

June 9, 2020

Carrols, LLC
968 James Street
Syracuse, NY 13203



Re: Notification of Planning Board Action on
Detailed Site Plan DSP-19019
BURGER KING #1151

Dear Applicant:

This is to advise you that, on **June 4, 2020**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

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

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

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

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

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Henry Zhang 6/8/2020
Reviewer

Attachment: PGCPB Resolution No. **2020-78**

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

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on May 14, 2020, regarding Detailed Site Plan DSP-19019 for Burger King #1151, the Planning Board finds:

- 1. Request:** The subject application is for approval of a detailed site plan (DSP) for a net addition of approximately 14 square feet of gross floor area and renovations to the façade and signage of an existing eating and drinking establishment (Burger King), with drive-through service.

2. Development Data Summary:

	EXISTING	APPROVED
Zone	I-1	I-1
Use	Eating and Drinking Establishment with Drive-through	Eating and Drinking Establishment with Drive-through
Acreage	0.52	0.52
Total Gross Floor Area (sq. ft.)	2,986	3,000

Parking*

	REQUIRED	PROVIDED
Regular Spaces	23	23
Handicapped Spaces	2	2
Total	25	25

Note: *The existing parking on the site that will not be impacted by this renovation.

- 3. Location:** The site is located on the south side of US 1 (Baltimore Avenue), approximately 210 feet northeast of its intersection with Ewing Road, in Planning Area 61 and Council District 1.
- 4. Surrounding Uses:** The subject property is bounded to the north by the public right-of-way of US 1, with commercial/retail uses in the Commercial Shopping Center Zone beyond. To the east, west, and south of the site are developed properties in the Light Industrial (I-1) and Heavy Industrial Zones, including warehouses.

5. **Previous Approvals:** The subject 0.52-acre site is known as Parcel T-T, which was originally improved as a Burger King fast-food restaurant with drive-through service circa 1970. The site also has an approved certified nonconforming use (3629-85-CGU). In 2010, Prince George's County Council Bill CB-19-2010 was adopted and redefined the eating and drinking establishment use, permitting it in the I-1 Zone, among others, subject to DSP review.

The site also has a valid Stormwater Management Concept Plan, 16719-2019-00, that is valid through August 2, 2022.

6. **Design Features:** The application proposes to renovate the existing Burger King, to create a modern and attractive commercial business that satisfies the needs of modern consumers. The proposed renovation includes the removal of 55 square feet and the addition of 69 square feet of gross floor area, for a net addition of 14 square feet, along with façade and signage improvements, which will make this property an attractive modern-looking restaurant. The renovation will use sustainable building materials, utilize environmental site design techniques, where practical, and provide for the continued convenience needs of the surrounding community, while improving the appearance of the existing restaurant.

In addition, the renovation will introduce new Burger King signage, including building-mounted and menu signage, that are within the sign face area limits of the zone. For building-mounted signage, the allowed area is approximately 100 square feet based on the width of the building. The site plan shows that 40 square feet of sign area is provided, in accordance with Section 27-613(c) of the Prince George's County Zoning Ordinance. The freestanding sign, which was built previously and does not meet the required 10-foot setback, has a sign face area of 74.5 square feet that is within the maximum allowed square footage (75 square feet), per Section 27-614(c) of the Zoning Ordinance. A condition has been included in this resolution, requiring the applicant to relocate the freestanding sign 10 feet inside the subject site to meet the setback requirements, prior to certification.

The proposed architectural elevations represent the new generation of Burger King's prototype building, which features a flat roof with prominent tower elements at the main entrance and side windows, and clear anodized metal canopies. The towers are finished with cultured stone veneer, topped by metal coping, and Burger King's signature logo sign on the upper part. A clear anodized metal canopy is also used to shield all windows on three elevations. The elevations are designed in a three-part composition, with a dark-grey painted face brick at the lower part, windows and light-grey cementitious horizontal panels and face brick in the middle part, and a red light band at the top. For the rear elevation, the windows are replaced with two service doors and solid walls. Sconce light fixtures are shown on the side elevations. The renovated elevations are attractive and acceptable.

The DSP does not propose any alterations to the on-site circulation pattern and other existing improvements, other than described above.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the I-1 Zone and the site plan design guidelines of the Zoning Ordinance.

- a. The existing and proposed use, which is an eating and drinking establishment, with drive-through service, is a permitted use in the I-1 Zone, subject to Footnote 54, in accordance with Section 27-473(b), Table of Uses, of the Zoning Ordinance, as follows:

Subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle. Any fast-food restaurant operating pursuant to an approved Special Exception as of the effective date of CB-49-2005 shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such fast-food restaurants and their underlying special exceptions may be modified pursuant to the existing provisions relating to revisions or amendments to special exceptions generally and fast-food restaurants specifically as they exist in the Zoning Ordinance.

This site has never had any special exception approvals. This DSP has been filed, in accordance with this requirement, to allow for the site improvements.

- b. The subject application is in conformance with the requirements of Section 27-469(b), Landscaping, screening and buffering, of the Zoning Ordinance in the I-1 Zone. The site plan notes that 13 percent (approximately 2,911 square feet) of the net lot area is maintained as green area. The landscape strip adjacent to the public right-of-way of US 1, as required pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), is not considered part of the required green area. The site plan exceeds the 10 percent requirement of Section 27-473(b). However, the site plan does not illustrate clearly where the green areas are. A condition has been included in this resolution, requiring the applicant to illustrate the green area on the landscape plan, prior to certification.
- c. **Site Design Guidelines**—Section 27-283 of the Zoning Ordinance provides that a DSP should be designed in accordance with the same design guidelines for a conceptual site plan (referenced in Section 27-274), regarding parking, loading and circulation, lighting, views, green area, site and streetscape amenities, grading, service areas, public spaces, and architecture. Since the subject DSP does not alter any of the site, except for a small addition to the building, the site design guidelines are not triggered.

8. **2010 Prince George's County Landscape Manual:** In accordance with Section 1.1 of the Landscape Manual, the subject project is exempt from the requirements of the Landscape Manual because the increase of gross floor area is less than 10 percent of the total gross floor area, there is no change of use from a lower to higher intensity, and there is no increase in impervious surface. A note to this effect is provided on the site plan.

9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The property is not subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the entire site contains less than 10,000 square feet of woodlands and does not have a previously approved tree conservation plan. The site has a Natural Resources Inventory Equivalency Letter (NRI-046-2019), which was issued on April 18, 2019. The site also has a Standard Letter of Exemption (S-058-2019) that was issued on April 18, 2019.
10. **Prince George's County Tree Canopy Coverage Ordinance:** Since this DSP does not propose more than 5,000 square feet or greater of gross floor area or disturbance, this DSP is exempt from the requirements of the Tree Canopy Coverage Ordinance. A note to this effect is provided on the site plan.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Historic Preservation and Archeological Review**— The Planning Board adopted, herein by reference, a memorandum dated March 5, 2020 (Stabler to Bush), which stated that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. The subject site does not contain or 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.
 - b. **Community Planning**— The Planning Board adopted, herein by reference, a memorandum dated April 10, 2020 (McCray to Zhang), which stated that, pursuant to Part 3, Division 9, Subdivision 3, of the Zoning Ordinance, master plan conformance is not required for this application.
 - c. **Transportation**— The Planning Board adopted, herein by reference, a memorandum dated April 16, 2020 (Hancock to Zhang), which noted that, given the limited scope of the work proposed in this DSP, the existing on-site circulation will not be impacted. From the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a DSP, as described in the Zoning Ordinance.
 - d. **Trails**—The Planning Board adopted, herein by reference, a memorandum dated April 13, 2020 (Smith to Zhang), which included one condition, consisting of three sub-conditions, that has been included in this resolution.
 - e. **Environmental Planning**—The Planning Board adopted, herein by reference, a memorandum dated Mach 27, 2020 (Juba to Bush), which concluded that this DSP is exempt from the requirements of the WCO.

- f. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not provide any comment regarding the subject project.
 - g. **Prince George's County Police Department**—In a memorandum dated March 17, 2020 (Contic to Planner Coordinator), incorporated herein by reference, the Police Department stated they had no comments on the subject application.
 - h. **Prince George's County Health Department**—The Health Department did not provide any comments regarding the subject project.
 - i. **Maryland State Highway Administration (SHA)**— SHA did not provide any comments regarding the subject project.
12. Based on the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, if approved as conditioned, the DSP 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.
13. The required finding of Section 27-285(b)(4) of the Zoning Ordinance that regulated environmental features are preserved and/or restored to the fullest extent possible need not to be made for the subject application because there are no regulated features on the subject site.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Detailed Site Plan DSP-19019 for the above described land, subject to the following conditions:

- 1. Prior to certification, the detailed site plan shall be revised, or information provided, as follows:
 - a. Relocate the freestanding sign 10 feet inside the subject site to meet the setback requirements.
 - b. Clearly illustrate the location and size of the green areas on the landscape plan.
 - c. Provide two inverted U-shaped bicycle racks at a location convenient to the building entrance.
 - d. Provide continental-style crosswalks along the subject site's entrance and exit, unless modified by the Maryland State Highway Administration.
 - e. Provide a 5-foot-wide sidewalk connecting the building entrance and the sidewalk along US 1 (Baltimore Avenue).

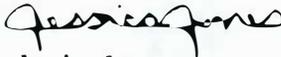
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 14, 2020, in Upper Marlboro, Maryland.

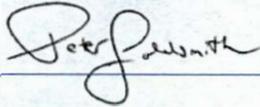
Adopted by the Prince George's County Planning Board this 4th day of June 2020.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:HZ:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: May 26, 2020