

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed DPLS-396, Riverdale Road McDonalds requesting a departure from parking and loading standards to reduce the required number of parking spaces from 52 to 45 and not provide the required one loading space due to the site’s small size 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 November 14, 2013, the Prince George's County Planning Board finds:

1. **Request:** The application is for the approval of a Departure from Parking and Loading Standards, DPLS-396, to reduce the required number of parking spaces from 52 to 45 and not provide the required one loading space due to the site’s small size.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Eating or Drinking Establishment with Drive-through Service	Eating or Drinking Establishment with Drive-through Service
Acreage	1.11	1.11
Square Footage/GFA	3,817	4,387
Lots	2	2

Parking Requirements*

	REQUIRED	APPROVED
Total Parking Spaces (1 space per every 3 seats for 87 seats plus 1 space per 50 square feet for 1,142 sq. ft.)	52	45*
Of which Handicap Spaces	3	2 (2 Van-Accessible)
Total Loading space	1	0*

*Note: Detailed Site Plan DSP-12059 for a 4,387-square-foot, one-story freestanding McDonalds eating and dinning establishment with drive-through service has been filed as a companion case with this DPLS.

3. **Location:** The 1.11-acre property is located at 5600 Riverdale Road, in the northeastern quadrant of its intersection with Kenilworth Avenue (MD 201). The site is also located in Planning Area 69, Council District 3, within the Developed Tier, in the town of Riverdale Park.
4. **Surrounding Uses:** The subject site is bounded on three sides by the rights-of-way of Riverdale Road to the north, Kenilworth Avenue (MD 201) to the east and 57th Avenue to the west. To the north of the site is property owned by Potomac Energy Holding, LLC in the C-S-C Zone.
5. **Previous Approvals:** The subject site consists of two lots that were recorded among the Land Records of Prince George's County in the 1960s. Subsequently, the site was developed and the primary structure was built in 1964. The site has a Special Exception, SE-3613, which was approved by the District Council on August 26, 1985 for a fast-food restaurant. Since then, McDonalds has continued to own and operate this restaurant. The 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* (Bladensburg-New Carrollton Master Plan and SMA) retained this property in the C-S-C Zone. The site also has an approved Stormwater Management Concept Plan, 38926-2012-00, which is valid through May 20, 2016.
6. **Design Features:** The subject site has three existing vehicular access points off Kenilworth Avenue (MD 201), Riverdale Road, and 57th Avenue. The existing McDonalds restaurant building is located parallel to Kenilworth Avenue in a south-north orientation. The access point off Kenilworth Avenue is a right-in/right-out partial access. The proposed DSP keeps the same number of access points, but relocates the ones off Kenilworth Avenue and 57th Avenue. The existing access off Riverdale Road remains at the same location.

The application proposes to construct a new 4,387-square-foot McDonalds restaurant on an existing McDonalds restaurant site to replace the existing 3,817-square-foot building. The existing building will be demolished before the new building is constructed on the site. The new restaurant building is sited toward Riverdale Road in the middle of the site, surrounded by surface parking spaces. It is set back approximately 60 feet from the front property line, more than 60 feet from two side property lines and approximately 50 feet from the rear property line abutting the Potomac Energy Holding LLC property, where the drive-through window is located. The main drive-through traffic will enter the site from Riverdale Road and circulate via two drive-through lanes which will merge into one lane to the rear of the restaurant and eventually exit from the access point off Kenilworth Avenue. The trash receptacle is located in the northern portion of the site, close to the site entrance off 57th Avenue. The applicant plans to use the space between the drive-through lane and the rear property line as a loading area with limited operation time when on-site traffic is light, such as late at night or early in the morning. The Planning Board attached one condition to limit the operation of the loading space during non-peak hours. This condition has been included in this resolution.

The proposed new McDonalds restaurant building is one of the franchise's latest architectural models and has a contemporary appearance with many architectural features. Two main entrances to the building are located on the south and west (Riverdale Road and Kenilworth Avenue

frontage) sides. The one-story flat roof building with a building height varying from 18.79 to 23.33 feet is finished with a combination of red brick, stone veneer, and an aluminum trellis system on four sides. The aluminum trellis system has been used as an accent element to break up the dominance of brick and stone on all elevations. The roof section is clad with corrugated metal fascia panels. A tower element finished with accent cultured stone (southwest pro-fit ledgerstone) has been used at the two entrances and on the east elevation. The flat plane of the roof of the tower element is broken with the addition of a stone veneer parapet and a golden, metal, sloping curve as a roof cap design element. Darker brick (Midland Blend) is proposed on the north side of the building in the area of the drive-through pick-up windows, and in the form of a wider horizontal band between the pick-up windows. Additional stone veneer is proposed mostly in the area where the dining area is located. Awnings with yellow and orange bands are proposed above the dining room windows. The south and west elevations are designed as the main elevations of the building. The northern and the eastern elevations (where the drive-through windows are located) are designed as the secondary elevations, which are also attractive and acceptable. The proposed trash receptacle is enclosed with brick walls on three sides that have the same light color brick (Rubigo Red Velour) as those on the restaurant building. The gate of the trash receptacle is made of Trex, a synthetic material in a woodland brown color.

The lighting fixtures proposed include pole lights for the site and building-mounted wall sconce fixtures for the building. The pole lights are 24-foot-high full cut-off luminaires. However, no specifications for the proposed wall sconce fixtures are provided. A condition has been included in this report to require that a cut sheet for these fixtures be provided to be reviewed and approved by the Urban Design Section as designee of the Planning Board prior to certification. The photometric lighting plan shows an average 0.2 foot-candle reading along the property line, meaning that minimal lighting spills over the adjacent property and rights-of-way. All exterior lighting fixtures are full cut-off type.

A total of 110.4 square feet of building-mounted and 146 square feet of site signage have been proposed with this DSP. The signage includes a typical McDonalds golden arch corporate sign, other site signs, and directional signs. The two text identification signs along with the golden arch logos are located on the southern and western elevations. An additional text identification sign is located on the northern elevation. Two additional signs with the text "Welcome" are located on the two main elevations facing Kenilworth Avenue and Riverdale Road. The site plan also includes a 6-foot 9-inch-high, 103.5 inch by 54 inch menu board in front of the drive-through lane. A 42-inch illuminated golden arch sign has been shown on four elevations. One flag pole for a United States of America flag, one for the State of Maryland flag, and one for the McDonalds corporate flag are proposed on the southwestern corner of the building site near the intersection of Kenilworth Avenue and Riverdale Road. The United States, state, and municipal flags and the menu board, which is solely used to inform passengers of specific food offered in a "drive-in restaurant" or a "fast-food restaurant" with a drive-through window, are permitted and are not considered as signage from the standpoint of the Zoning Ordinance. However, the McDonalds corporate flag, which has a total sign face area of 15 square feet, is considered a freestanding sign in accordance with Part 12 of the Zoning Ordinance. The proposed sign package meets the sign requirements in the Zoning Ordinance.

The number of parking spaces provided by the applicant is 45 spaces, of which two are van-accessible for the physically-handicapped. The number of parking spaces for the physically-handicapped does not meet the applicable minimum requirement for this use. In accordance with Section 27-566, three parking spaces for the physically-handicapped are needed for a total number of parking spaces required between 51 and 75. The number of required parking spaces for this site is 52 spaces. A condition has been attached to the approval of this DSP in this resolution.

7. **Departure from Parking and Loading Standards DPLS-396:** Section 27-568 of the Zoning Ordinance stipulates the minimum number of required off-street parking spaces for each type of use. As stated above in Finding 2, the required number of off-street surface parking spaces for this site is calculated based on one space per three seats and one space per 50 square feet of non-seating area (excluding any area used exclusively for storage or patron seating and any exterior patron service area) of the proposed restaurant in accordance with the requirements of Section 27-568. For an 87-seat restaurant with 1,142 square feet of eligible area for parking calculation, a total of 52 off-street surface parking spaces is required. The applicant provided a justification statement during the review process stating that the restaurant proposes to reduce the total number of seats in the restaurant. Due to the fact that most customers today desire to avail themselves of the drive-through service option, the 102 seats in the existing restaurant will be reduced to 87 in the new restaurant. The applicant concludes that the peak number of parking spaces actually needed for the proposed restaurant is 45 spaces and has provided 45 surface parking spaces for this site. Because the available space on the site is greatly constrained, a departure from parking and loading standards has been requested for this development to provide seven parking spaces less than the required 52 parking spaces. In addition, for the proposed use on this site, a loading space is required in accordance with Section 27-582. The applicant states that the provision of a loading space would further reduce the available space for parking. Instead, the applicant proposes to use those spaces at the rear of the restaurant building during off-peak hours or evening hours for loading purposes.

The provisions of Section 27-588(b)(7) require that the Planning Board make the following findings in order to approve the application:

(7) Required findings.

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

- (i) The purposes of this Part (Section 27-550) will be served by the applicant's request;**

The purposes of Section 27-550 are as follows:

- (1) To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**
- (2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**
- (3) To protect the residential character of residential areas; and**
- (4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

The statement of justification provided by the applicant indicates that only 45 peak-hour parking spaces are needed to operate a viable fast-food restaurant like the one proposed. The applicant provides double drive-through lanes to reduce time spent in the drive-through line and to reduce queues. In addition, the site will be oriented toward Riverdale Road and will be able to keep the same number of access points off three existing streets. The only developed site adjacent to the subject site to the north is Potomac Energy Holding in the C-S-C Zone. There is no residentially zoned property around the site. Therefore, the departure will not have any impact on the residential character of residential areas and will serve the above purposes of Section 27-550 at least as well as the current layout.

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

As discussed previously, the applicant's justification statement concludes that a total of 45 parking spaces is needed for this site to accommodate peak-hour parking demand and one loading space is also required. The proposed 45 spaces have already factored in future parking contingencies for this site. The maximum number of parking spaces that will fit on the site are proposed, without providing a designated loading space, so it is clear that the departure request is the minimum necessary. Providing a loading space would further reduce the number of possible parking spaces provided on the small site. The requested departures of seven parking spaces and one loading space are the minimum necessary.

- (iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;**

The site of the existing and proposed restaurant is situated within an area intensely developed with commercial uses, which are quasi-urban in character and oriented toward and with access from the primary road network consisting of Kenilworth Avenue (MD 201), East-West Highway (MD 410), and Riverdale Road. Given that the site is quite small and is surrounded by busy roadways and double drive-through lanes are utilized, the departure will not lead to any parking difficulty in the area where the site is located. The departures are necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location.

- (iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

All methods for calculating the number of parking and loading spaces in the Zoning Ordinance have been used. The site is so small that parking and loading spaces are proposed to occupy the same area, with loading restricted to late off-peak hours. The proposed seven-parking-space departure and a departure for the one required loading space are a reasonable solution to the unique problems of this site.

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

The site is located in a fully developed commercial area that is oriented toward busy roadways. There are no residential uses in the vicinity of the site.

- (B) In making its findings, the Planning Board shall give consideration to the following:**

- (i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;**

The subject site is relatively isolated from other development. The site is surrounded by rights-of-way and properties in the C-S-C Zone. The only development adjacent to the site to the north is a Potomac Energy Holding property in the C-S-C Zone. Across the roadways further away from the site are other commercial uses that have their own off-street parking and loading spaces. There is no on-street parking on the surrounding roadways.

(ii) The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;

The 1994 Bladensburg-New Carrollton Master Plan and SMA retained this property in the C-S-C Zone. The master plan's objective is to improve the appearance of commercial corridors to make them more visually attractive. This DSP, which proposes to redevelop the existing site with a new restaurant building, is consistent with the area master plan recommendations.

(iii) The recommendations of a municipality (within which the property lies) regarding the departure; and

This site is within the boundaries of the Town of Riverdale Park. The DSP, along with the DPLS request, was referred to the Town of Riverdale Park. Even though formal comments from the Town had not been received at the time of the writing of the staff report, the Town expressed no concerns about the parking situation and the subject departure requests at the time of the Subdivision and Development Review Committee (SDRC) review of this case. The Town's representative presented the Town Council's resolution of approval at the time of the public hearing for this DSP.

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

Most of the customers of the restaurant in the past have been commuters using Kenilworth Avenue (MD 201) and Riverdale Road. The new site design expands the drive-through lane to accommodate a larger number of pass-by customers. There are no public parking facilities in the general vicinity of this property.

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

(i) Public transportation available in the area;

The subject site is located within the Developed Tier in the county. The site is also located at the busy intersections of Kenilworth Avenue (MD 201), East-West Highway (MD 410), and Riverdale Road. The subject site is located within an established community that is served by both Prince George's County The Bus system and Washington Metropolitan Area Transit Authority (WMATA) buses. There are sidewalks on both sides of Riverdale Road, Kenilworth Avenue, and 75th Avenue. The existing site can easily be accessed by both motorists and pedestrians. In addition, the 2009 *Approved Countywide Master Plan of Transportation* has recommended that Kenilworth Avenue contain a shared-use sidepath (hiker/biker) between John Hanson Highway (US 50) and the Capital Beltway (I-95/495). This trail will improve bike and pedestrian safety along a high-volume high-speed roadway. Crosswalks in the area have been improved recently by the Maryland State Highway Administration (SHA), including pedestrian countdown signals, pedestrian channels, new crosswalk striping, and signage that greatly improve the walkability of the site.

(ii) Any alternative design solutions to off-street facilities which might yield additional spaces;

The only alternative solution, which has been employed in this DSP, is to increase the walkability of the site in order to reduce vehicular parking demand. There is no feasible alternative site design that would yield additional spaces.

(iii) The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;

The site is within a highway commercial corridor and is used as a fast-food restaurant. Most of the businesses are oriented toward surrounding Kenilworth Avenue (MD 201), Riverdale Road, and East-West Highway (MD 410). Since there are no residential uses within 500 feet of the site, this restaurant will be operated 24 hours a day/7 days a week and is used mainly by commuters. Because of the nature of this business, the DSP has increased the drive-through capacity of the new restaurant and reduced the total number of seats from 102 to 87. Since parking will not be fully utilized during off-peak hours, some of the parking spaces behind the

building where the drive-through windows are located will be used for loading purposes.

- (iv) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

This finding is not applicable to this site because the site is in the C-S-C Zone.

In summary, the subject site is located in the Developed Tier of the county and can be accessed through multiple modes of transportation including the public transit system. The requested departure from the number of parking spaces required is supported by both the Transportation Planning Section and the Community Planning Division. Furthermore, the Department of Permitting, Inspections and Enforcement (DPIE) has no objection to the DPLS request. Therefore, approval of a departure of seven spaces from the required 52 spaces is justified.

The utilization of underused parking spaces during off-peak hours in-lieu-of a formally delineated loading space is a reasonable alternative for this small site because the provision of one required loading space would further reduce the availability of parking spaces on the site. The Planning Board has reviewed the statement of justification and the required findings for approval of the departure and concluded that the request is the minimum necessary to alleviate the special circumstances of this site and that it will serve the purposes of Section 27-550. The departure will not infringe upon the parking and loading needs of an adjacent residential area because there is no residentially-zoned property immediately adjacent to the subject site. The DSP provides two parking spaces for the physically-handicapped and both of them are also van-accessible. The two parking spaces for the physically-handicapped are located around the southern corner of the restaurant building on the Riverdale Road side. The number of parking spaces for the physically-handicapped would meet the minimum requirement for this use if an additional standard parking space for the physically-handicapped is provided, as conditioned in this resolution.

8. **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 found that the DSP is in:
- **Conformance with the 2002 Prince George’s County Approved General Plan:** This application is consistent with the 2002 *Prince George’s County Approved General Plan* Development Pattern policies for the Developed Tier.
 - **Conformance with the 1994 Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity:** The master plan’s objective is to improve the appearance of commercial corridors to make them more visually attractive with their surroundings.

The applicant has made an effort to strengthen walkability and connectivity in the area. Since high pedestrian traffic is anticipated in the area to access the planned light rail station, McDonalds should provide pedestrian facilities to the greatest extent possible. The Planning Board decided that special paving be used, instead of regular striping, across the vehicular entrances at Kenilworth Avenue (MD 201), Riverdale Road, and 57th Avenue to provide a safer pedestrian environment.

The Planning Board supports the parking departure. Since the Purple Line Metro station will be located just north of the site, reducing the number of parking spaces would help to promote more pedestrian customers.

Specific design measures, such as upgraded sidewalks, have been provided within the three streets surrounding the site. Clearly striped pedestrian crosswalks and bicycle parking facilities have also been included in this DSP in order to improve on-site walkability and connectivity to the adjacent area.

- b. **Subdivision Review**—The Planning Board found that there are no other subdivision issues.
- c. **Transportation Planning**—The Planning Board reviewed the site plan along with the companion departure from the number of parking and loading spaces required. The Planning Board has also examined the “Purple Line Final Environmental Impact Statement and Draft Section 4(F) Evaluation” dated August 2013, and reevaluated the right-of-way impacts on this site. The Planning Board concluded that the site plan is acceptable within the findings required by Section 27-285 of the Zoning Ordinance.

Notably, it has been determined that there is not demonstrable evidence that the subject site will incur a permanent right-of-way impact regarding the proposed Purple Line transit facility, and it is further determined that any needed permits can be issued within the subject site in accordance with the submitted site plan.

- d. **Trails**—The Planning Board reviewed the applicable elements of the 2009 *Approved Countywide Master Plan of Transportation* and concludes that adequate bicycle and pedestrian transportation facilities will exist to serve the proposed use if bicycle parking and a minimum six-foot-wide sidewalk along the subject site's frontage on 57th Avenue, Kenilworth Avenue (MD 201), and Riverdale Road are provided. The Planning Board attached three relevant conditions.

The applicant has revised the site plan to show minimum six-foot-wide sidewalks along the entire site frontage of the three streets listed above and installed two u-shaped bicycle parking spaces close to the main entrance to the building facing Riverdale Road. The details of the bicycle parking have also been included in this DSP.

- e. **Permit Review**—The Planning Board found that Council Bill CB-17-2013 allows a redevelopment site, such as the site under this DSP, to provide five percent interior planting area. The landscape plan submitted with this DSP meets the interior planting area requirements.
- f. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated September 23, 2013, DPIE provided comments on sidewalks, street trees and street lighting, utilities, and stormwater management concept approval. DPIE also has no objection to the approval of the departure from the number of parking and loading spaces required. The requirements of DPIE and the Department of Public Works and Transportation (DPW&T) will be enforced at the time of permit issuance by DPIE.
- g. **Prince George's County Health Department**—In a memorandum dated September 11, 2013, the Health Department provided three comments on artificial light pollution, aquifer protection, and possible air pollution related to idling vehicles at the drive-through service.

The applicant responded to the comments in the review process. All lighting fixtures proposed on this site are full cut-off type. This project provides for stormwater management through the use of micro-bioretenion facilities. Since the soil on this site is very compact, minimal infiltration will occur in both existing and proposed conditions.

As described by the applicant, the proposed side-by-side drive-through system incorporates two drive-through lanes. Orders will be placed through a radio system. After placing orders, cars will merge into a single lane and proceed to the pick-up window. The side-by-side system allows for greater efficiency. As such, vehicle idling time in general can be reduced.

- h. **Washington Suburban Sanitary Commission (WSSC)**—In an email attachment dated September 9, 2013, WSSC provided comments on issues related to water and sewer, site utilities, rights-of-way, the environment, and the hydraulics of the proposed

redevelopment. WSSC's requirements will be enforced at the time of permit review. The comments provided with this report are for informational purposes.

- i. **Prince George's County Police Department**—In memorandum dated September 5, 2013, the Police Department reviewed the site plan for conformance with the design guidelines of CPTED (Crime Prevention Through Environmental Design) and concluded that there are no CPTED-related issues with this DSP.
- j. **The Maryland State Highway Administration (SHA)**—In a memorandum dated October 7, 2013, SHA provided comments on access to the subject property. The applicant is obligated to fulfill SHA's requirements at the time of applying for access permits from SHA.
- k. **Town of Riverdale Park**—At the time of the public hearing for this case, the Town of Riverdale Park presented the Town's resolution of approval for this case with two conditions that have been included in this resolution.
- l. **The Maryland Transit Administration (MTA) Purple Line**—This DSP application was also sent to the MTA Purple Line office since there is a reasonable likelihood that the ultimate right-of-way of the Purple Line will run through a de minimis portion of the northern part of the subject site. However, at the time this report was written, MTA has not responded to the referral request.

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.

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.

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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, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, November 14, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of December 2013.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:HZ:arj