



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 Departure from Parking and Loading Spaces McDonald's Stuart Lane

DSP-19058
DPLS-476

REQUEST	STAFF RECOMMENDATION
DSP: Construct a total of 679 square feet of building additions and a second drive-through lane to the existing eating and drinking establishment.	APPROVAL with conditions
DPLS: To allow a reduction of 32 parking spaces.	APPROVAL

Location: On the west side of Stuart Lane, approximately 175 feet south of MD 223 (Woodyard Road).	
Gross Acreage:	0.97
Zone:	C-S-C & M-I-O
Dwelling Units:	N/A
Gross Floor Area:	4,157 sq. ft.
Planning Area:	81A
Council District:	09
Election District:	09
Municipality:	N/A
200-Scale Base Map:	212SE06
Applicant/Address: McDonald's USA One McDonald's Plaza Chicago, IL 60607	
Staff Reviewer: Thomas Burke Phone Number: 301-952-4534 Email: Thomas.Burke@ppd.mncppc.org	



Planning Board Date:	06/18/2020
Planning Board Action Limit:	06/24/2020
Staff Report Date:	06/02/2020
Date Accepted:	04/15/2020
Informational Mailing:	12/23/2019
Acceptance Mailing:	04/13/2020
Sign Posting Deadline:	05/19/2020

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/. 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-19058
Departure from Parking and Loading Spaces DPLS-476
McDonald's Stuart Lane

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

EVALUATION

This detailed site plan and departure from parking and loading spaces were reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance in the Commercial Shopping Center (C-S-C) Zone and site design guidelines;
- b. The requirements of Special Exception SE-3884;
- c. The requirements of the 2010 *Prince George's County Landscape Manual*;
- d. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- e. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- f. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Requests:** The subject application is for approval of Detailed Site Plan DSP-19058, for a total of 679 square feet of building additions and the installation of a second drive-through lane on the existing eating and drinking establishment, specifically a McDonald's restaurant. A Departure from Parking and Loading Spaces, DPLS-476, requests a reduction of 32 parking spaces.

2. Development Data Summary:

	EXISTING	PROPOSED
Zone	C-S-C/M-I-O	C-S-C/M-I-O
Use	Eating and Drinking Establishment	Eating and Drinking Establishment
Total Acreage	0.972	0.972
Parcels	2	2
Gross Floor Area (sq. ft.)	3,478	4,157
Number of Seats	105*	80*

Note: *The number of seats was not clearly provided on the DSP. A condition has been included in the Recommendation section to provide a note with the existing and proposed number of seats in the general notes.

Parking and Loading Requirements

Eating and Drinking Establishment	Spaces Required
80 interior seats at 1 space/3 seats	27
2,256 sq. ft. at 1 space/50 sq. ft., excluding storage and patron seating	46
Total	73
Of which are required handicap-accessible spaces	3
Loading	
4,157 sq. ft. GFA at 1 space/2,000–10,000 sq. ft. of GFA	1

	Spaces Provided
Standard Spaces	23
Compact Spaces	15
Handicap-accessible Spaces	3
Total	41
Loading	
15 feet x 33 feet	1

- 3. Location:** The site is in Planning Area 81A, Council District 9. More specifically, it is located on the west side of Stuart Lane, between Stuart Lane and Woody Terrace, approximately 175 feet south of MD 223 (Woodyard Road), and within the Conical Surface (Left Runway) Area E, of the Military Installation Overlay (M-I-O) Zone.
- 4. Surrounding Uses:** The site is bounded to the north and south by commercial uses in the Commercial Shopping Center (C-S-C) Zone, to the east by Stuart Lane with the Clinton Park and Ride beyond, and to the west by Woody Terrace with commercial uses beyond.

5. **Previous Approvals:** The site is currently improved with a McDonald's restaurant, which was originally constructed in 1977 when the site was located in the Local Commercial, Existing Zone. In 1978, the site was rezoned to the C-S-C Zone through a sectional map amendment for Planning Area 81. On July 1, 1978, Prince George's County Council Bill CB-27-1978 was enacted, which introduced the definition of fast food restaurants and required the approval of a special exception for this use in the C-S-C Zone, thereby rendering the restaurant legally nonconforming. In 1982, a certification of the nonconforming use was granted, pursuant to Permit 3224-82-CGU. In 1988, Special Exception SE-3884 was granted by the Zoning Hearing Examiner (ZHE) for an expansion and improvements to the restaurant. The expansion to the restaurant, which included increasing the number of seats to 105, resulted in a parking requirement of 75 spaces. With only 57 spaces proposed, DPLS-76 was approved with the special exception, and was implemented, pursuant to issuance of Permit 2341-1989-CGU.

In 2010, the County Council approved legislation, CB-19-2010, to create a use classification known as eating and drinking establishment and removed the term fast food restaurant. The approved legislation contained footnotes for the C-S-C Zone, stating that eating and drinking establishments with drive-through service, which were "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."

6. **Design Features:** The subject DSP proposes a 482-square-foot addition to the front of the existing building, facing Stuart Lane, to provide for additional dining area; however, the reconfiguration will result in a decrease from 105 to 80 seats. This work will also allow for upgrading handicap-accessible facilities. Two additions, totaling approximately 192 square feet, are proposed on the southeast corner and north side of the building to accommodate the additional drive-through service, with the addition of a second drive-through lane. This second drive-through lane is proposed only for the ordering area; a single access drive will split at the order boards then merge back into a single lane for payment and pick up. The addition of this second drive-through lane will result in the loss of parking spaces along the north side of the property, thereby necessitating the DPLS. The two existing entrance drives, from both Stuart Lane and Woody Terrace, and parking and a trash enclosure on the southern end of the site remain unchanged with this DSP.

Architecture

The proposed architectural elevations depict a more contemporary franchise look from the traditional natural brick and double mansard roof. The brick will remain; however, the building will feature a more modern grey color scheme and incorporate aluminum batten and exterior insulation finishing system (EIFS). Visual elements faced with aluminum, simulated wood-grain, and vertical batten panels are shown on the front façade and each side entrance. These elements will provide dimension and focal interest to the entrances, with each featuring the corporate logo sign. The double mansard roof will be replaced with a straight parapet wall extending from the top of the building to screen the mechanical equipment. This parapet is defined by dark grey EIFS above the patron area, and a slightly lighter grey corrugated metal around the remainder of the building. The building will feature flat metal canopies above the window line across the front façade and down each side façade to the entrances, as well as over each drive-through window.

Signage

A total of six building-mounted signs are proposed, with two located on the north side façade, three on the south side façade, and one on the front/east façade. The north and south side façade signs will be the McDonald's name across the parapet and the corporate logo M, over the entrance vestibules. The front façade will feature the corporate logo M, set to the right of center. The logo signs will measure approximately 14 square feet, and the McDonald's signs on each side are approximately 33 square feet each. A signage table was provided on the DSP, but it does not match the details provided on the plan, nor the elevations, and is not correct relative to the regulations provided in Section 27-613 of the Prince George's County Zoning Ordinance. This section allows for the area of all signs on the building to be not more than two square feet per one lineal foot along the front of the building only. Therefore, a condition has been included in the Recommendation section requiring the signs and sign areas to be consistent in the signage table, the architectural elevations, the details provided on the DSP, and all signage to be in conformance with Section 27-613. It should be noted that this may require the removal of some of the proposed signage.

The site has an existing freestanding sign, approved with a previous application, which is not proposed to be revised with this application.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The application has been reviewed for compliance with the requirements of the Zoning Ordinance in the C-S-C Zone and the site plan design guidelines. The relevant requirements of the Zoning Ordinance are as follows:
 - a. The subject DSP is in general conformance with the requirements of Section 27-461 of the Zoning Ordinance, which governs uses in commercial zones. The eating and drinking establishment, with drive-through service, is a permitted use in the C-S-C Zone, in accordance with Section 27-461(b), subject to Footnote 24, which states:

“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. The requirement for Detailed Site Plan approval does not apply to eating or drinking establishments within, and sharing the same points of vehicular access as, an integrated shopping center having six individual businesses (including the fast-food restaurant) and a minimum 50,000 square foot gross floor area.”
 - b. The DSP is consistent with the regulations in the C-S-C Zone including Section 27-454(a) regarding purposes; Section 27-454(b) regarding landscaping, screening, and buffering; and Section 27-454(d) regarding regulations in the C-S-C Zone.

- c. **Departure from Parking and Loading Spaces, DPLS-476:** The applicant has requested a departure of 32 parking spaces from the required 73 spaces for the 80 proposed seats in the expanded eating and drinking establishment. Pursuant to Section 27-588(b)(7) of the Zoning Ordinance, the Prince George’s County Planning Board must make the following findings:

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

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

The applicant asserts that 41 parking spaces will be sufficient to serve the parking needs of the use. The applicant has seen a marked increase over time in the use of their drive-through service to the point that the applicant is installing a double drive-through system on the site. This double drive-through system requires that some of the existing parking be removed from the site, but the applicant believes that parking demand will be more than offset by improved drive-through services.

The applicant had a parking analysis conducted on the site. Parking counts were collected on two separate days, Tuesday, September 10, 2019 and Saturday, September 14, 2019, in 15-minute intervals between 8 AM and 8 PM. According to the analysis, parking peaked at 24 cars on September 10th at 6:15 PM and at 31 cars at 10:15 AM on September 14th. The applicant is proposing 41 parking spaces and Institute of Transportation Engineers calculations indicate that 36 weekday and 38 weekend parking spaces meet the demand at the restaurant.

The analysis states that the parking requirement for the use in Subtitle 27 “does not take into account any reduced parking demand as a result of having a drive-through window.” The applicant continues by noting that sales figures show that 61 percent of business for this site occurs by means of drive-through service.

The applicant intends to expand the building by nearly 700 square feet, but seating will be reduced by 25 seats. Some of the added space will be needed to service the double drive-through system, while other improvements include an expanded and more comfortable dining room experience with added space.

Based on our current health crises and uncertainty in the future, staff is in agreement with the parking analysis. Given that the staff has found no evidence to the contrary, the applicant’s analysis is found to be credible. The expansion of the dining room, modernization of the restaurant, and double drive-through will not change existing

conditions to a great degree, and the applicant's arguments are supportable.

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

This is a small site, and currently fully developed with the restaurant and parking. The applicant has shown that the site currently has adequate on-site parking, and it is anticipated that the reduced seating combined with the addition of the double drive-through service will offset the reduced parking. It is important to note that the site has been operating with reduced parking through DPLS-76, which was approved in 1988, which allowed 57 spaces for the 105 seats. This application seeks approval for the reduction of the spaces available on-site by 16 spaces, with the reduction of 25 seats. Staff believes that this finding is met, and the departure is the minimum necessary.

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

The applicant asserts that the offering of drive-through service warrants special consideration for the subject use, given its nature as proposed at this location and has demonstrated that the use of the drive-through lane has substantially decreased the demand for on-site parking, and the addition of the double drive-through system will further increase the efficiency of customer service at this restaurant and further reduce the demand for parking.

It is noted that the area near the restaurant includes a shopping center, as well as two bus stops, and the Clinton Park and Ride parking lot. The applicant has indicated that several patrons walk to the restaurant from nearby locations including a residential community nearby.

The case of specialness is a difficult standard to prove. Given the brand name, the demonstrated efficiency of the drive-through service and its impacts on parking, combined with the proposed expansion of the drive-through function on this site, it is believed that the applicant has made the case that circumstances are special. The location of the site in a dense mixed-use area of the County contributes to proving that the location is special.

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

The applicant's statement of justification indicates that all methods for calculating the number of spaces required were utilized, including the provision of compact spaces. Given the site constraints on this property, expanding the drive-through lanes necessitates an overall reduction in the number of parking spaces.

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

This restaurant is located in a commercial area, but within walking distance from a residential community. Residential homes are not adjacent to the site and the departure will not infringe upon them. The site is primarily surrounded by roadways and the Clinton Park and Ride lot. This finding is met.

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

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

On-street parking is not available in the vicinity of this site and, although a number of adjacent sites have available parking, there would be practical difficulties to utilizing them for the purpose of patronizing this restaurant, other than the Clinton Park and Ride. Staff finds that the applicant has demonstrated sufficient parking on-site for this expansion.

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

The property is the subject of the provisions of the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*. The sector plan recommends commercial shopping center uses for the property, and eating and drinking establishments are permitted uses in the C-S-C Zone. Therefore, the continued use of the property for a McDonald's restaurant is consistent with the recommendations of the master plan.

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

This site is not within a municipality. This consideration is therefore not applicable.

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

At this time, no public parking facilities are proposed in the general vicinity of this property.

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

- (i) Public transportation available in the area;**

The Prince George's County TheBus system (Route 30) has a stop in front of this property on Woody Terrace. Directly across Stuart Lane, from this site, is the Clinton Park and Ride, which has a bus stop to serve Routes 32 and 36. These routes serve as connections to the Southern Avenue Metro Station and Branch Avenue Metro Station, respectively, and Route 30 connects south to Charles County.

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

Alternative design solutions to off-street facilities have been utilized by providing compact spaces and angled parking.

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

This restaurant will follow restaurant hours similar to the other restaurants nearby. Non-restaurant uses in the vicinity include office and retail uses.

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

The subject property is in the C-S-C Zone. Therefore, this finding is not applicable to the subject application.

Based on the analysis above, staff recommends that the Planning Board approve DPLS-476, to allow a reduction of 32 parking spaces.

- e. The DSP is in general conformance with the applicable site design guidelines, as referenced in Section 27-283 and contained in Section 27-274 of the Zoning

Ordinance. For example, vehicular and pedestrian circulation is designed to be safe, efficient, and convenient for both pedestrians and drivers; pedestrian access is provided to the site from the public right-of-way; and the architecture proposed for the building is constructed of durable, low-maintenance materials, and employs a variety of architectural features and designs, such as window and door treatments, projections, colors, and materials.

8. **Special Exception SE-3884:** On December 9, 1988, SE-3884 was granted by the ZHE for specified renovations to the existing fast food restaurant, with no conditions.
9. **2010 Prince George's County Landscape Manual:** The application is exempt from the requirements of the 2010 *Prince George's County Landscape Manual* because the proposal involves a total cumulative increase of less than 10 percent, and less than 5,000 square feet, with no change in use.
10. **Prince George's Country Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. This DSP proposes less than 5,000 square feet of disturbance and is therefore not subject to this requirement.
11. **Prince George's County Woodland and Wildlife Habitat Conservation:** The site is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property contains less than 10,000 square feet of woodland. The site has a Natural Resources Inventory Equivalency Letter (NRI-127-2019) and Woodland Conservation Exemption Letter (S-147-2019), which were issued on October 18 and 17, 2019, respectively.
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 memorandum dated May 20, 2020 (Lester to Burke), incorporated herein by reference, the Community Planning Division provided the following summarized comments:

Pursuant to Part 3, Division 9, Subdivision 3, of the Zoning Ordinance, master plan conformance is not required for this application.

This property is located within the M-I-O Zone for height, Surface E, left runway with an approximate height limit of 201 feet. A condition is included in the Recommendation section to provide a reference to the M-I-O Zone in the general notes.
 - b. **Environmental Planning**—In a memorandum dated May 18, 2020 (Schneider to Burke), incorporated herein by reference, the Environmental Planning Section concluded that there were no issues with this proposal.

- c. **Historic Preservation**—In a memorandum dated April 23, 2020 (Stabler to Burke), incorporated herein by reference, the Historic Preservation Section concluded that this proposal will not impact any historic sites, historic resources, or known archeological sites. A Phase I archeology survey is not recommended.
 - d. **Transportation Planning**—In a memorandum dated May 19, 2020 (Saunders to Burke), incorporated herein by reference, the Transportation Planning Section provided an evaluation of the departure for parking and loading spaces, finding the request acceptable.
 - e. **Trails**—In a memorandum dated May 18, 2020 (Ryan to Burke), incorporated herein by reference, the Trails planner provided an evaluation for conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*. Based on staff's findings, a condition to replace the existing bicycle racks with two, inverted U-style bicycle racks is included in the Recommendation section of this report.
 - f. **Permit Review**—In a memorandum dated May 18, 2020 (Jacobs to Burke), incorporated herein by reference, the Permit Review Section offered comments that have been addressed by revisions to the plans.
 - g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated May 15, 2020 (Giles to Burke), incorporated herein by reference, DPIE provided comments to be addressed at time of permits.
 - h. **Prince George's County Health Department**—In a memorandum dated April 17, 2020 (Adepoju to Burke), incorporated herein by reference, the Health Department provided standard comments and recommendations, which will be addressed at time of permits.
 - i. **Prince George's County Police Department**—In a memorandum dated April 30, 2020 (Contic to Burke), incorporated herein by reference, the Police Department provided no comments on this proposal.
 - j. **Prince George's County Fire/EMS Department**—At the time of the writing of this report, a memorandum had not been provided by the Office of the Fire Marshal.
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 County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
14. Per Section 27-285(b)(4), which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:

- (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 requirements of Subtitle 24-130(b)(15).**

The site does not contain any regulated environmental features or primary management area.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and:

- A. APPROVE Departure from Parking and Loading Spaces DPLS-476, to allow for a reduction of 32 parking spaces.
- B. APPROVE Detailed Site Plan DSP-19058 for McDonald's Stuart Lane, subject to following conditions:
 - 1. Prior to certification of the detailed site plan (DSP), the applicant shall make the following revisions to the plans:
 - a. Provide a note showing the existing and proposed number of seats in the general notes.
 - b. Provide a reference to the Military Installation Overlay Zone in the general notes, identifying that the site is within the Conical Surface (Left Runway) Area E, with an approximate height limit of 201 feet.
 - c. Provide the cardinal points on the building elevations.
 - d. Revise the proposed building-mounted signs and areas to be consistent in the signage table, the architectural elevations, and the details provided on the DSP, and in conformance with Section 27-613 of the Prince George's County Zoning Ordinance.
 - e. Replace the existing bicycle racks with two inverted U-bicycle racks near an entrance to the building.
 - f. Provide the building dimensions on the plan.

ITEM: 5 & 6

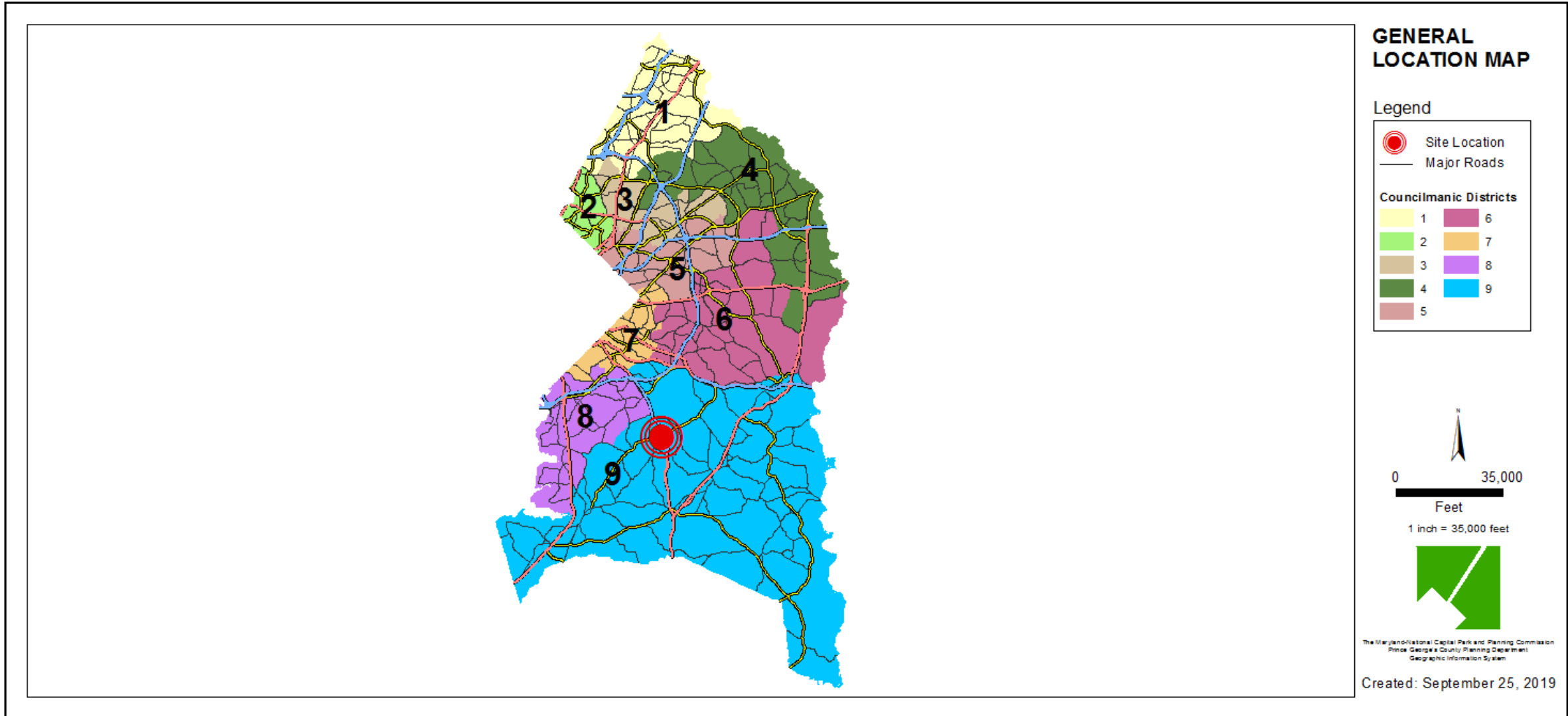
CASE: DSP-19058 & DPLS-476

STUART LANE MCDONALD'S

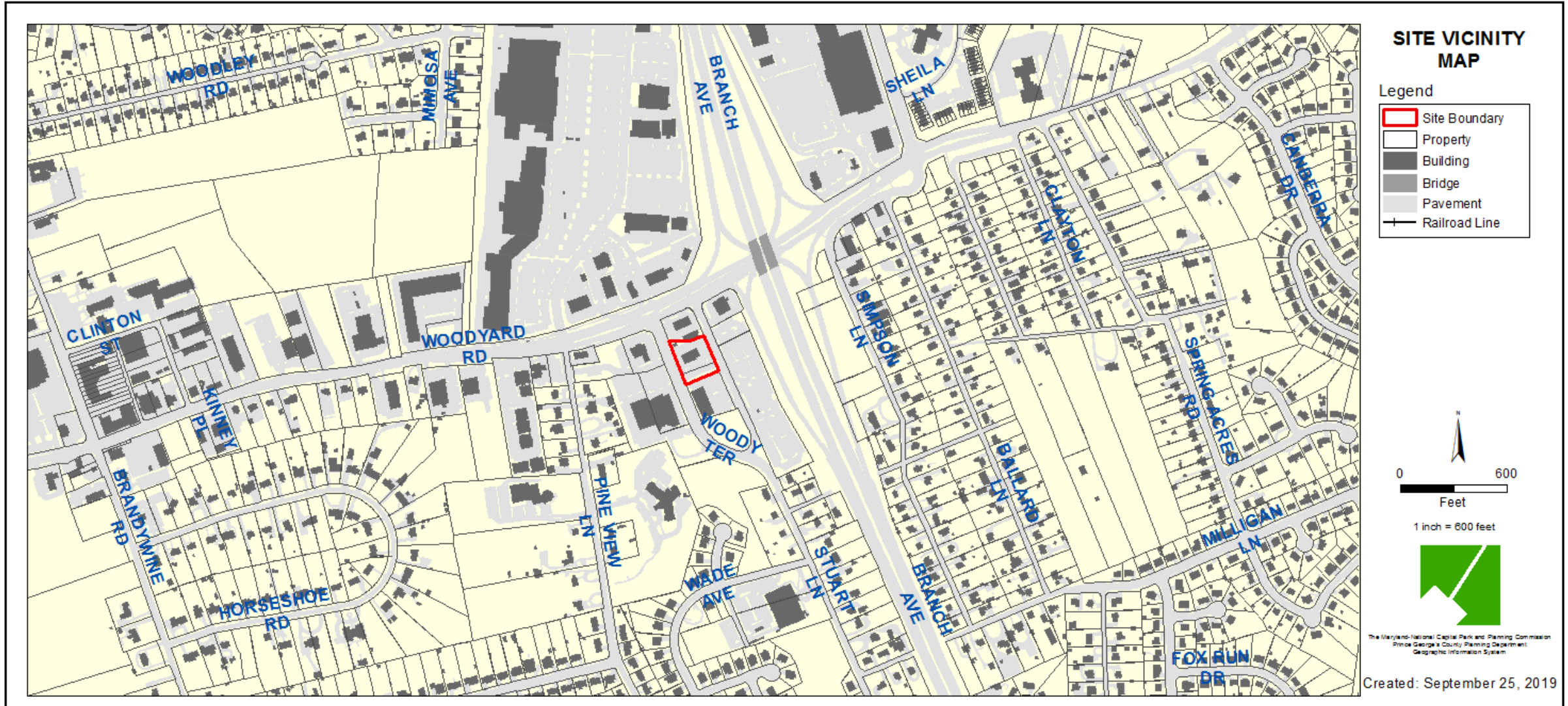
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



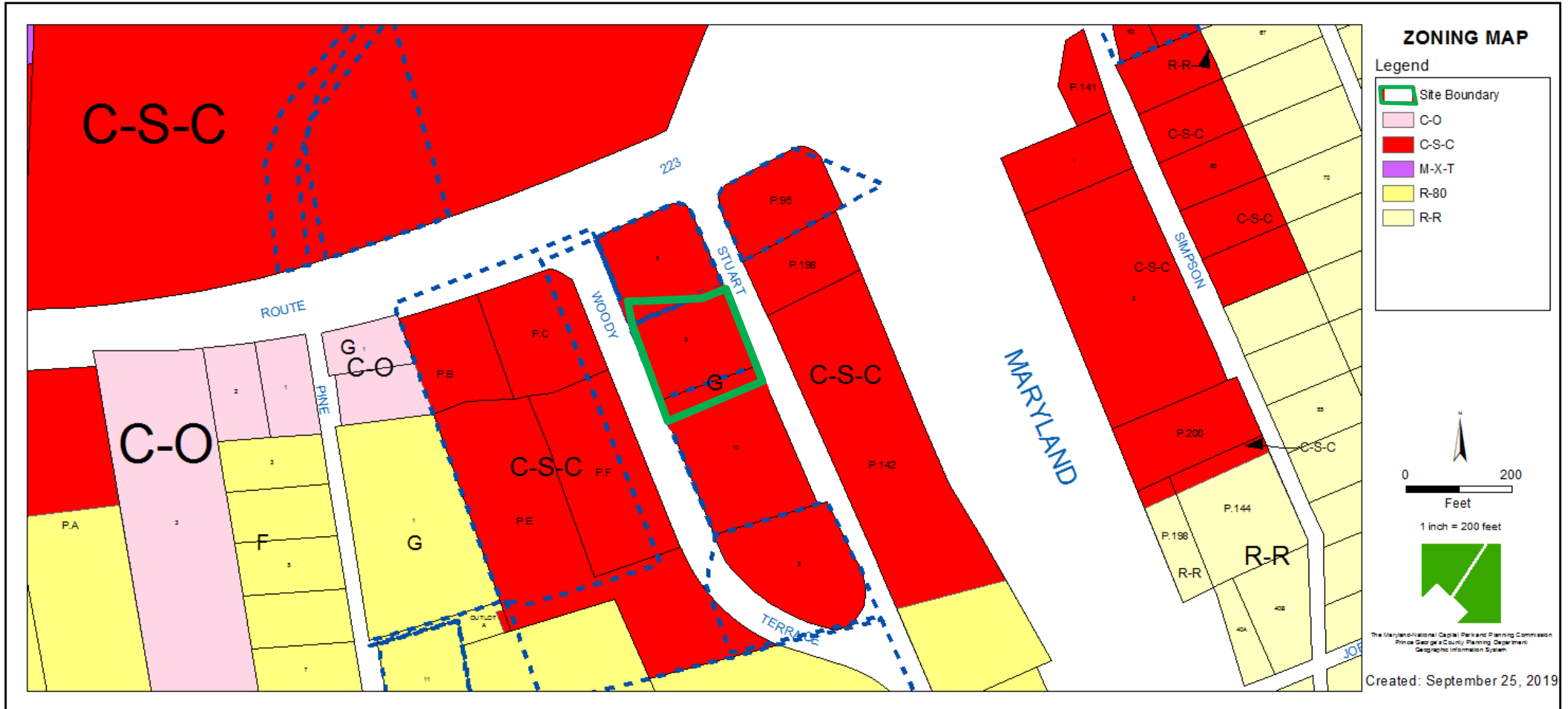
GENERAL LOCATION MAP



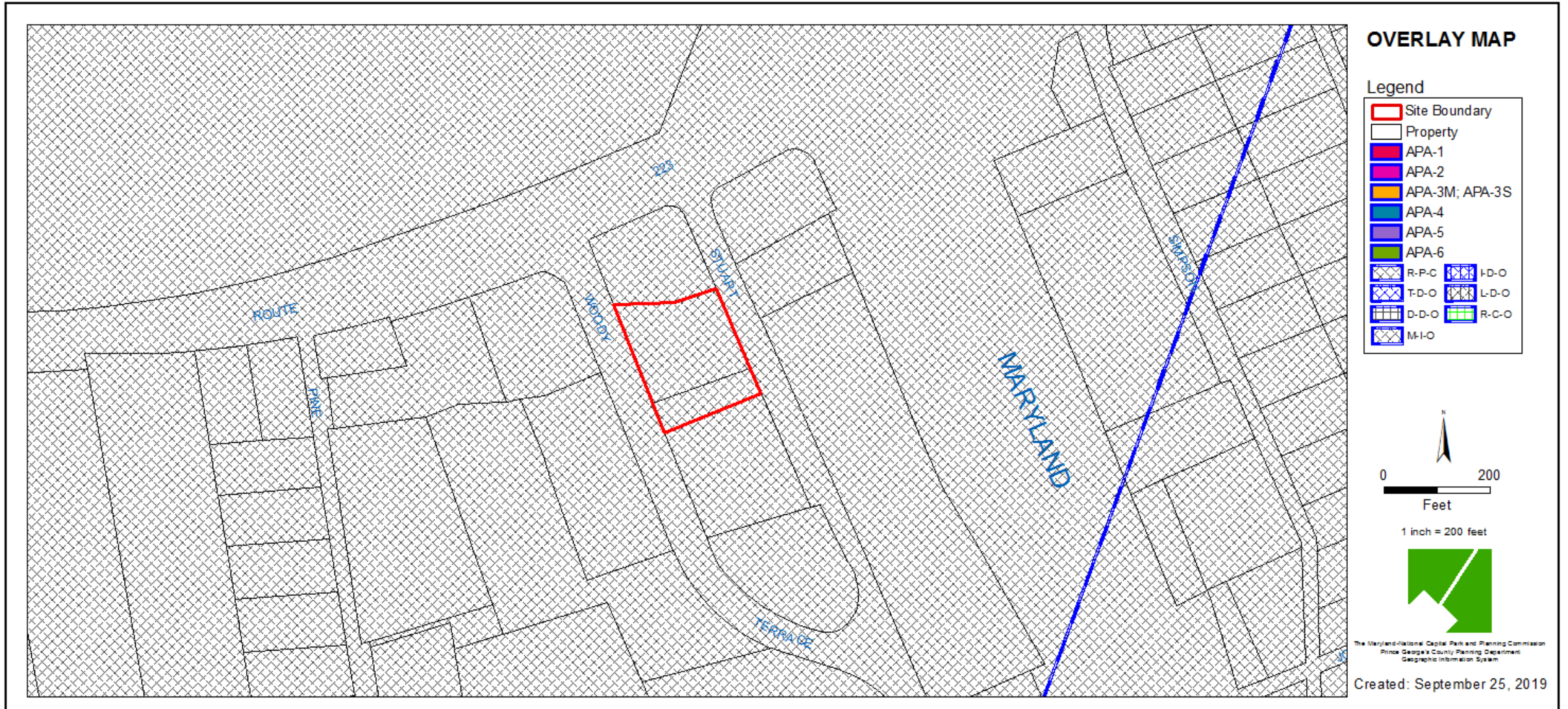
SITE VICINITY



ZONING MAP



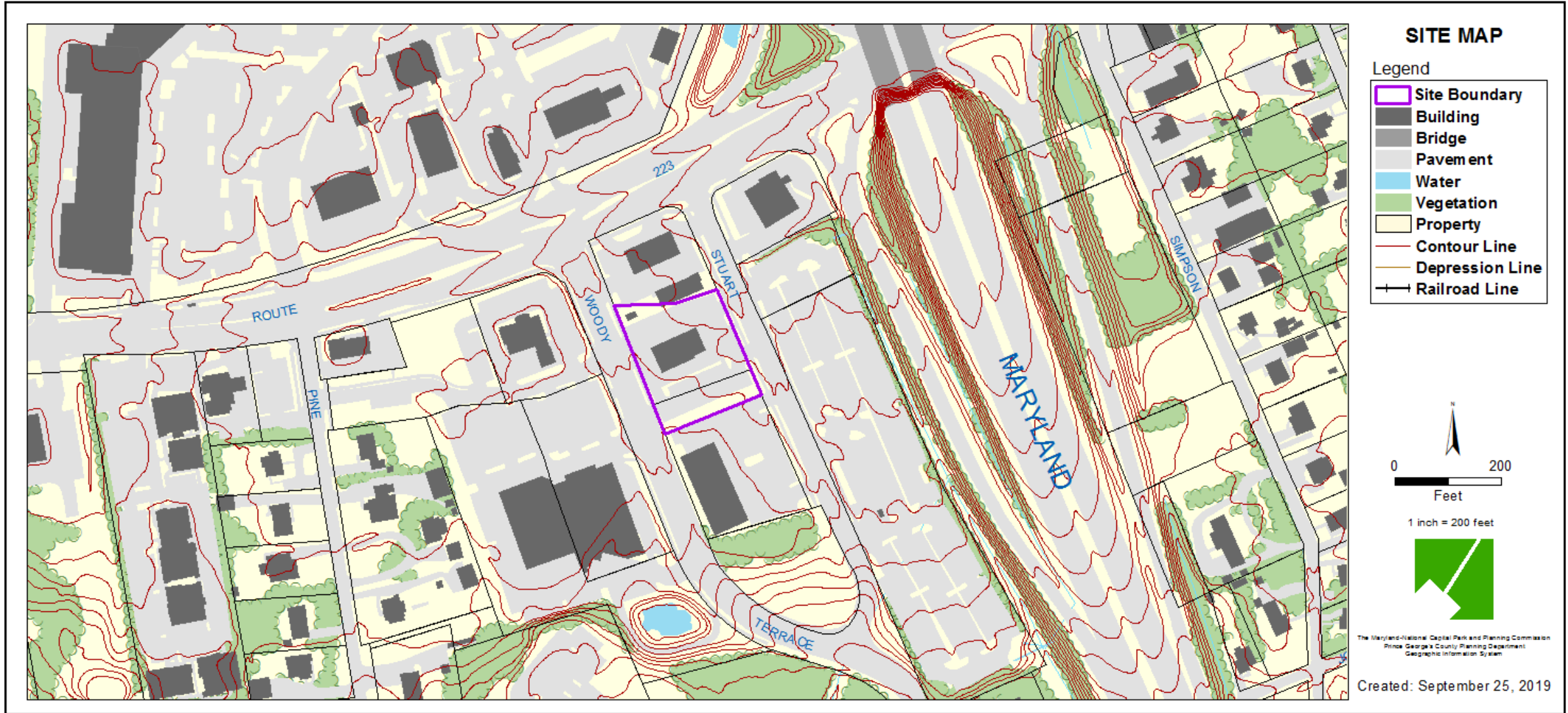
OVERLAY MAP



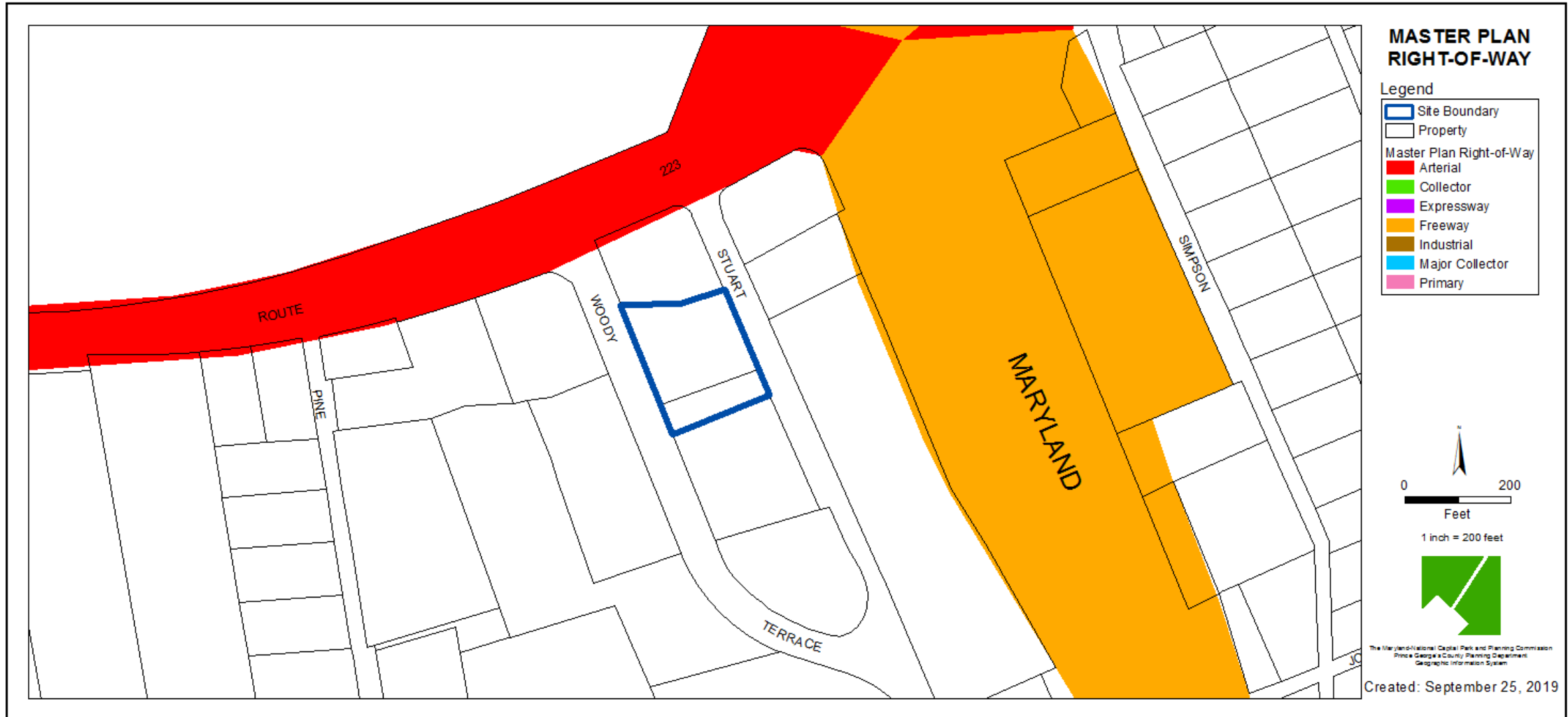
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



ILLUSTRATIVE PLAN



FRONT AND SIDE ELEVATIONS



2
A2.1 NON-DRIVETHRU ELEVATION
SCALE = 1/4"=1'-0"

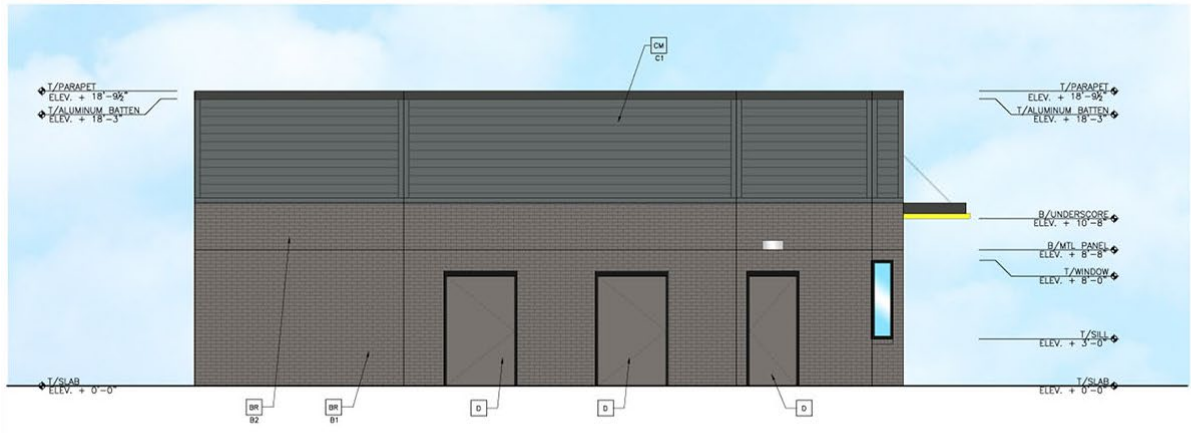


1
A2.1 FRONT ELEVATION
SCALE = 1/4"=1'-0"

DRIVE THRU AND REAR ELEVATIONS



2 DRIVETHRU ELEVATION
SCALE = 1/4"=1'-0"



1 REAR ELEVATION
SCALE = 1/4"=1'-0"

SIGN DETAILS

Slim Springboard Canopy w/Audio Only - Yellow

Everbrite
North Wales, PA

Everbrite logo

115.0" W x 47.0" H

Order Here

LED DOWNLIGHT

BRASS TRIM FINISH WITH "VINTAGE COPPER" INTERIORS

NON GLASSING NO OVERHEAD

PERFORATED SPRINGBOARD OPENINGS

TRIM, OVERHANGING DESIGN: "VINTAGE COPPER"

TRIM, 60A SIGNAL: "VINTAGE COPPER"

Everbrite, LLC, 315 Marion Ave., South Milwaukee, WI 53172 P: 888-857-4078 F: 877-430-7363 www.everbrite.com

Illumination: LED Downlighting
 Electrical: 1.5 Amps 120 volt, 60 Hz
 Refresh: N/A
 Ship Weight: N/A

Double Welcome Point Gateway

Everbrite
North Wales, PA

Everbrite logo

18' 0" W x 8' 0" H

Drive Thru

Drive Thru

11' 0" W x 8' 0" H

11' 0" W x 8' 0" H

11' 0" W x 8' 0" H

11' 0" W x 8' 0" H

APPROACH VIEW

Everbrite, LLC, 315 Marion Ave., South Milwaukee, WI 53172 P: 888-857-4078 F: 877-430-7363 www.everbrite.com

Illumination: N/A
 Other: • Non-illuminated clearance sign with spring loaded Lexan sign clearance etc.
 • Adjustable hang bar.

Pull Forward Sign

Everbrite
North Wales, PA

Everbrite logo

OPTION A: 11' 0" W x 8' 0" H

OPTION B: 11' 0" W x 8' 0" H

OPTION C: 11' 0" W x 8' 0" H

OPTION D: 11' 0" W x 8' 0" H

OPTION E: 11' 0" W x 8' 0" H

OPTION F: 11' 0" W x 8' 0" H

OPTION G: 11' 0" W x 8' 0" H

OPTION H: 11' 0" W x 8' 0" H

OPTION I: 11' 0" W x 8' 0" H

OPTION J: 11' 0" W x 8' 0" H

Everbrite, LLC, 315 Marion Ave., South Milwaukee, WI 53172 P: 888-857-4078 F: 877-430-7363 www.everbrite.com

Illumination: N/A
 Face Details: • Perforated sign panel to match PMS 422C with waste panel colored with "Reserved Drive Thru" copy, yellow reflective vinyl circles

Welcome Sign

Everbrite
North Wales, PA

Everbrite logo

9'-0" W x 3'-0" H

44'-0" W x 11'-0" H

113.88 cm

Everbrite, LLC, 315 Marion Ave., South Milwaukee, WI 53172 P: 888-857-4078 F: 877-430-7363 www.everbrite.com

Illumination: N/A
 Ship Weight: 16 lbs.
 Other: SNAF Processed Substr. aluminum letters
 SIGN AREA + 2.5 SF

Coates ODMB Single screen unit

coates

[740.00] 29.1

[347.45] 13.7

[188.60] 7.5

DIGITAL PRE-BROWSE MENU BOARD DETAIL (INTERNALLY ILLUMINATED)

REFER TO STRUCTURAL DRAWING FOR CONSTRUCTION SPECIFICATIONS

Coates ODMB Double screen unit

coates

[1472.00] 58.6

[347.47] 13.7

[188.60] 7.5

OUTDOOR DIGITAL MENU BOARD (ODMB) DETAIL (FOR INFORMATIONAL PURPOSES ONLY) (INTERNALLY ILLUMINATED)

REFER TO STRUCTURAL DRAWING FOR CONSTRUCTION SPECIFICATIONS

42" NG Arch

Everbrite
North Wales, PA

Everbrite logo

42" W x 42" H

Everbrite, LLC, 315 Marion Ave., South Milwaukee, WI 53172 P: 888-857-4078 F: 877-430-7363 www.everbrite.com

Illumination: LED illuminated, yellow, modified acrylic face. Silver returns.
 SIGN AREA + 14.0 SF

24" NG Wordmark

Everbrite
North Wales, PA

Everbrite logo

18' 0" W x 24" H

McDonald's

LED illuminated, white, modified acrylic face. Silver returns.
 SIGN AREA + 32.8 SF

Everbrite, LLC, 315 Marion Ave., South Milwaukee, WI 53172 P: 888-857-4078 F: 877-430-7363 www.everbrite.com

REV	DATE	DESCRIPTION	BY	ISSUE REF
1	03/04/20	COMMENTS PER IANCFPC	KPW	

FINAL PLAN SIGNATURES	P.M.	G.C.	OJO

PLAN APPROVALS	DATE	STATUS	DATE	BY
SIGNATURE OF ARCHITECT		PRELIMINARY	12/23/19	KPW
SIGNATURE OF ENGINEER		PLAN CHECKED	12/23/19	NBS
SIGNATURE OF OPERATOR		AS-BUILT		

COLON SIGNATURES	CONTRACTOR	OWNER

DETAILED SITE PLAN (DSP-19058)
PLAN SCALE: AS NOTED
STREET ADDRESS: 8905 STUART LANE
PARCEL: G LOT 9
ELECTION DISTRICT: 9 COUNTY: PRINCE GEORGE'S STATE: MD
MCDONALD'S STORE NO.: MB19-0056
PLAN DESCRIPTION: BUILDING MOUNTED SIGNAGE DETAILS
CDX FILE: X - Tra - MB190005



BOHLER //

16781 MELFORD BLVD., SUITE 310 BOWIE, MD 20715
 PHONE: (301) 809-4500 FAX: (301) 809-4501

NICHOLAS R. SPEACH
 PROFESSIONAL ENGINEER
 16781 MELFORD BLVD., SUITE 310 BOWIE, MD 20715
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SITE DETAILS

BOLLARD DETAIL
NOT TO SCALE

ADA ACCESSIBLE RAMP DETAIL
NOT TO SCALE

HEADER CURB DETAIL
NOT TO SCALE

STANDARD DUTY CONCRETE SECTION
NOT TO SCALE

2" MILL AND OVERLAY DETAIL
NOT TO SCALE

DRIVE THRU
NO SCALE

THANK YOU
NO SCALE

PULL FORWARD STRIPING DETAIL
NO SCALE

PARKING LOT ARROW DETAIL
SCALE: 1/8" = 1'-0"

BIKE RACK DETAIL
NOT TO SCALE

BOLLARD MOUNTED ADA PARKING SIGN DETAIL
NOT TO SCALE

CONCRETE-TO-ASPHALT DETAIL
NOT TO SCALE

STANDARD DUTY ASPHALT PAVEMENT SECTION
NOT TO SCALE

DRIVE-THRU STANDARDS

- DRIVE-THRU STANDARD CURBING DETAILS:
 - 10 DRIVE-THRU LANES BOUND BY CURB ON BOTH SIDES ARE TO BE 12'-0". LANES BOUND BY CURB ON ONE SIDE AND PAINTED STRIPING ON THE OTHER SIDE ARE TO BE A MIN. OF 10'-0".
 - 18 THE MIN. RADIUS FOR ALL INSIDE/DRIVER'S SIDE DRIVE-THRU CURBINGS IS 20'-0" TO INSIDE OF CURB.
- DRIVE-THRU STANDARD PAVEMENT MARKINGS:
 - 24 6" WIDE YELLOW PAINT STRIPE TO SPAN OUTER EDGE OF THE ENTIRE DRIVE-THRU LANE. STRIPE STARTS AT DRIVE-THRU ENTRANCE (WHERE "MCDONALD'S GATEWAY" IS LOCATED).
- DRIVE-THRU STANDARD EQUIPMENT POSITIONING:
 - 34 THE CENTER OF THE MENU BOARD FOUNDATION IS TO BE 5'-3" (5'-0" MIN. AND 6'-0" MAX.) FROM THE CENTER OF THE COO FOUNDATION.
 - 35 THE PRIMARY MENU BOARD SHOULD BE AT AN ANGLE OF 35° FROM A CAR POSITIONED AT THE COO TO MAXIMIZE VIEWING.
 - 36 AUGER "MCDONALD'S ORDER HERE CANOPY" FOUNDATION TIGHT AGAINST BACK OF CURB. SEE MANUFACTURER/LOCAL SPECIFICATIONS FOR DETAILS.
 - 37 A SINGLE BOLLARD SHOULD BE POSITIONED AT THE CORNER OF THE BUILDING ON THE DRIVE-THRU SIDE. IT SHOULD BE FLUSH AGAINST THE BUILDING AND FACE OF THE BOLLARD SHOULD BE TIGHT AGAINST THE BACK OF THE CURB.
 - 38 AUGER "MCDONALD'S GATEWAY" FOUNDATION TIGHT AGAINST BACK OF CURB. SEE MANUFACTURER/LOCAL SPECIFICATIONS FOR DETAILS.
 - 39 THE MIDPOINT OF THE SECONDARY COO FASE IS LOCATED 20'-0" ± (20'-0" TO 20'-0" FROM) FROM THE CENTER OF THE PRIMARY COO AS MEASURED ALONG THE CENTERLINE OF THE DRIVE-THRU LANE.
 - 39A THE CENTER OF THE SECONDARY MENU BOARD FOUNDATION IS TO BE 5'-3" (5'-0" MIN. AND 6'-0" MAX.) FROM THE CENTER OF THE COO FOUNDATION FOR FIRST AND SECOND DRIVE-THRU.
 - 31 THE SECONDARY MENU BOARD SHOULD BE AT AN ANGLE OF 30° FROM A CAR POSITIONED AT THE COO.
- DRIVE-THRU STANDARD DETECTOR LOOP:
 - 41 DETECTOR LOOPS SHALL BE LOCATED AT THE CENTER OF THE OPENING WINDOW AT THE CASH AND PRESENT BOOTHS.
- DRIVE-THRU OPTIONAL FEATURES:
 - 1A PRE-BROWSE BOARD MUST BE 18" FROM FACE OF CURB. THE DISTANCE BETWEEN THE SECONDARY COO AND PRE-BROWSE BOARD IS TO BE 12" AS MEASURED FROM THE CENTER OF THE PRE-BROWSE BOARD FOUNDATION TO THE CENTER OF THE COO FOUNDATION. THE ANGLE APPROXIMATELY 30° OF THE PRE-BROWSE BOARD SHALL HAVE 100% VISIBILITY TO THE SECOND CAR FROM THE SECONDARY COO.

ISSUE REF	DATE	REV	FINAL PLAN SIGNATURES	DESCRIPTION
BY	03/04/20	1	P.M. G.C. O/O	COMMENTS PER IAN/PCP

PLAN APPROVALS	DATE	BY
SPONSOR (S) (REQUIRED)		
REGIONAL MGR		
COUNTY MGR		
OPERATIONS DEPT		
REAL ESTATE DEPT		
CONTRACTOR		
OWNER		

DETAILED SITE PLAN (DSP-19058)		PLAN SCALE: AS NOTED	
STREET ADDRESS			
8905 STUART LANE			
PARCEL	LOT	STATUS	DATE
G	9	PRELIMINARY	12/23/19
ELECTION DISTRICT		COUNTY	STATE
9		PRINCE GEORGE'S	MD
MCDONALD'S STORE NO.	PLAN DESCRIPTION	PLAN CHECKED	DATE
MB19-0058	SITE DETAILS	AS-BUILT	12/23/19
CAD FILE: X-Tra-MB190508			

5

McDonald's
MULTI-UNIT WASHINGTON REGION
5900 KNOXEDGE DRIVE, SUITE 100
BETHESDA, MD 20817-2343 410-300



BOHLER

1671 MELFORD BLVD., SUITE 310 BOWIE, MD 20715
PHONE: (301) 808-4000 FAX: (301) 809-4501

NICHOLAS SPEACH

PROFESSIONAL ENGINEER
1711 14th Street, Suite 200, Prince George's County, MD 20782
Tel: 410-278-1100 Fax: 410-278-1101



AMENDED
STATEMENT OF JUSTIFICATION
DETAILED SITE PLAN DSP-19058
DEPARTURE FROM PARKING AND LOADING STANDARDS DPLS-467
MCDONALD'S RESTAURANT/8905 STUART LANE, CLINTON, MARYLAND

INTRODUCTION

The applicant for this Detailed Site Plan and Departure from Parking and Loading Standards is McDonald's USA LLC. The owner of the property is McDonald's Corporation. References herein to "McDonald's" shall be intended to refer interchangeably to McDonald's USA LLC or McDonald's Corporation.

The property forming the subject matter of this application comprises approximately 42,326± square feet (0.9716± acres). It is located on the west side of Stuart Lane just south of its intersection with Woodyard Road (MD 223). It has approximately 204 feet of frontage on Stuart Lane and approximately 241.3 linear feet of frontage on Woody Terrace. It is more particularly described as Lot 9 , Block G, Clinton Gardens Subdivision as per plat thereof recorded in Plat Book WWW 75, at Plat 16 and part of Lot 10, Block G, Clinton Gardens Subdivision as per plat thereof recorded among the Land Records of Prince George's County, Maryland in Plat Books WWW 77, Plat No. 88. It may be also found depicted on Tax Map 116, Grid E-3 (the "Property"). The Property is irregular in shape. It is zoned C-S-C. This McDonald's restaurant was originally constructed pursuant to Permit No. 14749-C issue on August 28, 1977 and authorizing the construction of a carryout restaurant on the Property. The restaurant was constructed pursuant to the

issuance of that permit and was opened for business in April of 1971. On February 10, 1977, Permit #173-77-CGU was approved to add a drive-in window to the existing restaurant. At that time, the Property was zoned C-1. In 1978, the Sectional Map Amendment for Planning Area 81A was adopted and the Property was rezoned to the C-S-C Zone. At the time of the original construction of the restaurant, no special exception was required for a restaurant of this nature. Therefore, it was constructed as a restaurant pursuant to a matter of right. Later, on July 1, 1978, CB-27-1978 was enacted. This bill defined fast food restaurants for the first time and required the grant of a special exception for such uses in the C-S-C Zone. The enactment of CB-27-1978 rendered the existing McDonald's restaurant legally nonconforming. In 1982, McDonald's determined to certify the restaurant as legally nonconforming. After a hearing before the Planning Board, this certification was granted pursuant to Permit #3224-82-CGU. A copy of this approved Permit is marked Exhibit "A" and attached hereto.

In 1988, McDonald's determined that it desired to make certain changes to the restaurant. While the restaurant already had a drive-thru window, McDonald's proposed to construct an extended cash booth along the south side of the restaurant. This would allow drive-thru patrons to pay for their order in one location and pick it up at another, thus speeding the overall process. McDonald's also proposed to construct vestibules around entrances to the restaurant and to add an approximate 34 foot

wide and 18 foot deep addition to the front of the restaurant building. This would allow for an increase in interior seating in the restaurant from 78 seats to 105 seats for interior patron seating. In order to authorize these changes, McDonald's filed a special exception application (SE 3884). The special exception was filed in the alternative requesting a fast food restaurant pursuant to then existing Section 27-350 of the Zoning Ordinance or in the alternative, a special exception authorizing an enlargement to a certified nonconforming use, pursuant to Section 27-384 of the Zoning Ordinance. Also, at that time, there were 55 parking spaces on site. The building addition with an enlarged interior seating area would have required 75 parking spaces. McDonald's proposed to provide 57 parking spaces. Thus, a departure of 18 spaces was required. A departure from parking and loading standards (DPLS-76) was also filed. In January of 1989, the Zoning Hearing Examiner approved SE-3884. A copy of the decision of the Zoning Hearing Examiner is marked Exhibit "B" and attached. There were no conditions attached to this approval. A Declaration of Finality also approving SE-3884 was issued by the District Council on February 9, 1989. A copy of this Declaration of Finality is marked Exhibit "C" and attached hereto. On February 23, 1989, the Planning Board approved DPLS-76. A copy of Planning Board Resolution PGCPB No. 89-82 confirming this approval is marked Exhibit "D" and attached hereto. Therefore, as of 1989, the McDonald's restaurant was approved for a major renovation including 105 seats for interior

seating with an authorization to provide only 57 parking spaces. The renovations authorized pursuant to SE-3884 and DPLS-76 were implemented pursuant to the issuance of Permit #2341-1989-CGU. The McDonald's restaurant has operated continuously and uninterruptedly since its construction in 1971.

As can be seen from a review of the Site Plan, Lot 9 has a very odd shape. The northern boundary of Lot 9 angles outward in a northwesterly direction. In this area, in 2006, a permit was processed to allow the construction of a telecommunications monopole 80 feet in height as well as a generator pad. Two permits were apparently issued (16857-2006-02 and 41907-2006). The communications antenna pole, if it was ever added, is no longer in existence. However, what appears to be a shed presumably erected in order to house equipment needed for the telecommunications antenna, was constructed and remains in place on Lot 9.

THE MCDONALD'S RESTAURANT TODAY

Today, the McDonald's restaurant appears much as it did in 1989 at the time of the approval of SE-3884. There are two driveways providing access to the site from Stuart Lane. There is a single driveway providing access from Woody Terrace. In general, the restaurant sits just slightly north of the center of the Property. There is parking along the northern boundary of the Property. The front of the restaurant is oriented towards Stuart Lane and the building is rectangular in shape. There are

parking spaces also located to the south of the building. Handicapped spaces are oriented to the front of the building nearest the northernmost Stuart Lane access driveway. In general, the travel aisles on site are 22 feet in width which would allow for two-way traffic. Cars can enter the site and if they desire to use the existing drive-thru lane, they would orient themselves to the northern side of the building. There, the drive-thru lane can be accessed. Orders are placed and paid for. The orders are picked up at a booth along the south side of the restaurant building. What appears to be the singular on site change relates to some outdoor seating which has been placed in the front of the restaurant. Otherwise, the restaurant today appears to operate in total conformance with the site plan approved in SE-3884.

NEIGHBORHOOD/SURROUNDING USES

As has been described above, the McDonald's restaurant, while oriented toward Stuart Lane, has frontage on both Stuart Lane and Woody Terrace. Immediately north of the McDonald's restaurant is a Shell gas station with convenience store. Immediately north of the Shell gas station is Woodyard Road (MD 223) which runs generally in an east-west direction. Immediately south of the McDonald's restaurant is the Clinton Center Shopping Center which includes a church, a restaurant, a hair salon, a barber shop and a dental office. Immediately east of the McDonald's restaurant and across Stuart Lane is a public parking

lot. Immediately west of the McDonald's restaurant and across Woody Terrace is a commercial enclave which includes a TD Bank, a Goodwill Store with a large parking lot and a Walgreen's Pharmacy. To the north and across Woodyard Road are numerous and varied commercial uses including a Safeway, a Chipotle, a dental office, a Petco store, Five Below, Lowes, Staples, Ruby Tuesday, an Exxon gas station, Dollar Tree, dry cleaning store, AT&T facility, CVS Pharmacy, GNC Nutrition Center, Hallmark store, Sherwin Williams Paint store, a Walmart and an IHOP. These varied and commercial uses are generally located within the Woodyard Crossing Shopping Center. Farther to the south and on both sides of Woody Terrace are single family detached residential uses, some of which are scattered and others of which are located within the Summit Creek residential subdivision. Notwithstanding these residential uses to the south, the area in the immediate vicinity of the McDonald's restaurant may be described as being almost exclusively commercial in nature.

CURRENT DEVELOPMENT PROPOSAL AND NATURE OF REQUEST

McDonald's proposes a number of changes to the existing restaurant. Most significantly will be an approximate 479 sq. ft. building addition to the front of the building to provide for an expanded dining area. While the dining area will be expanded, there will actually be a decrease in authorized patron seats from 105 to 80. The additional dining room area is being requested in order to respond to McDonald's corporate initiative to provide

more space within the dining area for the comfort of customers. This also results in the ability to include more tables to accommodate small groups. The front addition will also allow for upgraded ADA facilities. The existing outdoor patio in the front of the restaurant will be removed to accommodate the front building addition. The front building addition will be approximately 14 feet deep and approximately 35 feet in width.

In addition, a small approximate 56 sq. ft. addition will be added to the southeast corner of the building in order to allow for an additional drive-thru window to facilitate drive-thru service. An approximate 144 sq. ft. building addition is proposed to be added to the north side of the building. This too will facilitate the proposed new drive-thru service which will be implemented at this restaurant.

McDonald's proposes to add a double drive-thru lane. The second drive-thru lane will be parallel to and outside of the existing single drive-thru lane. Cars will enter the double drive-thru at the northeast corner of the building through a single access drive. At that point, the drive-thru will split into two lanes. There will be order boards available for both lanes. As part of this addition, a new island will be installed which will include additional outdoor display menu boards. After placing orders, cars will merge into a single lane to pay for meals at the first drive-thru window and pick up meals at the second drive-thru window.

McDonald's also proposes to change the facade of the

building. Today, the building exists with the McDonald's trademark double mansard roof. This will be changed with the new facade. Elevations depicting the new contemporary look of the restaurant have been filed with this application. Much of the existing brick will remain but will be painted the new corporate grey color. Grey panels will be added which will include a brick pattern. Metal wall panels will be added above brick to create a parapet wall which will cover the old roof and any HVAC equipment which may be mounted on the roof. Some of the parapet wall will implement tasteful EFIS material in a darker gray color. Three "McDonald's" building signs will be installed on the parapet wall. Two of these will be located on the north side of the building and one will be located on the south side of the building. In addition, three of the trademark "M" McDonald's logo will appear at various points on the building.

In addition to the above, there are several other changes which will be implemented and which will have the overall effect of modernizing the restaurant, making it more accessible for handicapped patrons and making the restaurant friendlier for all McDonald's customers. These include the following:

- Restroom redesign. Restrooms are proposed to be relocated from the rear of the store and enlarged in order to provide ADA accessibility and to locate them adjacent to the dining area.
- The area vacated by the restrooms will be converted to storage space.

- Service area modernization to include new front counter, digital menu boards and self order kiosks.
- New dining area finishes and decor, including LED lighting.
- A new kitchen arrangement will be installed.
- The service counter will be moved forward to accommodate McDonald's new kitchen arrangement.

Site access will remain unchanged with two driveways remaining on the Stuart Lane frontage and the single driveway remaining on the Woody Terrace frontage. The front building addition and the addition of the double drive-thru lane will result in an impact to onsite parking. Parking is proposed to be reduced from the current 57 spaces to 41 spaces. This results in the need for a further departure from parking and loading standards which has been filed with this application and which will be discussed in detail below. This is due to the fact that under application of the current parking standards, a total of 73 spaces would be needed. While circulation in general will remain the same, on the north side of the restaurant circulation will be restricted to one way only due to the addition of the double drive-thru. Therefore, cars which enter the site from the northernmost driveway on Stuart Lane will orient themselves in a westerly direction along the north side of the drive-thru lane. From there they will turn south and be able to utilize additional parking spaces located along the southern portion of the Property. The addition of the second drive-thru lane will make the operation of the restaurant even more efficient and will

serve as a further enhancement for customers to use the drive-thru window to order and pick up their menu selections. The orientation of the drive-thru service will remain essentially unchanged.

CONDITIONS OF PRIOR APPROVAL

SE-3884 was approved with no conditions. Similarly, DPLS-76 was also approved with no conditions.

LEGISLATIVE CHANGES

As noted above, the 1989 renovation was approved pursuant to the grant of SE-3884. That special exception approved the renovation of this McDonald's restaurant as a fast food restaurant pursuant to Section 27-350 which existed at that time in the Zoning Ordinance and regulated fast food restaurant special exceptions. The term "fast food restaurant" was a term of art and was defined as a quick service restaurant where prepared food was served ready for consumption on disposable plates, paper wrappers, cups and utensils. Food could be consumed on site or taken off site.

In 2010, the District Council approved legislation designated as CB-19-2010. The stated intent of this legislation was to create a use classification known as an "Eating or Drinking Establishment". The term "Fast Food Restaurant" was proposed to be removed from the Prince George's County Zoning Ordinance as were all provisions in the Ordinance relating to the

approval and revision of fast food restaurant special exceptions. Undersigned counsel, on behalf of McDonald's, participated in the legislative process surrounding CB-19-2010. McDonald's offered specific amendments to that legislation in order to avoid having all of its restaurants which were approved pursuant to special exceptions become legal nonconforming uses. In addition, through counsel, McDonald's argued successfully that the provisions relating to renovations and revisions to validly approved special exceptions for their restaurants should remain in the Zoning Ordinance and should apply to their restaurants. Therefore, when CB-19-2010 (Draft 3) was ultimately enacted by the District Council on June 8, 2010, it contained footnotes relating to restaurants constructed in both the commercial and industrial zones. In commercial zones, and in particular in the C-S-C Zone, eating or drinking establishments with drive-thru service were permitted subject to the provisions of Footnote 24. In pertinent part, Footnote 24 provides as follows:

"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."

Therefore, pursuant to the provisions of Footnote 24, this McDonald's Restaurant could utilize the existing provisions relating to modifications to special exceptions generally, and fast-food restaurants specifically, set forth in the Zoning

Ordinance as opposed to filing a detailed site plan as is normally now required for eating or drinking establishments subsequent to the enactment of CB-19-2010. However, in this instance, McDonald's elects to use the provisions of CB-19-2010 and to implement the detailed site plan process to authorize the changes being proposed.

**CONFORMANCE WITH APPLICABLE ZONING ORDINANCE PROVISIONS
FOR DETAILED SITE PLANS**

As noted above, pursuant to the provisions of CB-19-2010, the changes being proposed can be approved as part of a detailed site plan which would also change the status of the restaurant from a fast food restaurant approved pursuant to a special exception to an eating and drinking establishment. Detailed site plans are governed pursuant to the provisions of Section 27-281 et seq. of the Zoning Ordinance.

The submittal requirements for the Detailed Site Plan itself are set forth in Section 27-282(e) of the Zoning Ordinance. The plan and submittal documents conform to each of these requirements.

The General Purposes for detailed site plans are set forth in Section 27-281(b) of the Zoning Ordinance. An analysis of the General Purposes follows:

- (A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;

When this restaurant was approved for a major revision in

1989, the Clinton/Tanglewood Master Plan was in effect. That Master Plan recommends commercial use for the Property. Further, when the Sectional Map Amendment for Clinton/Tanglewood was adopted subsequent to the adoption of the Master Plan, the Property was placed in the C-S-C Zone thus allowing a fast food restaurant as a special exception. During the review and approval of SE-3884, findings were made by the staff, the Planning Board and the Zoning Hearing Examiner that the continued use of the Property as a fast food restaurant would not impair the integrity of the Master Plan which had recognized the existing restaurant on the Property as legally nonconforming and accordingly had placed the Property in the C-S-C Zone in order to reflect that use which had been in existence for many years.

The Property is now subject to the provisions of the Central Branch Avenue Corridor Revitalization Sector Plan, which was adopted by the District Council pursuant to CR-24-2013 on April 2, 2013. This Sector Plan continues to recommend retail commercial use for the Property (see Map 43, Corridorwide Future Land Use Map, page 112 of text document). The McDonald's eating and drinking establishment is a use permitted as a matter of right in the Commercial Shopping Center Zone subject to the approval of a Detailed Site Plan. This is exactly the type of use envisioned to be permitted in a retail commercial zoning classification. Therefore, the continued use of the Property for a McDonald's restaurant, which is permitted in the C-S-C Zone is in conformance with the Sector Plan and does not impair its recommendations.

In addition, General Plan 2035 places the Property within the Established Communities Growth Policy Area. This is depicted on the Growth Policy Map appearing on page 18 of General Plan 2035. In addition, the future land use map (Map 10 found on page 101 of the text) continues to recommend the Property to be developed with commercial uses. A note appearing on Map 10 indicates that the land use designations appearing thereon are in conformance with approved Sector and Master Plan recommendations. Therefore, the continued use of the Property for a McDonald's restaurant is also consistent with the recommendations of General Plan 2035.

(B) To help fulfill the purposes of the zone in which the land is located;

The purposes of the C-S-C Zone are set forth in Section 27-454(a) of the Zoning Ordinances. Those purposes are as follows:

- (A) To provide locations for predominantly retail commercial shopping facilities;**
- (B) To provide locations for compatible institutional, recreational and service uses;**
- (C) To exclude uses incompatible with general retail shopping centers and institutions; and**
- (D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.**

An eating and drinking establishment with drive-thru service is expressly permitted as a matter of right in the C-S-C Zone pursuant to the approval of a detailed site plan. Further, the use has already been approved as a fast food restaurant pursuant to the grant of a special exception. Clearly, this use being located on property zoned C-S-C and within a predominantly

commercial area, is consistent with uses found within retail commercial shopping center facilities. Further, it provides a needed and desired service for residents and workers in the area. It also is not incompatible with uses found generally in shopping centers. Therefore, the proposal to modernize and continue the use of the Property with a McDonald's restaurant certainly conforms to the purposes of the C-S-C Zone.

(C) To provide for development in accordance with the site design guidelines established in this Division; and

As can be seen from a review of the Site Plan filed with this application, the Site Design Guidelines set forth in the Zoning Ordinance are in general being adhered to in the layout and design of the restaurant. McDonald's does seek to provide fewer parking spaces than would normally be required. In order to seek authorization to do this, a Departure from Parking and Loading Standards application is being filed with this Detailed Site Plan application. If that Departure is approved, then the site will be fully in conformance with all Zoning Ordinance site design guidelines.

(D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.

The approval procedures for detailed site plans are clearly set forth in the Zoning Ordinance. They are easily understood and consistent.

Section 27-281(c) sets forth the Specific Purposes of detailed

site plans. These Specific Purposes are as follows:

- (A) **To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site.**

It is important to bear in mind that this restaurant is already constructed and has been operational for many years. The Site Plan continues to show the specific location and delineation of the existing restaurant building, access points, parking, circulation, signage and green areas. Other features including site lighting and drive-thru lane directional controls and locations are also expressly shown.

- (B) **To show specific grading, planting, sediment control, woodland conservation areas, regulated environmental features and storm water management features proposed for the site;**

Since no new impervious area is being created, prior approvals for grading, planting, sediment control and conservation have previously been determined and continue to be conformed with. A new concept SWM plan has been approved and has been filed with this application.

- (C) **To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and**

No recreational facilities are proposed as this is a strictly commercial use. However, architectural form is shown. One of the principal reasons for the renovation is to establish a new architectural facade for the building which is contemporary and attractive. There will be no street furniture although lighting will remain as existing.

- (D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.

This provision is inapplicable as this is an existing building which is being renovated. Any requirements imposed by Prince George's County or the Maryland-National Capital Park and Planning Commission as part of the approval of this Detailed Site Plan or the issuance of permits will be complied with.

Before approving a detailed site plan, there are certain required findings which must be made. These are set forth in Section 27-285(b) of the Zoning Ordinance. The required findings are as follows:

- (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. If it cannot make these findings, the Planning Board may disapprove the Plan.

As has been discussed previously, this is an existing restaurant which has operated successfully for many years. Site design guidelines were reviewed at the time of the major renovation in 1989. It was determined at that time that the layout being proposed was acceptable and conformed to Zoning Ordinance and Master Plan requirements. The changes being proposed today will result in a more modern and efficient building which will be more friendly to consumers. As has been discussed, handicap accessibility is being improved. The addition of the double drive-thru results in more efficient

business operations for the restaurant. The changes to the building facade will make the restaurant more aesthetically appealing and more contemporary. Therefore, McDonald's submits that the changes being requested satisfy site design guidelines without requiring unreasonable costs and without detracting from the purpose of the use.

- (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);

This section is inapplicable as no Conceptual Site Plan was required.

- (3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it find 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.

This criterion is inapplicable.

- (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).

This restaurant was constructed many years ago. There are no regulated environmental features which are required to be preserved or restored pursuant to this revision.

DEPARTURE FROM PARKING AND LOADING STANDARDS

As noted above, McDonald's plans to implement its double drive-thru ordering system at this location. This change is,

from a functional standpoint, very important as patrons have shown an increasing desire to use drive-thru lanes as opposed to parking and eating in the restaurant. The new double drive-thru system incorporates the existing drive-thru lane at this restaurant. The existing drive-thru originates near the northeast corner of the restaurant building. As patrons enter the drive-thru at the north side of the building, there will be two menu and order boards for patrons to place their food orders. The double drive-thru lanes are separated by an island which also includes the double drive-thru gateway menu board and radio controlled ordering system. Once orders are placed, the cars merge once again into a single lane and proceed to the west side of the building and then to the south side of the building where orders will be paid for. Patrons will then proceed to the second drive-thru window also located on the south side of the building where they will pick up orders. The effect of the double drive-thru system is to allow for greater efficiency within the kitchen area of the restaurant. Simply stated, more orders can be filled in a given time since more orders are being taken and prepared. This reduces time spent in the drive-thru lane and reduces queues. Studies at restaurants where new double drive-thru systems have been installed have demonstrated an ability to reduce by as much as two minutes a typical wait time within the drive-thru lane from the time of entry.

In 1989 when the last revision to this restaurant was reviewed and approved pursuant to SE-3884, a Departure from Parking and Loading Standards (DPLS-76) was also reviewed and

approved by the Planning Board. At that time, the applicant was proposing to have 105 seats for patrons inside the restaurant. This necessitated a total of 75 parking spaces. At that time, McDonald's was proposing to provide 57 spaces and a departure of 18 spaces was approved.

Today, McDonald's is proposing to add a front addition to the building which would allow for a total of 80 seats inside the restaurant. This would generate a requirement for 73 parking spaces. McDonald's is proposing to provide 41 parking spaces. Therefore, a departure for 32 spaces is being requested.

CONFORMANCE WITH ZONING ORDINANCE PROVISIONS

Section 27-588(b) (7) sets forth the required findings which must be made in order to grant a requested departure from off street parking and loading requirements. These findings require that in order for the Planning Board to grant a departure, it shall make the following findings:

Section 27-588(7) Required Findings:

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

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

Section 27-550 Purposes.

(a) The purposes of this Part are:

(1) To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to

serve the parking and loading needs of all persons associated with the buildings and uses;

McDonald's submits that 41 spaces will be more than adequate parking for McDonald's customers. As previously noted, McDonald's has seen a marked increase in the number of customers utilizing the drive-thru service. McDonald's' "double drive-thru" will create additional capacity to handle the surge in demand from drive-thru customers. The demand for drive-thru service diminishes the amount of parking needed on site as larger percentages of customers order from their vehicles and avoid parking.

As noted above, presently this McDonald's restaurant is authorized to operate with 105 seats inside the restaurant. An actual reduction to 80 interior seats is being proposed resulting in a requirement for a total of 73 parking spaces. McDonald's desires to increase the size of the dining area to provide for a more relaxed atmosphere for patrons who have determined to dine inside.

While a total of 73 parking spaces would be required under application of Zoning Ordinance provisions, the reality is that while the existing McDonald's constitutes a vibrant business enterprise which is supported by the public, even the parking spaces which are required today are not needed.

The required number of onsite parking spaces are computed pursuant to a formula set forth in the Zoning Ordinance. The formula for computing required parking does not take into account

any reduced parking demand as a result of having a drive-thru window. As long as 25 years ago, McDonald's had commissioned independent studies to determine the impact of drive-thru windows on restaurant operations and parking needs. Actual parking utilization observations, conducted both before and after the installation of a drive-thru window at McDonald's restaurants, revealed that the installation of the drive-thru window reduced the need for parking by anywhere from 40 to 60 percent. That number has continued to increase. This McDonald's restaurant is no different. Individual McDonald's restaurants can obviously track their total sales. In addition, the sales can be divided between drive-thru transactions and transactions occurring inside the restaurant. When applying these numbers to the overall sales figures, a determination can be made as to the percentage of business which is transacted through the drive-thru window. The operator of the McDonald's restaurant at 8905 Stuart Lane has applied this formula and has determined that 61 percent of all sales presently occur through the single drive-thru window.

McDonald's anticipates that this number will grow even higher given the unique side-by-side drive-thru concept which is being introduced at this restaurant. Internal McDonald's studies have shown that the Double Drive-Thru window concept, with its tandem side-by-side driveways and dual ordering system reduces time spent in the drive-thru process by approximately two minutes. Thus, more transactions than ever before can be accommodated through the drive-thru window. The reduction in waiting time makes utilization of the drive-thru service even

more attractive. McDonald's has also determined, through its own studies, that the turnover rate for an individual party dining in the restaurant is typically three groups/customers per hour. In other words, it is normally anticipated that a party dining in the restaurant will place their orders, consume their food on the premises and leave within approximately twenty minutes. Based upon this formula, three in-store transactions are "turned over" within one hour.

McDonald's has engaged the services of an independent traffic engineer, Lenhart Traffic Consulting, Inc., to analyze parking need at the existing restaurant at 8905 Stuart Lane. Lenhart Traffic Consulting analyzed parking need based on two separate methodologies. First, Lenhart took actual parking space counts on two days in September. These were September 10, 2019 (a Tuesday) and September 14, 2019 (a Saturday). Lenhart took actual counts of all parking spaces being utilized on site at 15-minute intervals starting at 8 AM and ending at 7:45 PM on both days. On Tuesday, September 10, 2019, the maximum parking space utilization was 24 spaces. This occurred during only one observation period at 6:15 PM. At only five observation times on that day, were as many as 20 parking spaces utilized. For the most part, parking space utilization was somewhere between 10 and 19 parking spaces. Similarly, on Saturday, September 14, 2019, the maximum parking space utilization was 31 spaces. Again, that occurred only during a single observation period at 10:15 AM. On Saturday, as might be expected, maximum parking space utilization occurred between 10 AM and 1 PM, hours often associated with

lunch time. At other times on Saturday, parking space utilization generally was between 10 and 20 parking spaces. Since this parking space utilization was based upon the current operations at the restaurant, Lenhart added in the proposed new increase in square footage of the building. McDonald's submits this was not even necessary given the fact that interior patron seating is not being increased. However, even factoring in the increased square footage, Lenhart determined a maximum peak demand would be 29 spaces on a weekday and 37 spaces on a Saturday. Since a total of 41 spaces are being provided, more than sufficient parking will exist on site to accommodate parking needs.

Lenhart also utilized the formulas contained in the ITE Parking Generation Manual, 5th Edition. Based upon application of that Manual, even with the expansion of the restaurant square footage, a maximum parking need during a weekday would be 36 spaces and a maximum parking need on a weekend (Saturday) would be 38 parking spaces. This leads to the inescapable conclusion that more than sufficient parking is proposed to be provided after the renovation. A copy of the Lenhart Traffic Consulting report has been filed with this application.

(2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points

There is no on street parking allowed on either Stuart Lane or Woody Terrace. There is, however, public off street parking

allowed in a parking lot directly across Stuart Lane from the McDonald's restaurant. This McDonald's restaurant presently has two access points along Stuart Lane and one along Woody Terrace. These access drives will be maintained and no additional access is proposed. The fact of the matter is that the 41 parking spaces proposed to be offered for customers on site will be more than sufficient to satisfy all parking needs. Therefore, notwithstanding the fact that no parking is allowed along Stuart Lane or Woody Terrace, there will be no need for parking on public streets given the fact that 41 spaces are more than sufficient to satisfy on-site parking demands. This was confirmed by empirical observations as set forth in the parking analysis memorandum prepared by Lenhart Traffic Consulting, Inc. In addition, as previously noted, many customers will avoid parking and will instead use the "double drive-thru system" which the applicant is proposing to install. This will have a further ameliorative effect on the need for onsite parking. The "double drive-thru system" allows more patrons to be served in the drive-thru lane than under the current situation. This faster service time encourages patrons to use the drive-thru as opposed to parking and coming in to the restaurant to dine.

(3) To protect the residential character of residential areas; and

The Property will not have a negative impact on any residential areas. As can be seen from the site plan, commercially zoned property surrounds the McDonald's site.

Further, McDonald's has been in continuous operation at this site since 1971 (49 years) and has been a very good neighbor throughout that time.

(4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District

The parking proposed to be provided is very convenient and most likely more than needed given the large number of customers who now use the drive thru service to purchase their meals. As can be seen from a review of the Site Plan, parking spaces are conveniently located on site. Patrons can enter the parking lot and safely pull into one of the parking spaces. From that point, it is a short walk to one of the entrance doors to the restaurant if patrons desire to order and consume their meals inside.

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

McDonald's corporate policy is to equip as many of its restaurants as possible with the double drive-thru system to meet the changing needs of its customer base. In order to create space for the extra drive thru lane McDonald's is losing parking spaces along the northern portion of the Property. McDonald's has seen a large percentage of its business shift from customers that eat in the store to customers that order and purchase using the drive thru. This percentage will likely continue to increase given the modernization of the double drive-thru which in turn further diminishes the need for parking spaces.

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

As has been explained above, an increasing number of customers desire to order in their car and pull out of the site. Since approximately 1975, a drive-thru lane has been in existence at this restaurant and has served numerous customers. Even today, the impact of the drive-thru lane is to substantially reduce the need for onsite parking. As the parking study submitted in support of this application clearly demonstrates, 24 spaces represent the maximum number of spaces being utilized at any time during the observation period on a weekday and three spaces represent the maximum number of spaces utilized during just 31 15 minute interval on a Saturday. The addition of a second drive thru lane will substantially increase the efficiency of that operation and will further reduce the need for parking onsite. McDonald's submits this alone is a circumstance which is special to the McDonald's restaurant use at this location. In other words, the addition of a double drive thru is in itself a special circumstance at this site. A further unique circumstance which presents itself in this case is the substantial commercial concentration which is clustered in close proximity to the restaurant site. Many workers are in close proximity to the site. This affords patrons the opportunity to walk to this McDonald's restaurant. It is not unusual for patrons to also

walk from nearby businesses to the McDonald's restaurant. Reference to the zoning map (Exhibit "E") and the aerial photograph (Exhibit "F") confirms the high density commercial population which exists in close proximity to the southern boundary of the McDonald's site. Patrons can be observed regularly walking to the restaurant from these commercial uses. In addition, hundreds of residences are also within walking distance of this McDonald's restaurant. Finally, two bus stops, as well as the Clinton Kiss N Ride parking lot directly abut the McDonald's site. (See photographs marked Exhibits G-1 thru G-4) which also contributes to pedestrian traffic using the restaurant. These circumstances are special to the McDonald's restaurant at this location and they also serve to alleviate the need for all required parking spaces.

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

All methods for calculating the number of spaces have been used.

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

As previously discussed, the Property is located in a commercial enclave enclosed by roads. A large commercial shopping center is located to the north across Woodyard Road. There are no residential areas in close proximity which would

likely be impacted.

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

This is not applicable.

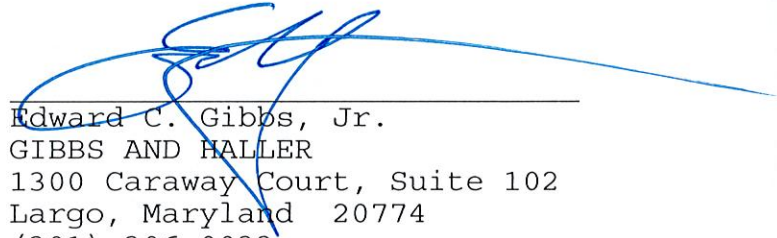
(iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.

A public parking facility is located directly across Stuart Lane from the Property.

CONCLUSION

In view of all the above, McDonald's submits that all relevant criteria for the approval of both the Detailed Site Plan application and Departure from Parking and Loading Standards application are met and satisfied.

Respectfully submitted,



Edward C. Gibbs, Jr.
GIBBS AND HALLER
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033
Attorney for Applicant

LOCATION OF WORK: 8905 STUART
SUBDIVISION: CLINTON GARDENS
LOT: 9 BLOCK: G SEC: 00 PLAT: A09-7526
PARCEL: SMA: 81A TMAP: 0116

OWNERSHIP: PRIVATE
ELECT DT: 09
GRID: E-3
PETITION#: A7
REC PLAT: 75-16
CLINTON 20735
ZONE: CSC

LIBER: 4034 FOLIO:
LAND ACCT #: 85489
PETITION DT: 5/02
BASE MAP: 212SE

PROP OWNER: WALLENS, HERBERT & BURTON
C/O MCDONALD CORP

OCCUPANT: CHICAGO, IL 60666
MCDONALD'S CORP
8905 STUART
CLINTON, MD 20735

301-868-7777
301-868-7777

CONTRACTOR: TO BE SELECTED
M.N.C.P.P.C. S. Lotter
APPROVED 11-24-82
PERMIT #3274-82-COU-O.R per nonconforming case #3274-82CG

TYPE OF APPLICATION
COMMERCIAL--ADDITION
GRADING
USE & OCCUPANCY--NEW CONST.

PROPOSED USE
PATIO/OPEN
PLAY LOT/TOT LOT
RESTAURANT FAST FOOD *nonconforming*

EXISTING OR : PARKING LOT
FORMER USE
WORK DESCRIP: PATIO/OPEN

HEIGHT FT: 0
WIDTH FT: 0
DEPTH FT: 0
NO STORIES: 0
#DWELL UNT: 0
TYPE CONST: _____
SCD : _____
EST COST \$: 2,500

TOTAL VOLUME : 1
TOTAL SITE AREA: 1,600
GRADED AREA : 1,600
OCCUPANCY LOAD : _____
LIVE LOAD : _____
USE GROUP : _____
SPEC EXCEPT : *N-C*

TYPE OF:
SEWER: WSSC
WATER: WSSC
TRASH: PICK-UP
HEAT: N/A

NO. OF:
PARKING SPC: 65
ROOMS : 0
BEDROOMS : 0
BATHS : 0
BASEMENT : _____
SITE CERT : _____
STRUCT. TEST : _____

NON-RES KITCHEN: YES
ELECTRICITY: YES-PEPCO
CENTRAL A/C: N/A
ELEVATOR : N/A
EST. INTERIOR BOILER : N/A

NOTE: APPROVAL IS BASED ON THE SITE PLAN & USE AS SHOWN. ANY INTERIOR PARTITIONING OF ORIGINAL BUILDING WILL BE SUBJECT TO ADDITIONAL PARKING AND/OR LOADING SPACES.

STRUCTURE DECLARED UNFIT UNSAFE OR CONDEMNED: NO

I HEREBY CERTIFY THAT I HAVE AUTHORITY OF THE OWNER TO MAKE THIS APPLICATION, THAT THE INFORMATION IS COMPLETE AND CORRECT, AND THAT IF A PERMIT IS ISSUED THE CONSTRUCTION AND/OR USE WILL CONFORM TO THE BUILDING CODE, THE ZONING ORDINANCE AND OTHER APPLICABLE LAWS AND REGULATIONS INCLUDING PRIVATE BUILDING RESTRICTIONS, IF ANY, WHICH RELATE TO THE PROPERTY.

Tony Ruggiero
SAG. OF OWNER OR AGENT, ADDRESS: 3015 Williams Dr. Fairfax Va. 22031
CITY, ST AND ZIP CODE TELEPHONE NO DATE: 703 698 4027 11/9/82

THE FOLLOWING REVIEWING AGENCY ENDORSEMENTS ARE REQUIRED.
PLEASE GIVE AGENCY APPROVAL OR DENIAL, DATE, CONTROL NO. AND SIGNATURE OF REVIEWER ON THE REVERSE SIDE.

NOTE--ALL CORRESPONDENCE TO: ***

BLD ENGR: TRN
MNCPPC : YES
WSSC : NO
PW + T : TRN
HEALTH : TRN
FIRE : TRN
PROP STD : NO
BUS STD : NO

TLC *[Signature]* 11/09/82

ACCEPTED FOR DATE

Exhibit "A"

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

SPECIAL EXCEPTION

3884

DECISION

January 9, 1989

Application: Fast Food Resturant
Applicant: McDonald's Corporation
Opposition: None
Hearing Date: December 9, 1988
Hearing Examiner: Barry S. Cramp
Disposition: Approval

NATURE OF REQUEST

McDonald's Corporation is seeking to obtain a fast-food restaurant special exception, or in the alternative, the expansion of a nonconforming use. At the public hearing, the applicant abandoned its request for expansion of a nonconforming use. The application was heard fully on December 9, 1988, except for the Planning Board's Resolution which was received during recess of the case and an affidavit of posting received on the same day. The case was taken under advisement on December 13, 1988.

FINDINGS OF FACT

(1) The Staff reviewed the application and visited the property prior to the public hearing and found that the property was improved with a McDonald's fast-food restaurant. The location of the property is at Stuart Lane which intersects with Woodyard Road just west of Branch Avenue.

(2) The subject property is zoned C-S-C and adjoins land to the south also zoned C-S-C and improved with a small shopping center, C-S-C zoning to the west improved by the Parkwood Hospital and C-S-C zoning to the north which is improved with a filling station. C-S-C zoned land is located across Stuart Lane at the intersection of Woodyard Road where Roy Rogers is located and immediately south and opposite the subject property is undeveloped R-80 zoned land. The neighborhood of the subject property is the area bounded by Woodyard Road, Branch Avenue and Wade Avenue to the south and Pine View Lane to the west. The character of this neighborhood is defined by the staff as follows:

"Within the neighborhood and fronting on the south side of Woodyard Road is a Roy Roger's (sic) fast-food restaurant, a Shell gas station, the Parkwood Hospital and Loyola Federal Bank. To the immediate west and south of the subject property are other retail-commercial uses including the Clinton Center which includes an office equipment company, an Italian restaurant, a hair stylist, a jewelry store, a nursing services facility and a dental office. To the south of this retail enclave is property which is zoned R-80 and which is primarily improved with single-family detached residences. The north side of Woodyard Road west of Branch Avenue is overwhelmingly commercial in nature." (Exh. 17 pg.4)

(3) The Staff reviewed the site plan (Exh. 3a) and found it to be in need of amendment as to the width of the parking spaces for physically handicapped persons and as to the location of a free-standing sign within the ten feet wide strip of land immediately adjacent to the right-of-way of Stuart Lane. The site plan was not amended after the Staff prepared its report and the applicant is asking that we approve the site plan as filed.

(4) The site plan shows that there is a deficiency as far as the number of parking spaces and the loading requirements. There is a application pending for approval of this departure from the parking/loading requirements of the Zoning Ordinance.

(5) A revised landscape plan was submitted to show the additional plant materials required by the Staff which are to be located in the landscape area between the subject property and the property across Stuart Lane in the R-80 Zone. (See Exh. 18) This landscape plan is approved in the granting of this special exception.

(6) The Staff reviewed the application in light of the requirements in Section 27-350 of the Zoning Ordinance and found as follows:

"Section 27-350 - Fast-food Restaurant:

- "1. All proposed buildings, structures and outdoor facilities (including vehicle parking) shall be located at least 200 feet from the nearest property line of land in any residential zone, or land proposed to be used for residential purposes in a Comprehensive Design, Mixed Use or Planned Community Zone. The District Council may reduce the setback requirement when screening, landscaping, topography or other conditions make it unnecessary to require it.

"Comment: To the southeast of the subject property across Stuart Lane, is undeveloped property in the R-80 Zone.

McDonald's submits that this is a proper case in which to waive the 200-foot setback requirement. The restaurant has been in existence for 18 years at this location, and the setback was not required when the use was built. The Urban Design Staff has recommended additional landscaping on-site to enhance the compatibility with the residentially-zoned land. We concur with the Urban Designer and recommend that the Landscape Plan be amended to show additional landscape materials within the ten-foot landscape strip abutting Stuart Lane. The Landscape Plan should be approved by the Planning Board or its Designee prior to the issuance of building permits to assure that the plant materials provided are of sufficient size and height.

"2. A rack for at least six bicycles shall be provided on the premises, unless the applicant demonstrates to the satisfaction of the District Council that the requirement is inappropriate because of the location or nature of the establishment.

"Comment: A bicycle rack is shown on the site plan.

"3. The use will not restrict the availability or upset the balance of land use for other commercial uses.

"Comment: Renovation of the existing restaurant will not adversely affect the balance of land use or the availability of land for commercial uses within the area. The area of the property is not being increased; the change is within the existing site. There is land in all four quadrants of the Branch Avenue/Woodyard Road intersection that is available for other commercial use.

"4. Special consideration shall be given to advertisement, outdoor display, outdoor activity, lighting, hours of operation and other aspects of the proposed operation to ensure that the health, safety and general welfare of the community will be protected.

"Comment: Advertisements, outdoor display, outdoor activity and lighting will remain essentially the same. The lighting is proposed to be sufficient to ensure good and safe visibility while at the same time not disturbing adjoining properties. Since the restaurant is in a commercial area and the residentially-zoned land across Stuart Lane is undeveloped, the staff is not suggesting restricting hours of operation.

"However, the existing sign is located less than ten feet from the ultimate right-of-way line for Stuart Lane. The sign must be relocated or a Departure From Sign Design Standards must be approved. There does not appear to be any reason why the sign cannot be relocated ten feet from the right-of-way. According to the site plan, new paving will be

placed around the sign area. The sign can be relocated before the paving is completed. Therefore, we recommend that the site plan be revised to relocate the sign.

"Section 27-568 - Parking Requirements:

Drive-in or fast-food restaurants require one parking space for every three seats, plus one space for each 50 square feet of gross floor area (excluding patron seating areas, storage areas, and exterior patron service area).

"The subject use requires 75 parking spaces:

$$\begin{array}{r} 1,994 \text{ square feet}/50 \text{ square feet} = 40 \text{ spaces} \\ 105 \text{ seats}/3 \qquad \qquad \qquad = 35 \text{ spaces} \\ \hline 75 \text{ Total} \end{array}$$

"A total of 57 parking spaces are proposed on the site plan. This number is less than the 65 spaces currently on the site. The applicant has filed an application for a Departure from Parking and Loading Spaces. The staff has not reviewed the justification for the reduction in parking spaces, therefore, no recommendation is made regarding the departure requested. A departure must be approved before the site plan can be approved. Further, the site plan should be amended to show the parking spaces for the physically handicapped at 13' x 19' rather than 12' x 19'." (Staff Report, pg. 5 - 7)

(7) As we see from Staff's evaluation of the application relative to Section 27-350, the sign that is located in the first ten feet from the right-of-way from Stuart Lane does not comply literally with the requirements of the Zoning Ordinance nor does the application apply with all the parking and loading requirements.

CONCLUSIONS

(1) The application is for a fast-food restaurant at a location on which exists a fast-food restaurant. The applicant wishes to expand the seating area and service area of the existing facility and will be slightly increasing the capacity of the restaurant. No new use is being added nor is there any impingement upon residential zoned land that doesn't already exist or has not been ameliorated by additional landscaping. Staff is correct in recommending that the setback of 200 feet from any residentially zoned land be waived and the applicant has provided for screening which would ameliorate the adverse effects that would result from development of the subject property across from residentially zoned land. The applicant has provided the required handicapped parking spaces which is not, of course, as the Staff recommended 13' x 19' but it does comply with the State and County requirements so there is no need to amend the site plan to provide otherwise. Also, since the existing sign is in the ten-foot restricted area in front of the property, and has been for some

time, we feel it is not necessary to relocate this sign unless it is required by the Sign Ordinance. This sign may remain where it is or at whatever other location it will be required to be located to comply with other provisions of the Zoning Ordinance.

(2) We find the uses of the property for a fast-food restaurant is in conformance with the Master Plan which recommends commercial zoning for the subject property and will not impair the Plan's overall land use scheme for the planning area. The use is one in harmony with the purposes of the Zoning Ordinance and is certainly not going to be detrimental to the adjoining properties or be adverse in any to the health, safety or welfare of residents or workers in the area inasmuch as the use has been ongoing for many years and the impact from this use has apparently not had any adverse affect on anybody.

DISPOSITION

Approval of S.E. 3884. The Site Plan is Exhibit 3a.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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


S. E. 3884 (McDonald's Corporation)

DECLARATION OF FINALITY OF THE ZONING HEARING EXAMINER'S DECISION

The decision of the Zoning Hearing Examiner in this case was filed with the District Council of Prince George's County, Maryland, on January 9, 1989. A copy of the decision was sent to all parties of record on that date. Since no appeal of that decision was filed with the District Council by any person of record or the People's Zoning Counsel, and since the District Council did not elect to make the final decision, the decision of the Zoning Hearing Examiner became final and effective on February 9, 1989, in accordance with the provisions of Section 27-312 of the Zoning Ordinance of Prince George's County, Maryland.

CERTIFICATE OF SERVICE

This is to certify that on February 13, 1989, this notice was mailed, postage prepaid, to all persons of record.



Jean M. Schmuhl, CMC
Clerk of the Council

(6/85)

0001 1 031



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
952-3281

March 17, 1989

Edward C. Gibbs
6411 Ivy Lane, Suite 600
Greenbelt, MD 20770



Re: DPLS 76

Dear Applicant:

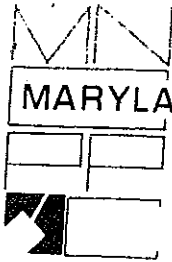
Enclosed is a copy of a Resolution adopted by the Prince George's County Planning Board concerning the above-captioned application. This action of the Planning Board has now been officially transmitted to the District Council.

- (x) The Planning Board's decision will become final 30 calendar days after the date of this notice, unless within the 30 days:
 - (1) Written appeal has been filed with the District Council by the applicant or any person of record in the case; or
 - (2) Within the 30 days, the District Council decides, on its own motion, to review the action of the Planning Board.
- () The Planning Board's decision will become final 30 calendar days after the date of this notice unless a written appeal has been filed with the District Council by the applicant or any person of record in the case.
- () This major change to a special exception site plan application is being transmitted to the District Council for appropriate action.
- () A copy of the site plan and/or resolution are(is) being transmitted to the District Council for appropriate action.
- (x) Please direct any future communications, inquiries or appeals regarding this matter to: Mrs. Jean Schmuhl, Clerk of the Council at the above address.

Very truly yours,


Dale C. Hutchison, Chief 
Zoning Division

cc: Jean M. Schmuhl
Zoning Enforcement
Eugene Lauer, Director, Dept. of Environmental Resources
Persons of Record



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

PGCPB No. 89-82

File No. DPLS-76

Prince George's County Departure from Parking and Loading Space Standards
Application No. 76

Applicant: McDonald's Corporation, Applicant
Herbert Wallens and Burton Wallens, Owners
Edward C. Gibbs, Jr., Correspondent

Location: The subject property is located on the west side of Stuart
Lane, approximately 150 feet south of Woodyard Road

Request: A departure of 18 parking spaces in accordance with Section
27-588 of the Zoning Ordinance

R E S O L U T I O N

WHEREAS, the applicant is requesting a departure of 18 parking
spaces; and

WHEREAS, the advertisement of the public hearing was posted on the
property in accordance with the adopted Rules of Procedure of the Prince
George's County Planning Board; and

WHEREAS, the Technical Staff Report released February 13, 1989,
recommends Approval; and

WHEREAS, after consideration of the Technical Staff Report and
testimony at its regular meeting on February 23, 1989, the Prince George's
County Planning Board agreed with the staff recommendation and adopted the
staff analysis and recommendation as its own.

NOW, THEREFORE, BE IT RESOLVED, that Departure from Parking and
Loading Space Standards No. 76 is hereby APPROVED based on the following
DETERMINATIONS:

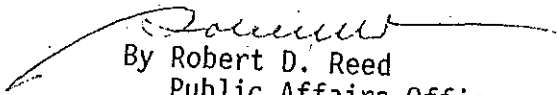
1. The parking generation study shows that the 57 spaces will
adequately serve the parking demand for the restaurant;
2. The use will not generate parking that will adversely affect the
adjacent residentially-zoned land; and
3. The departure of 18 parking spaces is the minimum necessary
given the specific circumstances of the request.

The site plan is Exhibit No. 3.

* * * * *

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Botts, seconded by Commissioner Dabney, with Commissioners Botts, Dabney, Yewell and Rhoads voting in favor of the motion and with Commissioner Wootten abstaining at its regular meeting held on Thursday, February 23, 1989, in Upper Marlboro, Maryland.

John F. Downs, Jr.
Executive Director


By Robert D. Reed
Public Affairs Officer

JFD:RDR:DC:fvh

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPFC Legal Department

Date 3/13/89

APPLICATION FOR SPECIAL EXCEPTION
Prince George's County, Md.

TO BE FILED IN TRIPLICATE

PRINCE GEORGE'S COUNTY COUNCIL
 COUNTY ADMINISTRATION BUILDING
 UPPER MARLBORO, MARYLAND

DO NOT WRITE IN THIS SPACE

Special Exception No. S.E. 3884
 Zoning Map No. 212 SE 6R
 Planning Area 81A
 Filing Fee \$500.00 + Posting \$30.00
 Paid By Edward C. Gibbs
 Checked By M.A.M. & U.J.
 Filing Date 8-30-88

I/We McDonald's Corporation (Applicant)

hereby make application for permission to use for the purpose of ~~fast-food-restaurant/~~
 expansion of non-conforming ~~MM~~ use
 (intended use)

in accordance with Section(s) 27-350, 27-384, 27-317 of the Zoning Ordinance.
 Is this application filed at the direction of the Zoning Enforcement Office? Yes..... NoX...

DESCRIPTION OF PROPERTY

8509 ~~St~~ Stuart Lane, Clinton, MD
 Address, if any
 9 & 10 G
 9 & 10 Block
 9 Election District
 42,324 sq. ft.
 Total Area (Ac/SqFt)
 16 Block
 116 Tax Map
 N/A Parcel
 4122 Liber
 490 Folio
 West side of Stuart Lane just south of its intersection with Piscataway Road
 Location of Property

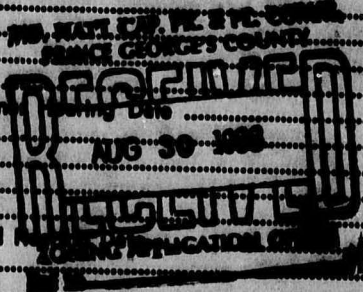
Currently Zoned C-S-C

HERBERT WALLINS 800 N.E. 190TH ST. N MIAMI BCH, FL 33179 Herbert Wallens
 Name Address Owner's Signature
 Herbert Wallens
 Burton Wallens 161 Rollingwood Williamsville, N.Y. 17221 Burton Wallens
 Name Address Owner's Signature
 McDonald's Corporation 3015 Williams Drive
 Name Address Fairfax, VA Owner's Signature
 Edward C. Gibbs 6411 Ivy Lane, Suite 600 Gary Baker, Agent
 Correspondent Address MD 20770 Telephone Number 982-3382

DO NOT WRITE IN THIS SPACE

1. Referrals: Date
- School Board
 - Public Works
 - Parks
 - Highways
 - Permits
 - A.A.F.B.
 - Health Department
 - Housing Coordinator
 - Comm. Development
 - Town
 - NASA
 - Other
 - Field Insp. & TSR By:
 - Staff Rec.

3. Planning Board Hearing Date
- Action
4. Zoning Examining Date
- Action
5. District Council Hearing Date
- Action
- Sign Posted By:



SE- 3884 ZHE- EX. # 1



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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


S. E. 3884 (McDonald's Corporation)

DECLARATION OF FINALITY OF THE ZONING HEARING EXAMINER'S DECISION

The decision of the Zoning Hearing Examiner in this case was filed with the District Council of Prince George's County, Maryland, on January 9, 1989. A copy of the decision was sent to all parties of record on that date. Since no appeal of that decision was filed with the District Council by any person of record or the People's Zoning Counsel, and since the District Council did not elect to make the final decision, the decision of the Zoning Hearing Examiner became final and effective on February 9, 1989, in accordance with the provisions of Section 27-312 of the Zoning Ordinance of Prince George's County, Maryland.

CERTIFICATE OF SERVICE

This is to certify that on February 13, 1989, this notice was mailed, postage prepaid, to all persons of record.


Jean M. Schmuhi, CMC
Clerk of the Council

(6/85)

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

SPECIAL EXCEPTION

3884

DECISION
January 9, 1989

Application: Fast Food Resturant
Applicant: McDonald's Corporation
Opposition: None
Hearing Date: December 9, 1988
Hearing Examiner: Barry S. Cramp
Disposition: Approval

NATURE OF REQUEST

McDonald's Corporation is seeking to obtain a fast-food restaurant special exception, or in the alternative, the expansion of a nonconforming use. At the public hearing, the applicant abandoned its request for expansion of a nonconforming use. The application was heard fully on December 9, 1988, except for the Planning Board's Resolution which was received during recess of the case and an affidavit of posting received on the same day. The case was taken under advisement on December 13, 1988.

FINDINGS OF FACT

(1) The Staff reviewed the application and visited the property prior to the public hearing and found that the property was improved with a McDonald's fast-food restaurant. The location of the property is at Stuart Lane which intersects with Woodyard Road just west of Branch Avenue.

(2) The subject property is zoned C-S-C and adjoins land to the south also zoned C-S-C and improved with a small shopping center, C-S-C zoning to the west improved by the Parkwood Hospital and C-S-C zoning to the north which is improved with a filling station. C-S-C zoned land is located across Stuart Lane at the intersection of Woodyard Road where Roy Rogers is located and immediately south and opposite the subject property is undeveloped R-80 zoned land. The neighborhood of the subject property is the area bounded by Woodyard Road, Branch Avenue and Wade Avenue to the south and Pine View Lane to the west. The character of this neighborhood is defined by the staff as follows:

"Within the neighborhood and fronting on the south side of Woodyard Road is a Roy Roger's (sic) fast-food restaurant, a Shell gas station, the Parkwood Hospital and Loyola Federal Bank. To the immediate west and south of the subject property are other retail-commercial uses including the Clinton Center which includes an office equipment company, an Italian restaurant, a hair stylist, a jewelry store, a nursing services facility and a dental office. To the south of this retail enclave is property which is zoned R-80 and which is primarily improved with single-family detached residences. The north side of Woodyard Road west of Branch Avenue is overwhelmingly commercial in nature." (Exh. 17 pg.4)

(3) The Staff reviewed the site plan (Exh. 3a) and found it to be in need of amendment as to the width of the parking spaces for physically handicapped persons and as to the location of a free-standing sign within the ten feet wide strip of land immediately adjacent to the right-of-way of Stuart Lane. The site plan was not amended after the Staff prepared its report and the applicant is asking that we approve the site plan as filed.

(4) The site plan shows that there is a deficiency as far as the number of parking spaces and the loading requirements. There is an application pending for approval of this departure from the parking/loading requirements of the Zoning Ordinance.

(5) A revised landscape plan was submitted to show the additional plant materials required by the Staff which are to be located in the landscape area between the subject property and the property across Stuart Lane in the R-80 Zone. (See Exh. 18) This landscape plan is approved in the granting of this special exception.

(6) The Staff reviewed the application in light of the requirements in Section 27-350 of the Zoning Ordinance and found as follows:

"Section 27-350 - Fast-food Restaurant:

- "1. All proposed buildings, structures and outdoor facilities (including vehicle parking) shall be located at least 200 feet from the nearest property line of land in any residential zone, or land proposed to be used for residential purposes in a Comprehensive Design, Mixed Use or Planned Community Zone. The District Council may reduce the setback requirement when screening, landscaping, topography or other conditions make it unnecessary to require it.

"Comment: To the southeast of the subject property across Stuart Lane, is undeveloped property in the R-80 Zone.

McDonald's submits that this is a proper case in which to waive the 200-foot setback requirement. The restaurant has been in existence for 18 years at this location, and the setback was not required when the use was built. The Urban Design Staff has recommended additional landscaping on-site to enhance the compatibility with the residentially-zoned land. We concur with the Urban Designer and recommend that the Landscape Plan be amended to show additional landscape materials within the ten-foot landscape strip abutting Stuart Lane. The Landscape Plan should be approved by the Planning Board or its Designee prior to the issuance of building permits to assure that the plant materials provided are of sufficient size and height.

- "2. A rack for at least six bicycles shall be provided on the premises, unless the applicant demonstrates to the satisfaction of the District Council that the requirement is inappropriate because of the location or nature of the establishment.

"Comment: A bicycle rack is shown on the site plan.

- "3. The use will not restrict the availability or upset the balance of land use for other commercial uses.

"Comment: Renovation of the existing restaurant will not adversely affect the balance of land use or the availability of land for commercial uses within the area. The area of the property is not being increased; the change is within the existing site. There is land in all four quadrants of the Branch Avenue/Woodyard Road intersection that is available for other commercial use.

- "4. Special consideration shall be given to advertisement, outdoor display, outdoor activity, lighting, hours of operation and other aspects of the proposed operation to ensure that the health, safety and general welfare of the community will be protected.

"Comment: Advertisements, outdoor display, outdoor activity and lighting will remain essentially the same. The lighting is proposed to be sufficient to ensure good and safe visibility while at the same time not disturbing adjoining properties. Since the restaurant is in a commercial area and the residentially-zoned land across Stuart Lane is undeveloped, the staff is not suggesting restricting hours of operation.

"However, the existing sign is located less than ten feet from the ultimate right-of-way line for Stuart Lane. The sign must be relocated or a Departure From Sign Design Standards must be approved. There does not appear to be any reason why the sign cannot be relocated ten feet from the right-of-way. According to the site plan, new paving will be

placed around the sign area. The sign can be relocated before the paving is completed. Therefore, we recommend that the site plan be revised to relocate the sign.

"Section 27-568 - Parking Requirements:

Drive-in or fast-food restaurants require one parking space for every three seats, plus one space for each 50 square feet of gross floor area (excluding patron seating areas, storage areas, and exterior patron service area).

"The subject use requires 75 parking spaces:

1,994 square feet/50 square feet	= 40 spaces
105 seats/3	= 35 spaces
	<u>75 Total</u>

"A total of 57 parking spaces are proposed on the site plan. This number is less than the 65 spaces currently on the site. The applicant has filed an application for a Departure from Parking and Loading Spaces. The staff has not reviewed the justification for the reduction in parking spaces, therefore, no recommendation is made regarding the departure requested. A departure must be approved before the site plan can be approved. Further, the site plan should be amended to show the parking spaces for the physically handicapped at 13' x 19' rather than 12' x 19'." (Staff Report, pg. 5 - 7)

(7) As we see from Staff's evaluation of the application relative to Section 27-350, the sign that is located in the first ten feet from the right-of-way from Stuart Lane does not comply literally with the requirements of the Zoning Ordinance nor does the application apply with all the parking and loading requirements.

CONCLUSIONS

(1) The application is for a fast-food restaurant at a location on which exists a fast-food restaurant. The applicant wishes to expand the seating area and service area of the existing facility and will be slightly increasing the capacity of the restaurant. No new use is being added nor is there any impingement upon residential zoned land that doesn't already exist or has not been ameliorated by additional landscaping. Staff is correct in recommending that the setback of 200 feet from any residentially zoned land be waived and the applicant has provided for screening which would ameliorate the adverse effects that would result from development of the subject property across from residentially zoned land. The applicant has provided the required handicapped parking spaces which is not, of course, as the Staff recommended 13' x 19' but it does comply with the State and County requirements so there is no need to amend the site plan to provide otherwise. Also, since the existing sign is in the ten-foot restricted area in front of the property, and has been for some

time, we feel it is not necessary to relocate this sign unless it is required by the Sign Ordinance. This sign may remain where it is or at whatever other location it will be required to be located to comply with other provisions of the Zoning Ordinance.

(2) We find the uses of the property for a fast-food restaurant is in conformance with the Master Plan which recommends commercial zoning for the subject property and will not impair the Plan's overall land use scheme for the planning area. The use is one in harmony with the purposes of the Zoning Ordinance and is certainly not going to be detrimental to the adjoining properties or be adverse in any to the health, safety or welfare of residents or workers in the area inasmuch as the use has been ongoing for many years and the impact from this use has apparently not had any adverse affect on anybody.

DISPOSITION


Approval of S.E. 3884. The Site Plan is Exhibit 3a.

301-952-3972

May 20, 2020

MEMORANDUM

TO: Thomas Burke, Planner Coordinator, Urban Design Section, Development Review Division

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

FROM: Thomas Lester, Planner Coordinator, Long-Range Planning Section, Community Planning Division TEL

SUBJECT: **DSP-19058 & DPLS-476 Stuart Lane McDonalds**

FINDINGS

Pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Detailed Site Plan and Departure from Loading Standards with an Overlay Zone.

Location: 8905 Stuart Avenue, Clinton, MD 20737

Size: 0.90 Acres

Existing Uses: Commercial

Proposal: Departure from parking and loading to allow 41 spaces, addition to an existing McDonald's restaurant

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is in an Established Communities Growth Policy area. "Established Communities are most appropriate for context-sensitive infill and low-to medium-density development," (p. 20).

Master Plan: The 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* recommends residential mixed land use on the subject property.

Planning Area: 81A

Community: Clinton and Vicinity

Aviation/MIOZ: This property is located within Military Installation Overlay Zone (MIOZ) Height Surface E, Left Runway with an approximate height limit of 201 feet. This will have no impact on the proposed development.

SMA/Zoning: The 2016 Approved Military Installation Overlay Zoning Map Amendment retained the subject property in the C-S-C (Commercial Shopping Center) Zone and applied the (MIOZ) Zone.

c: Long-range Agenda Notebook



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
Environmental Planning Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

301-952-3650

May 18, 2020

MEMORANDUM

TO: Thomas Burke, Planner Coordinator, Subdivision & Zoning Review Section, DRD

VIA: Megan Reiser, Supervisor, Environmental Planning Section, DRD

FROM: Chuck Schneider, Planner Coordinator, Environmental Planning Section, CWPD

SUBJECT: **Detailed Site Plan, DSP-19058/ DPLS-476- McDonalds
(8905 Stuart Lane, Clinton)**

The Environmental Planning Section (EPS) has reviewed Detailed Site Plan DSP-19058 and Departure from Parking and Loading Standards DPLS-476, received by the Countywide Planning Division on April 15, 2020. Revised information was received on May 14, 2020. The Environmental Planning Section recommends approval of the application with no conditions.

The site has a Natural Resources Inventory Equivalency Letter (NRI-127-2019) which was issued on October 18, 2019 and a Woodland Conservation Exemption Letter (S-147-2019) issued on October 17, 2019. The site is primarily developed with one structure and paved parking areas. No woodland or Regulated Environmental Features (REF) are located on this site. According to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), the site contains only Urban land-Grosstown complex soils. No unsafe soils containing Christiana complexes or Marlboro clays are associated with this site. This site is not located within a Sensitive Species Protection Review Area (SSPRA) based on a review of the SSPRA GIS layer prepared by the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP). The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan (2014)*. According to the *Countywide Green Infrastructure Plan of the Approved Prince George's Resource Conservation Plan (May 2017)* no mapped areas are located on-site.

The site has an approved Stormwater Management Concept #46994-2019-00 which is valid until December 13, 2022. The proposed impacts will be located within 2,976 square feet of disturbance comprised of the existing building area. This site and proposed improvements are exempt from stormwater management regulations. The approved concept is consistent with the detailed site plan.

No additional Information is required. The Environmental Planning Section Recommends approval of DSP-19058 and DPLS-476.



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April 23, 2020

MEMORANDUM

TO: Thomas Burke, Urban Design Section, Development Review Division

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

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

SUBJECT: DSP-19058 & DPLS-476 Stuart Lane McDonalds

The subject property comprises .97 acres on the east side of Stuart Lane, approximately 171 feet south of Woodyard Road. The subject detailed site plan (DSP) application proposes the development of an eating and drinking establishment. The subject departure from parking and loading (DPLS) application proposes a departure from parking and loading to allow 41 spaces. 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. A Phase I archeology survey is not recommended. Historic Preservation staff recommend approval of DSP-19058 and DPLS-476 Stuart Lane McDonalds with no conditions.

May 19, 2020

MEMORANDUM

TO: Tom Burke, Urban Design Review Section, Development Review Division

VIA: Tom Masog, Transportation Planning Section, Countywide Planning Division

FROM: Crystal Saunders Hancock, Transportation Planning Section, Countywide Planning Division

SUBJECT: DSP-19058 / DPLS-467 McDonald's Stuart Lane

Proposal

The applicant is proposing an expansion to an existing eating and drinking establishment with drive-through service, including modifications to the drive-through facilities. The applicant is also proposing a departure from the number of required parking spaces.

Background

This site plan has a long case history of prior special exceptions and departures. None of those applications have transportation-related conditions that have yet to be enforced. The site plan is required to address issues related to architecture, building siting, and relationships between the development and any open space. The site plan is also required to address general detailed site plan requirements such as access and circulation. There are no transportation-related findings related to traffic or adequacy associated with a detailed site plan (DSP). The site is on record as part of Lot 10, Block G, Clinton Gardens Subdivision, so there will be no preliminary plan of subdivision (PPS) required. The detailed site plan is generally required for this use in the C-S-C Zone. The applicant has elected to utilize the detailed site plan process and this does not have specific transportation-related requirements.

The parking departures are reviewed pursuant to several findings and considerations shown in Section 27-588 of the Zoning Ordinance. A prior departure in 1988 approved a departure of 18 parking spaces on this site.

Review Comments

The current proposal seeks to renovate and expand the footprint of the existing use and reconfigure the drive-through to create a double-drive-through service (thereby necessitating the removal of several parking spaces on the side of the site). Circulation on the north side will be restricted to one way due to the construction of the double-drive-way and is acceptable. Access at Stuart Lane and Woody Terrace will remain as exists.

Departure from Parking and Loading Standards

From the standpoint of transportation, the substantive portion of this review involves review of the departure from parking and loading standards. The existing building is 3,454 square feet, contains 105 seats and is served by 57 parking spaces.

This proposal is to increase the size of the building to 4,157 square feet, add the double-drive-through and reduce the seating to 80. The applicant is proposing a reduction of parking to 41 parking spaces including 15 compact parking spaces. Three of the compact spaces are included in a reserved parking section.

This proposal would typically require 73 parking spaces, and the departure request is for 32 spaces. Pursuant to Section 27-588 of the Zoning Ordinance, the applicant is proposing to reduce the total parking quantity by 16 spaces. The applicant has submitted a statement of justification (SOJ) to address the required findings for a departure from the number of Parking and Loading Space (DPLS), indicated in Section 27-588:

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

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

Comment: The applicant asserts that 41 parking spaces will be sufficient to serve the parking needs of the use. The applicant notes the following:

The applicant has seen a marked increase over time in the use of their drive-through service to the point that the applicant is installing a double-drive-through system on the site. This double-drive-through system requires that some of the existing parking be removed from the site, but the applicant believes that parking demand will be more than offset by improved drive-through services.

The applicant had a parking analysis conducted on the site. Parking counts were collected on two separate days, Tuesday, September 10, 2019 and Saturday, September 14, 2019 in fifteen-minute intervals between 8 AM and 8 PM. According to the analysis, parking peaked at 24 cars on September 10th at 6:15 PM and at 31 cars at 10:15 AM on September 14th. The applicant is proposing 41 parking spaces and ITE calculations indicate that 36 weekday and 38 weekend parking spaces meet the demand at the restaurant.

It is stated that the parking requirement for the use in Subtitle 27 "does not take into account any reduced parking demand as a result of having a drive-thru window." The applicant continues by noting that sales figures show that 61 percent of business for this site occurs by means of drive-through service.

The applicant intends to expand the building by nearly 700 square-feet but seating will be reduced by 25 seats. Some of the added space will be needed to service the double-drive-through system, while other improvements include an expanded and more comfortable dining room experience with added space.

Based on our current health crises and uncertainty in the future, staff is in agreement with the parking analysis. Given that the staff has found no evidence to the contrary, the applicant's analysis is found to be credible. The expansion of the dining room, modernization of the restaurant and double-drive-through will not change existing conditions to a great degree, and the applicant's arguments are supportable.

- ii. The departure is the minimum necessary, given the specific circumstances of the request;

Comment: Staff notes that the applicant has not provided any concepts of how the departure could be reduced through the provision of more on-site parking as this is a small site. The applicant has shown that the site currently has adequate on-site parking, and it is anticipated that reduced seating combined with the addition of the double-drive-through service would offset the reduced parking. Therefore, staff believes that this finding is met.

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

Comment: The applicant asserts that the offering of drive-through service warrants special consideration for the subject use given its nature as proposed at this location. The following are noted:

The applicant has demonstrated that the use of the drive-through lane has substantially decreased the demand for on-site parking, and the addition of the double-drive-through system will further increase the efficiency of customer service at this restaurant and further reduce the demand for parking.

It is noted that the area near the restaurant is in a shopping center as well as two bus stops and the Clinton Park and Ride parking lot. The applicant has indicated that several patrons walk to the restaurant from nearby locations including a residential community nearby.

The case of "specialness" is a difficult standard to prove. Given the brand name, the demonstrated efficiency of the drive-through service and its impacts on parking, combined with the proposed expansion of the drive-through function on this site, it is believed that the applicant has made the case that circumstances are special. The location of the site in a dense mixed-use area of the County helps to prove that the location is special.

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

Comment: The applicant believes that all methods have been attempted and found to be impractical, and the transportation planning staff agrees with this assertion.

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

Comment: This restaurant is located in a commercial area but within walking distance from a residential community. Residential homes are not adjacent to the site and the departure will not infringe upon them. The site is primarily surrounded by roadways and the Clinton Park and Ride lot. This finding is met.

In summary, the Transportation Planning Section staff concur with the findings addressed by the applicant and recommend approval of the Departure from Parking and Loading Standards to permit a total of 41 parking spaces (a reduction of 16 spaces).

Conclusion

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




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May 18, 2020

MEMORANDUM

TO: Thomas Burke, 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 *Approved Countywide Master Plan of Transportation (MPOT)* and the *2013 Approved Central Branch Avenue Corridor Revitalization Sector Plan* to provide the appropriate pedestrian and bicycle transportation recommendations.

Detailed Site Plan Number: DSP-19058 & DPLS-476

Development Case Name: McDonald's Stuart Lane

Type of Master Plan Bikeway or Trail

Municipal R.O.W.	<u> </u>	Public Use Trail Easement	<u> </u>
PG Co. R.O.W.	<u> X </u>	Nature Trails	<u> </u>
SHA R.O.W.	<u> </u>	M-NCPPC - Parks	<u> </u>
HOA	<u> </u>	Bicycle Parking	<u> X </u>
Sidewalks	<u> X </u>	Trail Access	<u> </u>

Preliminary Plan Background	
Building Square Footage (non-residential)	4,157 SF
Number of Units (residential)	N/A
Abutting Roadways	Stuart Lane, Woody Terrace
Abutting or Nearby Master Plan Roadways	MD-223 (Woodyard Road, A-54), MD-5 (Branch Avenue, F-9)
Abutting or Nearby Master Plan Trails	Planned Side Path: Woody Terrace & Stuart Lane, Woodyard Road
Proposed Use(s)	Commercial - Fast Food
Zoning	C-S-C
Centers and/or Corridors	Branch Avenue Corridor
Prior Approvals on Subject Site	SE-3884, DPLS-76

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 General Plan corridor, due to the nature of the application it is not subject to 24-124.01 of the subdivision regulations and the "Transportation Review Guidelines, Part 2."

Proposed Pedestrian and Bicycle Infrastructure

The subject property is an existing McDonalds restaurant located in between Stuart Lane and Woody Terrace, approximately 200 feet south of the intersection of Stuart Lane and MD-223 (Woodyard Road). Sidewalks are currently in place on Stuart Lane and Woody Terrace and will remain in place upon the completion of this project. Sidewalks along both Stuart Lane and Woody Terrace are disconnected due to vehicle entry and exit lanes. While the current condition of the subject site includes two driveways on each road, the proposed development will include a vehicle entry lane and a vehicle exit lane on Stuart Lane and a single vehicle driveway on Woody Terrace. There are no dedicated bike lanes in the immediate vicinity of the subject property.

Review of Master Plan Compliance:

This development case is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), which recommend the following facilities:

Planned side path along Woody Terrace and Woodyard Road

Comment: Woodyard Road is beyond the scope of this development. Woody Terrace fronts the subject site on both entrances. No additional right-of-way is being sought with this application. The Prince George's County Department of Permits, Inspections, and Enforcement (DPIE) can require the construction of the master plan recommended side path along Woody Terrace as appropriate, or the side path may be installed by the Department of Public Works & Transportation (DPW&T) as part of a future roadway repaving or capital improvement project.

The subject property falls within the Clinton Commercial Core Area within the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*.

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommend 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 depict sidewalks with curb ramps and crosswalks at all driveways fulfilling the intents of Policies 2 and 5. Designated space for bicycle parking that is convenient to building entrances is an important component of a bicycle-friendly roadway network. The applicant has agreed to install bicycle parking directly to the south of the proposed building addition facing Stuart Lane, however the rack provided is a "wave" style bicycle rack. This style rack is not designed to support and secure a bicycle at two points of contact and results in mis-use or damaged bicycles, therefore staff recommend that the applicant replace this rack with two "Inverted-U" style bicycle racks. Two Inverted-U style racks can accommodate four bicycles and provides two points of contact to secure and fully support a bicycle and fulfill the intent of Policy 4.

Recommended Conditions of Approval


The Transportation Planning Section concludes that the submitted site plans meet the necessary findings for this detailed site plan and is deemed acceptable from the standpoint of pedestrian and bicycle transportation, if the following condition is met:

1. Prior to certification of the detailed site plan, the applicant, and the applicant's heirs, successors, and/or assigns shall revise the plans to replace the "wave" style bicycle rack with two "inverted-U" style bicycle racks. .

May 18, 2020

MEMORANDUM

TO: Thomas Burke, Planner Coordinator, Urban Design Section

FROM: Alice Jacobs, Principal Planning Technician, Permit Review Section 

SUBJECT: DSP-19058 & DPLS-476 – Stuart Land McDonald's

1. Proposed "Order Here" and "Drive Thru" signage are shown on the site plan. Add the dimensions of the proposed signage to Sheet 6 of the detailed site plan.
2. Add the dimensions of the addition to the site plan on Sheet 4.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: April 16, 2020

TO: Thomas Burke, Planner Coordinator
Urban Design Section
Development Review Division

FROM: Helen Asan, Land Acquisition and Development Review Supervisor
Park Planning and Development Division
Department of Parks and Recreation

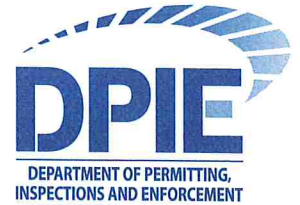
SUBJECT: **DSP-19058 & DPLS-476 – Stuart Lane McDonald’s**

Due to the fact that this Detailed Site Plan (DSP) does not contain a residential component, is not adjacent to and/or does not impact any existing or proposed parkland, the Department of Parks & Recreation (DPR) offers no comment.



Angela D. Alsobrooks
County Executive

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



MEMORANUM

May 15, 2020

TO: Thomas Burke, Urban Design Section
Development Review Division, M-NCPPC

FROM: Mary C. Giles, P.E. Associate Director *Mary C. Giles*
Site/Road Plan Review Division, DPIE 5/20/2020

RE: Stuart Lane McDonald's
Detailed Site Plan No. DSP-19058-04
Departure from Parking and Loading Spaces No. DPLS-476

CR: Stuart Lane
CR: Woody Terrace

In response to the Detailed Site Plan No. DSP-19058-04 and Departure from Parking and Loading Spaces No. DPLS-476 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The property is located on the east side of Stuart Lane, approximately 171 feet south of Woodyard Road.
- Both Stuart Lane and Woody Terrace are County-maintained roadways.
- Frontage improvement is required along Stuart Lane as per DPW&T Standard for Urban Primary Residential Road STD. 100.06.
- Full-width, 2-inch mill and overlay for all existing County roadway frontages are required.
- Conformance with DPIE street lighting specifications and standards are required. Adjustments to street lighting, to accommodate the proposed plan improvements, are required in accordance with Section 23-140 of the Prince George's Road Ordinance.
- Roadside trees will be required along County-maintained roadways within the limits of the permit area.

Thomas Burke
May 15, 2020
Page 2

- Street construction or fine grading permits are required for improvements within public roadway rights-of-way, and for the proposed private internal roadways.
- Compliance with DPW&T's Utility Policy is required. Proper temporary and final patching and the related mill and overlay in accordance with the established "DPW&T's Policy and Specification for Utility and Maintenance Permits" are required.
- The limit of disturbance shown on the detailed site plan is not consistent with the approved site development concept plan 46994-2019-0. Revision to the approved site development concept plan is required.

If you have any questions or require additional information, please contact Mr. Mariwan Abdullah, District Engineer for the area, at 301.883.5710.

MA:SJ:dar

cc: Rene' Lord-Attivor, Chief, Traffic Engineering, S/RPRD, DPIE
Mariwan Abdullah, P.E., District Engineer, S/RPRD, DPIE
Salman Babar, CFM, Engineer, S/RPRD, DPIE
MJ Labban, Engineer, S/RPRD, DPIE
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
Selam Jena, Engineer, S/RPRD, DPIE
Gibbs and Haller, 1300 Caraway Court, Upper Marlboro,
Maryland 20774
McDonald's USA, LLC., 110 North Carpenter Street, Chicago,
Illinois 60607



Division of Environmental Health/Disease Control

Date: April 17, 2020

To: Thomas Burke, Urban Design, M-NCPPC

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

Re: DSP-19058 & DPLS-476, Stuart Lane McDonalds

The Environmental Engineering / Policy Program of the Prince George's County Health Department have completed a desktop health impact assessment review of the detailed site plan and for the Stuart Lane McDonalds and has the following comments/recommendations:

1. The applicant must submit an 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.
2. 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.
3. During the construction phases of this project, no dust should be allowed to cross over the 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.
4. 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.

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



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



**INTER-OFFICE MEMORANDUM
PRINCE GEORGE'S COUNTY
POLICE DEPARTMENT**



M E M O R A N D U M

DATE: April 30, 2020
TO: Planning Coordinator, Urban Design Application Section
Development Review Division
FROM: Captain Wendy Contic, Assistant Commander, Planning & Research Division
SUBJECT: DSP-19058 Stuart Lane McDonald's

Upon review of the site plans, there are no comments at this time.

Additional Back-up

For

**DSP-19058 & DPLS-476
McDonald's Stuart Lane**



McDONALD'S 8905 STUART LANE

8905 STUART LANE
CLINTON, MD 20735, PRINCE GEORGE COUNTY

PERSPECTIVE RENDERING

05.28.2020
Midlothian, Virginia 53190036.00
DSP-19058 & DPLS-476_Additional Backup 2 of 11



LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774

EDWARD C. GIBBS, JR.
THOMAS H. HALLER
JUSTIN S. KORENBLATT

(301) 306-0033
FAX (301) 306-0037
gibbshaller.com

June 16, 2020

The Honorable Elizabeth M. Hewlett
Chair
Prince George's County Planning Board of the Maryland-National
Capital Park and Planning Commission
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

Re: McDonald's/Stuart Lane/DSP-19058 and DPLS-476

Dear Chair Hewlett,

Attached please find a letter dated June 16, 2020 to Thomas Burke, the staff writer in the referenced cases. The letter addresses building signage area computations which I will comment on when the Planning Board considers these cases on June 18th.

Very truly yours,

~~GIBBS AND HALLER~~


Edward C. Gibbs, Jr.

LAW OFFICES
GIBBS AND HALLER
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774

EDWARD C. GIBBS, JR.
THOMAS H. HALLER
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(301) 306-0033
FAX (301) 306-0037
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June 16, 2020

Mr. Thomas Burke
Maryland-National Capital Park and
Planning Commission
County Administration Building
Upper Marlboro, Maryland 20772

Re: McDonald's/Stuart Lane/DSP-19058 and DPLS-476

Dear Tom:

McDonald's has decided to add the door which was shown on the rendering which was forwarded to you. We will be submitting a revised plan showing the door which will match the rendering. We hope to have both uploaded this afternoon.

On another note, we have the following question related to the staff report. Your proposed condition 1(d) requests that we make the building signs consistent within the sign table, architectural elevation and details on the site plan. We have no objection to that portion of the condition. However we have a question regarding the statement concerning conformance with Section 27-613. I believe the signage as proposed is in conformance with the sign standards set forth in Section 27-613 of the Zoning Ordinance.

I am attaching a copy of Section 27-613 with what I believe to be the appropriate provision bracketed. As I read that provision, we are allowed signage at the rate of 2 square feet for each 1 lineal foot of width "along the front of the building (measured along the wall facing the front of the lot or the wall containing the principal entrance to the building, whichever is greater)." I believe the lot in question would be classified as a "Through Lot" as that term is defined in Section 27-107.01(a)(144) of the Zoning Ordinance. A "Through Lot" is one which fronts on two or more streets. Since this lot fronts on both Stuart Lane and Woody Terrace, it would seem to meet the definition of a "Through Lot." Similarly, the term "Front of Lot" when applied to a "Through Lot"

Mr. Thomas Burke
June 16, 2020
Page 2

is defined as "The Lot Lines which abut Streets" in Section 27-107.01(a)(134). Further, the "Front Lot Line" is also defined in Section 27-107.01(a)(139). There it is provided "In a 'Through Lot' all lines abutting the 'Streets' are 'Front Street Lines'." Copies of the definitions are attached.

Therefore it would appear the McDonald's lot has 2 fronts which would allow the width of the building fronting both Stuart Lane and Woody Terrace to be included in the computation. The building is roughly 46 feet wide. If this is doubled to 92 feet, the formula would then result in at least 184 square feet of permissible building signage area. As I compute the signs we have three "M" logo signs each with an area of 14 square feet which would yield a total of 42 square feet. In addition, we have three building signs with the message "McDonald's" each of which are 32.8 square feet in area. This yields a total of 98.4 square feet. When this number is combined with the logo sign area a total of 140.4 square feet results. This would place us well below the permissible building signage area.

Additionally, there are doors on both the drive-thru and non drive-thru sides of the building (north and south sides). Each of these would be deemed a "principal entrance to the building." Since the building is approximately 120 feet deep, the formula in Section 27-613 would permit a maximum of 240 square feet of building signage. The proposed building signage is substantially less than that amount.

I would appreciate if you could review this matter and get back to me.

Very truly yours,

GIBBS AND HALLER

A handwritten signature in blue ink, appearing to read "E. Gibbs, Jr.", is written over the typed name "Edward C. Gibbs, Jr.".

Edward C. Gibbs, Jr.

Enclosures

cc: Mira Gantzert, Bohler Engineering

S:\McDonalds\8905 Stuart Lane Clinton\Burke.wpd

Sec. 27-613. - Attached to a building or canopy.

(a) **Location.**

- (1) In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs may be attached to the walls or roof of a building or to a canopy that is located at least ten (10) feet behind a street line. No signs may be erected on the top of a canopy. No sign shall be erected on a rear wall or canopy attached to a rear wall so that it is visible from any land in any Residential Zone or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan.
- (2) In the I-3 Zone, the signs may be located anywhere on a building that the Planning Board deems appropriate, subject to the height limitations below.
- (3) In the U-L-I Zone, the signs shall be located in accordance with Section 27-474.01(g).

(b) **Height.**

- (1) In all Commercial and Industrial Zones (except the I-3 Zone), no sign shall extend more than twelve (12) feet above the roof line or parapet wall (whichever is higher) of that part of the building to which the sign is attached. (See Figure 65.)
- (2) In the I-3 Zone the sign shall not extend above the lowest point of the roof of the building to which it is attached. (See Figure 65.)
- (3) In the U-L-I Zone, the height of signs shall be in accordance with Section 27-474.01(g).

(c) **Area.** (See Figure 66.)

- (1) In general.
 - (A) The maximum permissible area of building and canopy signs is dependent upon the building or canopy width, the distance between the edge of the canopy and the street line toward which the sign faces, and whether the permissible sign area is divided between the building and the canopy.
- (2) C-O Zone.
 - (A) In the C-O Zone, if all of the permissible sign area is to be used on a building, the area of all of the signs on a building shall be not more than one (1) square foot for each two (2) lineal feet of width along the front of a building (measured along the wall facing the front of the lot or the wall containing the principal entrance to the building, whichever is greater) to a maximum of one hundred (100) square feet. If the building is on a corner lot, a portion of the allowed sign area may be displayed on the side street; however, it shall be limited to fifty (50) square feet if the front lot line of any residentially zoned lot or lot land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan is located on either side of the street between the subject property and the next intersecting street.
 - (B) If all of the permissible sign area is to be used on a canopy which is located at least thirty (30) feet behind the street line, the provisions of subparagraph (A), above, shall apply, measured along the front wall of the building or the front edge of the canopy (whichever has the greater width).
 - (C) If all of the permissible sign area is to be used on a canopy that is located less than thirty (30), but at least ten (10), feet behind the street line, the total area of all signs on any one (1) canopy shall not exceed one (1) square foot for each four (4) lineal feet of building or canopy width (whichever has the greater width) to a maximum of fifty (50) square feet. If the canopy is on a corner lot, a portion of the allowed sign area may be displayed on the side street; however, it shall be limited to twenty-five (25) square feet if the front lot line of

any residentially zoned lot or lot land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan is located on either side of the street between the subject property and the next intersecting street.

- (D) If the permissible sign area is to be divided between a building and a canopy, the provisions of subparagraphs (A), (B), and (C), above (as applicable to the particular building and canopy on the subject property), shall be used to determine the permissible sign area on each structure on a prorated basis. (For example, if the permissible sign area on a building is one hundred (100) square feet and the permissible sign area on a canopy is fifty (50) square feet and the applicant chooses to allocate fifty percent (50%) of the permissible sign area to each structure, the permissible sign area on the building would be fifty (50) square feet and the permissible sign area on the canopy would be twenty-five (25) square feet. As the percentage of total permissible sign area allocated to each structure varies, the permissible sign area on each structure varies, accordingly.)
- (3) Commercial Zones (except the C-O Zone) and Industrial Zones (except the I-3 and U-L-I Zones).
- (A) In all Commercial Zones (except the C-O Zone) and all Industrial Zones (except the I-3 Zone), if all of the permissible sign area is to be used on a building occupied by two (2) or more uses that are not located within an integrated shopping or industrial center or office building complex, the following applies:
- (i) Each building shall be allowed a sign having an area of at least sixty (60) square feet.
 - (ii) Except as provided in (i), above, the area of all of the signs on a one (1) story building shall be not more than two (2) square feet for each one (1) lineal foot of width along the front of the building (measured along the wall facing the front of the lot or the wall containing the principal entrance to the building, whichever is greater), to a maximum of four hundred (400) square feet.
 - (iii) Except as provided in (i), above, the area of all of the signs on a two (2) or three (3) story building shall be not more than three (3) square feet for each one (1) lineal foot of width along the front of the building (measured as in (ii), above), to a maximum of four hundred (400) square feet.
 - (iv) For a building containing more than three (3) stories, one (1) additional square foot of sign area (to that allowed in (iii), above) for each additional one (1) to three (3) stories shall be allowed, to a maximum of four hundred (400) square feet of total sign area for each building. (For example, the sign area for a four (4) to six (6) story building is based on four (4) square feet for each one (1) lineal foot of building width, the sign area for a seven (7) to nine (9) story building is based on five (5) square feet for each one (1) lineal foot of building width, and so on, to a maximum of four hundred (400) square feet for each building.)
- (B) In all Commercial Zones (except the C-O Zone) and all Industrial Zones (except the I-3 and U-L-I Zones), if all of the permissible sign area is to be used on any building occupied by only one (1) use that is not located within an integrated shopping or industrial center or office building complex, the following applies:
- (i) Each building shall be allowed a sign having an area of at least sixty (60) square feet.
 - (ii) Except as provided in (i), above, the area of all of the signs on a building shall be not more than two (2) square feet for each one (1) lineal foot of width along the front of the building (measured along the wall facing the front of the lot or the wall containing the principal entrance to the building, whichever is greater), to a maximum of four hundred (400) square feet.
- (C) In all Commercial Zones (except the C-O Zone) and all Industrial Zones (except the I-3 and U-L-I Zones), if all of the permissible sign area is to be used on any building that is



located within an integrated shopping or industrial center or office building complex, the following applies:

- (i) The area of all of the signs on a building shall be not more than two (2) square feet for each one (1) lineal foot of width along the front of the building measured along the wall containing the principal entrance of each individual place of business to a maximum of four hundred (400) square feet.
 - (ii) If there is more than one (1) use sharing the same building width along the entrance wall, such as on two (2) floors, the sign area shall be the same as if only one (1) business was using the width.
- (D) In the case of subparagraphs (A), (B), and (C), above, if the building is on a corner lot, a portion of the allowed sign may be displayed on the side street; however, it shall be limited to fifty (50) square feet if the front lot line of any residentially zoned lot is located on either side of the street between the subject property and the next intersecting street.
- (E) If all of the permissible sign area is to be used on a canopy which is located at least thirty (30) feet behind the street line, the provisions of subparagraph (A), (B), or (C) and of subparagraph (D), above, shall apply, measured along the front of the building or the front edge of the canopy (whichever has the greater width).
- (F) If all of the permissible sign area is to be used on a canopy that is located less than thirty (30), but at least ten (10), feet behind the street line, the total area of all signs on any one (1) canopy shall not exceed one (1) square foot for each lineal foot of building or canopy width (whichever has the greater width), to a maximum of two hundred (200) square feet. In the case of a shopping center, office building complex, or industrial center, the canopy width, measured along the front edge of the canopy in front of each individual place of business, shall be used. If the canopy is on a corner lot, a portion of the allowed sign area may be displayed on the side street; however, it shall be limited to twenty-five (25) square feet if the front lot line of any residentially zoned lot or lot land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan is located on either side of the street between the subject property and the next intersecting street.
- (G) If the permissible sign area is to be divided between a building and a canopy, the provisions of subparagraphs (A) through (F), above (as applicable to the particular building and canopy on the subject property), shall be used to determine the permissible sign area on each structure on a prorated basis. (For example, if the permissible sign area on a building is four hundred (400) square feet and the permissible sign area on a canopy is two hundred (200) square feet and the applicant chooses to allocate fifty percent (50%) of the permissible sign area to each structure, the permissible sign area on the building would be two hundred (200) square feet and the permissible sign area on the canopy would be one hundred (100) square feet. As the percentage of total permissible sign area allocated to each structure varies, the permissible sign area on each structure varies, accordingly.)
- (4) I-3 Zone.
- (A) In the I-3 Zone, the area of all of the signs on a building wall facing a street shall be not more than one (1) square foot for each one (1) lineal foot of building width facing that street.
- (5) In the U-L-I Zone, the area of all signs shall be in accordance with Section 27-474.01(g).
- (d) **Projecting signs.** (See Figure 67.)
- (1) In all Commercial and Industrial Zones (except the I-3 and U-L-I Zones), signs may project from walls or canopies, in accordance with the following:
- (A) The signs shall project not more than forty-two (42) inches from the vertical plane of the wall or canopy to which they are attached;

- (B) The signs on buildings shall extend not closer than two (2) feet to the vertical plane of the street curb line;
 - (C) The signs on canopies shall extend not closer than ten (10) feet to the vertical plane of the street line;
 - (D) The signs may extend over public property only where there is no required building setback. In this case, the sign may extend not more than forty-two (42) inches beyond the property line or closer than ten (10) feet to a curb line. These signs shall have a minimum clearance of ten (10) feet above the finished grade of a public sidewalk and eighteen (18) feet above driveways or alleys;
 - (E) Only one (1) projecting sign shall be permitted on a building or canopy;
 - (F) Projecting signs are prohibited on the side of a building facing a side street, if the majority of the street frontage in that block is for properties in Residential Zones or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan on either side of the street.
- (2) In the I-3 Zone, the signs shall be located in any manner the Planning Board deems appropriate, subject to the height limitations in (c), above.
 - (3) In the U-L-I Zone, projecting signs shall be prohibited, except in accordance with Section 27-474.01(g).
- (e) **Design.**
- (1) In the I-3 Zone, signs shall be either:
 - (A) Designed as a part of the architectural design of the building; or
 - (B) Approved as an element of the proposed development on the lot, taking into account its relationship to the other proposed improvements.
- (f) **Mixed Use Zones.**
- (1) In the Mixed Use Zones, the design standards for all signs attached to a building shall be determined by the Planning Board for each individual development at the time of Detailed Site Plan review. Each Detailed Site Plan shall be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign attachment, and other information the Planning Board requires. In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the uses to be served, and are in keeping with the remainder of the Mixed Use Zone development and, in the M-X-C Zone, are in conformance with the sign program as set forth in Section 27-546.04(j).
- (g) **Comprehensive Design Zones.**
- (1) In the Comprehensive Design Zones, the design standards for all on-site signs attached to a building shall be determined by the Planning Board for each individual development at the time of Specific Design Plan review. Each Specific Design Plan shall be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign attachment, and other information the Planning Board requires. In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the uses to be served, and are in keeping with the remainder of the development. As a guide, the Planning Board shall consider how on-site signs are regulated in the Commercial and Industrial Zones.

(CB-41-1984; CB-33-1985; CB-76-1985; CB-63-1992; CB-93-1993; CB-1-1994)

that has not been constructed with a footer; (2) a walkway in the Primary or Secondary Buffer, including a stairway that provides direct access to a community or private pier; (3) a wood mulch pathway, or (4) a deck with gaps to allow water to pass freely. The percentage of the gross area of a lot or parcel as defined in Section 5B-106(a).

(CB-76-2010)

(133) **Lot, Depth of:** Average horizontal distance between the "Front Street Line" and "Rear Lot Line" or between parallel "Front Street Lines" of a "Through Lot." (See Figure 18)



(134) **Lot, Front of:**

(A) "Interior Lot." The "Lot Line" which abuts a "Street."

(B) "Through Lot." The "Lot Lines" which abut "Streets."

(C) "Corner Lot." The "Shortest Lot Line" that abuts a "Street." If the "Lot Lines" abutting "Streets" are of equal length, the "Lot" fronts on the "Street" having the longest frontages within the same "Block." (See Figure 19)

(135) **Lot Frontage (Width), Minimum, at Front "Building Line":** The minimum permitted width of a "Lot," measured along the front "Building Line." (See Figure 20)

(136) **Lot Frontage (Width), Minimum, at "Front Street Line":** The minimum permitted width of a "Lot," measured along the "Front Street Line." (See Figure 20)

(137) **Lot, Interior:** Any "Lot" other than a "Corner Lot." (See Figure 17)

(138) **Lot Lines:** Lines bounding a "Lot." (See Figure 21)



(139) **Lot Line, Front:** The line running along the "Front of the Lot" and separating it from the "Street." In this Subtitle, the "Front Lot Line" is also called the "Front Street Line." In a "Through Lot," all lines abutting the "Streets" are "Front Street Lines." (See Figure 21)

(140) **Lot Line, Rear:** The "Lot Line" generally opposite or parallel to the "Front Street Line," except in a "Through Lot" which has no "Rear Lot Line." If a "Rear Lot Line" is less than ten (10) feet long or the "Lot" comes to a point at the rear, the "Rear Lot Line" is a line at least ten

(10) feet long (lying wholly within the "Lot"), parallel to the "Front Street Line" or, if the "Front Street Line" is curved, parallel to the chord of the arc of the "Front Street Line." (See Figure 21)



(141) **Lot Line, Side:** Any "Lot Line" other than a "Front Street Line" or a "Rear Lot Line." A "Side Lot Line" separating the "Lot" from a "Street" is a "Side Street Line." In the absence of a "Front Street Line," all "Lot Lines" are "Side Lot Lines." (See Figure 21)

(142) **Lot, Record:** An area of land designated as a separate parcel of land on a "Record Plat," or on a legally recorded deed (to land for which no "Subdivision" plat is required pursuant to the provisions of Subtitle 24) filed among the Land Records of Prince George's County, Maryland.

(CB-115-1989)

(143) **Lot Size Averaging:** A procedure whereby the "Subdivision" of land yields "Net Lot Areas" which vary within a subdivided tract, but maintains the density normally permitted.

* (144) **Lot, Through:** Either an "Interior Lot" fronting on two (2) or more "Streets," or a "Corner Lot" fronting on three (3) or more "Streets." (See Figure 17)

(145) **Major Metro Activity Center:** An area of high intensity, mixed use development which includes a major transit station and stations for other modes of travel, as described in "Area Master Plans."

(145.1) **MARC Planned Community:** A minimum area of ten (10) acres included in a single preliminary plan of subdivision, any portion of which adjoins an existing MARC rail station site and which is planned to be developed with commercial, industrial, office, residential, retail or similar uses which are interrelated by a common architectural and design theme. A MARC Planned Community may include a former MARC rail station that has been upgraded to a Metro rail station.

(CB-21-2006)

(146) **Marina:** A waterfront facility which, for a fee, provides for the berthing, mooring, or water storage of boats. The use may include such facilities as major and minor boat repair; boat docks, piers, and slips; boat fueling; dry land boat maintenance and storage; pump-out stations;