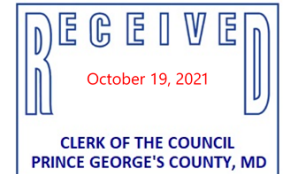


October 19, 2021



Chick-Fil-A
5200 Buffington Road
Atlanta, GA 30349

Re: Notification of Planning Board Action on
Detailed Site Plan DSP-15020-05
Chick-Fil-A, Capital Plaza

Dear Applicant:

This is to advise you that, on **October 14, 2021**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290, 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.

(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.)

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

Sincerely,
James R. Hunt, Chief
Development Review Division

By: *N. Andrew Bishop*
Reviewer

Attachment: PGCPB Resolution No. **2021-116**

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

RESOLUTION

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 September 23, 2021, regarding Detailed Site Plan DSP-15020-05 for Chick-Fil-A, Capital Plaza, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) is for the construction of a 4,966-square-foot eating and drinking establishment, with drive-through service.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C/D-D-O	C-S-C/D-D-O
Use(s)	Integrated Shopping Center	Integrated Shopping Center
Total Acreage Parcel I	43.81	43.81
DSP Acreage*	1.26	1.26
DSP proposed Gross Floor Area (GFA)	vacant	4,966
Total GFA of Parcel I	165,966 sq. ft.**	168,175 sq. ft.**

Note: *Total Acreage of DSP-15020-05

OTHER DEVELOPMENT DATA:

Parking	Rate	Number of Parking Spaces Required *	Number of Parking Spaces Provided
4,966 sq ft Eating and Drinking Establishment included in DSP-15020-05		94	55
124 seats	1 sp/3 seats	42	-
2,569 sq ft of non-patron and non-storage area	1 sp/ 50 sq ft of non-patron and non-storage area	52	-
Min (50%)-Max (125%) allowed per the D-D-O-Zone**		47-118	55

Parking	Rate	Number of Parking Spaces Required *	Number of Parking Spaces Provided
Existing Development in Capital Plaza			
Walmart (144,227 sq. ft.)	1sp/150 sq ft for first 3,000 sq ft + 1sp/200 sq ft above 3,000 sq ft	727	1,751
McDonalds (4582 sq. ft.)	1 sp/3 seats	64	76
Royal Farms (144,227 sq. ft.)		56	62
Retail (4,649 sq. ft.)	1sp/150 sq ft for first 3,000 sq ft + 1sp/200 sq ft above 3,000 sq ft	29	-
Eating and Drinking Establishment (38 seats)	1 sp/3 seats	10	-
Gas Station	1 sp/employee (8 employees)	8	-
Car Wash	1 sp/500 sq ft.	3	-
Total Parking for Capital Plaza (DSP-15020-05 + Existing Capital Plaza)		934	1,944
Min (50%)-Max (125%) allowed per the D-D-O-Zone***		467-1167	1,944
Proposed Loading included in DSP-15020-05****		1	1
Existing Loading		5	6
Walmart		3	4
McDonald's		1	1
Royal Farms		1	1
Total Loading for Capital Plaza		6	7
Proposed Handicap Accessible with DSP-15020-05		3	3

Parking	Rate	Number of Parking Spaces Required *	Number of Parking Spaces Provided
Existing Handicap Accessible		29	29
Walmart		27	27
McDonald's		1	1
Royal Farms		1	1
Total Handicap Accessible for Capital Plaza		32	32

Notes: *Parking required by Section 27-568 of the Prince George's County Zoning Ordinance:

**The site plan filed with this application indicates that the total gross floor area for the Capital Plaza Shopping Center is 16,143, which is not consistent with the cumulative gross floor area for approved retail tenants on-site. In addition, the gross floor area for multiple retail tenants appears to be incorrect on the DSP. The total and individual tenant gross floor area should be corrected, as conditioned herein.

***The number of parking required spaces per the Development District Overlay (D-D-O) Standard IV(C)(2)(3) on page 166 of the 2010 *Approved Central Annapolis Road Sector Plan and Sectional Map Amendment* (Central Annapolis Road Sector Plan and SMA). This standard sets the minimum required on-site parking for all uses to be 50 percent of the required minimum as determined by the Zoning Ordinance, Section 27-568(a), and the maximum to be 125 percent of the Zoning Ordinance requirement.

*****The D-D-O Zone does not have a standard for required loading spaces. Therefore, the loading standards outlined in Section 27-582 of the Zoning Ordinance, require one space, which has been provided by the applicant.

3. **Location:** The Capital Plaza Shopping Center is located on the north side of MD 450 (Annapolis Road), approximately 1,150 feet east of its intersection with MD 295 (Baltimore-Washington Parkway). The proposed eating and drinking establishment with a drive-through is located in the southwest portion of the Capital Plaza Shopping Center, with frontage on MD 450, west of Parcel J, and east of the existing Royal Farms development. The property is also located in Planning Area 69 and Council District 3.
4. **Surrounding Uses:** The larger Capital Plaza Shopping Center is surrounded to the north and west by MD 295; to the east by single-family detached dwellings in the One-Family Detached Residential (R-55) Zone and commercial development in the Commercial Shopping Center (C-S-C) Zone; and to the south by MD 450, with commercial development beyond in the

C-S-C and Commercial Miscellaneous Zone. The subject application and the surrounding properties are all within the Central Annapolis Road Sector Plan and SMA.

5. **Previous Approvals:** The site was developed in the 1960s as the Capital Plaza Mall with approximately 395,000 square feet of development, most of which, except for the asphalt parking lot, has subsequently been demolished. The C-S-C-zoned property was overlaid with the Development District Overlay (D-D-O) Zone by the Central Annapolis Road Sector Plan and SMA. The plan was originally adopted without a use table, but it was later included by a minor amendment to the sector plan adopted by Prince George's County Council Resolution CR-28-2017, on May 2, 2017.

The site is the subject of Preliminary Plan of Subdivision (PPS) 4-86033, which was approved by the Prince George's County Planning Board on May 8, 1986. The site is also subject to the requirements of a final plat entitled "Parcels I, J, and K, The Capital Plaza, Inc.," recorded in the Land Records of Prince George's County in Plat Book SJH at page 28, which established a maximum gross floor area of 493,913 square feet of development on Parcels I, J, and K. Development more than that will require a new PPS and a new analysis for adequate public facilities.

The site is the subject of multiple DSP applications including DSP-15020, Capital Plaza, Pollo Campero, which was approved by the Planning Board on March 24, 2016 (PGCPB Resolution No. 16-45) and adopted on April 7, 2016.

The application has been amended four times and includes DSP-15020-01, Capital Plaza, Walmart, for an expansion of the retail location, and was disapproved by the Prince George's County District Council on September 19, 2016; DSP-15020-02, which was approved by the Planning Board on October 19, 2017 (PGCPB Resolution No. 17-137) and adopted on November 9, 2017, for a Royal Farms food and beverage store in combination with a gas station. DSP-15020-04 was approved by the Planning Director for architectural modifications to the Royal Farms west of the subject site.

The site is the subject of an approved Stormwater Management (SWM) Concept Plan, 52610-2020 -00, which was approved on March 18, 2020, and is valid until March 18, 2024.

6. **Design Features:** The subject application proposes to develop a 4,966-square-foot eating and drinking establishment, with drive-through service, including additional outdoor seating, associated parking, and other site improvements, as part of an integrated shopping center.

The building is located in the southwest portion of the overall shopping center, on the north side of MD 450. Access to the building is by a single driveway connection along an internal drive isle located within the shopping center. The eating and drinking establishment is served by a 55-space surface parking facility located on the south and east sides of the building. The DSP proposes an approximately 30-foot-wide double drive-through facility that extends along the west and north sides of the building and has a 33-car capacity that will contain queuing within the limits of the site. The location of the proposed drive-through on the north, west, and east sides of the building

minimizes conflict with pedestrian travel and facilities along MD 450, which is required by the D-D-O standard (page 166). The main entrance to the eating and drinking establishment is on the east side of the building and is accented by a cantilevered metal canopy over the main entrance. The outdoor dining is located on south side of the building nearest to the public right of way to activate the street. The D-D-O standard requires a direct pedestrian access from the public sidewalk to the entrance of the commercial location (page 166). The site plan submitted includes a sidewalk which provides a direct pedestrian connection from the main entrance to the sidewalk along MD 450.

Architecture—The proposed one-story building is rectangular in shape and has a flat roof. The shorter southern elevation faces MD 450 and consist of store front windows, a door with brick accents, and projected awnings along the front façade. The north, east, and west facades propose similar finishes and use quality materials such as brick (in two different shades), metal accents, and glass. The combination of light and dark shades of brick, the metal canopies and glass create a visual interest and breaks up the linear mass of the building. These building materials and building treatments are consistent with those required by the D-D-O standard (pages 167 and 168). Further, it is determined that the building’s design is compatible with the other buildings in the shopping center and establishes an appropriate standard for quality architecture for future development on the overall site.

Signage—The application proposes five internally-illuminated, building-mounted signs that include the corporate logo and the name of the restaurant. The signs are proposed on each façade with two of the five signs proposed on the east side of the building near the main access into the restaurant, and one sign on the north, south, and west side of the building and have been found acceptable.

In addition, it is noted that the site includes a number of directional signs to assist with drive-through traffic on the site and include a drive-through sign, menu board, directional signage, and a clearance bar. An existing free-standing sign advertising the retail locations in Capital Plaza will be updated to include an illuminated sign for the eating and drinking establishment proposed with this application.

Loading, Trash Facilities, and Site Details

Loading is required for the eating and drinking establishment and is provided between the drive-through and the building, on the north side of the site. The dumpster and loading area are adequately screened by the building, vegetation, and an eight-foot-high enclosure. Site details for these improvements including the outdoor dining area have been provided, and the Planning Board finds acceptable with the exception of the retaining walls on the north and west sides of the site. Details for these retaining walls have not been provided and the top and bottom elevations of the walls are not shown and are required, therefore, these are required to be provided and are conditioned herein.

COMPLIANCE WITH EVALUATION CRITERIA

7. **2010 Approved Central Annapolis Road Sector Plan and Sectional Map Amendment and Development District Overlay (D-D-O) Zone:** The subject site is located within the Retail Town Center area of the Central Annapolis Road Sector Plan and SMA. The character area is intended to create a pedestrian-friendly retail center oriented toward MD 450. The center should accommodate a mix of regional-serving retailers and neighborhood-oriented businesses. The D-D-O Zone imposes urban design standards to implement the plan's vision for the corridor and this character area.

Section 27-548.25(b) of the Zoning Ordinance requires that in approving the DSP, the Planning Board shall find that the site plan meets applicable development district standards. The subject DSP meets the applicable development district standards, except as noted below.

Requests to Amend Development District Standards

The submitted application and statement of justification indicate the need to deviate from several development district standards, in order to accomplish a uniform development on the subject property. In accordance with Section 27-548.25(c), Site Plan Approval, of the Zoning Ordinance, if the applicant so requests, the Planning Board may apply development standards which differ from the approved development district standards. These alternate standards may be approved if they can be found to benefit the development and the development district and will not substantially impair implementation of the master plan, master plan amendment, or sector plan. The application generally meets the standards of the development district such as the coverage and landscape requirements. However, the applicant is requesting the following modifications from the development district standards in Character Area D for the Retail Town Center (all page numbers reference the sector plan):

a. **IV. Retail Town Center**

Page 164– Building Placement: The minimum front building placement line on the north side of MD 450, which is designated as a Commercial Corridor Arterial, is 75 feet line and the maximum is 85 feet.

Front building placement lines for the town center arterial and the commercial corridor arterial frontages shall be measured from the MD 450 centerline. The site plan shows a setback of approximately 99.86 feet from the centerline of MD 450. Even though the front building placement line is beyond the 85 feet maximum from the property lines, the proposed location of building will not obstruct the development pattern for the area.

The applicant justifies that the placement of the building is in alignment with the approved Royal Farms (DSP-15020-02) and with the existing Capital One Bank and creates a uniform and visually cohesive edge for the Capital Plaza development. The Sector Plan envisions the implementation of the front building placement line to define the pedestrian edges between the road right-of-way and the commercial pad sites. It is noted that there is 10 feet of elevation change from the curb of MD 450 to the finished grade of the eating and drinking establishment. Since the proposed development

is located approximately 10 feet lower than the right-of-way, strict enforcement of the front building placement line would not function as the envisioned pedestrian street edge as intended in the Sector Plan and would impair the operation of the use and internal circulation of the site. For these reasons, the Planning Board approves the modification.

b. **IV. Retail Town Center**

Page 165– Parking and Access Management: No parking shall be located in the front yard or corner side yard.

Parking is proposed in the front yard adjacent to MD 450, and while the applicant did not specifically request a modification from this design standard, the Planning Board believes this modification is needed. The Planning Board believes that the use will generate the need for additional 15 parking spaces that is needed to adequately serve the demand of vehicles accessing the site. It is important to note these spaces will be adequately screened from the public right of way by proposed landscaping and elevation change. In addition, it is noted that these spaces do not increase the building setback and the building location is consistent with the adjoining properties. For these reasons, the Planning Board approves the modification.

c. **Page 166–Parking and Access Management:** The minimum required on-site parking capacity for all uses in the Retail Town Center Area shall be 50 percent of the current required minimum capacity as determined in Section 27-568(a). The maximum permitted on-site capacity shall be equal to 125 percent of the minimum capacity required by the Zoning Ordinance for all uses.”

The applicant indicates that the increase in the number of parking spaces on the overall site of Capital Plaza is reasonable, because the eating and drinking establishment proposed with this application will be the next facility to be developed in the overall shopping center. The site was originally developed as a shopping mall in approximately 1960, and at that time it was generally believed that the number of parking spaces was sufficient to serve the numerous uses on this property.

The shopping mall was demolished in approximately 2006 and the property is currently going through a redevelopment. While this application is providing a sufficient number of parking spaces for the development of this 1.26 acres site, the total parking spaces provided on the entire Capital Plaza property continue to exceed the maximum number of parking spaces permitted by the District Development Standards and requires a modification. The Planning Board approves this modification.

The applicant has indicated that they are using a shared parking reduction on site which is contradictory to the modification that the applicant is requesting to exceed the maximum allowable parking per the D-D-O standards, as described above. The retail and restaurant uses will occupy the parking compound during roughly the same hours and do not use a reduction to the number of parking spaces based on shared parking standards provided in the D-D-O (page 167). In order to use shared parking on site the uses should occupy the

parking lot during different hours, and the Board can not authorize a reduction of the minimum required spaces based on this concept if the applicant is requesting a modification to increase the number of parking spaces above the maximum requirement. Therefore, a condition has been included that requires the parking schedule be revised and the note for shared parking be removed.

d. **V. Public Realm Standards**

Page 181– E. Signage: Signs should be externally lit, and light should be directed to illuminate the sign face only and to prevent any light spillover. Lighting sources should be concealed by landscaping.

The applicant is proposing to install internally lit signs on the north, south, and east facades of the proposed building, which is not allowed by the D-D-O. Therefore, a modification to this standard is required. The majority of the signs face the internal parking lot, and do not face the public right-of-way of MD 450. Therefore, due to the location of the majority of these building-mounted signs it has been found that their internal illumination would not substantially impair the sector plan vision for the corridor and the Planning Board approves this modification.

e. **VI. Landscape Standards**

Page 182–Parking lot requirements: Parking lots shall be screened from roadways and public areas (such as sidewalks, plazas, and abutting open space) with appropriate landscaping, a continuous, low masonry wall of three feet or less, or other appropriate screening techniques. The landscape strip shall include a minimum four-foot-wide landscape strip between the right-of-way line and the parking lot, with a brick, stone, finished concrete wall to screen the parking lot. The wall shall be located adjacent to but entirely outside the four-foot-wide landscaped strip, planted with a minimum of one shade tree per 35 linear feet of frontage, excluding driveway openings, and with a mixture of evergreen ground cover and low shrubs planted between the shade trees.

The applicant notes that a knee wall is not proposed given the existing grades of the site. As previously indicated, there is 10-foot elevation change from the curb of MD 450 down to the finished grade, and a knee wall would not function as the envisioned to establish the street edge as intended in the Sector Plan.

The landscape plan shows landscaping between the parking lot and MD 450, and the landscape strip is required to be a minimum of four feet in width. It appears that the application meets this requirement and proposes a combination of native evergreen shrubs and existing shade trees to meet this requirement. However, it is unclear how wide this landscape strip is, and it is required that it be dimensioned for clarification. Therefore, a condition has been included herein, requiring the landscape plan be revised to include a dimension showing the width of the landscape strip in conformance with the Central Annapolis Road Sector Plan and SMA. The site elevation is lower than the elevation of MD 450, and the frontage with the roadway is screened by a row of holly shrubs which will create a natural barrier and mitigate views from MD 450.

Appropriate landscaping with a minimum height of three feet in height is supported in lieu of the masonry wall along MD 450 to screen the parking lot because it will provide a more pleasing visual streetscape along the corridor and the Planning Board approves of this modification.

- 8. Prince George's County Zoning Ordinance:** The subject site plan has been reviewed for conformance with the applicable requirements of the C-S-C and D-D-O Zones and the site design guidelines. The following discussion is offered regarding these requirements:
- a. **Commercial Shopping Center (C-S-C) Zone:** The project is subject to the requirements of Section 27-461 of the Zoning Ordinance, which governs permitted uses in the C-S-C Zone, and Section 27-462 of the Zoning Ordinance, which provides regulations for permitted uses in commercial zones, of the Zoning Ordinance. The project is in conformance with these sections of the Zoning Ordinance.
 - b. **Site design guidelines:** If approved as conditioned, the DSP will be in conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance. However, it should be noted that the development district standards of the sector plan are also applicable, and the Zoning Ordinance and 2010 *Prince George's County Landscape Manual* (Landscape Manual) only apply when the sector plan's development district standards are silent on a specific regulation.
 - c. **Development District Overlay (D-D-O) Zone Required Findings:** Section 27-548.25(a), (b), (c), (d), and (e) are applicable to the review of this DSP, as follows:

Section 27-548.25 Site Plan Approval

- (a) **Prior to issuance of any grading permit for undeveloped property or any building permit in a Development District, a Detailed Site Plan for individual development shall be approved by the Planning Board in accordance with Part 3, Division 9. Site plan submittal requirements for the Development District shall be stated in the Development District Standards. The applicability section of the Development District Standards may exempt from site plan review or limit the review of specific types of development or areas of the Development District.**

The subject application has been submitted in fulfillment of this request.

- (b) **In approving the Detailed Site Plan, the Planning Board shall find that the site plan meets applicable Development District Standards.**
- (c) **If the applicant so requests, the Planning Board may apply development standards which differ from the Development District Standards, most recently approved or amended by the District Council, unless the**

Sectional Map Amendment text specifically provides otherwise. The Planning Board shall find that the alternate Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan.

Sections 27-548(b) and (c), require modifications, which is permitted by the Zoning Ordinance. The Planning Board believes that, due to the location, site constraints, and through the redevelopment of the shopping center, the alternate development district standards as discussed in Finding 7 will benefit the development and will not substantially impair implementation of the Central Annapolis Road Sector Plan and SMA. With the exception of the alternate development district standards, all other applicable development district standards are being met.

- (d) **Special Exception procedures shall apply to uses within a Development District as provided herein. Uses which would normally require a Special Exception in the underlying zone shall be permitted uses only if the Development District Standards so provide within a table of uses, and such uses shall instead be subject to site plan review by the Planning Board. Development District Standards may restrict or prohibit any such uses. The Planning Board shall find in its approval of the site plan that the use complies with all applicable Development District Standards, meets the general Special Exception standards in Section 27-317 (a)(1), (4), (5), and (6), and conforms to the recommendations in the Master Plan, Master Plan Amendment or Sector Plan.**

The uses allowed in the Central Annapolis Road Sector Plan and SMA are the same as those permitted by the Zoning Ordinance (page 139). The eating and drinking establishment with drive-through is permitted in the C-S-C Zone, subject to a DSP. Therefore, (d) does not apply.

- (e) **If a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards.**

There is no variance or departure that are required with this application. If modifications to the development district standards are approved, the site plan conforms to all applicable development district standards and the applicable requirements of the Zoning Ordinance.

9. **Preliminary Plan of Subdivision 4-86033 and Record Plat SJH 246-28:** The site is the subject of PPS 4-86033, that was approved by the Planning Board and by recorded Plat Book NLP 131-6 as Parcels E and F. The property was resubdivided in 2016, reflecting the established

development cap of 493,913 square feet of development for Parcels I, J, and K (SJH 246-28). The PPS was approved, subject to two conditions, neither of which are applicable to the subject review. The record plat contains the following two notes, which are relevant to this review:

- 1. The property included in this plat of subdivision is limited to the 493,913 square feet of gross floor area of development. Additional development will require a new preliminary plan.**

Parcels I, J, and K are currently developed with a total of 226,112 square feet of commercial gross floor area. The proposed development, in addition to the existing buildings, meets the limitation of the gross floor area established for all three parcels by this plat.

- 2. Any residential development will require a new preliminary plan of subdivision.**

This amendment to DSP-15020 proposes an eating and drinking establishment with drive-through service and therefore, this note is not applicable.

- 10. Detailed Site Plan DSP-15020 and its amendments:** The DSP has been approved and amended four times for various reasons. A detailed discussion of each of these approvals and their applicable conditions is outlined as follows:

The Planning Board approved DSP-15020 for Capital Plaza, Pollo Campero, and adopted PGCPB Resolution No. 16-45 on March 24, 2016, subject to the two conditions. Neither condition of that approval is applicable to the subject case.

DSP-15020-01 was approved by the Planning Board on May 5, 2016, and is embodied in PGCPB Resolution No. 16-20, to expand the existing Walmart store on the site. The District Council heard the case in oral argument and issued an order on the same date, denying the application.

DSP-15020-02 was approved by the Planning Board on October 19, 2017, and is embodied in PGCPB Resolution No. 17-137, to develop a 6,619-square-foot food and beverage store, in combination with a gas station and car wash.

DSP-15020-03 was approved by the Planning Board on July 19, 2018 (PGCPB Resolution No. 18-77(c), adopted on November 9, 2017) for development of three pad sites to develop 24,840 square feet of retail and restaurant development in three buildings, as part of an integrated shopping center.

DSP-15020-04 was approved by the Planning Director on January 31, 2019, for architectural modifications to the Royal Farms with no conditions.

None of the conditions related to the prior approvals are applicable to the subject application.

- 11. 2010 Prince George’s County Landscape Manual:** Page 182 of the Central Annapolis Road Sector Plan and SMA states that the regulations and requirements of the Landscape Manual shall apply to the D-D-O Zone unless the sector plan specifies otherwise. The D-D-O Zone landscape standards include requirements for street trees, parking lots, buffering, and screening (page 182). The sector plan and SMA does not include any standards that modify Section 4.6 (c)(2), Buffering Development from Special Roadways, and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. The DSP has been reviewed for conformance with the standards, and generally conforms to the requirements.

Schedules have been provided for sections of the Landscape Manual that have been superseded by the standards of the D-D-O, such as Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.7, Buffering Incompatible Uses. The D-D-O has different standards, for these types of treatments and supersedes the requirements of the Landscape Manual. Therefore, the Planning Board finds that only schedules be included in the DSP that are applicable. Therefore, a condition has been included herein, requiring that the non-applicable Landscape Manual schedules be revised and renamed to reflect the standards of the dimension showing the width of the landscape strip in conformance with the Central Annapolis Road Sector Plan and SMA.

- 12. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The project is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because it does not have a minimum of 10,000 square feet of woodlands, or any prior approved tree conservation plans, and was issued a Standard Letter of Exemption (S-022-2021) on January 5, 2021.

- 13. Prince George’s County Tree Canopy Coverage Ordinance:** The site is subject to the Tree Canopy Coverage Ordinance because it proposes more than 5,000 square feet of disturbance. The Tree Canopy Coverage Ordinance requires that, based on the C-S-C zoning of the site, 10 percent of the site is to be covered in tree canopy. The overall site measures 1.26 acres, however, the area of impact of this DSP is 0.13 acre and the tree canopy coverage (TCC) requirements are being applied to this area of impact. The subject application provides the required TCC schedule and is in conformance.

- 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, and the referrals are incorporated herein by reference:

- a. **Historic Preservation and Archeological Review**—The Planning Board adopts a memorandum dated July 6, 2020 (Stabler to Bishop), which notes that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any Prince George’s County historic sites or resources. The proposal will not impact any historic sites, historic resources, or known archeological sites. A Phase I archeology survey is not recommended.

- b. **Community Planning**—The Planning Board adopts a memorandum dated September 11, 2021 (White to Bishop), which provides an analysis of the subject DSP’s conformance with the recommendations of the 2014 *Plan Prince George’s 2035 Approved General Plan*, the applicable aviation policy area, the Central Annapolis Road Sector Plan and SMA and an analysis of the proposed alternative development district standards requirements, as included in Findings 7 and 8 above.
- c. **Transportation Planning**—The Planning Board adopts a memorandum dated August 24, 2021 (Saunders Hancock, to Bishop), which notes that access and circulation are acceptable. The number and locations of points of access are sufficient and the total number of trips proposed with this application are within the trip cap for the site approval with the PPS. From the standpoint of transportation, and in consideration of the findings contained herein, it is determined that this plan is acceptable if the application is approved.
- d. **Pedestrian and Bicycle Transportation**—The Planning Board adopts a memorandum dated September 14, 2020 (Ryan to Bishop), which notes that the pedestrian and bicycle access and circulation for this plan are acceptable, consistent with the site design guidelines pursuant to Section 27-283 of the Zoning Ordinance, and meets the findings required by Section 27-274, for a DSP for pedestrian and bicycle transportation purposes. The DSP conforms to the prior development approvals and the Retail Town Center character area of the Central Annapolis Road Sector Plan and SMA, if approved as conditioned.
- e. **Subdivision**—The Planning Board adopts a memorandum dated August 23, 2021 (Vatandoost to Bishop), which provides an analysis of the subject DSP’s conformance with the prior approvals, as included in Findings 9 and 10 above, and noted that the DSP is in substantial conformance with the approved PPS. Technical revisions to the general notes are required and have been conditioned herein.
- f. **Permits**—The Planning Board adopts a memorandum dated August 23, 2020 (Jacobs to Bishop), which provides three comments that have been addressed by the applicant in revisions to the DSP or have been included as conditions herein.
- g. **Environmental Planning**—The Planning Board adopts a memorandum received June 28, 2021 (Rea to Bishop), which offers the following summarized comments:

Natural Resources Inventory/Existing Conditions

The site has a Natural Resource Inventory Equivalency Letter (NRI-132-12-03) which was issued on January 5, 2021. The site is currently developed with a bank. No woodland or regulated environmental features are located on this site.

Soils

According to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, the site contains Christiana-Downer-Urban Land complex (5-15 percent slopes). As an unsafe soil, the County may require a soils report in conformance with Prince George's County Council Bill CB-94-2004 during the building permit review process. No other unsafe soils containing Marlboro clays are mapped on this site.

Stormwater Management

The site has an approved SWM Concept Plan, 52610-2020, that is in conformance with the current code, which is valid until March 18, 2024. The approved plan proposes four micro-bioretenion facilities. The approved concept plan is in general conformance with the DSP.

The Planning Board s approves DSP-15020-05 with no environmental conditions.

- h. **Prince George's County Fire/EMS Department**—At the time of the writing of this approval, no comment from the Fire/EMS Department were received regarding the subject project.
- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopts a memorandum dated June 25, 2021, (Giles to Bishop), in which DPIE offered numerous comments that will be addressed through DPIE's separate permitting process.
- j. **Prince George's County Police Department**—At the time of this approval, the Prince George's County Police Department had not provided comments on the subject application.
- k. **Prince George's Health Department**—At the time of this approval, the Prince George's County Health Department had not provided comments on the subject application, but standard conditions related to the construction, dust control, and noise have been included.
- l. **Maryland State Highway Administration (SHA)**—The Planning Board adopts an email dated August 10, 2021, (Woodroffe to Bishop), which indicates that SHA has no comments on the subject application.
- m. **Washington Suburban Sanitary Commission (WSSC)**—At the time of this approval, comments have not been received from WSSC.
- n. **Town of Bladensburg, Town of Cheverly, City of Hyattsville, and the Town of Landover Hills**—At the time of the writing of this approval, comments were not provided from the aforementioned municipalities regarding the subject project.

15. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, as revised in accordance with the conditions of this approval, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
16. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board must also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible, in accordance with the requirements of Subtitle 24-130(b)(5). In the memorandum adopted by the Planning Board dated June 28, 2021, the Planning Board finds that the site does not contain any regulated environmental features that are required to be protected.

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 Detailed Site Plan DSP-15020-05 for the above described land, subject to the following conditions:

- A. APPROVAL of the following alternative Development District Overlay Zone standards:
 1. Standard IV.A. Table 8.10, Bulk Standards (page 164)
Front Building Placement Line—To allow a building setback of 99.86 feet from the centerline of Annapolis Road.
 2. Standard IV. C.1. (page 166)
Parking and access management—To allow the applicant to include parking located in the front yard if the property.
 3. Standard IV. C.2. (page 166)
Parking and access management—To allow the applicant to exceed the maximum parking permitted by the 2010 *Approved Central Annapolis Road Sector Plan and Sectional Map Amendment* by providing 1,944 parking spaces.
 4. Standard V.E.1.h. (page 181)
Signage—To allow an internally lit sign on the North and East elevations on the proposed building.
 5. Standard VI.D.2.a. (page 182)
Landscape Standards-Parking lot requirements—To provide three to four-foot shrubs in lieu of providing a wall, between the parking lot and the right-of-way.

B. APPROVAL of Detailed Site Plan DSP-15020-05, Chick-Fil-A, Capital Plaza, subject to the following conditions:

1. Prior to certificate approval of the detailed site plan (DSP), the applicant shall submit the following documentation or revise the plans, as follows:
 - a. Provide a crosswalk crossing the drive aisle along the site's northeast driveway.
 - b. Provide a minimum of two bicycle racks located near the entrance of the building and clearly label their location on the DSP.
 - c. Provide construction details for the bicycle rack showing two points of contact to support and secure a parked bicycle.
 - d. Provide a construction detail for the retaining walls on the north and west sides of the site, and clearly indicate their top and bottom elevations on the DSP.
 - e. Add the dimensions for the building and refuse enclosure to the DSP.
 - f. Relocate the label for Parcel I so the existing freestanding sign is visible on the Overall Site Sheet, C-103.
 - g. Add the site plan note to the DSP as follows:

“During the construction phase, the applicant shall adhere to all applicable Prince George’s County or State of Maryland regulations and laws regarding particulate matter, pollution, and noise.”
 - h. Revise the Site Notes on site plan Sheet C-301 to provide the recording plat reference for Parcel I.
 - i. Revise the landscape plan and rename the schedules to reflect the standards of the 2010 *Approved Central Annapolis Road Sector Plan and Sectional Map Amendment*.
 - j. Correct the square footage for the individual uses and total gross floor area for Capital Plaza on the DSP.
 - k. Provide a dimension showing the width of the landscape strip in conformance with the 2010 *Approved Central Annapolis Road Sector Plan and Sectional Map Amendment*.
 - l. Remove the note that the site is using shared parking from the parking and loading schedule.

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, September 23, 2021, in Upper Marlboro, Maryland.

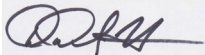
Adopted by the Prince George's County Planning Board this 14th day of October 2021.

Elizabeth M. Hewlett
Chairman

Jessica Jones
By Jessica Jones
Planning Board Administrator

EMH:JJ:NAB:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: September 28, 2021