

June 16, 2020

McDonald's Real Estate Company
110 N. Carpenter Street
Chicago, IL 60607



Re: Notification of Planning Board Action on
Zoning Section DDS-656
McDonalds at University Boulevard

Dear Applicant:

This is to advise you that, on **June 11, 2020**, the above-referenced application was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-228.01 of the Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Acting Clerk of the County Council, at 301-952-3600.

Please be advised that, pursuant to Council Resolution 10-2020, adopted on March 17, 2020, the District Council suspended certain time periods that may be applicable to an appeal of the matter approved by the Planning Board in the attached resolution. For questions concerning your right to appeal, please contact the Office of the County Clerk at Clerkofthecouncil@co.pg.md.us.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Sincerely,
James R. Hunt, Chief
Development Review Division

By: She rri Conner Digitally signed by She rri Conner
Date: 2020.06.15 1:08:30 P -0400
Reviewer

Attachment: PGCPB Resolution No. 2020-86

cc: Donna J. Brown, Acting Clerk of the County Council
Persons of Record

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed Departure from Design Standards Application No. DDS-656, McDonald’s at University Boulevard, requesting approval in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on May 21, 2020, the Prince George’s County Planning Board finds:

1. **Request:** The site is occupied by an existing restaurant with drive-through service. The applicant is proposing changes to the site layout, in order to accommodate the Maryland State Highway Administration’s (SHA) partial condemnation of the property for installation of Purple Line tracks. The area condemned varies in width, but reaches 22 feet, 7 inches at its widest point, as measured from the existing front property line. Within this area, 12 parking spaces and approximately 10 feet of landscape buffering are to be razed. The existing signage near the driveway entrance will also have to be relocated. The applicant proposes 6 new parallel parking spaces to replace the 12 to be removed; new landscaping at the front of the property, outside the condemnation area; and relocated signage.

The applicant requested a Departure from Design Standards (DDS-656), in order to allow a lesser standard of landscaping than required for conformance with Section 4.2, Requirements for Landscape Strips Along Streets, of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). As a result of Purple Line development, the width of the frontage on MD 193 (University Boulevard) will be significantly reduced and will not provide adequate space to accommodate a landscape strip, as required by Section 4.2. The width of the landscape strip varies between zero and about 5 feet, where a 10-foot width is required.

In conjunction with this DDS, the Planning Board approved companion departures DPLS-472 (PGCPB Resolution No. 2020-85) for reducing the number of parking spaces required on-site, and DSDS-700 (PGCPB Resolution No. 2020-87) for reducing the setback required for a freestanding sign.

2. **Development Data Summary:** The following chart summarizes the approved development for the subject property.

	APPROVED
Zone	C-S-C
Use(s)	Commercial
Total Acreage	1.07
Number of Parcels	2
Gross Floor Area	4,372 sq. ft.

3. **Location:** The subject site consists of two parcels, known as Parcel A of the Coopersmith Tract (the east parcel), and Parcel A of the Karl M. Hohensee Et Ux Property (the west parcel). The site is in the Commercial Shopping Center (C-S-C) Zone and is located on the north side of MD 193, approximately 0.5 mile east of its intersection with Riggs Road. The site is accessed from MD 193.
4. **Surrounding Uses:** The subject site is bound on the north and east by other commercial uses in the C-S-C Zone; to the south by MD 193, with additional commercial uses in the C-S-C Zone, and single-family detached dwellings in the One-Family Detached Residential (R-55) Zone beyond; to the west by a gas station in the C-S-C Zone; and to the northwest by transmission line right-of-way, owned by the Potomac Electric Power Company, in the R-55 Zone.
5. **Previous Approvals:** A restaurant with drive-through service has existed on-site since the 1960s. The use became certified nonconforming in 1984, in conjunction with Permit #50520-84U, but is no longer deemed nonconforming, due to the provisions of Section 27-461(b) of the Zoning Ordinance, Footnote 24. Four special exceptions have been approved for renovations of the McDonald's; the first, SE-3527, was approved in 1984 for expansion of the existing restaurant building. The second, SE-4006, was approved in 1993 to add a soft playland. The third, SE-4201, was approved in 1997 to enclose the playland, though this enclosure was never built.

The fourth and current Special Exception, SE-4686, along with associated departures DDS-611, DPLS-361, and DSDS-669, and Alternative Compliance AC-11028, were approved by the Prince George's County District Council in January 2013. SE-4686 authorized razing the existing restaurant building and building a new one of about the same size in a different location on the property. AC-11028 allowed parking and the trash enclosure to be located within the landscape bufferyard required by Section 4.7, Buffering Incompatible Uses, along the northwestern property line. DDS-611 allowed for a departure from the Section 4.7 landscape bufferyard requirement, along the northern and eastern property lines. DPLS-361 allowed a reduction in the number of required parking spaces from 75 to 53, and DSDS-669 allowed the property to retain its existing freestanding sign five feet behind the street line. The previously approved DDS and AC are discussed further in this resolution in the context of the presently requested DDS.

An application to revise the current Special Exception SE-4686, known as Revision of Site Plan ROSP-4686-01, was accepted on February 25, 2020 and is pending Planning Director review following the Prince George's County Planning Board approval of the subject departure and its companion cases.

6. **2010 Prince George's County Landscape Manual Requirements:** The site and proposed revisions to the landscaping are subject to the requirements of the Landscape Manual. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscape Requirements, are applicable. Conformance with the Landscape Manual was previously found in 2013 when SE-4686 was approved; while strict conformance was not possible, alternative compliance and a departure were approved alongside the special exception. Approval of AC-11028 allowed for parking and the trash enclosure to be located within the landscape

bufferyard required by Section 4.7, Buffering Incompatible Uses, along the northwestern property line. Approval of DDS-611 allowed for a departure from the Section 4.7 landscape bufferyard requirement, along the northern and eastern property lines.

DDS-656 is a newly requested departure, separate from and additional to the DDS application previously approved. This new departure relieves the property from strict conformance with Section 4.2, Requirements for Landscape Strips Along Streets. The applicant proposes a landscape strip between zero and about 5 feet wide, where a 10-foot-wide landscape strip is normally required.

Departure from Design Standards: When the requested departure is from the design standards of the Landscape Manual, the required findings for approval are set forth in Section-27-239.01(7)(A) and (B) of the Zoning Ordinance. The required findings of Section 27-239.01(7)(A) are shown in **BOLD** below, with staff responses in plain text following:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

The site is too compact to accommodate the existing fast-food restaurant and impending Purple Line construction, and to simultaneously comply with the current standards regarding landscaping. However, there is still an opportunity to improve the property in a manner that closely aligns with the purposes and objectives of Section 4.2, Requirements for Landscape Strips Along Streets, namely to "enhance a business's commercial viability by improving its aesthetic appeal as viewed from the street to potential customers, investors, or passersby." The applicant's landscape plan advances this objective.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

The requested departure is the minimum necessary, especially given the fact that the area upon which the applicant can install/reinstall landscaping is extremely limited due to limitations imposed by SHA.

(iii) 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;

The requested departure is necessary, in order to alleviate circumstances which are special to the subject property. SHA is removing approximately 10 feet of landscape buffering due to its partial condemnation of the property for the installation of the Purple Line tracks. The applicant will not be able to fully comply with the requirements of the Landscape Manual with the land area they have left to use, while still having space for other needed site features such as

parking and driveways. These circumstances are unique to the properties which will be affected by Purple Line condemnation proceedings.

- (iv) **The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

Landscaping will be reinstalled on the property in the wake of SHA's Purple Line construction, and the new landscaping will help revitalize the property and increase its visual appeal. The new landscaping will also be installed in such a way that it will not impact traffic circulation in the vicinity. SHA will handle the installation of a new relocated stormwater pipe, inlets, and associated connections. Based on these factors, the departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

The required finding of Section 27-239.01(7)(B) is shown in **BOLD** below, with staff response in plain text following:

- (B) **For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements in paragraph (7)(A), above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.**

With respect to the specific departure requested, the applicant cannot provide a feasible proposal for alternative compliance that would exhibit equally effective design characteristics. The applicant proposed and was denied alternative compliance through application AC-11028-01. In its denial, the Alternative Compliance Committee noted "Spatial limitations on the subject site's frontage created by the public infrastructure project do not allow for normal compliance, or equally effective design, with the requirements of Section 4.2 for both the required landscape strip width and the number of plant units. Due to the limited frontage, the alternative design proposed in this application cannot be found to be equally effective as normal compliance with the requirements of Section 4.2(c)(3)(A)(i), Requirements for Landscape Strips Along Streets, along the MD 193 frontage." The design provides for landscape strip plantings consisting of trees and shrubs where it can reasonably be accommodated in the remaining limited frontage area.

Based on the preceding analysis, the required findings for approval set forth in Section 27-239.01(7)(A) and (B) are met for DDS-656.

7. **Further Planning Board Findings and Comments from Other Entities:** The relevant comments submitted from referred agencies were addressed as part of the review of this application. The following referral memorandums were received, and are incorporated by reference herein:

- Community Planning Section, dated March 13, 2020 (Hartsfield to Diaz-Campbell)
- Urban Design Section, dated April 2, 2020 (Bossi to Diaz-Campbell)
- Transportation Planning Section (Trails referral), dated March 9, 2020 (Ryan to Diaz-Campbell)
- Police Department, dated February 19, 2020 (Contic to Development Review Division)
- SHA, dated February 20, 2020 (Woodroffe to Diaz-Campbell)

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 and approved the above-noted application, subject to the following conditions:

1. Prior to approval of permits, a Certificate of Landscape Maintenance shall be submitted, in accordance with Section 1.7 of the 2010 *Prince George's County Landscape Manual*. The new landscape strip plantings and any dead or missing plant material identified for replacement through the Certificate of Landscape Maintenance, shall be shown on the permit plans and installed upon completion of on-site construction activities.
2. Prior to certification of the departure site and landscape plans, the plans shall be revised to:
 - a. In the Zoning Requirements table on the coversheet, provide under "parking stall sizes" information on the regular and compact parallel parking spaces provided.
 - b. In the Zoning Requirements table on the coversheet, under "parking lot requirements," indicate that a departure has been approved, rather than alternative compliance requested.
 - c. Remove the approval blocks from all sheets. In the lower right corner of the plans, leave a 2-inch square blank space for placement of a new certification block, to be provided by the Development Review Division.
 - d. In the general notes of the as-built survey, provide the source of the bearings shown on the plan for the Coopersmith Tract.
 - e. In the general notes of the as-built survey, remove Note 4, as there is a known proposed change in the street right-of-way line shown on the plans.

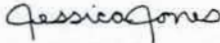
- f. On the landscape plan, ensure no new plant materials are shown within the Maryland State Highway Administration right-of-way, and that old plant materials within the right-of-way are labeled as to be removed.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council for Prince George's County, Maryland within thirty (30) days of 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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, May 21, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of June 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:EDC:nz

APPROVED AS TO LEGAL SUFFICIENCY
David S. Warner /s/
M-NCPPC Legal Department
Date: May 29, 2020