

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 31, 2013, regarding Detailed Site Plan DSP-99044/07 for Prince George's Plaza, Parcel A-1, Chick-fil-A, the Planning Board finds:

1. **Request:** The subject application requests approval of a DSP and an amendment to the Table of Uses of the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP) to permit a freestanding eating and drinking establishment with drive-through, specifically a Chick-fil-A restaurant, in the Commercial Shopping Center (C-S-C) and Transit District Overlay (T-D-O) Zones. The location of the proposed building pad is along East-West Highway (MD 410) in the southwestern corner of the existing parking lot of Prince George's Plaza Shopping Center (also known as the Mall at Prince George's).

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	C-S-C/T-D-O	C-S-C/T-D-O
Use(s)	Integrated Shopping Center	Integrated Shopping Center /Eating and drinking establishment with drive-through
Acreage	51.03	51.03
Building Square Footage/GFA	-	5,030
Total Square Footage/GFA	1,112,148	1,117,178

**Parking**

	<b>MAX. PERMITTED</b>	<b>APPROVED</b>
Prince George's Plaza – 1,117,178 square feet (Preferred Ratio of <4.35 spaces/100 s.f.)*	4,860	3,385

\***Note:** Per the TDDP, Mandatory Development Requirement page 7.

The total number of on-site parking spaces within Prince George's Plaza will be reduced with the subject application because the proposed pad site will be located in an area that is currently parking spaces.

**REQUIRED APPROVED**

Loading Spaces for 984,010 gross leasable area  
(1 per 100,000 GLA + 1 each additional 100,000 GLA)                      12                      33\*\*

**\*\*Note:** One new loading space is proposed for the eating and drinking establishment.

3. **Location:** The subject site is located at the northeastern quadrant of the intersection of East-West Highway (MD 410) and Belcrest Road, in Planning Area 68, Council District 2, in the Developed Tier. The Chick-fil-A pad site is located at the far eastern portion of the site, near MD 410.
4. **Surrounding Uses:** The subject site, Prince George's Plaza, is bounded to the south by East-West Highway (MD 410) and to the east by Belcrest Road. Surrounding the property are a variety of retail and multifamily uses in the C-S-C, C-O (Commercial Office), M-X-T (Mixed Use-Transportation Oriented), and R-18 (Multifamily Medium Density Residential) Zones.
5. **Previous Approvals:** The original existing development on the site was an enclosed shopping mall that was developed in the late 1950s. The original Detailed Site Plan, DSP-99044, and companion cases for Primary Amendments TP-00001, Secondary Amendments TS-99044A, and Departure from Design Standards DDS-515 were reviewed and approved by the District Council on July 10, 2001. The original DSP was designed for Phase I of the redevelopment of the mall and included the renovation of one of an existing pad site as an Outback Steakhouse, a portion of the streetscape improvements along East-West Highway in front of Outback Steakhouse, and the redesign of the area around the east end of the shopping center.

DSP-99044/01 was for the purpose of constructing a new anchor store (Target) and the addition of two tenants at the rear of the shopping center. The Planning Board granted a further amendment to Standard S8 in 2003, in conjunction with DSP-99044/01. Departure from Design Standards DDS-515 was also approved for conformance to Section 4.7, Buffering Incompatible Uses.

DSP-99044/02 was for the purpose of renovating the rear of the shopping mall to improve access into the center, repaving, and incorporating additional green area.

DSP-99044/03 was to allow two-way traffic in an existing drive aisle that was previously utilized for one-way traffic for loading purposes.

DSP-99044/04 was for the purpose of adding a restaurant pad site (Olive Garden) of 7,685 square feet.

DSP-99044/05 was for modification of the rear elevation on the east end of the structure to accommodate new tenants and to remove 19 parking spaces.

DSP-99044/06 was for the purpose of constructing a pad site for a sit-down restaurant (Famous Dave's) of 6,574 square feet. The approved Famous Dave's restaurant was never constructed. The subject application is in the same location as approved Famous Dave's.

Also, the property is subject to a Departure for Sign Design Standards (DSDS-440) approved in December of 1991.

6. **Design Features:** The proposed one-story 5,030-square-foot eating and drinking establishment with drive-through service is proposed in the southwestern corner of the Prince George's Plaza parking lot with frontage on East-West Highway (MD 410). The building, which is proposed to exhibit a contemporary industrial look, will feature a series of flat roofs at various heights to create visual interest. Beige colored brick will be used as the primary building material. Steel and wood will serve as accent materials, and the overall appearance is natural, monochromatic composition of beige and brown tones.

The windows propose multiple panes of glass. Metal green screen frames are proposed to be mounted below the windows along the East-West Highway and parking lot elevations to allow for climbing plants. Along the East-West Highway elevation, some modifications to the architectural articulation appear warranted. The design of this elevation shall be improved to give this elevation the additional visual prominence that is warranted along East-West Highway.

The proposed building design deviates from Chick-fil-A's standard architectural model, which is a traditional, two-toned, red brick building with tower features. This model has been constructed in other areas of the County. While the Planning Board understands the applicant's desire for a new visual aesthetic for the brand at this location, the Planning Board does have concerns about the overall level of architectural detail provided, visual interest achieved, and quality of the provided materials. A material board has been provided by the applicant, which demonstrates some limited variation in the proposed brick tone. The wood panel sample provided on the material board appears to be a wood-like composite material, and the Planning Board is uncertain as to whether the final product will achieve an appearance of quality and durability. Some additional information regarding the final appearance of the wood wall feature shall be provided prior to signature approval. Additional brick detailing, via modification to brick patterns, colors, and/or treatments shall be provided for visual interest. Prior to certification, final architectural elevations shall be provided that employ a high-level of architectural detailing, and quality building materials for the proposal.

**Drive-Through Service Window**—The planned configuration of the drive-through service queuing and departure areas ensures direct pedestrian access to the proposed restaurant from the streetscape and eliminates a previously proposed drive-through form that would have wrapped the building with paved loading and queuing areas. This new configuration represents a significantly improved approach over the initial layout of the proposed development. However, the drive-through component by its very nature is contrary to the goals for the Prince George's Plaza Transit District. It is not a transit oriented form of development and is designed to accommodate the automobile. The proposed drive-through and double queuing lanes are located directly adjacent

to the pedestrian zone along East-West Highway. While a low wall would exist between the drive through and the pedestrian zone, vehicle exhaust and lighting associated with drive-through and queuing lane would provide negative impacts to the pedestrian realm. Queuing lanes for the drive-through begin 12 feet from the existing sidewalk. For this reason and the overall goals of the TDDP, the Planning Board requires the removal of the drive-through feature.

**Signage**—The application proposes four building-mounted signs with red, script-style, internally-illuminated channel letters and directional signs for the drive-through. The proposed sign area complies with the applicable sign standards for sites within the C-S-C Zone. The building front measures 90 linear feet; therefore, 180 square feet of building-mounted signage is permitted. One-hundred and forty-five square feet of building-mounted signage is proposed. No additional freestanding signs are proposed. The final sign plan shall reflect the elimination of the drive-through, menu boards, and directional drive-through signage.

The sign plan proposes a 50-foot-tall flag pole with a United States of America flag. As the proposed fast-food restaurant is located within an area with sit-down restaurants, where fast food is not generally permitted, the flag pole shall be lowered in height to reduce its visual prominence and blend in more with the adjacent uses. The flag pole shall not exceed a height of 25 feet.

**Green Features**—The subject proposal has been designed to include green building techniques. A summary of those techniques has been provided by the applicant in an e-mail dated October 1, 2013 (Lynch to Fields). The following list indicates the green building features included in the subject proposal:

- a. Meeting EPA guidelines for construction activity pollution prevention.
- b. Including 25 percent concrete paving on site, which reduces the heat island effect that is linked with the use of dark paving materials such as asphalt.
- c. Incorporating a white roof to reduce heat island effect from the building.
- d. Reducing indoor water use from the building (fixtures and process equipment) by 45%.
- e. Reducing outdoor water use by 50% through high efficient irrigation system and drought-tolerant plant selection.
- f. Commissioning all building systems for effectiveness before building turnover.
- g. Prioritizing materials with recycled content in construction specifications.
- h. Providing building prototypes are 10% more efficient than conventionally designed buildings because of ENERGY STAR process equipment.
- i. Specifying low emitting flooring and paint products.

This information is largely provided for informational purposes as the County does not have a Green Building Code, like some other jurisdictions. The Planning Board encourages the applicant to employ these and additional green building and environmental site design techniques.

7. **Prince George's County Zoning Ordinance:** The subject application, as approved with conditions, complies with the requirements of the C-S-C and T-D-O Zones of the Zoning Ordinance.
- a. **Amendment to the Use Table:** The subject application is for an eating and drinking establishment with a drive-through. The 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP) only permits fast-food restaurants in Subarea 11 when within a wholly-enclosed shopping mall, or department, variety, or drug store; within an office building; within a hotel; or accessory to, and as an integral part of, an allowed recreational facility. The subject proposal is a fast-food restaurant, and does not meet the location requirements above; therefore, the use is prohibited by the TDDP. While the Zoning Ordinance does not differentiate between eating and drinking establishments and fast-food restaurants, the permitted uses within the TDDP supersedes the Table of Uses in the Zoning Ordinance for sites within the TDOZ.

The Zoning Ordinance, in Section 27-548.09.01(b)(1), Amendment of the Approved Transit District Overlay Zone, states the following:

**(b) Property Owner.**

- (1) A property owner may ask the District Council, but not the Planning Board, to change the boundaries of the T-D-O Zone, a property's underlying zone, the list of the allowed uses, building height restrictions or parking standards in the Transit District Development Plan. The Planning Board may amend the parking provisions concerning the dimensions, layout, or the design of parking spaces or parking lots.**

The section above allows the owner of a property to request an amendment of the list of allowed uses. The owner's representative has filed a request to amend the table of uses to allow a freestanding eating and drinking establishment with drive-through service on the subject site.

Additionally, Section 27-548.09(b)(5) states the following:

- (5) The District Council may approve, approve with conditions, or disapprove any amendment requested by a property owner under this Section. In approving an application and site plan, the District Council shall find that the proposed development conforms to the**

**purposes and recommendations for the Transit Development District, as stated in the Transit Development District Plan, and meets applicable site plan requirements.**

The District Council has mandatory review of this project because the applicant is requesting an amendment to the use table that is only allowed if granted by the District Council. In regard to the change to the use table, the Planning Board provides a recommendation to the District Council.

The Planning Board does not agree with the proposal to amend the use table to allow an eating and drinking establishment with a drive-through service for reasons of non-conformance to the purpose of the T-D-O Zone. Specifically, the drive-through service is not recommended for approval. The purposes of the T-D-O Zone and the TDDP contained in Section 27-548.03 of the Zoning Ordinance and on page 9 of the TDDP are stated below and following each is a Planning Board finding indicating how the subject proposal conforms to those purposes:

**(1) To enhance the development opportunities in the vicinity of transit stations;**

The Planning Board finds that the subject proposal conforms to the above purpose by utilizing a development opportunity that is in close proximity to an existing transit station. The proposal will provide the residents of the area, as well transit riders, with an additional dining option.

**(2) To promote the use of transit facilities;**

The Planning Board finds that the fast-food restaurant with drive-through service does not promote the use of transit facilities. It promotes the use of vehicles throughout the transit district. The drive-through service shall be eliminated from the proposal.

**(3) To increase the return on investment in a transit system and improve local tax revenues;**

The subject site is currently being used for parking, which does not provide a return on the investment in the transit system nor improve local tax revenues. Through the redevelopment of this specific area of Prince George's Plaza the subject proposal will increase the utility and value of the property, thereby improving local tax revenues generated by the property.

**(4) To create a process which coordinates public policy decisions, supports regional and local growth and development strategies, and creates conditions which make joint development possible;**

The subject application conforms to the established development review process for the TDOZ, which has been created to coordinate public policy decisions, and support regional and local growth and development strategies.

**(5) To create a process which overcomes deficiencies in ordinary planning processes and removes obstacles not addressed in those processes;**

The subject application conforms to the established development review process for the TDOZ. The TDOZ allows for flexibility in the development process through the use of amendments to the TDDP. In this case, an amendment to the Table of Uses for the property as part of the detailed site plan is requested. The Planning Board recommends that the amendment to the Table of Uses be approved, but that the drive-through service be eliminated from the proposal. This action is consistent with the Planning Board's approval of DSP-99006, McDonald's Hyattsville (PGCPB Resolution No. 13-47).

**(6) To minimize the costs of extending or expanding public services and facilities, by encouraging appropriate development in the vicinity of transit stations;**

If approved with a condition to eliminate the drive-through service, the application will conform to the above TDOZ purpose by encouraging metro ridership and reducing burdens to the surrounding road network.

**(7) To provide mechanisms to assist in financing public and private costs associated with development;**

The TDDP does include mechanisms to assist in financing public and private costs associated with development. The Prince George's Plaza Transportation Demand Management District (TDMD) is in place, which requires that property owners pay a fee based upon the number surface parking spaces provided. These fees are to be utilized for the payment of transportation improvements in the TDOZ. These fees are not triggered by the subject application because no new parking is proposed, and the proposal indicates a net decrease in parking on the site. No additional action by the applicant is necessary with regard to the above purpose.

**(8) To provide for convenient and efficient pedestrian and vehicular access to Metro stations;**

The primary pedestrian route between the subject site and the Prince George's Plaza Metro Station is East-West Highway. The subject application proposes connections to the existing pedestrian network, which is both convenient and efficient.

**(9) To attract an appropriate mix of land uses;**

With the elimination of the drive-through service the proposal will be in keeping with the existing land uses in the area, and attract a mix of other appropriate land uses. The proposal will add another dining choice to Prince George's Plaza, which has retail/commercial land uses that serve the surrounding residential area.

**(10) To encourage uses which complement and enhance the character of the area;**

The drive-through service shall be eliminated so as not to erode the character of existing and future development in the area. In order to complement the character and visual quality of the area, an outdoor seating area with outdoor features such as attractive and durable outdoor seating, specialty paving, and landscaping shall be provided. The final design shall be approved by the Urban Design Section as designee of the Planning Board. This area shall also be expanded, as feasible.

**(11) To insure that developments within the Transit District possess a desirable urban design relationship with one another, the Metro station, and adjoining areas; and**

The Planning Board finds that the subject application conforms to the above purpose. The proposed building is oriented to create a greater street presence and help continue to enhance the urban edge along East-West Highway. This creates a desirable urban design relationship between the subject site, adjacent uses, and the metro station.

**(12) To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme.**

The subject application conforms to the above purpose. An amendment of the TDDP's build-to line requirement was previously approved for Prince George's Plaza. The adjacent Outback Steakhouse and Olive Garden were developed to comply with this amended build-to line with the addition of a pedestrian zone along East-West Highway. The location of the subject proposal is consistent with those previous approvals. The retention of the existing pedestrian zone along East-West Highway with a low, variable height, brick wall promote the appearance of a coordinated development scheme.

In addition to the general purposes of the T-D-O Zone contained in the Zoning Ordinance, the purpose of Subarea 11 is stated on page 118 of the TDDP, which states:

**To provide for retail, service and office uses. A mixed-use development should be considered in the future for this property given its close proximity to the Metro Station.**



The subject proposal complies with the TDDP's purpose of providing additional retail space in Subarea 11.

- b. Section 27-548.08(c) lists the required findings for approving a DSP in the T-D-O Zone as follows:

**(A) The Transit District Site Plan is in strict conformance with any mandatory requirements of the Transit District Development Plan;**

The DSP is in strict conformance with the mandatory requirements of the TDDP as discussed further in Finding 8 below.

**(B) The Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan;**

The DSP is consistent with the guidelines and criteria for development contained in the TDDP as discussed further in Finding 8 below.

**(C) The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone, and applicable regulations of the underlying zones;**

The DSP meets all of the requirements of the T-D-O Zone and the applicable regulations of the underlying zone. The proposal also meets all of the applicable requirements of the 2010 *Prince George's County Landscape Manual* and the Tree Canopy Coverage Ordinance.

**(D) The location, size, and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize safety and efficiency, and are adequate to meet the purposes of the Transit District Overlay Zone;**

The proposed restaurant, with the elimination of the drive-through service, is adequate to meet the purposes of the T-D-O Zone as described in Finding 7(a) above.

**(E) Each structure and use, in the manner proposed, is compatible with other structures and uses in the Transit District, and with existing and proposed adjacent development.**

The proposed structure and use, if the proposed drive-through service is removed, will be compatible with the surrounding and existing development. No drive-through fast food restaurant currently exist in Prince George's Plaza. The adjacent restaurants are sit down restaurants and the proposed Chick-fil-A will be attractively designed, and compatible with these adjacent uses.

8. **The 1998 Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone (TDDP):** The subject property is defined as Subarea 11 in the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP). This makes it subject to all of the district-wide mandatory development requirements and site design guidelines, along with subarea-specific mandatory development requirements and site design guidelines.

Section 27-548.08(c)(1) of the Zoning Ordinance requires that the Planning Board find that the site plan is in strict conformance with any mandatory development requirements and is consistent with the guidelines and criteria for development in the TDDP. The applicant submits that the DSP meets all of the applicable standards and, therefore, has not requested any modifications to these requirements. The submitted DSP is found to be in conformance with the applicable mandatory development requirements and consistent with the guidelines. However, the following requirements warrant discussion at this time:

**S5 All primary and secondary pedestrian routes shall be constructed using special paving materials. (See Figure 7 for crosswalks)**

Details of proposed specialty paving treatments for the sidewalks around the building, at major entrances, and within the outdoor seating areas shall be provided on the plans. Additionally, an enlarged plan of the outdoor seating area shall be provided that indicates the style of proposed specialty paving and locates outdoor furniture, the proposed trellis, and landscape features such as decorative planting.

**G11 Primary entrances should be designed as one of the major architectural features so they are clearly identifiable and offer a sense of arrival.**

The sense of arrival on the southern façade, facing East-West Highway, would be improved with additional architectural detailing and brick treatments to give this elevation the prominence that is warranted due to its highly visible location.

**S30 All new retail development shall provide four bike racks per 10,000 gross square feet of floor space with each rack holding a minimum of two bicycles.**

Two bike racks with a five bike capacity each are indicated on the DSP near the two primary building entrances.

**S31 At the time of Detailed Site Plan, the number of trash cans and locations shall be shown on the plan. Trash receptacles should be placed in strategic locations to prevent litter from accumulating in and around the proposed development.**

This requirement has partially been met with this submission. The DSP identifies an area on the eastern side of the proposed structure as a dumpster enclosure. In addition to a dumpster enclosure,

individual trash receptacles shall be strategically located on the site to prevent litter accumulation. The DSP shall be revised prior to certification to identify the locations of trash receptacles and include a detail of their design.

9. **Conformance to Preliminary Plan of Subdivision 4-97084:** The property is the subject of Preliminary Plan of Subdivision 4-97084. Preliminary Plan 4-97084 for Prince George's Plaza was approved and the resolution was adopted by the Planning Board on January 8, 1998 (PGCPB No. 97-355). The resolution for the approved preliminary plan contains four conditions. The following two conditions in **bold** relate to the review of this application:

1. **There shall be no additional direct access to MD 410 or Belcrest Road from either parcel within the subdivision.**

The DSP does not show any direct access to East-West Highway (MD 410) from the proposed Chick-fil-A restaurant.

4. **The following note shall be placed on the Final Plat of Subdivision:**

**Any additional physical development on this property shall require Detailed Site Plan approval.**

The property was recorded in Plat Book VJ 186-9 on April 2, 1999. The record plat contains a note reflecting Condition 4. The applicant has submitted this revised DSP for the subject property in part to address the requirement of Condition 4 above.

10. **Conformance to Detailed Site Plan DSP-99044:** The Planning Board approved Detailed Site Plan DSP-99044 on April 12, 2001 (PGCPB Resolution No. 1-77). No conditions of that previous approval are relevant to the subject application.
11. **The 2010 Prince George's County Landscape Manual:** Per Section 27-450 of the Zoning Ordinance, landscaping, screening, and buffering of all development in commercial zones shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Additionally, the TDDP (page 30) requires that all properties within the transit district satisfy the requirements of the Landscape Manual in addition to the mandatory development requirements and site design guidelines listed in the TDDP. The requirements apply as follows:
- a. **Section 4.2, Requirements for Landscaped Strips along Streets**—Section 4.2 specifies that, for all nonresidential uses in any zone and for all parking lots, a landscape strip shall be provided on the property abutting all public and private streets. However, the TDDP contains a build-to line and specific streetscape requirements that supersede the requirements of Section 4.2 of the Landscape Manual. Along East-West Highway (MD 410), a 28-foot-wide pedestrian zone is required (per TP-00001) and, along Belcrest

Road, a 20- to 40-foot-wide pedestrian zone is required. A low, variable height, brick wall with shade trees, shrubs, and specialty paving have been implemented on the site.

- b. **Section 4.3, Parking Lot Requirements**—Section 4.3 specifies that proposed parking lots larger than 7,000 square feet provide planting islands and shade trees throughout the parking lot to reduce impervious area and the heat island effect. The DSP proposes the building in the location of an existing parking lot. Council Bill CB-17-2013 reduces the parking lot interior planting requirement down from 15 percent to five percent and only within the limits of disturbance of any existing parking compound. The parking compound within the limit of disturbance of the subject application is 37,222 square feet. An interior planting area of 8.5 percent with 28 shade trees is proposed, which exceeds the minimum five percent requirements of Section 4.3 as amended by CB-17-2013.
  - c. **Section 4.4, Screening Requirements**—Section 4.4 requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets. An attractive screen wall should be provided between the loading space and East-West Highway to meet the requirements of this section. This screen wall shall be integrated with the building façade.
  - d. **Section 4.7, Buffering Incompatible Uses**—A departure from design standards, DDS-515, was approved from Section 4.7 along the northern property line adjacent to multifamily development and along the western property line adjacent to an office complex. This approved DDS remains valid. The DSP shall provide a plan note that indicates the details of the approved departure from Section 4.7 of the Landscape Manual.
  - e. **Section 4.9, Sustainable Landscaping Requirements**—This DSP application is subject to Section 4.9, which requires that a percentage of the proposed plant materials be native plants. The plant schedule does not designate which plants are native species. This information shall be provided on the DSP prior to certification.
  - f. **Section 1.7 Certificate of Landscape Maintenance**—The Landscape Manual requires that all required landscaping, buffering, and screening be maintained in a healthy condition and in accordance with the approved landscape plan. All dead, diseased, or otherwise absent shade trees required by Prince George’s Plaza shall be provided along East-West Highway. Prior to signature approval of the plans the applicant shall submit a landscape plan for the entire frontage of East-West Highway, and indicate the disposition of the required trees. Prior to approval of use and occupancy permits for the Chick-fil-A the applicant shall submit a Certificate of Landscape Maintenance in accordance with Section 1.7, which indicates that the required shade trees along East-West highway have been provided or replaced.
12. **Prince George’s County Woodland Conservation Ordinance:** The property is subject to the 1993 Prince George’s County Woodland Conservation and Tree Preservation Ordinance (WCO) because the site has a previously approved tree conservation plan. A tree conservation plan

(TCP11-100-00) was approved for the site on August 7, 2001, and the site has been developed in conformance with that approval. The previous tree conservation plan had an overall requirement of 5.18 acres that was met with, 10.37 acres of off-site woodland credits.

The Planning Board finds that the proposed development is in conformance with the previously approved Type II tree conservation plan (TCP11). The pad site for the Chick-fil-A will not impact any environmental features.

13. **Tree Canopy Coverage Ordinance:** The project is subject to the requirements of Subtitle 25, Division 3, The Tree Canopy Coverage Ordinance (TCC), because it will require a permit for more than 1,500 square feet of disturbance. Council Bill CB-19-2013 modified Section 25-128, Tree Canopy Coverage Requirements, to state:

**Permits for redevelopment of a previously developed site, which does not qualify for an exemption under subsection 25-127(b), shall be subject to the tree canopy coverage requirements based on the area within the limit of disturbance as shown on any Site Plan.**

Prior to CB-19-2013, the subject application would have been required to demonstrate tree canopy coverage for the entire legally described property, which has a gross tract area of the entire 51.03-acre property, Prince George's Plaza (Parcel A-1), and provide ten percent (5.1 acres) of tree canopy on the developed property. As the Prince George's Plaza is a previously developed site, the requirement for the subject property, pursuant to CB-19-2013, is ten percent of the limit of disturbance shown on the DSP.

**Area of Disturbance** = 1.48 acres (64,469 sq. ft.)

	<b>REQUIRED</b>	<b>APPROVED</b>
Tree Canopy	6,447 sq. ft.	7,950 sq. ft.

The ten percent tree canopy coverage requirement is met on the subject site for the limit of disturbance of the proposed Chick-fil-A, as required by Section 25-128.

14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

a. **Community Planning**— The Planning Board adopts the following findings:

- (1) The subject application is consistent with the 2002 General Plan Development Pattern policies for centers in the Developed Tier. The proposed restaurant will contribute to the development of a mixed residential and nonresidential center proximate to the Prince George's Plaza Metro station.

- (2) This application conforms to the overall land use recommendations of the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone*. While the transit district development plan does not specifically identify the intended future land uses for the parcels within the plan area, it does link the allowed/desired uses to the zone and provides a purpose statement on page 118 that calls for retail, service, and office uses with consideration of a mixed-use development in the future. In this case, the zoning of the property is C-S-C and the permitted use is generally in conformance with that zone, emphasizing commercial retail and office uses.

The proposed use of an eating and drinking establishment with drive-through service is not a permitted use per the 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone*. The applicant is requesting an amendment to the development plan to permit the use. While the applicant should be commended for proposing an innovative drive-through configuration that strives to preserve the primary pedestrian network along East-West Highway, the drive-through component by its very nature is contrary to the goals for the Prince George's Plaza Transit District to create a pedestrian-friendly environment along East-West Highway.

Community Planning recommends that the drive-through should be removed from the proposal.

- b. **Transportation Planning**—The Planning Board adopts the following findings:

The 1998 *Approved Transit District Development Plan for the Prince George's Plaza Transit District Overlay Zone* (TDDP) guides the use and development of all properties within its boundaries. The findings and recommendations outlined below are based upon staff evaluation of the submitted site plan and the ways in which the proposed development conforms to the mandatory development requirements and guidelines outlined in the TDDP. The TDOZ is a mapped zone which is superimposed over other land use zones in a designated area around a Metrorail station and which may modify certain requirements for development within those underlying zones.

#### **Amendment**

The pad site and proposed use for a 5,030-square-foot eating and drinking establishment with drive-through service will not promote the use of transit facilities. The proposed use with drive-through service will not increase transit service/metro ridership or decrease the use of the surrounding road network. It is not conducive to transit service but is designed to accommodate and increase automobile usage via its drive-through service. For these reasons the Planning Board does not support the proposed use with drive-through service in the TDOZ or adding eating and drinking establishments with drive-through service to the table of uses found in Section 27-548-09.01 of the Zoning Ordinance. The site plan should be revised to reflect the proposed use without drive-through service.

### **Parking**

During the preparation of the TDDP, an analysis was performed of all road facilities in the vicinity of the TDOZ. This analysis was based on establishment of a transit district-wide cap on the number of additional parking spaces (preferred and premium) that can be constructed or provided in the transit district to accommodate any new development. Pursuant to this concept, the TDDP recommends implementing a system of developer contributions to insure adequacy of the transportation facilities, based on the number of additional surface parking spaces, as long as the authorized total parking limits and their attendant, respective, parking ratios (Tables 5 and 6 of the TDDP) are not exceeded. The collected fee will be applied toward the required number of transportation improvements as summarized in the TDDP. These improvements are needed to ensure that the critical roadways and intersections in the transit district will remain adequate and will be operating at or above Level of Service E, as required by the TDDP.

The addition of the 5,030-square-foot eating and drinking establishment will bring the proposed gross floor area at Prince George's Plaza to 1,117,178 square feet. Overall there will be a reduction of 60 parking spaces with the construction of the proposed restaurant bringing the surface parking total to 3,385 spaces. The maximum number of surface parking spaces allowed is 4,860. Since the proposed application does not propose to increase the number of surface parking spaces which currently exists on the site, the proposed application, if approved, would not result in any reduction in the total number of available preferred and premium parking totals for retail uses within the transit district. Further, it is important to note that replacement or alterations to legally pre-existing parking spaces are exempt from meeting the TDDP transportation and parking mandatory requirements.

### **Circulation**

The plan modifications are limited to a small section of the site along MD 410 and to the east of Toledo Place. On-site vehicular and pedestrian circulation patterns as proposed within the area shall be revised to reflect the use without drive-through service.

### **Transportation Demand Management**

It should be noted that the 1998 TDDP also authorized the Prince George's Plaza Transportation Demand Management District (TDMD), which requires that each property owner in the District to be a member and participate in the TDMD. The annual TDMD membership fee is \$5.00 for each surface parking space. The annual TDMD membership fee for parking spaces in structures and surface spaces that are permanently reserved for handicapped occupant vehicles, carpools and vanpools are set at a rate of \$2.00 per space.

These fees are not triggered by the subject application because no net increase in parking spaces is proposed.

### **Trails**

The applicant's proposal is consistent with Section 27-548-06(e), Regulations, which requires that the pedestrian system within a Transit District shall be oriented toward serving the Metro station, as well as other development within the District. The design orients sidewalks towards MD 410 in order to provide a connection to the areas sidewalk system which gives access to the nearby Prince George's Plaza Metro Station. A sidewalk is recommended around one or both sides of the building so that those entering the overall development are not required to pass through the Chick-fil-A restaurant.

The sidewalks are wide enough for a bicycle to use, and bicycles can ride on MD 410. Bicycle lanes are recommended for MD 410 in the functional master plan. Bicycle parking racks are recommended for the site and the applicant proposes bike racks close to the main entrances into the building.

### **Conclusion**

In summary, the site plan shall be revised and the Planning Board does not recommend that the drive-through service be added to the table of uses allowed within the TDDP.

- c. **Subdivision Review**—The subject property is Parcel A-1 on Tax Map 41 in Grid F-2, and is 51.03 acres. Parcel A-1 is in the Commercial Shopping Center (C-S-C) Zone and is located within Prince George's Plaza. Failure of the site plan and record plat to match will result in the building permits being placed on hold until the plans are corrected.
- d. **Historic Preservation**—The subject application will have no effect on identified Historic Sites, Resources, or Districts.
- e. **Permit Review**—Necessary plan revisions shall be addressed prior to signature approval.
- f. **Environmental Planning**—The subject application has an approved Natural Resources Inventory NRI-080-12; and is in conformance with the previously approved Type II tree conservation plan (TCPII-100-00). The pad site for the restaurant will not impact any environmental features.
- g. **Fire/EMS Department**—The Prince George's Fire/EMS Department issues standard comments for the proposal dated September 20, 2012. Every portion of the proposed building is required to be located within 500 feet of a fire hydrant.
- h. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated September 13, 2012, DPW&T indicated that the proposed DSP is consistent with the approved Stormwater Management Concept 38898-2007-01 dated May 7, 2012. The proposal does not impact any county-maintained roads.
- i. **Maryland State Highway Administration (SHA)**—In referral comments dated September 10, 2012, the SHA Access Management Division completed its review of the



subject application. SHA indicated that the proposed use will not negatively impact East-West Highway (MD 193) operations, therefore SHA has no objections.

j. **Prince George's County Police Department**—The Prince George's County Police Department reviewed the submitted plan and indicated that they have no crime prevention through environmental design (CPTED) concerns or recommendations.

k. **Prince George's County Health Department**—In a memorandum dated September 14, 2012, the Environmental Engineering Program of the Prince George's County Health Department offered the following comments and recommendations:

- (1) There are nine existing carry-out/convenience store food facilities and two markets/grocery stores within a one-half mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.
- (2) Indicate how the project will provide connections for safe pedestrian access to the site via the existing pedestrian network.

The detailed site plan was revised to place the building closer to East-West Highway. Now there is a direct pedestrian connection from the sidewalk located along East-West Highway to a building entrance.

- (3) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

This requirement will be enforced at the time of permit; however, a note shall be provided on the DSP indicating conformance with this requirement.

- (4) During the demolition/construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

This requirement will be enforced at the time of permit; however, a note shall be provided on the DSP indicating conformance with this requirement.

l. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated September 12, 2013, WSSC offered comments on needed coordination with buried

utilities and WSSC easements and the requirements for connection to the existing water and sewer lines.

- m. **Potomac Electric Power Company (PEPCO)**—No response was received from PEPCO.
- n. **The City of Hyattsville**—In a letter dated March 19, 2013, Mayor Marc Tartaro wrote to state that the City of Hyattsville does not support the applicant's request for an amendment to the table of uses to permit eating and drinking establishments with drive-through service, as this request is inconsistent with the pedestrian and transit oriented intent of the Prince George's Plaza Transit District Development Plan. If the applicant requires a drive-through as part of the development, then the City is opposed to this proposed detailed site plan.

The City of Hyattsville recommended that additional sustainability measures be included in the design to further reduce existing stormwater impacts such as permeable pavement, additional landscape measures and other industry accepted stormwater management design standards.

While the application does propose a number of green building features, none of the described features have a particular emphasis on stormwater management. The TDDP includes a goal to minimize the negative impacts of development. The TDDP also emphasizes the importance of stormwater management within the plan area due to the location of the area within the Anacostia River drainage basin. TDDP standard P25 states:

**Any development shall provide for water quality and quantity control in accordance with all Federal, State, and County regulations. Bioretention or other innovative water quantity or quality methods shall be used where deemed appropriate.**

A copy of the Stormwater Management Concept Approval Letter (No. 38898-2007-01) was submitted and evaluated. The requirements for stormwater management will be met through the use of a stormfilter system that exceeds County requirements by 8.5 percent. The Transit District Development Plan requires the use of bioretention or other innovative water quantity or quality methods where deemed appropriate. The Planning Board does not find that the use of bioretention is appropriate in this instance. The existing parking lot on which the proposed Chick-fil-A will be located currently generates untreated runoff into neighboring streams. This stormwater runoff contains significant amounts of trash and suspended sediment that could overwhelm bioretention systems and require excessive maintenance. In addition, the soils located beneath the existing parking lot are compacted and generally not suitable to infiltration practices. The applicant's proposed stormwater management system is the most appropriate for this site and help achieve the goal of the Transit District Development Plan of restoring, protecting and enhancing the environmental quality of sensitive areas, minimizing the negative impact of development and expanding recreational and aesthetic opportunities.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein, RECOMMENDS to the District Council APPROVAL of the requested change to the use table with modification to delete the drive-through component, and further APPROVED the Detailed Site Plan DSP-99044/07, subject to the following conditions:

1. Prior to signature approval of the plans, the applicant shall revise the detailed site plan or provide additional information as follows:
  - a. Revise the plan to remove the drive-through service window, vehicular lanes and all other plan elements associated with the feature and convert the area into parking, green space, and/or amenity space; and shift the building to the east and expand the seating area to the west of the proposed building, as feasible.
  - b. Revise the sign plan to reflect the elimination of the drive-through, menu boards, and directional drive-through signage.
  - c. The following revisions or additional information shall be provided regarding the architectural proposal:
    - (1) Provide additional information/clarification regarding the final appearance and materials of the wood-like wall features.
    - (2) Provide additional brick detailing and articulation, via modification to brick patterns, colors, and/or architectural treatments to provide visual interest along all elevations with specific emphasis on the south elevation facing East-West Highway.
  - d. Indicate the correct gross tract area of Parcel A-1 in the general notes located on the coversheet.
  - e. Revise the sign plan to indicate that the flag pole shall not exceed a height of 25 feet.
  - f. Label the height and dimensions of the proposed dumpster enclosure; and provide details and specifications for review and approval by the Urban Design Section.
  - g. Provide details and specifications of specialty paving for the sidewalks around the building, at major entrances, and within the outdoor seating areas, compatible in design and color to the sidewalk within the streetscape of East-West Highway.
  - h. Provide an enlarged plan (at one inch equals ten feet) of the outdoor seating area that indicates the layout of specialty paving, outdoor furniture, the proposed trellis, and

landscaping within and immediately surrounding the area. Details and specifications of outdoor furniture and the trellis shall be provided.

- i. Identify the locations of outdoor trash receptacles and include details and specifications of their design.
  - j. Provide an attractive screen wall between the proposed loading space and East-West Highway to meet the requirements of Section 4.4 of the 2010 *Prince George's County Landscape Manual*. The loading space shall be relocated and the screen wall shall be designed as an extension of the building.
  - k. Provide a plan note that indicates the details of the granted departure from Section 4.7 of the 1990 *Prince George's County Landscape Manual*. Notes incorrectly indicating an exemption from Section 4.7 of the 2010 *Prince George's County Landscape Manual* shall be removed.
  - l. Revise the plant schedule to designate which plants are native species.
  - m. Provide a plan note that indicates the applicant's intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
  - n. Provide a plan note that indicates the applicant's intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
  - o. Provide a sidewalk around one or both sides of the building.
2. Prior to approval of use and occupancy permits for the proposed Chick-fil-A the applicant shall submit a certificate of landscape maintenance in accordance with Section 1.7 indicating that all dead, diseased, or otherwise absent shrubs and shade trees that are required along the East-West Highway frontage of Prince George's Plaza have been provided or have been replaced.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, Bailey, Washington and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 31, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of November 2013.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:MF:arj