



July 15, 2025

McDonald's USA, LLC  
110 N. Carpenter Street  
Chicago, IL 60607



Re: Notification of Planning Board Action on  
**Detailed Site Plan DSP-22001**  
**McDonald's Ager Road**

Dear Applicant:

This is to advise you that, on **July 10, 2025**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to the Prince George's County Planning Board's Rules of Procedure, the Planning Board's decision will become effective 30 calendar days after the date of this notice (**July 15, 2025**) of the Planning Board's decision, unless:

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

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

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

Sincerely,  
Sherri Conner, Acting Chief  
Development Review Division

By: *Jill Kosack*  
Reviewer

Attachment: PGCPB Resolution No. **2025-008(A)**

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

PGCPB No. 2025-008(A)

File No. DSP-22001

## R E S O L U T I O N

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the applicant, McDonald's USA, LLC, submitted an application for approval of a detailed site plan; and

WHEREAS, the subject property is within the Commercial General Office (CGO) Zone; and

WHEREAS, prior to April 1, 2022, the subject property was within the Commercial Shopping Center (C-S-C) Zone; and

WHEREAS, pursuant to Section 27-1900 *et seq.* of the Prince George's County Zoning Ordinance, development applications submitted and accepted as complete before April 1, 2025 may be reviewed and decided in accordance with the Zoning Ordinance, Subtitle 27, Prince George's County Code in existence prior to April 1, 2022 ("prior Zoning Ordinance"); and

WHEREAS, the applicant has complied with the procedures required in order to proceed with development under the prior Zoning Ordinance contained in Section 27-1904 of the Prince George's County Zoning Ordinance; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, on September 26, 2024, the Prince George's County Planning Board received evidence submitted for the record and heard a request for continuance on the aforesaid application; the Planning Board continued the hearing to a later date to allow additional time for review of materials submitted; and

WHEREAS, on October 3, 2024, the Prince George's County Planning Board received evidence submitted for the record and heard a request for further continuance on the aforesaid application; the Planning Board continued the hearing to a later date to allow additional time for review of materials submitted; and

WHEREAS, on October 17, 2024, the Prince George's County Planning Board received evidence submitted for the record and heard a request for further continuance on the aforesaid application; the Planning Board continued the hearing to a later date; and

WHEREAS, on October 24, 2024, the Prince George's County Planning Board received evidence submitted for the record on the aforesaid application; however, the Planning Board continued the hearing to a later date for the parties to present additional information on several issues; and

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

WHEREAS, on November 21, 2024, the Prince George's County Planning Board heard additional testimony and received additional evidence submitted for the record on specific issues, including transportation, accuracy of the associated natural resources inventory plan, adequate design of stormwater management, analysis of the associated departure request, and historic preservation. However, the Planning Board continued the hearing to a later date for the parties to present additional information on several additional issues; and

WHEREAS, on January 16, 2025, the Prince George's County Planning Board heard additional testimony and received additional evidence submitted for the record on specific issues, including transportation, bufferyard landscaping, and historic markers; and

WHEREAS, in consideration of evidence presented at the aforementioned public hearings, regarding Detailed Site Plan DSP-22001 for McDonald's Ager Road, the Planning Board ~~†[finds:]~~ approved DSP-22001 and adopted PGCPB Resolution No. 2025-008 on February 6, 2025, memorializing its approval; and

†WHEREAS, the District Council elected to review the Planning Board's approval on February 24, 2025, heard oral arguments on the case on April 1, 2025, and voted to remand the case to the Planning Board on April 14, 2025 to reopen the record and take further testimony or evidence on eight specific issues; and

†WHEREAS, in consideration of the written evidence and testimony presented by the applicant and opponents at a public hearing on June 12, 2025, regarding the remand of Detailed Site Plan DSP-22001 McDonald's Ager Road, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) requests approval for development of a 3,683-square-foot eating and drinking establishment with drive-through service on the southern portion of the subject property, Parcel 23.
2. **Development Data Summary:**

	<b>Existing</b>	<b>Evaluated</b>
Zone(s)	CGO (Prior C-S-C)	C-S-C
Use(s)	Eating and drinking establishment	Eating and drinking establishment with a drive-through
Acreage	4.17	4.17
Gross Floor Area	1,995 sq. ft.	3,683 sq. ft.
Green Area (Percentage)	-	2.99 (71.7%)

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

## OTHER DEVELOPMENT DATA

<b>Parking</b>	<b>Required</b>	<b>Evaluated</b>
Existing parking in integrated shopping center	71	71
Eating or Drinking Establishment (including drive-through service or carryout): 1 space per 3 seats, plus 1 additional space per 50 sq. ft. of gross floor area*	47	54
Handicap-Accessible (included in the total number of required and provided parking spaces)	2	2
<b>Total</b>	<b>118</b>	<b>125</b>
<b>Loading</b>		
1 loading space per 2,000–10,000 sq. ft. of gross floor area	1	1
<b>Total</b>	<b>1</b>	<b>1</b>

**Note:** \*Excluding any area used exclusively for storage or patron seating, and any exterior patron service area.

### Bicycle Spaces

This DSP includes two U-shaped bicycle racks, which are located at the east side of the building, near the building entrance.

3. **Location:** The subject property, known as Parcel 23, is located in the northeast quadrant of the intersection of MD 410 (East West Highway) and Van Buren Street, and on the south of Ager Road, as shown on Tax Map 41-D1 in Planning Area 65 and Council District 2.
4. **Surrounding Uses:** The property is currently improved with a retail shopping center. The site is bounded to the north by Van Buren Street, an arterial road, and properties to the north of Van Buren Street are zoned Residential, Multifamily-20 (RMF-20). The site is bounded to the south by MD 410 (East West Highway) and to the west by Ager Road (with properties to the west of Ager Road zoned Commercial General Office (CGO) and Residential, Single-Family-65 (RSF-65)). To the east of the site is the Pallottine Seminary zoned Residential, Rural (RR) and single dwelling property zoned RSF-65.
5. **Previous Approvals:** A Natural Resources Inventory, NRI-026-2022, was approved on April 28, 2022. A Stormwater Management (SWM) Concept Plan, 30395-2021-0, was approved on May 26, 2022, and will remain valid until May 26, 2025. There are no other approvals for this property.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

6. **Design Features:** The subject site, comprised of 4.17 acres of land, is improved with a retail commercial center consisting of three buildings constructed in the late 1940s. This DSP is approved to raze the existing freestanding building located on the southern portion of Parcel 23 and build a 3,683-square-foot eating and drinking establishment with drive-through service. When constructed, the eating and drinking establishment will be served by the existing southern two-way driveway entrance along Ager Road. Two drive-through lanes are located to the southeast of the building, with two separate menu display boards, and then merge into one lane before the pick-up windows.

The plan also includes adding 54 parking spaces to the existing parking lot, bringing the total number of parking spaces to 125. Specifically, 24 of the newly generated parking spaces will be located on the north side, while 30 will be situated south of the freestanding building.

#### **Architecture**

The freestanding building, rectangular in shape, will serve a McDonald's eating and drinking establishment. The building will be approximately 19 feet tall, with a single door on the west and south elevations. The new McDonald's architectural prototype, which consists of a one-story building, incorporates vertical and horizontal panels of fiber cement siding in dual brown/earth tones, and a canopy that projects from the face of the building along the southeast and west façades, offering a covered walkway at the entrance. The covered walkway is practical for weather protection and adds a distinctive visual feature. The façade showcases a combination of materials, with metal paneling on the upper portion and wood paneling around the entrance, creating a contrast that is aesthetically pleasing and modern. Lastly, the artificial lighting accentuates the building's features, indicating that the design considers visibility and prominence during evening hours.

#### **Lighting**

This DSP includes building-mounted and pole-mounted lighting to illuminate the building, parking, pedestrian walkways, and loading areas. A photometric plan was included with this DSP and reflects adequate lighting throughout the site, with minimal spillover onto adjacent neighboring properties.

#### **Signage**

The DSP includes two building-mounted signs with the word McDonald's on the north and south façades, and the trademark McDonald's golden arches on the south, east, and west façades of the building. The area of the signs is below the maximum permitted area established in Section 27-613 of the prior Prince George's County Zoning Ordinance.

The drive-through portion of the building also includes four wall-mounted signs and three freestanding directional signs. These are externally illuminated and comply with the design standards in Section 27-613.

#### **Loading and Trashing Facilities**

The subject DSP includes one loading space, which is located along the southeastern corner of the property boundary. The trash dumpster enclosure is located on the south side of the building,

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

between the parking lot and the loading zone. The trash enclosure, which will be approximately 8 feet in height, is to be constructed with brick veneer, steel, trex panels, and a metal-paneled gate to match the approved building.

## COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP complies with the requirements of the prior Zoning Ordinance in the C-S-C Zone and the site design guidelines:

a. The subject application is in conformance with the requirements of Section 27-461(b) of the prior Zoning Ordinance, which governs uses in the C-S-C Zone. The eating and drinking establishment with drive-through service is a permitted use in the C-S-C Zone, subject to the provisions of Footnote 24. Per Footnote 24, a DSP must be approved in accordance with Part 3, Division 9, of the Zoning Ordinance.

b. The DSP meets the additional regulations governing setbacks for development in commercial zones in Section 27-462 of the prior Zoning Ordinance.

c. **Section 27-285(b)–Required Findings.**

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

The Planning Board finds the above criteria to be met, based upon the findings contained herein regarding the required design criteria. Additional analysis was also provided for the overall impact of the development.

### Traffic

A finding of transportation adequacy is not a requirement for a DSP application. The 2012 Transportation Review Guidelines, Part 1 (Guidelines) summarize the types of applications and the required findings for each development proposal. The Guidelines note the following, as it relates to a DSP application, in reference to meeting the required finding of Section 27-285(b) of the prior Zoning Ordinance:

“In cases where an adequacy finding has never been made for a site, TPS staff shall review recent traffic data as a means of making the above finding or otherwise determine that the site plan as proposed would have a de minimus impact upon area traffic.”

The Maryland State Highway Administration (SHA) provides traffic volume information produced from traffic counts used to calculate annual average daily traffic (AADT) for

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

roadways under SHA jurisdiction. AADT volumes are published annually by SHA. AADT is the average number of vehicles that travel on a specific section of road, calculated by taking the total traffic volume over a full year and dividing it by the number of days in a year. Using AADT volumes from the past 10 years along the segment of MD 410, adjacent to the subject site, staff is able to determine the regional growth or growth in through-traffic for this segment as an average percentage increase. Based on staff analysis, there is a negative regional growth factor which represents a decrease in traffic volumes, on average, for the past 10 years. Expansion of the existing shopping center will have a de minimis impact on traffic volumes on the adjacent roadway.

As mentioned, the site is currently improved with 19,780 square feet of integrated shopping center. Section 27-107 of the prior Zoning Ordinance defines an integrated shopping center as “a group of (three (3) or more) retail stores planned and developed under a uniform development scheme and served by common and immediate off-street parking and loading facilities.” The Green Meadows Shopping Center contains three buildings with a mix of commercial uses that include restaurants, a bakery, a market, a barber shop, general retail space, and a liquor store. As the shopping center exists today, there appears to be leasable space for roughly 10 to 11 separate tenants. The subject site is designated as Parcel 23 and is owned by a single entity identified as 6581 Ager Limited Partnership. As described in the statement of justification, the applicant will be leasing a portion of the site, consisting of 1.16 acres, which is located at the southernmost portion of Parcel 23.

The Green Meadow Shopping Center contains more than three retail stores, has existing driveways that provide access to all parking areas, will remain under single ownership, and thereby meets the definition of an integrated shopping center. In addition, the design of the internal circulation allows users to access all buildings in the shopping center by way of drive aisles, sidewalks, or crosswalks, without requiring vehicles or pedestrians to use the fronting roadways.

Section 27-107 defines an eating and drinking establishment as “an establishment that provides food or beverages for consumption on or off premise, which may be developed freestanding, on a pad site or attached to another building, or located within another building or located within a group of buildings, which may include a drive-through service, carryout, outdoor eating, music of any kind, patron dancing, or entertainment, excluding adult entertainment uses.” The applicant proposes to raze the existing building that is operating as a sit-down/carryout restaurant, and replace it with a fast-food restaurant with a drive through. Both the existing and proposed use fit the definition of an eating or drinking establishment, which is a common commercial use found within integrated shopping centers. The current proposal will continue to operate as an integrated shopping center.

The DSP will result in a total of 21,468 square feet of integrated shopping center or an increase of 1,688 square feet.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language



Based on the increase in the proposed square footage, the trips associated with the expansion of the shopping center were analyzed, consistent with the recommendation for trip generation in the Guidelines. The Guidelines direct the use of rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual for retail centers and retail buildings. A general note in the Guidelines is provided for this use, which states:

“General retail buildings and centers may use the fitted curve for ‘shopping center’ in the ITE Trip Generation Manual. In general, the shopping center rate covers commercial uses (including related pad sites) within a given site having the ‘integrated shopping center’ use as defined in the Zoning Ordinance except non-accessory office space and gas stations; these uses and other non-retail uses shall include a separate trip generation calculation. Freestanding commercial and retail buildings not within an integrated shopping center should consider using specific rates from the ITE Trip Generation Manual, particularly when those uses are more trip intensive than general retail.”

The DSP is within the Green Meadows Shopping Center, which is considered an integrated shopping center. For the purposes of trip generation, the ITE rates for land use code 822 Strip Retail Plaza (<40k) were used. ITE defines a strip retail plaza as an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit that has less than 40,000 square feet of gross leasable area (GLA). The ITE definition for a strip retail plaza is consistent with the definition of an integrated shopping center, as defined by the Zoning Ordinance. This DSP is to construct a separate building on a pad site, within an integrated shopping center, as defined by the ITE Trip Generation Manual and the Zoning Ordinance.

As described by the ITE Trip Generation Manual and directed by the Guidelines, the shopping center rate covers commercial uses including pad sites, as is the case with this DSP. There is no differentiation from tenants on a pad site, except for non-accessory office or gas stations. The trip generation provided below is consistent with the Planning Board’s analysis for similar applications within integrated shopping centers. The Board finds that there is a de minimis impact, based on the proposed development, consistent with the Guidelines.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language



TRIP GENERATION SUMMARY: DSP-22001								
			AM Peak-Hour			PM Peak-Hour		
Land Use	Quantity	Metric	In	Out	Total	In	Out	Total
<b>822</b>								
Strip Retail Plaza (existing)	19,780	Sq. Ft.	27	18	45	63	63	126
<i>Pass-by 50%</i>			<u>14</u>	<u>9</u>	<u>23</u>	<u>32</u>	<u>31</u>	<u>63</u>
Existing Trips			13	11	<b>22</b>	31	32	<b>63</b>
Strip Retail Plaza (proposed)	21,468	Sq. Ft.	29	19	48	67	67	134
<i>Pass-by 50%</i>			<u>14</u>	<u>10</u>	<u>24</u>	<u>34</u>	<u>33</u>	<u>67</u>
Proposed Trips			15	9	<b>24</b>	33	34	<b>67</b>
<b>Increase in Peak Hour Trips</b>					<b>2</b>			<b>4</b>

#### Trip generation fast-food with drive through

Although the Planning Board finds that the proposal has a de minimis impact, based on the Guidelines, the applicant elected to provide additional analysis to further evaluate the approved use. The submitted transportation memorandum from the applicant analyzes the trips associated with an eating and drinking establishment, with drive through, and its impact on the adjacent roadway and site access. While not a requirement for a DSP, this is the same general approach used for an application requiring a traffic impact study (TIS).

The subject property is located within TSA 1, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

- Unsignalized Intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted.
- For two-way stop-controlled intersections, a three-part process is employed: (a) vehicle delay is computed in all movements using the Highway Capacity Manual (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if the delay exceeds 50 seconds; (c) if the delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed and the standard of CLV is 1,150 or less.

The table below summarizes trip generation for the 3,683-square-foot eating and drinking establishment with drive-through, that will be used in reviewing site traffic-generated impacts.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

<b>TRIP GENERATION SUMMARY: ITE 934: Fast-food Restaurant with Drive-Through Window</b>								
			<b>AM Peak-Hour</b>			<b>PM Peak-Hour</b>		
<b>Land Use</b>	<b>Quantity</b>	<b>Metric</b>	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
ITE 934: Fast-food Restaurant with Drive-Through Window (proposed)	3,683	Sq. Ft.	84	80	164	63	59	122
<i>Pass-by 50%</i>			<u>42</u>	<u>40</u>	<u>82</u>	<u>35</u>	<u>32</u>	<u>67</u>
<b>Proposed Trips</b>			<b>42</b>	<b>40</b>	<b>82</b>	<b>28</b>	<b>27</b>	<b>55</b>

The applicant's memorandum calculated trips based on a larger building, than what is approved. A larger building represents more trips; therefore, the analysis provided reflects impacts that are greater than the approved building. In addition, the applicant's analysis did not consider any reduction in trips that are currently on the road network. When assessing impacts for new development, an existing use has trips associated with its current operation, and these trips would normally be deducted from the trips associated with the new use. Further, the applicant's analysis only distributed trips to the driveways immediately adjacent to the proposed building. Assuming all approved trips will use only these driveways represents the greatest impact of the proposed development.

The traffic generated by the DSP would impact the site access along MD 410.

<b>TRAFFIC CONDITIONS</b>				
<b>Intersection</b>	<b>Critical Lane Volume (AM &amp; PM)</b>		<b>LOS/Pass/Fail (AM &amp; PM)</b>	
MD 410 and site access	<u>43.2 s</u>	<u>24.7 s</u>	Pass	Pass
<i>Unsignalized tier step 2</i>			N/A	N/A
<i>CLV step 3</i>			N/A	N/A
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the Guidelines, a delay exceeding 50.0 seconds indicates inadequate traffic operations.				

Based on the additional analysis provided, the approved development would meet the requirements of the three-step process for average vehicle delay at an unsignalized intersection, if an adequacy test were to be required. The access meets the first step of the three-step process, and no further analysis would be required if this access point was included in a formal TIS. Based on the results, and as described in the Guidelines, this demonstrates that no further operational analysis would be required as part of a formal TIS.

Additional analysis on the use of ITE trip generation rates for shopping centers can be found in the memorandum referenced herein.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

### **Loading**

The loading area is located in the southeast corner of the subject site, away from major streets, with screening from public view. It is clearly marked and is separated from parking areas, to the extent possible. However, due to its proximity to the drive-through lane and that it will use the parking aisles, the Planning Board agrees with the applicant on the condition offered, to limit the use of the loading area and deliveries from 11:00 p.m. to 7:00 a.m.

### **Vehicular and Pedestrian Circulation**

There are four existing driveways providing direct access to the existing integrated shopping center from MD 410 and two existing driveways along Van Buren Street. The easternmost driveway along Van Buren Street primarily provides access to the rear of the existing integrated shopping center. The second driveway along Van Buren Street, located further west, provides access to the parking lot and building entrances for the existing integrated shopping center. This driveway extends parallel to the building entrances along the entire length of the existing integrated shopping center. All six existing driveways provide access to the proposed building. Additional traffic calming measures are provided to discourage higher speeds. Along MD 410, beginning at the intersection with Van Buren Street and continuing south, there are two driveways providing access to the parking areas for the existing buildings which will also provide access to the proposed building. At the southernmost end of the subject site are two additional driveways that provide additional access to the proposed building.

All existing access points are full movement; however, MD 410 is a median-separated highway. Therefore, there are no left turns exiting these driveways. The two driveways located near the proposed building are modified to address comments received by SHA. The modifications channel the driveways, to restrict turning movements, and will operate as a right-in/right-out along MD 410. The channelization will also reduce the pedestrian crossing distance at these driveways, which will reduce conflicts between vehicles and pedestrians. To reduce the speed of entering vehicles and protect pedestrians from the existing on-site traffic, high-visibility traffic calming elements are provided within the site. In order to further reduce conflicts with vehicles entering the site, signage, pavement markings, crosswalks, and speed bumps were added near the driveway entrances and along the drive aisle to the east of the new building. To enhance safety and navigation for drivers, traffic signage to alert vehicles about circulation patterns and one-way traffic throughout the area is provided. This includes signs for stop, do not enter, right turn only, and no pedestrian access. Crosswalk marking aims to create a safe crossing for pedestrians at the rear of the shopping center.

Regarding pedestrian access into the site and through the parking lot, a pedestrian connection is provided near the southernmost driveway, at a location near the existing crosswalk, crossing MD 410. This pedestrian connection includes a striped crosswalk leading to the entrance of the building and associated Americans with Disabilities Act (ADA) ramps. A crosswalk marking also aims to create a safe crossing for pedestrians at the rear of the shopping center. Pedestrian circulation areas were shown separately in an

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

exhibit provided by the applicant and are clearly marked in the plan. The internal circulation facilitates accessibility to all buildings within the shopping center, as users may navigate through drive aisles, sidewalks, or crosswalks; thereby, reducing the need for vehicles or pedestrians to utilize the adjacent roadways.

The applicant also proposed one additional mid-block crossing on Van Buren Street, directly into the parking lot. However, per an email from Lord-Attivor to Hancock, the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) does not support the proposed mid-block crossing, due to safety concerns. This crossing is, therefore, deemed not feasible. On the other hand, in the same email, DPIE supports and recommends installing a high-visibility crosswalk at the intersection of Van Buren and Ager Road where the intersection is controlled by a stop sign as "[t]his crosswalk would connect to our proposed crosswalk at the intersection of Van Buren Street and Ager Road; thus, connecting the sidewalk that leads into the apartment complex/ subdivision with the Shopping Center/ McDonalds." Furthermore, "[u]pgrading this intersection with ADA compliant sidewalks, pedestrian ramps and a high visibility crosswalk that meets the County's standards is recommended, beneficial and critical to the pedestrian experience."

#### **Drive-through circulation**

The driveways near the approved building allow for direct access to the parking areas. Concerns around queuing, from the drive through onto MD 410, were raised during the Planning Board hearing. The applicant provided an exhibit demonstrating that the plan allows for approximately 12 to 14 vehicles in the double drive-through lanes, from the order lane to the drive-through entrance, and additional space is available to accommodate 6 more vehicles between the pickup window and the order board. More importantly, the illustration shows that, according to Section 27-274(C)(6) of the prior Zoning Ordinance, the design of the drive-through does not conflict with circulation traffic patterns or pedestrian access. The Planning Board finds there is sufficient space for queuing on-site. The one-way circulation to the parking and drive through, including a right-out only from the drive through, will reduce conflicts with site access points and drive-through circulation.

d. **Section 27-274(a)(2)(A) – Design guidelines.**

- (i) Parking lots should generally be provided to the rear or sides of structures;**
- (ii) Parking spaces should be located as near as possible to the uses they serve;**

The parking spaces shown on the plan are generally located on the sides of the building. The parking spaces provided near MD 410 are consistent with the existing parking spaces of the integrated shopping center.

A parking area is to the south of the building, accommodating 30 parking spaces. An additional 13 parking spaces are adjacent to the drive-through lane. There are also 11 parking spaces east of the existing building. These spaces could be accessed by vehicles entering from one of the driveways along Van Buren Street or from MD 410. It is more

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

likely that these spaces will be used by employees or vehicles parked for longer periods of time on the site. Pedestrian connections from this parking area to the building entrance have been provided, pursuant to revised plans submitted prior to the January 16, 2025 Planning Board hearing. The number of parking spaces shall be reduced to the minimum required, to help minimize potential conflicts with traffic circulation patterns, and angled parking may be considered, where appropriate.

Despite the site plans showing that the width of parking aisles are at least 22 feet and generally suitable for two-way traffic circulation, the circulation of the parking area to the south was revised to accommodate one-way vehicular traffic. Requiring one-way traffic will minimize the number of conflicts, particularly when entering the driveway near the proposed building and in the parking area. Restricting vehicular movement will move vehicles through the site to their intended destination, whether it is the parking lot, the drive through, or another commercial use on-site. This will also reduce decision making as vehicles enter the site from MD 410, which would reduce the potential queuing at the entrance driveways. A separate pedestrian connection (striped crosswalk) is also provided near the southernmost driveway, at a location near the existing crosswalk, crossing MD 410. Additional improvements include directional arrows, lane markings, do not enter signs, and stop signs. In addition, the parking bay along the MD 410 frontage may be revised as angled parking spaces, given the one-way drive direction.

8. **2010 Prince George's County Landscape Manual:** This DSP is subject to Section 4.2, Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the *Prince George's County Landscape Manual* (Landscape Manual). The required schedules have been provided, demonstrating conformance to the requirements.

Initially, the applicant applied for alternative compliance from Section 4.7, in order to remove the trees on-site and avoid planting which would obscure areas at the rear of the site, to address trespassing issues. After the Alternative Compliance Committee determined that the request for Alternative Compliance AC-23017 failed to meet the approval criteria and following concerns that the proposed Departure from Design Standard DDS-23001, which was filed thereafter, may not completely resolve the shopping center's trespassing problem, the applicant withdrew DDS-23001 and AC-23017 on December 18 and December 20, 2024, respectively.

Therefore, the subject DSP must conform to Section 4.7, which requires a Type D bufferyard along the eastern property line adjacent to a historic site. This bufferyard includes a 50-foot-wide building setback and a 40-foot-wide landscape yard to be planted with 160 plant units per 100 linear feet of property line. However, to comply with crime prevention through environmental design principles, regarding surveillance and minimizing blind spots that could facilitate illegal activities, the applicant shall trim any low-hanging branches of existing trees to create a minimum clearance height of 8 feet. The feasibility of trimming the trees will depend on their health and species.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

The current landscape plan reflects compliance with the required bufferyard using existing and proposed plantings, pursuant to Section 4.7. Therefore, DSP-22001 is in conformance with the Landscape Manual requirements.

9. **2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in area, contains more than 10,000 square feet of existing woodland, and is subject to Type 2 Tree Conservation Plan TCP2-004-2024.

TCP2-004-2024 was submitted with the current application and includes on-site tree retention. The applicant will need to demonstrate that woodland retained on-site meets the design criteria requirements in Section 25-122(b) of the County Code to be credited as woodland preservation. The balance of the woodland conservation requirement not meeting the design criteria shall be revised to be met with off-site woodland conservation credits. After evaluating the woodland conservation priorities, no other on-site woodland conservation methods are considered feasible.

NRI-026-2022 was reviewed and approved by the Environmental Planning Section on April 28, 2022. Per the approved NRI-026-2022, approximately 40 percent of the existing tree line consists of scattered trees, with maintained understory, and is not a forest. The existing forest stand is 1.05 acres in size and does not contain primary management area (PMA), regulated streams, 100-year floodplain, interior species habitat, or existing specimen, champion, and historic trees. The existing forest exhibits invasive plants including *Lonicera japonica*, *Ligustrum vulgare*, *Microstegium vimineum*, *Hedera helix*, and *Rosa multiflora*, and when combined with understory trees, the forest creates visibility issues, trash build-up, and concerns regarding potential safety issues.

The applicant uses native plant materials to enhance on-site landscaping, while maintaining visibility throughout the rear of the property. Technical revisions are required to the TCP2 and have been included as conditions in this resolution.

The applicant submitted an approved SWM Concept Plan (30395-2021) showing the use of two micro-bioretenion areas and two underground storage systems. This SWM plan was approved on May 26, 2022, and expires on May 26, 2025.

10. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Prince George's County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for equal or greater than 2,500 square feet of gross floor area (GFA) or disturbance. Properties zoned CGO are required to provide a minimum of 15 percent of the net tract area in TCC. The site area is 4.17 acres and has a net tract area of 3.38 acres, resulting in a TCC requirement of 22,132 square feet within the net tract area. The schedule shows that the requirement was based on GFA. A condition has been added herein, requiring the applicant to submit a revised TCC schedule and plans to demonstrate conformance with the requirements.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language



11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:

- a. **Historic Preservation**—At the time of acceptance, the Historic Preservation Section reviewed the proposed DSP and landscape plan. The latter did not provide any visual buffer of the development from the adjacent historic site because, at that time, plans reflected the removal of existing trees along the abutting historic site without replacement. This information was presented to the Historic Preservation Committee (HPC) on March 19, 2024. On April 3, 2024, the HPC provided a memorandum of their findings and recommendations.

Subsequently, the applicant submitted revised plans, including steep slopes covered with mix of river rock, evergreen trees, and perennials arranged naturally throughout the site. Following the revised submission, the Historic Preservation Section provided a memorandum dated September 3, 2024 (Chisholm to Gomez), incorporated herein by reference, which acknowledged that the proposed landscape plan for the DSP at McDonald's Ager Road aimed to address a long-standing trespassing issue on the developing property. The Historic Preservation Section confirmed that the comments adopted by the HPC remained unchanged, despite the applicant's revisions to the proposed landscape buffer.

During the continuance period of the Planning Board hearings, the landscape plans were ultimately revised to retain the existing trees and to provide additional plantings, in order to meet the full buffer requirements on-site, from the abutting historic site.

Per a memorandum dated October 30, 2024 (Stabler to Gomez), incorporated by reference herein, the Historic Preservation Section reviewed the potential impact on the adjacent Green Hill Historic Site (65-008) and determined that no archaeological investigation is required. Consultant findings indicate that current landforms are artificial, dating from the 20th century, with no evidence of earlier landforms or deposits. A consultant archaeologist shall provide monitoring during construction, to address any significant findings.

In response to comments at the Planning Board hearing, to highlight the historic features of the area, the applicant committed to design and install posters regarding enslaved persons, in English and Spanish, within the eating and drinking establishment. These posters will highlight the unique historical features and significance of the area, providing patrons with a deeper appreciation of the locale's rich heritage. A condition is included herein for the posters to be reviewed and approved by the Historic Preservation Section. In addition, the applicant proffered a condition to provide an outdoor historic marker.

- b. **Community Planning**—In a memorandum dated July 3, 2024 (Perry to Gomez), incorporated herein by reference, pursuant to Part 3, Division 9, Subdivision 3, of the prior Zoning Ordinance, it is found that master plan conformance is not required for this application.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language



- c. **Subdivision**—In a memorandum dated August 13, 2024 (Vatandoost to Gomez), it is noted that the subject DSP is exempt from the requirement of filing a preliminary plan of subdivision and final plat, pursuant to Section 24-107(c)(7)(C) of the prior Subdivision Regulations. Notes on the DSP shall be revised to include the total square footage of all existing buildings.
- d. **Transportation Planning**—In a memorandum dated August 13, 2024 (Patrick to Gomez), it is noted that the eating and drinking establishment will not generate an increase in peak-hour trips that would require any additional analysis. However, during and between the Planning Board hearings, additional analysis was provided.

In an email dated October 14, 2024 (Patrick to Garland), SHA recommended consolidation of the two southernmost two-way access points into one commercial right-in/right-out access point. In addition, this access shall be narrowed and shifted further west from what is shown on the plan. Using this access, the on-site circulation was confirmed as acceptable. To satisfy the recommendations of SHA, it does require modifying the driveway entrances, and the applicant will need a new SHA access permit. The subject site's frontage along MD 410 is within an SHA Pedestrian Safety Action Plan (PSAP) corridor. The PSAP has identified several pedestrian improvements and roadway modifications at the intersection of MD 410 and MD 212 (Riggs Road), to include the removal of channelized turn islands and the addition of a westbound MD 410 left turn lane. As identified in the PSAP, sufficient right-of-way does not exist to provide a bike lane along the site's frontage. The driveway entrance modifications described above are shown on the DSP.

In a memorandum dated November 1, 2024 (Patrick to Gomez), incorporated herein by reference, further analysis of the testimony related to trip generation, parking, loading, and circulation in the site were evaluated.

In the December 20, 2024 submission, the DSP was revised to provide pavement markings, narrowed entrance, one-way drive aisles, signage, speed bumps, and crosswalks to ensure safe multimodal circulation. Exhibits for queuing and turning movements were also provided to demonstrate adequate on-site vehicle circulation.

- e. **Environmental Planning**—In a memorandum dated July 3, 2024 (Meoli to Gomez), incorporated herein by reference, it was noted that the proposed TCP2 is acceptable, with technical corrections. Based on the initial plans submitted, on-site woodland conservation was not found to be optimal, due to limited woodland connections and lack of suitable native stock or specimen trees. Therefore, the applicant proposed to meet the woodland conservation requirements through the use of off-site woodland conservation credits. However, revised plans have resulted in additional on-site woodland retained. The applicant will need to demonstrate that woodland retained on-site meets the design criteria requirements in Section 25-122(b) of the County Code to be credited as woodland preservation. The balance of the woodland conservation requirement not meeting the design criteria shall be revised to be met with off-site woodland conservation credits.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

Per a memorandum dated October 29, 2024 (Meoli to Gomez), incorporated by reference herein, the questions raised during the Planning Board hearing on October 24, 2024 were addressed regarding the adequacy of the NRI.

An NRI does not identify every species of vegetation found on a property; instead, it utilizes a sampling method to characterize the overall forest stand, in accordance with the State of Maryland Forest Conservation Act. Typically, individual trees shown on NRIs are to document specimen, historic, or champion trees, in accordance with the 2010 Prince George's County Woodland Conservation Ordinance (WCO). Specimen trees are identified as trees having a diameter at breast height of 30 inches or more; however, no individual trees are depicted on the NRI, since no trees on-site meet these minimum size requirements.

In conclusion, the Planning Board finds that the NRI was approved in accordance with the requirements of the WCO, and that the NRI remains valid until April 28, 2027. In addition, further clarification was provided regarding the existing conditions of the site, as depicted in NRI-026-2022, in an email dated October 30, 2024 (Meoli to Gomez). It indicated that the tree line illustrated on the property represents the general area where trees are located. This tree line includes both a 1.05-acre forest stand, which qualifies as woodland, and a portion of that does not currently meet the requirements to be classified as woodland. According to the NRI, this non-woodland area makes up approximately 40 percent of the existing tree line and consists of scattered trees with a maintained understory.

The NRI accurately characterizes the existing conditions of the site; however, the only section of the tree line that meets the definition of woodland is the 1.05-acre forest stand. As detailed in the Environmental Planning memorandum dated July 3, 2024, the TCP2 fully accounts for the total of 2.04 acres of woodland that existed on the site. The full woodland conservation requirements are being addressed through the TCP2.

- f. **Permits**—In a memorandum dated February 26, 2024 (Jacobs to Gomez), incorporated herein by reference, four comments were provided, which have been addressed by the applicant in revisions to the DSP or have been included as conditions herein.
- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated February 26, 2024 (De Guzman to Mitchum), incorporated herein by reference, DPIE noted that the site plan is consistent with the Site Development Concept Plan, 30395-2021, approved on May 26, 2022. The following comments, which incorporate the site development plan review pertaining to Stormwater Management (County Code 32-182(b)), were also provided:

- “a) The exact acreage of impervious areas has been provided in the concept plan.
- “b) Proposed grading is shown on plans.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

- “c) Delineated drainage areas at all points of discharge from the site have been provided in the concept plan.
- “d) Stormwater volume computations have been provided with the concept plan.”

Furthermore, staff reached out to DPIE with follow-up questions regarding the adequacy of approved SWM Concept Plan SCDP 30395-2021, and the following information was provided:

- “(1) Requirements for a SWM concept plan: The applicant is required to comply with the Prince George’s County Stormwater Design Manual, for both water quality (environmental site design to the maximum extent practicable) and water quantity rate control (attenuation of the 24-hour, 100-year storm event).
- “(2) Standard for quantity control in Prince George’s County: DPIE’s Techno-Gram 007-2016 Guide states for the 24 hour 100-year storm, the rainfall is 8.5 inches. According to DPIE, the SWM concept for the site indicates Type II 24-hour, 100-year rainfall = 8.44 inches, which determines that the approved Stormwater Concept Plan SCDP No. 30395-2021 is in compliance with the minimum requirements of approval.”

In addition, the SWM concept approval letter listed the following conditions of approval:

- “(a) Water quality control requirements: two micro-bioretenion, two u/g storage.
- “(b) SHA approval required.
- “(c) This project will require a site development fine grading permit.
- “(d) 100-yr requirement provided by two underground storage facilities.
- “(e) 100-yr quantity management to be provided for LOD with adequate conveyance of any bypass/offsite areas draining through the site.”

In order to mitigate the impacts of additional impervious surfaces, the Planning Board conditioned the applicant to install permeable pavement in the parking lot area.

- h. **Department of Parks and Recreation (DPR)**—In an email sent on August 13, 2024 (Thompson to Gomez), DPR provide no comments on the subject application.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

- i. **Maryland State Highway Administration (SHA)**—In an email sent on October 10, 2024, (Woodroffe to Hancock), SHA provided the following recommendations, as a result of a series of meetings with the Transportation Review Section:

- “1. SHA is recommending consolidating the two (2) southernmost 2-way access points into one (1) commercial right-in/ right-out access point; this is due to safety and operational concerns. The final width and geometry will be coordinated with the Applicant to ensure the applicable design vehicle can negotiate the access in a way that does not impact traffic on MD 410.
- “2. An Access Permit will be required for modification of the existing access. Any additional information needed during the review of the plans will be coordinated with the Applicant. “
- “3. This section of MD 410 from MD 212 (Riggs Road) to MD 500 (Queens Chapel Road)/Adelphi Road is a State Highway Administration (SHA) Pedestrian Safety Action Plan (PSAP) corridor. The PSAP is an actionable plan for prioritized corridors to improve pedestrian and bicyclist safety in areas of need. This section of MD 410 is on the list of the 23 highest priority corridors for improvements in pedestrian and bicycle safety, statewide based on crash data, equity (economic and demographic conditions), destinations and connections (bus stop density, rail access, schools, etc.), CSII/CSIS history (SHA’s high crash intersection and segment ranking), and activity density data (places non-motorized trips are likely).

There are no plans to change any of the access points along MD 410 between MD 212 and Ager Road. Sidewalks would be added fronting the shopping center and the median openings at 19th Place would stay because of needed access. The improvements at MD 212 call for adding an additional left turn bay from westbound MD 410 to southbound MD 212 and removal of the channelized right turn islands on the southwest and southeast corners. It should be noted that bike lanes are not being added due to right-of-way and utility constraints within this section.”

On December 20, 2024, Planning Department staff, the applicant, and SHA held a meeting to discuss the proposed/ongoing plans for the right-of-way of MD 410 (East West Highway) and any potential impact to the proposed DSP.

In an email from Patrick to Gomez, SHA confirmed that the proposed development is within the MD 410 PSAP project that starts from MD 212 (Riggs Road) and goes to MD 500/Adelphi Road, which is in a design stage and is not expected to begin construction until 2027.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

In regard to improvements that could potentially affect the site of the shopping center, SHA stated that the plan includes widening along westbound MD 410 approaching MD 212 which impacts a portion of the frontage of the site. This widening will impact one access driveway and a portion of the sidewalk along the site's frontage. Both will be removed and replaced to accommodate the widening and will include ADA ramps and a crosswalk at the intersection of Van Buren Street and MD 410. During the meeting, it was determined that the modifications proposed by SHA would not have any impact on the landscaping plans outlined in the current application.

SHA also confirmed during the meeting that they have no additional comments and are not requesting the elimination of any existing access driveways. However, modification to the access driveways and the additional sidewalk connection will require a permit for construction through SHA's permitting process. Lastly, SHA is in support of an additional pedestrian sidewalk connection at the eastern portion of the site.

12. **Community Feedback:** On March 21, 2024, staff received an inquiry from Michael Wilpers on behalf of the Friends of Sligo Creek regarding DSP-22001. Mr. Wilpers expressed the group's concerns about the loss of tree cover from woodland within the property boundaries. He also manifested his intention to testify at the Planning Board hearing initially scheduled to review the subject application on March 28, 2024. Staff clarified that DSP-22001 was not included in the agenda for the mentioned Planning Board hearing, as the application was still under review, and invited Mr. Wilpers to register as party of record. This would enable him to receive updates regarding notice of scheduled hearings, actions, and decisions rendered at certain stages of the application process.

Additional community feedback was received, both verbally and in writing, during the Planning Board hearings, which are discussed further in the Planning Board Hearing finding below.

13. As required by Section 27-285(b)(1) of the prior 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 cost and without detracting substantially from the utility of the proposed development for its intended use.
14. Per Section 27-285(b)(4) of the prior Zoning Ordinance, 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.**

The site has an existing Natural Resources Inventory (NRI-026-2022) that was approved on April 28, 2022. NRI-026-2022 shows the current site conditions and past tree line that existed until 2005, but has since been cleared. One 1.05-acre forest stand was identified. According to the NRI Forest Analysis and Priorities Table, this forest stand is designated with a medium priority for preservation and restoration. However, aerial imagery has shown subsequent thinning and clearing

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

of vegetation on the site within the forest stand starting after 2005. This site is not mapped within any regulated or evaluation areas within the *Countywide Green Infrastructure Plan* of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*. The DSP does not contain PMA because it is not associated with any regulated environmental features (REF), such as streams, wetlands, 100-year floodplain, or associated buffers.

The site does not contain specimen trees or REF.

15. **Planning Board Hearing:** During the Planning Board hearings, citizen testimony was received with many concerns raised about various issues. Opponent, applicant, and staff exhibits were submitted, and the subject application was continued several times, as listed below:

**September 26, 2024 Planning Board Hearing**—Exhibits submitted included the following:

- Applicant's Exhibits 1–4
- Opponents Exhibits 1–18
- Staff Exhibit 1

The Board continued the hearing to October 3, 2024, to allow additional time for the review of materials submitted.

**October 3, 2024 Planning Board Hearing**—Exhibits submitted included the following:

- Opponents Exhibits 19–55

The Board continued the hearing to October 17, 2024, to allow additional time for the review of materials submitted.

**October 17, 2024 Planning Board Hearing**—Exhibits submitted included the following:

- Applicant's Exhibit 5
- Opponents Exhibits 56–84
- Staff Exhibit 2
- Citizen Exhibit 1

The Board continued the hearing to October 24, 2024, after consideration of a request from opponents and agreement of the applicant for a one-week continuance.

**October 24, 2024 Planning Board Hearing**—Exhibits submitted included the following:

- Applicant's Exhibit 5
- Opponents Exhibits 85–107

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

Significant testimony was provided at the public hearing by opponents and the applicant. The Board continued the application to November 21, 2024, for the limited additional review of the following items:

- a. Transportation – Parking, loading, and drive-through circulation (i.e., conflicts with loading); auto, bike, and pedestrian circulation (i.e., crosswalk deficiencies and SHA’s review of the DSP); based on applicable ITE rates
- b. Accuracy of the natural resources inventory
- c. Adequate design of SWM
- d. Reassess whether the proposed DDS is met/will address the existing trespassing issue
- e. Further discuss issues related to historic preservation

**November 21, 2024 Planning Board Hearing**—Supplemental analysis was provided on the limited scope items, as directed at the preceding hearing. In addition, exhibits submitted included the following:

- Applicant’s Exhibit 6
- Opponents Exhibits 108–124

Additional testimony was provided at the public hearing by opponents and the applicant. The Planning Board continued the application to January 16, 2025, for the limited additional review of the following items:

- a. Vehicular and pedestrian circulation in the shopping center (i.e., crosswalk deficiencies, improvements in internal circulation, drive-through queuing analysis, and SHA’s associated plans in the right-of-way of the site).
- b. Preserving the bufferyard on the east side of the property, due to incompatible use with the adjacent property.
- c. Markers or other historic elements signifying relevance to the site or area.

**January 16, 2025 Planning Board Hearing**—Pursuant to the preceding hearing, the limited scope items were coordinated with DPIE and SHA, and additional materials and revised plans were submitted by the applicant. The applicant also withdrew previously requested Alternative Compliance AC-23017 and Departure from Design Standards DDS-23001, which were initially filed along with the DSP application. A second supplemental analysis was provided on the limited scope items, in consideration of the additional coordination and revised plans and materials. In addition, exhibits submitted included the following:

- Opponents Exhibits 125–130

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language



Additional testimony was provided at the public hearing by opponents and the applicant. The findings contained herein reflect the relevant analysis, as amended through supplemental analyses, pursuant to revised plans submitted and included in this final hearing by the Planning Board.

- †16. **Remand Findings:** The Order of Remand was issued on April 22, 2025. Within the Order of Remand, the District Council directed the Planning Board to reopen the record and take further testimony or evidence on eight specific issues. Upon consideration of all testimony and evidence presented at the remand hearing on June 12, 2025, the Board made the additional findings and conclusions, with respect to the issues that were the subject of the Order of Remand, as follows:

The Order of Remand requests, in part, that the Board include an appropriate legal analysis of its decision. In addition, the applicant provided an analysis of the appropriate legal standard of review for a DSP application under the prior Zoning Ordinance. Staff consulted with The Maryland-National Capital Park and Planning Commission's legal counsel who reviewed the applicant's memorandum and provided the following requested legal analysis:

The District Council exercises appellate jurisdiction over the Planning Board's approval of detailed site plans "and may reverse a decision by the Board only if that decision is 'not authorized by law, is not supported by substantial evidence of record, or is arbitrary or capricious.'" County Council of Prince George's County v. FCW Justice, Inc., 238 Md. App. 641, 674-75 (2018) quoting Prince George's County v. Zimmer Development, 444 Md. 490, 573 (2015).

The District Council's role "is analogous to the one employed by courts in judicial review actions" and is limited to determining if there is substantial evidence in the record as a whole to support the Planning Board's findings and conclusions and to determine if the administrative decision is based on an erroneous conclusion of law. Id. at 675. The District Council may not substitute its judgment for that of the Planning Board, rather, the District Council must affirm the Planning Board's decision if there is sufficient evidence such that a reasoning mind reasonably could have reached the factual conclusion the Board reached. Id.

"The District Council's scope of review is further circumscribed because the Planning Board has discretion to grant or deny detailed site plans [County Code cites omitted]. Therefore, the Planning Board's decisions as to detailed site plan applications: receive an even more deferential review regarding matters that are committed to the agency's discretion and expertise." Id. at 675-76 quoting Zimmer Development at 573-74 (2015). In such situations, the District Council may only reverse the Planning Board's decision if it is arbitrary and capricious because the Council owes a higher level of deference to functions specifically committed to the Planning Board's discretion than they do to the Board's legal conclusions or factual findings. Id.

As correctly cited in the Order of Remand, in order to avoid a finding that the Planning Board's decision is arbitrary or capricious, "there must be 'substantial evidence from which the board could have reasonably found as it did.'" Elbert v. Charles Cnty. Plan.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

Comm'n 259 Md. App. 499, 508-09 (2023) quoting *Baker v. Bd. of Trs. of Emps. Ret. Sys. of City of Balt.*, 269 Md. 740, 744, 309 A.2d 768 (1973). There must be a recitation of the findings and more than "simply the blithe reference to the Staff Report's 'findings and recommendations'." Id. at 509. However, as the Maryland Supreme Court has held, the Planning Board engages in meaningful fact-finding even if its Resolution contains a "rote repetition" of the technical staff report. *Maryland-Nat. Capital Park & Planning Comm'n v. Greater Baden-Aquasco Citizens Ass'n*, 412 Md. 73, 110 (2009). ("It is not unreasonable for the Planning Board to rely on a Staff Report, as the Planning Board did in this case, if the Staff Report is thorough, well conceived, and contains adequate findings of fact.")

Before approving a DSP, the Planning Board must find "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." Prince George's County Code (PGCC) § 27-285(b)(1). The scope of the Planning Board's review of DSPs was further explained by the Appellate Court when it found in favor of the District Council in *Heard v. County Council of Prince George's County*, 256 Md. App. 586 (2022). According to the Court, the "Planning Board evaluates a DSP to establish compliance with the County's Zoning Ordinance. Urban design elements, organization and location of proposed uses, and landscaping issues are assessed at this stage." Id. at 602. It "is a method of moderating design guidelines so as to allow for greater variety of development, while still achieving the goals of the guidelines." *Zimmer* at 562-63.

In finding the DSP represents a "reasonable alternative," the Planning Board must ensure the site plan conforms, to the same site design guidelines that apply to the approval of a conceptual site plan (CSP). PGCC § 27-283(a). It must also find that any regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible. Id. at § 27-285(b)(4). In addition, if the Planning Board finds that a DSP fails to meet the requirements of the Zoning Ordinance, it cannot simply deny the DSP but must also notify the applicant in writing what the deficiencies are so that the applicant is afforded an opportunity to correct them. Id. at § 27-285(d). See, also, *Sheetz v. Frederick City Planning Commission*, 106 Md. App. 531, 540 (1995)( finding that the City's zoning ordinance did not allow its planning commission to deny a site plan unless it first proposed reasonable changes which were rejected by the applicant).

In *Heard*, the Appellate Court also explained what the Planning Board is not allowed to consider at the time of DSP. For example, the Planning Board is not permitted to condition approval of a DSP on its conformance with the General Plan and applicable master plans because "the County Council, when adopting the County Code, determined conformity to the General Plan and applicable Master Plan would not be re-tested at the DSP stage." *Heard* at 623 ("Since preliminary plans must conform to the General and applicable Master Plan, it stands to reason that inherent in the evaluation of a detailed site plan's compliance with its preliminary plan requirements, is the consideration of the General and applicable Master Plan. In other words, since conformity with the General and applicable Master Plan is tested at the Preliminary Planning stage, it does not need to be tested for such conformity

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

again at the DSP stage.”). Id. at 624. Accordingly, the Court found the District Council’s arguments to be “persuasive.” Id. at 626 (“The District Council did not err when it concluded that the Planning Board was legally correct in treating the General and Master Plan as advisory rather than binding documents at the DSP stage.”)

The Planning Board is also not allowed to condition the approval of a DSP on off-site and site adjacent improvements relating to bikeways, trails, and roadways. Id. at 632-35. Instead, the Planning Board is only empowered to require such exactions at the time of preliminary plan of subdivision. Id. at 634 (“Moreover, the authority to regulate roadway and other off-site improvements is not included in the [zoning] purposes for which the local law may regulate.”). As a result, the Appellate Court determined the “the District Council did not err when it determined that the Planning Board was legally correct when it declined to condition approval of the DSP Amendment on Mr. Heard’s suggested off-site and site adjacent improvements relating to bikeways, trails, and roadways.” Id. at 635.

Another area the Planning Board is not permitted to question, at the time of DSP, is the District Council’s decisions concerning permitted uses. When an applicant proposes a permitted use, unless the Zoning Ordinance empowers the Planning Board to consider the use, the Planning Board is restricted to evaluating the site aesthetics rather than the use. This is the issue raised in the Order of Remand in the *Southland Corporation* case and distinguished by the applicant. If the Planning Board were authorized to condition its approval of a DSP on the applicant agreeing not to conduct a permitted use, it would be usurping the legislative role the District Council reserved for itself. *S.E.W. Friel v. Triangle Oil Co.*, 76 Md.App. 96, 108-09 (1988). (“In light of these principles, we conclude there is no merit to appellant’s theory that the Planning Commission ..., in their decision making process, must consider the compatibility of existing and proposed uses.”)

The Order of Remand did not find that the Planning Board’s decision was arbitrary and capricious. Instead, the Order found that the Board’s decision lacked “the appropriate legal analysis, explanation or basis given for the conclusion reached by the Board.” In other words, according to the Order, the Board’s decision lacks sufficient substantial evidence from which the Board could have reasonably found that the seven findings identified in the Order were met.

The Order of Remand included the following eight issues:

- 1. Stacking of Vehicles and Space for Queuing of Proposed Site Plan for an Eating and Drinking Establishment with Double Drive Through Lanes - After reopening the record to take further testimony, as outlined above, on the purposes of the prior Zoning Ordinance, the 1989 Plan, the general purposes of the Commercial Zone, the purposes of the C-S-C Zone, the definition and application of an eating and drinking establishment, the purposes of a Detailed Site Plan, Site Design Guidelines, the impact of a Health Assessment Review from the Health Department on the proposed site plan, and testimony from Citizen Opposition on all issues raised, including traffic safety concerns, the Resolution of Planning Board shall satisfy its articulation obligations, under Maryland law, and the prior Zoning Ordinance, to include the appropriate legal analysis, explanation or basis given for the conclusion to support**

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

**whether or not the proposed site plan represents a reasonable alternative for satisfying the site design guidelines in PGCC § 27-274 — without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use — including whether or not the proposed site plan for an eating and drinking establishment may be approved without a drive-through component.**

This application was filed under the prior Zoning Ordinance which requires a DSP be designed in accordance with the same guidelines as required for a CSP (Section 27-274). Specifically, Section 27-274(a)(2)(C)(vi) of the prior Zoning Ordinance states that “Drive-through establishments should be designed with adequate space for queuing lanes that do not conflict with circulation traffic patterns or pedestrian access.”

The Planning Board found there was substantial evidence in the record to support a finding that there was adequate space for the stacking of vehicles and queuing, based on the December 2024 queuing analysis provided by the applicant (page 21 of the backup). As stated on page 10 of the resolution, the exhibit demonstrated that the DSP will allow for approximately 12 to 14 vehicles (actually 14) in the double drive-through lanes, from the order box to the drive-through entrance, with additional space available to accommodate six more vehicles between the pick-up window and the order box. Accordingly, the Board found that the DSP met the requirements of Section 27-274(a)(2)(C)(vi) because the capacity of the drive-through will not cause a conflict with circulation traffic patterns or pedestrian access.

Although not a finding applicable to the approval of a DSP under the prior Zoning Ordinance, the exhibit also noted that Section 27-6206(m) of the current Zoning Ordinance requires that a minimum of six stacking spaces be provided from the order box, and at least four additional stacking spaces between the order box and the pick-up window, for a total of 10 stacking spaces. There is no indication in the Zoning Ordinance of an increase in this requirement for a use with double drive-through lanes. The Zoning Ordinance does not contain any additional requirements for double drive-through lanes and the exhibit, therefore, doubles the stacking and queuing requirement in the current Zoning Ordinance. The applicant submitted a supplemental memorandum from Lenhart Traffic Consulting, dated May 13, 2025, regarding stacking and queuing that is consistent with the exhibit relied on by the Board in its approval of the DSP.

- 2. Traffic Circulation and Pedestrian Safety of Proposed Site Plan for an Eating and Drinking Establishment with Double Drive Through Lanes - After reopening the record to take further testimony, as outlined above, on the purposes of the prior Zoning Ordinance, the 1989 Plan, the general purposes of the Commercial Zone, the purposes of the C-S-C Zone, the definition and application of an eating and drinking establishment, the purposes of a Detailed Site Plan, Site Design Guidelines, the impact of a Health Assessment Review from the Health Department on the proposed site plan, and testimony from Citizen Opposition on all issues raised, including traffic safety concerns, the Resolution of Planning Board shall satisfy its articulation obligations, under Maryland law, and the prior Zoning Ordinance, to include the**

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

**appropriate legal analysis, explanation or basis given for the conclusion to support whether or not the proposed site plan represents a reasonable alternative for satisfying the site design guidelines in PGCC § 27-274 — without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use — including whether or not the proposed site plan use for an eating and drinking establishment may be approved without a drive-through component.**

Section 27-274(a)(2) of the prior Zoning Ordinance contains design guidelines concerning parking, loading, and circulation. The Planning Board found there was substantial evidence in the record to support a finding that (i) the surface parking would be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars, and that parking spaces would be located to provide convenient access to major destination points on the site; (ii) loading areas would be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians; and (iii) vehicular and pedestrian circulation on the site would be safe, efficient, and convenient for both pedestrians and drivers.

As further detailed in the resolution (pages 9–11), the Board found that the evidence submitted by the applicant depicted proposed improvements to the internal circulation that facilitate accessibility to all buildings within the shopping center, allowing users to navigate through the proposed drive aisles, sidewalks, or crosswalks; thereby, reducing the need for vehicles or pedestrians to utilize the adjacent roadways. These proposed improvements also include a one-way circulation pattern in the McDonald’s parking lot to avoid conflicts, a sidewalk connection to MD 410, and a proposal to combine two driveways in front of the McDonald’s to one right-in/right-out driveway.

To reduce the speed of entering vehicles and separate pedestrian pathways from the existing on-site traffic, the Board also identified that high-visibility traffic calming elements and marked infrastructure were proposed within the site. Additional pavement markings, crosswalks, and painted speed bumps were also proposed near the driveway entrances and along the drive aisle to the east of the proposed building. Also, to enhance safety and navigation for drivers, additional directional signage was proposed by the applicant to alert vehicles about circulation patterns and one-way traffic through the site. This includes Stop, Do Not Enter, Right-Turn Only, and No Pedestrian Access signs and pavement markings. The proposed crosswalk markings are also designed to create a designated crossing for pedestrians across all drive aisles adjacent to the proposed building.

In addition, the applicant proposed one additional mid-block crossing on Van Buren Street, to connect into the sidewalk along the property’s frontage. However, per a December 13, 2024 email (Lord-Attivor to Hancock), DPIE indicated that they would not support the proposed mid-block crossing, due to safety concerns. In the same email, DPIE supported and recommended installing a high-visibility crosswalk at the intersection of Van Buren Street and Ager Road, where the intersection is controlled by a stop sign. According to DPIE, “[t]his crosswalk would connect to our proposed crosswalk at the

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language



intersection of Van Buren Street and Ager Road; thus, connecting the sidewalk that leads into the apartment complex/subdivision with the Shopping Center/McDonalds.”  
Furthermore, “[u]pgrading this intersection with ADA compliant sidewalks, pedestrian ramps and a high visibility crosswalk that meets the County’s standards is recommended, beneficial and critical to the pedestrian experience.” SHA is currently in the planning process for improvements to the Riggs Road, Ager Road, and MD 410 intersection, which includes construction of the high-visibility crosswalk at the Ager Road and Van Buren Street intersection.

Relative to off-site traffic safety and crash data in the vicinity of the DSP subject property, as discussed in the Order of Remand, the applicant reiterated that the DSP findings and requirements are limited to on-site circulation and access. The applicant’s team, in a memorandum dated May 13, 2025, reviewed the submitted crash data and indicated that there are no crash patterns of concern related to access to or from the shopping center. The average rate is two or less crashes per year at the property’s driveways or within the circulation of the center, with the majority resulting in property damage only, with no injuries.

- 3. Right-In-Right-Out-Site Access of Proposed Site Plan for an Eating and Drinking Establishment with Double Drive Through Lanes - After reopening the record to take further testimony, as outlined above, on the purposes of the prior Zoning Ordinance, the 1989 Plan, the general purposes of the Commercial Zone, the purposes of the C-S-C Zone, the definition and application of an eating and drinking establishment, the purposes of a Detailed Site Plan, Site Design Guidelines, the impact of a Health Assessment Review from the Health Department on the proposed site plan, and testimony from Citizen Opposition on all issues raised, including traffic safety concerns, the Resolution of Planning Board shall satisfy its articulation obligations, under Maryland law, and the prior Zoning Ordinance, to include the appropriate legal analysis, explanation or basis given for the conclusion to support whether or not the proposed site plan represents a reasonable alternative for satisfying the site design guidelines in PGCC § 27-274 — without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use — including whether or not the proposed site plan use for an eating and drinking establishment may be approved without a drive-through component.**

Also related to the issue of on-site circulation is how the site will accommodate access to and from adjoining roadways. As discussed in the resolution, the Planning Board found there was substantial evidence in the record to support a finding that there would be safe and efficient access to the site, including the proposed right-in/right-out access, because there are four existing driveways providing direct access to the existing integrated shopping center along MD 410 and two existing driveways along Van Buren Street. The easternmost driveway along Van Buren Street primarily provides access to the rear of the existing shopping center. The second driveway along Van Buren Street, located further west, provides access to the parking lot and building entrances for the shopping center. This driveway extends the entire length of the integrated shopping center. As discussed

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

above, additional traffic calming measures, to discourage higher speeds, were already recommended and shown on the site plan.

Along MD 410, beginning at the intersection with Van Buren Street and continuing south, there are two driveways providing access to the parking areas for the existing buildings. At the southernmost end of the subject site are two additional driveways that provide access to the proposed subject development.

MD 410 is a median-separated roadway, meaning all current egress from the shopping center along MD 410 function as right-in/right-out only movements. No left turns are permitted from the site along MD 410. A modification to the two access driveways for the subject development was incorporated on the plans to address comments received by SHA. The modifications will channelize the driveways to further restrict turning movements to and from the site, and reduce the pedestrian crossing distance and vehicular conflicts at these access points. As discussed above, to further reduce conflicts as vehicles access the site, the site plan was revised to include additional signage and striping, to facilitate one-way vehicular movement on-site, and separated and marked pathways for pedestrians.

The Board also heard testimony that the DSP had been reviewed by SHA on numerous occasions, in consultation with Transportation Planning staff and the applicant's team. The applicant indicated they met with SHA again on May 7, 2025, as a result of this remand. SHA reiterated their recommendation comment, to convert the two closely spaced driveways into one right-in/right-out access point, as is shown on the site plan, and stated they had no further recommendations for access to this DSP.

- 4. Health Impact Assessment Review for Proposed Site Plan for an Eating and Drinking Establishment with Double Drive Through Lanes - After reopening the record to take further testimony, as outlined above, on the purposes of the prior Zoning Ordinance, the 1989 Plan, the general purposes of the Commercial Zone, the purposes of the C-S-C Zone, the definition and application of an eating and drinking establishment, the purposes of a Detailed Site Plan, Site Design Guidelines, the absence of the impact of a Health Assessment Review from the Health Department on the proposed site plan, and testimony from Citizen Opposition on all issues raised, including traffic safety concerns, the Resolution of Planning Board shall satisfy its articulation obligations, under Maryland law, and the prior Zoning Ordinance, to include the appropriate legal analysis, explanation or basis given for the conclusion to support whether or not the proposed site plan represents a reasonable alternative for satisfying the site design guidelines in PGCC § 27-274 — without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use—including whether or not the proposed site plan use for an eating and drinking establishment may be approved without a drive-through component.**

Section 27-284 of the prior Zoning Ordinance requires the Planning Board to refer a DSP to the Prince George's County Health Department. It also states:

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language



**The Health Department shall perform a health impact assessment review of the proposed development identifying the potential effects on the health of the population, and the distribution of those effects within the population, including recommendations for design components to increase positive health outcomes and minimize adverse health outcomes on the community.**

The subject application was referred to the Health Department, at the time of the initial submittal. The Health Department provided a referral dated January 30, 2024 (Adepoju to Gomez-Rojas), that stated they had completed a “desktop health impact assessment review” of the DSP for the McDonald’s located at 6565 Ager Road. Their referral, which was included in the additional material backup dated 9-24-2024 (pages 8–9), includes recommendations relative to demolition and construction practices, and permitting and licensing requirements. These comments were provided to the applicant and will be addressed during future phases of development, including permitting, demolition, construction, and prior to operation. Based on the aforementioned findings, the Board found there was substantial evidence in the record showing that the DSP was referred to the Health Department and that the Health Department performed a health impact assessment review.

- 5. Supplementation of Record with All Technical Staff Reports and Traffic Studies for Proposed Site Plan for an Eating and Drinking Establishment with Double Drive Through Lanes - After reopening the record to take further testimony, as outlined above, on the purposes of the prior Zoning Ordinance, the 1989 Plan, the general purposes of the Commercial Zone, the purposes of the C-S-C Zone, the definition and application of an eating and drinking establishment, the purposes of a Detailed Site Plan, Site Design Guidelines, the absence of the impact of a Health Assessment Review from the Health Department on the proposed site plan, and testimony from Citizen Opposition on all issues raised, including traffic safety concerns, the Resolution of Planning Board shall satisfy its articulation obligations, under Maryland law, and the prior Zoning Ordinance, to include the appropriate legal analysis, explanation or basis given for the conclusion to support whether or not the proposed site plan represents a reasonable alternative for satisfying the site design guidelines in PGCC § 27-274 — without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use — including whether or not the proposed site plan use for an eating and drinking establishment may be approved without a drive-through component.**

The Planning Board found there was substantial evidence in the record to support its decision approving the DSP, including the technical staff reports, letters, documents, and written and oral testimony contained therein. The backup prepared for the June 12, 2025 hearing includes all additional technical staff reports and submitted traffic studies, including a March 8, 2024 trip generation memorandum, a November 6, 2024 trip generation memorandum, and a December 19, 2024 queuing memorandum for the proposed development.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

**6.      Supplementation of the Record with Legal Owner of the Subject Property - After reopening the record to take further testimony, as outlined above, Applicant shall supplement the record with the appropriate legal owner of the subject property.**

The applicant submitted an amended application form with the appropriate legal property owner's name of 6581 Ager, L.L.L.P.

**7.      Grave Sites or Artifacts of Slavery - After reopening the record to take further testimony, as outlined above, the Resolution of Planning Board shall contain findings and conclusions of whether the site or subject property contains any grave sites or artifacts of slavery, and if any, the appropriate mechanism for disposition and storage by Applicant and/or County Agency.**

In a memorandum dated May 13, 2025 (Stabler to Kosack), Historic Preservation staff provided a synopsis of the history of the adjacent Green Hill Historic Site (65-008), which is incorporated herein by reference. Staff stated that, while records indicate that enslaved individuals lived at the Green Hill property, there is no evidence of the location of a cemetery on the property. The only evidence of any burials on the Green Hill property point to a corpse of trees to the north of the house, which is northwest of the subject property. This is a possible location for the cemetery of the enslaved; however, if this is the case, burials are either still in that location, have been disinterred, or were impacted by the 1950s construction of the Riggs Manor subdivision, directly north of Green Hill.

Other features of the landscape which suggest that there are no burials on the subject property include the location of Ager Road. The current configuration of Ager Road was completed in 1923, when the road was paved between Queens Chapel Road to the east and Riggs Road to the west. Prior to 1923, the subject property sat on the southwest side of Ager Road, instead of the northeast side of the road, where it currently exists. This road, identified in deeds as Adelphi Mill Road and on historic maps as Sligo Mill Road, is used in metes and bounds measurements for Green Hill at least as far back as 1863, and its use could extend back into the eighteenth century. It is very unlikely that a cemetery would have been placed on the subject property, which would have to be in very close proximity to a well-established road.

The applicant retained Dr. James Gibb, a consultant archeologist, to examine the subject property and determine the probability of significant cultural resources being present on the site. Dr. Gibb visited the property on October 27, 2024, and noted that "construction of the commercial lot on the west, possibly dating to 1949 or subsequent improvements, cut into the hillside behind those establishments. While the parcel may contain inhumations (human burials), there is no evidence of any, and the chances of there being any are neither greater nor lesser than any other piece of level terrain in the region." Dr. Gibb prepared another report, which was available prior to the June 12, 2025 Planning Board hearing, and he was present to provide testimony.

The Planning Board concurs with the findings and conclusions of the applicant's consultant archeologist, that the proposed McDonald's restaurant will not affect any

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

significant archeological resources. However, the Board concludes that a consultant's archeologist should be present to monitor ground-disturbing activities on the site, to record any significant resources that may be identified. This was included as Condition 4 in PGCPB Resolution No. 2025-008.

**8. Hearing Notification - Prior to reopening the record to take further testimony, appropriate hearing notification shall be sent to all parties affected by the proposed site plan use for an eating and drinking establishment with double drive-through lanes — including bilingual notification for wider accessibility and understanding of the proposed site plan.**

Notice of public hearing mailings in both Spanish and English were sent to all adjacent property owners, parties of record, registered associations, and municipalities within a mile, and the property was posted on May 13, 2025.

**†17. Planning Board Hearing of June 12, 2025:** At the remand hearing held on June 12, 2025, the Planning Board heard testimony from the applicant in favor of the application and testimony from citizens opposed to the application.

Prior to the June 12, 2025 public hearing, the Board received numerous exhibits from the opponents. These exhibits include multiple emails and letters, which discussed concerns relative to the points of remand and impacts on the community. Issues concerning off-site traffic impacts, health impacts, healthy food options, and other community impacts were examined by the Board, to the extent relevant to a DSP for a single building development.

The applicant also submitted Exhibits 1 and 2 relative to additional archeological investigations on the site, including cadaver dogs and a resume of the dog handler. Applicant's Exhibit 3 is an e-mail from SHA indicating that the existing driveways on the property appear adequate, as designed, and their previous recommendation relative to the right-in/right-out access remains unchanged.

The applicant presented a summary of their submitted documents, in response to the remand points. They indicated that many of the opponents' arguments and points were outside of the limits of the requirements for approval of a DSP. They also responded to questions from the opponents and Board members.

Prior to making a motion of approval, the Board summarized issues of concern with this application relative to the impact of this development on the surrounding transportation network and neighborhood and further work that needs to be done by SHA to consider solutions, such as rapid flashing beacons crossing Ager Road and MD 410, at the intersections to the north and south of the subject site. Finally, the Board expressed that they shared the public's concern relative to the availability of healthy food options in the County, and in this area in particular, and appreciate the Planning Director's leadership in this area with regard to the forthcoming Health Atlas Study for the County. They encouraged the County Council to consider these issues in the future when considering Zoning Ordinance amendments, especially with regard to the fast-food industry.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation Plan TCP2-004-2024, and further APPROVED Detailed Site Plan DSP-22001 for the above-described land, subject to the following conditions:

1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:
  - a. Include in the sign schedule the section of the Prince George's County Zoning Ordinance used to calculate the total signage area.
  - b. Show the location of the signs on the plan.
  - c. Add the net tract area to the general notes on the DSP coversheet.
  - d. Revise General Note 7 on Sheet DSP-1 and Standard Notes 4 and 5 on Sheets DSP-4 and DSP-4A to include the total square footage of all existing buildings (including the two buildings with 17,750 square feet located on the northwest of the proposed building).
  - e. Add the Type 2 tree conservation plan number (TCP2-004-2024) on the plan approvals sheet.
  - f. Revise the landscape plan, landscape schedules, and Tree Canopy Coverage schedule to conform with the 15 percent tree canopy coverage requirement, based on net tract area.
  - g. Revise the plans to show parking and loading spaces for the entire parcel, as indicated in the parking schedule, and reduce the proposed parking spaces to the minimum necessary.
  - h. Revise the green area percentage shown on the plan to account for any changes to the overall site.
  - i. Identify areas for use of permeable paving.
  - j. Add a note on the landscape plan indicating that low-hanging branches will be trimmed to create a minimum clearance height of 8 feet. The ability to limb the existing trees will depend on the health and species of the tree, as determined by a licensed professional.
  - ~~†[k. Identify a location for a historic marker on-site, external to the building, with location and design and/or content to be determined in consultation with the applicant's archeologist and Historic Preservation Section.]~~
  - †k. Identify a location for an historic marker signage on-site, external to the building, with a bench area for reflection, with the location and design and/or content to be determined in consultation with the applicant's archeologist and the Historic Preservation Section.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

2. Prior to certification, the Type 2 Tree Conservation Plan (TCP2-004-2024) shall be revised, or additional information shall be provided, as follows:
  - a. Add and complete the property owner's awareness certificate.
  - b. Correct the application number in the approval block to "DSP-22001."
  - c. All existing woodland, as shown on Natural Resources Inventory NRI-026-2022, that is outside of the limits of disturbance shall be retained. The woodland shall be identified as woodland retained – not credited or shall meet the design criteria requirements in Section 25-122(b) of the Prince George's County Code, to be credited as woodland preservation. Update the woodland clearing amount in the woodland conservation worksheet, as necessary.
  - d. Remove proposed natural regeneration from the plans and the woodland conservation worksheet.
  - e. The remaining balance of the woodland conservation requirement shall be revised to be met with off-site woodland conservation credits.
3. Prior to approval of the building permit, obtain approval from the Historic Preservation Section for the wording to be used in the historic informational posters.
4. At the time of demolition and construction, the applicant shall retain a consultant archeologist to monitor any ground disturbing activities on the site for impacts to archeological resources.
5. Loading and deliveries shall occur outside the peak hours of operation. Use of the loading area and deliveries are restricted to the hours of 11:00 p.m. to 7:00 a.m.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Shapiro voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, January 16, 2025, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of February 2025.

†Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

†This is to certify that the foregoing is a true and correct copy of the remand action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, and Shapiro voting in favor of the motion, at its regular meeting held on Thursday, June 12, 2025, in Largo, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

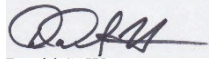
†Adopted by the Prince George's County Planning Board this 10th day of July 2025.

Darryl Barnes  
Chairman

By   
Jessica Jones  
Planning Board Administrator

DLB:JJ:JK:rpg

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: June 26, 2025

†Denotes Amendment  
Underlining indicates new language  
[Brackets] and ~~strike through~~ indicate deleted language