

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.ig2.com/Citizens/Default.aspx>.

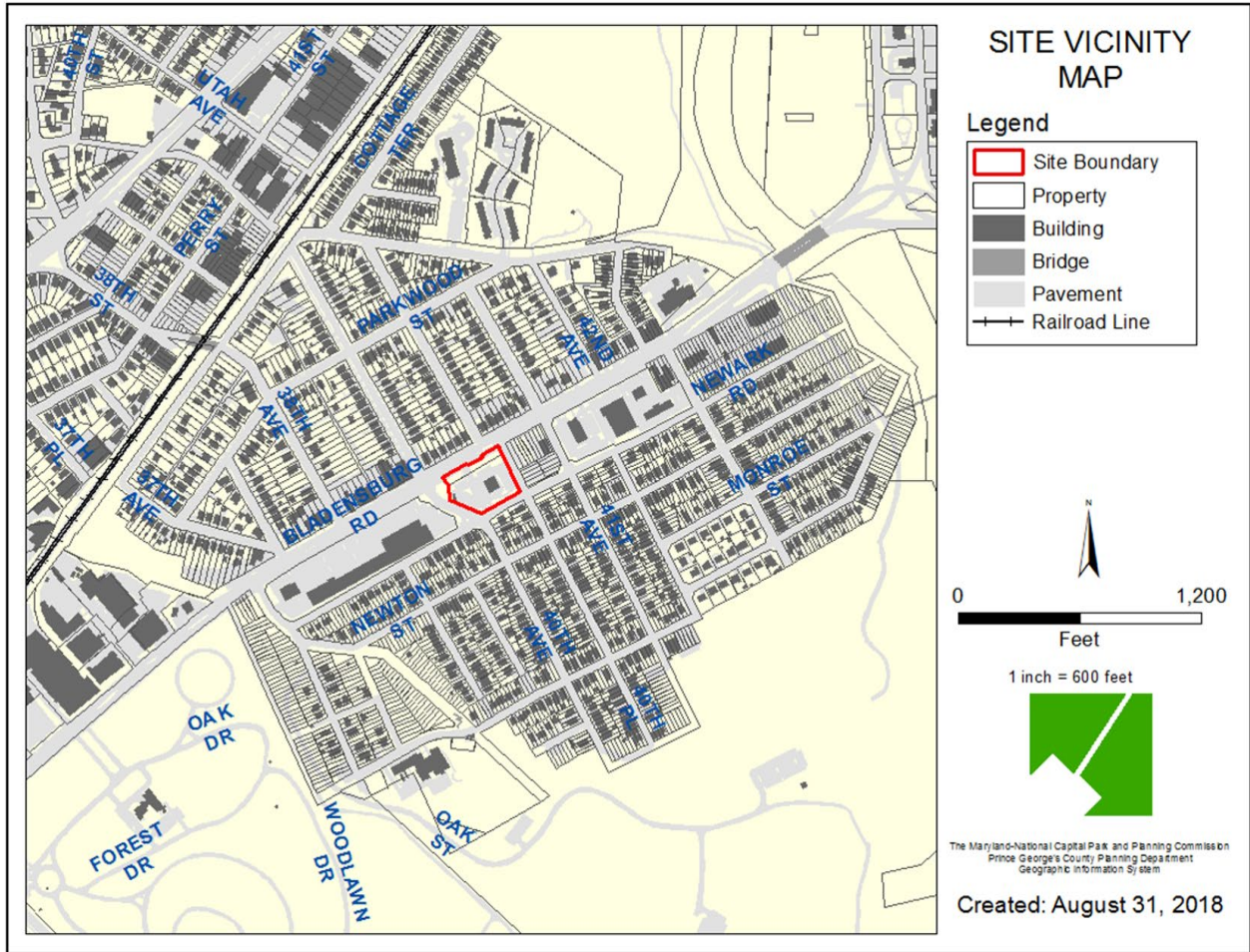
Detailed Site Plan

DSP-18046

Application	General Data	
Project Name: Burger King #1155 Location: On the south side of Bladensburg Road and on the north side of Newark Road, at the intersection with 40th Avenue. Applicant/Address: Carrols, LLC 968 James Street Syracuse, NY 13203	Planning Board Hearing Date:	04/25/19
	Staff Report Date:	04/04/19
	Date Accepted:	02/11/19
	Planning Board Action Limit:	07/02/19
	Plan Acreage:	1.639
	Zone:	M-X-T/D-D-O
	Dwelling Units:	N/A
	Gross Floor Area:	3,276 sq. ft.
	Planning Area:	68
	Council District:	05
	Election District:	02
	Municipality:	Colmar Manor
200-Scale Base Map:	205NE03	

Purpose of Application	Notice Dates	
Expansion of a certified nonconforming use to include a 182-square-foot addition to an existing eating and drinking establishment with drive-through.	Informational Mailing:	09/06/18
	Acceptance Mailing:	02/08/19
	Sign Posting Deadline:	03/25/19

Staff Recommendation		Staff Reviewer: Ivy R. Thompson Phone Number: 301-952-4326 Email: Ivy.Thompson@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-18046
Burger King #1155

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

EVALUATION CRITERIA

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

- a. The requirements of the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment*;
- b. The requirements of the Prince George's County Zoning Ordinance in the Mixed Use-Transportation Oriented Zone and the site design guidelines;
- 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 analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The subject application requests expansion of a certified nonconforming use of an existing eating and drinking establishment with drive-through, specifically a Burger King. The specific changes include façade, sidewalk, and signage improvements; the removal of a 33-square-foot vestibule; the addition of a 182-square-foot pay station window to the existing building; and the validation of the 20-space parking lot located at the eastern side of the property, abutting 40th Place.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	M-X-T/D-D-O	M-X-T/D-D-O
Use(s)	Eating and drinking establishment with drive-through	Eating and drinking establishment with drive-through
Acreage	1.639	1.639
Gross Square Footage	3,127 (33 to be removed)	3,276 (182 proposed)

Parking and Loading

Parking Requirements:

99 seats @ 1 space/3 seats	33
500 sq. ft. @ 1 space/50 sq. ft. of gross floor area	10
Total Parking Required	43
Handicap-Accessible Spaces	2 (included in total required)
Total Parking Provided	61

3. **Location:** The subject site is located on the south side of Bladensburg Road and on the north side of Newark Road, at the intersection with 40th Avenue. The property is described as Parcels B and E, as shown on Tax Map 50, Grid B4. The site is within Planning Area 68 and Council District 5.
4. **Surrounding Uses:** The subject site and all the surrounding properties are located within the Bladensburg Road/Main Street Character Area of the Development District Overlay (D-D-O) Zone, established by the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* (Port Towns Sector Plan and SMA). The property is bounded to the east by 40th Place, with Mixed Use-Transportation Oriented (M-X-T) zoned property, developed with an eating and drinking establishment with drive-through beyond; to the south by Newark Road with One-Family Detached Residential zoned properties developed with single-family detached residences beyond; to the west by 40th Avenue, with the Port Towns shopping center beyond; and to the north by Bladensburg Road, with M-X-T zoned properties developed with single-family detached residences beyond.
5. **Previous Approvals:** The subject property, known as Parcels B and E, recorded in Plat Book NLP 95-27 on August 26, 1976, was developed in the Commercial Shopping Center Zone with the 3,127-square-foot Burger King in 1979. The property was certified as a nonconforming use, CNU-26589-08, administratively on September 12, 2008. The subject property was rezoned to M-X-T with the adoption of the Port Towns Sector Plan and SMA, which also imposed the D-D-O Zone on the property.
6. **Site Design:** This detailed site plan (DSP) proposes façade, sidewalk, and signage improvements; the removal of a 33-square-foot vestibule; the addition of a 182-square-foot pay station window to the existing building; and the validation of the 20-space parking lot located at the eastern side of the property.

The brick, single-story, 3,127-square-foot building housing the eating and drinking establishment will increase to 3,276 square feet, with no increase to the existing 99 seats. The building is located at the center of the site, facing Bladensburg Road, with entrances on both the front and side elevations. The proposed addition for the drive-through is located at the rear of the building, facing Newark Road. Parking for the development remains unchanged at the front, sides, and rear of the building. The 20-space parking lot located along 40th Place was constructed without a permit, and not included as part of the administrative nonconforming use approval. Pedestrian accessibility is provided to the building via proposed and existing connections to Bladensburg Road, 40th Place, and 40th Avenue. Parking for three bicycles is provided adjacent to the side entrance. The existing enclosed dumpster is located at the rear portion of the site, adjacent to Newark Road. An existing 8-foot-high, sight-tight fence located to the side of the concrete dumpster enclosure is proposed to be removed.

Signage—The applicant proposes minimal signage throughout the development. Section 27-613 of the Prince George’s County Zoning Ordinance specifies that signage may be attached to the walls, to the roof of a building, or to a canopy that is located at least 10 feet behind a street line. The site plan shows the locations for four proposed signs to replace existing building-mounted signage. Three of the four signs are internally lit. Two signs are located at the building entrances and one is located above the drive-through window. The fourth sign, located at the front of the building, consists of individual letters above the front entrance. The signage is acceptable, relative to the building and site.

COMPLIANCE WITH EVALUATION CRITERIA

7. **2009 Approved Port Towns Sector Plan and Sectional Map Amendment:** The subject application has been reviewed for compliance with the requirements of the Bladensburg Road Gateway/Main Street Character Area of the Port Towns Sector Plan and SMA.

Per the sector plan (page 208), fast food establishments with drive-through windows are not a permitted use within the sector plan. However, the sector plan provides the following exemption for nonconforming buildings, structures, and uses (page 151):

6. Nonconforming Buildings, Structures, and Uses

- b. **Except for improvements listed in the ‘Miscellaneous’ paragraph, a property owner may not expand a certified nonconforming use, or a use or structure that was lawful on the date of the SMA approval but does not conform to the standards, unless a detailed site plan is approved with findings that the expansion is compatible with adjacent uses and meets the goals of the sector plan. (emphasis added)**

Therefore, the applicant has filed the subject application for a DSP, in accordance with this exemption. The improvements classified as expansion of the certified nonconforming use are the building addition and the validation of the existing parking lot along 40th Place, which was not part of the nonconforming use certification. Under ‘Miscellaneous’ Exemption 7 (page 152), the alterations to the façade, signage, and sidewalks are exempt from the development district standards and DSP review.

The only required findings for approval of this DSP by the Planning Board are that the expansion is compatible with adjacent uses and meets the goals of the sector plan. The goals of the Port Towns Sector Plan and SMA applicable to this site are as follows:

a. Bladensburg Road Gateway/Main Street Character Area

Goal: To promote a mixed-use, pedestrian-friendly boulevard that serves as a gateway to Prince George’s County and the Port Towns while also serving as the main street of Colmar Manor and Cottage City. (page 149-150)

The use has existed on the property for 40 years. Per the applicant’s statement of justification, the proposed improvements enhance the aesthetic appearance and improve the use’s functionality. The adjacent uses are primarily commercial beyond the existing rights-of-way, and the building addition is located internal to the site. Additionally, the parking lot expansion has also existed on-site for more than 25 years and will not increase existing impacts on adjacent uses.

The goal of the Bladensburg Road Gateway/Main Street Character Area is to promote pedestrian access along the boulevard. Neither the proposed building addition, nor the existing parking lot, will impact pedestrian improvements. However, bicycle and pedestrian safety is a particular concern, especially around private fast-food sites. For the health, welfare, and safety of pedestrians and bicyclists, the applicant has provided marked pedestrian accesses from the public rights-of-way to the building entrance. However, some of these are not continuous all the way to the sidewalks within the public rights-of-way. Therefore, a condition has been included in the Recommendation section of this report requiring continuous pedestrian connections. The applicant has also provided three bicycle parking spaces near the building entrance.

Another goal of the sector plan is to provide improved public open space. At the northeast quadrant of Bladensburg Road and 40th Avenue, there is an existing landscaped open space area with seating and brick paver sidewalks. This area was improved through a public-private partnership between the applicant and the Town of Colmar Manor. This green area is now connected to all public-rights-of-way through this development, which further advances the goals of the sector plan and the Bladensburg Road Gateway/Main Street Character Area.

Given the addition of the proposed bike and pedestrian amenities and the minor nature of the expansion, staff recommends that the proposed expansion can be found to be compatible with adjacent uses and meet the goals of the sector plan. The proposed improvements serve the overall function of the site and services the area more efficiently.

8. **Prince George’s County Zoning Ordinance:** The subject application has been reviewed to ensure that the expansion is compatible with the adjacent uses and meets the goals of the sector plan, as compared with the requirements in the M-X-T and D-D-O Zones and the site plan design guidelines of the Zoning Ordinance.

a. The use is legally existing on-site as a nonconforming use (CNU) and can be approved through DSP review per Exemption 6.b., as discussed in Finding 7 above.

b. This expansion to a nonconforming use can be approved through showing compatibility with the adjacent uses, as discussed in Finding 7 above. Therefore, the requirements of the M-X-T Zone can be used as a *guideline* for demonstrating compatibility with the surrounding development, as that is what adjacent properties would be subject to (*emphasis added*). The subject application is in general conformance with the

requirements of Section 27-548 of the Zoning Ordinance, which allows for the improvements shown on a DSP to determine the regulations in the M-X-T Zone.

- 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 (Section 27-274) regarding parking, loading and circulation, lighting, views, green area, site and streetscape amenities, grading, service areas, public spaces, and architecture.

The requirements of Section 27-274(a) of the Zoning Ordinance that need discussion are as follows:

(2) Parking, loading, and circulation

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site.**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.**
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.**

This DSP is in general conformance with the site design guidelines contained in Section 27-274 regarding provisions for safe and efficient on-site pedestrian and vehicular circulation, as well as provisions for adequate illumination.

There are 61 total parking spaces for the proposed uses. The vehicular access to the site from Bladensburg Road, 40th Avenue, and 40th Place is via dual ingress/egress driveway, which provides two-way traffic to the site. The drive aisle dimensions should be noted on the site plan. Parking spaces are located at the front, sides, and rear of the building, with only approximately 15 of the spaces in front of the building.

(3) Lighting

- (A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character. To fulfill this goal, the following guidelines should be observed:**
 - (i) If the development is used at night, the luminosity, orientation, and location of exterior light fixtures should enhance user safety and minimize vehicular/pedestrian conflicts;**
 - (ii) Lighting should be used to illuminate important on-site elements such as entrances, pedestrian pathways, public**

spaces, and property addresses. Significant natural or built features may also be illuminated if appropriate to the site;

(iii) The pattern of light pooling should be directed on-site;

The light fixtures include existing 10-foot and 12-foot-high, pole-mounted lighting evenly distributed throughout the site, that provide a balanced lighting pattern throughout the property. The lighting placement enhances the building entrances, pedestrian pathways, site design character, and improves safety. Full cut-off optic light fixtures should be used to reduce light pollution onto adjacent uses, and conditions have been included in the Recommendation section of this report requiring that this be addressed.

(4) Views.

(A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.

This DSP is designed to preserve, create, or emphasize views from the public roads to the green areas. The building is designed to provide a modern and clean presence and is located away from the roadway, to not block views.

(5) Green Area.

(A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use.

This DSP provides landscaping interior to the parking lot and all around the edges of the development.

(6) Site and streetscape amenities.

(A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site.

The applicant is not proposing any site or streetscape amenities, except for pedestrian connections. Redevelopment of the site will contribute to an attractive and coordinated development.

(7) Grading.

(A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.

The redevelopment is being proposed on a site that is existing and relatively flat. No grading is proposed.

(8) Service Areas.

- (A) Service areas should be accessible, but unobtrusive.**

There are no service areas proposed.

(9) Public Spaces.

- (A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.**

This not a large-scale commercial, mixed use or multifamily development. However, as noted previously, there is a landscaped public open space area with seating and brick paver sidewalks at the northeast quadrant of Bladensburg Road and 40th Avenue.

(10) Architecture.

- (A) When architectural considerations are references for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.**
- (B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) These guidelines may be modified in accordance with Section 27-277.**

The existing building is generally rectangular and includes a flat roof across the length of the building. The proposed building façade is finished mainly in gray brick and fiber cement panels, with brown brick surrounding the base of the building. The main entrance doors are surrounded by red ceramic tile and tan fiber cement panels. Gray brick surrounds the windows. The proposed building materials are high-quality and acceptable.

9. **2010 Prince George's County Landscape Manual:** The development district standards of the Port Towns Sector Plan and SMA replace the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). However, as discussed in Finding 7, this DSP is exempt from the development district standards, and the only requirements that apply to this DSP are that the expansion is compatible with adjacent uses and meets the goals of the sector plan. Therefore, the Landscape Manual requirements, while not applicable, are being used as guidelines to help determine compatibility.

A landscape strip, with a minimum amount of planting, would be required along the public rights-of-way, if the project were not nonconforming. This DSP provides landscaping in the form of a 10-foot-wide grass strip along its frontage with 40th Avenue, Newark Road, and 40th Place. Parcel E, which has frontage on Bladensburg Road, is planted to mirror the landscaped open space area, with seating and brick paver sidewalks at the intersection of Bladensburg Road and 40th Avenue. Mechanical equipment, loading areas, and trash facilities, among other things, are typically required to be screened from public view. The trash area shown for the development is

appropriately screened with a concrete enclosure; however, staff recommends adding three evergreens at the rear of the enclosure, adjacent to Newark Road, to further mitigate the incompatibility of the trash facilities with the residential properties to the south. Therefore, a condition is included in the Recommendation section of this report requiring these trees to be added.

With this addition and the existing landscaping on-site, staff finds that the landscape plan is compatible with adjacent uses and meets the goals of the sector plan.

10. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The project is exempt from the Woodland and Wildlife Habitat Conservation Ordinance and was granted a Standard Letter of Exemption, S-120-2018, which expires on August 15, 2023. It also has a Natural Resources Inventory Equivalency Letter (NRI-079-11-01) that expires on August 15, 2023.
11. **Prince George’s County Tree Canopy Coverage Ordinance:** The proposed development is not subject to the Tree Canopy Coverage Ordinance because it proposes less than 5,000 square feet of disturbance.
12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Community Planning**—In a referral dated March 21, 2019 (Irminger to Thompson), incorporated herein by reference, the Community Planning Division provided discussion on the sector plan, which has been incorporated into Finding 7 above.
 - b. **Environmental Planning**—In a memorandum dated March 27, 2019 (Schneider to Thompson), incorporated herein by reference, the Environmental Planning Section noted the submission of a Natural Resources Inventory (NRI-079-11-01) issued on August 15, 2018. The site has a standard exemption letter (S-120-2018), a Stormwater Management Concept Approval Letter (43908-2018-00), and an associated plan was issued on October 16, 2018 with this project from the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE).
 - c. **Transportation Planning**—In a memorandum dated March 21, 2019 (Masog to Thompson), incorporated herein by reference, the Transportation Planning Section noted that, aside from a small modification leading to the drive-through window, access and circulation will remain unchanged, and are deemed to be acceptable. The 149-square-foot expansion, in consideration of pass-by traffic, would result in 3 AM and 2 PM peak-hour vehicle trips. The small expansion proposed by this plan can be considered to be de minimus by virtue of generating five or fewer peak-hour trips.

The site is adjacent to Bladensburg Road (US 1 Alt), a master plan arterial facility. An 80-foot right-of-way exists along US 1 Alt; the 2009 *Approved Countywide Master Plan of Transportation* recommends an ultimate 120-foot right-of-way. The right-of-way shown on PGAtlas is 100 feet wide, and neither the 100-foot, nor the 120-foot right-of-way can be substantiated in either the Port Towns Sector Plan and SMA or the preceding 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*. Nonetheless, expansion of the right-of-way would have impacts limited to

Parcel E only and would not affect any structures (either existing or proposed) associated with the use.

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**—In a memorandum dated March 18, 2019 (Lewis-DeGrace to Thompson), incorporated herein by reference, the Trails Section provided a discussion of bike and pedestrian accessibility, as discussed in Finding 7 above.
- e. **Historic Preservation**—In a memorandum dated February 19, 2019 (Stabler to Bishop), incorporated herein by reference, the Historic Preservation staff reviewed the application and determined that there are no County designated historic sites or resources on, or adjacent to, the subject property.

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. A Phase I archeological survey is not recommended on the subject property. This proposal will not impact any historic sites or resources or known archeological sites.
- f. **Subdivision Review**—In a memorandum dated March 8, 2019 (Onyebuchi to Thompson), incorporated herein by reference, the Subdivision Section found that the property was the subject of Preliminary Plan of Subdivision 4-75078, for which there are no available records. The submitted DSP correctly reflects the lot size, bearings, and distances described on the record plat. Other technical comments have been addressed through revisions to the plan.
- g. **Permits**—In a memorandum dated February 26, 2019 (Bartlett to Bishop), incorporated herein by reference, the Permit Review Section offered comments that were either addressed by revisions to the plans, or as conditions in the Recommendation section of this report.
- h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated March 18, 2019 (Giles to Bishop), incorporated herein by reference, DPIE did not offer any objections regarding the subject project and indicated that the DSP is consistent with the approved Site Development Concept, 43908-2018-00, dated October 16, 2018.
- i. **Prince George’s County Police Department**—As of the writing of this report, the Police Department did not offer any comment regarding the subject project.
- j. **Prince George’s County Health Department**—As of the writing of this report, the Health Department did not offer any comment regarding the subject project.
- k. **Town of Colmar Manor**—In a letter dated April 2, 2019 (Barrow to Thompson), the Mayor of Colmar Manor indicated that the Town supports the proposed improvements.

- 13. Based on the foregoing and as required by Section 27-285(b)(1) 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. As there are no regulated environmental features located on the subject property, 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 be made for the subject DSP.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-18046, Burger King #1155, subject to the following condition:

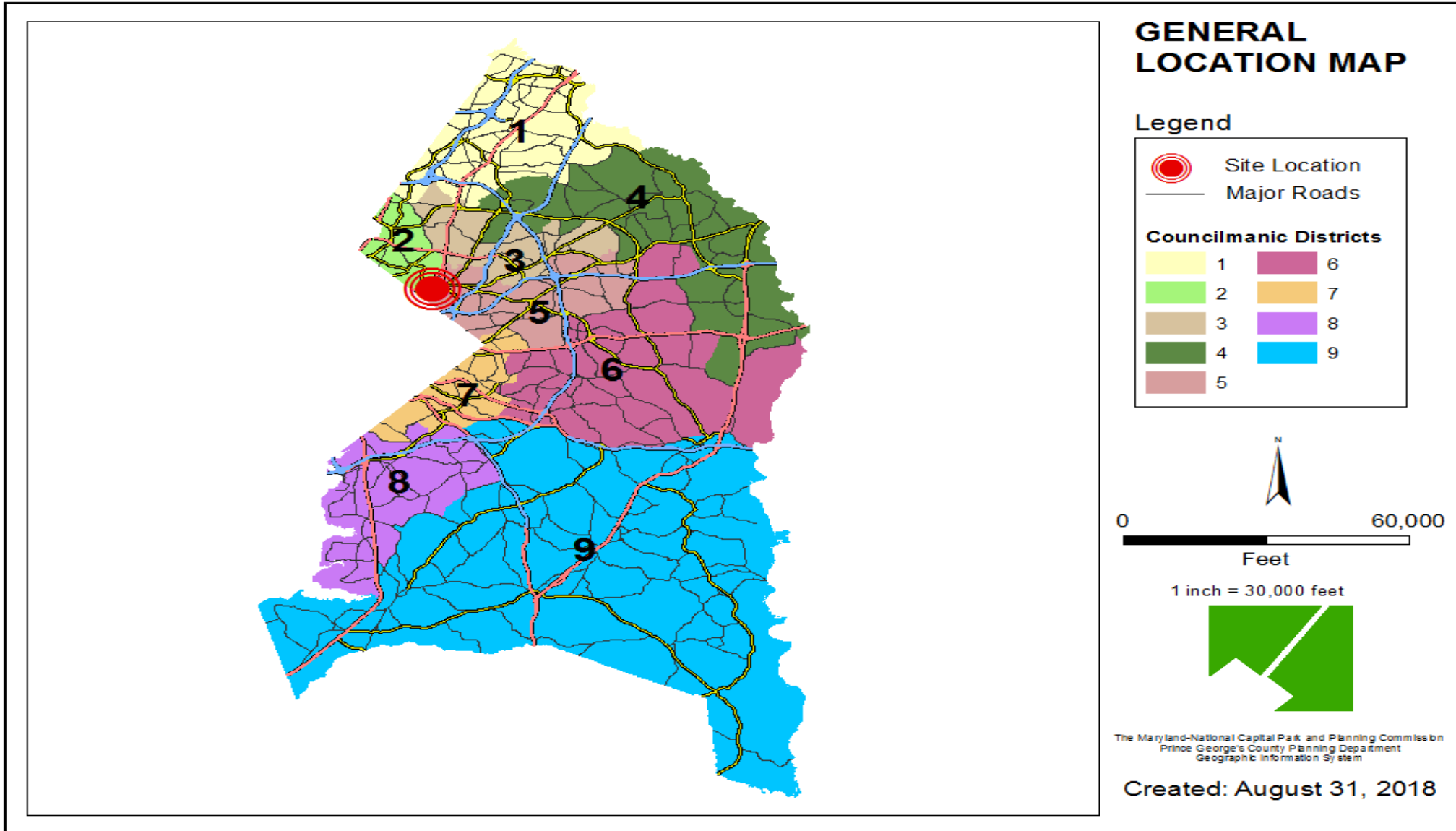
1. Prior to certification of the detailed site plan (DSP), the applicant shall revise the plan, as follows:
 - a. Indicate that all lighting fixtures will be full cut-off.
 - b. Provide three evergreen trees at the rear of the trash enclosure adjacent to Newark Road.
 - c. Revise the general notes to state that this property is within the Development District Overlay (D-D-O) Zone and the appropriate exemption from the development district standards, including the certified nonconforming use permit number.
 - d. On Sheet 7 of the DSP, identify the specific sign detail for each box (e.g., Menu Board Detail, Clearance Bar Detail, Canopy Sign Detail, etc.).
 - e. Label the compact parking spaces on the site plan.
 - f. Remove the “proposed loading area” label from the site plan.
 - g. Show all sidewalk widths and building dimensions on the site plan.
 - h. Show one continuous pedestrian connection from the sidewalk, within each adjacent public right-of-way, to the sidewalks adjacent to the building.

ITEM: 5

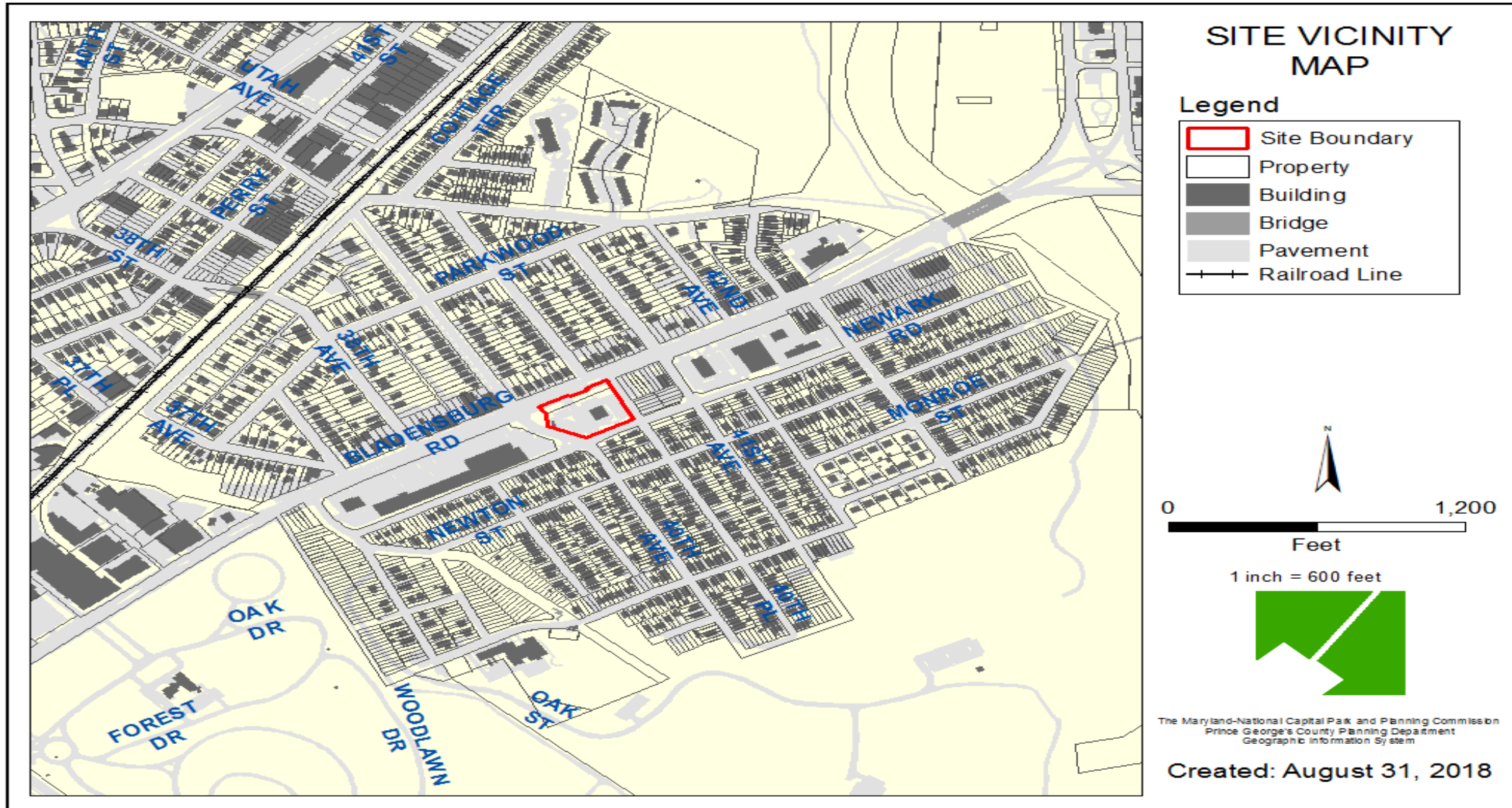
CASE: DSP-18046

BURGER KING #1155

GENERAL LOCATION MAP



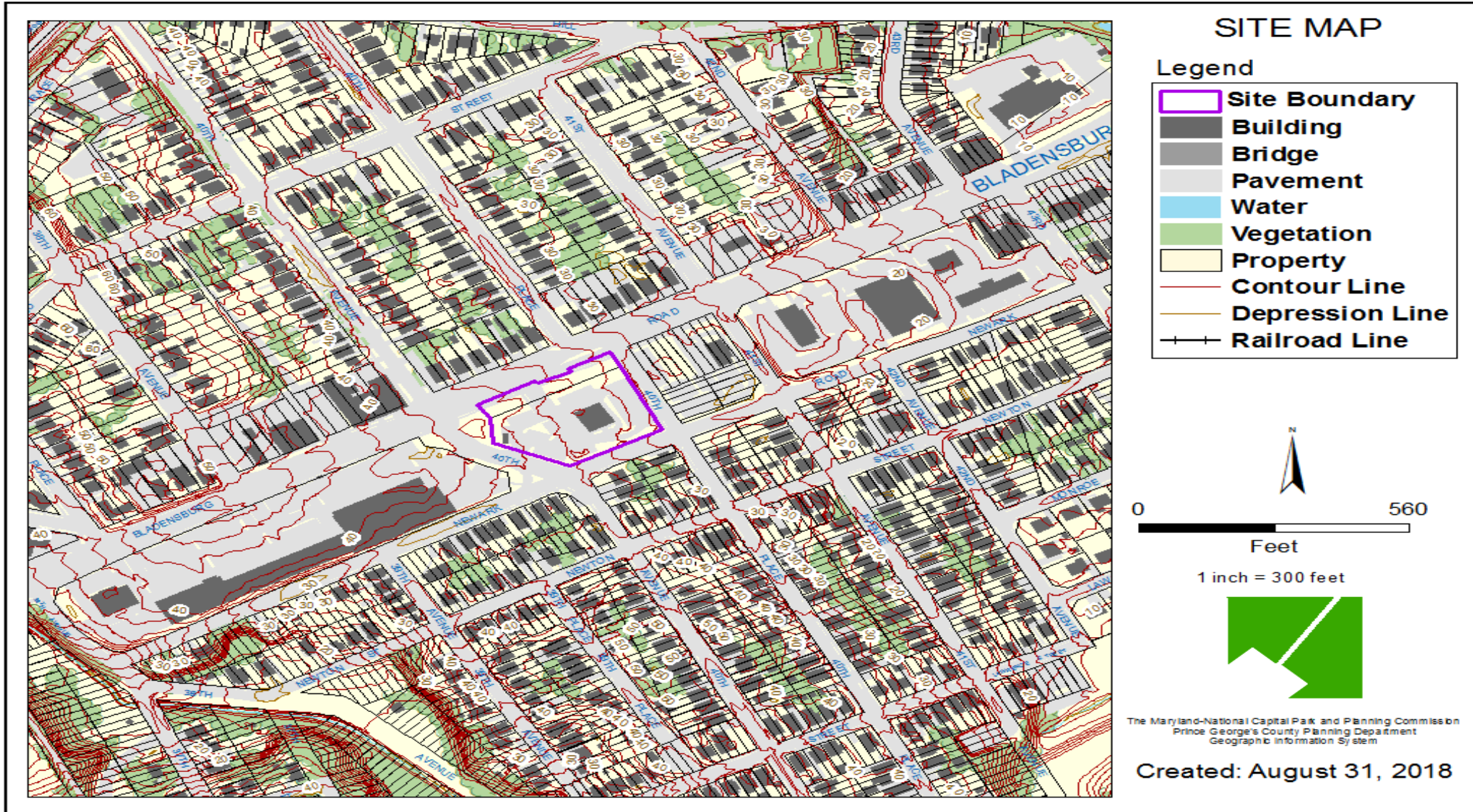
SITE VICINITY



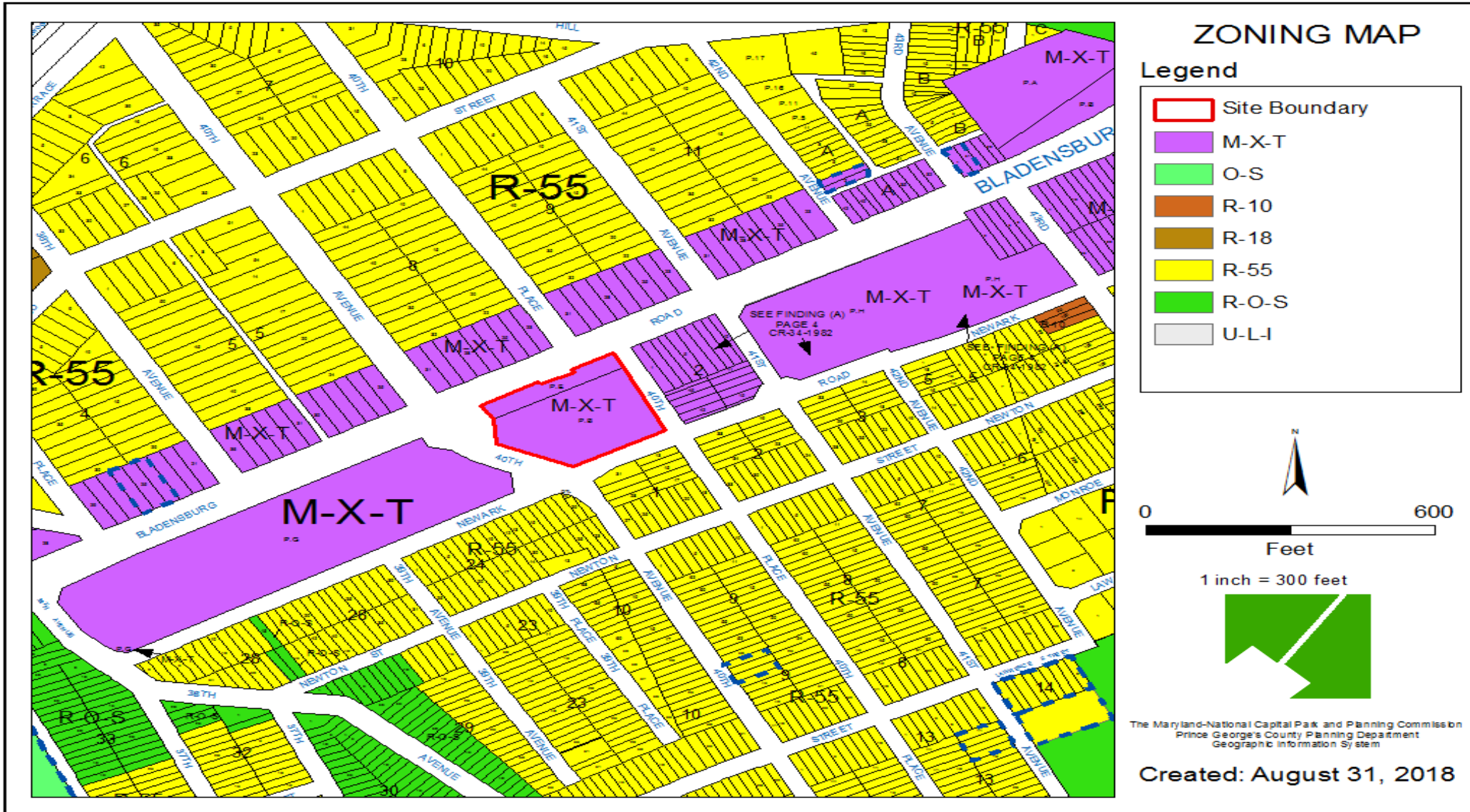
AERIAL MAP



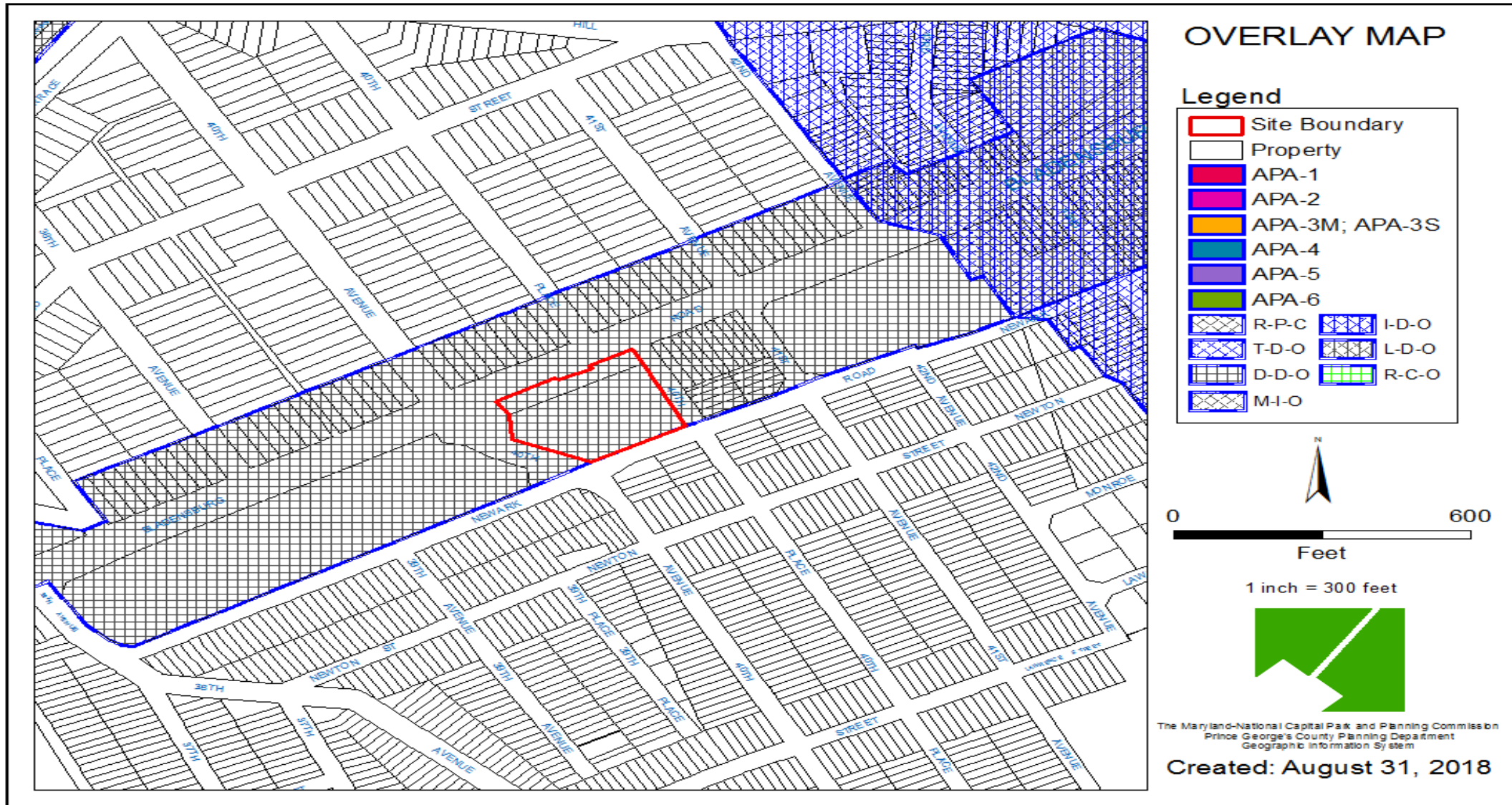
SITE MAP



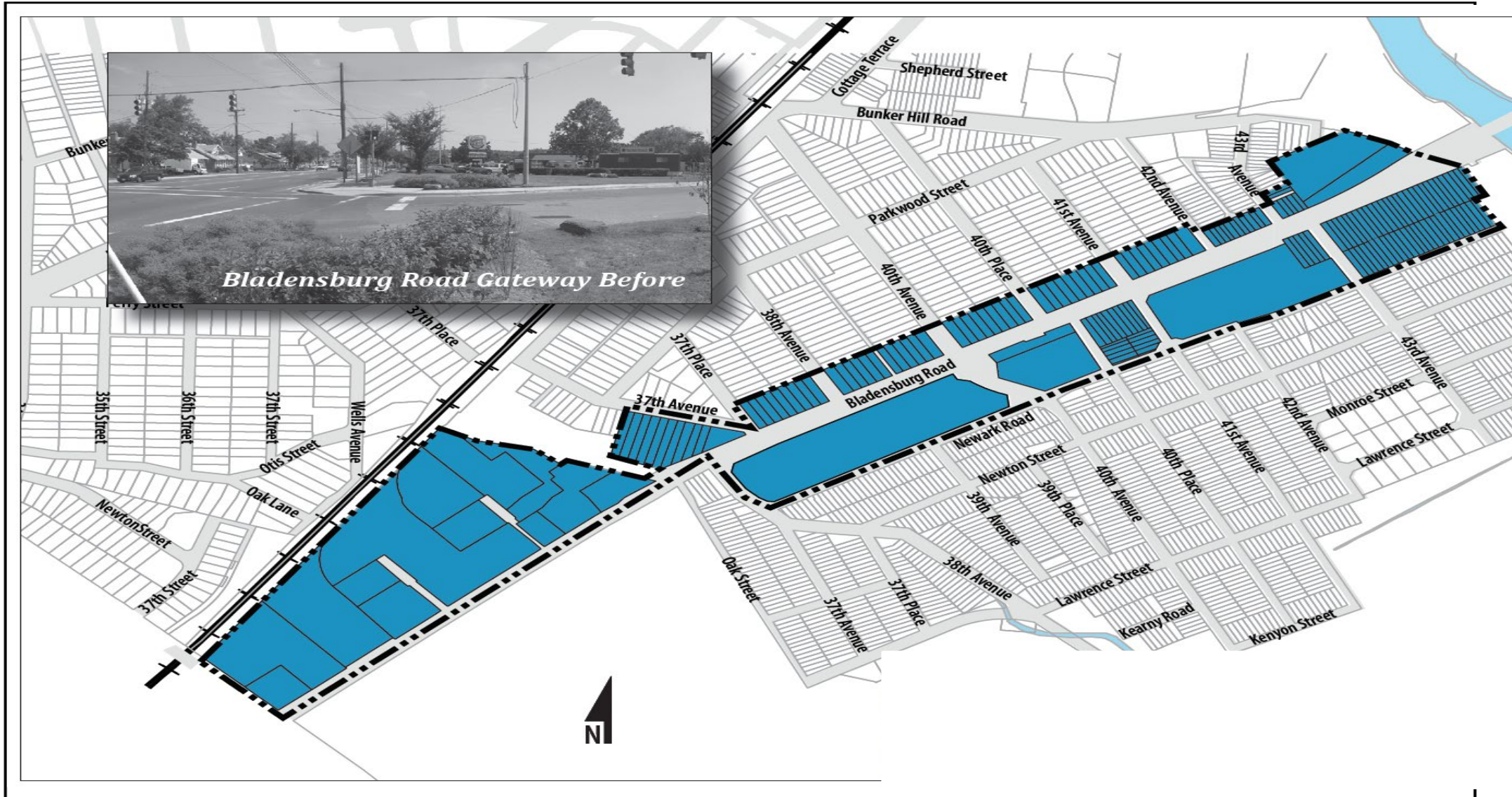
ZONING MAP



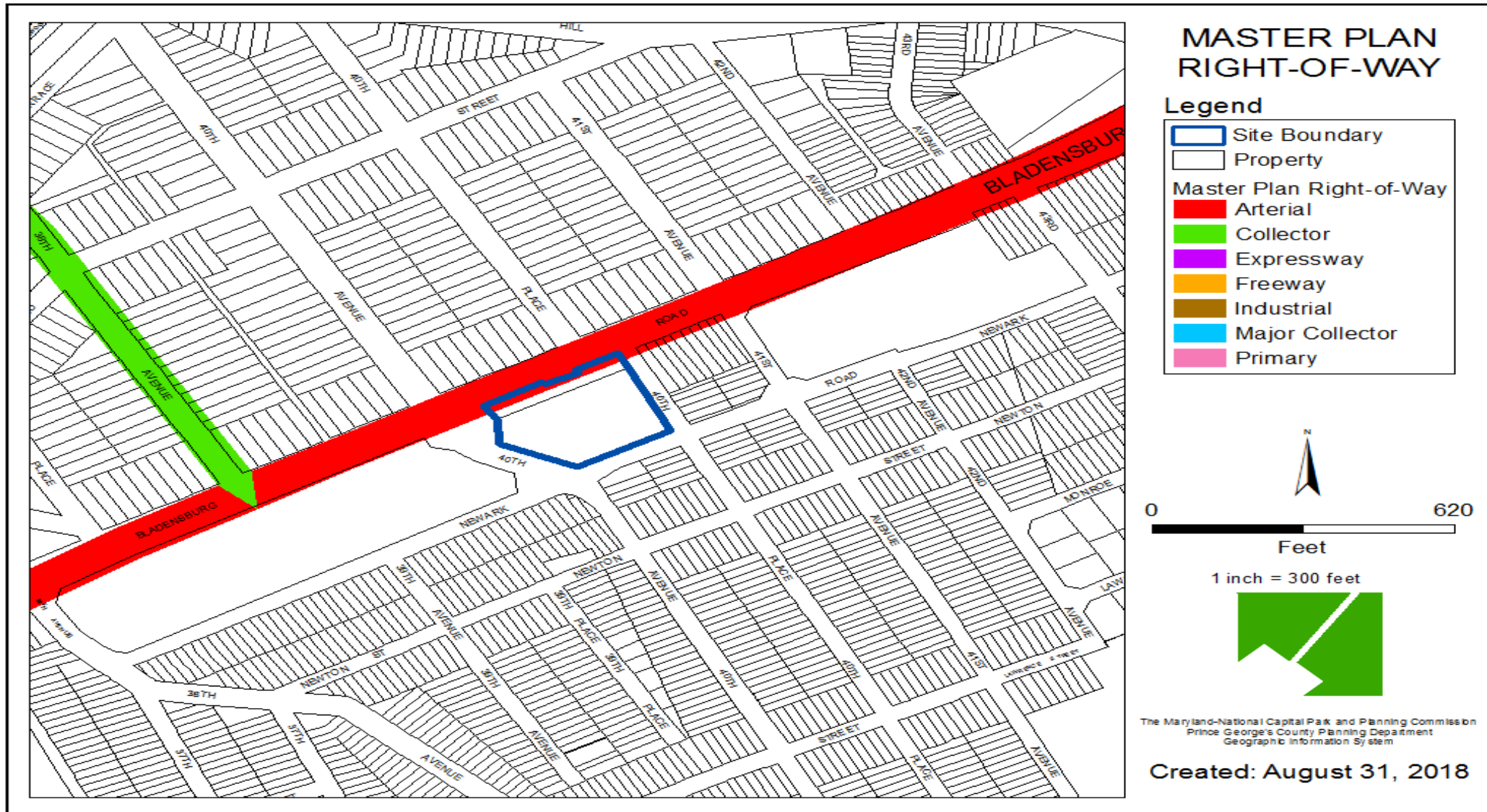
OVERLAY MAP - BLADENSBURG ROAD GATEWAY



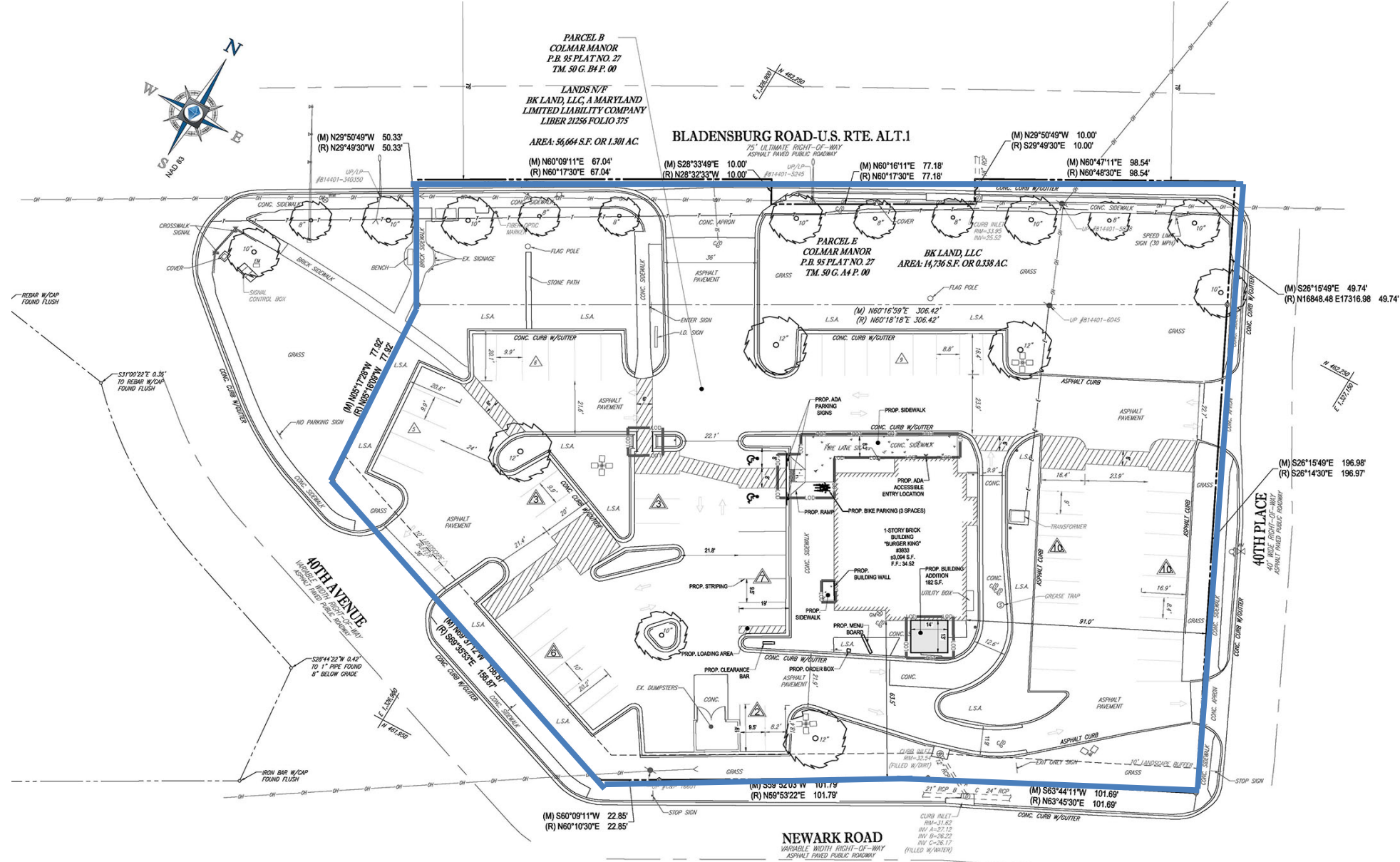
BLADENSBURG ROAD GATEWAY / MAIN STREET CHARACTER AREA



MASTER PLAN RIGHT-OF-WAY MAP



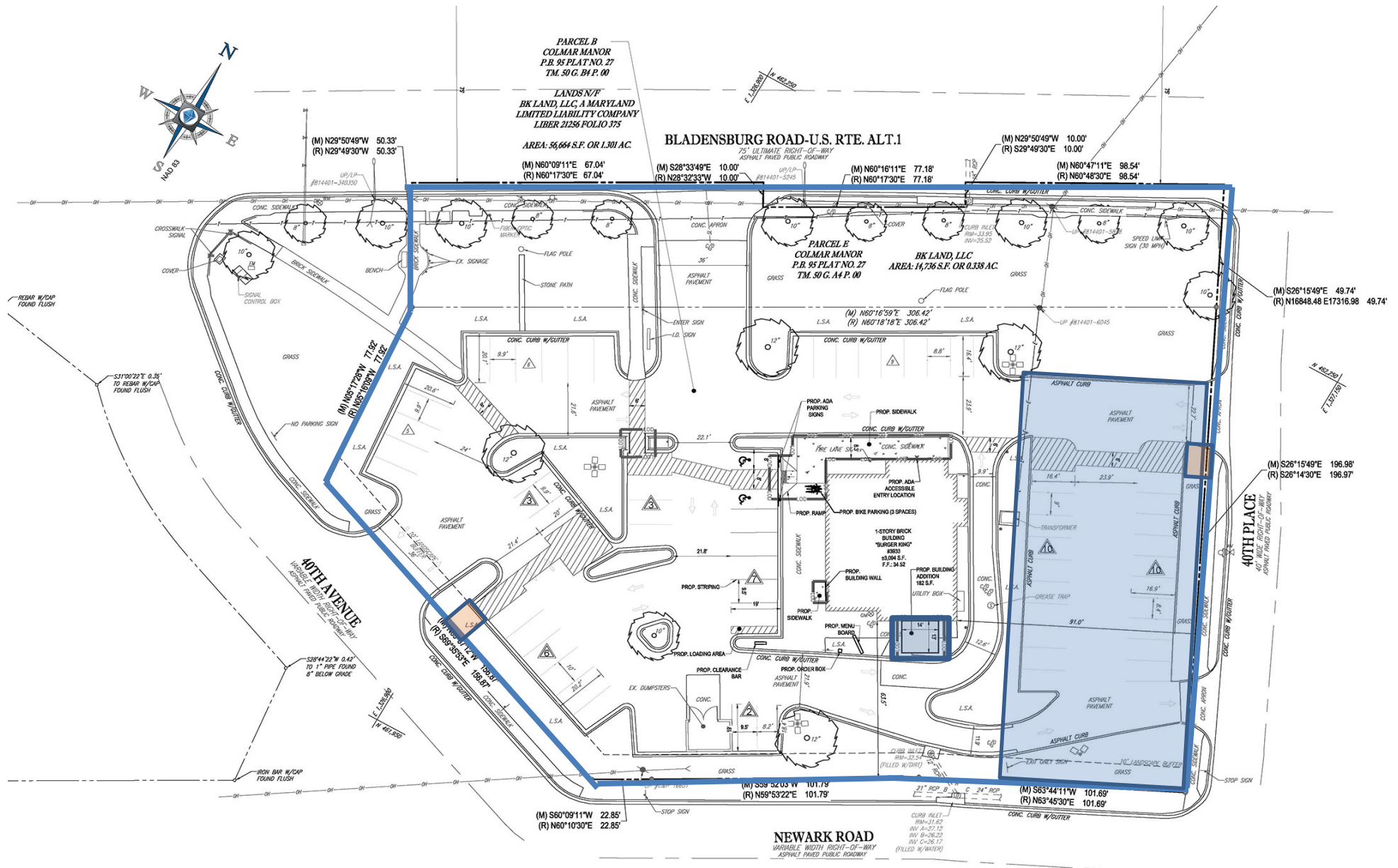
DETAILED SITE PLAN



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED

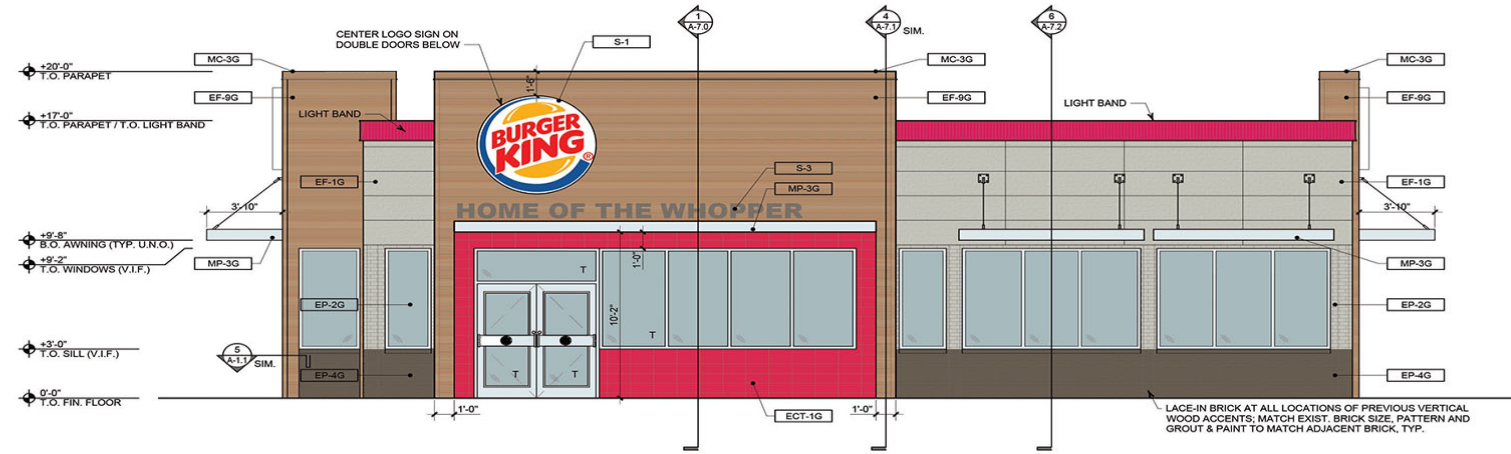


DETAILED SITE PLAN - CNU EXPANSION

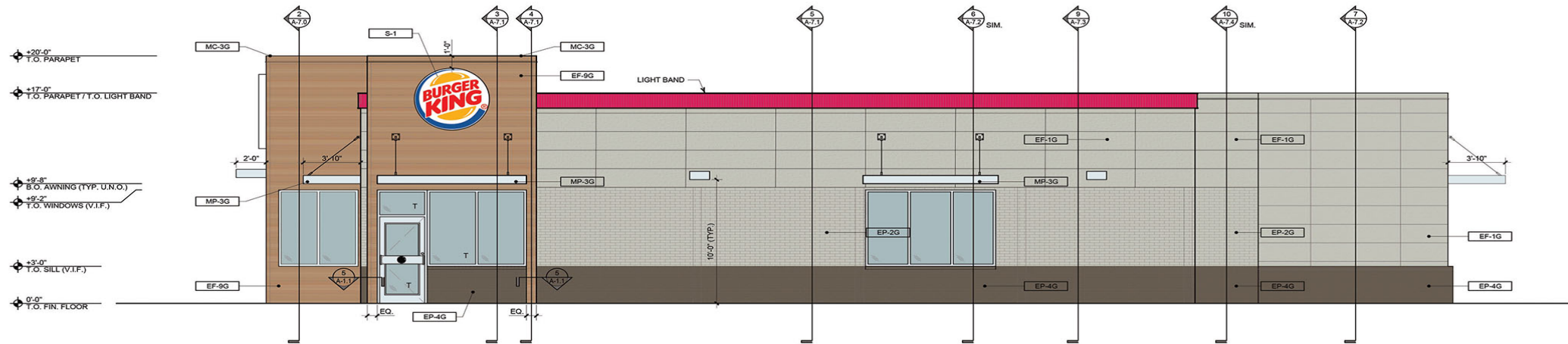


ELEVATIONS

EXTERIOR FINISH SCHEDULE			
CODE	MATERIAL	MANUFACTURER	DESCRIPTION
EP-2G	PAINTED BRICK	PPG	PAINTED BRICK, FIELD; COLOR: 'TANNERS TAUPE'
EP-4G	PAINTED BRICK	PPG	PAINTED BRICK, WAINSCOTING; COLOR: 'MONTEREY CLIFFS'
ECT-1G	EXTERIOR CERAMIC TILE	GRANITI GIANDRE / EUROWEST	SENSIBLE STONE (ED5052) COLLECTION; COLOR: 'RED NATURAL'; PATTERN: STACKED BOND
EF-1G	FIBRE CEMENT SIDING PANEL	NICHIHA	18" x 6'-0" FIBRE CEMENT SIDING PANEL; STUCCO FINISH; COLOR: 'TANNERS TAUPE'
EF-9G	FIBRE CEMENT SIDING PANEL	NICHIHA	18" x 10'-0" FIBRE CEMENT SIDING PANEL; VINTAGEWOOD (EF782) COLLECTION; FINISH: 'CEDAR'
MC-3G	METAL COPING	W.P. HICKMAN SYSTEMS, INC.	METAL COPING PAINTED TO MATCH EF-9G 'CEDAR'
MP-3G	METAL AWNINGS	FEDERAL HEALTH SIGN CO. OR APPROVED EQUAL	CUSTOM METAL AWNINGS; COLOR: 'CLEAR ANODIZED'
MC-1	METAL OVERFLOW SCUPPER	W.P. HICKMAN SYSTEMS, INC.	METAL THRU-WALL OVERFLOW ROOF SCUPPER; COLOR: TANNERS TAUPE
LIGHT BAND	-	LEKTRON	CUSTOM ILLUMINATED L-E-D PARAPET MOUNTED LIGHT BAND
S-1	-	FEDERAL HEALTH SIGN CO. OR APPROVED EQUAL	CUSTOM 60" DIAMETER LOGO SIGN
S-3	-	FEDERAL HEALTH SIGN CO. OR APPROVED EQUAL	CUSTOM 'HOTW' SIGN



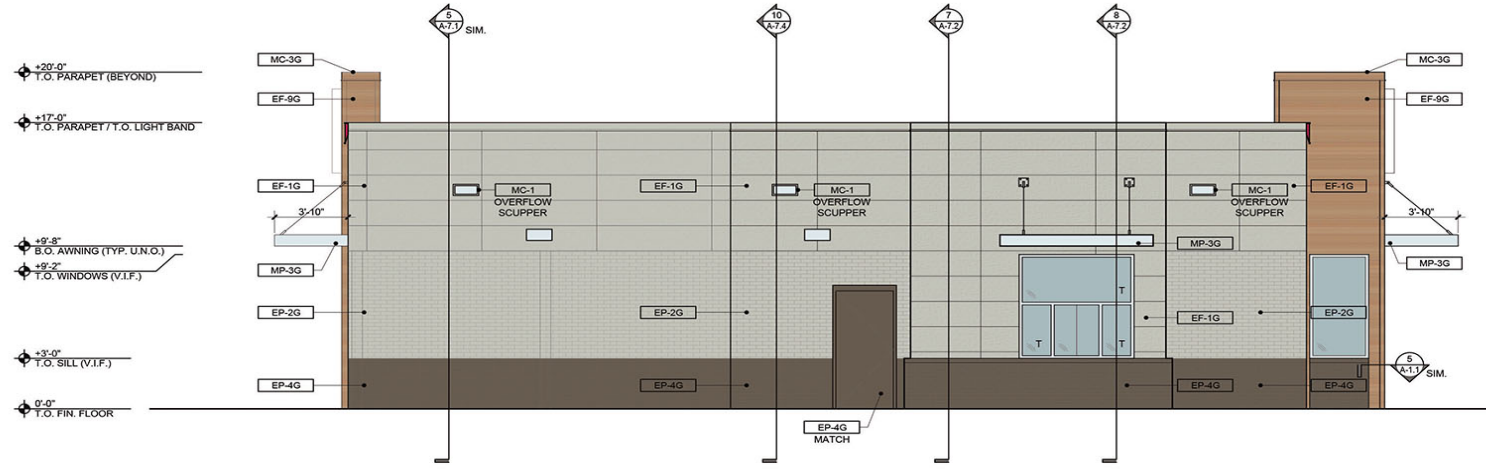
FRONT ELEVATION
SCALE: 1/4"=1'-0"



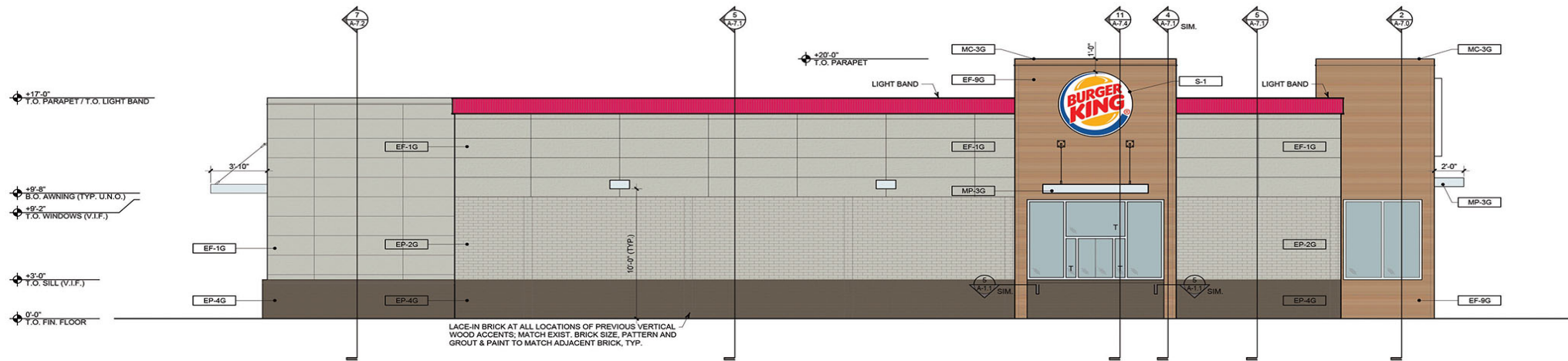
SIDE ELEVATION
SCALE: 1/4"=1'-0"

ELEVATIONS

EXTERIOR FINISH SCHEDULE			
CODE	MATERIAL	MANUFACTURER	DESCRIPTION
EP-2G	PAINTED BRICK	PPG	PAINTED BRICK, FIELD, COLOR: 'TANNERS TAUPE'
EP-4G	PAINTED BRICK	PPG	PAINTED BRICK, WAINSCOTING, COLOR: 'MONTERREY CLIFFS'
ECT-1G	EXTERIOR CERAMIC TILE	GRANITI GIANDRE / EUROWEST	SENSIBLE STONE (ED5052) COLLECTION, COLOR: 'RED NATURAL', PATTERN: 'STACKED BOND'
EF-1G	FIBRE CEMENT SIDING PANEL	NICHIHA	18" x 6'-0" FIBRE CEMENT SIDING PANEL; STUCCO FINISH; COLOR: 'TANNERS TAUPE'
EF-9G	FIBRE CEMENT SIDING PANEL	NICHIHA	18" x 10'-0" FIBRE CEMENT SIDING PANEL; VINTAGEWOOD (EF762) COLLECTION; FINISH: 'CEDAR'
MC-3G	METAL COPING	W.P. HICKMAN SYSTEMS, INC.	METAL COPING PAINTED TO MATCH EF-9G 'CEDAR'
MP-3G	METAL AWNINGS	FEDERAL HEALTH SIGN CO. OR APPROVED EQUAL	CUSTOM METAL AWNINGS; COLOR: 'CLEAR ANODIZED'
MC-1	METAL OVERFLOW SCUPPER	W.P. HICKMAN SYSTEMS, INC.	METAL THRU-WALL OVERFLOW ROOF SCUPPER; COLOR: 'TANNERS TAUPE'
LIGHT BAND	-	LEKTRON	CUSTOM ILLUMINATED L-E-D PARAPET MOUNTED LIGHT BAND
S-1	-	FEDERAL HEALTH SIGN CO. OR APPROVED EQUAL	CUSTOM 60" DIAMETER LOGO SIGN
S-3	-	FEDERAL HEALTH SIGN CO. OR APPROVED EQUAL	CUSTOM HOTW SIGN

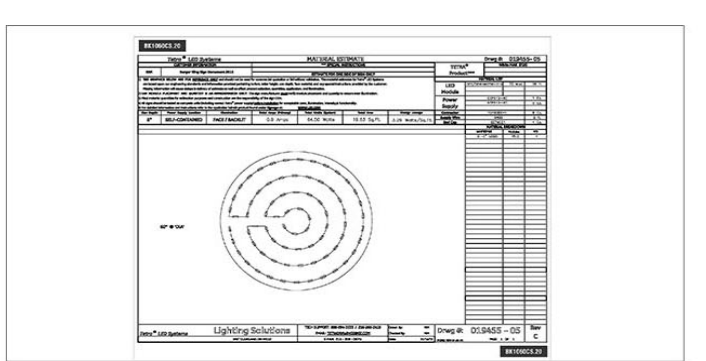
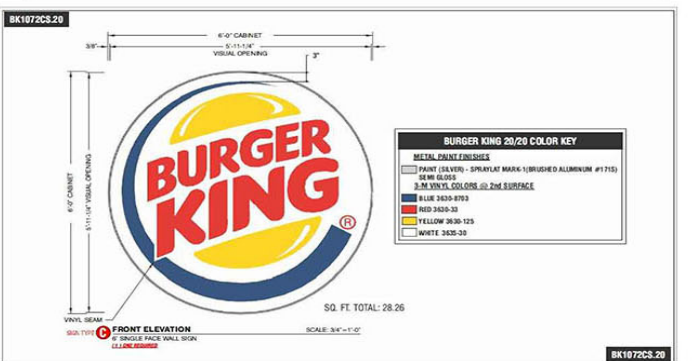
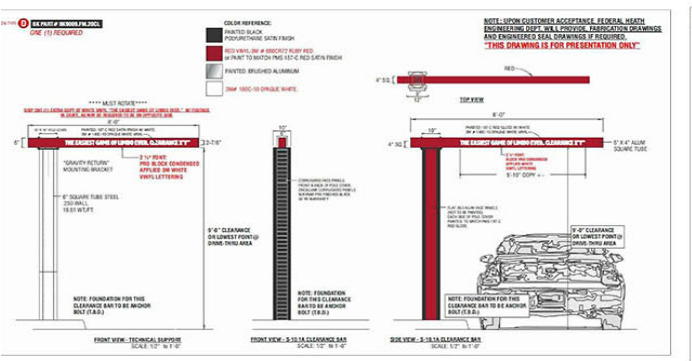
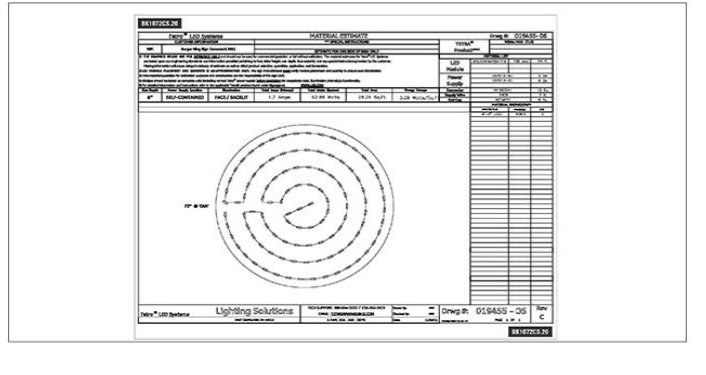
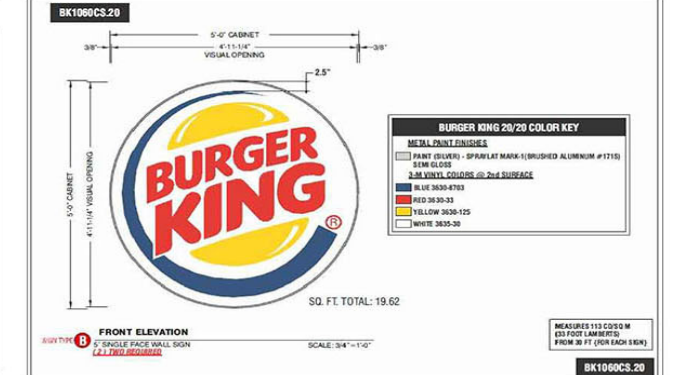
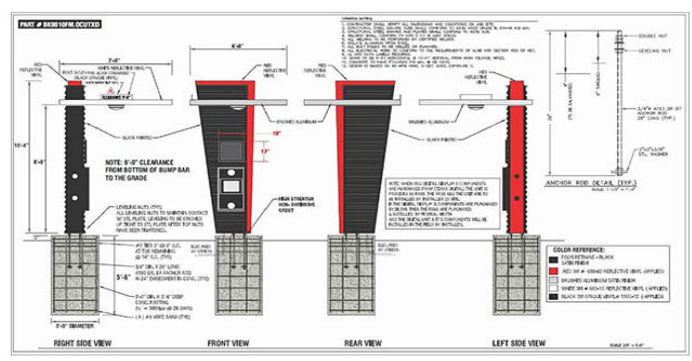
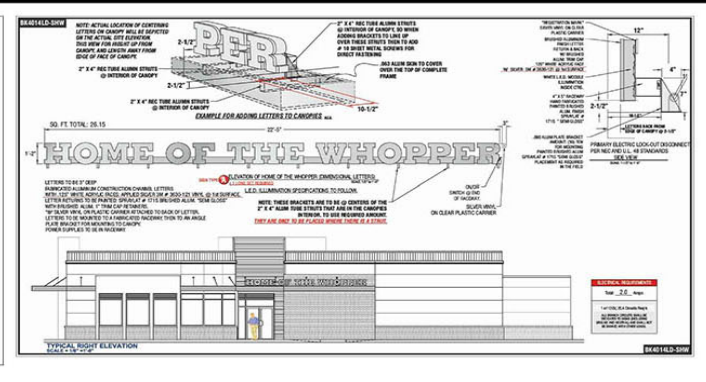
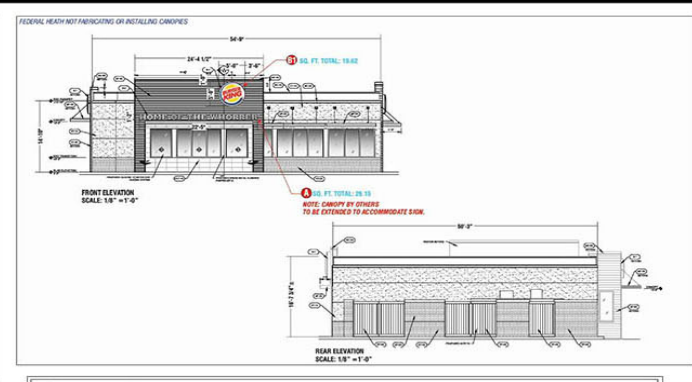
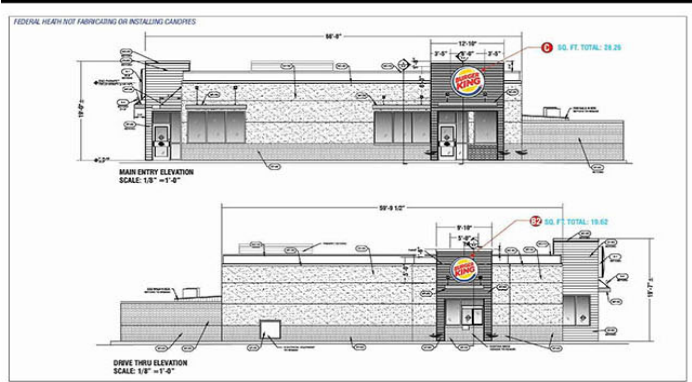


REAR ELEVATION ③
SCALE: 1/4"=1'-0"



DRIVE-THRU ELEVATION ④
SCALE: 1/4"=1'-0"

SIGNAGE





14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

301-952-3972

March 21, 2019

MEMORANDUM

TO: Ivy Thompson, Senior Planner, Urban Design Section, Development Review Division

VIA: Scott Rowe, AICP, CNU-A, Supervisor, Long-Range Planning Section, Community Planning Division ^{BSR}
David A. Green, Master Planner, Community Planning Division ^{DA}

FROM: Wendy Irminger, Planner Coordinator, Neighborhood Revitalization Section, Community Planning Division ^{BSR}
for Wendy Irminger

SUBJECT: **DSP-18046, Burger King # 1155**

FINDINGS

Community Planning Division staff finds that, pursuant to Section 27-548.25(a) of the Zoning Ordinance and the Applicability Section of the 2009 Port Towns Sector Plan Development District Overlay Zone, this Detailed Site Plan application meets the general intent and goals of Bladensburg Road Gateway/Main Street Character Area (page 150) because the applicant proposes improving the pedestrian access via installing 6 striped crosswalks and 3 bike racks on the subject site.

Existing Uses: Eating and drinking establishment with drive-through

Proposal: A 161 square foot expansion consisting of a payment booth to enhance drive-through service for a certified non-conforming eating and drinking establishment.

GENERAL PLAN, MASTER PLAN, AND ZONING

General Plan: This application is located in the Established Communities. The vision for the Established Communities is context-sensitive infill and low-to medium density development.

Sector Plan: 2009 *Approved Port Towns Sector Plan*

Planning Area: PA 68

Community: Town of Colmar Manor

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning: The 2009 Approved Port Towns Sectional Map Amendment reclassified the subject property into the Development District Overlay/M-X-T (D-D-O/M-X-T) Zone per CR-72-2009.

DEVELOPMENT DISTRICT MANDATORY STANDARDS

This Detailed Site Plan is subject to the paragraph regarding Nonconforming Buildings, Structures, and Uses which states: “a property owner may not expand a certified nonconforming use. . . unless a detailed site plan is approved with findings that the expansion is compatible with adjacent uses and meets the goals of the sector plan.”(page 151)

The Sector Plan establishes the following planning goal for the Bladensburg Road Gateway/Main Street Character Area as follows:

Goal: To promote a mixed-use, pedestrian-friendly boulevard that serves as a gateway to Prince George’s County and the Port Towns while also serving as the main street of Colmar Manor and Cottage City. (pages 149-150)

Long-range Agenda Notebook
Kipling Reynolds, AICP, Chief, Community Planning Division
Frederick Stachura, J.D., Planning Supervisor, Community Planning Division

March 21, 2019

MEMORANDUM

TO: Ivy Thompson, Urban Design Section, Development Review Division
FROM:  ^{BBW for TM} Tom Masog, Transportation Planning Section, Countywide Planning Division
SUBJECT: **DSP-18046: Burger King #1155**

Proposal

The applicant is proposing a small addition to an existing eating establishment with drive-through service (fast food restaurant).

Background

The applicant proposes a small addition to an existing fast food restaurant on the site. The site was originally developed under the C-S-C Zone and was rezoned to M-X-T in 2009 via the *Approved Port Towns Sector Plan and Sectional Map Amendment*. By means of the rezoning via a sectional map amendment, the site is subject to transportation-related findings related to traffic or adequacy in accordance with Section 27-546 of the Zoning Ordinance.

Review Comments

The existing commercial building is located on recorded Parcels B and E of Colmar Manor. The existing building is 3,127 square feet with 99 seats. Aside from a small modification leading to the drive-through window, access and circulation will remain unchanged from the conditions that currently exist, and access and circulation are deemed to be acceptable. The 149 square foot expansion, in consideration of pass-by traffic, would result in 3 AM and 2 PM peak-hour vehicle trips.

The site is adjacent to Bladensburg Road (US ALT 1), a master plan arterial facility. An 80-foot right-of-way exists along US ALT 1; the *Approved Countywide Master Plan of Transportation* recommends an ultimate 120-foot right-of-way. The right-of-way shown on PGAtlas is 100 feet in width, and neither the 100-foot or the 120-foot right-of-way can be substantiated in either the *Approved Port Towns Sector Plan* or the preceding *Planning Area Sixty-Eight Approved Master Plan*. Nonetheless, expansion of the right-of-way would have impacts limited to Parcel E only and would not affect any structures – either existing or proposed – associated with the use.

Section 27-546(d)(10) requires that proposed development shown “on the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, conceptual site plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time” by adequate transportation facilities. The small expansion proposed by this plan can be considered to be de minimus by virtue of generating five or fewer peak-hour trips.


As a result, it is determined that the requirements of this section are met with a determination that the additional development has a de minimus impact on traffic.

Conclusion

From the standpoint of transportation, it is determined this plan is acceptable and meets the findings required for a detailed site plan as described in the Zoning Ordinance.

March 18, 2019

MEMORANDUM

TO: Ivy Thompson, Senior Planner, Development Review Division
VIA: Fred Shaffer, Planner Coordinator, Transportation Planning Section
FROM:  Marc Lewis-DeGrace, AICP, Senior Planner, Transportation Planning Section
Tom Masog, Master Planner, Transportation Planning Section

SUBJECT: Detailed Site Plan for Master Plan Trail Compliance

The following detailed site plan was reviewed for compliance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*, 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment (Port Towns Plan)*.

Detailed Site Plan Number: DSP-18046
Name: Burger King #1155

Background:

This application proposes making aesthetic improvements and adding a 161 square foot addition to an existing Burger King location.

Review Comments:

The Port Towns area is a relatively dense mixed-use area with many pedestrian movements. Bicycle and pedestrian safety is a particular concern especially around private fast food lots. Since this application includes changes to the external structure of an existing building and the addition of square footage, site improvement are appropriate.

According to a study from the American Automobile Association (AAA) in 2015¹ crashes in parking lots account for 14 percent of all auto insurance claims and pedestrians and bicyclists are particularly vulnerable to the impacts of accidents.

The Prince George's Zoning Ordinance states:

The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan. (Section 27.285.b.1)

¹ <http://news.aaa-calif.com/news/parking-lot-hazards-increase-dramatically-during-holiday-season>

Comment: For the health, welfare and safety of pedestrians and bicyclists, the applicant shall provide clearly marked pedestrian access from the public rights-of-way to the building entrance. The applicant shall also provide three bicycle parking spaces near the building entrance. Installation of pedestrian access and bicycle parking will impose a modest cost on the applicant and will improve bicycle and pedestrian safety at the current location.

Conclusion:

Prior to signature approval, the plans shall be revised to include:

- a. Sidewalks or designated pedestrian access from all public rights-of-way to the building entrance;
and
- b. A minimum of three bicycle parking spaces at a location convenient to the building entrance.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.mncppc.org/pgco

February 19, 2019

MEMORANDUM

TO: Andrew Bishop, Senior Planner, Urban Design Section, Development Review Division

VIA: Howard Berger, Supervisor, Historic Preservation Section, Countywide Planning Division *HSB*

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division *JAS*
Tyler Smith, Historic Preservation Section, Countywide Planning Division *TAS*

SUBJECT: DSP-18046: Burger King #1155

The subject property comprises 1.64 acres on the southside of Bladensburg Road and the northside of Newark Road, in between the intersections of 40th Avenue and 40th Place. The subject application proposes minor aesthetic improvements and a 161 square foot addition to the existing Burger King. The subject property is Zoned M-X-T.

The subject property is within and adjacent to several documented historic properties. The subject property is within Colmar Manor (PG:68-103) and adjacent to the Cottage City Fire Co. (PG:68-092) which is within the Cottage City Historic District (PG:68-096). However, there are no County designated historic sites or resources on or adjacent to the subject property.

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. A Phase I archeological survey is not recommended on the subject property. This proposal will not impact any historic sites or resources or known archeological sites. Historic Preservation staff recommends approval of DSP-18046, Burger King #1155 with no conditions.

March 8, 2019

MEMORANDUM

TO: Ivy Thompson, Subdivision and Zoning Section
VIA: Sherri Conner, Subdivision and Zoning Section *sc*
FROM: Joseph Onyebuchi, Subdivision and Zoning Section *J.O.*
SUBJECT: DSP-18046, Burger King #1155

The subject property is located on Tax Map 50 in Grid B4 known as Parcel B and E recorded in Plat Book NLP 95-27 on August 26, 1976 and consists of 1.6 acres. The property is zoned Mixed-Use Transportation (M-X-T) and is within the Development District Overlay (D-D-O) Zone. Originally constructed in 1979, the existing fast food restaurant was certified as a non-conforming use (CNU-26589-08) on September 10, 2008. The existing building contains 3,127 square feet of gross floor area and this application proposes a 182 square foot addition.

The property was the subject of Preliminary Plan of Subdivision 4-75078 for which there are no available records. The submitted Detailed Site Plan (DSP) correctly reflects the lot size, bearings and distances described on the record plat.

Recommended Conditions:

1. Prior to certification, the detailed site plan shall be revised as follows:
 - a. The property owner labeled for existing Parcel E shall be changed from Unknown Owner to BK Land LLC.
 - b. General Note 2 shall be changed to reflect 1.6 acres as the gross acreage and list each of the two parcels included in the site, their recording reference, and individual acreage.
 - c. General Note 5 shall be changed to reflect 2 parcels.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals on the subject property and Subtitle 24. The DSP has been found to be in substantial conformance with the approved record plat, subject to the recommended conditions for this DSP. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.

February 26, 2019

MEMORANDUM

TO: Andrew Bishop, Urban Design

FROM: Jason Bartlett, Permit Review Section, Development Review Division

SUBJECT: Referral Comments for DSP-18046, Burger King #1155

1. In general, it is my opinion that this DSP needs to include all the elements that would normally be required. It appears the applicant is only addressing the proposed modifications and otherwise selective elements.

2. Correct "General Notes" #5: There are 2 parcels, not 1 (Parcel E & F).

3. Correct "General Notes" #6: Sheet 4 of the DSP shows a 182.25 SF addition (13.5' X 13.5') creating a total proposed GFA of 3309.25 (existing GFA of 3,127 + 182.25 = 3,309.25 SF), not 3,288 SF, as shown in note 6. Correct note 6 to reflect the actual proposed GFA of 3,309.25 SF.

Note: I believe this error stems from changes made during engineering, as the SOJ show an original proposed addition of 161 SF. $3,127 + 161 = 3,288$ so after the addition size was increased, they never went back to correct the SOJ or Note #6 of the General Notes.

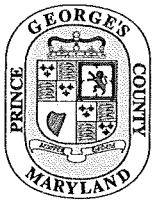
4. Sign square footage shown on the Cover Sheet in the Sign Requirements Table are each off very slightly according to my calculation, requiring the following minor changes:

- Home of the Whopper lettering sign: Change from 26.15 SF to 26.14 SF
- X2 Burger King wall sign: Change from 2 x 19.62 SF = 39.24 SF, to 2 X 19.63 SF = 39.26 SF
- X1 Burger King wall sign: Change from 28.26 SF to 28.27 SF
- Change Total Proposed Area from 93.65 SF to 93.67

Note: We calculate the circular signs using the diameter of the cabinet, not the visual opening.

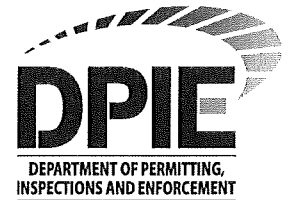
5. In reference to No. 3, above, the details for the signs on sheet 7 of the DSP also need to be corrected to match.

6. Aerial imagery and the DSP show a free-standing/ID sign at the entrance, which is not shown in the sign details. Show all signs and provide details.
7. Under each square containing sign details on sheet 7 of the DSP there should be a label stating what the detail is for (e.g., Menu Board Detail, Clearance Bar Detail, Canopy Sign Detail, etc., etc.).
8. Provide Landscaping and Details, per the Prince George's County Landscape Manual or justification for exemption from it in the General Notes.
9. If applicant is showing a loading space on the plan, which they are, then the applicant should call out the loading space(s) "Required" and "Proposed" in the Parking Schedule on the Cover Sheet, per Sec. 27-583, or otherwise provided a note at the bottom of the Parking Schedule justifying the absence of loading spaces.
10. My manual parking count from sheet 4 of the DSP (68) doesn't match the "Total Proposed" count in the parking schedule on the Cover Sheet (63).
11. Some drive isle widths are not provided and some are provided and too narrow, like the single direction drive isle exiting the drive thru, which is only 9' and the two-direction drive isles in some of the parking lots, which are under 22'. All one direction drive isles must be a minimum of 11' wide and all two direction drive isles must be 22' wide.
12. Show ALL sidewalk widths and building dimensions on the Site Plan.
13. Compact Parking callouts on the site plan should be shown and differ from callouts for Standard Spaces.
14. The proposed trash enclosure meets screening requirements of Section 4.4 (c) (4) (A) of the Landscape Manual by providing a 6' high sight-tight fence.



Angela D. Alsobrooks
County Executive


THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

March 18, 2019

TO: Andrew Bishop, Urban Design Section
Development Review Division, M-NCPPC

FROM:  Mary C. Giles, P.E., Associate Director
Site/Road Plan Review Division, DPIE

RE: Burger King #1155
Detailed Site Plan, No. DSP-18046

CR: Bladensburg Road (MD 450)
CR: 40th Place (Town of Brentwood)
CR: 40th Avenue (Town of Brentwood)
CR: Newark Road (Town of Brentwood)

In response to the Detailed Site Plan referral number DSP-18046, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

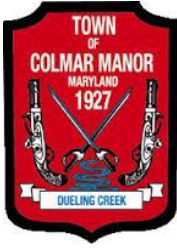
- The project is located on the south side of Bladensburg Road on the north side of Newark Road at the intersection of 40th Avenue. These roads are not County-maintained.
- Applicant is proposing to construct a 161 square foot addition to the existing eating and drinking establishment with a drive-thru service.
- The proposed Detailed Site Plan is consistent with approved Site Development Concept Plan No. 43908-2018-00, dated October 16, 2018.
- DPIE has no objection to proposed Detailed Site Plan.

If you have any questions or need additional information, please contact Mr. Steve Snyder, District Engineer for the area, at 301.883.5710.

MCG:djk:dar

cc: Steve Snyder, P.E., District Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, Planner, S/RPRD, DPIE
Carrols, LLC, 968 James Street, Syracuse, NY 13203
McNamee Hosea, 6411 Ivy Lane, Suite 200, Greenbelt, MD 20770

9400 Peppercorn Place, Suite 230, Largo, Maryland 20774
Phone: 301.636.2060 ♦ <http://dpi.e.mypgc.us> ♦ FAX: 301.925.8510



Town of Colmar Manor

A Port Towns Community
3701 Lawrence Street
Colmar Manor, Maryland 20722



Office (301) 277-4920 * Fax (301) 699-5245

April 2, 2019

Re: DPS 18046 Burger King 1155

Dear Ms. Thompson

The Town of Colmar Manor understand that Carrols, LLC is in the process of adding an additional window for the drive through for the collection of money separate to the window for the distribution of food. The company and contractor met with the property owner, Rufus Lusk, and me prior to the submission of their application to discuss their intentions.

We believe that this change could afford to an increase in sales and potentially addition employment and we support this upgrade to the facility.

If you have any questions, please feel free to call me at the office or email me at sbarrow@colmarmanor.org.

Sincerely yours

Sadara B. Barrow
Mayor, Town of Colmar Manor

Carrols, llc.
968 James Street
Syracuse, 13203

Mcnamee hosea
6411 Ivy Lane suite #200
Greenbelt, md 20770

Rufus Lusk
RUFUS LUSK <rufusl@mac.com>

**AMENDED
STATEMENT OF JUSTIFICATION
DSP-18046
Burger King #1155**

OWNER: BK Land LLC c/o Harvey Property Management
6708 Wisconsin Avenue, Suite 360
Bethesda, Maryland 20815

APPLICANT: Carrols LLC
968 James Street
Syracuse, NY 13217

ATTORNEY/AGENT: Matthew C. Tedesco, Esq.
McNamee, Hosea, Jernigan, Kim, Greenan & Lynch, P.A.
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
(301) 441-2420 Voice
(301) 982-9450 Fax

CIVIL ENGINEER: Bohler Engineering
16701 Melford Boulevard, Suite 310
Bowie, Maryland 20715
(301) 809-4500

REQUEST: Pursuant to exemption 6(b) of the Port Towns Sector Plan, a detailed site plan (DSP) to make minor aesthetic improvements, remove a 33 square foot vestibule, and add a 182 square foot addition – for a net increase of 149 square feet to the existing Burger King is requested.

I. DESCRIPTION OF PROPERTY

1. Address – 3933 Bladensburg Road, Brentwood, Maryland 20722.
2. Use – Existing Fast Food Restaurant.
3. Incorporated Area – Colmar Manor.
4. Council District – 5
5. Property – Parcels B & E.
6. Total Area – 1.639 Acres
7. Tax Map/Grid – 50/B-4.
8. Location – The site is located on the south side of Bladensburg Road and north side of Newark Road, in between its intersections of 40th Avenue and 40th Place.

9. Zoned: M-X-T.
10. 200 Sheet – 205NE03.

II. COMMUNITY

The subject property is located in the 2009 *Approved Port Towns Sector Plan*. The subject property is surrounded by the following uses:

North: Bladensburg Road, and beyond single-family detached residences in the M-X-T/D-D-O Zone.

South: Newark Road, and beyond single-family detached residences in the R-55 Zone.

East: 40th Place, and beyond a KFC Fast Food Restaurant in the M-X-T/D-D-O Zone.

West: 40th Avenue, and beyond the Port Towns Shopping Center in the M-X-T/D-D-O Zone.

The character of the community is generally a mix of commercial, with the exception of the existing single family detached residences to the north and south.

III. APPLICANT'S PROPOSAL

The subject property is currently improved with an existing building, with the original construction being circa 1979, as a Burger King restaurant. The total area of the property is 1.64 acres, and is known as Parcels B and E. This Detailed Site Plan is being submitted to make aesthetic improvements to the building façade and to add a 149 square foot addition to the existing Burger King, pursuant to Exemption 6(b) of the Port Towns Sector Plan.

The existing Burger King is currently 3,127 square feet, and will be improved by removing a 33 square foot vestibule and adding a 182 square foot addition to serve as a separate pay station window for the existing drive through, resulting in a new total of 3,276 square feet, which is a net difference of 149 square feet. (Note, hereinafter, the increase to the gross floor area is referenced as the net increase). The addition of 149 square feet, along with façade improvements, will facilitate the redevelopment of this property with a modern and attractive commercial service business that satisfies the needs of the modern consumer. The development will be attractive; will use sustainable building materials; will utilize environmental site design techniques where practical; will provide for the continued convenience needs of the surrounding community while improving the appearance of the existing restaurant; will continue to create jobs for the local economy; and will increase the County's tax base.

Design Features

The site plan currently has four points of vehicular access; one full access along the frontage of Bladensburg Road, one full access along the frontage of 40th Avenue, and one right out and one full access points along the site's frontage on 40th Place. The existing building will remain. The proposed addition to the existing fast food restaurant is located on the rear of the building facing Newark Road, and is to facilitate the drive through service of the restaurant as a payment window. The existing surface parking will remain at the northern, eastern and western façades of the building to ensure safe and efficient on-site circulation, separate from the drive through circulation. To further improve the pedestrian connectivity and create a more pedestrian friendly boulevard within the Bladensburg Road/Main Street Character Area, the DSP was revised to provide six (6) additional striped crosswalks

on-site. These crosswalks effectively provide connectivity from all public rights-of-ways to the restaurant. In addition, the DSP was amended to provide bicycle parking conveniently located to the entrance of the restaurant.

Pursuant to Exemption 6(b) of the Port Towns Sector Plan, a detailed site plan (DSP) to make minor aesthetic improvements and to add a 149 square foot addition to the existing Burger King is requested. That exemption allows for “miscellaneous” improvements (i.e., rehabilitation/façade improvements of the building and signage) and expansion of a certified nonconforming use so long as the expansion (i.e., the 149 square foot increase to the existing building) is compatible with adjacent uses and meets the goals of the sector plan. As discussed in detail below, the applicant contends that all of the requirements for a detailed site plan have been met.

IV. CRITERIA FOR APPROVAL

General Criteria for DSP Approval

Section 27-285. Planning Board Procedures.

(b) Required findings.

- (1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use;**

COMMENT: The plan does represent a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development.

- (2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).**

COMMENT: A conceptual site plan is not required for this development proposal.

- (3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

COMMENT: DSP-18046 is not a DSP for infrastructure, this finding does not apply.

- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

COMMENT: A Natural Resources Inventory Equivalency Letter NRI-079-11-01 and a Woodland Conservation Letter of Exemption S-120-2018 were both approved for this property on August 15, 2015.

The approvals confirm that there are no regulated environmental features present on-site and less than 10,000 square feet of woodlands exist within the property.

History of Property

Parcels B was developed with a Burger King restaurant circa 1979. Prior to the adoption of the current sector plan, the property was in the C-S-C Zone. Circa September 2008, the existing Burger King was certified as a nonconforming use, CNU-26589-08.

The subject property was rezoned to the M-X-T Zone in October 2009 with the adoption of the 2009 Approved Port Towns Sector Plan and Sectional Map Amendment, as change number CM1. This property is within the sector plan's Bladensburg Road Gateway/Main Street Character Area.

Conformance with Site Design Guidelines Section 27-274 and M-X-T Zone Requirements

The existing development was certified as a non-conforming use September 2008 as CNU-26589-08. DSP-18046 reflects the standards of the zoning ordinance at time of construction. Current Zoning Ordinance Regulations and M-X-T Zone Standards are not applicable to DSP-18046.

Applicability of the Port Towns Sector Plan and Sectional Map Amendment

The "Applicability" section of the Sector Plan, at pages 150-153, provides that certain activity is exempt from the development district standards. Specifically, Exemption Number 6.b. provides:

Nonconforming buildings, structures and uses – Except for improvements listed in the 'Miscellaneous' paragraph, a property owner may not expand a certified nonconforming use, or a use or structure that was lawful on the date of the SMA approval but does not conform to the standards, unless a detailed site plan is approved with findings that the expansion is compatible with adjacent uses and meets the goals of the sector plan.

Exemption Number 7 provides:

Miscellaneous – the following are exempt from the development district standards and DSP review, if the existing or proposed use is permitted:

- a. Permits for alteration or rehabilitation, with no increase of the existing GFA, including existing porches or decks.**

The existing fast food restaurant use is permitted because of the certified nonconforming use approval, CNU-26589-08. However, because the proposed improvement with DSP-18046 includes a slight increase in GFA (149 square feet), a detailed site plan review and approval is required for the expansion. The development district standards of the sector plan are not applicable to DSP-18046 due to the nonconforming use certification and Exemption 6(b).

The small, 149 square foot, expansion to the existing restaurant is to facilitate a separate pay station window for the existing drive through. The required finding is that this expansion is compatible with adjacent uses and meets the goals of the sector plan. The expansion of 149 square feet is compatible with adjacent uses. Again, the property has been used as a fast food restaurant with drive through for 40 years. The improvements proposed to the building, including the small 149 square foot addition are to not only improve the aesthetic appearance of the restaurant, but to also improve its functionality to be more responsive to the modern consumer. Indeed, other fast food restaurants within close proximity recently did improved its façade and made changes to the drive-through by adding a second drive through

lane. While that property was able to make these improvements without a detailed site plan, the basis for the same is consistent with this application. There is a need for this nonconforming use to make aesthetic improvements and to improve its function to serve its customers better and more efficiently. While this application does not propose a double drive through, the applicant believes that the addition of the separate pay station window for the existing drive through will result in better operational efficiency. Moreover, as provided above, the adjacent uses are primarily commercial service or retail uses (consisting of other fast food restaurants and shopping centers. The subject property is bounded on all four sides by existing rights-of-ways. The closest residential home to the “expansion” area is over one hundred feet away. Indeed, the expansion of the building is located in an area to the rear of the building that is an area of sidewalk to the rear of the building. Consequently, the addition of the cash window can be accomplished without altering the existing drive-through lane. Therefore, the expansion will not have any additional impact on any adjacent uses.

Further, with the revisions to the detailed site plan that include six (6) additional pedestrian crosswalks to further connect all of the rights-of-ways to the front door of the restaurant and the addition of bicycle parking, the DSP will improve the pedestrian experience for the boulevard. Indeed, the main goal of the Bladensburg Road Gateway/Main Street Character Area is to improve the boulevard to be more pedestrian-friendly. Another goal is to provide improved public open space. At the northeast quadrant of Bladensburg Road and 40th avenue, there is an existing landscaped open space area with seating and brick paver sidewalks. This area was improved fairly recently through a joint partnership with the applicant and the Town. This area, in combination of the newly proposed crosswalks shown on the amended detailed site plan – that now connect all sidewalks to the entrance of the restaurant further advances the goals of the Section Plan and this Character Area.

The applicant contends, similar to other recent approvals in the immediate vicinity, that with the inclusion of the bicycle racks and pedestrian crosswalks connecting all rights-of-ways and sidewalks to the entrance of the restaurant, along with the recently improved green/park area in the northeast quadrant of Bladensburg Road and 40th Avenue, DSP-18046 is in accordance with the expressed goal for the character area to make it more pedestrian-friendly. Finally, the façade improvements that include, among other things, sustainable finishes made to like and from the vintage wood collection (a cedar finish) will enhance the existing residential cottage style neighborhoods.

V. CONCLUSION

Based on the foregoing, as well as the amended detailed site plan filed in conjunction with this application, the applicant respectfully requests the approval of DSP-18046 to make minor aesthetic improvements and to add a 149 square foot addition to the existing Burger King. This application and the requests herein are consistent with the goals of both the Sector Plan’s Character Area, and as such, must be approved.

Respectfully submitted,

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By: 
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