs are mounted on three-inch square tube posts. The signs will have a total height of three feet and the signs will be two feet wide and one foot high with a total area of two square feet. The signs are referred to as Sign F and Sign G on the drawings.
5. **Safety sign:** This sign is proposed at the entrance to the drive-through to indicate vertical clearance for vehicles. This is a nonilluminated sign stating “Clearance 9 feet.” The sign will be 11 feet in width and 6 inches in height. It will be mounted on posts that are 10 feet in height and 11 feet in width. This sign is referred to as Sign H on the drawings.
6. **Neon Sign:** This sign is proposed as a window display on the front elevation facing Hampton Mall Drive North. It is a single-faced illuminated neon window display sign stating “drive thru open.” It will be two feet wide and two feet high with a total area of four square feet. This sign is referred to as Sign I on the drawings.

Zoning Ordinance Requirements for Signs

Section 27.613, Signs attached to a building or canopy, of the Zoning Ordinance states that the building signs may be attached to the walls of a building or a canopy that is located at least ten (10) feet behind a street line.

The proposed building identification sign, the logo signs and the neon sign will be considered as signs attached to a building or a canopy. The proposed building is located more than 40 feet from the streets.

No sign shall extend more than 12 feet above the roof line of the building.

The signs are proposed below the roof line of the building.

The area of all signs on a building shall not be more than two square feet for each one lineal foot of width along the front of the building (measured along the wall facing the front of the lot or the wall containing the principal entrance to the building, whichever is greater), to a maximum of 400 square feet.

The linear foot of the front elevation of the building is 68 feet. A maximum sign area of 136 square feet (68×2) is allowed on this frontage. The total area of the proposed building identification sign, the proposed building identification sign, the logo sign and the neon sign on this elevation is 91.25 square feet. The west elevation of the building is 36 linear feet. A maximum sign area of 72 square feet (36×2) is allowed on this frontage. The total area of the logo sign on this elevation is 42.25 square feet.

Section 27.614, Freestanding signs, of the Zoning Ordinance states that the freestanding signs shall only be located on property where the main building associated with the sign is located at least 40 feet behind the front street line.

The proposed building on the subject property is located at least 40 feet behind the front street line.

The sign is located at least ten feet behind the existing street right-of-way line.

The proposed freestanding identification sign is located ten feet behind the existing right-of-way line.

The maximum height of the sign is 25 feet. Measurements are from finished grade at the base of the sign to the top of the sign.

The maximum height of the proposed sign is 25 feet.

The sign area shall be one square foot for each four lineal feet of street frontage, to a maximum of 200 square feet for each sign.

The proposed sign area complies with the maximum area requirements of 82 square feet.

One sign is permitted on each street with a frontage of 40 to 1,100 feet.

The applicant is proposing one freestanding sign visible from Hampton Park Boulevard.

Section 27.629, Regulatory Signs, permits regulatory signs not exceeding 12 square feet in the Industrial Zone.

The proposed safety sign and the directional signs are considered regulatory signs. The total area of the safety sign and the directional signs is 9.5 square feet.

7. **Other Issues:**

- a. The Permit Review Section (memorandum dated September 11, 2006) recommends addition of notes regarding the proposal details and correct size of parking spaces. Conditions of approval have been added to require these minor changes to the site plan.
- b. The Subdivision Section (memorandum dated October 30, 2006) states that since the proposed restaurant is less than 5,000 square feet in area, the proposal is not subject to the requirements of the Subdivision Regulations. The property is located on Tax Map 67 in Grid C-4 and is known as Parcel C-C-1 of the Hampton Park subdivision.
- c. The Historic Preservation and Public Facilities Planning Section (memorandum dated September 11, 2006) states that the subject proposal has no effects on historic resources.
- d. The Historic Preservation and Public Facilities Planning Section (memorandum dated September 26, 2006) states that the required fire and rescue facilities have been determined to be adequate and the addition will not place an unreasonable burden upon public facilities. The existing police facilities will be adequate to serve the proposed day care use.
- e. The Environmental Planning Section (memorandum dated October 16, 2006) states that the subject property is exempt from the requirements of the Woodland Conservation Ordinance because the gross tract area is less than 40,000 square feet and there are less than 10,000 square feet of existing woodland. The Environmental Planning Section issued a standard letter of exemption on May 17, 2006. A stormwater management concept approval letter was not submitted with this application. Subsequent applications will require stormwater management approval.
- f. The Community Planning Division (memorandum dated October 2, 2006) states that the property is in the Developed Tier. The application is in conformance with the land use recommendations of the 1985 Approved Master Plan and 1986 Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B. The Master Plan retained the I-1 Zone for the property.
- g. The Transportation Planning Section (memorandum dated November 28, 2006) states that the proposed use replaces a similar use on the property. It would generate 60 PM peak-hour trips. The previous Pizza Hut restaurant was generating 38 PM peak-hour trips. The previous use and the proposed use are not expected to generate more than a couple of AM peak-hour trips because both the uses are generally not open during the AM peak hours. The Section has determined that the off-site traffic impact of the proposed use would be relatively small. Therefore the Transportation Planning Section has concluded that the proposed special exception would not result in any significant transportation impacts to the transportation facilities within the immediate area of the subject site.

- h. The Transportation Planning/ Trails Section (memorandum dated October 30, 2006) states that the Master Plan designates Hampton Park Boulevard as a master plan bicycle/pedestrian corridor. This facility can be accommodated through the provisions of bicycle signage and bicycle-compatible pavement markings such as designated bike lanes. The section has recommended a “Share the road with a bike” sign. The applicant is required to provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this sign prior to issuance of building permits. A condition of approval has been added to require the same.

L. 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 fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety and welfare of the public and promote compatible relationships between the various types of land. There are no major issues associated with this application that would conflict with the general purposes of this Subtitle. The former use on this property was a restaurant and the proposed use is a fast-food restaurant with a drive-through. The proposed use will be compatible with the retail and hotel uses of the surrounding properties. The proposed restaurant will complement the other restaurants in the neighborhood by providing specialty food. With the proposed conditions, the proposed use and site plan will be in harmony with the purposes of this Subtitle.

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

The subject property was being used as a restaurant since 1984. The proposed restaurant will provide additional drive-through facilities for patrons with the addition of a drive-through window. The proposed addition will conform to all the applicable requirements and regulations of this Subtitle.

(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 Master Plan, the General Plan.

The application is in conformance with the land use recommendations of the 1985 Approved Master Plan and 1986 Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B. The Master Plan retained the I-1 Zone for the property. The proposed use of the property is consistent with the Master Plan recommendations. The proposal is consistent with the 2002 General Plan development policies for the Developed Tier.

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

The proposed restaurant will be compatible with the retail and hotel uses of the surrounding properties and will complement the other restaurants in the neighborhood by

providing specialty food. It will provide additional drive-through facilities for patrons with the addition of a drive-through window. With the proposed conditions, the proposed use will help provide a mix of restaurants in the neighborhood and 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.

With the recommended conditions, the proposed use will not adversely affect the health, safety or welfare of residents or workers in the area, and there is no indication that it would be detrimental to the use or development of adjacent properties or the general neighborhood. The Historic Preservation and Public Facilities Planning Section and the Transportation Planning Section have concluded that the existing public facilities are adequate to serve the proposed restaurant. The proposed use of the subject property as a fast-food restaurant with a drive-through will be compatible with the adjacent retail, restaurant and hotel uses.

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

The subject property is exempt from the requirements of the Woodland Conservation Ordinance because the gross tract area is less than 40,000 square feet and there are less than 10,000 square feet of existing woodland. The Environmental Planning Section issued a standard letter of exemption on May 17, 2006.

CONCLUSION

Based on the preceding analysis and findings, it is recommended that Special Exception SE-4574 be APPROVED subject to the following conditions:

1. Prior to the Zoning Hearing Examiner's hearing, the site plan shall be revised to show the following:
 - a. Correct dimensions of the parking spaces on the site plan and on the parking schedule
 - b. The right-of-way and centerline of both the streets.
 - c. Building setbacks from the street centerline
 - d. Corrected parking schedule showing the required and proposed parking for the indoor and outdoor patio seating and the parking required for any floor area not used for storage, patron seating and outdoor patron seating.
 - e. A bicycle rack for six bicycles
 - f. Correct frontages for both the streets
2. Prior to issuance of building permits, the applicant shall obtain approval of a Departure from Parking and Loading standards application for the reduced number of parking spaces.