



The Maryland-National Capital Park and Planning Commission  
 Prince George's County Planning Department  
 Development Review Division  
 301-952-3530

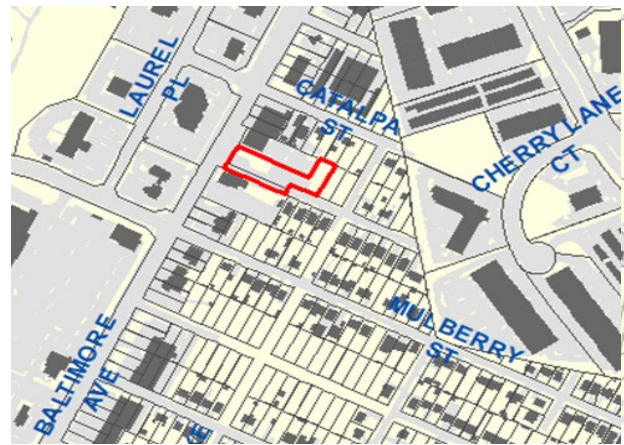
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

## Detailed Site Plan Checkers Laurel

## DSP-20006

REQUEST	STAFF RECOMMENDATION
Development of an eating and drinking establishment with drive-through service.	APPROVAL with conditions

<b>Location:</b> On the east side of US 1 (Baltimore Avenue), approximately 400 feet north of its intersection with Mulberry Street.	
Gross Acreage:	0.84
Zone:	C-S-C / R-55
Dwelling Units:	N/A
Gross Floor Area:	1,170 sq. ft.
Planning Area:	62
Council District:	01
Election District:	10
Municipality:	N/A
200-Scale Base Map:	219NE08
Gross Acreage:	0.84
<b>Applicant/Address:</b> Mar-Chek, Inc. c/o Keith Martin 7810 Clark Road, Suite T-1 Jessup, MD 20794	
<b>Staff Reviewer:</b> Adam Bossi <b>Phone Number:</b> 301-780-8116 <b>Email:</b> Adam.Bossi@ppd.mncppc.org	



Planning Board Date:	10/29/2020
Planning Board Action Limit:	11/09/2020
Staff Report Date:	10/14/2020
Date Accepted:	08/12/2020
Informational Mailing:	03/20/2020
Acceptance Mailing:	08/07/2020
Sign Posting Deadline:	09/29/2020

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at [http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/). Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-20006  
Checkers Laurel

The Urban Design staff has reviewed the application for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions of the detailed site plan, as described in the Recommendation section of this report.

**EVALUATION**

This detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance in the Commercial Shopping Center (C-S-C) and One-Family Detached Residential (R-55) Zone and the site design guidelines;
- b. The requirements of Basic Plan A-9908-C;
- c. The requirements of the 2010 *Prince George's County Landscape Manual*;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- e. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and,
- f. Referral comments.

**FINDINGS**

Based upon the evaluation and analysis of the subject detailed site plan, the Urban Design staff recommends the following findings:

1. **Request:** The subject detailed site plan (DSP) requests approval for the development of a 1,170-square-foot eating and drinking establishment with drive-through service, specifically a Checkers.

**2. Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
<b>Zone</b>	C-S-C/R-55	C-S-C/R-55
<b>Use(s)</b>	Vacant	Eating and drinking establishment with drive-through service
<b>Gross Acreage</b>	0.84	0.84
C-S-C Zone	0.67	0.67
R-55 Zone	0.17	0.17
<b>Total Gross Floor Area (GFA)</b>	0 sq. ft.	1,170 sq. ft.

**OTHER DEVELOPMENT DATA**

**Parking Spaces**

	<b>Required</b>	<b>Provided</b>
24 outdoor seats @ 1 space/ 3 seats*	8	12
+1 seat of 50 sq. ft. of GFA (excluding any area used exclusively for storage or patron seating, and any exterior patron service area)	4	
Handicap-Accessible**	2	2
<b>Total Parking**</b>	<b>12</b>	<b>12</b>

**Note:** \*As discussed in Finding 6, outdoor seating for 24 patrons is provided.

\*\*Total required and provided parking includes accessible and van-accessible spaces.

**Loading Spaces**

In accordance with Section 27-582(a) of the Prince George’s County Zoning Ordinance, as the proposed development includes less than 2,000 square feet of gross floor area, no loading spaces are required.

3. **Location:** The subject property is located on the east side of US 1 (Baltimore Avenue), approximately 400 feet north of its intersection with Mulberry Street. Further, the property is located within Council District 01, and Planning Area 62.
4. **Surrounding Uses:** The subject property is bounded to the north by a medical urgent care facility, approved by DSP-14016, in the Commercial Shopping Center (C-S-C) Zone, and a single-family dwelling in the Light Industrial Zone; to the east by vacant land in the One-Family Detached Residential (R-55) Zone and the right-of-way of Magnolia Street; to the south by a single eating and drinking establishment in the C-S-C and R-55 Zones; and to

the west by the right-of-way of Baltimore Avenue, with commercial development within the City of Laurel beyond.

- 5. Previous Approvals:** The site is the subject of a previous Zoning Map Amendment A-9908-C, which was approved by the District Council on February 6, 1996, and an approved Stormwater Management (SWM) Concept Plan 15567-2019-00.

The property, Lot 23, is the subject of a record plat at Plat Book SJH243, Plat No. 3, and shares a 22-foot-wide private access easement with the lot to the north, Lot 22, containing the urgent care facility. Per Section 24-111(c)(4) of the Prince George's County Subdivision Regulations, the development of less than 5,000 square feet of gross floor area does not require a preliminary plan of subdivision.

The Nazario Family, LLC is the property owner of the subject site for DSP-20006. The Circuit Court for Prince George's County, in Case No. CAE 16-10213, granted the Nazario Family, LLC's motion for summary judgment in its favor, quieting title to the unclaimed portion of the right-of-way adjoining the property owned by the Nuzback Kathryn A. Revocable Trust, and concluding that Nazario Family, LLC acquired that portion of the right-of-way through adverse possession. The Court of Special Appeals, in Case No. 1323, September Term, 2017, affirmed the circuit court's judgment. The area shown for Lot 23 on the DSP includes this additional property area.

- 6. Design Features:** The subject 0.84-acre lot was developed with an eating and drinking establishment (Bay and Surf Restaurant), which was razed in approximately 2013. The existing site is vacant and primarily covered with pavement and turf. The lot is an unusual shape, with a larger rectangular area fronting on Baltimore Avenue and extending eastward to Magnolia Street, and a smaller rectangular section, which contains the R-55-zoned portion, on the east side of the site that extends northward from its frontage on Magnolia Street.

The subject DSP proposes the development of a Checkers eating and drinking establishment, with drive-through service, in the C-S-C-zoned western portion of the site and an associated SWM facility in the eastern, R-55-zoned section of the property. Access to the site will be provided by an existing 22-foot-wide, private driveway, shared with the abutting urgent care facility to the north, from Baltimore Avenue. The Checkers building will be 1,170 square feet in gross floor area and a single story in elevation. Two outdoor eating areas are shown, one directly east of the building, and a second to the north. The DSP shows seating for a total of 32 patrons (8 tables with 4 seats each), but the parking schedule only provides parking spaces for 24 seats. This discrepancy was discussed with the applicant's representative who confirmed plans should include 24 seats. A condition has been included in the Recommendations section for this to be corrected. Twelve parking spaces are provided in two bays, one along the shared driveway closest to the restaurant and a second, smaller parking area located slightly further to the east. Parking calculations require minor corrections, for which a condition has recommended. Two drive-through service lanes are provided flanking the northern and southern facades of the restaurant. A two-lane entrance to the drive-through is located northeast of the building, and a single, combined egress point to its northwest. Site circulation for vehicles and pedestrians is acceptable. Bicycle racks and a trash enclosure are provided, and the photometric plan shows that adequate lighting is provided for all active areas of the site, with off-site impacts minimized.

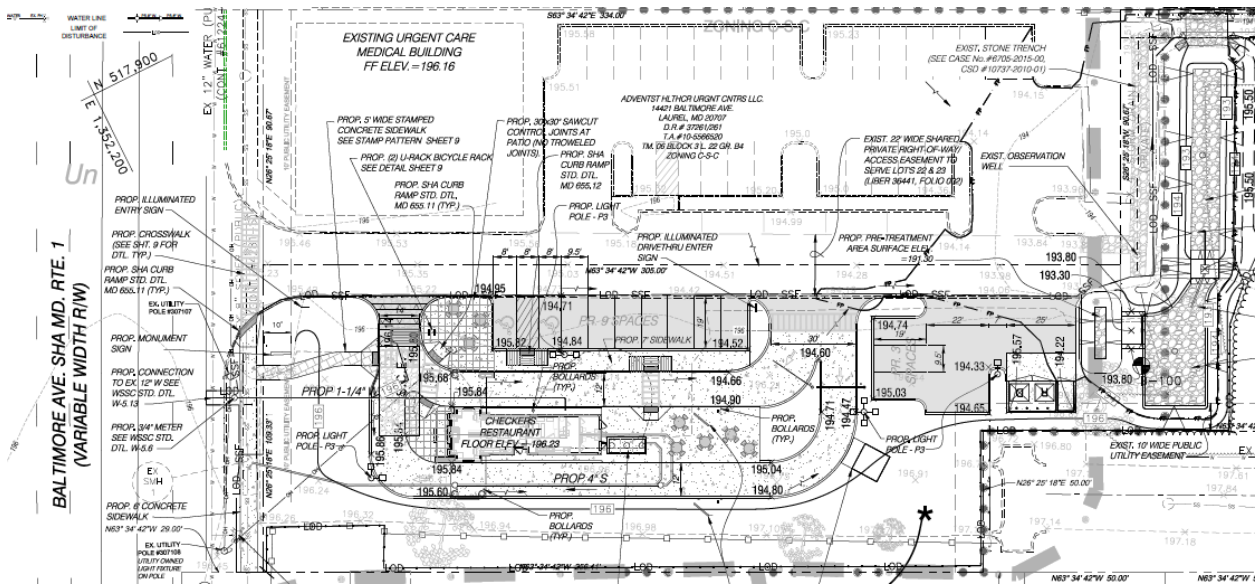


Figure 1: Site Development Plan

## Architecture

The 1,170-square-foot Checkers restaurant is proposed to be approximately 15 feet in height, 55 feet in length, and 19 feet wide. The building will front on Baltimore Avenue. Facades of the building will be faced with a combination of fiber cement panels and exterior insulation and finish system (EIFS) in red, white, and gray, with black and white checkerboard patterned accent walls. All patron service will be exterior to the building through the two drive-throughs on the northern and southern elevations and the walk-up windows on the western façade. Two outdoor dining spaces are provided. There is no indoor dining area, but exterior-accessed restrooms are included. Fenestration is limited to patron service windows, which is typical of the Checkers brand. While more fenestration is usually required for restaurants providing indoor dining space, this design places dining areas and patron services exterior to the building. As such, the limited fenestration provided in this case is acceptable.



Figure 2: Checkers Western Elevation – Illustrative Image

### Signage

The DSP includes a single freestanding monument sign along Baltimore Avenue, three building-mounted signs on the west, north and south elevations, and multiple small directional signs. Building mounted signs are each approximately 29 square feet in area and share the same red oval design. Staff finds that the building mounted signage conforms with the requirements of Section 27-613 of the Zoning Ordinance. The freestanding monument sign does not conform with the requirements of Section 27-614 of the Zoning Ordinance, as the sign area shown is in excess of the acceptable limit and it is located too close to Baltimore Avenue. A condition has been included in the Recommendation section, for the freestanding monument sign location and size to be adjusted to conform with the requirements of Section 27-614.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the C-S-C and R-55 Zones of the Zoning Ordinance:
  - a. The DSP locates the entire proposed commercial use in the C-S-C-zoned portion of the site. Development in the R-55-zoned area is limited to the installation of a SWM system. No buildings or structures are proposed within the R-55 Zone. In accordance with the commercial use table in Section 27-461(b) of the Zoning Ordinance, an eating or drinking establishment with drive-through service is a permitted use in the C-S-C Zone, subject to Footnote 24, which requires DSP approval, in accordance with Part 3, Division 9 of the Zoning Ordinance.
  - b. The DSP is in conformance with the C-S-C Zone development regulations contained in Section 27-462 of the Zoning Ordinance, including all setback requirements.

- c. The DSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance, as cross-referenced in Section 27-283 of the Zoning Ordinance. For example, the subject development provides pedestrian access to the site from the public right-of-way, and the architecture proposed for the buildings employ a variety of architectural features and designs, such as projections, colors, and materials.

**8. Basic Plan A-9908-C:** The District Council approved A-9908-C on February 6, 1996, to rezone a portion of the subject site from R-55 to C-S-C, subject to three conditions as follows:

- 1. The applicant shall obtain detailed site plan approval in accordance with Part 3, Division 9 of the Zoning Ordinance in order to address the following:**
  - a. Use and/or redevelopment of the site shall be strictly oriented to U.S. Route 1.
  - b. No access to the site shall be provided from improved Magnolia Street (east of the barrier).
  - c. Screening and buffering shall be provided for Lot 11, Block 3 and for Lots 14 through 17, Block 4 in accordance with the provisions of the Landscape Manual; a portion of Lots 8 and 9 on the subject site shall also be used for landscaping and screening.
  - d. The landscape plan shall also show the preservation of the large tree shown on Lot 10 of the applicant's survey of January 1994, if feasible.

The DSP shows the Checkers building oriented toward Baltimore Avenue, with no access provided to Magnolia Street. Appropriate screening is provided in accordance with the Landscape Manual. Preservation of the large tree referenced by Condition 1.d. was determined to not be feasible, however, the applicant plans to preserve several other large existing trees in the same vicinity of the site, as well as add new trees.

- 2. Prior to the issuance of building permits, a Technical Stormwater Management Plan shall be approved by the Department of Environmental Resources Watershed Protection Branch for any improvement which increases impervious surfaces.**
- 3. A soils report shall be submitted to the Natural Resources Division prior to building permit issuance addressing drainage and stability with regard to footing design.**

The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) issued SWM Concept Approval Plan 15567-2019-00 in December 2019 for the proposed Checkers development. In addition, the applicant has indicated that a soils report shall be submitted prior to the issuance of building permits.



9. **2010 Prince George’s County Landscape Manual:** Development proposed by this DSP is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7 Buffering Incompatible Uses and Section 4.9, Sustainable Landscaping Requirements. Staff finds that the proposal conforms with the applicable requirements of the Landscape Manual, as shown on the plans, with one minor correction required. A condition has been included in the Recommendation section, to include the site’s linear feet of frontage in the landscape schedule for Section 4.2, Landscape Strips Along Streets.
10. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** This proposed project is not subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance because the property is less than 40,000 square feet in size, and it contains less than 10,000 square feet of existing woodland. A Standard Letter of Exemption, S-167-2019, was approved on November 13, 2019, and is valid through November 13, 2021. A Natural Resources Inventory Equivalency Letter was approved on November 14, 2019 and is valid through November 14, 2024. It noted that the subject property contained no regulated environmental features and that no on-site regulated environmental features would be impacted by the project.
11. **Prince George’s County Tree Canopy Coverage Ordinance:** Section 25-128, Tree Canopy Coverage Requirements, requires properties in the C-S-C Zone to provide a minimum tree canopy coverage (TCC) of 10 percent. The 0.84-acre subject site is required to provide 0.08 acre (3,659 square feet) in TCC. Through the subject DSP, the applicant has shown that approximately 0.19 acre (8,411 square feet) of TCC will be provided in proposed plantings, satisfying this requirement.
12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
  - a. **Community Planning**—In a memorandum dated September 21, 2020 (Tariq to Bossi), the Community Planning Division noted that pursuant to Section 27-290.01(b)(5) of the Zoning Ordinance, this DSP is compatible with the future land use, which is mixed use commercial delineated in the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1 (Planning Areas 60, 61, 62, and 64)*. However, master plan conformance is not required by Part 3, Division 9 of the Zoning Ordinance.
  - b. **Trails**—In a memorandum dated September 18, 2020 (Ryan to Bossi), Transportation Planning staff noted that the pedestrian and bicyclist circulation on the site is safe, efficient, and convenient, pursuant to Sections 27-283 and 27-274(a)(2) of the Zoning Ordinance, and the relevant design guidelines for transportation. The DSP is deemed acceptable from the standpoint of pedestrian and bicycle transportation.
  - c. **Transportation Planning**—In a memorandum dated September 25, 2020, (Masog to Bossi), the Transportation Planning Section noted the DSP for the proposed use in the C-S-C Zone has no specific transportation-related requirements and there are no traffic-related adequacy findings required. Access and circulation were found to be acceptable.

- d. **Permits**—In a memorandum dated September 9, 2020 (Bartlett to Bossi), the Permits Section identified minor corrections needed to the landscape plan, parking schedule and patron seating numbers. Staff also noted that painted directional arrows should be added to the entrance, exit and movement areas for the drive-through service areas. Exiting the drive-throughs is designed to be one way and pavement markings should reflect this. A condition has been added to the Recommendations section for the corrections to be made and pavement markings to be added to the plans.
- e. **Environmental Planning**—In a memorandum dated September 10, 2020 (Juba to Bossi), the Environmental Planning Section noted that no additional environmental review issues have been identified for the subject site.
- f. **Historic Preservation**—In a memorandum dated August 18, 2020 (Stabler and Smith to Bossi), it was noted that the subject property does not contain and is not adjacent to any Prince George’s County historic sites or resources, and that the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources or known archeological sites.
- g. **Prince George’s County Fire Department**—At the time of the writing of this technical staff report, the Fire Department did not offer comments on the subject application.
- h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—At the time of the writing of this technical staff report, DPIE did not offer comments on the subject application.
- i. **Prince George’s County Police Department**—At the time of the writing of this technical staff report, the Police Department did not offer comments on the subject application.
- j. **Prince George’s County Health Department**—In a memorandum dated September 3, 2020 (Adepoju to Bossi), the Health Department provided standard comments including the use of construction time noise and dust controls, as well as need for permitting of the food service facility.
- k. **Maryland State Highway Association (SHA)**—In an email dated September 3, 2020 (Woodroffe to Bossi), SHA indicated that work proposed within the Baltimore Avenue right-of-way would require permitting through SHA’s District 3 Utility Office.
- l. **Washington Suburban Sanitary Commission (WSSC)**—At the time of the writing of this technical staff report, the WSSC did not offer comments on the subject application.

13. As required by Section 27-285(b) of the Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
14. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for approval of a DSP:
  - (4) **The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).**

No regulated environmental features such as streams, wetlands, 100-year floodplain, associated buffers, and primary management areas are located on-site.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-20006 Checkers Laurel subject to the following condition:

1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:
  - a. Revise the DSP and landscape plan to show outdoor seating for 24 patrons only.
  - b. Correct the parking schedule to show 12 spaces required.
  - c. Revise the DSP to relocate the freestanding monument sign to a location at least 10 feet from the street line and reduce the size of the sign to conform with the requirements of Section 27-614 of the Prince George's County Zoning Ordinance. Correct the signage area calculations on the DSP for the freestanding monument sign.
  - d. Add the site's linear feet of frontage in the landscape schedule for Section 4.2, Landscape Strips Along Streets.
  - e. Add clear directional arrows to pavement at the entrance and exit of the drive-through lanes.

ITEM: 5

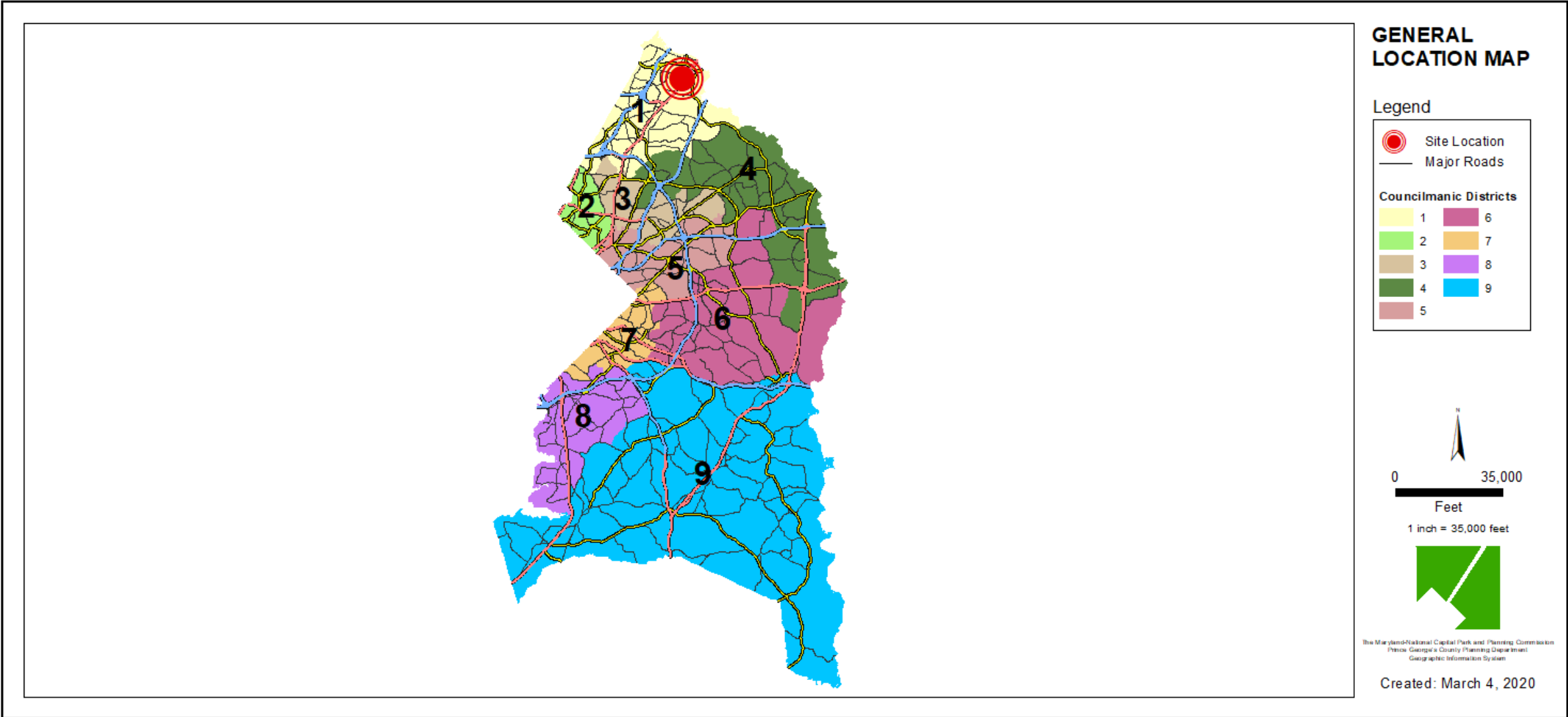
CASE: DSP-20006

# CHECKERS LAUREL

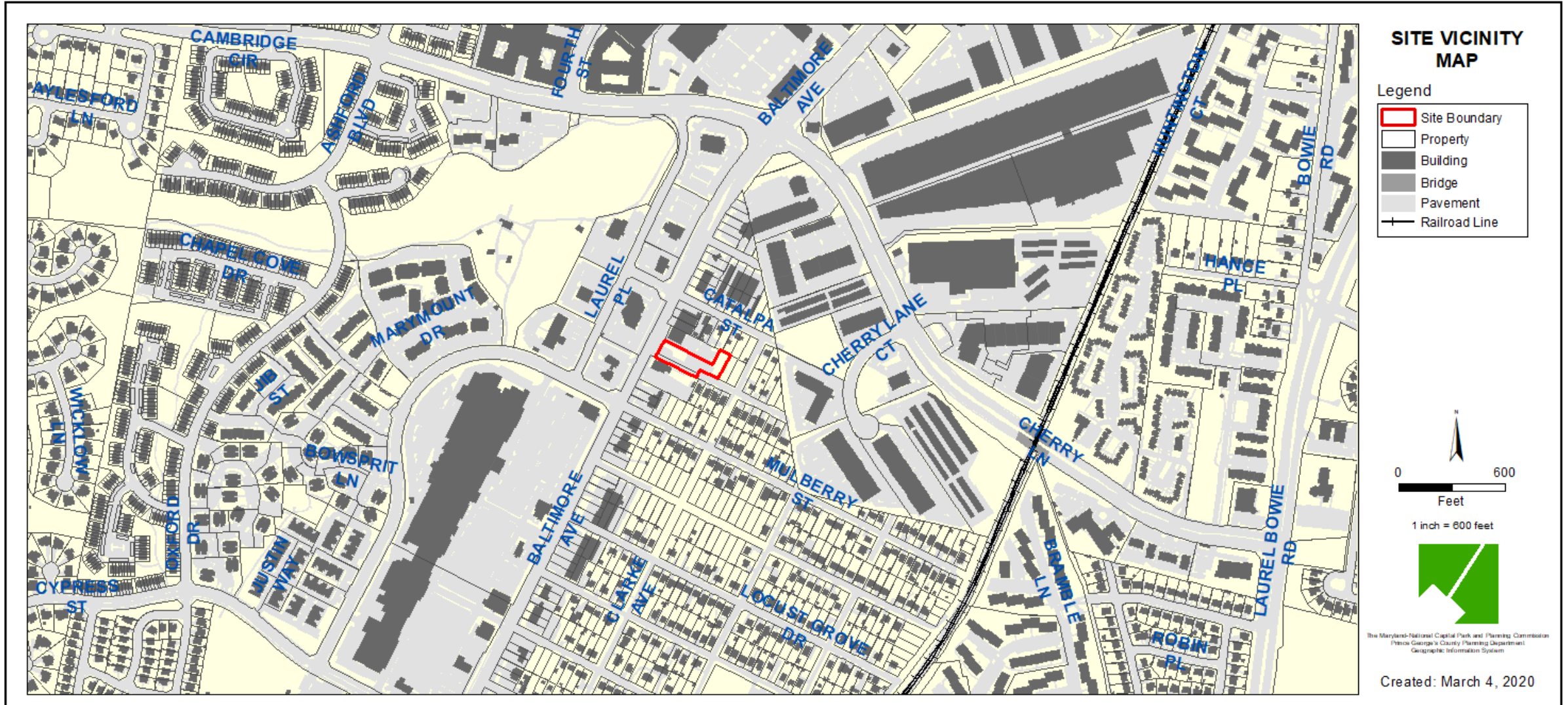
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



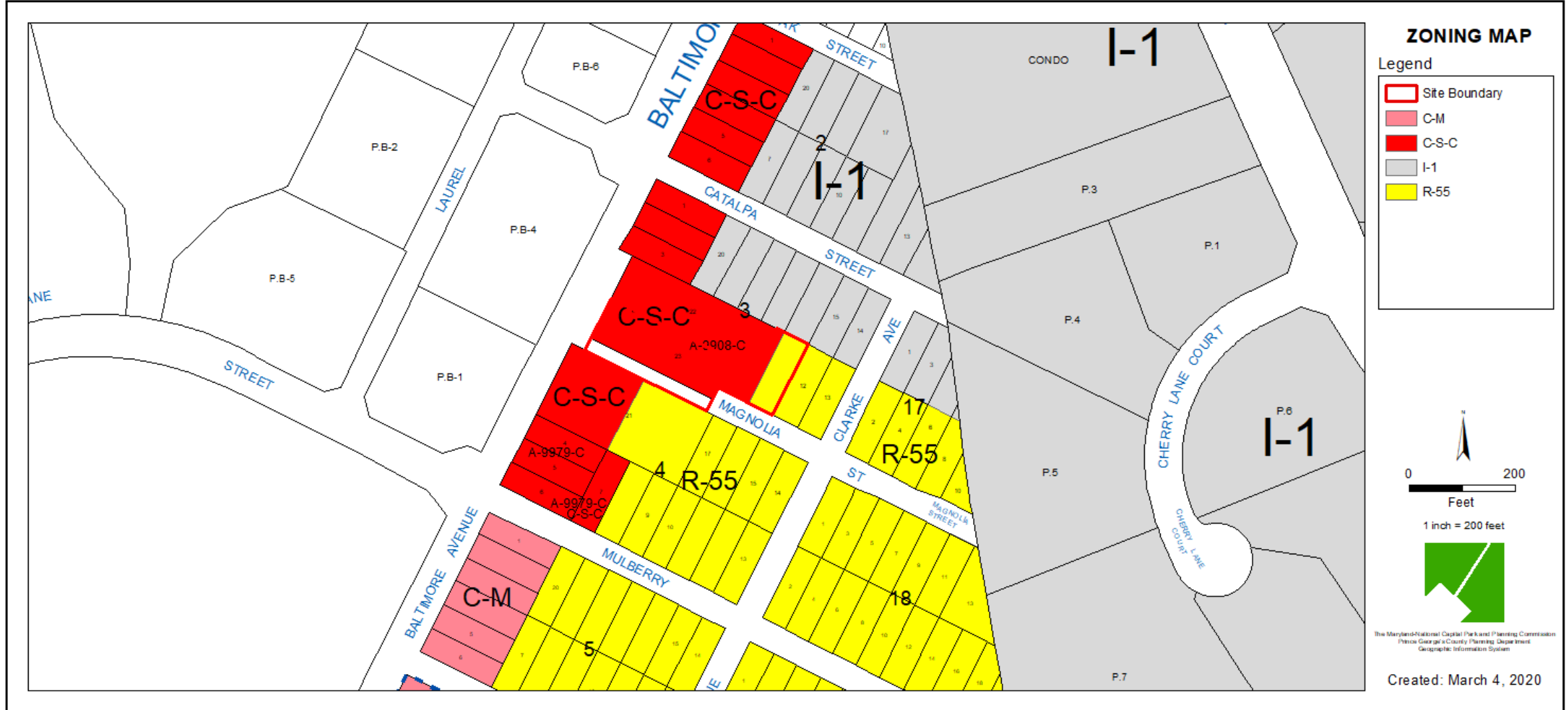
# GENERAL LOCATION MAP



# SITE VICINITY



# ZONING MAP

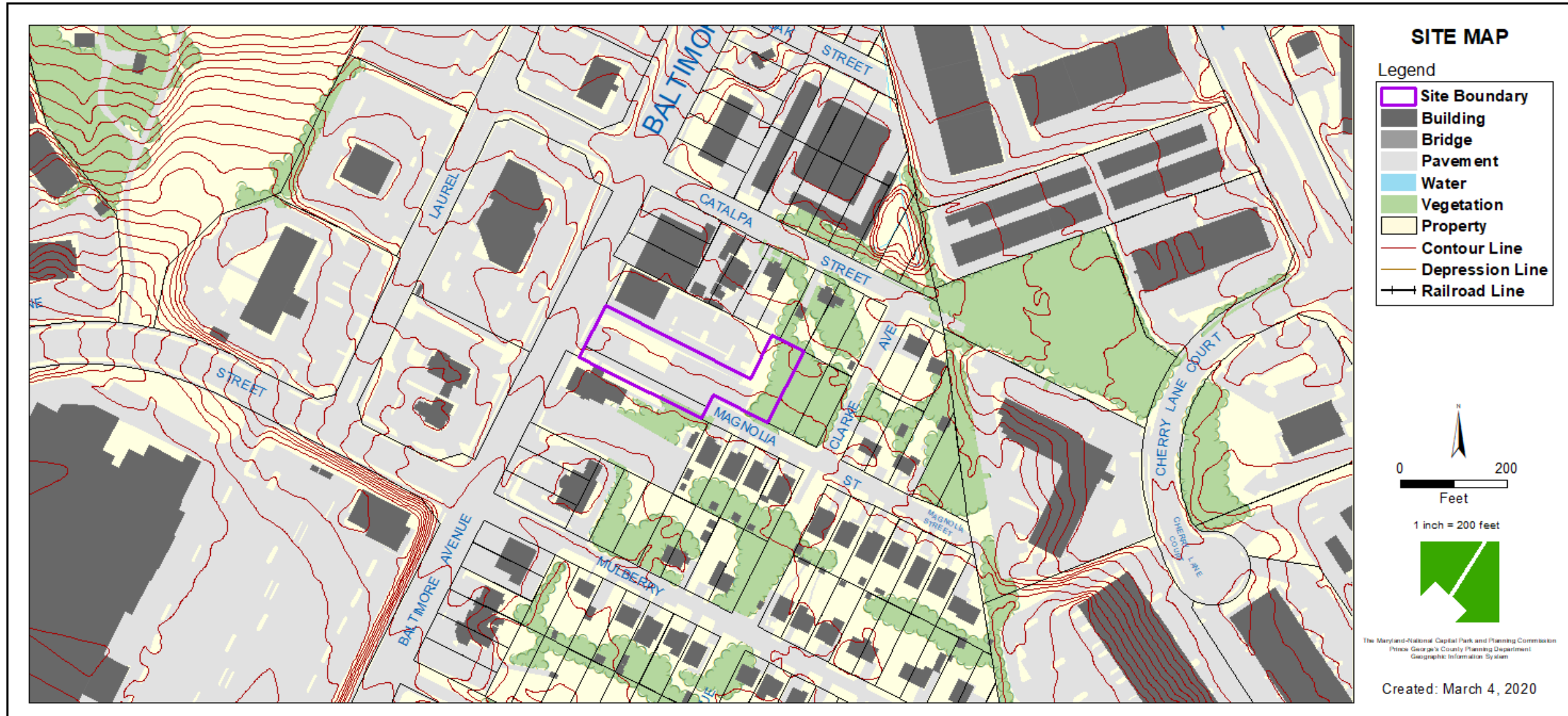


# AERIAL MAP

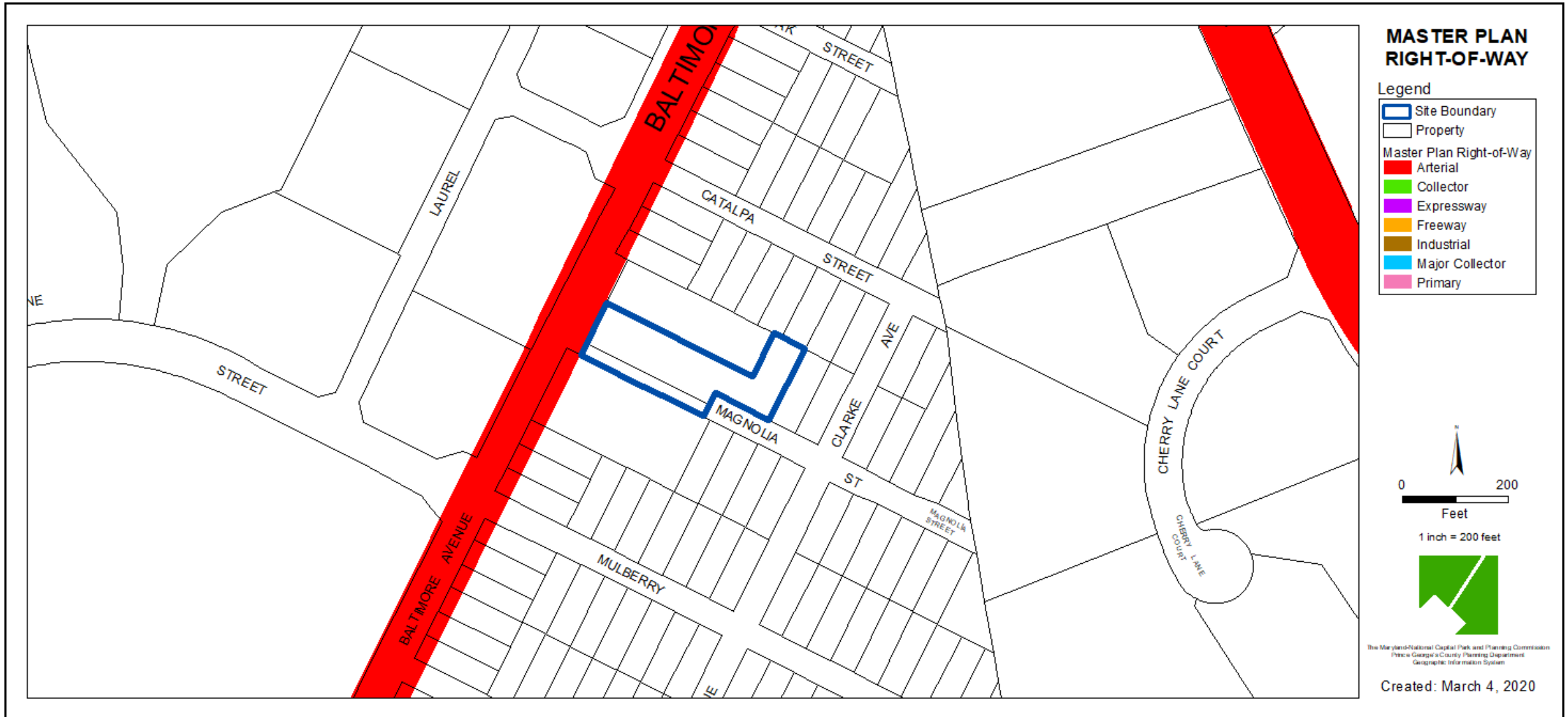




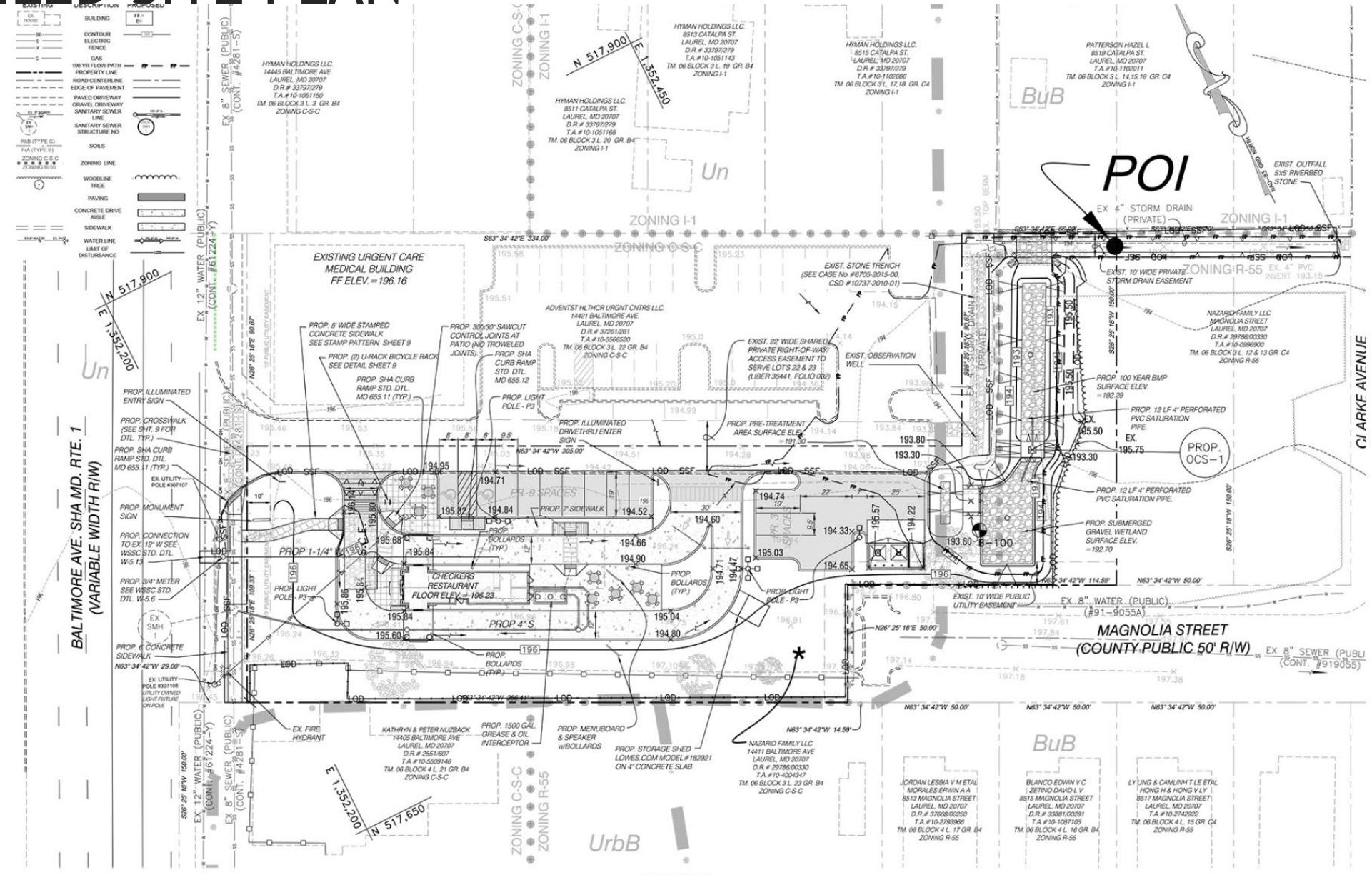
# SITE MAP



# MASTER PLAN RIGHT-OF-WAY MAP



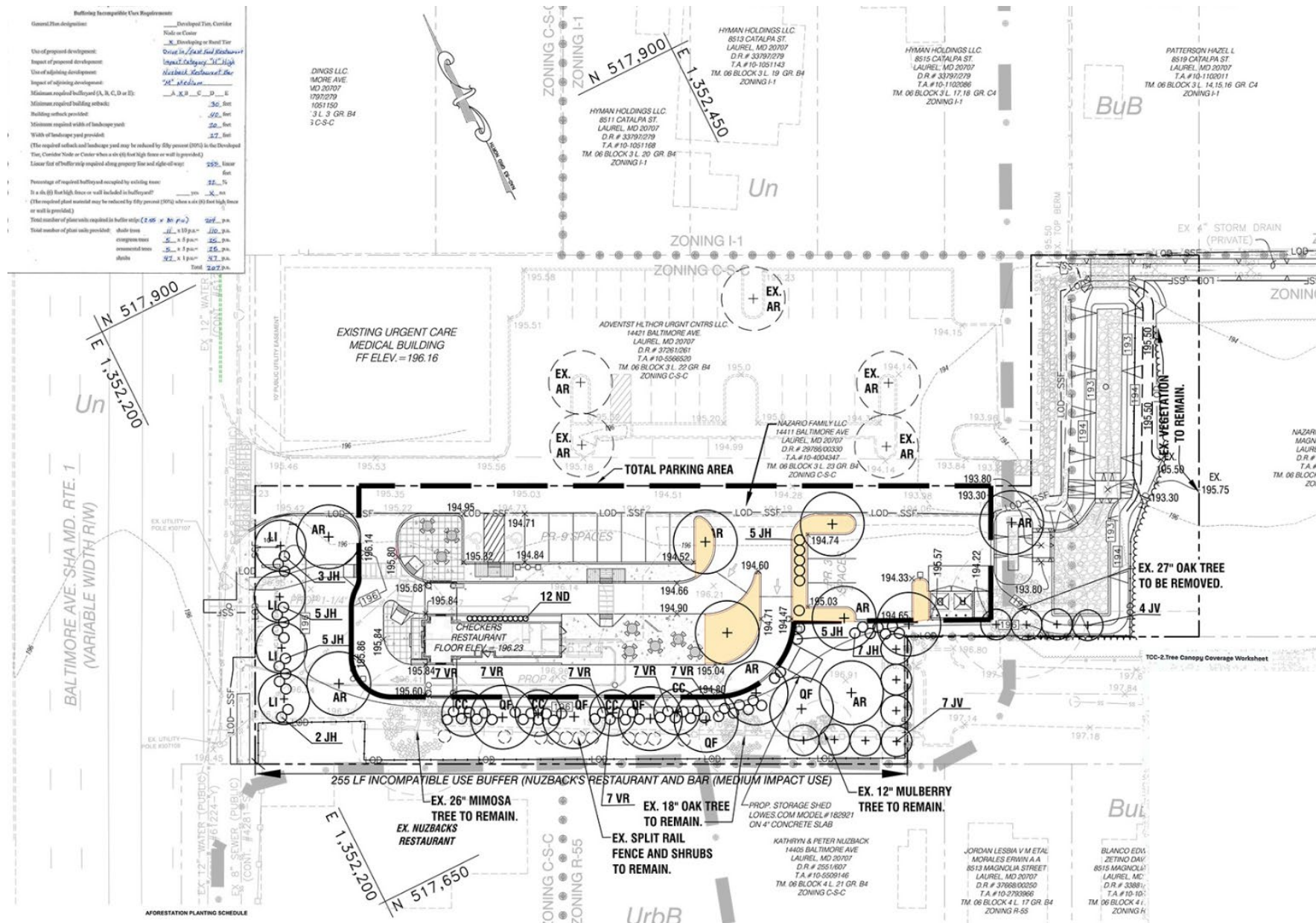
# DETAILED SITE PLAN



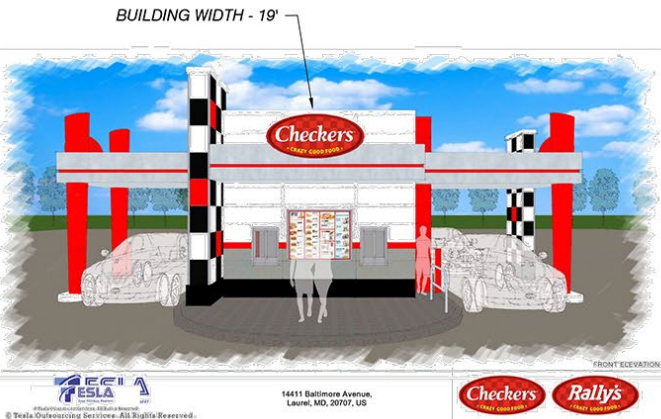
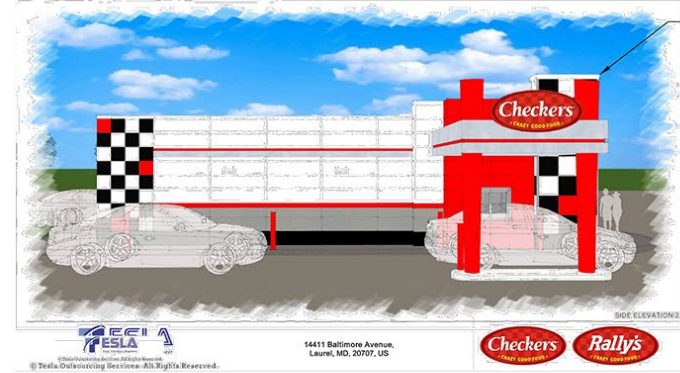
PLAN VIEW  
SCALE: 1"=20'



# LANDSCAPE PLAN



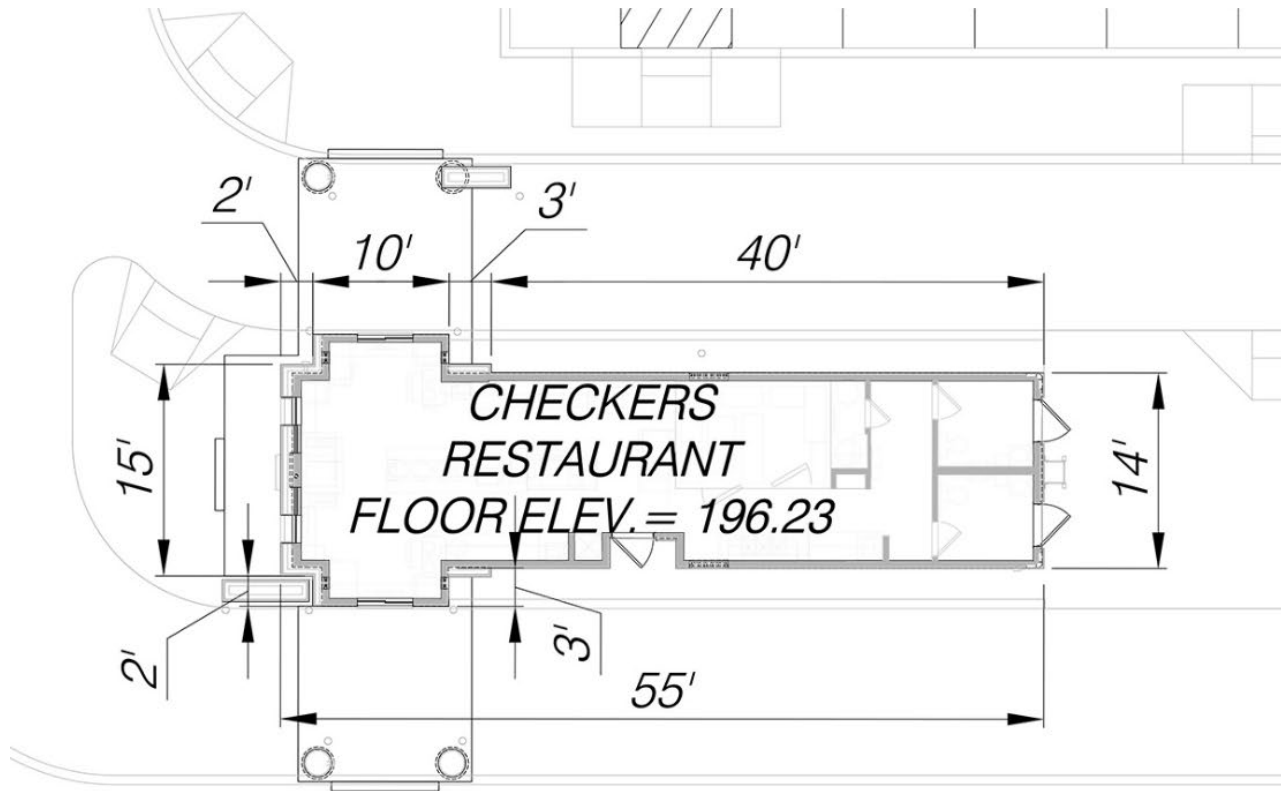
# ELEVATIONS



BUILDING FAÇADE MATERIALS ARE FIBER CEMENT PANELING AND EIFS, EXTERIOR INSULATION AND FINISH SYSTEMS (SYNTHETIC STUCCO)

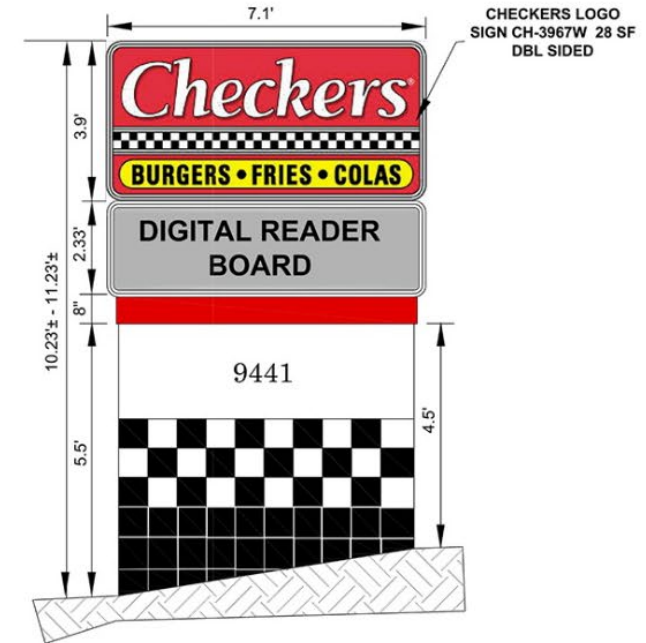
BUILDING DIMENSIONS:  
 WIDTH - 19'  
 LENGTH - 55'  
 HEIGHT - 14'-8 3/8"

# SIGN DETAILS



BUILDING HEIGHT: 14'-8 3/8"

BUILDING DIMENSION PLAN  
SCALE: 1"=5'



MONUMENT SIGN DETAIL  
N.T.S.



## STATEMENT OF JUSTIFICATION

### CHECKERS LAUREL 2, DSP-20006

#### Description of proposed use/request:

Construction of a Checkers Restaurant, parking, sidewalks and landscaping on a 0.84 acre previously developed parcel in the C-S-C Zone.

#### Description and location of the subject property:

The project site is located at 14411 Baltimore Avenue in Laurel along the east side of US Route 1 in Prince George's County, Maryland. The site is Lot 23 and it is located within the C-S-C zone in the Oak Crest subdivision and comprises a total of 0.84 acres. A small area of R-55 zoned property is located at back of site that is not to be disturbed. A recently constructed Urgent Care building is located at 14421 Baltimore Avenue, adjacent to Lot 23 to the north, vacant residential lots to the east and Nuzback's Bar is located on the adjacent site to the south. Access to the site is from Baltimore Avenue through a shared use access easement that is shared with the Urgent Care site next door. The project site consists of a portion of the remaining pavement from the former "Bay N Surf" restaurant parking lot and grass area. There are no non-tidal wetlands, steep slopes, floodplains or streams located on this site.

#### Variance Request/s and required findings for each request:

None.

#### Rezoning Request A-9908-C

The conditions and proposed conformance to the conditions of the A-9908-C rezoning approval are:

1) The applicant shall obtain detailed site plan approval in accordance with part 3, Division 9 of the Zoning Ordinance in order to address the following:

a. Use and/or redevelopment of the site shall be strictly oriented to U.S. Route 1.

Response: The front of the Checkers building will face U.S. Route 1.

b. No access to the site shall be provided from Magnolia Street (east of the barrier.)

Response: No site access to or from Magnolia Street is proposed.

- c. Screening and buffering shall be provided for Lot 11, Block 3 and for Lots 14 through 17, Block 4 in accordance with the provisions of the Landscape Manual; a portion of Lots 8 and 9 on the subject site shall also be used for landscaping and screening.

Response: Lot 11 is part of the Checkers site property at the eastern boundary and is mostly wooded. The existing wooded area is proposed to remain undisturbed to maintain a natural buffer to Lot 12 which is zoned R-55.

- d. The landscape plan shall also show the preservation of the large tree shown on Lot 10 of the applicant's survey of January, 1994, if feasible.

Response: The large tree refers to an existing 27" oak tree located adjacent to Magnolia Street. The oak tree is proposed to be removed due to the limited site area available for the 100-year peak discharge management facility required for sites located within the Bear Branch watershed and to leave undisturbed the existing wooded area adjacent to Lot 12. The oak tree is to be replaced by four Eastern Red Cedar trees (maximum height 40'-60' and maximum spread of 20') and one Red Maple tree. We are, however preserving the existing 26" Mimosa tree, the 18" Oak tree and the 12" Mulberry tree all located along the south boundary of the site.

- 2) Prior to the issuance of building permits, a Technical Stormwater Management Plan shall be approved by the Department of Environmental Resources Watershed Protection Branch for any improvement which increases impervious surface.

Response: The Detailed Site Plan including the Technical Stormwater Management design (#1682-2020-0) is currently in the approval/bonding process.

- 3) A Soils Report shall be submitted to the Natural Resources Division prior to building permit issuance addressing drainage and stability with regard to footing design.

Response: A Soils Report regarding footing design will be submitted to the Natural Resources Division prior to building permit issuance.

### Conformance to R-55 Zoning Requirements

#### b) Uses

(1) No residential development is proposed under this Detailed Site Plan within the R-55 zone. Wooded area is being preserved within the R-55 zoning area of this site.

#### c) Regulations

(1) No buildings or structures are proposed under this Detailed Site Plan within the R-55 zone.



## Conformance to C-S-C Zoning Requirements

### Division 1.-General

Sec. 27-447.- Fences and Walls – Neither walls nor fences are proposed under this DSP.

Sec. 27-448.01- Frontage – The site has frontage on and direct access to a public street.

Sec. 27-449.- Extensions and Projections –

(a) (1) No projections or extensions are proposed beyond the building lines.

(2) No tents are proposed.

(b) The proposed building canopy will not extend beyond the building lines.

Sec. 27-450.- Landscaping, Screening and Buffering – Proposed landscaping, screening and buffering are in accordance with requirements of the Landscape Manual.

Sec. 27-451.- Swimming Pools – No swimming pools are proposed.

Sec. 27-451.01.- Satellite Dish Antennas – No antennas of any kind are proposed.

### Division 2.- C-S-C Zone

(b) Landscaping and Screening - Proposed landscaping, screening and buffering are in accordance with requirements of the Landscape Manual.

### Division 3.-Uses.-

(1) Eating and drinking establishments with drive-through service is an allowed use subject to DSP approval.

### Division 4.- Regulations .-

#### SETBACK CALCULATIONS (SECTION 27-462)

SETBACK	REQUIREMENT	NOTES
FROM STREET	10'	PROVIDED
FROM SIDE LOT LINE OF ADJOINING LAND IN ANY RESIDENTIAL ZONE:		
SIDE YARD	12' OR BUFFER REQUIRED BY LANDSCAPE MANUAL, WHICHEVER IS GREATER	N/A
REAR YARD	25' OR BUFFER REQUIRED BY LANDSCAPE MANUAL, WHICHEVER IS GREATER	N/A
FROM REAR LOT LINE OF ADJOINING LAND IN ANY RESIDENTIAL ZONE:		
SIDE YARD	12' OR BUFFER REQUIRED BY LANDSCAPE MANUAL, WHICHEVER IS GREATER	N/A
REAR YARD	25' OR BUFFER REQUIRED BY LANDSCAPE MANUAL, WHICHEVER IS GREATER	N/A
FROM ADJOINING LAND IN ANY NONRESIDENTIAL ZONE	NONE, EXCEPT WHERE BUILDING IS 30 FEET HIGH, A DISTANCE EQUAL TO 1/3 THE TOTAL BUILDING HEIGHT OR BUFFER REQUIRED BY LANDSCAPE MANUAL, WHICHEVER IS GREATER	N/A

NOTE: LANDSCAPE MANUAL SECTION 4.7 BUFFERYARDS ARE NOT REQUIRED. ALL ADJOINING PROPERTIES ARE COMPATIBLE USES.

## Division 5.-Additional Requirements for Specific Uses.- Not applicable

### Part 11. – Off-Street Parking and Loading –

#### **PARKING TABLE**

USE: EATING ESTABLISHMENT INCLUDING DRIVE THROUGH SERVICE AND CARRYOUT  
BUILDING GFA = 1,170 SQ. FT.  
INTERIOR PATRON SEATS: 0  
EXTERIOR PATRON SEATS: 24

#### **PARKING CALCULATION**

24 EXTERIOR SEATS/3 SEATS PER SPACE = 9 SPACES REQUIRED  
1,170 SQ.FT. GFA /1 SPACE /50 SQ.FT. OF GFL  
OR 1,170 SQ.FT. GFA - \*EXTERIOR SEATING AND PATRON SERVICE AREA OF 975 SQ.FT. = 195 SQ.FT.  
195 SQ.FT. ADJUSTED GFA/1 SPACE/50 SQ.FT. = 4 SPACES REQUIRED  
PARKING SPACES REQUIRED = 9  
PARKING SPACES PROVIDED = 12  
PARKING SPACE SIZE: 9.5' x 19'  
\*\* LOADING SPACES REQUIRED = 0  
HANDICAP PARKING SPACES REQUIRED = 2  
HANDICAP PARKING SPACES PROVIDED = 2 INCLUDING 1 VAN ACCESSIBLE SPACE  
HANDICAP PARKING SPACE SIZE: 8.0' x 19'

\*PGCO CODE SEC. 27-568

\*\*PGCO CODE SEC. 27-582

### Part 12. – Signs –

#### **PROPOSED SIGN CONFORMANCE TABLE**

##### **FREESTANDING MONUMENT SIGN**

USE: COMMERCIAL  
REQUIRED BUILDING SETBACK FROM FRONT STREET LINE = 40 FT.  
PROVIDED BUILDING SETBACK FROM FRONT STREET LINE = 61 FT.  
REQUIRED DISTANCE FROM STREET LINE TO PROPOSED SIGN = 10 FT.  
PROVIDED DISTANCE FROM STREET LINE TO SIGN = 10 FT.  
MAXIMUM SIGN HEIGHT ALLOWED = 25 FT.  
PROPOSED SIGN HEIGHT PROVIDED = 11.2 FT.  
LINEAL FEET OF STREET FRONTAGE = 225.3 L.F.  
MAXIMUM AREA OF SIGN ALLOWED: STREET FRONTAGE 225.3 L.F./4 L.F. PER 1 SQ.FT. OF SIGNAGE = 56.33 SQ.FT.  
PROPOSED AREA OF DOUBLE SIDED LOGO SIGN: 28 SQ.FT. x 2 = 56 SQ.FT. < 56.33 SQ. FT. ALLOWED. PROPOSED SIGN IN COMPLIANCE  
QUANTITY OF FREESTANDING SITE SIGNS ALLOWED: FROM 100 - 1,100 L.F. STREET FRONTAGE 1 SIGN IS ALLOWED  
QUANTITY OF FREESTANDING SITE SIGNS PROVIDED: 1

##### **CANOPY SIGNS**

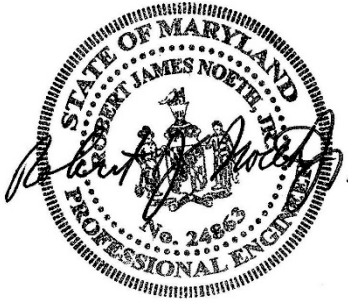
USE: COMMERCIAL  
REQUIRED BUILDING SETBACK FROM FRONT STREET LINE = 40 FT.  
PROVIDED BUILDING SETBACK FROM FRONT STREET LINE = 61 FT.  
MAXIMUM SIGN HEIGHT ALLOWED = 12 FT. ABOVE ROOFLINE  
PROPOSED SIGN HEIGHT PROVIDED = BELOW ROOFLINE  
LINEAL FEET OF FRONT OF BUILDING = 19 FT.  
MAXIMUM FRONT CANOPY SIGN AREA ALLOWED = 60 SQ.FT.  
PROPOSED AREA OF FRONT CANOPY SIGN: 28.88 SQ.FT. < 60 SQ. FT. ALLOWED. PROPOSED FRONT CANOPY SIGN IN COMPLIANCE  
MAXIMUM AREA OF MULTIPLE CANOPY SIGNS ALLOWED: BUILDING FRONT DIMENSION 19 FT. x 2 SQ.FT. OF SIGNAGE PER 1 L.F. OF BUILDING FRONT DIMENSION = 38 SQ.FT. EACH SIGN  
PROPOSED AREA OF SIDE CANOPY SIGN : 28.88 SQ.FT. < 38 SQ. FT. ALLOWED. PROPOSED SIDE CANOPY SIGNS IN COMPLIANCE

BASED ON PGCO CODE SEC. 27-614

Landscape Manual - Proposed landscaping, screening and buffering are in accordance with requirements of the Landscape Manual.

Summary/conclusion of request:

Approval of a Detailed Site Plan is requested for construction of a Checkers Restaurant located on a previously developed site upon which there are no environmentally sensitive areas.



Agent for Owner

6/19/2020



THE PRINCE GEORGE'S COUNTY GOVERNMENT

App w/c  
Lots 7, 8, 9, 10

Office of the Clerk of the Council  
(301) 952-3600

May 3, 1996

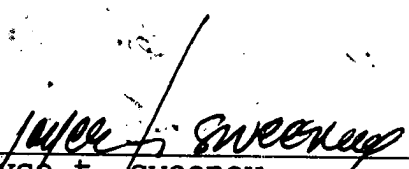
RE: A9908-C (J. Patrick Edelmann)

NOTICE OF FINAL DECISION  
OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland, requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in your case on February 6, 1996.

CERTIFICATE OF SERVICE

This is to certify that on May 3, 1996 this notice and attached Council Order were mailed, postage prepaid, to all persons of record.

  
\_\_\_\_\_  
Joyce T. Sweeney  
Clerk of the Council

(3/93)

Case No.: A-9908-C

Applicant: J. Patrick Edelman

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,  
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 3 - 1996

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, subject to conditions.

WHEREAS, Application No. A-9908-C has been filed for property described as approximately 52,500 square feet of land, in the R-55 Zone, located on the north side of Magnolia Street, west of Clarke Avenue, Laurel, to rezone the property to the C-S-C Zone; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff and the Planning Board, who have filed recommendations with the District Council; and

WHEREAS, a public hearing was held before the Zoning Hearing Examiner; and

WHEREAS, the Zoning Hearing Examiner's recommendations were duly filed with and considered by the District Council; and

WHEREAS, having reviewed the record in this case, the District Council has determined that a portion of the subject property should be rezoned to the C-S-C Zone; and

WHEREAS, in order to protect adjacent properties and the surrounding neighborhood, the rezoning herein is granted with conditions; and

WHEREAS, as the basis for this action, the District Council adopts the following as its findings of fact and conclusions of law in this case:

1. The District Council finds that the subject property consists of Lots 7-13, Block 3, Oakcrest Subdivision, located east of U.S. Route 1 (Baltimore Avenue), north of Magnolia Street, and west of Clarke Avenue in an unincorporated area of Prince George's County.
2. The District Council finds that the existing zoning is R-55, which was imposed upon the subject property through the Subregion I Sectional Map Amendment, adopted in October 1990. The Applicant requests the C-S-C Zone for this property.
3. The District Council finds that the Applicant alleges mistake in that subregion I SMA, for several reasons, including the following:
  - a. The Subregion I Master Plan map, approved in March, 1990, indicated the entire subject property recommended for retail commercial uses.
  - b. The Planning Staff stated that this recommendation was in error, and should have been applied to properties north of the subject property.
  - c. Within the Subregion I Master Plan, a commercial overlay zone was recommended for properties within the Oakcrest area, on the east side of U.S. Route 1, to a depth of approximately 300 feet. The Planning Staff has stated that had the retail commercial triangle been properly located north of the subject property, the subject property would have been included within the area shown for the proposed commercial overlay zone.

- d. Within the Subregion I SMA transmittal, the subject property was located within the area noted as Change No. SL 3-01. This area was described as "Single-family homes bounded by Magnolia and Mulberry Streets, the Baltimore & Ohio Railroad, Contee Place and east of the commercial area bordering on Baltimore Avenue." The applicant submits that the "commercial area bordering on Baltimore Avenue" included not only the Bay & Surf Restaurant fronting on Baltimore Avenue, but also the associated parking, currently existing on Lots 7-10 as well.
4. The District Council finds that Lots 7, 8, 9, and part of 10 are currently paved, and serve as existing parking for the Bay & Surf Restaurant, which is located on Lots 4, 5 and 6 fronting on U.S. Route 1. Parking also currently exists within the right-of-way of Magnolia Street, from U.S. Route 1 east to a concrete barrier located on the eastern boundary of Lot 18, Block 4. This parking has existed for at least 25-30 years in this location.
  5. The District Council finds the homes currently existing on Lots 14-17, Block 4, located on the south side of Magnolia Street across from the subject property, were constructed no earlier than 1992, after the adoption of the Subregion I SMA.
  6. The District Council finds that the residents currently living in the homes on Lots 14-17, Block 4, were aware of the existing parking lot for the Bay & Surf Restaurant, as described above, at the time they purchased and occupied these homes.
  7. The District Council finds that Mr. Stephen Wells, owner of the home located on Lot 17, Block 4, and Mr. James Hayes, owner of the home located on Lot 15, Block 4, expressed their opposition to this Application, indicating their concern that a commercial rezoning of the entire request could result in construction of a commercial building on Lots 11-13, Block 3, immediately across from their homes.
  8. The District Council finds that while the SMA zoning recommendation of R-55 for the subject property differed from the recommendation in the Master Plan Map for retail commercial uses, no explanation was ever given to explain this difference.

9. The District Council concludes that had the District Council been aware of the mistaken location of the retail commercial triangle upon the subject property, the commercial overlay zone would have been applied to the subject property. Had that occurred, Lots 7-10 upon the subject property would have been zoned C-S-C, since this would have validated the existing parking lot serving the Bay & Surf Restaurant on Lots 4, 5, and 6, and allowed a sufficient amount of room for the appropriate landscaping and buffering as required in the Landscape Manual.
10. The District Council concludes that the description of Change No. SL 3-01 within the Subregion I SMA transmittal described the area intended to be included within the R-55 zone as that area "east of the commercial area", which, it is found, should have applied only to Lots 11-13. The "commercial area" logically included not only the Bay & Surf Restaurant on Lots 4, 5 and 6, but also its associated parking on Lots 7-10, which had been in existence for many years at the time of the SMA consideration by the District Council.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is further hereby amended by rezoning a portion of the property, being Lots 7, 8, 9, and 10, which is the subject of Application No. A-9908-C from the R-55 Zone to the C-S-C Zone. The request to rezone Lots 11, 12 and 13 from the R-55 to the C-S-C zone is denied.

SECTION 2. Application No. A-9908-C is approved subject to the following conditions:

1. The applicant shall obtain detailed site plan approval in accordance with part 3, Division 9 of the Zoning Ordinance in order to address the following:
  - a. Use and/or redevelopment of the site shall be strictly oriented to U.S. Route 1.
  - b. No access to the site shall be provided from improved Magnolia Street (east of the barrier).



- c. Screening and buffering shall be provided for Lot 11, Block 3 and for Lots 14 through 17, Block 4 in accordance with the provisions of the Landscape Manual; a portion of Lots 8 and 9 on the subject site shall also be used for landscaping and screening.
  - d. The landscape plan shall also show the preservation of the large tree shown on Lot 10 of the applicant's survey of January, 1994, if feasible.
2. Prior to the issuance of building permits, a Technical Stormwater Management Plan shall be approved by the Department of Environmental Resources Watershed Protection Branch for any improvement which increases impervious surface.
  3. A Soils Report shall be submitted to the Natural Resources Division prior to building permit issuance addressing drainage and stability with regard to footing design.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment.

Enacted this 6th day of February, 1996, for initial approval, by the following vote:

In Favor: Council Members Del Giudice, Bailey, Estepp, MacKinnon, Scott and Wilson

Opposed: Council Members Gourdine, Maloney, and Russell

Abstained:

Absent:

Vote: 6-3

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S  
COUNTY, MARYLAND

BY: *Stephen J. Del Giudice*  
Stephen J. Del Giudice, Chairman

ATTEST:

*Joyce T. Sweeney*  
Joyce T. Sweeney  
Clerk of the Council

C

Case No.: A-9908-C

Applicant: J. Patrick Edelmann

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,  
SITTING AS THE DISTRICT COUNCIL

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council in approving Application No. A-9908-C, to rezone the subject property from the R-55 zone to the C-S-C zone, attached certain conditions; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. A-9908-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.


SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient ground

for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or any other action deemed necessary to obtain compliance.

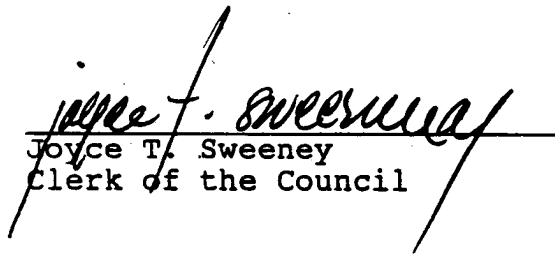
SECTION 3. This ordinance shall take effect on Wednesday, April 24, 1996, the date of receipt of acceptance by the applicant(s) of the condition(s) imposed in Zoning Ordinance No. 3-1996.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S  
COUNTY, MARYLAND

BY:

  
Stephen J. Del Giudice  
Chairman

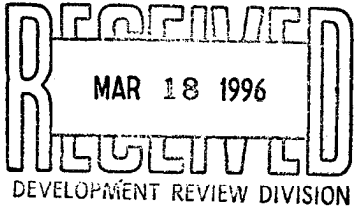
ATTEST:

  
Joyce T. Sweeney  
Clerk of the Council



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

P.G. PLANNING DEPARTMENT



Office of the Clerk of the Council  
(301) 952-3600

March 8, 1996

## DISTRICT COUNCIL PRELIMINARY NOTICE OF CONDITIONAL ZONING APPROVAL

### ZONING SECTION

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland, requiring notice of decision of the District Council, a copy of the Council Order granting preliminary conditional zoning approval of ZMA A- 9908-C on February 6, 1996, is attached.

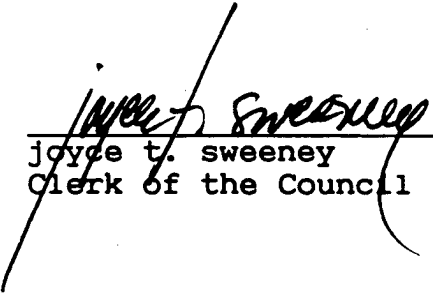
In compliance with the provisions of Section 27-157(b) of the Zoning Ordinance, the applicant must file a written acceptance or rejection of the land use classification as conditionally approved within ninety (90) days from the date of approval by the District Council. Upon receipt by the Clerk's Office of a written acceptance by the applicant, a final Order will be issued with an effective date for conditional approval shown as the date written acceptance was received by the Clerk's Office.

The failure to accept the conditions in writing within ninety (90) days from the date of approval shall be deemed a rejection. Rejection shall void the Map Amendment and revert the property to its prior zoning classification.

Written approval or rejection of conditions must be received by the Clerk's Office no later than the close of business (5:00 p.m.) on May 6, 1996.

### CERTIFICATE OF SERVICE

This is to certify that on March 8, 1996, this notice and attached Order were mailed, postage prepaid, to the attorney/ correspondent and applicant(s). Notice of final approval will be sent to all persons of record.

  
\_\_\_\_\_  
Joyce T. Sweeney  
Clerk of the Council

(3/93)

County Administration Building — Upper Marlboro, Maryland 20772

- c. Screening and buffering shall be provided for Lot 11, Block 3 and for Lots 14 through 17, Block 4 in accordance with the provisions of the Landscape Manual; a portion of Lots 8 and 9 on the subject site shall also be used for landscaping and screening.
  - d. The landscape plan shall also show the preservation of the large tree shown on Lot 10 of the applicant's survey of January, 1994, if feasible.
2. Prior to the issuance of building permits, a Technical Stormwater Management Plan shall be approved by the Department of Environmental Resources Watershed Protection Branch for any improvement which increases impervious surface.
  3. A Soils Report shall be submitted to the Natural Resources Division prior to building permit issuance addressing drainage and stability with regard to footing design.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment.

Enacted this 6th day of February, 1996, for initial approval, by the following vote:

In Favor: Council Members Del Giudice, Bailey, Estepp, MacKinnon, Scott and Wilson

Opposed: Council Members Gourdine, Maloney, and Russell

Abstained:

Absent:

Vote: 6-3

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S  
COUNTY, MARYLAND

BY: *Stephen J. Del Giudice*  
Stephen J. Del Giudice, Chairman

ATTEST:

*Joyce T. Sweeney*  
Joyce T. Sweeney  
Clerk of the Council

- d. Within the Subregion I SMA transmittal, the subject property was located within the area noted as Change No. SL 3-01. This area was described as "Single-family homes bounded by Magnolia and Mulberry Streets, the Baltimore & Ohio Railroad, Contee Place and east of the commercial area bordering on Baltimore Avenue." The applicant submits that the "commercial area bordering on Baltimore Avenue" included not only the Bay & Surf Restaurant fronting on Baltimore Avenue, but also the associated parking, currently existing on Lots 7-10 as well.
4. The District Council finds that Lots 7, 8, 9, and part of 10 are currently paved, and serve as existing parking for the Bay & Surf Restaurant, which is located on Lots 4, 5 and 6 fronting on U.S. Route 1. Parking also currently exists within the right-of-way of Magnolia Street, from U.S. Route 1 east to a concrete barrier located on the eastern boundary of Lot 18, Block 4. This parking has existed for at least 25-30 years in this location.
5. The District Council finds the homes currently existing on Lots 14-17, Block 4, located on the south side of Magnolia Street across from the subject property, were constructed no earlier than 1992, after the adoption of the Subregion I SMA.
6. The District Council finds that the residents currently living in the homes on Lots 14-17, Block 4, were aware of the existing parking lot for the Bay & Surf Restaurant, as described above, at the time they purchased and occupied these homes.
7. The District Council finds that Mr. Stephen Wells, owner of the home located on Lot 17, Block 4, and Mr. James Hayes, owner of the home located on Lot 15, Block 4, expressed their opposition to this Application, indicating their concern that a commercial rezoning of the entire request could result in construction of a commercial building on Lots 11-13, Block 3, immediately across from their homes.
8. The District Council finds that while the SMA zoning recommendation of R-55 for the subject property differed from the recommendation in the Master Plan Map for retail commercial uses, no explanation was ever given to explain this difference.



9. The District Council concludes that had the District Council been aware of the mistaken location of the retail commercial triangle upon the subject property, the commercial overlay zone would have been applied to the subject property. Had that occurred, Lots 7-10 upon the subject property would have been zoned C-S-C, since this would have validated the existing parking lot serving the Bay & Surf Restaurant on Lots 4, 5, and 6, and allowed a sufficient amount of room for the appropriate landscaping and buffering as required in the Landscape Manual.
10. The District Council concludes that the description of Change No. SL 3-01 within the Subregion I SMA transmittal described the area intended to be included within the R-55 zone as that area "east of the commercial area", which, it is found, should have applied only to Lots 11-13. The "commercial area" logically included not only the Bay & Surf Restaurant on Lots 4, 5 and 6, but also its associated parking on Lots 7-10, which had been in existence for many years at the time of the SMA consideration by the District Council.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is further hereby amended by rezoning a portion of the property, being Lots 7, 8, 9, and 10, which is the subject of Application No. A-9908-C from the R-55 Zone to the C-S-C Zone. The request to rezone Lots 11, 12 and 13 from the R-55 to the C-S-C zone is denied.

SECTION 2. Application No. A-9908-C is approved subject to the following conditions:

1. The applicant shall obtain detailed site plan approval in accordance with part 3, Division 9 of the Zoning Ordinance in order to address the following:
  - a. Use and/or redevelopment of the site shall be strictly oriented to U.S. Route 1.
  - b. No access to the site shall be provided from improved Magnolia Street (east of the barrier).

Case No.: A-9908-C

Applicant: J. Patrick Edelmann

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,  
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 3 - 1996

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, subject to conditions.

WHEREAS, Application No. A-9908-C has been filed for property described as approximately 52,500 square feet of land, in the R-55 Zone, located on the north side of Magnolia Street, west of Clarke Avenue, Laurel, to rezone the property to the C-S-C Zone; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Technical Staff and the Planning Board, who have filed recommendations with the District Council; and

WHEREAS, a public hearing was held before the Zoning Hearing Examiner; and

WHEREAS, the Zoning Hearing Examiner's recommendations were duly filed with and considered by the District Council; and

WHEREAS, having reviewed the record in this case, the District Council has determined that a portion of the subject property should be rezoned to the C-S-C Zone; and

WHEREAS, in order to protect adjacent properties and the surrounding neighborhood, the rezoning herein is granted with conditions; and

WHEREAS, as the basis for this action, the District Council adopts the following as its findings of fact and conclusions of law in this case:

1. The District Council finds that the subject property consists of Lots 7-13, Block 3, Oakcrest Subdivision, located east of U.S. Route 1 (Baltimore Avenue), north of Magnolia Street, and west of Clarke Avenue in an unincorporated area of Prince George's County.
2. The District Council finds that the existing zoning is R-55, which was imposed upon the subject property through the Subregion I Sectional Map Amendment, adopted in October 1990. The Applicant requests the C-S-C Zone for this property.
3. The District Council finds that the Applicant alleges mistake in that subregion I SMA, for several reasons, including the following:
  - a. The Subregion I Master Plan map, approved in March, 1990, indicated the entire subject property recommended for retail commercial uses.
  - b. The Planning Staff stated that this recommendation was in error, and should have applied to properties north of the subject property.
  - c. Within the Subregion I Master Plan, a commercial overlay zone was recommended for properties within the Oakcrest area, on the east side of U.S. Route 1, to a depth of approximately 300 feet. The Planning Staff has stated that had the retail commercial triangle been properly located north of the subject property, the subject property would have been included within the area shown for the proposed commercial overlay zone.

OFFICE OF ZONING HEARING EXAMINER  
FOR PRINCE GEORGE'S COUNTY, MARYLAND

A-9908 (J. Patrick Edelmann)  
Case Number

NOTICE OF DECISION

On the 22nd day of August, 1995, the attached Decision of the Zoning Hearing Examiner in Case No. A-9908 was filed with the District Council. This is not the final decision, only the recommendation of the Hearing Examiner to the District Council.

Within 30 calendar days after the above date, any person of record may file exceptions with the Clerk of the Council to any portion of this Decision, and may request oral argument thereon before the District Council.\* If oral argument is requested, all persons of record will be notified of the date scheduled for oral argument before the District Council. In the event no exception or request for oral argument is filed with the Clerk of the Council within 30 calendar days from the above date, the District Council may act upon the application and must decide within 120 days or the case will be considered denied. Persons of record will be notified in writing of the action of the District Council.

Zoning Hearing Examiner  
County Administration Building  
Upper Marlboro, MD 20772

\* Instructions regarding exceptions and oral argument are found on the reverse side of this notice.

- CC: Lawrence N. Taub, Esquire, 9200 Basil Court, Suite 300, Landover, MD 20785
- Karen L. Plumer, Esquire, Levan, Schimel, Belman & Abramson, 9881 Broken Lane Parkway, Columbia, MD 21046
- The Honorable Frank P. Casula, Mayor of Laurel, 8103 Sandy Spring Road, Laurel, MD 20707
- J. Patrick Edelmann, 14411 Baltimore Avenue, Laurel, MD 20707
- Karl D. Brendle, 350 Municipal Square, Laurel, MD 20707
- Alex and Jan Drew, 7015 Wake Forest Drive, College Park, MD 20740
- James Hayes, 8517 Magnolia Street, Laurel, MD 20707
- Albert Heyser, Heyser Cycle Center, 1300 Washington Boulevard, Laurel, MD 20707
- Edwin Jones, 8519 Magnolia Street, Laurel, MD 20707
- Hazel Patterson, 8519 Catalpa Street, Laurel, MD 20707
- Susan Poe, 8103 Sandy Spring Road, Laurel, MD 20707
- Stephen Wells, 8513 Magnolia Street, Laurel, MD 20707
- Mary Williams, Oakcrest Development Corporation, 7833 Walker Drive, Suite 620, Greenbelt, MD 20770
- Joel D. Rozner, People's Zoning Counsel, County Administration Building, 2nd Floor, Upper Marlboro, MD 20772

INSTRUCTIONS FOR FILING

I. Exception(s) Taken to the Examiner's Decision Shall Be:

- a) In writing;
- b) Numbered in sequence;
- c) Specific as to the error(s) which are claimed to have been committed by the Examiner;

(The page and paragraph numbers of the Examiner's Decision should be identified.)

- d) Specific as to those portions of the record, including the Hearing Examiner's Decision, relied upon to support your allegation of error(s) committed by the Examiner.

(The exhibit number, transcript page number, and/or the page and paragraph numbers of the Examiner's Decision should be identified.)

II. Requests for Oral Argument:

If you desire oral argument before the District Council, request must be made, in writing, at the time of filing your exception(s).

III. Notification to All Persons of Record:

Your request for oral argument and/or exception(s) must contain a certificate of service to the effect that a copy thereof was sent by you to all persons of record by regular mail.

(A list of these persons and their addresses is included in this notice of Examiner's Decision sent to you herewith or is available from the Clerk of the Council.)

IV. When to File:

Your request for oral argument and/or exceptions must be filed within 30 calendar days after the Examiner's Decision has been filed with the District Council.

V. Where to File:

Clerk of the County Council  
County Administration Building  
Upper Marlboro, Maryland 20772  
Phone: 952-3600

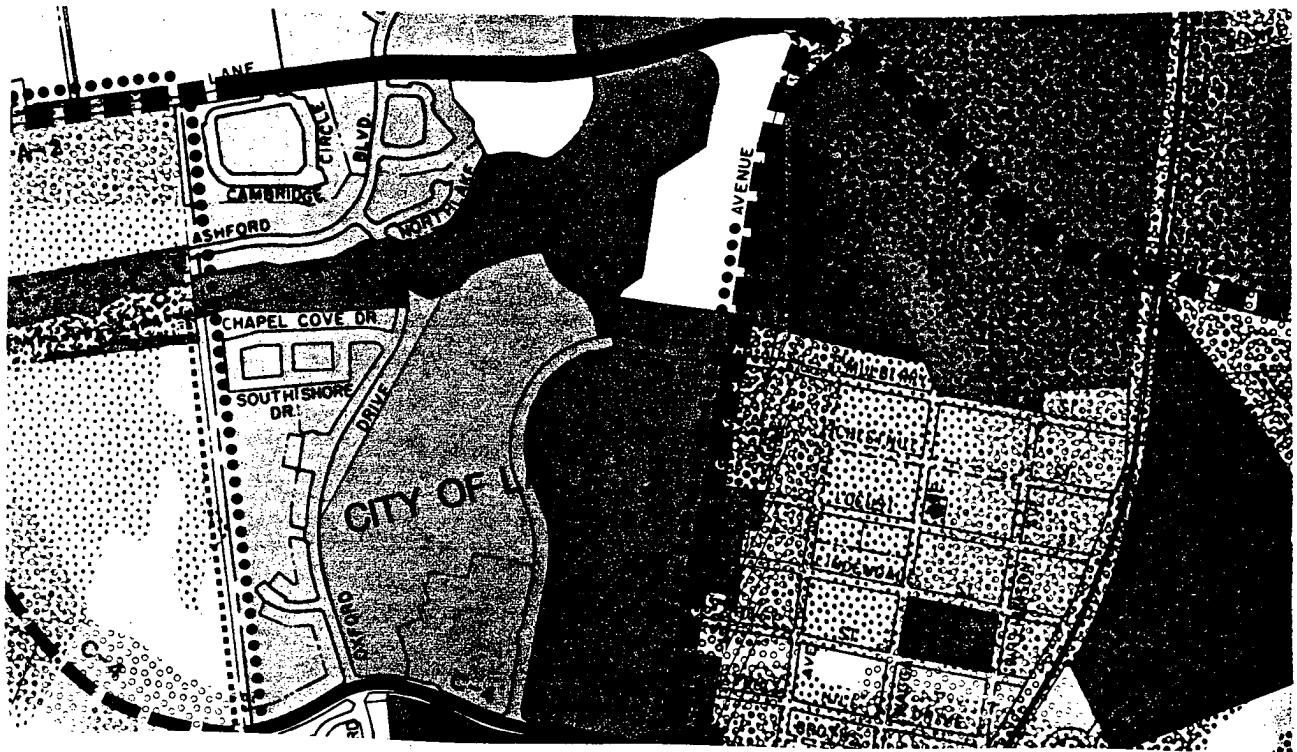
INSTRUCTIONS FOR REPLY TO EXCEPTIONS FILED  
AND ORAL ARGUMENT REQUESTED

If you are notified that another person of record has requested oral argument, you may:

- 1) Participate in the hearing if there is oral argument, and/or
- 2) Reply, in writing, to the exceptions taken by the other person. Such reply must be served on the Clerk and all other persons of record no later than five (5) business days before the date of oral argument.

(7) The zones of the various properties mentioned above were approved when a comprehensive zoning map was adopted October 2, 1990. The subject property had been zoned R-R just prior thereto. The restaurant property was zoned C-H prior to the new map. The I-1 areas had been zoned I-1.<sup>1</sup>

(8) The zones approved for Oakcrest in the SMA are for the most part recommended in the Master Plan. The applicant claims that this is not true for the subject property, that the Master Plan map showed it for commercial but it was instead zoned residential. The Plan map by coloration does show retail commercial for all that area from half way down Block 4, between Magnolia Lane and Mulberry Street up to Oak Street above Block 3, in the same color. The fact that this is in error and, more particularly so as to the subject property, is evidenced in the accompanying SMA map, the one on the reverse side of the Plan map and the one on p. 241 of the text. Both these maps show the property in Change Number SL3-01, R-R to R-55. These properties

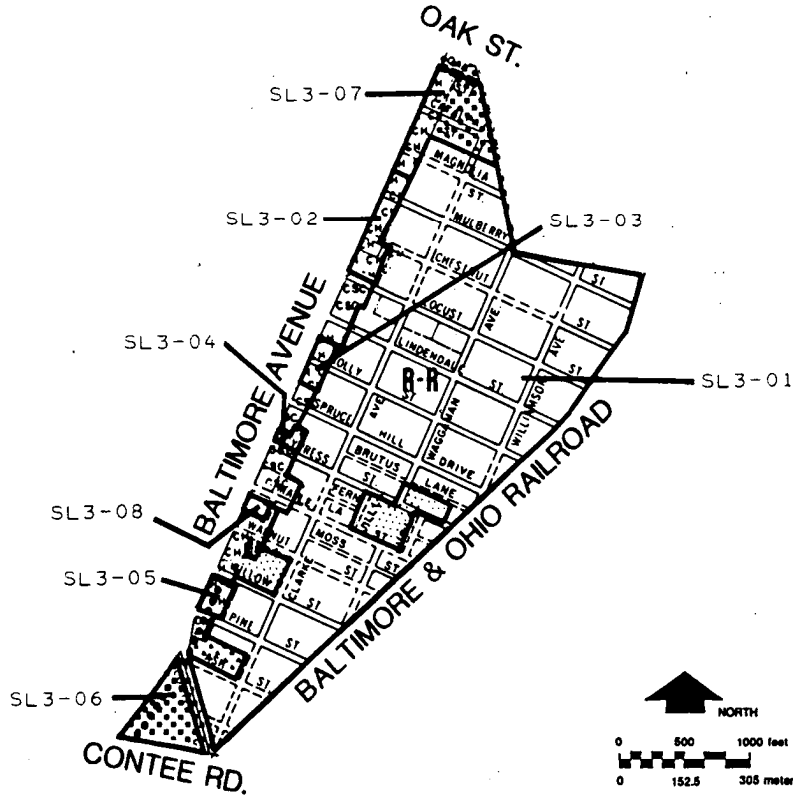


(M.P. Map)

<sup>1</sup>Apparently, the southern half of those lots next adjoining the subject property were zoned R-R and the northern half I-1 prior to 1975. (South Laurel SMA Proposal 1975, P. 129, A-9070) They were zoned I-1 in the 1975 SMA.

were so zoned R-55. It is even clearer that the Plan did not intend commercial zoning in the SMA for all the subject property.<sup>2</sup> In the text of the Plan where the existing commercial parcels on the east side of U.S. Rt. 1 are limited to their expansion to the east to 300 feet it is stated, "Further, the boundary, as drawn, is explicitly intended to include all commercial activities, including parking." (Text p. 108)

- SL3-01: R-R TO R-55
- SL3-02: C-H TO C-M
- SL3-03: C-H TO C-M
- SL3-04: C-G TO C-S-C
- SL3-05: C-H TO C-M
- SL3-06: I-1 TO C-M
- SL3-07: C-H & I-1 TO C-S-C
- SL3-08: R-R TO C-S-C



(M.P. text, p. 241)

<sup>2</sup>The error is admitted by the scrivener of the map, "...the retail commercial proposal was not scaled back on the Plan Map. This may have been due either to my inadvertence or to a drafting error which I failed to catch". (Exh. 23)

## DISCUSSION

(1) The subject property is specifically addressed in the SMA summary text, page 75-77, under Change Number SL3-01, South Laurel Area Analysis Area 3. A map on page 76 locates the property in the R-R Residential Zone. The text on page 77 recommends, under Change Number SL3-01, R-55 zoning. Under "Use Location" the property is described as Block 3, Lots 7-13. The property just north of these lots, including Block 2 and Lots 14-20, is described as a "triangle" and was proposed for C-S-C zoning under Change Number SL3-07, page 78. These lots were zoned I-1, however, because they had become improved with mini warehouses during the SMA process. (MP text, p. 108; NOTE: Amendment 6, SMA Adopting Resolution, CR-72-1990: Exh. 33, SMA File)

(2) The restaurant is located, for the most part, on Lots 4-6, Block 3. Change Number SL3-07 recommended C-S-C zoning for these lots which were then zoned C-H. A restaurant was noted to be on land described as 14415 Baltimore Avenue under "Use and Location", page 78. This is the address of the restaurant.

(3) The error of the Master Plan did not create an error in the SMA. The SMA map carried the R-55 zoning for the property from the very inception of the Plan/SMA process. The fact that the Plan map was in error did not cause the SMA map or text to be in error. The Master Plan text itself explains the correct area which is to be considered for commercial on page 108; "At the northern end of the Oakcrest Commercial Strip, there is a triangle of land that is zoned for industrial uses." The existing situation map shows this to be all lots of Block 2 not then zoned commercial, Lots 14-20, Block 3, and Lots 1, 3 and parts of Lots 6 and 8, Block 17. The text goes on to suggest commercial zoning for this triangle but it actually was zoned I-1. (See para #1 Supra)

(4) The subject property was in part used for commercial purposes and parking therewith during the period of time the Master Plan and SMA were being considered by staff and District Council.<sup>3</sup> This use is noted in the existing situation map attached to the Master Plan by showing red color over the west portions of the subject property. It appears that this might extend to include Lot 9, but at least Lots 7 and 8. (Exh. 5, p. 1)<sup>4</sup>

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<sup>3</sup>The use of Lots 7, 8 and 9 for parking for the restaurant was noted in 1974 in the Statement of Justification filed with application A-9070.

<sup>4</sup>The County had at this time determined that the use of Lots 7 and 8 for parking was non-conforming. (Bd. of App. #3049,8-30-71) This use preexisted the adoption of zoning in 1959 (Permit #248-71CG).



(5) The fact that portions of the property were utilized for commercial parking purposes when the Master Plan and SMA were processed and a considerable time before, is of no help to the issue of mistake in this application. The facts were obvious to explain how this commercial use was established contrary to the requirements of the R-R Zone. It can be assumed this use was known to exist by the drafters of the SMA. The Staff never recognized a restaurant existed on Lot 7 as a non-conforming use. We assume the staff planners knew about the parking use on the subject property but they would not necessarily know if a building was on the property.<sup>5</sup> The staff noted on the proposed Master Plan situation map a commercial use was being made of the portion of the property used for parking although zoned R-R. There was, therefore, no creation of a non-conforming use by zoning that property R-55. Creation of a non-conforming use by SMA adoption is not proscribed, only the down-zoning of property thereby creating a non-conforming use. Since the R-55 is more intense than the R-R Zone, there was no downzoning, therefore no abrogation of Section 27-223(d)(2). The use of Lot 7 for a restaurant, absent any evidence that this use was recognized by the County as legal, cannot be presumed to be legal and as such gives no support for zoning that lot or any other lots of the owner to the C-S-C Zone.

(6) With respect to applicant's other suggestion of error, that it was error not to adopt an overlay zone, we agree that it would have affected the subject property had it been adopted. The subject property would have been designated on the Plan map and any of the property within 300 feet of the right-of-way of Rt. 1 would have enjoyed any benefits of being included in the overlay zone. This would involve only Lots 7, 8 and 9 however. By the terms of the Master Plan text this would not mean these lots would be recommended for commercial zoning. This 300 foot area was to be considered as the limit of any governmental action which would allow commercial encroachment including parking into the interior of Oakcrest. Other ways of encroachment could be by special exception permitting residential lots to be used for commercial purposes and nonconforming use certification. The overlay zone may still be adopted but because it hasn't been does not mean the SMA was in error since the SMA was not necessarily the sole mechanism to implement this concept. The owner has permission now to use Lots 7 and 8 for parking in conjunction with the restaurant and could extend this permission to other lots by special exception.

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<sup>5</sup>When applicant sought to enlarge the building from Lots 5 and 6 to Lots 7 and 8, the building permit application (12962-77) contained a note that the proposed addition was not permitted in the R-R Zone. That same year the applicant obtained a variance of 25 feet for the rear lot setback requirement for Lots 3, 4, 5 and 6. (Appeal No. 4898)

DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND  
OFFICE OF THE ZONING HEARING EXAMINER

Patrick Edelmann  
Applicant

Application: A-9908

Jones, et al  
Opposition

Before: Barry S. Cramp

---

DECISION

FACTS

(1) Application has been made for rezoning from R-55 to C-S-C for seven lots located in the Oakcrest Subdivision in South Laurel. The District Council is asked what it would have zoned this property had it known that it was being used for commercial purposes at the time of adoption of the comprehensive rezoning for Subregion I in 1990. The Planning staff admits there was an error in the Master Plan map which preceded the comprehensive rezoning and had there not been this error the property would have remained as zoned, or in the alternative, zoned in an overlay zone, but not all of the property would have been included in a commercial category. Applicant also claims it was error of the District Council not to adopt overlay zoning as recommended in the Master Plan.

(2) The C-S-C zone is a Euclidean zone and is not an overlay zone. It is a zone which is located on property at the time of comprehensive zoning as distinguished from floating zones which are said to float over the map area, to come down at the request of the owner later on property which meets predetermined land use criteria. Euclidean and floating zones are underlying zones. Overlay zones are transposed over underlying zones and modify the use or regulations of the underlying zones.

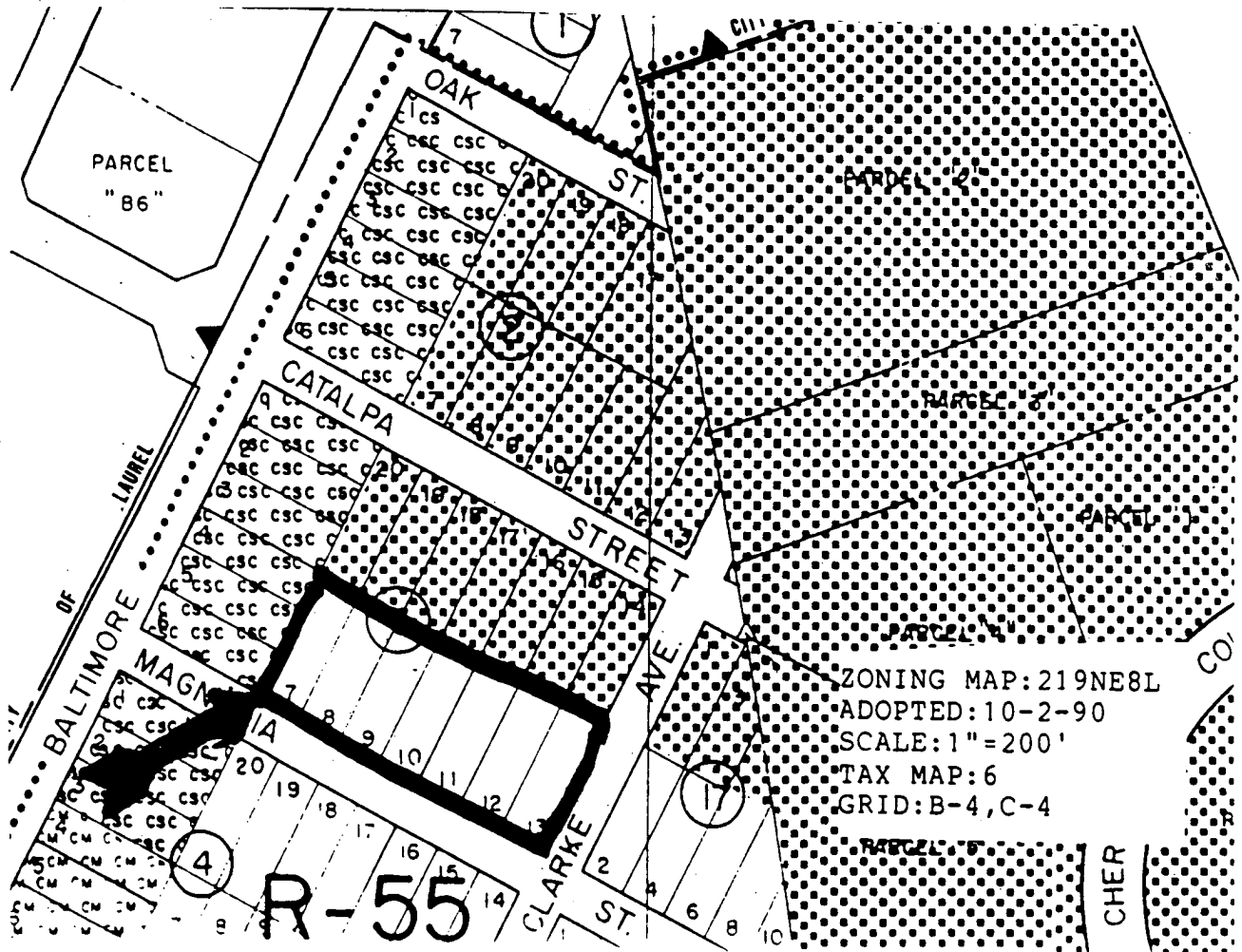
(3) A Euclidean zone may be approved by piecemeal application upon a finding that there has been change in the character of a neighborhood since the comprehensive zoning or mistake in its adoption. We are concerned here with the issue of mistake.

A-9908

(4) The subject property is Lots 7 through 13 of Block 3, Oakcr. These seven lots face Magnolia Street on the north side. They ad Lots 4, 5 and 6 of Block 3 which face U.S. Rt. 1 and are zoned C. These lots contain a restaurant for which the subject property is for parking. Commercial uses must perforce of law provide their parking on commercially zoned land unless allowed by special exception permission, granted by the District Council, or if this parking nonconforming use, i.e. established prior to the zoning limitation parking. The subject property has been partially improved building in which is located the resaurant some of which is o and with a parking compound on Lots 7, 8 and 9.

(5) Across Magnolia Street, which is paved only from Lot 9 through 13, are vacant parcels zoned R-55, Lot 20 through 18, Block 4. Homes are built, partially built or will be built on Lots 14 through 17 also zoned R-55. The paved portion of Magnolia Street ends at a barrier located opposite the boundary between Lots 17 and 18 of Block 4 and Lots 9 and 10 of the subject block.

(6) The land directly north of the property, as well as east across Clarke Avenue, is zoned I-1 and partially developed with warehouses. Across U.S. Rt. 1 is a shopping center (Laurel Lakes) in the City of Laurel.






**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**


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September 18, 2020

**MEMORANDUM**

TO: Adam Bossi, Development Review Division

FROM: Benjamin Ryan, Transportation Planning Section, Countywide Planning Division 

VIA: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division 

**SUBJECT: Detailed Site Plan Review for Pedestrian and Bicycle Transportation Master Plan Compliance**

The following detailed site plan (DSP) was reviewed for conformance with the Zoning Ordinance, the *Approved Countywide Master Plan of Transportation (MPOT)* and the *2010 Approved Subregion 1 Master Plan* and sectional map amendment and sector plan to provide the appropriate pedestrian and bicycle transportation recommendations.

**Detailed Site Plan Number:** DSP-20006

**Development Case Name:** Checkers Laurel

Type of Master Plan Bikeway or Trail

Municipal R.O.W.	<input type="checkbox"/>	Public Use Trail Easement	<input type="checkbox"/>
PG Co. R.O.W.	<input type="checkbox"/>	Nature Trails	<input type="checkbox"/>
SHA R.O.W.	<input checked="" type="checkbox"/>	M-NCPPC – Parks	<input type="checkbox"/>
HOA	<input type="checkbox"/>	Bicycle Parking	<input checked="" type="checkbox"/>
Sidewalks	<input checked="" type="checkbox"/>	Trail Access	<input type="checkbox"/>

<b>Detailed Site Plan Background</b>	
Building Square Footage (non-residential)	1,170 Square-Feet
Number of Units (residential)	N/A
Abutting Roadways	Baltimore Avenue, Magnolia Street
Abutting or Nearby Master Plan Roadways	US-1 (Baltimore Avenue) (A-9)
Abutting or Nearby Master Plan Trails	Planned Bike Lane: Baltimore Avenue Planned Side Path: Baltimore Avenue
Proposed Use(s)	Eating & Drinking Establishment
Zoning	C-S-C / R-55
Centers and/or Corridors	Baltimore Avenue Corridor
Prior Approvals on Subject Site	N/A

### **Previous Conditions of Approval**

There are no binding prior conditions of approval on the subject property specific to pedestrian or bicycle improvements that are relevant to this subject application. While the subject site is within a 2002 Corridor, due to the nature of the application it is not subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2."

### **Proposed Pedestrian and Bicycle Infrastructure**

The subject application is for the construction of an eating and drinking establishment. The site is located on US Route 1 (Baltimore Avenue) approximately 0.25 miles southwest of the intersection of Baltimore Avenue and Cherry Lane. Sidewalks are currently in place along the subject property's frontage of Baltimore Avenue. The site features two outdoor eating areas, one of which is located adjacent to the restaurant and a second located to the rear of the restaurant. The submitted plans include a 7-foot-wide sidewalk located between the parking area and the restaurant, which leads to the adjacent outdoor eating area and the restaurant, as well as a 5-foot-wide sidewalk leading from Baltimore Avenue directly to the restaurant. An internal crosswalk crossing the central drive aisle provides a pedestrian connection from the parking area to the rear outdoor eating area. Bicycle racks have been displayed on the outdoor eating area adjacent to the restaurant.

### **Review of Master Plan Compliance**

This development case is subject to the 2009 *Approved Countywide Master Plan of Transportation*, and the 2010 *Approved Subregion 1 Master Plan* and sectional map amendment and sector plan which recommends the following facilities:

- Sidepath along Baltimore Avenue
- Bicycle lanes along Baltimore Avenue

**Comment:** As a detailed site plan, improvements within the right-of-way are beyond the scope of this application. No additional right-of-way is being sought with this application. The Maryland State Highway Administration (SHA) can require the construction of the master plan recommended bicycle lanes along Baltimore Avenue as appropriate, or they may be installed by SHA as part of a future roadway repaving or Capital Improvement Project.

Baltimore Avenue currently displays a shared lane marking for bicycle use along its north side, approximately 0.3 miles northeast from the subject property, fronting the Towne Center at Laurel, located at 14700 Baltimore Avenue.

The subject property falls within the 2010 *Approved Subregion 1 Master Plan* and sectional map amendment. Within this plan, the subject property falls within Focus Area 4 (Map 8, p.32). Policy 3 of Focus Area 4 makes the following recommendation:

Policy 3: Create a safer walkable environment through improvements to streets, sidewalks and building orientation:

- Create an urban boulevard character along US 1 by widening sidewalks and establishing a build-to line to locate future development closer to the street.
- Locate parking areas at the rear and sides of all buildings.

Policy 5 of the Bicycle, Pedestrian and Equestrian Facilities section (p.60) makes the following recommendation:

Policy 5: Provide comprehensive pedestrian and bicycle facilities along US 1 and improve pedestrian safety:

- Incorporate pedestrian amenities such as benches, pedestrian scale lighting, and pedestrian safety features such as well-marked crosswalks, pedestrian refuges, and curb extensions as frontages improvements are made along US 1.

**Comment:** The proposed plans include a 6-foot-wide sidewalk along the subject property's frontage of Baltimore Avenue and a stamped concrete pattern to the 5-foot-wide sidewalk leading from Baltimore Avenue directly to the restaurant. These design features are supported by the sector plan and will highlight the sidewalk, creating an inviting point of entry for pedestrians. Additionally, the applicant has located parking to the rear and sides of the restaurant, which helps visibility for pedestrians and bicyclists along Baltimore Avenue.

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling:

- Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.
- Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.
- Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the Complete Streets principles.

**Comment:** The submitted plans include a crosswalk crossing the vehicle entry point along Baltimore Avenue and the vehicle entry points along the internal driveway. As previously mentioned, bicycle racks will be located within the outdoor eating area adjacent to the restaurant. An internal sidewalk network serves the subject site. The wide sidewalk along Baltimore Avenue and the concrete stamped 5-foot-wide sidewalk leading from Baltimore Avenue to the restaurant provides a pedestrian-oriented environment within the immediate vicinity of the subject property.

### **Recommended Conditions of Approval**

The Transportation Planning Section find that the pedestrian and bicyclist circulation on the site to be safe, efficient, and convenient, pursuant to Sections 27-283 and 27-274(a)(2), the relevant design guidelines for transportation and conclude that the submitted detailed site plan is deemed acceptable from the standpoint of pedestrian and bicycle transportation.




Prince George's County Planning Department  
Community Planning Division


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September 21, 2020

## MEMORANDUM

TO: Adam Bossi, Urban Design Section, Development Review Division

VIA: David A. Green, MBA, Master Planner, Community Planning Division 

FROM: Maha Tariq, Senior Planner, Neighborhood Revitalization Section, Community Planning Division 

SUBJECT: **DSP- 20006, Checkers in Laurel**

## FINDINGS

Community Planning Division staff finds that, pursuant to Section 27-290.01(b)(5) of the Zoning Ordinance, this Detailed Site Plan application is compatible with the future land use, which is Mixed Use Commercial delineated in the 2010 Approved *Subregion 1 Master Plan and Sectional Map Amendment*.

## BACKGROUND

**Application Type:** Detailed Site Plan

**Location:** 14411 Baltimore Avenue, Laurel MD 20707; Lot 23, Block 3 of the Oak Crest Subdivision

**Size:** 0.84 acres

**Existing Uses:** Vacant

**Proposal:** The applicant proposes to construct one story fast-food restaurant with associated parking, sidewalks and landscaping on a previously developed site.

## GENERAL PLAN, MASTER/TRANSIT DISTRICT DEVELOPMENT PLAN, AND ZONING

**General Plan:** This application is located within the Established Communities policy area. "Established Communities are most appropriate for context-sensitive infill and low-to-medium density development," (p.20). The general plan recommends mixed-use on the subject property.

Referral Number and name

Date

Page 2

**Master Plan:** The 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* recommends mixed-use commercial as future land use on the subject property. In addition, the subject property is in Focus Area 4 (pg.31) of US 1/Baltimore Avenue Corridor (pg.17). The Plan identifies the following four policies for Focus Area 4:

1. Establish areas of mixed-use development that complement surrounding residential areas.
2. Create a coordinated, pedestrian-oriented commercial area that provides a location for consolidated automobile sales at US 1.
3. Create a safer walkable environment through improvements to streets, sidewalks and building orientation.
4. Establish a continuous open space network by upgrading existing open space and introducing new parks.

**Planning Area:** 62

**Community:** South Laurel-Montpelier

**Aviation/MIOZ:** This property is not located in an Aviation Policy Area or the Military Installation Overlay Zone.

**SMA/Zoning:** The property is zoned C-S-C (Commercial Shopping Center) and R-55 (One-Family Detached Residential)

**Staff Comments:** No.

c: Long-range Agenda Notebook



August 18, 2020

**MEMORANDUM**

**TO:** Adam Bossi, Urban Design Review, DRD

**VIA:** Howard Berger, Supervisor, Historic Preservation Section, CWPD

**FROM:** Jennifer Stabler, Historic Preservation Section, CWPD  
Tyler Smith, Historic Preservation Section, CWPD

**SUBJECT: DSP-20006 Checkers in Laurel**

The subject property comprises 0.84 acres on the east side Baltimore Avenue, 400 feet north of Mulberry Street. The subject application proposes a Checkers restaurant. The subject property is Zoned C-S-C.

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. This proposal will not impact any historic sites, historic resources or known archeological sites. Historic Preservation Section staff recommend approval of DSP-20006 Checkers in Laurel without conditions.



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Prince George's County Planning Department  
Countywide Planning Division

301-952-3650

September 10, 2020

## MEMORANDUM

**TO:** Adam Bossi, Planner Coordinator, Urban Design Section, DRD

**VIA:** Megan Reiser, Supervisor, Environmental Planning Section, CWPD

**FROM:** Marc Juba, Planner Coordinator, Environmental Planning Section, CWPD

**SUBJECT: Checkers Laurel; Detailed Site Plan, DSP-20006**

The Environmental Planning Section (EPS) has reviewed Detailed Site Plan DSP-20006, received by the Countywide Planning Division on August 12, 2020 with revisions submitted by the applicant received on September 2, 2020 in response to comments from staff at the Subdivision Review Committee (SDRC) meeting on August 21, 2020.

The site has a Natural Resource Inventory Equivalency Letter (NRI-117-12-01) which was issued on November 14, 2019. Much of this site has been previously developed and is not associated with any Regulated Environmental Features (REF). The site has a valid Standard Letter of Exemption from the Woodland and Wildlife Habitat Conservation Ordinance (WCO) that expires on November 14, 2020.

The site has an approved Stormwater Management Concept Plan #15567-2019-00 that is in conformance with the current code, which was issued on December 13, 2019.

No additional environmental review issues have been identified for the subject site. The Environmental Planning Section recommends approval of the application with no conditions.



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Transportation Planning Section

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301-952-3680

September 25, 2020

## **MEMORANDUM**

**TO:** Adam Bossi, Urban Design Review Section, Development Review Division

**FROM:**  Tom Masog, Transportation Planning Section, Countywide Planning Division

**SUBJECT: DSP-20006: Checkers Laurel**

### **Proposal**

The applicant is proposing to develop a site with a commercial use.

### **Background**

The site is the location of a recent rezoning application, Zoning Map Amendment A-9908-C. There was also a recent lot line adjustment. Both the rezoning and the final plat resolution resulting from the lot line adjustment have conditions that require consideration in this referral. An eating or drinking establishment with drive-through service is permitted by right with a requirement of a detailed site plan (DSP) in most circumstances. However, the DSP for this use has no specific transportation-related requirements. In general, the site plan is intended to address general detailed site plan requirements such as access and circulation. The identified requirements of Section 27-358(a) include more specific requirements for location, access, site operations, and site design. There are no traffic-related adequacy findings required.

### **Review Comments**

The applicant proposes an eating or drinking establishment with drive-through service. The restaurant is 1,170 square-feet with two drive-through windows and no interior seating. The tenth edition of *Trip Generation* (Institute of Transportation Engineers) includes rates for "Fast Food Restaurant with Drive-Through and No Interior Seating." In consideration of a pass-by rate in each peak hour of 50 percent, the proposal would generate 31 AM and 25 PM peak-hour trips.

The most recent submitted plans have been reviewed. Access and circulation are acceptable. The right-of-way width of US 1 is 90 to 120-feet, as listed in the *Approved Master Plan and Sectional Map Amendment for subregion I*. The right-of-width is depicted as variable width on the site plan; however, sufficient right-of-way of 50-feet from centerline, consistent with master plan recommendations, was previously dedicated, and is reflected on the site plan and the plat. The existing right-of-width of US 1 should be shown on the plan.

### **Prior Approvals**

Zoning Map Amendment A-9908-C for this site was reviewed and approved by the District Council on February 6, 1996 (Zoning Order 3-1996). The District Council approved the rezoning with one

traffic-related condition which is applicable to the review of this DSP and warrants discussion, as follows:

- 1. The applicant shall obtain detailed site plan approval in accordance with part 3, Division 9 of the Zoning Ordinance in order to address the following:**
  - b. No access to the site shall be provided from Magnolia Street (east of the barrier.)**

The site plan shows sole access to the site from US 1. The plan shows no roadway or driveway access onto Magnolia Street.

It is noted that sub-conditions (a), (c), and (d) are not traffic-related; (a) relates to building placement, (c) relates to screening, and (d) relates to tree preservation.

Final Plat 5-14093 for this site was reviewed and approved by the Planning Board on September 4, 2014 (PGCPB Resolution No. 14-96). The Planning Board approved the final plat with one traffic-related condition which is applicable to the review of this DSP and warrant discussion, as follows:

- 2. Prior to the recommendation of approval by The Maryland-National Capital Park and Planning Commission (M-NCPPC) for the first building permit for either Lot 22 or 23 (whichever occurs first), the construction of the shared driveway shall be a part of the limit of the permit in order to provide adequate access to the site.**

This condition was met when the adjacent development on Lot 22 occurred. The shared driveway provides the access for the proposed use to US 1.

It is noted that the site plan conforms to all plat notes on Record Plat SJH 243-003 for Oak Crest. Also, the lot line adjustment on the final plat was heard by the Planning Board for the purpose of approving a variation from Section 24-121(a)(3) and the shared access easement pursuant to Section 24-128(b)(9) for Lots 22 and 23. Both of these elements are reflected appropriately on the site plan.

### **Conclusion**

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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
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September 9, 2020

**MEMORANDUM**

TO: Adam Bossi, Urban Design  
FROM: Jason Bartlett, Permit Review Section, Development Review Division  
SUBJECT: Referral Comments for DSP- 20006 Checkers (Laurel)

NOTE: Comments below are based off review of plan file "CNP-CDP-DSP-20006"

1. Signs previously reviewed and comments separately provided by John Linkins.
2. There are several parking related discrepancies: Firstly, the applicant is stating that there are 24 seats provided outdoors, but the DSP Site Plan clearly shows eight four-top tables, which would equal 32 seats. Secondly, the applicants parking schedule reflects a formula of 1 space for every 3 seats **OR** 1 space for every 50 SF of GFA (excluding any area used exclusively for storage or patron seating, and any exterior patron service area), but Sec. 27-568(a)(D) of the ordinance actually requires 1 space for every 50 SF of GFA **PLUS** 50 SF of GFA (excluding any area used exclusively for storage or patron seating, and any exterior patron service area). Applicant will therefore need to revise their parking schedule to reflect this calculation and change the required parking from 9 to 15 spaces required (4 for the GFA and 11 for the 32 spaces). Furthermore, since the current site design does not provide 15 spaces, a redesign to add the additional parking space will be required or the applicant will need to file a companion Departure From Parking and Loading Standards (DPLS) application with this case. If a companion DPLS is filed, the DPLS number should be referenced and reflected in the parking schedule on the DSP.

**Applicant provided parking schedule on Cover Sheet:**

<b>PARKING TABLE</b>	
USE: EATING ESTABLISHMENT INCLUDING DRIVE THROUGH SERVICE AND CARRYOUT	
BUILDING GFA = 1,170 SQ. FT.	
INTERIOR PATRON SEATS: 0	
EXTERIOR PATRON SEATS: 24	
<b>PARKING CALCULATION</b>	
24 EXTERIOR SEATS/3 SEATS PER SPACE = 9 SPACES REQUIRED	
1,170 SQ.FT. GFA/1 SPACE/50 SQ.FT. OF GFL	
OR 1,170 SQ.FT. GFA - *EXTERIOR SEATING AND PATRON SERVICE AREA OF 975 SQ.FT. = 195 SQ.FT.	
195 SQ.FT. ADJUSTED GFA/1 SPACE/50 SQ.FT. = 4 SPACES REQUIRED	
PARKING SPACES REQUIRED = 9	
PARKING SPACES PROVIDED = 12	
PARKING SPACE SIZE: 9.5' x 19'	
** LOADING SPACES REQUIRED = 0	
HANDICAP PARKING SPACES REQUIRED = 2	
HANDICAP PARKING SPACES PROVIDED = 2 INCLUDING 1 VAN ACCESSIBLE SPACE	
HANDICAP PARKING SPACE SIZE: 8.0' x 19'	
*PGCO CODE SEC. 27-568	
**PGCO CODE SEC. 27-582	

3. Show clear direction arrows at the entrance and exit to the site. The 14'-wide exit shown is only acceptable for one-way traffic flow, but arrows must be provided on the site plan to demonstrate this.
4. Applicant did not provide the LF of street frontage for their landscape schedule 4.2-1, which should be 84.33'. per Plat 243@3. See excerpt below:

Sample Schedule 4.2-1		
Requirements for Landscape Strips Along Streets		
Linear feet of street frontage, excluding driveway entrances: <span style="border: 1px solid red; border-radius: 50%; padding: 2px;"> </span>		
1) General Plan Designation:	<input checked="" type="checkbox"/> Developing Tier	<input type="checkbox"/> Rural Tier
	<input type="checkbox"/> Developed Tier, Corridor Node or Center	
2) Option Selected:	1, 2, 3, or 4: <u>  2  </u>	1 or 2: <u>    </u>

5. Ensure any revision made to the site plan based off reviewer's comments are mirrored on the landscape plan prior to certification.

\*\*\*\*\* end comments \*\*\*\*\*



*Division of Environmental Health/Disease Control*

Date: September 3, 2020

To: Adam Bossi, Urban Design, M-NCPPC

From: Adebola Adepoju, Environmental Health Specialist, Environmental Engineering/ Policy Program

Re: DSP-20006, Checkers Laurel

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the detailed site plan submission for Checkers Laurel located at 11441 Baltimore Avenue and has the following comments / recommendations:

1. Health Department permit records indicate there are more than 5 existing carry-out/convenience store and one grocery food facilities within a ½ 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 for pedestrian access to the site by residents of the surrounding community.
3. Increased traffic volumes in the area can be expected as a result of this project. Published scientific reports have found that road traffic, considered a chronic environmental stressor, could impair cognitive development in children, such as reading comprehension, speech intelligibility, memory, motivation, attention, problem-solving, and performance on standardized tests.
4. ***The food facility is considered a prototype food service facility in which two or more facilities in the state having uniformed set of plans.*** The applicant must submit an



Environmental Engineering/Policy Program  
Largo Government Center  
9201 Basil Court, Suite 318, Largo, MD 20774  
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711  
[www.princegeorgescountymd.gov/health](http://www.princegeorgescountymd.gov/health)



*Division of Environmental Health/Disease Control*

application for plan review to the Maryland Department of Health's Environmental Health Bureau's Food protection and Food Licensing program located at 6 St. Paul Street, Suite 1301, Baltimore, Maryland. 21202.

5. The applicant must submit plans to the Plan Review department at the Department of Permitting, Inspection Enforcement located at 9400 Peppercorn Place in Largo Maryland. 20774 for the proposed food facility and apply for a Health Department Moderate HACCP priority, Food Service Facility permit.
6. During the construction phases of this project, noise should not 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.
7. During the 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.

If you have any questions or need additional information, please contact me at 301-883-7677 or [aoadepoju@co.pg.md.us](mailto:aoadepoju@co.pg.md.us).



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**From:** [Kwesi Woodroffe](#)  
**To:** [Bossi, Adam](#)  
**Cc:** [PGCReferrals](#); [Mark Loeffler](#)  
**Subject:** RE: REVISED EPlan ACCEPTANCE referral for DSP-20006, CHECKERS (LAUREL) (PB)SHA; KW  
**Date:** Thursday, September 3, 2020 10:46:57 AM  
**Attachments:** [image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)  
[image015.png](#)  
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[image025.png](#)

**[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.**

Good morning Adam,

I reviewed the subject referral and for the proposed work in the state right of way (water and sewer connections, sidewalk connection and cross-walk striping), the applicant will need a District Office (DO) Permit from our SHA District 3 Utility Office. Applicant should contact the District 3 Utility Engineer, Mr. Mark Loeffler ([MLoeffler@mdot.maryland.gov](mailto:MLoeffler@mdot.maryland.gov)), for further coordination and instruction on how to apply for a DO Permit.

Thanks, Kwesi

**Kwesi Woodroffe**  
**Regional Engineer**  
**District 3 Access Management**  
**MDOT State Highway Administration**  
[KWoodroffe@mdot.maryland.gov](mailto:KWoodroffe@mdot.maryland.gov)  
301-513-7347 (Direct)  
1-888-228-5003 – toll free  
**Office Hours**  
**M-Thurs.: 6:30a-3:30p**  
**Fr: 6:30a-10:30a**  
**9300 Kenilworth Avenue,**  
**Greenbelt, MD 20770**  
<http://www.roads.maryland.gov>



**From:** ePlan <[ePlan@ppd.mncppc.org](mailto:ePlan@ppd.mncppc.org)>  
**Sent:** Wednesday, September 2, 2020 2:48 PM  
**To:** ePlan <[ePlan@ppd.mncppc.org](mailto:ePlan@ppd.mncppc.org)>; Green, David A <[davida.green@ppd.mncppc.org](mailto:davida.green@ppd.mncppc.org)>; Brake, Michelle <[Michelle.Brake@ppd.mncppc.org](mailto:Michelle.Brake@ppd.mncppc.org)>; Henderson, Tamika <[Tamika.Henderson@ppd.mncppc.org](mailto:Tamika.Henderson@ppd.mncppc.org)>; Franklin, Judith <[Judith.Franklin@ppd.mncppc.org](mailto:Judith.Franklin@ppd.mncppc.org)>; Masog, Tom <[Tom.Masog@ppd.mncppc.org](mailto:Tom.Masog@ppd.mncppc.org)>; Barnett-Woods, Bryan

**Additional Back-up**

**For**

**Detailed Site Plan DSP-20006**  
**Checkers Laurel**

# CHECKERS – LAUREL

## DSP-20006

\* \* \* \* \*

### RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-20006 Checkers Laurel subject to the following condition:

1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:

\* \* \* \* \*

- c. Revise the DSP to relocate the freestanding monument sign to a location at least 10 feet from the street line and ~~reduce the size of the sign~~ correct the signage area calculations and design of the ~~on the DSP for the~~ freestanding monument sign to conform with the requirements of Section 27-614 of the Prince George’s County Zoning Ordinance. ~~Correct the signage area calculations on the DSP for the freestanding monument sign.~~

\* \* \* \* \*

### KEY:

Underline indicates language added to findings/conditions;

~~Strikethrough~~ indicates language deleted from findings/conditions;

Asterisks \*\*\* indicate intervening existing findings/conditions that remain unchanged.