



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

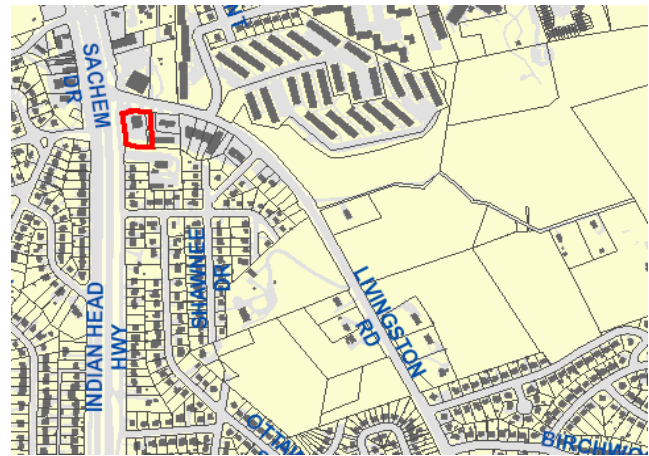
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# Departure from Design Standards McDonald's Forest Heights

## DDS-678

| REQUEST  | STAFF RECOMMENDATION |
|--|----------------------|
| A departure from design standards from Section 4.7 of the 2010 <i>Prince George's County Landscape Manual</i> for an eating and drinking establishment with drive-through service. | APPROVAL             |

|   |               |
|---|---------------|
| <b>Location:</b> At the southeast intersection of MD 210 (Indian Head Highway) and Livingston Road.   |               |
| Gross Acreage:  | 0.77          |
| Zone:   | C-M           |
| Gross Floor Area:   | 4,597 sq. ft. |
| Lots:   | 0             |
| Parcels:  | 0             |
| Planning Area:  | 76A           |
| Council District:   | 08            |
| Election District:  | 12            |
| Municipality:   | N/A           |
| 200-Scale Base Map:   | 207SE01       |
| <b>Applicant/Address:</b><br>McDonald's USA, LLC<br>6903 Rockledge Drive, Suite 1100<br>Bethesda, MD 20817  |               |
| <b>Staff Reviewer:</b> Tom Sievers<br><b>Phone Number:</b> 301-952-3994<br><b>Email:</b> <a href="mailto:Thomas.sievers@ppd.mncppc.org">Thomas.sievers@ppd.mncppc.org</a> |               |



|                              |            |
|------------------------------|------------|
| Planning Board Date:         | 09/09/2021 |
| Planning Board Action Limit: | N/A        |
| Staff Report Date:           | 08/25/2021 |
| Date Accepted:               | 06/10/2021 |
| Informational Mailing:       | 03/11/2021 |
| Acceptance Mailing:          | 06/09/2021 |
| Sign Posting Deadline:       | 08/10/2021 |

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

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Departure from Design Standards DDS-678  
McDonald's Forest Heights

The Zoning staff has reviewed the departure from design standards for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL, as described in the Recommendation section of this report.

**EVALUATION**

This departure from design standards was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of prior approvals;
- b. The requirements of the Prince George's County Zoning Ordinance;
- c. The requirements of the 2010 Prince George's County Landscape Manual;
- d. The requirements of the Tree Canopy Coverage Ordinance; and
- e. Referral comments.

**FINDINGS**

1. **Request:** The property owner is requesting a departure from design standards (DDS) from Section 4.7 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) for an eating and drinking establishment with drive-through service.

Per Table 4.7-1 of the Landscape Manual, an eating and drinking establishment with drive-through service is considered a high-impact use. The community center located adjacent to the southern property line is considered a medium-impact use; therefore, the uses are deemed incompatible, and a Type B bufferyard is required between the incompatible uses.

The property owner requested Alternative Compliance (AC-20004) from Section 4.2 and 4.7 of the Landscape Manual to provide plant units outside the bufferyard. The site plan proposes to install a 6-foot-high, sight-tight fence along the top of the retaining wall, located

along the southern end of the parking area that is about 20 feet from the southern property line, in accordance with Section 4.7, and a fence allows a reduction of 50 percent in the landscape yard, plant units, and set back as permitted by the Landscape Manual. On January 11, 2021, the Alternative Compliance Committee recommended disapproval of the Section 4.7 request within AC-20004 since the applicant cannot provide the landscape yard or any plant units, due to the presence of an existing drainage culvert and sewer line. The property owner is applying for a DDS from Section 4.7 of the Landscape Manual, in accordance with Section 27-239.01 of the Prince George’s County Zoning Ordinance.

2. **Development Data Summary:** The following chart summarizes the approved development for the subject property.

|                  | <b>EXISTING</b> | <b>PROPOSED</b> |
|------------------|-----------------|-----------------|
| Zone             | C-M             | C-M             |
| Use(s)           | Commercial      | Commercial      |
| Total Acreage    | 0.77            | 0.77            |
| Lot              | 1               | 1               |
| Gross Floor Area | 4,597 sq. ft.   | 4,597 sq. ft.   |

|                          | <b>Required</b> | <b>Proposed</b>                    |
|--------------------------|-----------------|------------------------------------|
| Parking                  |                 |                                    |
| Number of Parking Spaces | 30              | 30<br>(including 2 ADA accessible) |

3. **Location:** The property is located southeast of the intersection of MD 210 (Indian Head Highway) and Livingston Road. The property address is 5501 Livingston Road, Oxon Hill, MD 20745. The property is known as Parcel D, recorded in the Prince George’s County Land Records in Plat Book WWW 74-91, in 1970.
4. **Surrounding Uses:** The site is surrounded by commercial and residential uses. The subject lot is bound to the north by an office building in the Commercial Office Zone, to the south by a Community Center in the One-Family Detached Residential Zone, to the east by an auto repair shop in the Commercial Miscellaneous (C-M) Zone, and to the west by Arapahoe Drive and MD 210.
5. **Previous Approvals:** In 1958, the original McDonald’s restaurant was established on the property. At the time, the restaurant was in the General Commercial, Existing Zone, and an eating and drinking establishment was a permitted use. The property was rezoned to C-M in 1984, with the adoption of the Subregion VII Sectional Map Amendment. When fast food restaurants became a defined use in the Zoning Ordinance (Prince George’s County Council Bill CB-102-1986), they also became a special exception use in the C-M Zone. At that time, the McDonald's restaurant became a legal nonconforming use, as no special exception had been approved for the site. The use was certified as nonconforming on June 12, 1987, per Permit No. 2161-87-U.

In 1988, McDonald's sought to build a minor addition to the existing building to provide a vestibule around the entrance and a freezer facility. The Prince George's County Planning Board approved Nonconforming Fast-Food Restaurant NCFRR-1 on February 11, 1988 (PGCPB Resolution No. 88-54) to allow those minor additions.

In 1992, McDonald's proposed to add a soft play area to the property and consequently, on November 23, 1992, Special Exception SE-4085 was approved by the Zoning Hearing Examiner (ZHE) and declared final by the Prince George's County District Council, to allow the alteration of the nonconforming use. A Departure from Parking and Loading Standards, DPLS-145, was also approved by the Planning Board on October 15, 1992 (PGCPB Resolution No. 92-279) as a companion to SE-4085 to remove 3 of the 33 parking spaces on-site for construction of the play area.

McDonald's then sought to enclose the play area, and on October 12, 1995, the Planning Board approved DPLS-204 (PGCPB Resolution No. 95-321) for the purpose of waiving 10 parking spaces required to enclose the play area on-site, leaving the parking requirement at 30 parking spaces that remained on-site. A special exception to alter the nonconforming use (SE-4196) was approved by the ZHE and declared final by the District Council on March 27, 1997, for the play area enclosure.

In 2010, CB-19-2010 amended the table of uses to permit eating and drinking establishments with drive-through service to be permitted in the C-M Zone, subject to detailed site plan approval.

A Revision of Site Plan (ROSP-4196-01) application was received on October 30, 2020, for the reconstruction of the McDonald's with drive-through. An Alternative Compliance (AC-20004) application was received on November 10, 2021, in relation to the ROSP request. The AC was for alternative consideration to the site requirements of Sections 4.2 and 4.7 of the Landscape Manual. Only Section 4.2 was approved for alternative compliance, thus requiring this DDS request for Section 4.7.

On January 12, 2021, a waiver to Section 27-302 of the Zoning Ordinance was received from the applicant, in order to temporarily pause review of ROSP-4196-01 until an issue was resolved with the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) regarding the Site Development Concept Plan approval. The case was heard on July 1, 2021, by the Planning Board, which approved the transmittal of the recommendation of denial to the ZHE. The ZHE has not taken action on the ROSP at the time of writing this report.

6. **Design Features:** The requested Departure from Design Standards (DDS) is related to the property owner's request for a major Revision of a Special Exception Site Plan (ROSP-4196-01) to reconstruct an eating and drinking establishment with drive-through service. The site plan revision is requesting to raze an existing McDonald's restaurant and rebuild a new McDonald's restaurant with dual drive-through service, including reconstruction of parking and pavement areas and the on-site dumpster pad and enclosure. The proposed site plan includes 30 parking spaces and 2 handicap-accessible parking spaces. As previously discussed, this DDS request came after the disapproval of the alternative compliance request for the Section 4.7 request that was part of AC-20004.

The site plan includes a 22-foot-wide, dual drive-through aisle in the rear of the property and a 12-foot-wide, single drive-through aisle in the east side of the building. The property has a 25-foot-wide, one-way access point on Livingston Road, and a 32-foot-wide, one-way exit driveway on Livingston Road. The internal driveway width ranges from 14 to 22 feet and provides circulation around the building. The site plan includes two bicycle racks near the front entrance of the building. A sidewalk is included in the landscaped area in the front of the property, which connects to the adjoining properties and provides access to the building. There is a 3-foot-high concrete block screening wall located in the landscape area in the front of building along Livingston Road, and a 6-foot-high retaining wall with a fence on top, in the rear of the property.

7. **Prince George’s County Zoning Ordinance Requirements:** The criteria for approval of a DDS is set forth in Section 27-239.01(7) and the analysis for Section 27-239.01(7) is as follows:

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

**(i) The purposes of this Subtitle will be equally well or better served by the applicant’s proposal;**

The purpose of buffering is to separate and reduce conflicts between incompatible uses. The applicant provides the full distance of the bufferyard, but given the existing drainage culvert and sewerage line, the applicant has moved the plant units to the other parts of the property. The property owner is requesting to install a dual drive-through aisle in the rear of the property. A 6-foot-high, sight-tight fence on top of the retaining wall will be provided to adequately screen the southern property line. Staff finds that the request for a DDS for Section 4.7 of the Landscape Manual will serve the purposes of this subtitle.

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

Per Section 4.7 of the Landscape Manual, the minimum necessary landscaping is a 6-foot-high, sight-tight fence with 50 percent of the plant units and planting area required in a 20-foot-wide Type B bufferyard along the southern property line. A 20-foot-wide concrete drainage swale exists along the southern property line that prevents any planting to be placed in the required bufferyard. The applicant proposes a 6-foot-high, sight-tight fence on top of the swale. Staff finds that the inclusion of this 6-foot, sight-tight fence and the full width of the bufferyard is the minimum necessary, given the circumstances.

**(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

In 1958, the original McDonald’s restaurant was established on the property; therefore, the finding does not apply. The applicant proposes to

raze the existing building and construct a new building on the site. Both the concrete drainage swale on the southern property line and the circumstances for the need for a departure will remain.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

This departure will not impair the visual, functional, or environmental quality or integrity of the site. The site plan includes a 6-foot-high, sight-tight fence along the top of the retaining wall, located along the parking area, which is about 20 feet from the southern property line. Therefore, a 50 percent reduction in the landscape yard, plant units, and setback is permitted by the Landscape Manual. The required and provided landscape requirements are as follows:

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the southern property line, adjacent to existing Community Center

|                                |   |
|--------------------------------|---|
| Length of bufferyard           | 140 feet  |
| Minimum building setback       | 30 feet   |
| Landscape yard width           | 20 feet<br>(10 feet with 50 percent landscape yard reduction) |
| Fence or wall                  | Yes   |
| Percent with existing trees    | 1   |
| Plant units (80 per 100 l. f.) | 112   |

PROVIDED: Section 4.7, Buffering Incompatible Uses, along the southern property line, adjacent to existing Community Center

|                                |          |
|--------------------------------|----------|
| Length of bufferyard           | 140 feet |
| Minimum building setback       | 80 feet  |
| Landscape yard width           | 0 feet   |
| Fence or wall                  | Yes      |
| Percent with existing trees    | 1        |
| Plant units (80 per 100 l. f.) | 0        |

The 6-foot-high, sight-tight fence on top of the retaining wall along the southern portions of the property serves as buffer from the community center. This buffer is a measure to sustain the commercial appearance and integrity of the property and the surrounding neighborhood, while also maintaining the functionality of the eating establishment with drive-through service. The applicant is not able to plant within the concrete drainage swale and requiring plantings on the site would overly restrict the ability to develop the site.

**(B) For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements in paragraph**

**(7)(A), above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.**

The statement of justification indicated that, since the building is set back 93.7 feet from the rear property line and due to the location of an existing drainage swale in the landscape yard area, the property owner is unable to install any landscape material in the area. The installation of a 6-foot-high, sight-tight fence along the top of the retaining wall is adequate screening for the neighboring incompatible use to the south of the property. The applicant's inability to provide any landscaping, due to the location of the existing drainage swale in the landscape area, makes it impossible to provide alternative compliance, as defined in the Landscape Manual.

8. **2010 Prince George's County Landscape Manual:** In accordance with Section 27-450, Landscaping, screening, and buffering, of the Zoning Ordinance, this development is subject to the Landscape Manual. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscape Requirements, apply to this site. Conformance with the applicable landscaping requirements will be reviewed at time of permit.
9. **Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on developments that request more than 5,000 square feet of disturbance. The property is zoned C-M and is required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The property is 0.77 acre in size and results in a TCC requirement of 0.08 acre (3,354 square feet). Therefore, the total TCC included on the property, 3,625 square feet, exceeds the requirement for TCC.
10. **Referrals:** The relevant comments submitted for this case were included in this report and the following referral memorandums were received, and are incorporated by reference herein:
  - Environmental Planning Section, dated June 25, 2021 (Schneider to Spradley)
  - Prince George's County Department of Permitting, Inspections and Enforcement, dated June 29, 2021 (Giles to Spradley)
  - Community Planning Section, dated March 1, 2021 (Garnaas-Holmes to Braden)
  - Historic Preservation Section, dated June 24, 2021 (Stabler and Smith to Spradley)
  - Urban Design Section, dated March 2, 2021 (Bishop to Braden)
  - Transportation Planning Section, dated June 23, 2021 (Howerton to Spradley)



## **RECOMMENDATION**

Based upon the foregoing evaluation and analysis, the Zoning staff recommends that the Planning Board adopt the findings of this report and APPROVE the Departure from Design Standards DDS-678 for McDonald's Forest Heights.

# MCDONALD'S, FOREST HEIGHTS

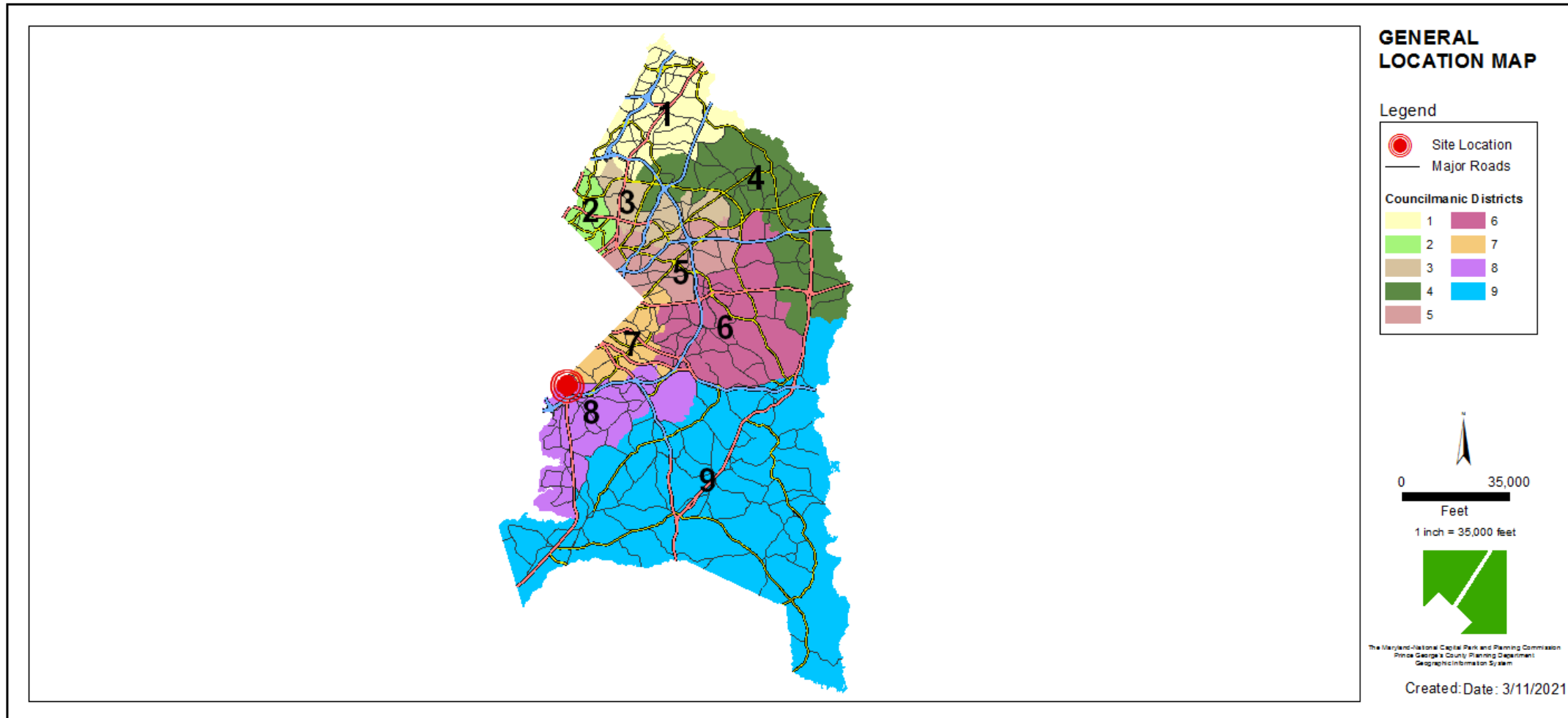
Departure from Design Standards  
**Staff Recommendation: APPROVAL**



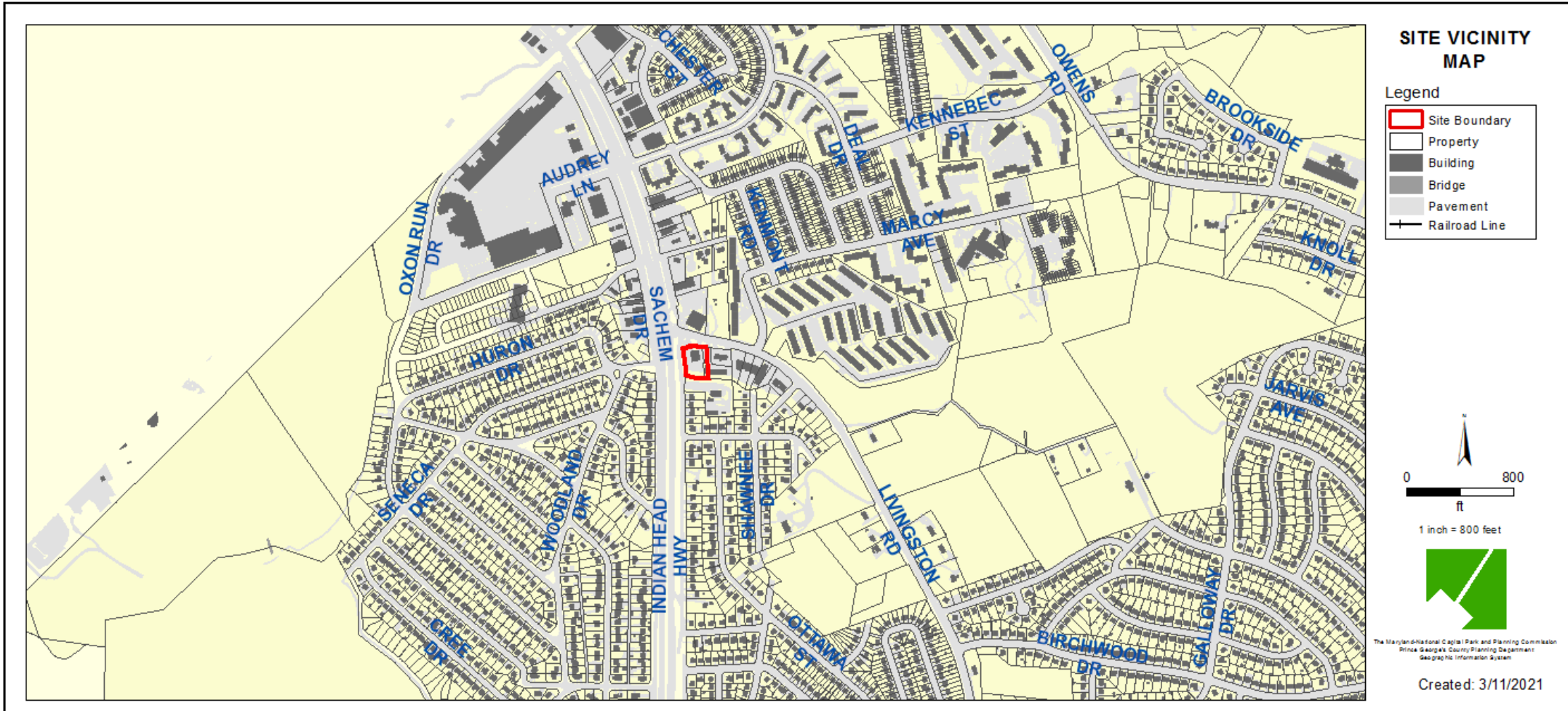
# GENERAL LOCATION MAP

Council District: XX

Planning Area: XXX

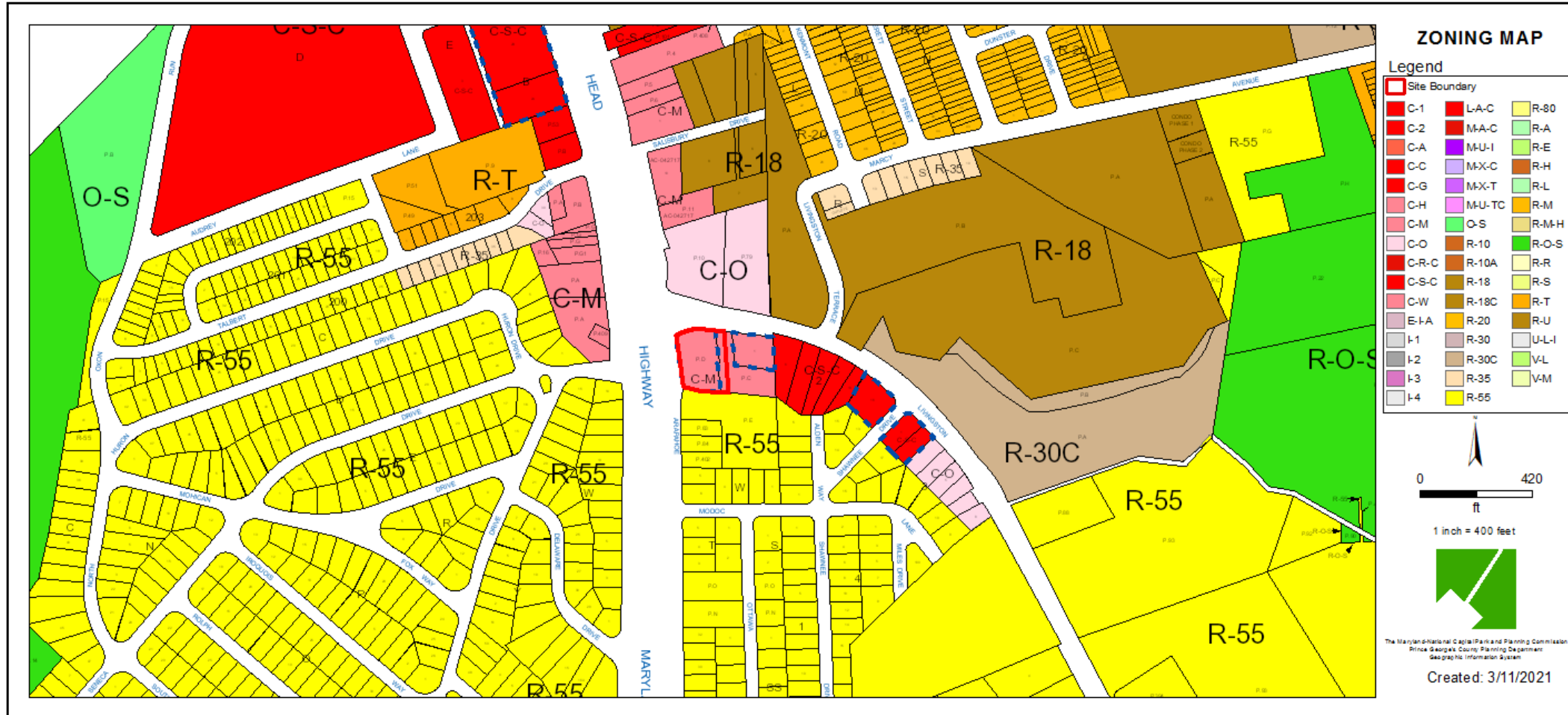


# SITE VICINITY MAP

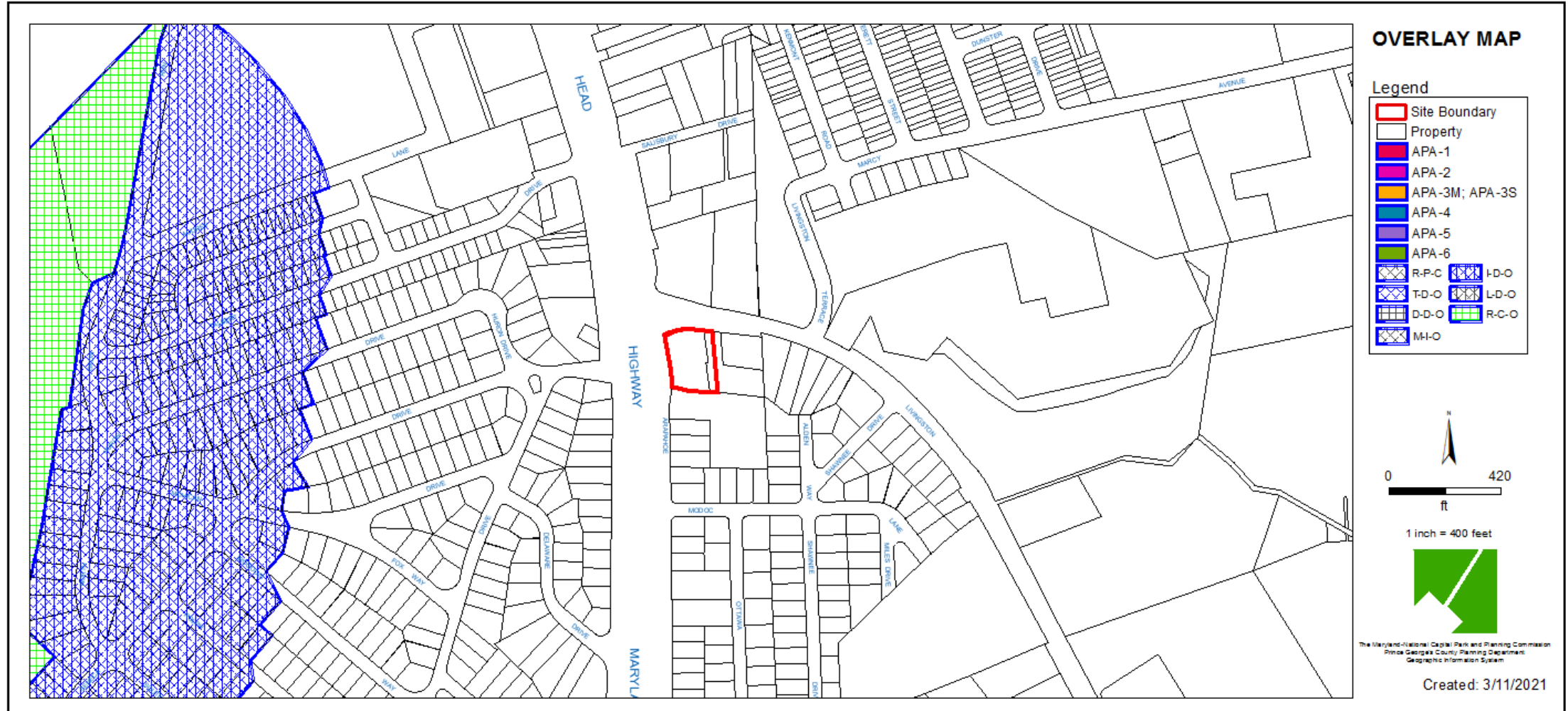


# ZONING MAP

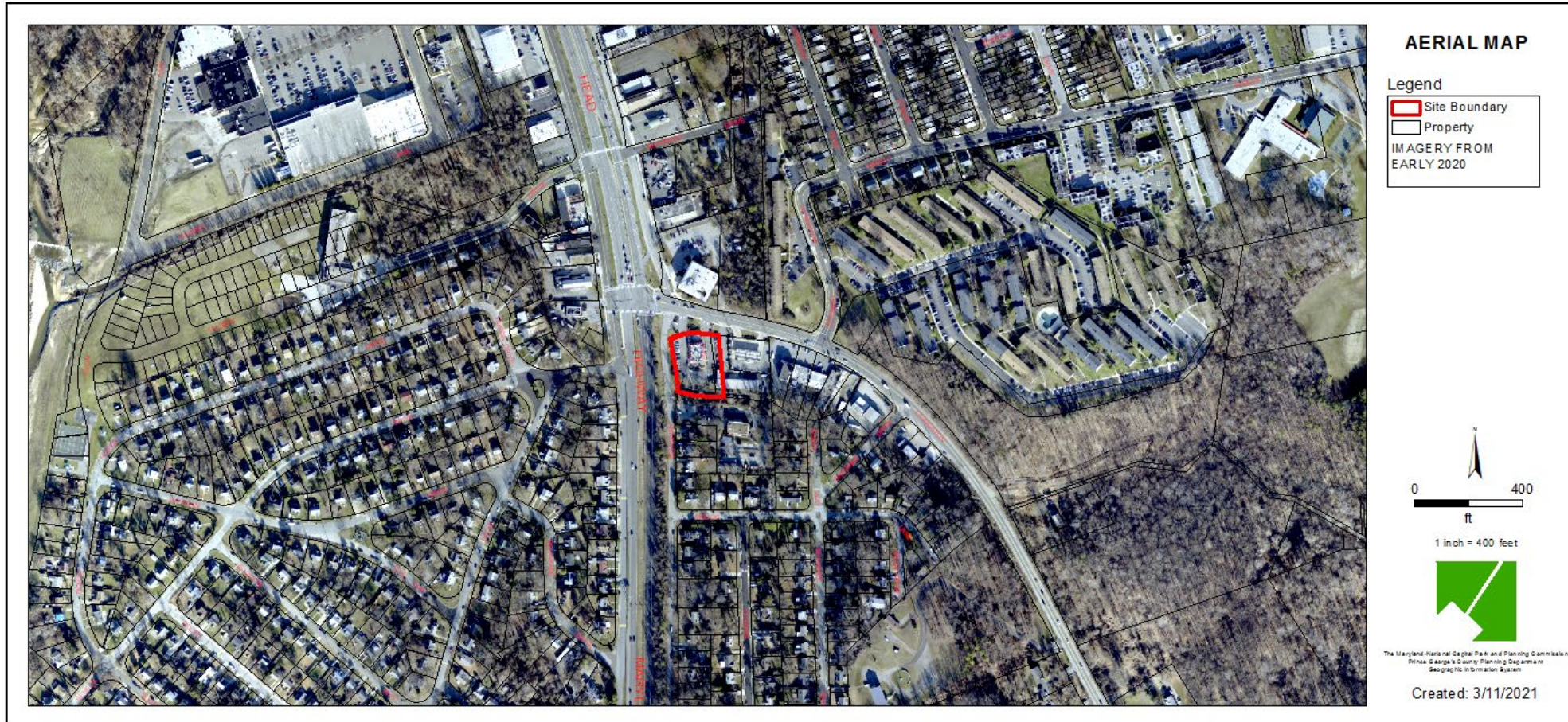
Property Zone: X-#



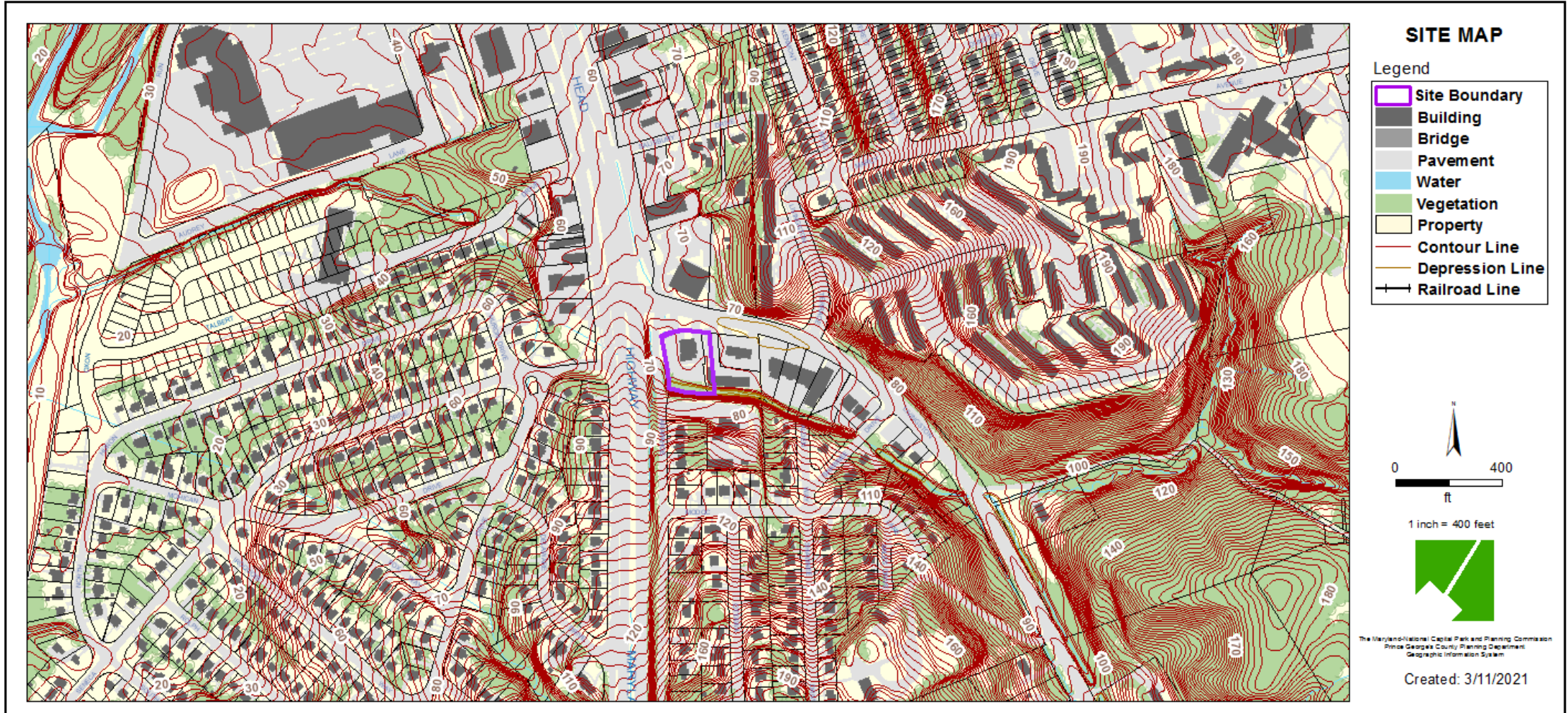
# OVERLAY MAP



# AERIAL MAP

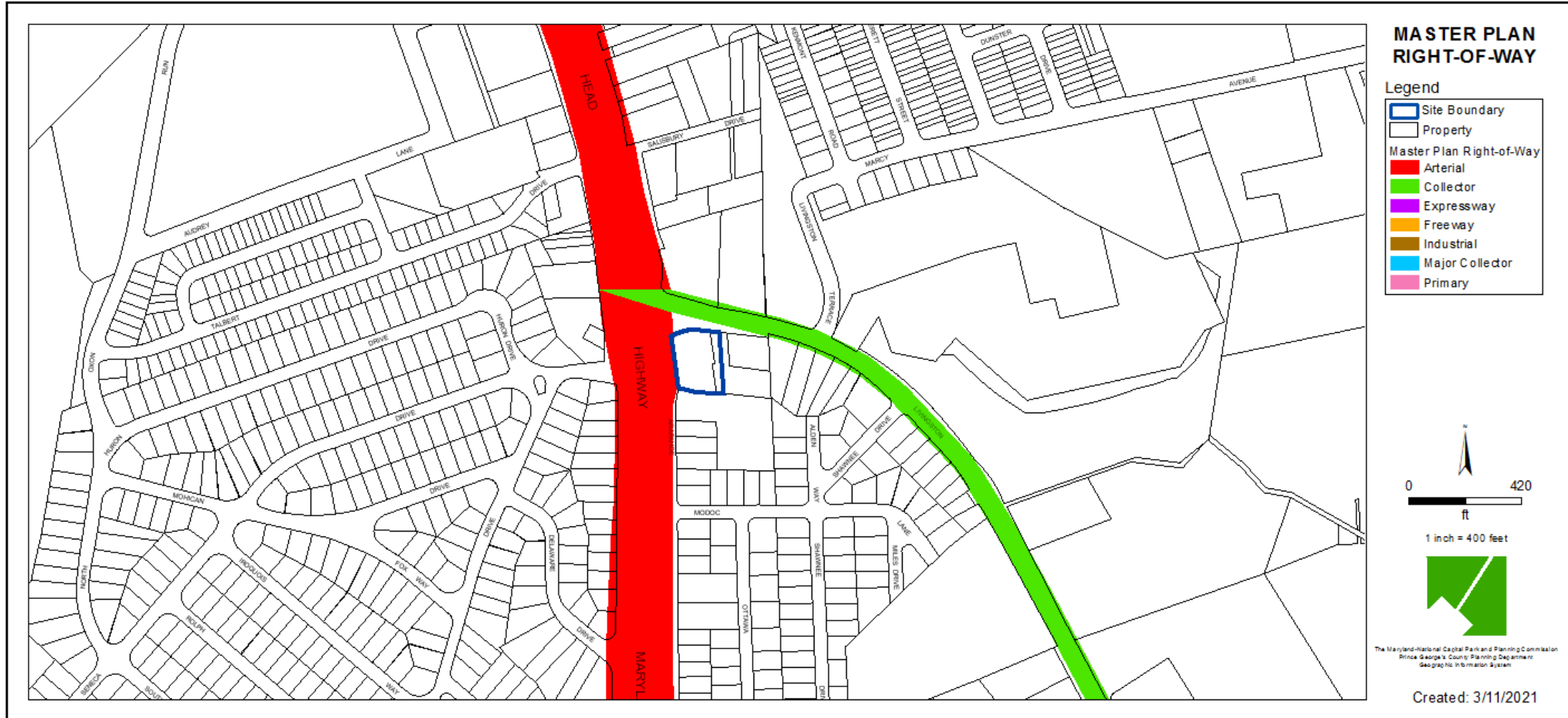


# SITE MAP





# MASTER PLAN RIGHT-OF-WAY MAP



# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED





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# STAFF RECOMMENDATION

## **APPROVAL (no conditions)**

### **[Major/Minor] Issues:**

- N/A

### **Applicant Community Engagement:**

- Informational Mailing – March 11, 2021
- Acceptance Mailing – June 9, 2021

**AMENDED STATEMENT OF JUSTIFICATION**

**McDonald's (Forest Heights)**  
**ROSP- 4196/01 & DDS-678**

APPLICANT: McDonald's Corp.  
P.O. Box 66321  
Chicago, Illinois 60666

CORRESPONDENT: Daniel F. Lynch  
McNamee Hosea  
6411 Ivy Lane, Suite 200  
Greenbelt, MD 20772

REQUEST: Major revision to Special Exception Site Plan for the alteration or reconstruction of a certified non-conforming use, in this case a McDonald's fast food restaurant with drive-thru, in accordance with Sections 27-242, 27-243(b)(2), 27-317, and 27-384 of the Zoning Ordinance. Departure from Design Standards relative to 4.7 of the Landscape Manual for the southern property line.

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I. **DESCRIPTION OF PROPERTY**

1. Location: The subject property is located in the southeast quadrant of Livingston Road and Arapahoe Drive.
2. Address: 5501 Livingston Road, Oxon Hill, Maryland 20745
3. Existing Use: McDonald's Restaurant (fast food with drive-thru service)
4. Proposed Use: Same
5. Incorporated Area: Forest Heights
6. Councilmanic District: 8
7. Lot/Parcel: Parcel D
8. Subdivision: Forest Heights
9. Total Area: +/- 0.765
10. Tax Map: 96/A2

11. Zoned: C-M
12. Owner: Golden Arch Realty Corp.
13. Zoning Map (200 Sheet): 207SE01

## II. APPLICANT'S PROPOSAL

The applicant is proposing to redevelop the existing McDonald's restaurant with a new and modern restaurant. The original restaurant was established on the property in 1958. The property was located in the C-M Zone and an eating and drinking establishment was a permitted use. When fast food restaurants became a defined use in the Zoning Ordinance, they also became a special exception use in the C-M Zone. At that time, the McDonald's restaurant became a legal non-conforming use. The use was certified as non-conforming on June 12, 1987. In 1988, the Planning Board approved a minor revision to the non-conforming use (See NCFR #1). In 1992, the District Council approved SE-4085 which allowed another expansion of the non-conforming use. In 1995 the Planning Board approved a departure from parking and loading standards (DPLS-204) for the purpose of waiving 10 parking spaces. Finally, in 1997, the Zoning Hearing Examine approved SE-4196 which called for a building addition to the nonconforming use.

In 2010, the County Council adopted CB-19-2010 which amended the Table of Uses for the C-M Zone to permit eating and drinking establishments in the C-M Zone subject to the approval of a detailed site plan. However, until such time as a detailed site plan is approved for this use, it remains nonconforming. Therefore, the applicant is proposing a revision to the special exception to alter or reconstruct a nonconforming use to allow the applicant to replace the existing restaurant building on site with a new one story, 4,597+/-square foot building. In addition, the applicant is proposing to redesign the parking lot and drive-through area, which will provide better on-site circulation and pedestrian access to the new building. The applicant intends to redevelop the entire site in a manner that will address the needs and expectations of the modern consumer.

In addition, on January 11, 2021, the Planning Director approved the applicant's request for Alternative Compliance from Section 4.2 of the Landscape Manual but denied the applicant's request for Alternative Compliance from Section 4.7 of the Landscape Manual. The applicant is therefore amending its application to include a departure from Section 4.7 of the Landscape Manual in accordance with Section 27-239.01 of the Zoning Ordinance.

## III. COMMUNITY & MASTER PLAN

The subject property is located in that area covered by the *2014 Approved Eastover/Forest Heights/Glass Manor Sector Plan and Sectional Map Amendment* (the "Plan"). The subject property is 0.7650 acres in size and is located in the C-M Zone. The Master Plan recommends retail commercial uses for the subject property. The property is part of the strip

commercial development along the south side of Livingston Road.

The property is surrounded by the following uses:

North: Office building in the C-O Zone

East: Auto Repair in the C-M Zone

South: Community Center in the R-55 zone

West: Arapahoe Drive and Indian Head Highway

### III. NON-CONFORMING BUILDING, STRUCTURES AND USES:

The existing McDonald's restaurant has operated since 1958. Specifically, McDonald's opened for business in November of 1958. When constructed, the restaurant was permitted as a matter of right in the C-M Zone, as an eating or drinking establishment. However, due to changes in the Zoning Ordinance, fast-food restaurants were defined and were only permitted by special exception in the C-M Zone. Consequently, this particular use became nonconforming. The applicant has operated its restaurant continuously, without interruption, since its opening in 1958.

In 1988, McDonald's sought to build a minor addition to the existing building to provide a vestibule around the entrance and a freezer facility. The Planning Board approved NCFR # 1 to allow those additions. In 1992, McDonalds wanted to add a soft play area to the site and consequently, on November 26, 1984, SE-4085 was approved by the District Council to allow an alteration of the nonconforming use. In 1997, McDonald's sought to enclose the play area that was constructed. Another special exception to alter the nonconforming use (SE-4196) was approved by the Zoning Hearing Examiner and declared final by the District Council on March 27, 1997.

McDonald's now hopes to raze this sixty year old building and reconstruct a new and modern restaurant. The applicant's new corporate imaging and development plan will provide for a larger building that will be constructed of sustainable materials and provide a new and modern development, which will consist of new architectural features, as opposed to the older – outdated – McDonald's restaurants. In order to raze and rebuild and/or alter or amend the existing certified non-conforming use or building, the applicant is required to file an amendment to the approved special exception site plan pursuant to Part 4 of Subtitle 27 of the County Code. The following requirements must be satisfied in order for the same to be approved:

#### **Sec. 27-243. Reconstruction, reestablishment, and restoration.**

(b) **With enlargement, extension, or relocation.**

- (2) The intentional demolition and reconstruction of a certified nonconforming use on the same lot, which involves relocation, enlargement, or extension, may be permitted only upon approval of a Special Exception in accordance with Part 4. The requirement for a Special Exception shall not apply to the replacement of a mobile home, provided the new mobile home does not exceed one thousand and fifty (1,050) square feet in size.

**Sec. 27-242. Alteration, extension, or enlargement.**

(a) In general.

- (1) A nonconforming building or structure, or a certified nonconforming use may be altered, enlarged, or extended provide that:
  - (A) The alteration, enlargement, or extension conforms to the building line setback, yard, and height regulations of the zone in which the use is located; and
  - (B) A special exception has been approved by the District Council, in accordance with Part 4 of this Subtitle.

COMMENT: The existing McDonald's restaurant has been in operation since 1958. Although the building has been significantly altered or amended over the last 31 years, the existing building no longer meets the applicant's new corporate imaging and/or development plan. Consequently, the applicant intends to raze and rebuild the existing restaurant with a new and modern restaurant. The proposed building and site improvements will be compatible with current building, landscaping, and site development practices, which will better serve the needs of the community in a more safe and retail friendly environment.

The applicant intends to comply with the Special Exception provisions in accordance with Part 4 of the Zoning Ordinance as explained below:

IV. SPECIAL EXCEPTION

**Sec. 27-317. Required findings.**

- (a) A Special Exception may be approved if:
  - (1) **The proposed use and site plan are in harmony with the purposes of this Subtitle;**

COMMENT: The general purposes of the Zoning Ordinance are set forth in Section 27-102, which states:

- (a) **The purposes of the Zoning Ordinance are:**



- (1) **To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;**

COMMENT: The subject property is developed with an existing McDonald's restaurant that is 61 years old and no longer meets the applicant's new corporate imagining and development plan. The applicant is proposing to raze the old building and redevelop the site with a new and modern restaurant, with better landscaping, a redesigned parking lot and redesigned drive-through with dual ordering points. It is the applicant's intention to provide a high quality and modern building that will complement the community for another 60 years. The proposed redevelopment will undoubtedly provide for a safe, pleasant, and convenient option for the applicant's patrons and the future inhabitants of the County.

Moreover, the development of a new restaurant will comply with the current County Building Code, which will further ensure the safety and welfare of the inhabitants of the County. For example, the existing site is not subject to stormwater management, whereas the redevelopment will comply with stormwater management requirements.

- (2) **To implement the General Plan, Area Master Plans, and Functional Master Plans;**

COMMENT: The *2014 Approved Eastover/Forest Heights/Glass Manor Sector Plan and Sectional Map Amendment* (the "Plan") recommends commercial/retail uses for the subject property. The Sectional Map Amendment (SMA) retained the property in the C-M Zone, which allows fast food restaurants subject to the approval of a detailed site plan. However, since this use has been certified as nonconforming, this pending special exception is to permit the existing building to be razed and reconstructed with a new restaurant facility. The applicant contends that this application is not inconsistent with the vision and goals for the Plan.

- (3) **To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;**

COMMENT: Because this application proposes the redevelopment of an existing site, with the same use, approval of the same will promote the conservation of an existing community and will not contribute/create a further strain on the existing public facilities and services.

- (4) **To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;**

COMMENT: This proposal will provide for orderly growth of the County by eliminating the need for the Applicant to construct a new facility on an undeveloped property. The existing

restaurant is located along Livingston Road a master planned collector; consequently, this restaurant enjoys good visibility to the traveling public along Livingston Road. As such, the applicant recognizes that the existing restaurant, although in a state of good repair, is dated and in need of renovation.

**(5) To provide adequate light, air, and privacy;**

COMMENT: This proposal complies with this requirement since it calls for the installation of standard lighting that will provide patrons with a bright, safe atmosphere while not causing a glare onto adjoining properties. The applicant is proposing to redesign the parking area to provide better vehicular and pedestrian circulation.

**(6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**

COMMENT: As indicated above, the applicant intends to raze the old and outdated restaurant and redevelop the site with a new and modern restaurant to meet the retail needs of the community. This redevelopment plan will not only continue to promote the most beneficial relationship between the existing uses and buildings, but will also continue to protect the adjacent landowners from potential adverse impacts associated with this use.

**(7) To protect the County from fire, flood, panic, and other dangers;**

COMMENT: This proposal complies with this requirement since the construction of the facility will be in accordance with current standards for fire protection and storm water management, as well as, all State and County building/grading codes.

**(8) To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;**

COMMENT: This purpose does not apply.

**(9) To encourage economic development activities that provide desirable employment and a broad, protected tax base;**

COMMENT: This proposal complies with this purpose since redevelopment of this property into a modern McDonald's restaurant will increase the County's tax base. By redeveloping the subject property with a new restaurant, the applicant will be able to re-launch this restaurant, which is likely to include additional employment opportunities for local residents. The economic impacts of the use on the local and regional economies are direct, in the form of new taxes and salaries, as well as indirect due to the multiplier effect on existing service and support businesses in the neighborhood community and county. The various taxes associated with this

redevelopment plan all serve to broaden and strengthen the tax base of Prince George's County.

**(10) To prevent the overcrowding of land;**

COMMENT: The site and landscape plans, submitted in conjunction with this application, demonstrate that the site has been designed with ample room for the safe internal circulation of vehicles and pedestrians and ample room for the queuing of vehicles associated with the drive-through.

**(11) To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;**

COMMENT: The proposal complies with this requirement. The applicant is simply replacing the existing restaurant with a modern facility. As illustrated by the site plan, the applicant will continue to use the current access driveways with some minor modifications, which will facilitate the safe ingress and egress for patrons accessing the subject property from Livingston Road. The proposed redevelopment does not contemplate adding more parking spaces. Instead, the applicant intends to simply redesign the parking facility and add additional capacity to the drive-through queuing area.

**(12) To insure the social and economic stability of all parts of the County;**

COMMENT: This proposal seeks to ensure the social and economic stability in this part of the County. The subject property is in a great location that is ripe for redevelopment. Furthermore, redevelopment of this site has the potential to encourage other redevelopment in this particular community.

**(13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;**

COMMENT: The proposal complies with this purpose since it will be developed in accordance with all state and local regulations pertaining to noise and air quality.

**(14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and**

COMMENT: This purpose does not apply.

**(15) To protect and conserve the agricultural industry and natural resources.**

COMMENT: Because the subject use is commercial in nature, this purpose is not directly applicable to this application.

In addition to the purposes set forth in Section 27-102(a), Section 27-317 goes on to require that the applicant demonstrate the following:

- (2) The proposed use is in conformance with all applicable requirements and regulations of this subtitle;**

COMMENT: The proposed use is in conformance with all the applicable requirements and regulations of Subtitle 27. All necessary approvals from the appropriate County, State and Federal agencies have been or will be obtained.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

COMMENT: The *2014 Approved Eastover/Forest Heights/Glass Manor Sector Plan and Sectional Map Amendment* recommends retail commercial uses for the subject property. Accordingly, the reconstruction of this certified non-conforming use not only complies with many of the goals and visions of the Plan. Hence, the approval of this application will not impair the integrity of the Approved Master Plan.

- (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**

COMMENT: The site and landscape plans demonstrate that the proposal has been designed to provide for the safe internal flow of pedestrians and vehicles on-site and for the safe ingress and egress of vehicles. The proposed use, McDonald's restaurant, will be designed to meet the needs of customers in a convenient and pleasant manner while complying with all Federal, State and local laws for this type of establishment. Moreover, because this application envisions the total redevelopment of the existing store, the health, safety and welfare of the residents, employees, and patrons are protected because the new building will comply with the County's Building Code.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

COMMENT: As indicated earlier, the applicant plans to raze the existing structure and redevelop the property with a modern restaurant, which will meet the needs and expectations of the community. The applicant's proposal does not contemplate the assemblage of more

property. Conversely, the applicant intends to redevelop the same area of the property that is currently developed. This will ensure that the proposed development will not be detrimental to the adjacent properties.

- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

COMMENT: This application is exempt from the Prince George's County Woodland Conservation Ordinance.

- (7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

COMMENT: There are no regulated environmental features located on the subject property.

**Sec. 27-384. Nonconforming buildings, structures, and uses; alteration, enlargement, extension, or reconstruction.**

- (a) The alteration, enlargement, extension, or reconstruction of any nonconforming building or structure, or certified nonconforming use (except those certified nonconforming uses not involving buildings, those within the Chesapeake Bay Critical Area Overlay Zones as specified in paragraph 7, below, unless otherwise provided, and except for outdoor advertising signs), may be permitted subject to the following:**

COMMENT: Since the subject property is not located in the Chesapeake Bay Critical Area Overlay Zone, the following sub-sections apply-

- (3) A certified nonconforming use may be reconstructed, provided that:**

- (A) The lot on which it is reconstructed is as it existed as a single lot under single ownership at the time the use became nonconforming;**

COMMENT: As mentioned above, the existing McDonald's restaurant on the subject property has been in operation since 1958. The existing use became non-conforming in 1984 when the Zoning Ordinance was amended. The lot is as it existed under single ownership at the time the use became non-conforming.

- (B) Either the nonconforming use is in continuous existence from the time the Special Exception application has been filed through final action on the application, or the building was destroyed by fire or other calamity more than one (1) calendar year prior to the filing date;**

COMMENT: The existing McDonald's restaurant is still in operation.

**(C) The requirements of Part 11 are met with respect to the entire use; and**

COMMENT: The requirements of Part 11 will be met with respect to the entire use.

**(D) The Special Exception shall terminate unless a building permit for the reconstruction is issued within one (1) calendar year from the date of Special Exception approval, construction in accordance with the building permit begins within six (6) months from the date of permit issuance (or lawful extension), and the construction proceeds to completion in a timely manner.**

COMMENT: The applicant intends to comply with this provision.

**(5) Any new, or any addition to, or alteration or relocation of an existing building or other improvement (which is either nonconforming or utilized in connection with a certified nonconforming use), shall conform to the building line, setback, yard, and height regulations of the zone in which the certified nonconforming use is located. The District Council may further restrict the location and bulk of the building or structure where the evidence so warrants. If the use is presently permitted by Special Exception in the zone, the new building, improvement, or addition shall conform to all of the physical requirements of the specific Special Exception use.**

COMMENT: The site plan complies with the regulations of the commercial zone and the applicant is not requesting any variances or departures. The applicant is requesting Alternative Compliance from the Landscape Manual and a separate application has been filed contemporaneously with this application.

**(6) The District Council may grant this Special Exception for property within a one hundred (100) year floodplain only after it has determined that the proposed enlargement, extension, reconstruction, or alteration will:**

- (A) Not require additional filling in the floodplain;**
- (B) Not result in an increase in elevation of the one hundred (100) year flood; and**
- (C) Conform with all other applicable requirements of this Subtitle and of Division 2 of Subtitle 4, "Building," of this Code, entitled "Construction or Changes in Floodplain Areas."**

COMMENT: Since the subject property is not located within a one hundred (100) year floodplain, this sub-section does not apply.

- (7) In a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted where the existing impervious surface coverage exceeds that allowed by Section 27-548.17, and which would result in a net increase in the existing impervious surface coverage. In addition, a Special Exception shall not be granted which would result in converting a property which currently meets the impervious surface coverage requirements of Section 27-548.17 to a nonconforming status regarding impervious surface coverage, except if a finding of extenuating circumstances is made, such as the necessity to comply with other laws and regulations.**

COMMENT: Since the subject property is not located within a one hundred (100) year floodplain or Chesapeake Bay Critical Area, this sub-section does not apply.

- (b) Applications for this Special Exception shall be accompanied by a copy of the Use and Occupancy Permit for the certified nonconforming use, as provided for in Section 27-241(b).**

COMMENT: A copy of the existing Use and Occupancy permit is included in the application package. (See enclosed Permit Number: 2161-1987-U).

## V. DEPARTURE FROM DESIGN STANDARDS

As noted above, the applicant is requesting a Departure from Design Standards to reduce the width of the bufferyard required. The applicant is a high impact use and the adjoining community center/municipal building is a medium impact use. A Type B Bufferyard yard is therefore required. The applicant is proposing to install a 6-foot high site tight fence along the top of the retaining wall located on the southern property line in accordance with Section 4.7-3(F) and a 50 percent reduction in the landscape yard, plant units and setback is permitted. Therefore a 15 foot building setback and 10 foot landscape yard are required. The applicant building is setback 93.7 feet from the rear property line, but due the location of an existing storm drain in the landscape yard area, the applicant is unable to install any landscape material in that area. As shown on the landscape plan, the applicant is proposing to install landscaping at the east and west ends on that property line as well as in the landscape island that is centrally located along the southern property. This proposed landscaping is being installed to address Sections 4.2 and 4.3 of the Landscape Manual, but helps improve the overall visual impact of the fence.

The criteria for the approval of a Departure from Design Standards is set forth in Section 27-239.01(7) of the Zoning Ordinance, which states:

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

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

**COMMENT:** This is an existing eating and drinking establishment located on a relatively small parcel. The applicant is attempting to accommodate the demand for its drive-through service and in turn prevent vehicles from queuing onto Livingston Road. The applicant is proposing to install a dual drive-through but given the fact there is limited space on the subject property, and the fact that there is a very large storm drain adjacent to the southern property line, it believes that the proposed 6-foot high sight tight fence will provide adequate screening. In addition the applicant is proposing a building setback from the southern property line of 93.7 feet whereas the Landscape Manual only requires a 15 foot setback. The granting of this departure will allow the site to function more efficiently without compromising the drive aisle widths and will therefore allow vehicles to safely travel through the site. Finally, the site is already developed with an eating and drinking establishment and the granting of this departure will allow that use to be maintained at this location as opposed to it being relocated to a larger property. It should be noted that the existing building on the adjoining property is located approximately 100 feet from the common property line and approximately 120 feet from the location of the proposed fence.

As noted above, the applicant's proposal for the redevelopment of this eating and drinking establishment complies with the purposes of this Subtitle set forth in Section 27-102, but this departure specifically complies with the following:

- (5) To provide adequate light, air, and privacy;**
- (6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development.**

The setback as well as the fence being proposed by the applicant will help minimize the impact of the eating and drinking establishment on the adjoining property. The six foot sight tight fence will screen most of the activity on the subject property from the adjacent property and the setback proposed will also help minimize any impact since most of the activity associated with the use will be located in a building that is 93.7 feet from the southern property line and approximate 196 feet from the building on the adjacent property.

The objectives of Section 4.7 of the Landscape Manual are:

- (1) Establish a comprehensive, consistent, and flexible buffering system consisting of a specified area of land and vertical elements, such as plant materials, walls, fences, and berms, between adjacent incompatible land uses.
- (2) Form a visual and physical separation between uses of a significantly different scale, character, and/or intensity of development to mitigate undesirable impacts, such as noise, smell,



storage facilities, dust, fumes, vibration, litter, vehicle exhaust, and lighting.

- (3) Create a transition between moderately incompatible uses.

The applicant's proposed screening of the developed restaurant on the subject property complies with these objectives. The applicant is providing a significant setback as well as a vertical element (fence) that will buffer this restaurant from the use on the adjacent property. This buffer should mitigate many of the impacts normally associated with an eating and drinking establishment.

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

**COMMENT:** The applicant has explored other options to accommodate the new building and dual drive-through, but the property is only 0.77 acres in size and the existing stormdrain runs along the entire southern property line. The applicant cannot relocate the building further to the north without further impacting the 4.2 landscape strip located along Livingston Road and the drive aisle located on the north side of the building. The drive-aisle helps accommodate the one-way traffic flow proposed for the site, which is much safer and helps prevent conflicts between pedestrians and vehicular traffic.

(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

**COMMENT:** The property is currently developed with an eating and drinking establishment with drive-through service in 1958 at time when the proposed use could be accommodated on property that is only 0.765 acres in size and at a time when development was subject to the Landscape Manual. The underlying purpose of this development proposal is to modernize an older commercial use and bring it into conformance with modern retail standards and consumer expectations. Given the size of the property, the applicant has not only achieved this, but also brought the site into greater conformance with the Zoning Ordinance as well as other regulations including but not limited to stormwater management. The applicant does not have the ability to expand its operation onto any adjoining properties. The applicant has explored a number of options to address 4.7 of the Landscape Manual, but the design proposed herein will preserve the number of on-site parking spaces and also allow the applicant to screen its use from the community center located to the south of the subject property.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

**COMMENT:** Again, this departure will allow the applicant to provide a six foot sight tight fence along the southern property line as an alternative to normal compliance with Section 4.7

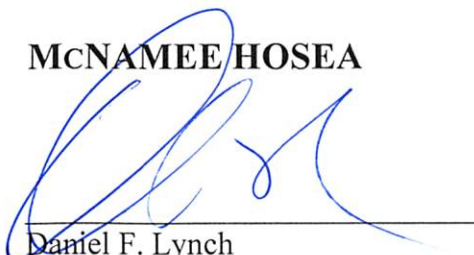
of the Landscape Manual and exceed the setback requirement for this bufferyard. The applicant believes that this sight tight fence will provide adequate screening to the parking lot and drive-through component of the use and will improve the functional integrity of the site in that the use will be brought into greater compliance with the Zoning Ordinance, Stormwater Management Regulations and modern retail site design standards.

## VI. CONCLUSION

The applicant is proposing to raze, rebuild and continue to operate a McDonald's restaurant on the subject property. The applicant believes that these applications for a Special Exception to Alter, Amend and Reconstruct a Certified Non-conforming Use and the Departure from Design Standards satisfy each of the requirements set forth in the Zoning Ordinance, and therefore, respectfully requests the approval of this Revision to Special Exception Site Plan, RO SP-4196/01 and DDS-678.

Respectfully submitted,

**MCNAMEE HOSEA**



Daniel F. Lynch



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.pgplanning.org  
301-952-3530

August 23, 2020

**MEMORANDUM**

TO: Jeremy Hurlbutt, Supervisor, Zoning Section

VIA: Adam Bossi, Planner Coordinator, Urban Design Section *AB*

FROM: Andrew Bishop, Senior Planner, Urban Design Section *NAB*

**SUBJECT: Departure from Design Standards DDS-678  
McDonald's Forest Heights**

The Urban Design Section has reviewed the package accepted on June 10, 2021, in support of Departure from Design Standards, DDS-678, McDonald's Forest Heights. The application proposes a departure from the requirements of Section 4.7 of the Landscape Manual to allow the removal of the landscape strip on the southern property line. The 0.76-acre property is zoned Commercial Miscellaneous (C-M) and is located in the southeast quadrant of the intersection of Livingston Road and Arapahoe Drive. The site is currently developed with a 3,428-square-foot McDonald's and the applicant proposes to construct a new 4,597-square-foot McDonald's on the same parcel. The Departure from Design standards has been filed in response to the Planning Director's disapproval of an Alternative Compliance application, AC-2004. Therefore, the applicant is requesting a departure from the design standards from Section 4.7, Buffering Incompatible Uses, of the Landscape Manual. The property is bounded to the north by Livingston Road, to the west by Arapahoe Drive, to the east by C-M zoned properties, and to the south by a Single-Family Detached Residential (R-55) zoned property developed with a community center.

Based on the Urban Design Section's review of the Departure from Design Standards DDS-678, we offer the following comments:

**Conformance with the Requirements of the Prince George's County Zoning Ordinance**

1. The criteria for approval of a Departure from Design Standards is set forth in Section 27-239.01(7) of the Zoning Ordinance, which states:

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

**(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The applicant is proposing to add a second drive-through to the existing eating and drinking facility, as a response to demand and to prevent vehicles from queuing onto Livingston Road. However, due to limited space on the site, a reduction in the Section 4.7, Landscape Strip Along Streets is necessary. A request for alternative compliance, AC-20004, was denied by the Planning Director on January 11, 2021. The applicant's site design provides a reasonable balance for seeking to serve the purposes of the Zoning Ordinance. Here the smaller incompatible use landscape buffer is necessary to allow for lessening of the danger of traffic and congestion of streets due to the existing queuing pattern for drive-through service.

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

The applicant has explored other options to accommodate the new building and dual drive-through. The compact nature of the site in addition to the existing storm drain on the southern property line limit the ability to provide normal compliance with Section 4.7 of the Landscape Manual. The departure is minimum necessary to allow the construction of the building and the additional drive through.

**(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The property is currently developed with an eating and drinking establishment with drive-through service, which was constructed in approximately 1958, and subject to different requirements. The development proposes to modernize an older commercial use and bring the site into greater conformance with the Zoning Ordinance as well as other regulations. Given the development limitations of the site, there are not opportunities to expand its operation onto any adjoining properties. This and several other options have been explored to address the requirement of Section 4.7 of the Landscape Manual but were not workable for accommodating the required screening.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

This departure proposes a six-foot-sight-tight fence on the southern property line as an alternative to normal compliance with Section 4.7 of the Landscape Manual. The addition of a sight-tight fence will enhance the visual appearance of the site and will screen the property from the community center without any environmental impacts or impacts to the existing infrastructure. The departure will not impair the visual, functional, or environmental quality or integrity of the site.

**Conformance with the Requirements of Previous Approvals**

The original McDonald's restaurant was constructed as an eating or drinking establishment by right on the property in approximately 1958. Subsequently the property was rezoned to Commercial Miscellaneous (C-M) in 1984, with the adoption of the Subregion VII Sectional Map Amendment. The current use was also defined in the Prince George's County Zoning Ordinance and was only permitted by special exception in the C-M Zone. Consequently, this particular use became nonconforming. The use was certified as non-conforming on June 12, 1987, pursuant to permit number 2161-87-U.

2. **Special Exception SE-4085** was approved by the Zoning Hearing Examiner and declared final by the Prince George's County District Council in 1992, to construct a soft play area to the site and allow the alteration of the nonconforming use.
3. **Departure from Parking and Loading Standards, DPLS-145** was filed in conjunction with SE-4085 and was approved by the Planning Board on October 15, 1992 (PGCPB Resolution No. 92-279), to remove 3 of the 33 parking spaces on-site for construction of the play area.
4. **Special Exception SE-4196** was approved by the Zoning Hearing Examiner to enclose the play area and declared final by the District Council on March 27, 1997.

#### **Conformance with the Requirements of the 2010 Prince George's County Landscape Manual**

4. The proposed development is subject to the requirements of the *2010 Prince George's County Landscape Manual*. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets, Section 4.3, Parking Lot Requirements; and Section 4.4, Screening Requirements are applicable to this development. Conformance with Sections 4.3 and 4.4 was found at time of DSP-08045. After the site has been developed, the applicant submitted a request for alternative compliance, AC-20004, from the requirements of Section 4.7 that was denied by the Planning Director, on January 11, 2021.

#### **Conformance with the Requirements of Tree Canopy Coverage Ordinance**

5. Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on developments that request more than 5,000 square feet of disturbance. This property is zoned C-M and is required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The subject site is 0.76 acre in size and resulting in a TCC requirement of 0.08 acre (3,310 square feet). Therefore, the total TCC on the site, 3,625 square feet, exceeds the requirement.

#### **Urban Design Section Recommendation**

Based on the foregoing analysis, the Urban Design Section has no objections to the approval of Departure from Design Standards, DDS-678, for McDonalds Forest Heights.

301-952-3972

August 13, 2021

**MEMORANDUM**

TO: DeAndrae Spradley, Planner Coordinator, Zoning Section Development Review Division

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

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

SUBJECT: **DDS-678 McDonald's Forest Heights**

**DETERMINATIONS**

Pursuant to Part 27-239.01(b)(7) of the Zoning Ordinance, Master Plan conformance is not required for this application.

**BACKGROUND**

**Application Type:** Departure from the required number of parking spaces.

**Location:** 5501 Livingston Road, Oxon Hill, Maryland 20745

**Size:** 0.77 acres

**Existing Use:** Commercial

**Proposal:** Redevelop an eating or drinking establishment with drive through service

**GENERAL PLAN, MASTER PLAN, AND SMA**

**General Plan:** This application is in the Established Communities. The vision for the established communities is context-sensitive infill and low- to medium-density development. Plan 2035 recommends Commercial land use.

DDS-678 McDonald's Forest Heights

**Master Plan:** The 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan* recommends Office Over Retail land uses on the subject property.

**Planning Area:** 76A

**Community:** The Heights, Town of Forest Heights

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

**SMA/Zoning:** The 2014 *Approved Eastover/Forest Heights/Glassmanor Sectional Map Amendment* retained the subject property from in the C-M (Commercial Miscellaneous) zone.

c: Long-range Agenda Notebook

Scott Rowe, AICP CNU A, Planning Supervisor, Long Range Planning Section, Community Planning Division.

Draft



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

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

June 23, 2021

**MEMORANDUM**

TO: DeAndrae Spradley, Development Review Division

FROM: Judith Howerton, Transportation Planning Section, Countywide Planning Division  
Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division

SUBJECT: SDRC - No Major Issues Memorandum

Case Number: DDS 678      Case Name: McDonalds at Forest Heights

**Background**

The applicant is seeking a departure from design standards (DDS), per section 27-239.01 of the zoning ordinance, to meet requirements of the Landscape manual.

The site is covered by the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan*. The site is impacted by a master plan roadway, Livingston Road (C-700), listed in the MPOT as a collector road with a proposed right-of-way of 80 feet and four lanes. A bike lane is planned along Livingston Road.

**Preliminary Comments**

This DDS is limited in its review and has no impact on master plan roadways. The submitted plans have no impact on the area plan.

This application does not have any prior conditions of approval germane to multimodal transportation. A departure from parking and loading standards, DPLS-204, approved in 1996, permitted the reduction of ten parking spaces.

This application follows a recently submitted revision of a site plan (ROSP) for special exception for which it also serves as a supplement. The ROSP-4196-01 was reviewed for conformance with the appropriate sections of Subtitle 27, Part 3, Division 9 and the appropriate multimodal transportation recommendations were provided.

This application does not impact or change the recommendations from ROSP-4196-01.

**Major Issues**

There are no major issues identified by Transportation Planning staff.





Countywide Planning Division  
Historic Preservation Section

14741 Governor Oden Bowie Drive  
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TTY: (301) 952-4366  
[www.mncppc.org/pgco](http://www.mncppc.org/pgco)

301-952-3680

July 1, 2021

MEMORANDUM

TO: DeAndrae Spradley, Zoning Section, Development Review Division

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

FROM: Jennifer Stabler, Historic Preservation Section, CWPD JAS  
Tyler Smith, Historic Preservation Section, CWPD TAS

**SUBJECT: DDS-678 McDonald's Forest Heights**

The subject property comprises 0.765-acres and is located at 5501 Livingstone Road, in Forest Heights, Maryland. The subject application proposes the redevelopment of the existing McDonald's restaurant with a new and modern restaurant. The subject property is zoned C-M.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any Prince George's County Historic Sites or resources. This proposal will not impact any historic sites, historic resources or known archeological sites. A Phase I archeology survey is not recommended. Historic Preservation staff recommend approval of DDS-678 McDonald's Forest Heights with no conditions.



Angela D. Alsobrooks  
County Executive

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



**MEMORANDUM**

June 29, 2021

**TO:** DeAndrae Spradley  
Development Review Division, M-NCPPC

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

**Re:** Forest Heights, McDonalds  
SDCP 53973-2019, DDS-678

**CR:** Livingston Road

This is in response to the McDonald's Forest Heights DDS-678 referral. The Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The site is located at 5501 Livingston Road which is on the southwest quadrant of the intersection of Livingston Road and Arapahoe Drive.
- Livingston Road is a County-maintained roadway, a right-of way dedication may be required.

All improvements within the public right-of-way, as dedicated to the County, are to be in accordance with the County Road Ordinance, the Department of Public Works and Transportation's (DPW&T) Specifications and Standards and the Americans with Disabilities Act (ADA).

- DDS-678 is a departure from design standards relative to section 4.7 of the landscape manual for the Southern property line. This will allow the applicant to provide alternative compliance in the form of a six-foot sight tight fence along the southern property line.
- Mill and overlay may be required along the Livingston Road frontage.
- Conformance with street tree, street lighting standards and parking lot lighting is required.

- Existing utilities may require relocation and/or adjustment. Coordination with the various utility companies is required.
- The applicant needs to provide adequate sight distance in accordance with American Association of State Highway and Transportation Officials (AASHTO).
- 5' Sidewalks and ADA ramps are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Detailed signage at access points will be required at the permitting stage.
- All storm drainage systems and facilities are to be in accordance with DPW&T's requirements.
- The proposed pending SWM Concept 53973-2019 is consistent with the proposed site plan.
- DPIE has issued a floodplain waiver to cover redevelopment within the floodplain. All floodplain waiver conditions must be met prior to permit issuance.
- A soils investigation report that includes subsurface exploration and site grading, stormwater management BMPs and geotechnical engineering evaluation is required.
- DPIE has no objection to DDS-678.

If you have any questions or need additional information, please contact Mr. Nanji Formukong, District Engineer for the area, at 301.636.2060.

MG:NF:ag

cc: Rene Lord-Attivor, Chief, Traffic Engineering, DPIE  
Tuan Duc, P.E., Chief, NPDES, S/RPRD, DPIE  
Nanji Formukong, District Engineer, S/RPRD, DPIE  
Salman Babar, Engineer, S/RPRD, DPIE  
Yonas Tesfai, P.E. Engineer, S/RPRD, DPIE  
McDonald's Corporation 6301 Rockledge Drive, Suite 100 Bethesda, MD 20817  
McNamee Hosea 6411 Ivy Lane Suite 200 Greenbelt, MD 20770

**From:** [Schneider, Alwin](#)  
**To:** [Spradley, DeAndrae](#)  
**Cc:** [Reiser, Megan](#); [Nickle, Suzanne](#)  
**Subject:** DDS-678 / McDonald Forest Heights / 5501 Livingston Road  
**Date:** Friday, June 25, 2021 9:37:46 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)

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DeAndrae,

The “NO ISSUES – NO MEMO” email below was for the ROSP and can be used for this DDS. This email serves in lieu of a memo.

Please let me know if you have any questions.

## Chuck Schneider

**Planner Coordinator** | *County Wide Planning – Environmental Planning Section*



9400 Peppercorn Place, Suite 230 Largo Maryland 20774

301-883-3240 | [alwin.schneider@ppd.mncppc.org](mailto:alwin.schneider@ppd.mncppc.org)



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**From:** Schneider, Alwin  
**Sent:** Friday, November 13, 2020 8:57 AM  
**To:** Spradley, DeAndrae <[DeAndrae.Spradley@ppd.mncppc.org](mailto:DeAndrae.Spradley@ppd.mncppc.org)>  
**Subject:** ROSP-4196-01 / McDonald Forest Heights / 5501 Livingston Road

Hi DeAndrae,

The Environmental Planning Section (EPS) has reviewed the referral information received by EPS on September 10, 2020. The proposal is to renovate an existing eating or drinking establishment with drive through service.

The site has been issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance (S-135-2019) because the site is less than 40,000 square feet in size and has no previous TCP approval. An NRI equivalency letter has been issued for the site (NRI-118-2019). The NRI was issued based on the standard woodland conservation exemption and that no regulated environmental features will be impacted. A stormwater management concept plan has been submitted to the Prince George's County Department of Permits, Inspections and Enforcement (DPIE) for review. At this time, no approval of this stormwater management concept from DPIE has

occurred.

No other environmental requirements have been identified for this application. This email serves in lieu of a memo.

**Chuck Schneider**

**Planner Coordinator** | *County Wide Planning – Environmental Planning Section*



9400 Peppercorn Place, Suite 230 Largo Maryland 20774

301-883-3240 | [alwin.schneider@ppd.mncppc.org](mailto:alwin.schneider@ppd.mncppc.org)



**From:** [Kwesi Woodroffe](#)  
**To:** [Spradley, DeAndrae](#)  
**Cc:** [PGCReferrals](#)  
**Subject:** RE: ACCEPTANCE NOTICE - DDS-678 MCDONALDS FOREST HEIGHTS; SHA; KW  
**Date:** Thursday, June 17, 2021 8:48:04 AM  
**Attachments:** [image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)  
[image015.png](#)  
[image017.png](#)  
[image018.png](#)  
[image019.png](#)  
[image020.png](#)  
[image021.png](#)  
[image022.png](#)  
[image023.png](#)

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

Good morning DeAndrae,

I reviewed the referral and have no comments or objections. This section of Livingston Rd is owned and maintained by Prince George's County, so the Applicant would need to coordinate with them for the frontage improvements along Livingston Rd.

Thanks, Kwesi

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



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**From:** ePlan <ePlan@ppd.mncppc.org>

**Sent:** Tuesday, June 15, 2021 2:39 PM

**To:** Smith, Tyler <Tyler.Smith@ppd.mncppc.org>; Stabler, Jennifer <Jennifer.Stabler@ppd.mncppc.org>; Hall, Ashley <Ashley.Hall@ppd.mncppc.org>; Henderson, Tamika <Tamika.Henderson@ppd.mncppc.org>; Franklin, Judith <Judith.Franklin@ppd.mncppc.org>; Green, David A <davida.green@ppd.mncppc.org>; Kowaluk, Ted <Ted.Kowaluk@ppd.mncppc.org>; Masog, Tom <Tom.Masog@ppd.mncppc.org>; Barnett-Woods, Bryan <bryan.barnettwoods@ppd.mncppc.org>; Conner, Sherri <sherri.conner@ppd.mncppc.org>; Zhang, Henry <Henry.Zhang@ppd.mncppc.org>; Kosack, Jill <Jill.Kosack@ppd.mncppc.org>; Dixon, June <june.dixon@ppd.mncppc.org>; Chaconas, Sheila <Sheila.Chaconas@ppd.mncppc.org>; Diaz-Campbell, Eddie <Eddie.DiazCampbell@ppd.mncppc.org>; Ray, Bobby <Bobby.Ray@ppd.mncppc.org>; PPD-EnvDRDreferrals <ppd-envdrdreferrals@ppd.mncppc.org>; 'Reilly, James V' <JVReilly@co.pg.md.us>; SLToth@co.pg.md.us; ljdillon@co.pg.md.us; AMGullickson@co.pg.md.us; tgaskins@co.pg.md.us; De Guzman, Reynaldo S. <rsdeguzman@co.pg.md.us>; WKEdelen@co.pg.md.us; Giles, Mary C. <mcgiles@co.pg.md.us>; Lord-Attivor, Rene <rlattivor@co.pg.md.us>; Snyder, Steven G. <SGSnyder@co.pg.md.us>; Abdullah, Mariwan <MABdullah@co.pg.md.us>; Tayyem, Mahmoud <mtayyem@co.pg.md.us>; Salles, Cicero D. <cdsalles@co.pg.md.us>; sabranch@co.pg.md.us; jtarr@co.pg.md.us; Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; Tania Brown <TBrown13@mdot.maryland.gov>; shayla.taylor@pgcps.org; rhianna.mccarter@pgcps.org; 'Aheart, Charlotte D.' <CDAheart@co.pg.md.us>; #DSG Intake <DSGIntake@wsscwater.com>; kenneth.l.barnhart@verizon.com; mark.g.larsen@verizon.com; jkoroma@pepco.com; wkynard@pepcoholdings.com; Charles.curry@bge.com; Herb.Reigel@smeco.coop; 'Ulrich,Keith' <Keith.Ulrich@SMECO.coop>; kencrouse@comcast.net; gw1349@att.com; 'AZZAM, ABDULKADER' <aa9168@att.com>; bm2692@att.com; 'IBRAHIM, WALID' <wi340d@att.com>; 'sh3700@att.com' <sh3700@att.com>; pmartinez@washgas.com

**Cc:** Hurlbutt, Jeremy <Jeremy.Hurlbutt@ppd.mncppc.org>; PPD-DRD\_Applications Section\_Distribution <ppd-drd\_applicationssection\_distribution@ppd.mncppc.org>; Hunt, James <James.Hunt@ppd.mncppc.org>; Checkley, Andree <andree.checkley@ppd.mncppc.org>; Graham, Audrey <Audrey.Graham@ppd.mncppc.org>; Spradley, DeAndrae <DeAndrae.Spradley@ppd.mncppc.org>

**Subject:** ACCEPTANCE NOTICE - DDS-678 MCDONALDS FOREST HEIGHTS

Greetings,

This is an EPlan ACCEPTANCE of **DDS-678 MCDONALDS FOREST HEIGHTS** to be reviewed at the **PLANNING BOARD** level.

This case was officially accepted as of **JUNE 10, 2021**.

**SDRC** is scheduled for **JUNE 25**, 2021

Major Issue Referral Deadline: **JUNE 24**, 2021

- attach signed memo's on official letterhead
- attach a signed PDF and Word version of the document.
- The email subject must include: Case number + Case name + Dept + Reviewer initials.
- Please indicate in the body of your email if the attached response is the 1st, 2nd or 3rd

DRD Referral Due Date (per TSR Matrix) **August 9**, 2021

Please submit ALL comments to assigned reviewer **DeAndrae Spradley** and [PGCReferrals@ppd.mncppc.org](mailto:PGCReferrals@ppd.mncppc.org)

Click on the hyperlink to view the Acceptance documents:

<https://www.dropbox.com/sh/ryry44oa95uhk3i/AAAaWp8sizocVnaskScM5ovta?dl=0>

If you need assistance please contact [Cheryl.summerlin@ppd.mncppc.org](mailto:Cheryl.summerlin@ppd.mncppc.org).

Thank you,

Randa Lee

Senior Planning Technician, Development Review Division



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-952-3867 | [randar.lee@ppd.mncppc.org](mailto:randar.lee@ppd.mncppc.org)





**Additional Back-up**

**For**

**DDS-678**

**McDonald's Forest Heights**

**AMENDED STATEMENT OF JUSTIFICATION**

**McDonald's (Forest Heights)**

**ROSP- 4196/01 & DDS-678**

APPLICANT: McDonald's Corp.  
P.O. Box 66321  
Chicago, Illinois 60666

CORRESPONDENT: Daniel F. Lynch  
McNamee Hosea  
6411 Ivy Lane, Suite 200  
Greenbelt, MD 20772

REQUEST: Major revision to Special Exception Site Plan for the alteration or reconstruction of a certified non-conforming use, in this case a McDonald's fast food restaurant with drive-thru, in accordance with Sections 27-242, 27-243(b)(2), 27-317, and 27-384 of the Zoning Ordinance. Departure from Design Standards relative to 4.7 of the Landscape Manual for the southern property line.

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I. **DESCRIPTION OF PROPERTY**

1. Location: The subject property is located in the southeast quadrant of Livingston Road and Arapahoe Drive.
2. Address: 5501 Livingston Road, Oxon Hill, Maryland 20745
3. Existing Use: McDonald's Restaurant (fast food with drive-thru service)
4. Proposed Use: Same
5. Incorporated Area: Forest Heights
6. Councilmanic District: 8
7. Lot/Parcel: Parcel D
8. Subdivision: Forest Heights
9. Total Area: +/- 0.765
10. Tax Map: 96/A2

11. Zoned: C-M
12. Owner: Golden Arch Realty Corp.
13. Zoning Map (200 Sheet): 207SE01

## II. APPLICANT'S PROPOSAL

The applicant is proposing to redevelop the existing McDonald's restaurant with a new and modern restaurant. The original restaurant was established on the property in 1958. The property was located in the C-M Zone and an eating and drinking establishment was a permitted use. When fast food restaurants became a defined use in the Zoning Ordinance, they also became a special exception use in the C-M Zone. At that time, the McDonald's restaurant became a legal non-conforming use. The use was certified as non-conforming on June 12, 1987. In 1988, the Planning Board approved a minor revision to the non-conforming use (See NCFR #1). In 1992, the District Council approved SE-4085 which allowed another expansion of the non-conforming use. In 1995 the Planning Board approved a departure from parking and loading standards (DPLS-204) for the purpose of waiving 10 parking spaces. Finally, in 1997, the Zoning Hearing Examine approved SE-4196 which called for a building addition to the nonconforming use.

In 2010, the County Council adopted CB-19-2010 which amended the Table of Uses for the C-M Zone to permit eating and drinking establishments in the C-M Zone subject to the approval of a detailed site plan. However, until such time as a detailed site plan is approved for this use, it remains nonconforming. Therefore, the applicant is proposing a revision to the special exception to alter or reconstruct a nonconforming use to allow the applicant to replace the existing restaurant building on site with a new one story, 4,597+/-square foot building. In addition, the applicant is proposing to redesign the parking lot and drive-through area, which will provide better on-site circulation and pedestrian access to the new building. The applicant intends to redevelop the entire site in a manner that will address the needs and expectations of the modern consumer.

In addition, on January 11, 2021, the Planning Director approved the applicant's request for Alternative Compliance from Section 4.2 of the Landscape Manual but denied the applicant's request for Alternative Compliance from Section 4.7 of the Landscape Manual. The applicant is therefore amending its application to include a departure from Section 4.7 of the Landscape Manual in accordance with Section 27-239.01 of the Zoning Ordinance.

## III. COMMUNITY & MASTER PLAN

The subject property is located in that area covered by the *2014 Approved Eastover/Forest Heights/Glass Manor Sector Plan and Sectional Map Amendment* (the "Plan"). The subject property is 0.7650 acres in size and is located in the C-M Zone. The Master Plan recommends retail commercial uses for the subject property. The property is part of the strip

commercial development along the south side of Livingston Road.

The property is surrounded by the following uses:

North: Office building in the C-O Zone

East: Auto Repair in the C-M Zone

South: Community Center in the R-55 zone

West: Arapahoe Drive and Indian Head Highway

### III. NON-CONFORMING BUILDING, STRUCTURES AND USES:

The existing McDonald's restaurant has operated since 1958. Specifically, McDonald's opened for business in November of 1958. When constructed, the restaurant was permitted as a matter of right in the C-M Zone, as an eating or drinking establishment. However, due to changes in the Zoning Ordinance, fast-food restaurants were defined and were only permitted by special exception in the C-M Zone. Consequently, this particular use became nonconforming. The applicant has operated its restaurant continuously, without interruption, since its opening in 1958.

In 1988, McDonald's sought to build a minor addition to the existing building to provide a vestibule around the entrance and a freezer facility. The Planning Board approved NCFR # 1 to allow those additions. In 1992, McDonalds wanted to add a soft play area to the site and consequently, on November 26, 1984, SE-4085 was approved by the District Council to allow an alteration of the nonconforming use. In 1997, McDonald's sought to enclose the play area that was constructed. Another special exception to alter the nonconforming use (SE-4196) was approved by the Zoning Hearing Examiner and declared final by the District Council on March 27, 1997.

McDonald's now hopes to raze this sixty year old building and reconstruct a new and modern restaurant. The applicant's new corporate imaging and development plan will provide for a larger building that will be constructed of sustainable materials and provide a new and modern development, which will consist of new architectural features, as opposed to the older – outdated – McDonald's restaurants. In order to raze and rebuild and/or alter or amend the existing certified non-conforming use or building, the applicant is required to file an amendment to the approved special exception site plan pursuant to Part 4 of Subtitle 27 of the County Code. The following requirements must be satisfied in order for the same to be approved:

#### **Sec. 27-243. Reconstruction, reestablishment, and restoration.**

(b) **With enlargement, extension, or relocation.**

- (2) The intentional demolition and reconstruction of a certified nonconforming use on the same lot, which involves relocation, enlargement, or extension, may be permitted only upon approval of a Special Exception in accordance with Part 4. The requirement for a Special Exception shall not apply to the replacement of a mobile home, provided the new mobile home does not exceed one thousand and fifty (1,050) square feet in size.

**Sec. 27-242. Alteration, extension, or enlargement.**

(a) In general.

- (1) A nonconforming building or structure, or a certified nonconforming use may be altered, enlarged, or extended provide that:
  - (A) The alteration, enlargement, or extension conforms to the building line setback, yard, and height regulations of the zone in which the use is located; and
  - (B) A special exception has been approved by the District Council, in accordance with Part 4 of this Subtitle.

COMMENT: The existing McDonald's restaurant has been in operation since 1958. Although the building has been significantly altered or amended over the last 31 years, the existing building no longer meets the applicant's new corporate imaging and/or development plan. Consequently, the applicant intends to raze and rebuild the existing restaurant with a new and modern restaurant. The proposed building and site improvements will be compatible with current building, landscaping, and site development practices, which will better serve the needs of the community in a more safe and retail friendly environment.

The applicant intends to comply with the Special Exception provisions in accordance with Part 4 of the Zoning Ordinance as explained below:

IV. SPECIAL EXCEPTION

**Sec. 27-317. Required findings.**

- (a) A Special Exception may be approved if:
  - (1) **The proposed use and site plan are in harmony with the purposes of this Subtitle;**

COMMENT: The general purposes of the Zoning Ordinance are set forth in Section 27-102, which states:

- (a) **The purposes of the Zoning Ordinance are:**

- (1) **To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;**

COMMENT: The subject property is developed with an existing McDonald's restaurant that is 61 years old and no longer meets the applicant's new corporate imagining and development plan. The applicant is proposing to raze the old building and redevelop the site with a new and modern restaurant, with better landscaping, a redesigned parking lot and redesigned drive-through with dual ordering points. It is the applicant's intention to provide a high quality and modern building that will complement the community for another 60 years. The proposed redevelopment will undoubtedly provide for a safe, pleasant, and convenient option for the applicant's patrons and the future inhabitants of the County.

Moreover, the development of a new restaurant will comply with the current County Building Code, which will further ensure the safety and welfare of the inhabitants of the County. For example, the existing site is not subject to stormwater management, whereas the redevelopment will comply with stormwater management requirements.

- (2) **To implement the General Plan, Area Master Plans, and Functional Master Plans;**

COMMENT: The *2014 Approved Eastover/Forest Heights/Glass Manor Sector Plan and Sectional Map Amendment* (the "Plan") recommends commercial/retail uses for the subject property. The Sectional Map Amendment (SMA) retained the property in the C-M Zone, which allows fast food restaurants subject to the approval of a detailed site plan. However, since this use has been certified as nonconforming, this pending special exception is to permit the existing building to be razed and reconstructed with a new restaurant facility. The applicant contends that this application is not inconsistent with the vision and goals for the Plan.

- (3) **To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;**

COMMENT: Because this application proposes the redevelopment of an existing site, with the same use, approval of the same will promote the conservation of an existing community and will not contribute/create a further strain on the existing public facilities and services.

- (4) **To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;**

COMMENT: This proposal will provide for orderly growth of the County by eliminating the need for the Applicant to construct a new facility on an undeveloped property. The existing

restaurant is located along Livingston Road a master planned collector; consequently, this restaurant enjoys good visibility to the traveling public along Livingston Road. As such, the applicant recognizes that the existing restaurant, although in a state of good repair, is dated and in need of renovation.

**(5) To provide adequate light, air, and privacy;**

COMMENT: This proposal complies with this requirement since it calls for the installation of standard lighting that will provide patrons with a bright, safe atmosphere while not causing a glare onto adjoining properties. The applicant is proposing to redesign the parking area to provide better vehicular and pedestrian circulation.

**(6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;**

COMMENT: As indicated above, the applicant intends to raze the old and outdated restaurant and redevelop the site with a new and modern restaurant to meet the retail needs of the community. This redevelopment plan will not only continue to promote the most beneficial relationship between the existing uses and buildings, but will also continue to protect the adjacent landowners from potential adverse impacts associated with this use.

**(7) To protect the County from fire, flood, panic, and other dangers;**

COMMENT: This proposal complies with this requirement since the construction of the facility will be in accordance with current standards for fire protection and storm water management, as well as, all State and County building/grading codes.

**(8) To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;**

COMMENT: This purpose does not apply.

**(9) To encourage economic development activities that provide desirable employment and a broad, protected tax base;**

COMMENT: This proposal complies with this purpose since redevelopment of this property into a modern McDonald's restaurant will increase the County's tax base. By redeveloping the subject property with a new restaurant, the applicant will be able to re-launch this restaurant, which is likely to include additional employment opportunities for local residents. The economic impacts of the use on the local and regional economies are direct, in the form of new taxes and salaries, as well as indirect due to the multiplier effect on existing service and support businesses in the neighborhood community and county. The various taxes associated with this

redevelopment plan all serve to broaden and strengthen the tax base of Prince George's County.

**(10) To prevent the overcrowding of land;**

COMMENT: The site and landscape plans, submitted in conjunction with this application, demonstrate that the site has been designed with ample room for the safe internal circulation of vehicles and pedestrians and ample room for the queuing of vehicles associated with the drive-through.

**(11) To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;**

COMMENT: The proposal complies with this requirement. The applicant is simply replacing the existing restaurant with a modern facility. As illustrated by the site plan, the applicant will continue to use the current access driveways with some minor modifications, which will facilitate the safe ingress and egress for patrons accessing the subject property from Livingston Road. The proposed redevelopment does not contemplate adding more parking spaces. Instead, the applicant intends to simply redesign the parking facility and add additional capacity to the drive-through queuing area.

**(12) To insure the social and economic stability of all parts of the County;**

COMMENT: This proposal seeks to ensure the social and economic stability in this part of the County. The subject property is in a great location that is ripe for redevelopment. Furthermore, redevelopment of this site has the potential to encourage other redevelopment in this particular community.

**(13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;**

COMMENT: The proposal complies with this purpose since it will be developed in accordance with all state and local regulations pertaining to noise and air quality.

**(14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and**

COMMENT: This purpose does not apply.

**(15) To protect and conserve the agricultural industry and natural resources.**



COMMENT: Because the subject use is commercial in nature, this purpose is not directly applicable to this application.

In addition to the purposes set forth in Section 27-102(a), Section 27-317 goes on to require that the applicant demonstrate the following:

- (2) The proposed use is in conformance with all applicable requirements and regulations of this subtitle;**

COMMENT: The proposed use is in conformance with all the applicable requirements and regulations of Subtitle 27. All necessary approvals from the appropriate County, State and Federal agencies have been or will be obtained.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

COMMENT: The *2014 Approved Eastover/Forest Heights/Glass Manor Sector Plan and Sectional Map Amendment* recommends retail commercial uses for the subject property. Accordingly, the reconstruction of this certified non-conforming use not only complies with many of the goals and visions of the Plan. Hence, the approval of this application will not impair the integrity of the Approved Master Plan.

- (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**

COMMENT: The site and landscape plans demonstrate that the proposal has been designed to provide for the safe internal flow of pedestrians and vehicles on-site and for the safe ingress and egress of vehicles. The proposed use, McDonald's restaurant, will be designed to meet the needs of customers in a convenient and pleasant manner while complying with all Federal, State and local laws for this type of establishment. Moreover, because this application envisions the total redevelopment of the existing store, the health, safety and welfare of the residents, employees, and patrons are protected because the new building will comply with the County's Building Code.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

COMMENT: As indicated earlier, the applicant plans to raze the existing structure and redevelop the property with a modern restaurant, which will meet the needs and expectations of the community. The applicant's proposal does not contemplate the assemblage of more

property. Conversely, the applicant intends to redevelop the same area of the property that is currently developed. This will ensure that the proposed development will not be detrimental to the adjacent properties.

- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

COMMENT: This application is exempt from the Prince George's County Woodland Conservation Ordinance.

- (7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

COMMENT: There are no regulated environmental features located on the subject property.

**Sec. 27-384. Nonconforming buildings, structures, and uses; alteration, enlargement, extension, or reconstruction.**

- (a) The alteration, enlargement, extension, or reconstruction of any nonconforming building or structure, or certified nonconforming use (except those certified nonconforming uses not involving buildings, those within the Chesapeake Bay Critical Area Overlay Zones as specified in paragraph 7, below, unless otherwise provided, and except for outdoor advertising signs), may be permitted subject to the following:**

COMMENT: Since the subject property is not located in the Chesapeake Bay Critical Area Overlay Zone, the following sub-sections apply-

- (3) A certified nonconforming use may be reconstructed, provided that:**
  - (A) The lot on which it is reconstructed is as it existed as a single lot under single ownership at the time the use became nonconforming;**

COMMENT: As mentioned above, the existing McDonald's restaurant on the subject property has been in operation since 1958. The existing use became non-conforming in 1984 when the Zoning Ordinance was amended. The lot is as it existed under single ownership at the time the use became non-conforming.

- (B) Either the nonconforming use is in continuous existence from the time the Special Exception application has been filed through final action on the application, or the building was destroyed by fire or other calamity more than one (1) calendar year prior to the filing date;**

COMMENT: The existing McDonald's restaurant is still in operation.

**(C) The requirements of Part 11 are met with respect to the entire use; and**

COMMENT: The requirements of Part 11 will be met with respect to the entire use.

**(D) The Special Exception shall terminate unless a building permit for the reconstruction is issued within one (1) calendar year from the date of Special Exception approval, construction in accordance with the building permit begins within six (6) months from the date of permit issuance (or lawful extension), and the construction proceeds to completion in a timely manner.**

COMMENT: The applicant intends to comply with this provision.

**(5) Any new, or any addition to, or alteration or relocation of an existing building or other improvement (which is either nonconforming or utilized in connection with a certified nonconforming use), shall conform to the building line, setback, yard, and height regulations of the zone in which the certified nonconforming use is located. The District Council may further restrict the location and bulk of the building or structure where the evidence so warrants. If the use is presently permitted by Special Exception in the zone, the new building, improvement, or addition shall conform to all of the physical requirements of the specific Special Exception use.**

COMMENT: The site plan complies with the regulations of the commercial zone and the applicant is not requesting any variances or departures. The applicant is requesting Alternative Compliance from the Landscape Manual and a separate application has been filed contemporaneously with this application.

**(6) The District Council may grant this Special Exception for property within a one hundred (100) year floodplain only after it has determined that the proposed enlargement, extension, reconstruction, or alteration will:**

- (A) Not require additional filling in the floodplain;**
- (B) Not result in an increase in elevation of the one hundred (100) year flood; and**
- (C) Conform with all other applicable requirements of this Subtitle and of Division 2 of Subtitle 4, "Building," of this Code, entitled "Construction or Changes in Floodplain Areas."**

COMMENT: Since the subject property is not located within a one hundred (100) year floodplain, this sub-section does not apply.

- (7) In a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted where the existing impervious surface coverage exceeds that allowed by Section 27-548.17, and which would result in a net increase in the existing impervious surface coverage. In addition, a Special Exception shall not be granted which would result in converting a property which currently meets the impervious surface coverage requirements of Section 27-548.17 to a nonconforming status regarding impervious surface coverage, except if a finding of extenuating circumstances is made, such as the necessity to comply with other laws and regulations.**

COMMENT: Since the subject property is not located within a one hundred (100) year floodplain or Chesapeake Bay Critical Area, this sub-section does not apply.

- (b) Applications for this Special Exception shall be accompanied by a copy of the Use and Occupancy Permit for the certified nonconforming use, as provided for in Section 27-241(b).**

COMMENT: A copy of the existing Use and Occupancy permit is included in the application package. (See enclosed Permit Number: 2161-1987-U).

#### V. DEPARTURE FROM DESIGN STANDARDS

As noted above, the applicant is requesting a Departure from Design Standards to reduce the width of the bufferyard required. The applicant is a high impact use and the adjoining community center/municipal building is a medium impact use. A Type B Bufferyard yard is therefore required. The applicant is proposing to install a 6-foot high site tight fence along the top of the retaining wall located on the southern property line in accordance with Section 4.7-3(F) and a 50 percent reduction in the landscape yard, plant units and setback is permitted. Therefore a 15 foot building setback and 10 foot landscape yard are required. The applicant building is setback 93.7 feet from the rear property line, but due the location of an existing storm drain in the landscape yard area, the applicant is unable to install any landscape material in that area. As shown on the landscape plan, the applicant is proposing to install landscaping at the east and west ends on that property line as well as in the landscape island that is centrally located along the southern property. This proposed landscaping is being installed to address Sections 4.2 and 4.3 of the Landscape Manual, but helps improve the overall visual impact of the fence.

The criteria for the approval of a Departure from Design Standards is set forth in Section 27-239.01(7) of the Zoning Ordinance, which states:

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

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

**COMMENT:** This is an existing eating and drinking establishment located on a relatively small parcel. The applicant is attempting to accommodate the demand for its drive-through service and in turn prevent vehicles from queuing onto Livingston Road. The applicant is proposing to install a dual drive-through but given the fact there is limited space on the subject property, and the fact that there is a very large storm drain adjacent to the southern property line, it believes that the proposed 6-foot high sight tight fence will provide adequate screening. In addition the applicant is proposing a building setback from the southern property line of 93.7 feet whereas the Landscape Manual only requires a 15 foot setback. The granting of this departure will allow the site to function more efficiently without compromising the drive aisle widths and will therefore allow vehicles to safely travel through the site. Finally, the site is already developed with an eating and drinking establishment and the granting of this departure will allow that use to be maintained at this location as opposed to it being relocated to a larger property. It should be noted that the existing building on the adjoining property is located approximately 100 feet from the common property line and approximately 120 feet from the location of the proposed fence.

As noted above, the applicant's proposal for the redevelopment of this eating and drinking establishment complies with the purposes of this Subtitle set forth in Section 27-102, but this departure specifically complies with the following:

- (5) To provide adequate light, air, and privacy;**
- (6) To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development.**

The setback as well as the fence being proposed by the applicant will help minimize the impact of the eating and drinking establishment on the adjoining property. The six foot sight tight fence will screen most of the activity on the subject property from the adjacent property and the setback proposed will also help minimize any impact since most of the activity associated with the use will be located in a building that is 93.7 feet from the southern property line and approximate 196 feet from the building on the adjacent property.

The objectives of Section 4.7 of the Landscape Manual are:

- (1) Establish a comprehensive, consistent, and flexible buffering system consisting of a specified area of land and vertical elements, such as plant materials, walls, fences, and berms, between adjacent incompatible land uses.
- (2) Form a visual and physical separation between uses of a significantly different scale, character, and/or intensity of development to mitigate undesirable impacts, such as noise, smell,

storage facilities, dust, fumes, vibration, litter, vehicle exhaust, and lighting.

- (3) Create a transition between moderately incompatible uses.

The applicant's proposed screening of the developed restaurant on the subject property complies with these objectives. The applicant is providing a significant setback as well as a vertical element (fence) that will buffer this restaurant from the use on the adjacent property. This buffer should mitigate many of the impacts normally associated with an eating and drinking establishment.

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

**COMMENT:** The applicant has explored other options to accommodate the new building and dual drive-through, but the property is only 0.77 acres in size and the existing stormdrain runs along the entire southern property line. The applicant cannot relocate the building further to the north without further impacting the 4.2 landscape strip located along Livingston Road and the drive aisle located on the north side of the building. The drive-aisle helps accommodate the one-way traffic flow proposed for the site, which is much safer and helps prevent conflicts between pedestrians and vehicular traffic.

(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

**COMMENT:** The property is currently developed with an eating and drinking establishment with drive-through service in 1958 at time when the proposed use could be accommodated on property that is only 0.765 acres in size and at a time when development was subject to the Landscape Manual. The underlying purpose of this development proposal is to modernize an older commercial use and bring it into conformance with modern retail standards and consumer expectations. Given the size of the property, the applicant has not only achieved this, but also brought the site into greater conformance with the Zoning Ordinance as well as other regulations including but not limited to stormwater management. The applicant does not have the ability to expand its operation onto any adjoining properties. The applicant has explored a number of options to address 4.7 of the Landscape Manual, but the design proposed herein will preserve the number of on-site parking spaces and also allow the applicant to screen its use from the community center located to the south of the subject property.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

**COMMENT:** Again, this departure will allow the applicant to provide a six foot sight tight fence along the southern property line as an alternative to normal compliance with Section 4.7

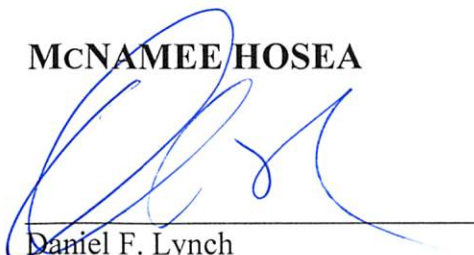
of the Landscape Manual and exceed the setback requirement for this bufferyard. The applicant believes that this sight tight fence will provide adequate screening to the parking lot and drive-through component of the use and will improve the functional integrity of the site in that the use will be brought into greater compliance with the Zoning Ordinance, Stormwater Management Regulations and modern retail site design standards.

## VI. CONCLUSION

The applicant is proposing to raze, rebuild and continue to operate a McDonald's restaurant on the subject property. The applicant believes that these applications for a Special Exception to Alter, Amend and Reconstruct a Certified Non-conforming Use and the Departure from Design Standards satisfy each of the requirements set forth in the Zoning Ordinance, and therefore, respectfully requests the approval of this Revision to Special Exception Site Plan, RO SP-4196/01 and DDS-678.

Respectfully submitted,

**MCNAMEE HOSEA**



Daniel F. Lynch

301-952-3972

August 13, 2021

**MEMORANDUM**

TO: DeAndrae Spradley, Planner Coordinator, Zoning Section Development Review Division

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

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

SUBJECT: **DDS-678 McDonald's Forest Heights**

**DETERMINATIONS**

Pursuant to Part 27-239.01(b)(7) of the Zoning Ordinance, Master Plan conformance is not required for this application.

**BACKGROUND**

**Application Type:** Departure from the required number of parking spaces.

**Location:** 5501 Livingston Road, Oxon Hill, Maryland 20745

**Size:** 0.77 acres

**Existing Use:** Commercial

**Proposal:** Redevelop an eating or drinking establishment with drive through service

**GENERAL PLAN, MASTER PLAN, AND SMA**

**General Plan:** This application is in the Established Communities. The vision for the established communities is context-sensitive infill and low- to medium-density development. Plan 2035 recommends Commercial land use.



DDS-678 McDonald's Forest Heights

**Master Plan:** The 2014 *Approved Eastover/Forest Heights/Glassmanor Sector Plan* recommends Office Over Retail land uses on the subject property.

**Planning Area:** 76A

**Community:** The Heights, Town of Forest Heights

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

**SMA/Zoning:** The 2014 *Approved Eastover/Forest Heights/Glassmanor Sectional Map Amendment* retained the subject property from in the C-M (Commercial Miscellaneous) zone.

c: Long-range Agenda Notebook

Scott Rowe, AICP, CNU-A, Planning Supervisor, Long Range Planning Section, Community Planning Division.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.pgplanning.org  
301-952-3530

August 23, 2020

**MEMORANDUM**

TO: Jeremy Hurlbutt, Supervisor, Zoning Section

VIA: Adam Bossi, Planner Coordinator, Urban Design Section *AB*

FROM: Andrew Bishop, Senior Planner, Urban Design Section *NAB*

**SUBJECT: Departure from Design Standards DDS-678  
McDonald's Forest Heights**

The Urban Design Section has reviewed the package accepted on June 10, 2021, in support of Departure from Design Standards, DDS-678, McDonald's Forest Heights. The application proposes a departure from the requirements of Section 4.7 of the Landscape Manual to allow the removal of the landscape strip on the southern property line. The 0.76-acre property is zoned Commercial Miscellaneous (C-M) and is located in the southeast quadrant of the intersection of Livingston Road and Arapahoe Drive. The site is currently developed with a 3,428-square-foot McDonald's and the applicant proposes to construct a new 4,597-square-foot McDonald's on the same parcel. The Departure from Design standards has been filed in response to the Planning Director's disapproval of an Alternative Compliance application, AC-2004. Therefore, the applicant is requesting a departure from the design standards from Section 4.7, Buffering Incompatible Uses, of the Landscape Manual. The property is bounded to the north by Livingston Road, to the west by Arapahoe Drive, to the east by C-M zoned properties, and to the south by a Single-Family Detached Residential (R-55) zoned property developed with a community center.

Based on the Urban Design Section's review of the Departure from Design Standards DDS-678, we offer the following comments:

**Conformance with the Requirements of the Prince George's County Zoning Ordinance**

1. The criteria for approval of a Departure from Design Standards is set forth in Section 27-239.01(7) of the Zoning Ordinance, which states:
  - (A) **In order for the Planning Board to grant the departure, it shall make the following findings:**
    - (i) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

The applicant is proposing to add a second drive-through to the existing eating and drinking facility, as a response to demand and to prevent vehicles from queuing onto Livingston Road. However, due to limited space on the site, a reduction in the Section 4.7, Landscape Strip Along Streets is necessary. A request for alternative compliance, AC-20004, was denied by the Planning Director on January 11, 2021. The applicant's site design provides a reasonable balance for seeking to serve the purposes of the Zoning Ordinance. Here the smaller incompatible use landscape buffer is necessary to allow for lessening of the danger of traffic and congestion of streets due to the existing queuing pattern for drive-through service.

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

The applicant has explored other options to accommodate the new building and dual drive-through. The compact nature of the site in addition to the existing storm drain on the southern property line limit the ability to provide normal compliance with Section 4.7 of the Landscape Manual. The departure is minimum necessary to allow the construction of the building and the additional drive through.

**(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

The property is currently developed with an eating and drinking establishment with drive-through service, which was constructed in approximately 1958, and subject to different requirements. The development proposes to modernize an older commercial use and bring the site into greater conformance with the Zoning Ordinance as well as other regulations. Given the development limitations of the site, there are not opportunities to expand its operation onto any adjoining properties. This and several other options have been explored to address the requirement of Section 4. 7 of the Landscape Manual but were not workable for accommodating the required screening.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

This departure proposes a six-foot-sight-tight fence on the southern property line as an as an alternative to normal compliance with Section 4. 7 of the Landscape Manual. The addition of a sight-tight fence will enhance the visual appearance of the site and will screen the property from the community center without any environmental impacts or impacts to the existing infrastructure. The departure will not impair the visual, functional, or environmental quality or integrity of the site.

**Conformance with the Requirements of Previous Approvals**

The original McDonald's restaurant was constructed as an eating or drinking establishment by right on the property in approximately 1958. Subsequently the property was rezoned to Commercial Miscellaneous (C-M) in 1984, with the adoption of the Subregion VII Sectional Map Amendment. The current use was also defined in the Prince George's County Zoning Ordinance and was only permitted by special exception in the C-M Zone. Consequently, this particular use became nonconforming. The use was certified as non-conforming on June 12, 1987, pursuant to permit number 2161-87-U.

2. **Special Exception SE-4085** was approved by the Zoning Hearing Examiner and declared final by the Prince George's County District Council in 1992, to construct a soft play area to the site and allow the alteration of the nonconforming use.
3. **Departure from Parking and Loading Standards, DPLS-145** was filed in conjunction with SE-4085 and was approved by the Planning Board on October 15, 1992 (PGCPB Resolution No. 92-279), to remove 3 of the 33 parking spaces on-site for construction of the play area.
4. **Special Exception SE-4196** was approved by the Zoning Hearing Examiner to enclose the play area and declared final by the District Council on March 27, 1997.

#### **Conformance with the Requirements of the 2010 Prince George's County Landscape Manual**

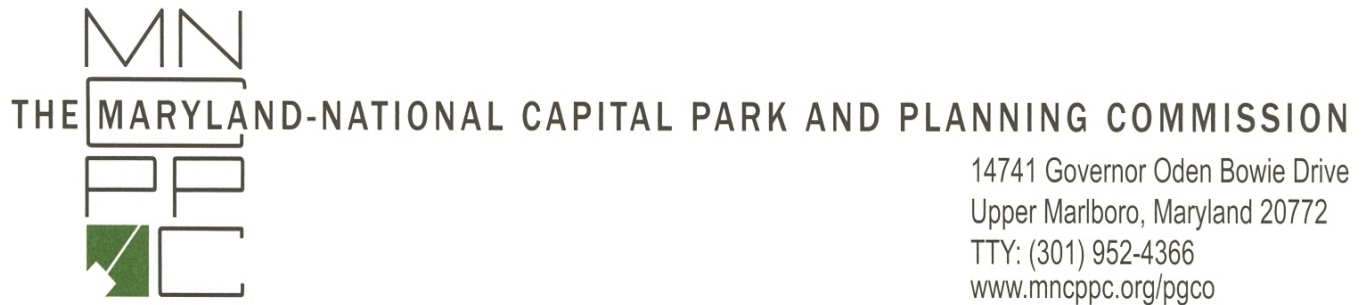
4. The proposed development is subject to the requirements of the *2010 Prince George's County Landscape Manual*. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets, Section 4.3, Parking Lot Requirements; and Section 4.4, Screening Requirements are applicable to this development. Conformance with Sections 4.3 and 4.4 was found at time of DSP-08045. After the site has been developed, the applicant submitted a request for alternative compliance, AC-20004, from the requirements of Section 4.7 that was denied by the Planning Director, on January 11, 2021.

#### **Conformance with the Requirements of Tree Canopy Coverage Ordinance**

5. Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on developments that request more than 5,000 square feet of disturbance. This property is zoned C-M and is required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The subject site is 0.76 acre in size and resulting in a TCC requirement of 0.08 acre (3,310 square feet). Therefore, the total TCC on the site, 3,625 square feet, exceeds the requirement.

#### **Urban Design Section Recommendation**

Based on the foregoing analysis, the Urban Design Section has no objections to the approval of Departure from Design Standards, DDS-678, for McDonalds Forest Heights.



Countywide Planning Division  
Historic Preservation Section

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

301-952-3680

July 1, 2021

MEMORANDUM

TO: DeAndrae Spradley, Zoning Section, Development Review Division

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

FROM: Jennifer Stabler, Historic Preservation Section, CWPD JAS  
Tyler Smith, Historic Preservation Section, CWPD TAS

**SUBJECT: DDS-678 McDonald's Forest Heights**

The subject property comprises 0.765-acres and is located at 5501 Livingstone Road, in Forest Heights, Maryland. The subject application proposes the redevelopment of the existing McDonald's restaurant with a new and modern restaurant. The subject property is zoned C-M.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any Prince George's County Historic Sites or resources. This proposal will not impact any historic sites, historic resources or known archeological sites. A Phase I archeology survey is not recommended. Historic Preservation staff recommend approval of DDS-678 McDonald's Forest Heights with no conditions.



Angela D. Alsobrooks  
County Executive

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



**MEMORANDUM**

June 29, 2021

**TO:** DeAndrae Spradley  
Development Review Division, M-NCPPC

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

**Re:** Forest Heights, McDonalds  
SDCP 53973-2019, DDS-678

**CR:** Livingston Road

This is in response to the McDonald's Forest Heights DDS-678 referral. The Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The site is located at 5501 Livingston Road which is on the southwest quadrant of the intersection of Livingston Road and Arapahoe Drive.
- Livingston Road is a County-maintained roadway, a right-of way dedication may be required.

All improvements within the public right-of-way, as dedicated to the County, are to be in accordance with the County Road Ordinance, the Department of Public Works and Transportation's (DPW&T) Specifications and Standards and the Americans with Disabilities Act (ADA).

- DDS-678 is a departure from design standards relative to section 4.7 of the landscape manual for the Southern property line. This will allow the applicant to provide alternative compliance in the form of a six-foot sight tight fence along the southern property line.
- Mill and overlay may be required along the Livingston Road frontage.
- Conformance with street tree, street lighting standards and parking lot lighting is required.

- Existing utilities may require relocation and/or adjustment. Coordination with the various utility companies is required.
- The applicant needs to provide adequate sight distance in accordance with American Association of State Highway and Transportation Officials (AASHTO).
- 5' Sidewalks and ADA ramps are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance. Detailed signage at access points will be required at the permitting stage.
- All storm drainage systems and facilities are to be in accordance with DPW&T's requirements.
- The proposed pending SWM Concept 53973-2019 is consistent with the proposed site plan.
- DPIE has issued a floodplain waiver to cover redevelopment within the floodplain. All floodplain waiver conditions must be met prior to permit issuance.
- A soils investigation report that includes subsurface exploration and site grading, stormwater management BMPs and geotechnical engineering evaluation is required.
- DPIE has no objection to DDS-678.

If you have any questions or need additional information, please contact Mr. Nanji Formukong, District Engineer for the area, at 301.636.2060.

MG:NF:ag

cc: Rene Lord-Attivor, Chief, Traffic Engineering, DPIE  
Tuan Duc, P.E., Chief, NPDES, S/RPRD, DPIE  
Nanji Formukong, District Engineer, S/RPRD, DPIE  
Salman Babar, Engineer, S/RPRD, DPIE  
Yonas Tesfai, P.E. Engineer, S/RPRD, DPIE  
McDonald's Corporation 6301 Rockledge Drive, Suite 100 Bethesda, MD 20817  
McNamee Hosea 6411 Ivy Lane Suite 200 Greenbelt, MD 20770

**From:** [Schneider, Alwin](#)  
**To:** [Spradley, DeAndrae](#)  
**Cc:** [Reiser, Megan](#); [Nickle, Suzanne](#)  
**Subject:** DDS-678 / McDonald Forest Heights / 5501 Livingston Road  
**Date:** Friday, June 25, 2021 9:37:46 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)

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DeAndrae,

The “NO ISSUES – NO MEMO” email below was for the ROSP and can be used for this DDS. This email serves in lieu of a memo.

Please let me know if you have any questions.

## Chuck Schneider

**Planner Coordinator** | *County Wide Planning – Environmental Planning Section*



9400 Peppercorn Place, Suite 230 Largo Maryland 20774

301-883-3240 | [alwin.schneider@ppd.mncppc.org](mailto:alwin.schneider@ppd.mncppc.org)



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**From:** Schneider, Alwin  
**Sent:** Friday, November 13, 2020 8:57 AM  
**To:** Spradley, DeAndrae <[DeAndrae.Spradley@ppd.mncppc.org](mailto:DeAndrae.Spradley@ppd.mncppc.org)>  
**Subject:** ROSP-4196-01 / McDonald Forest Heights / 5501 Livingston Road

Hi DeAndrae,

The Environmental Planning Section (EPS) has reviewed the referral information received by EPS on September 10, 2020. The proposal is to renovate an existing eating or drinking establishment with drive through service.

The site has been issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance (S-135-2019) because the site is less than 40,000 square feet in size and has no previous TCP approval. An NRI equivalency letter has been issued for the site (NRI-118-2019). The NRI was issued based on the standard woodland conservation exemption and that no regulated environmental features will be impacted. A stormwater management concept plan has been submitted to the Prince George’s County Department of Permits, Inspections and Enforcement (DPIE) for review. At this time, no approval of this stormwater management concept from DPIE has



occurred.

No other environmental requirements have been identified for this application. This email serves in lieu of a memo.

**Chuck Schneider**

**Planner Coordinator** | *County Wide Planning – Environmental Planning Section*



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