

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



Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>.

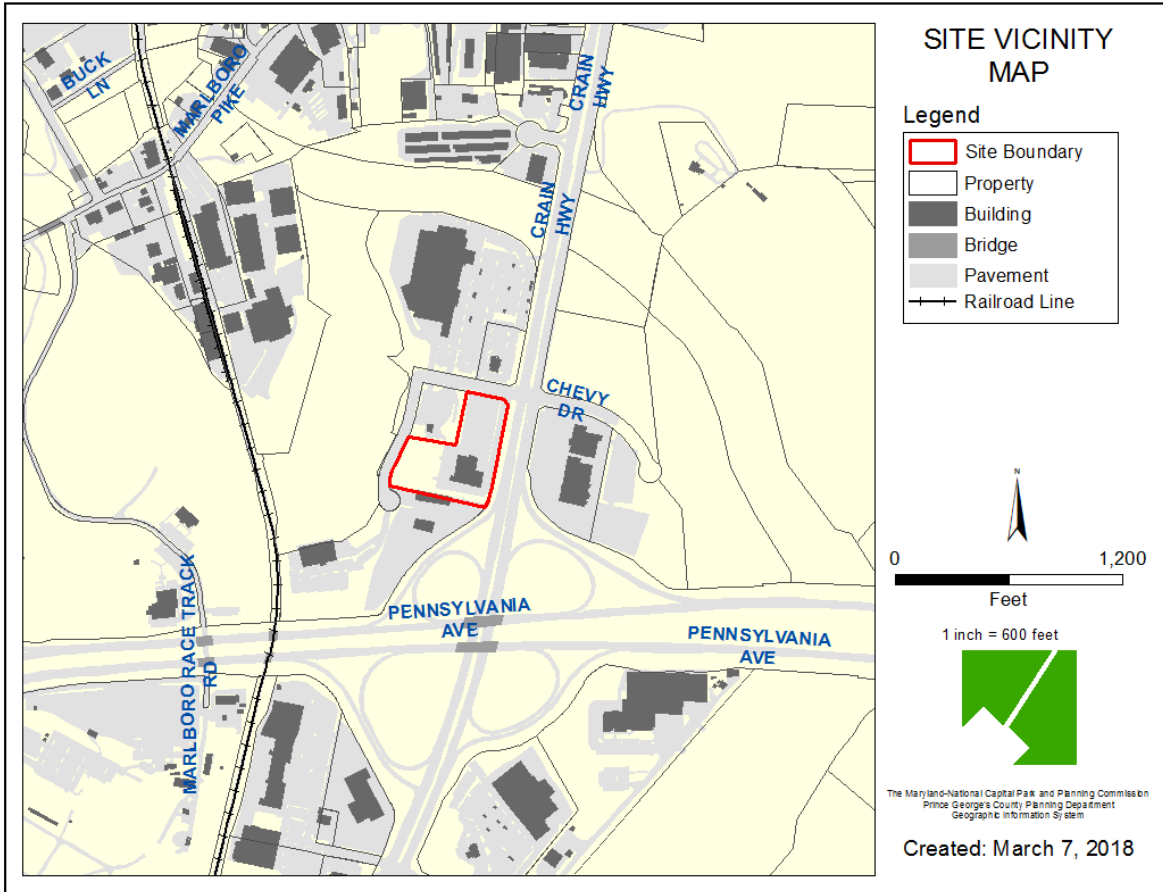
Detailed Site Plan

DSP-18019

Application	General Data	
Project Name: Chick-fil-A, Upper Marlboro Location: On the west side of Robert S. Crain Highway (US 301), at its intersection with Chrysler Drive. Applicant/Address: Chick-fil-A, Inc. 5200 Buffington Road Atlanta, GA 30349	Planning Board Hearing Date:	10/11/18
	Staff Report Date:	09/24/18
	Date Accepted:	06/14/18
	Planning Board Action Limit:	11/08/18
	Plan Acreage:	4.99
	Zone:	I-1 and I-2
	Dwelling Units:	N/A
	Gross Floor Area:	4,999 sq. ft.
	Planning Area:	79
	Council District:	09
	Election District:	03
	Municipality:	N/A
	200-Scale Base Map:	207SE13

Purpose of Application	Notice Dates	
Redevelopment of an existing site for a new eating and drinking establishment with drive-through service.	Informational Mailing:	03/13/18
	Acceptance Mailing:	06/13/18
	Sign Posting Deadline:	08/20/18

Staff Recommendation		Staff Reviewer: N. Andrew Bishop Phone Number: 301-952-4897 E-mail: Andrew.Bishop@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-18019
Chick-fil-A, Upper Marlboro

The Urban Design staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL of the detailed site plan with conditions as described in the Recommendation section of this report.

EVALUATION

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

- a. The requirements of the Zoning Ordinance in the I-1 (Light Industrial) and I-2 (Heavy Industrial) Zones.
- b. The requirements of Preliminary Plan of Subdivision 12-3312.
- c. The requirements of the *Prince George's County Landscape Manual*.
- d. The requirements of the Prince George's County Woodland Conservation and Tree Preservation Ordinance.
- e. Referrals.

FINDINGS

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

1. **Request:** The subject application is a request for approval of a 4,999-square-foot eating and drinking establishment with drive-through service on Lot 2. Specifically, the application is proposing a Chick-fil-A restaurant. The existing automotive repair facility on the property is proposed to remain.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	I-1 and I-2	I-1 and I-2
Use	Auto repair facility	Auto repair facility and eating and drinking establishment
Net lot Area	4.99	4.99
Parcels and lots	1	1
Square Footage	16,800 (to remain)	21,799 (4,999 proposed)

Parking and Loading Data

Eating and Drinking Establishment	Required
107 interior seats @ 1 space/3 seats	36
18 exterior seats @ 1 space/3 seats	6
650 sq. ft. GFA @ 1 space per 50 square feet of GFA excluding storage and patron seating	13
Total (3 of which are required to be handicap)	55

Auto Repair Facility	Required
11 service bays (3 spaces per service bay)	33
Total (2 of which are required to be handicap)	33

Combined Total Required **88**

Provided	
Standard (9.5 x 19)	117
Handicap Accessible (13 x 19)	7
Total	124*

Loading Spaces Required **3**
(4,999 sq. ft. = 1/ 16,800 sq. ft. = 2)

Loading Spaces Provided **2****

Notes: * Staff notes that the total number of proposed spaces is sufficient, but the parking schedule provided by the applicant is inconsistent with the number of parking spaces shown on the plan and should be revised to show the accurate number of parking spaces proposed. Therefore, a condition has been included in the Recommendation section of this report requiring that the parking schedule be revised to match the number of spaces shown on the plan.

** Staff notes that two loading spaces exist on the property adjacent to the existing building, however the plan requires three loading spaces for both uses. The site layout allows for sufficient space to accommodate an additional loading space, and a condition

has been included in the Recommendation section of this report requiring it to be shown on the plan.

3. **Location:** The property is located on Lot 2, in Planning Area 79, Council District 3, on the west side of US 301 (Robert S. Crain Highway) at the southwest quadrant of its intersection with Chrysler Drive.
4. **Surrounding Uses:** The subject parcel is bounded to the east by US 301 (Robert Crain Highway), to the west by Chrysler Way and property in the I-2 (Heavy Industrial) Zone, to the north by Chrysler Drive with commercial and retail uses in the I-1 (Light Industrial) Zone beyond, and to the south by a vehicle repair, sales and rental facility in the I-1 Zone.
5. **Previous Approvals:** The 4.99-acre site is currently improved with an auto repair facility, which is proposed to remain, on the southern portion of the lot. Lot 2, Block A was recorded at Plat Book WWW 77-8 on April 28, 1971, and approximately 3.36 acres of the site were previously shown on the approved site plan for the automotive repair facility. Preliminary Plan of Subdivision (PPS) 12-3312 was previously approved for the subject property, for which there are no available records.

The site is the subject of Stormwater Management (SWM) Concept Plan 56203-2015-00, which was approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on May 15, 2017 and is valid until May 15, 2020. It is noted that General Note 19 is incomplete and should be updated to reflect this information, as conditioned below.

In addition, a floodplain waiver was approved by DPIE on March 21, 2017. The waiver letter approves the use of fill in the floodplain to raise the finished floor elevation to two feet above the floodplain at 30.8 feet. The compensatory storage is to be provided by constructing underground storage pipes. No additional information is required for stormwater management or fill within the floodplain.

On May 30, 2018 the Zoning Hearing Examiner (ZHE) reviewed the subject application for authorization to issue a building permit for a structure within a proposed right-of-way. Specifically, the request for 22 parking spaces, a drive aisle, a retaining wall, and a landscape strip within the proposed right-of way of A-61. A recommendation was made to the District Council that any, and all, permits be authorized for the subject property in conjunction with the subject application.

On July 9, 2018 the District Council approved the applicant's request for construction of permanent structures in the master planned right-of-way and affirmed the Zoning Hearing Examiner's decision.

6. **Design Features:** The subject detailed site plan proposes the construction of a 21.75-foot-high, 4,999-square-foot eating and drinking establishment, with 107 interior seats and 18 outdoor seats and a drive-through with associated parking.

The subject property is already developed with an auto repair facility on the southern portion of Lot 2. The proposed location of the new building will be on the northern portion of Lot 2, located near Chrysler Drive and US 301 in an existing parking compound. Vehicles will access the site from Chrysler Drive, near the location of the existing access, which is being slightly reconfigured to accommodate the new use.

The 24-foot-two-way access drive extends south towards both uses. Vehicles will turn onto a two-way drive aisle accessing the proposed site and a one-way drive aisle encircles the building in a counterclockwise pattern, with a separate lane for drive-through service. The travel lanes are designed to reduce the conflicts of backing vehicles from parking spaces on the developed site. Two existing loading spaces are provided in the southern portion of the property adjacent to the existing building on the northern and western sides. Staff notes that an additional loading space is required for the two uses proposed and the plan should be revised to provide the additional loading space as conditioned in this report. The trash dumpster appears to be surrounded by a brick enclosure, providing the required screening, but details have not been provided and should be shown for clarification. Therefore, a condition has been added to the Recommendation section of this report to require that the details and specification of the trash enclosure be provided.

Stormwater management is proposed to be accommodated on-site using a series of bioretention and underground facilities.

Architecture—The architectural elevations show the proposed building and feature a flat roof with brick as the primary material, in two shades of brown. Several cantilevered canopies are proposed around the sides of the building that provide architectural accents near the building entrances and the location of the drive-through window. The elevations are attractive on all sides of the building and have been found acceptable.

Freestanding Signage—A freestanding sign is proposed with this DSP application located at the northeast corner of the site, along US 301. The 25-foot-high pole-mounted sign includes two internally-lit, double sided signs. The primary sign is 10 feet by 10 feet and advertises the red and white “Chick-fil-A” logo. A secondary, white, 32-square-foot, changeable message board is located below the primary sign. The total sign face area of the combined signs is 132 square feet and is within the allowable freestanding sign area for the property, as specified by Section 27-614.

Building-Mounted Signage—Building-mounted signage is shown on all four sides of the architectural elevations. In the I-1 and I-2 Zones, the building-mounted signage is subject to the regulations of Section 27-613, which measure the allowed signage area of the building based on the length of the building with the primary entrance. The length of the building at the front entrance is 128 feet. This allows for the total building-mounted signage to be 256 square feet. The signage plan indicates conformance with this requirement, with approximately 150 square feet of proposed building-mounted signage.

Lighting and Dumpster Enclosure—The lighting fixtures proposed on-site include pole-mounted lighting in the parking lot, as well as wall-mounted sconces along the sides and rear of the proposed building. The proposed lighting will not cause glare or light to bleed onto adjoining properties and is proposed to include full cut-off fixtures.

A separate dumpster enclosure is located in the northwestern portion of the site. It is noted that the site plan proposes a trash enclosure, but a detail has not been provided. Therefore, a condition has been added to the Recommendation section of this report requiring a detail of the trash enclosure be provided and that it be designed with the similar materials and colors to blend with the architecture of the building and be visually attractive, since it faces the parking compound.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-1 and I-2 Zones and the site plan design guidelines of the Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-473(b) of the Zoning Ordinance, which governs uses in the industrial zones. The proposed eating and drinking establishment with drive-through service is permitted in the I-1 and I-2 Zones subject to Footnote 54, which requires that a DSP be approved for the use.
- b. The subject application is in conformance with the requirements of Sections 27-469, 27-470, and 27-474 of the Zoning Ordinance, which provide regulations in the I-1 and I-2 Zones. Specifically, the proposed eating and drinking establishment with drive-through service meets the regulations of building setbacks and green area, as 34 percent green area is provided.
- c. **Site Design Guidelines:** Section 27-283 of the Zoning Ordinance requires that a detailed site plan be designed in accordance with the same design guidelines for a conceptual site plan in Section 27-274. Discussion of this DSP's conformance to these guidelines is summarized as follows:

(2) **Parking, loading, and circulation**

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

The DSP is in conformance with the site design guidelines regarding provisions for safe and efficient on-site pedestrian and vehicular circulation, as well as provisions for adequate illumination. Specifically, the plan shows a two-way entrance drive, separated from a one-way travel lane circling the building to provide safe parking and circulation. The required loading on site is screened appropriately by landscaping or the building, and pedestrian walkways are designed to safely allow for pedestrian movement on and through the site.

(3) **Lighting.**

- (A) **For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character.**

The proposed light fixtures include pole-mounted lighting in the parking area surrounding the building and provide a balanced lighting pattern throughout the property and on the sides of the building. The lighting placement has been designed to enhance the building entrances, pedestrian pathways, the site's design character, and improve safety while not causing a glare onto adjoining properties.

(4) Views.

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

The proposed building has been designed to provide a modern, clean, and appealing street presence along the roadways. This plan is designed to preserve, create, or emphasize views from the public roads that surround the property, by providing enhanced landscaping and context sensitive architecture. The site has frontage on two sides of the property along Chrysler Drive on the north, and US 301 on the east. The DSP is proposing a landscape strip along both road frontages.

(5) Green Area.

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

This DSP complies with the design guidelines regarding green area for this site by providing more than the 10 percent green area required by the zoning. The applicant is meeting the required amount and is reducing the impervious surface on-site by removing some of the existing paving on the property.

(6) Site and streetscape amenities.

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

The applicant is not proposing site or streetscape amenities as part of this application. However, the DSP does propose landscape strips along all street frontages that will contribute to an attractive and coordinated development pattern of the streetscapes on bordering properties.

(7) Grading.

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

The development is being proposed on a property that has been previously developed and is an existing parking compound. Grading will be required to elevate the proposed development out of the existing floodplain and add stormwater facilities, which will be an improvement to the existing state of the property.

(8) Service Areas.

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

The DSP proposes loading areas on the southern portion of the site adjacent to the existing automotive repair facility. These loading areas are appropriately screened from public roadways by landscaping and the building. In addition, the trash facility proposed on the northwestern portion of the site is screened by an enclosure and landscaping.

(9) Public Spaces.

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

The DSP does not propose any public space in this development, however, it is noted that an outside dining area is proposed on the south side of the building for staff and restaurant customers.

(10) Architecture.

(A) When architectural considerations are references for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.

(B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.

(C) These guidelines may be modified in accordance with Section 27-277.

The proposed building has been designed to incorporate a variety of materials to create visual interest and includes materials such as glass, metal panels, and masonry accents.

8. **Conformance to Preliminary Plan of Subdivision 12-3312:** Preliminary Plan of Subdivision 12-3312, covers the subject site and was previously approved, however it is noted that there are no available records for this approval. The application has been reviewed by the Subdivision and Zoning Section and the DSP was found to be in substantial conformance with the approved record plat for this site.

9. **2010 Prince George's County Landscape Manual:** The proposal is subject to 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 Landscaping of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). As shown on the submitted landscape plan, the required plantings and schedules in conformance with these requirements are provided.

However, it is noted that landscape plan does not clarify that the adjacent uses to the northwest and south are compatible and do not require buffers per Section 4.7. Therefore, a condition has been added to the Recommendation section of this report requiring notes be added to the plan regarding Section 4.7 conformance.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site contains less than 10,000 square feet of existing woodlands and the site has no previously approved Tree Conservation Plans. In addition, it is noted that the site has been issued a standard exemption letter (S-056-2018).
11. **Prince George's County Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. The plan has been reviewed for conformance with the requirements and the appropriate schedule demonstrating conformance to the requirements is shown on Sheet 9.
12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Community Planning**—In a memorandum dated August 16, 2018 (Wooden to Bishop), adopted herein by reference, the Community Planning Division offered an in-depth discussion of the DSP's conformance with the Master Plan, which recommends commercial land uses on the subject property; however, master plan conformance is not required with this DSP.
 - b. **Transportation Planning**—In a memorandum dated August 15, 2018 (Burton to Bishop), adopted herein by reference, the Transportation Planning Section noted that the site involves a 1971 plat, and there is no evidence in the files of any details regarding an adequacy test for the subject property. However, pursuant to the *Trip Generation Manual, 9th Edition* (Institute of Transportation Engineers), this type of use will generate 101 AM and 82 PM peak-hour trips, when assigning a pass-by rate of 50 percent. As a means of determining if the use would exceed the trip generation contemplated by the plat, it was determined that the site could develop with 87,000 square-feet of general office space, generating 174 AM and 161 PM peak-hour trips. The existing building plus the proposed use would not exceed this trip generation.

In addition, it was noted that the master plan recommends the construction of a freeway adjacent to existing US 301 in the future, and then US 301 will be converted into a service road (A-61) providing local access. This development however, will not be accessible from US 301, but rather from a 24-foot driveway connecting to Chrysler Drive to the north. A small triangular portion of the ultimate master plan right-of-way for A-61 will encroach upon the northeastern corner of the subject property. This encroachment could impact some proposed parking spaces, as well as a portion of the proposed retaining wall. Structures are not allowed within a master plan right-of-way without permission from the District Council. It is noted that the applicant filed an application to

the District Council seeking authorization to build a structure within a proposed right-of-way. Staff is in receipt of a July 2018 Order of Approval issued by the District Council, authorizing construction of a portion of the subject application within the planned A-61 right-of-way.

In terms of on-site circulation, staff finds no issue with the site plan as currently proposed.

- c. **Subdivision Review**—In a memorandum dated July 3, 2018 (Conner to Bishop), adopted herein by reference, the Subdivision Review Section provided an analysis of the DSP for conformance to the approved PPS and noted minor technical corrections to the site plan, which have been incorporated into the Recommendation section of this report.
- d. **Permit Review**—The Permit Review Section provided several comments that have been either addressed through revisions to the plans or are addressed through proposed conditions of approval of this detailed site plan.
- e. **Trails**—In an e-mail dated August 15, 2018 (Shaffer to Bishop), adopted herein by reference, the trails reviewer noted the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) recommendations for the property and included a discussion of the applicable standards for the property. It was noted that revised plans had been submitted during the review process and addressed previous issues regarding bike and pedestrian access. Due to the revisions provided by the applicant, the plans are acceptable and there are no recommendations or conditions of approval related to pedestrian or bicycle access.
- f. **Environmental Planning Section**—In a memorandum dated September 7, 2018 (Schneider to Bishop), adopted herein by reference, the Environmental Planning Section recommends approval of DSP-18019.

A Natural Resource Inventory Equivalency Letter (NRI-265-15) was issued on January 4, 2016. No woodlands are located on the site. The 100-year floodplain is the only Regulated Environmental Feature located over the entire site and comprises the Primary Management Area (PMA).

Section 27-285(b)(4) of the Zoning Ordinance requires the following finding: “The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(4).”

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with the guidance provided in the Environmental Technical Manual.

A letter of justification for the proposed impacts was date stamped as received on August 15, 2018 and then a revised submission on August 23, 2018. This property is almost entirely within the 100-year floodplain. The 100-year floodplain comprises all of the Primary Management Area (PMA) on the subject property, in accordance with the Subdivision Ordinance. The letter requests 1.67 acres of impacts to the entire PMA for the construction of parking, stormwater management facilities and a building. This site

contains existing parking areas from a former car dealership. Due to the extensive PMA on-site, engineering for avoidance and minimization of the PMA to develop the property was unavoidable.

An exhibit was submitted along with the letter showing that the proposed use is for the general redevelopment of the site including all associated infrastructure. The proposed redevelopment will require stormwater management approval with the required floodplain controls, thus improving water quality and flood control over what currently exists on-site. Staff supports this proposed impact.

- g. **Prince George's County Fire/EMS Department**—At the time of the writing of the staff report, the Prince George's County Fire/EMS Department did not offer any comments.
 - h. **Washington Suburban Sanitary Commission (WSSC)**—In an e-mail dated July 11, 2018 (Flores to Summerlin), WSSC offered numerous comments regarding the provision of water and sewer to the development. These comments have been provided to the applicant and will be addressed through WSSC's separate permitting process.
 - i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE provided comments in the Stormwater Management Concept approval letter related to the development of this site and adopted herein by reference. The approved stormwater management plan will ensure that the development of this site will not result in any on-site or downstream flooding. Additional comments related to permits and stormwater management will be addressed through DPIE's separate permitting process.
 - j. **Prince George's County Health Department**—As of the writing of this staff report, the Prince George's County Health Department did not offer any comments.
 - k. **Verizon**—As of the writing of this staff report, Verizon did not offer any comments.
 - l. **Pepco (Potomac Electric Power Company)**—As of the writing of this staff report, Pepco did not offer any comments.
 - m. **City of Upper Marlboro**—As of the writing of this staff report, the City of Upper Marlboro did not offer any comments.
14. As required by Section 27-285(b)(1), this DSP, if approved with the conditions below, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
15. As required by Section 27-285(b)(4) of the Zoning Ordinance, in their memorandum dated September 7, 2018 (Schneider to Bishop), the Environmental Planning Section noted that the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible given the unusual development constraints of the property.

RECOMMENDATION

Based upon the foregoing evaluation, analysis and findings, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-18019 for Chick-fil-A, Upper Marlboro, subject to the following conditions:

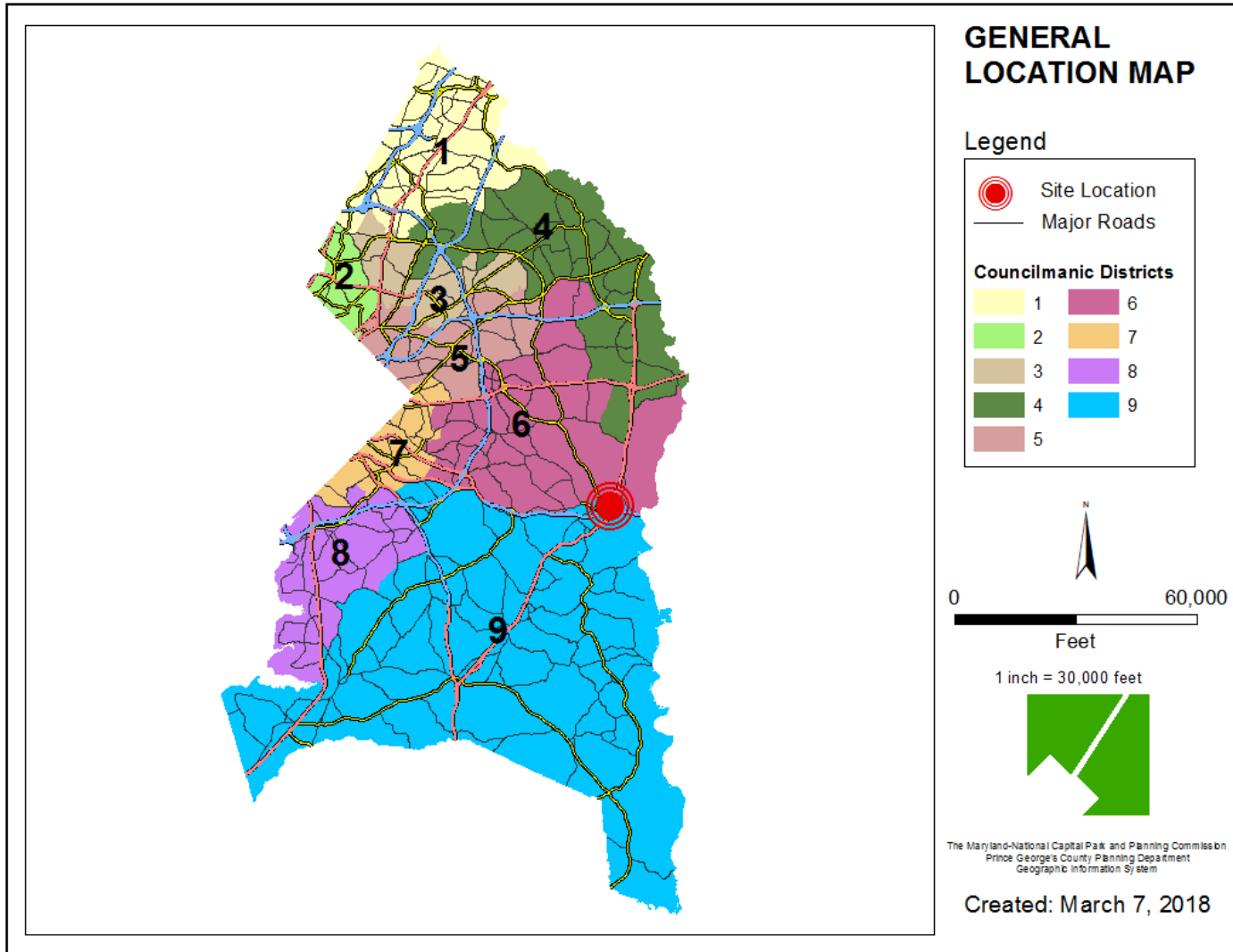
1. Prior to certification of approval of this detailed site plan (DSP), the following revisions shall be made to the plan or the following information shall be provided:
 - a. Revise the parking schedule to match the number of parking spaces shown on the plan.
 - b. Provide details and specifications of the proposed trash enclosure to be finished with materials and colors to match the architecture of the proposed building.
 - c. Revise the site plan to remove the proposed lease line.
 - d. Revise the landscape plan to provide notes regarding conformance to Section 4.7 of the 2010 *Prince George's County Landscape Manual*.
 - e. Revise General Note 19 on Sheet 4 to reflect the approval and expiration dates of the stormwater management concept plan.
 - f. Update the parking and loading schedule and plan to reflect the additional required loading space.

ITEM: 5

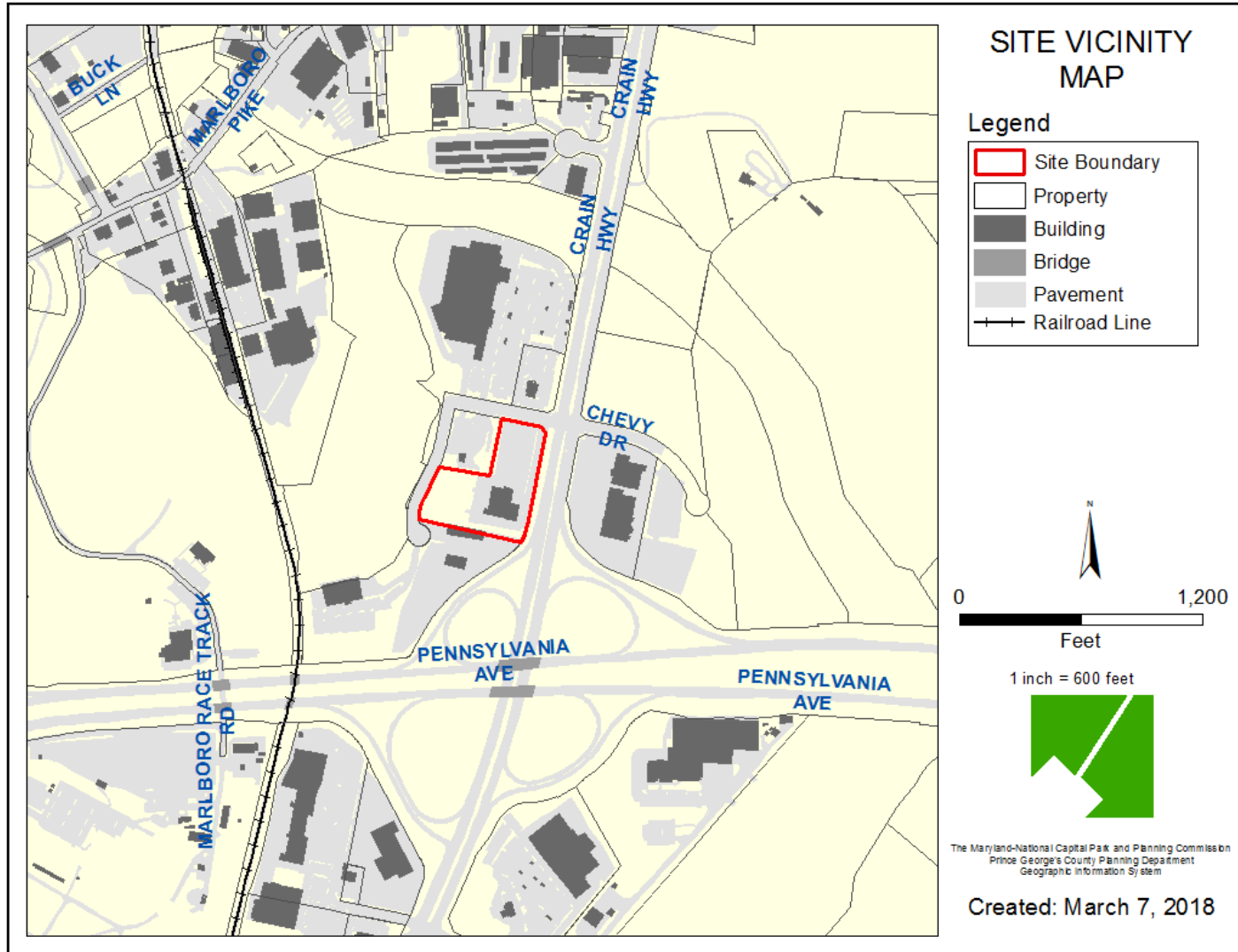
CASE: DSP-18019

CHICK-FIL-A

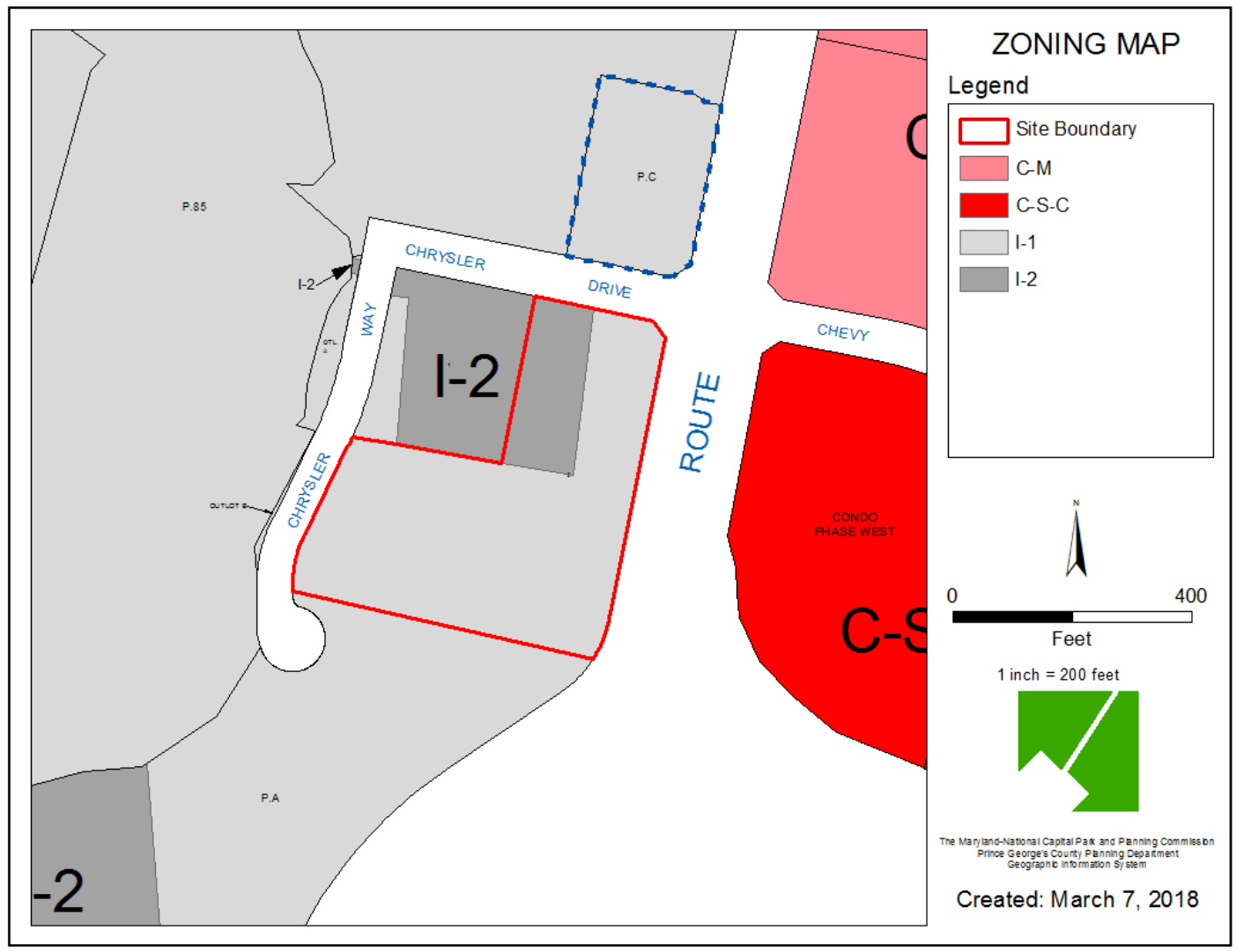
GENERAL LOCATION MAP



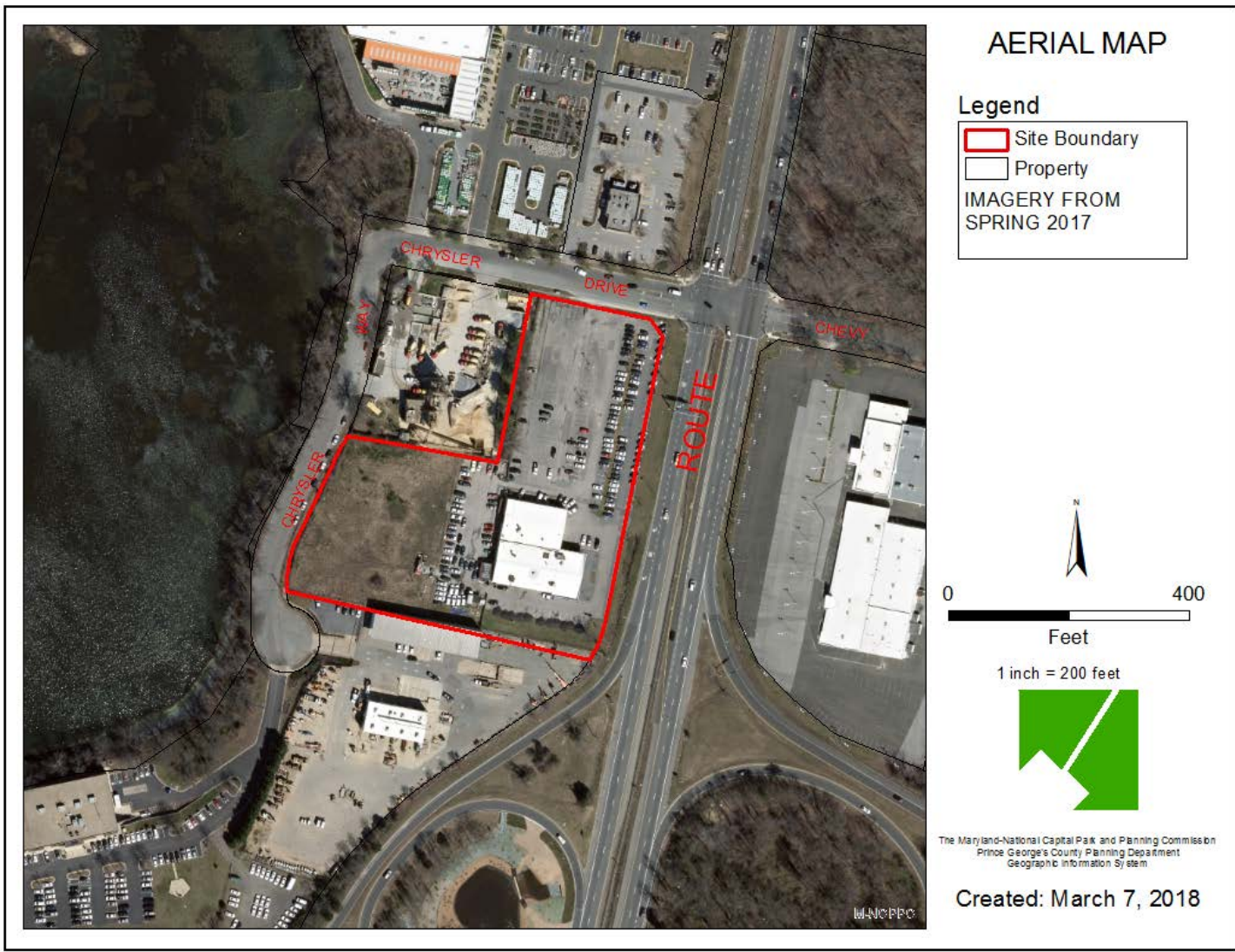
SITE VICINITY



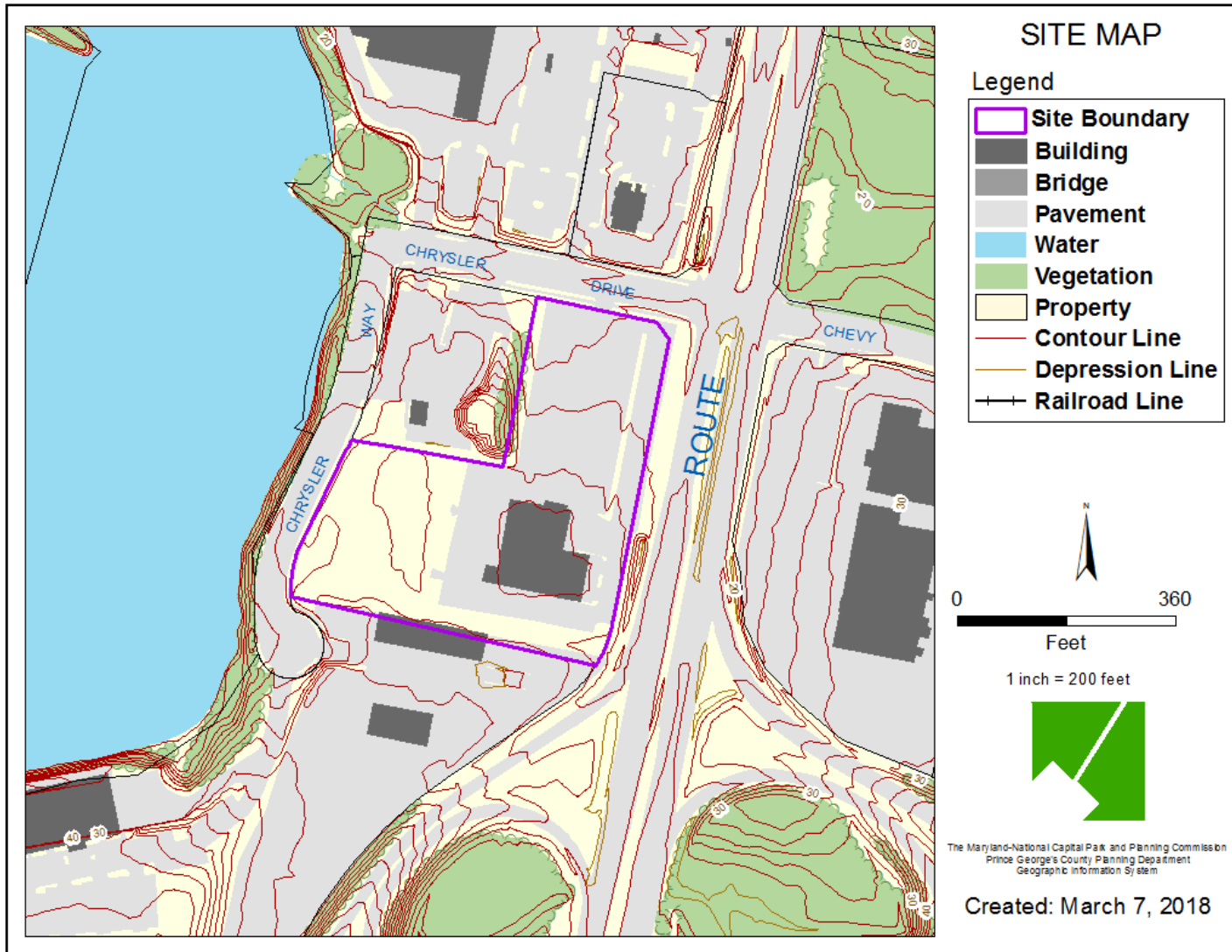
ZONING MAP



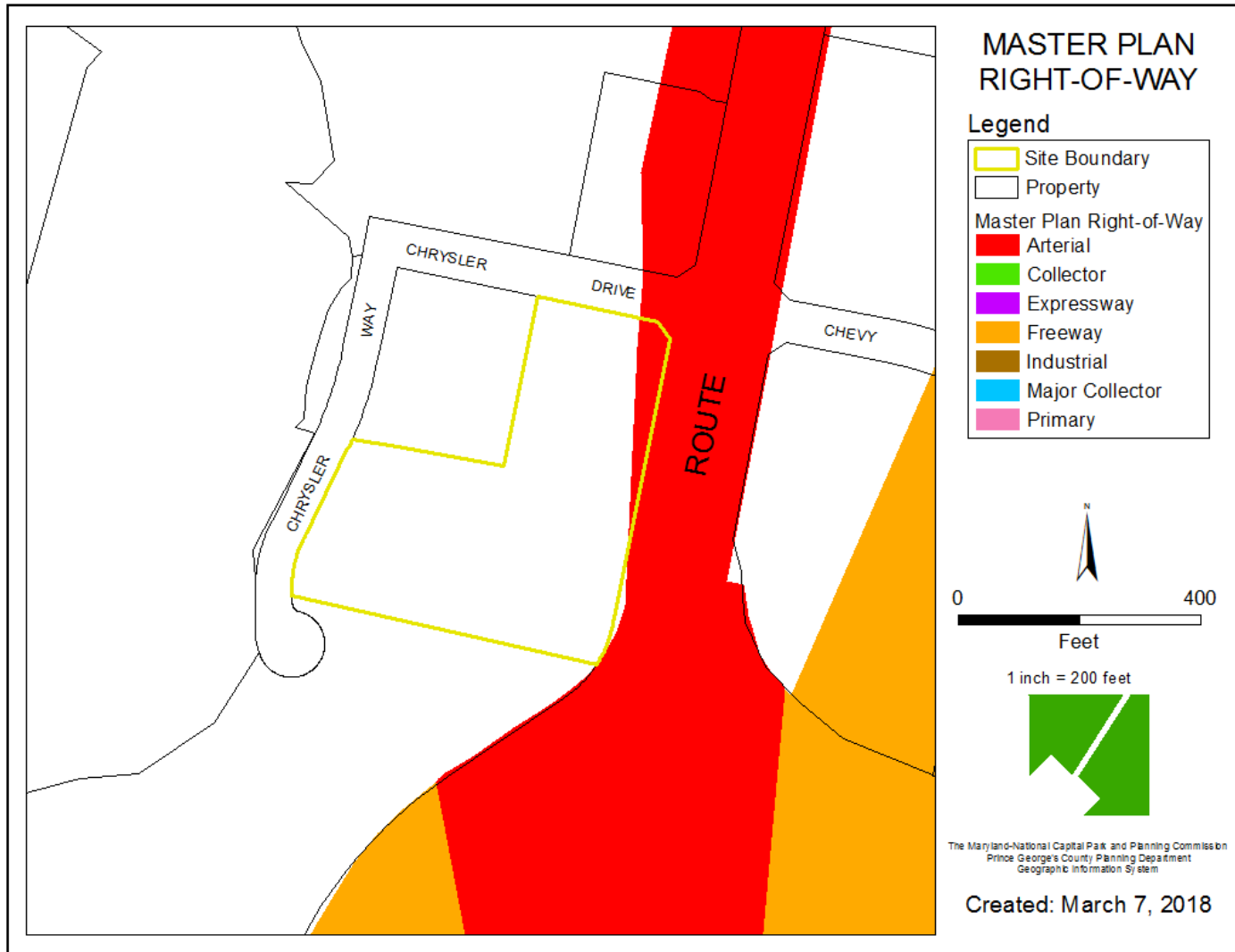
AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW LOOKING EAST



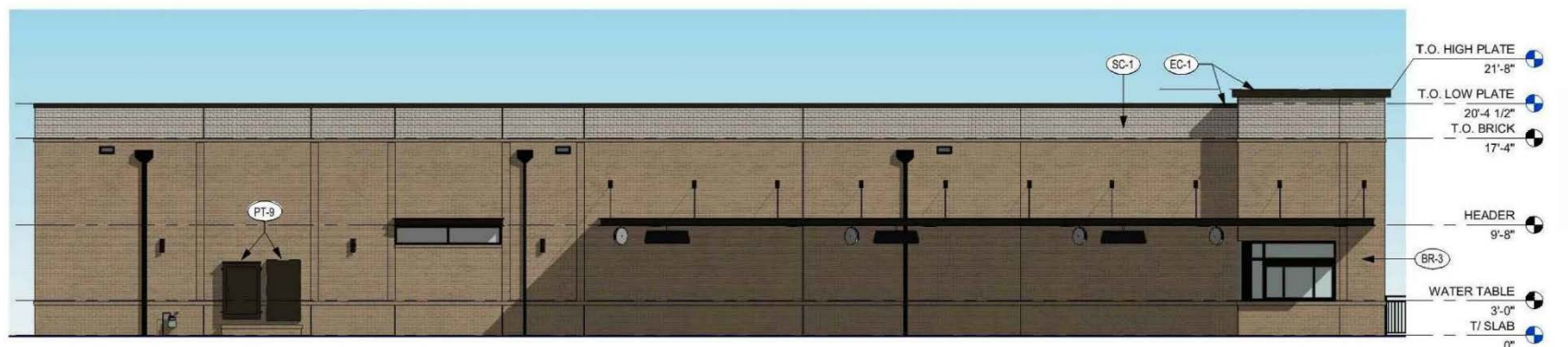
ILLUSTRATIVE SITE PLAN



ARCHITECTURAL ELEVATIONS



ELEVATION - ENTRY
1/8" = 1'-0"



ELEVATION - DRIVE-THRU
1/8" = 1'-0"



ELEVATION - FRONT - LRG
1/8" = 1'-0"



ELEVATION - REAR - LRG - STUCCO
1/8" = 1'-0"



PERSPECTIVE RENDERINGS AND SIGNAGE



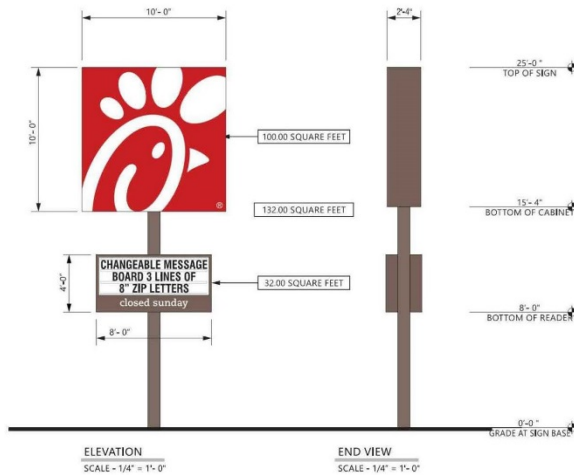
PERSPECTIVE VIEW - FRONT LEFT - LRG - STUCCO



PERSPECTIVE VIEW - REAR LEFT - LRG - STUCCO



PERSPECTIVE VIEW - ENTRY



**STATEMENT OF JUSTIFICATION
DSP-18019**

APPLICANT: Chick-fil-A
5200 Buffington Road
Atlanta, GA. 30349

CORRESPONDENT: Daniel F. Lynch, Esq
McNamee Hosea
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
(301) 441-2420 Voice
(301) 982-9450 Fax
dlynch@mhlawyers.com

REQUEST: Detailed Site Plan for Eating and Drinking Establishment in accordance with Sections 27-473(b) and 27-285(b) of the Zoning Ordinance.

I. DESCRIPTION OF PROPERTY

1. Address – 5301 SW Crain Highway, Upper Marlboro, Maryland 20772
2. Use – Eating and drinking establishment with drive-through service
3. Incorporated Area - N/A
4. Council District – 9th
5. Lot – One lot
6. Total Area – 5 Acres
7. Plat Book – WWW 7, P. 8
8. Tax Map – 102 B1
9. Location – Located on the west side of US 301 at its intersection with Chrysler Drive.
10. Zoned: I-1 and I-2 Zones
11. Owner – KRB Group Ventures, LLC
12. Zoning Map – 207SE13

II. APPLICANT'S PROPOSAL

The Subject Property, which is zoned I-1 and I-2, is comprised of Lot 2, Block A in the Chrysler Realty Subdivision. The Subject Property is currently developed auto repair facility. The applicant is proposing to develop a portion of the parking lot with a 4,889 square foot eating and drinking establishment with drive-through service. The building will be located on the northern portion of the property adjacent to Chrysler Drive. In addition, the applicant is proposing to provide 54 parking spaces for the use and 1 loading space (located outside of the lease area). The existing automotive repair facility will continue to operate from the existing building on site. The only change to that facility will be a reconfiguration of the associated parking. Twenty redesigned parking spaces will be provided on site to accommodate that facility.

III. DEVELOPMENT DATE SUMMARY

	EXISTING	PROPOSED
Zones	I-1 and I-2	I-1 and I-2
Uses	Automotive Repair	Automotive Repair and Eating and Drinking Establishment with Drive Through Service
Acreage	5	5
Lots	1	1
Square Footage/GFA	16,800	21,689

Other Development Data

Parking Required	207 spaces	32 Spaces
Retail (Normal Parking)	100,310 square feet	1 space/250 for 7,765 square feet
Eating and drinking establishment 1 space per 3 seats		17 spaces
Single family attached 2.04 spaces per unit		158 spaces
Parking Provided		209 spaces
Commercial		49 spaces
Van accessible spaces		3 spaces
Loading Spaces Required		2 spaces
1 per 2,000 to 10,000 of GFA		
Loading Spaces Provided		2 spaces

IV. SURROUNDING USES

The subject property is surrounded by the following uses:

North: Chrysler Drive and to the north of Chrysler Drive an Eating and Drinking Establishment with Drive-Through Service in the I-1 Zone.

South: United Rentals in the I-1 Zone

East: US 301 and to the east of US 301 is an abandoned automobile dealership in the C-S-C Zone

West: Chrysler Drive and to the west of Chrysler Drive is vacant property in the I-1 Zone.

V. CRITERIA FOR APPROVAL

The criteria for approval of a Detailed Site Plan are set forth in Section 27-285(b) and the Site Design Guidelines are set forth in Section 27-274.

Section 27-285

(b) Required findings.

- (1) The plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use;

COMMENT: This Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines. The plan does not require unreasonable costs nor does it detract substantially from the utility of the proposed development for its intended use as an eating or drinking establishment with drive-through service. The site design guidelines are found in section 27-274 of the Zoning Ordinance.

Section 27-274 Design Guidelines

(1) General.

(A) The Plan should promote the purposes of the Detailed Site Plan.

COMMENT: The purposes of the Detailed Site Plan are found in Section 27-281 (b) & (c).

Section 27-281. Purposes of Detailed Site Plans.

(b) General purposes.

- (1) The general purposes of Detailed Site Plans are:
 - (A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;
 - (B) To help fulfill the purposes of the zone in which the land is located;
 - (C) To provide for development in accordance with the site design guidelines established in this division; and

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

(c) Specific purposes.

(1) The specific purposes of Detailed Site Plans are:

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

(B) To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site;

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

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

Comment: This Detailed Site Plan promotes the purposes of Detailed Site Plans. Specifically, this plan helps to fulfill the purposes of the I-1 and I-2 Zones in which the subject land is located. An eating and drinking establishment with drive-through service is a permitted use in the I-1 and I-2 Zones subject to the approval of a Detailed Site Plan. The plan gives an illustration as to the approximate location and delineation of the building, its parking, streets, green areas, and other similar physical features and land uses proposed for the site.

In addition to the purposes set forth in Section 27-281, Section 27-274 further requires the Applicant to demonstrate the following:

(2) Parking, loading, and circulation.

(A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site.

(B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.

(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.

COMMENT: This Detailed Site Plan demonstrates conformance with this Design Guideline. The plan shows that the proposed parking spaces are located along the perimeter of the lease area and away from the drive-through and main drive aisle serving the property. In addition there are dual drive-through queuing lanes. The applicant believes that this queuing area will more than accommodate the future drive-through needs of its customers. The loading areas will be located on the northern and western sides of the auto repair building.

(3) Lighting.

(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character.

COMMENT: This plan complies with the design guidelines outlined in sub-part (3). Adequate lighting will be provided to illuminate entrances and parking areas throughout the site.

(4) Views.

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

COMMENT: This Detailed Site Plan complies with the design guidelines outlined in sub-part (4) and the plan is designed to preserve, create, or emphasize views from the public roads that surround the property. There will be 4.2 landscape strips located along the US 301 and the Chrysler Drive frontages.

(5) Green Area.

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

COMMENT: The Detailed Site Plan notes that the site will comply with the green space requirements, the Tree Canopy Coverage requirements and the Landscape Manual.

(6) Site and streetscape amenities.

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

COMMENT: As indicated above, the applicant is proposing to install a 4.2 landscape strip along the Chrysler Drive and US 301 frontages and will also comply with Section 4.3 of the Landscape Manual.

(7) Grading.

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

COMMENT: This Detailed Site Plan complies with the design guidelines outlined in sub-part (7).

(8) Service Areas.

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

COMMENT: This Detailed Site Plan complies with the design guideline in that the loading area will be located on the western and northern side of the auto repair building and screen from view via the building structure.

(9) Public Spaces.

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

COMMENT: The applicant is not proposing to provide public space as part of this amendment.

(10) Architecture.

(A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.

(B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.

(C) These guidelines may be modified in accordance with section 27-277.

COMMENT: This Detailed Site Plan complies with the design guidelines outlined in sub-part (10). As stated earlier, this Detailed Site Plan provides the front, rear and side exterior elevations of the proposed building. This Detailed Site Plan also provides the building materials, such as the brick veneer, glass, steel and aluminum that will be used for the proposed building.

In addition to the requirements outlined in Section 27-274, Section 27-285 further requires that the Applicant demonstrate the following:

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

COMMENT: No Conceptual Site Plan was required.

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

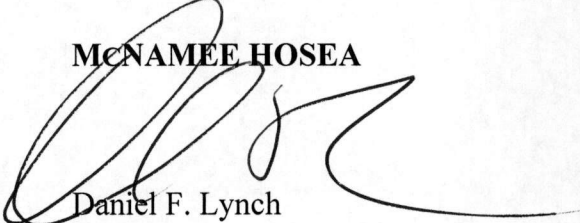
COMMENT: Not applicable.

VI. CONCLUSION

The Applicant, Chick fil-A, is seeking the approval of a Detailed Site Plan to allow for an eating and drinking establishment with drive-through service. The Applicant believes that this request meets the standards set forth in and requests the approval of this application.

Respectfully submitted,

McNAMEE HOSEA


Daniel F. Lynch

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

NOTICE OF DECISION

Councilmanic District: 9

Authorization to Issue Building Permit
for a Structure within a Proposed

Right-of-Way

Case Number

DSP-18019

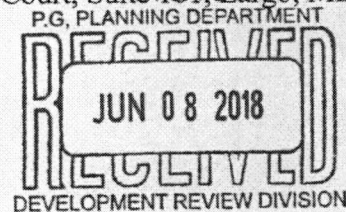
On the 6th day of June, 2018, the attached Decision of the Zoning Hearing Examiner in Case No. Authorization to Issue Building Permit for a Structure within a Proposed Right-of-Way/Chick Fil-A, Inc., was filed with the District Council. This is not the final decision, only the recommendation of the Hearing Examiner to the District Council.

Within 30 calendar days after the above date, any person of record may file exceptions with the Clerk of the Council to any portion of this Decision, and may request oral argument thereon before the District Council. *

Zoning Hearing Examiner
County Administration Building
Upper Marlboro, MD 20772
(301) 952-3644

*Instructions regarding exceptions and requests for oral argument are found on the reverse side of this notice.

cc: Daniel Lynch, Esquire, 6411 Ivy Lane, Suite 200, Greenbelt, MD 20770
Persons of Record (20)
Rajesh A. Kumar, Principal Counsel to the District Council (Hand Delivered)
Stan D. Brown, People's Zoning Counsel, 1300 Caraway Court, Suite 101, Largo, MD 20774



NOTEDC2

INSTRUCTIONS FOR FILING

I. Exception(s) Taken to the Examiner's Decision Shall Be:

- a) In writing;
- b) Numbered in sequence;
- c) Specific as to the error(s) which are claimed to have been committed by the Examiner;

(The page and paragraph numbers of the Examiner's Decision should be identified.)

- d) Specific as to those portions of the record, including the Hearing Examiner's Decision, relied upon to support your allegation of error(s) committed by the Examiner.

(The exhibit number, transcript page number, and/or the page and paragraph numbers of the Examiner's Decision should be identified.)

II. Requests for Oral Argument:

If you desire oral argument before the District Council, request must be made, in writing, at the time of filing your exception(s).

III. Notification to All Persons of Record:

Your request for oral argument and/or exception(s) must contain a certificate of service to the effect that a copy thereof was sent by you to all persons of record by regular mail.

(A list of these persons and their addresses is included in this notice of Examiner's decision sent to you herewith or is available from the Clerk to the Council.)

IV. Where to File:

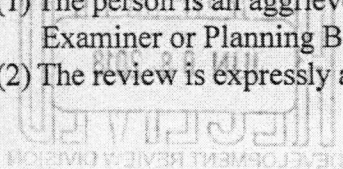
Clerk of the County Council
County Administration Building
Upper Marlboro, Maryland 20772
Phone: (301) 952-3600

V. Aggrievement

Section 25-212 of the Maryland Annotated Code Land Use Article may require you to show that you are aggrieved if you request a review of this decision. Section 25-212 provides as follows:

“In Prince George’s County, a person may make a request to the District Council for the review of a decision of the Zoning Hearing Examiner or the Planning Board only if:

- (1) The person is an aggrieved person that appeared at the hearing before the Zoning Hearing Examiner or Planning Board in person, by an attorney, or in writing; and
- (2) The review is expressly authorized under [Division 2 of the Land Use Article].”



NOTEDC2

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

**APPLICATION TO AUTHORIZE THE ISSUANCE OF
A BUILDING PERMIT IN CONJUNCTION WITH DETAILED SITE PLAN**

DECISION

Request:	Authorization to Issue Building Permit for Structures within a Proposed Right-of-Way
Applicant:	Chick-Fil-A, Inc.
Opposition:	None
Hearing Date:	May 30, 2018
Examiner:	Joyce B. Nichols
Recommendation:	Approval

NATURE OF REQUEST

- (1) The instant Application is for authorization to construct 22 parking spaces, a drive aisle, a retaining wall and a required Landscape Strip within the proposed right-of-way for A-61, a proposed arterial service road until such time as Crain Highway (US 301) is upgraded to an expressway, Upper Marlboro, Maryland. (Exhibit 3) The Applicant has also submitted a Detailed Site Plan (DSP-18019) (Exhibit 6) for an eating and drinking establishment (Chick-Fil-A) to the Planning Board for its review. The subject property consists of approximately 5 acres of land in the I-1 (Light Industrial) and I-2 (Heavy Industrial) Zones, Lot 2, Block A in the Chrysler Realty Subdivision located on the west side of Crain Highway (US 301) at its intersection with Chrysler Drive, also identified as 5301 Southwest Crain Highway, Upper Marlboro, Maryland. The Applicant has leased approximately 1.46 acres of the subject property for development of an eating and drinking establishment (the subject site).
- (2) No one appeared in opposition to the request.
- (3) At the conclusion of the evidentiary hearing the record was closed on June 1, 2018.

FINDINGS OF FACT

- (1) The subject property is currently improved with a single story structure utilized as a vehicle repair facility. The subject site is improved with an asphalt parking lot and is located almost entirely within the 100-year floodplain.
- (2) The Applicant is proposing to develop the subject site with a 4,889 square foot eating and drinking establishment with drive-through service. The building will be located on the northern portion of the site adjacent to Chrysler Drive. The Applicant is also proposing to provide 54 parking spaces and one loading space, a retaining wall, and required landscaping.

(3) The 1993 Approved Subregion 6 Master Plan and Sectional Map Amendment designates A-61 as an arterial service road until such time as Crain Highway (US 301) is upgraded to an expressway. Crain Highway (US 301) is ultimately proposed to be upgraded to a 6 to 8 lane freeway with a parallel arterial roadway. The Master Plan recommends that the Crain Highway (US 301) freeway be located along most of the existing US 301 right-of-way or relocated for short distances to avoid or minimize impacts. The local functions provided by the existing Crain Highway (US 301) will be maintained by parallel arterial roadways designated as A-61 and A-62.

(4) The Subregion 6 Master Plan and Sectional Map Amendment, adopted by the District Council on July 24, 2013, designates the proposed A-61 arterial road as following the alignment of existing Crain Highway (US 301), with an "interchange" of the realigned F-10 freeway, the extension of E-6 (Largo Road) and F-61 (Pennsylvania Avenue/MD Route 4) located approximately 1,000 feet east of the existing interchange of Crain Highway (US 301) with Pennsylvania Avenue (MD 4). (Exhibits 12(c) and (d))

(5) The Countywide Master Plan of Transportation, adopted by the District Council in 2009, at Map 27, also delineates the configuration of the A-61 as following the alignment of existing Crain Highway (US 301). (Exhibit 12(e))

(6) PG Atlas, a GIS land planning tool which, while being an excellent tool for planning purposes, has no legal force or effect. PG Atlas is frequently updated and digitally modified by a variety of operators. PG Atlas depicts the location of the A-61 to the west of the alignment adopted by the District Council in the Master Plan of Transportation and the Subregion 6 Master Plan and Sectional Map Amendment. PG Atlas shows the A-61 alignment to be west of the current Crain Highway (US 301) and on the subject site. (Exhibits 12(a) and (b))

(7) The Greater Upper Marlboro Revitalization and Development Strategy (Exhibit 13) also depicts the A-61 as coterminous with the existing Crain Highway (US 301). The 2013 Subregion 6 Master Plan and Sectional Map Amendment, at pages 92 and 93, incorporates by reference this Revitalization and Development Strategy. (Exhibit 14)

APPLICABLE LAW

(1) Pursuant to §27-259(g)(1) of the Zoning Ordinance, the District Council may authorize the issuance of permits for structures located within a proposed right-of-way shown on an approved Master Plan if it finds:

(g) **Criteria for approval.**

(1) The District Council shall only approve the request if it finds that:

(A) The entire property cannot yield a reasonable return to the owner unless the permit is granted;

(B) Reasonable justice and equity are served by issuing the permit;

- (C) The interest of the County is balanced with the interests of the property owner; and
- (D) The integrity of the Functional Master Plan of Transportation, General Plan, and Area Master Plan is preserved.

CONCLUSIONS OF LAW

(1) DSP-18019 shows 22 parking spaces, a drive aisle, a retaining wall and landscape strip all located within the A-61 proposed right-of-way as depicted on PG Atlas but not within the A-61 right-of-way as adopted by the District Council in the Master Plan of Transportation or in the Subregion 6 Master Plan and Sectional Map Amendment.

(2) According to PG Atlas the right-of-way for A-61 occupies approximately 9,800 square feet of the subject property and if these improvements were to be relocated outside of the proposed right-of-way it would be difficult to develop and utilize the subject property as proposed. The construction of the proposed pylon sign and portions of the proposed parking, vehicular access, site lighting, storm drainage/stormwater management facilities, and the retaining wall and grading which are necessary to raise the proposed building and parking areas out of the 100-year floodplain are alleged by PG Atlas as to be within the A-61 right-of-way. As testified by the Applicant's engineer, the relocation of the stormwater management facilities which are necessary to raise the building site out of the 100-year floodplain would leave no viable area for the construction of a building. §27-259(g)(1)(A)

(3) The proposal for A-61 has been planned for over 25 years and remains unfunded with little or no progress in bringing A-61 into existence. During this time there have been no improvements made to upgrade Crain Highway (US 301) to freeway status or to convert the current Crain Highway (US 301) to an arterial road. It would be inequitable to continue to burden the subject property and property owner with a proposed right-of-way which is no closer to construction then it was 25 years ago. Additionally, given the restrictions arising out of the 100-year floodplain's presence and the associated mitigation measures, the site is not developable without the issuance of a permit for construction in a proposed right-of-way, as insufficient area remains on the site on which a building could be constructed after the construction of those flood-related improvements. §27-259(g)(1)(B)

(4) The proposed redevelopment will balance the interest of the County with that of the property owner as follows:

1. The County will benefit by the receipt of increased property taxes during the tenure of Applicant's use of the future right-of-way area. The term of this use is likely to be substantial: The freeway realignment and upgrade project is not even included in the current 2018-2023 Consolidated Transportation Plan other than as a corridor-wide study, and the furtherance of the project was not one of the County's priorities in its most recent available MDOT Priority Letter. (Exhibit 22)

2. The published Master Plan Maps indicate that the A-61 arterial component of US 301 is, in the area of the subject site, planned to use the existing alignment of US 301. When the plat for the Home Depot and Wendy's site was recorded in 2003, no additional right-of-way was required to be dedicated or reserved.
3. The interests of the property owner will be served by the grant of the subject permit Application.

§27-259(g)(1)(C)

(5) The integrity of the 2013 Approved Subregion 6 Master Plan will be preserved since it supports efforts to focus efforts on strengthening existing commercial and concentrate commercial development rather than allowing it to sprawl along major roadways in Subregion 6. In this case, the subject property is located one of the four quadrants on the intersection of US 301 and MD Route 4. Each of the quadrants was developed with commercial uses. In recent years, the car dealerships located on the subject property as well as the properties located in the northeast quadrant have closed. The introduction of this commercial use to the subject property will help revitalize this major commercial area in the Subregion and therefore preserve the integrity of the 2013 Approved Subregion 6 Master Plan. §27-259(g)(1)(D)

(6) Both the Subregion VI Master Plan and the Generalized Future Land Use Map in the Plan Prince George's 2035 General Plan indicate continued commercial use in the vicinity of the intersection. Furthermore, the site's spilt I-1/I-2 zoning was retained at the subject site by the 2013 Sectional Map Amendment.

The Master Plan text does not identify the appropriate time frame for the buildout of the proposed relocation of the F-10 freeway component of US 301; it does state, however, that,

"The proposed road facilities in Table 10 show the road network that will be needed to accommodate traffic at buildout – when no additional land capacity exists to accommodate additional homes or businesses. However, not all of these facilities will be needed as this master plan's horizon year (2030) approaches.

"To ensure that funding is prioritized for new road improvements for both state and county roads the following roads are top priority in Subregion 6:

"State road – MD 4 Corridor, Pennsylvania Avenue widening and interchange improvements to:

1. Suitland Parkway
2. Westphalia Road
3. Dower House Road
4. MD 223/Woodyard Road

“Improvements to MD223/Woodyard Road from MD 4 to Subregion 5, and MD 725/Water Street.

“County roads:

1. Whitehouse Road between Beltway and MD 4
2. Dower House Road between MD 4 and Foxley Road.”¹

From this statement of pre-2030 priorities, it is clear that the US 301 upgrade to Freeway classification and the resultant need for the A-61 is not immediate, and potentially even “not...needed by this master plan’s horizon year (2030).” Given that uncertainly-proposed A-61 realignment is therefore somewhat long-range, allowing a commercial user a reasonable length of time to implement the Master Plan’s land use recommendation and obtain a reasonable return to the owner which will also preserve the integrity of the Master Plan of Transportation, General Plan, and Area Master Plan. §27-259(g)(1)(D)

(7) The webmasters for PG Atlas do not have any legal authority to modify the actions of the District Council, in its adoption of Master Plans or in any other matter. It is unclear what supervising or regulatory checks and balances are in place but it is abundantly clear that PG Atlas cannot be relied upon for any legal authorization in land use matters and certainly cannot override the legislative actions of the District Council. Since the Master Plan of Transportation and the Master Plan for Subregion 6 both provide that the proposed alignment of A-61 is not on the subject site, A-61 has no impact on the proposed development. However, out of an abundance of caution since M-NCPPC is applying the PG Atlas location in lieu of the Council’s adopted Master Plans, authorization to construct should be granted to alleviate any future issues arising out of PG Atlas’s error in placing the A-61 alignment on the subject site.

RECOMMENDATION

It is the recommendation of the Zoning Examiner that any and all permits be authorized for the subject property in conjunction with DSP-18019 for an eating and drinking establishment with drive-through.

¹ M-NCP&PC, Approved Subregion 6 Master Plan and Sectional Map Amendment (July, 2013), p. 89.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

July 16, 2018

**RE: ROW Chick-Fil-A, Inc. / KRB Group Ventures, LLC
Chick-Fil-A, Inc., Applicant**

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on July 9, 2018.

CERTIFICATE OF SERVICE

This is to certify that on July 16, 2018, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Redis C. Floyd".

Redis C. Floyd
Clerk of the Council

County Administration Building – Upper Marlboro, Maryland 20772

Authorization to Issue Building Permit for a
Structure within a Proposed Right-of-Way

Applicant: Chick-Fil-A, Inc.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ORDER OF APPROVAL

IT IS HEREBY ORDERED, after review of the administrative record, that the application for authorization to construct 22 parking spaces, a drive aisle, a retaining wall and a required Landscape Strip within the proposed right-of-way for A-61, a proposed arterial service road until such time as Crain Highway (US 301) is upgraded to an expressway (Exhibit 3), within Councilmanic 9, be and the same is hereby APPROVED.

The Applicant has also submitted a Detailed Site Plan (DSP-18019) (Exhibit 6) for an eating and drinking establishment (Chick-Fil-A) to the Planning Board for its review. The subject property consists of approximately 5 acres of land in the I-1 (Light Industrial) and I-2 (Heavy Industrial) Zones, Lot 2, Block A in the Chrysler Realty Subdivision located on the west side of Crain Highway (US 301) at its intersection with Chrysler Drive, also identified as 5301 Southwest Crain Highway, Upper Marlboro, Maryland. The Applicant has leased approximately 1.46 acres of the subject property for development of an eating and drinking establishment (the subject site).

Pursuant to §27-259(g)(1) of the Zoning Ordinance, the District Council may authorize the issuance of permits for structures located within a proposed right-of-way shown on an approved Master Plan if:

- A. The entire property cannot yield a reasonable return to the owner unless the permit is granted;
- B. Reasonable justice and equity are served by issuing the permit;

Authorization to Issue Building Permit for a
Structure within a Proposed Right-of-Way

- C. The interest of the County is balanced with the interests of the property owner; and
- D. The integrity of the Functional Master Plan of Transportation, General Plan, and Area Master Plan is preserved. §27-259(g)(1).

A public hearing on the application was held before the Zoning Hearing Examiner on May 30, 2018. No one appeared in opposition to the request.

The decision of the Zoning Hearing Examiner was filed and considered by the District Council.

As the basis for this final decision, the District Council adopts and incorporates, as if fully restated herein, the disposition recommendation of the Zoning Hearing Examiner.

The request for authorization to construct 22 parking spaces, a drive aisle, a retaining wall and a required Landscape Strip within the proposed right-of-way for A-61, a proposed arterial service road until such time as Crain Highway (US 301) is upgraded to an expressway (Exhibit 3), within Councilmanic 9, be and the same is hereby APPROVED.

Any and all permits for the subject property in conjunction with DSP-18019 for an eating and drinking establishment with drive-through are hereby AUTHORIZED.

Ordered this 9th day of July, 2018, by the following vote:

In Favor: Council Members Davis, Franklin, Harrison, Lehman, Taveras, and Turner.

Opposed:

Abstained:

Absent: Council Member Glaros, Patterson, Toles.

Vote: 6-0.

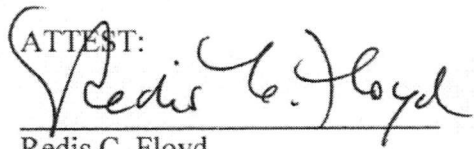
Authorization to Issue Building Permit for a
Structure within a Proposed Right-of-Way

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____


Dannielle M. Glaros, Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

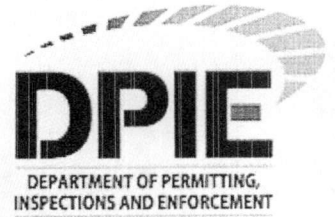
THE PRINCE GEORGE'S COUNTY GOVERNMENT



Department of Permitting, Inspections and Enforcement

Site/Road Plan Review Division

9400 Peppercorn Place, Suite 420
Largo, Maryland 20774
(301) 883-5710



STORMWATER MANAGEMENT CONCEPT APPROVAL

CASE NAME: Chrysler Realty Corp, Lot 2, Blk A, Chick fil A CASE #: 56203-2015-00
APPLICANT'S NAME: Koudellou, Inc
ENGINEER : Joyce Engineering Corp

REQUIREMENTS:

Technical Review is required for PUBLIC/PRIVATE Storm Drain/SWM Construction.

Type of Storm Drainage/SWM Construction is PRIVATE.

These additional approvals are required: None.

These fees apply: None.

These bonds apply: None.

Required water quality controls: MICRO-BIORETENTION.

Required water quantity controls: N/A YEAR ATTENUATION(S).

A maintenance agreement is required.

No special conditions apply.

Required easements: FLOOD PLAIN.

Storm Water Management fee payment of none in lieu of providing on-site attenuation/quality control measures.
(Fee-In-Lieu subject to change during technical review.)

CONDITIONS OF APPROVAL:

Please see second page.

APPROVED BY:

Rey De Guzman

APPROVAL DATE: May 15, 2017
EXPIRATION DATE: May 15, 2020

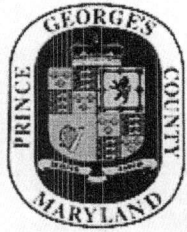
FOR OFFICE USE ONLY

ADC MAP:	5653 C9	200' SHEET:	207SE13
STREET NAME:	CRAIN HWY		
WATERSHED:	20-Western Branch		
NUMBER OF DU'S:	0	COST PER DWELLING:	0

CC: APPLICANT, SCD, PERMITS
P.G.C. FORM #3693 (REV 04/93)

007043-K

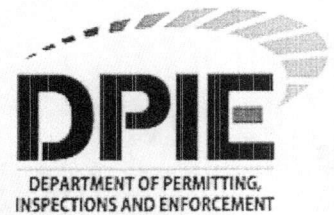
THE PRINCE GEORGE'S COUNTY GOVERNMENT



Department of Permitting, Inspections and Enforcement

Site/Road Plan Review Division

9400 Peppercorn Place, Suite 420
Largo, Maryland 20774
(301) 883-5710



STORMWATER MANAGEMENT CONCEPT APPROVAL

CASE NAME:

Chrysler Realty Corp, Lot 2, Blk A, Chick fil A

CASE #:

56203-2015-00

CONDITIONS OF APPROVAL:

1. THIS PROJECT INVOLVES REDEVELOPMENT OF AN EXISTING DEVELOPED SITE. SITE SHALL BE DESIGNED TO TREAT FOR 75% WQ_v OF THE IMPERVIOUS AREA WITHIN THE PROPOSED DISTURBED AREA AND 100% WQ_v AND CPV FOR NEW IMPERVIOUS AREA USING ESD PRACTICES AND TECHNIQUES.
2. LANDSCAPE PLANS ARE REQUIRED AT TECHNICAL REVIEW.
3. SHA APPROVAL REQUIRED.
4. THIS PROJECT WILL REQUIRE A SITE DEVELOPMENT FINE GRADING PERMIT.
5. THIS PROPOSED DEVELOPMENT WILL REDUCE EXISTING IMPERVIOUS AREA BY 15,615 CUBIC FEET; THEREFORE, NO STORMWATER QUANTITY CONTROL IS REQUIRED.
6. THE FINISHED FLOOR ELEVATION SHALL BE TWO FEET ABOVE 100-YR ELEVATION AT 30.8'
7. COMPENSATORY STORAGE WILL BE REQUIRED FOR THIS PROJECT.
REVIEWED BY KD.

August 16, 2018

MEMORANDUM

TO: Andrew Bishop, Senior Planner, Development Review Division

VIA: Kipling Reynolds, AICP, Division Chief, Community Planning Division *KR by Tel, Andy Bishop*
David A. Green, Master Planner, Community Planning Division

FROM: John Wooden, Planner Coordinator, Long-Range Planning Section, Community Planning Division *JW*

SUBJECT: **DSP-18019 Chick-fil-A (Upper Marlboro)**

FINDINGS

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

BACKGROUND

Application Type: Detailed Site Plan for property outside of an overlay zone.

Location: 5301 Crain Highway

Size: 5 acres

Existing Uses: Parking lot

Proposal: The applicant proposes to build a 4,889 eating and drinking establishment with drive-thru service, 54 parking spaces and one loading space. The use is permitted in the I-1/I-2 zone subject to the approval of a Detailed Site Plan per 27-281.01(a)(1)

GENERAL PLAN, MASTER PLAN, AND SMA

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

Master Plan: The *Approved 2013 Subregion 6 Master Plan* recommends commercial land uses on the subject property.

DSP-18019 Chick-fil-A (Upper Marlboro)

In addition, the *Approved 2013 Subregion 6 Master Plan* also makes the following recommendations that affect the subject property:

Southwest Quadrant

The area on the west side of US 301 south of MD 725 conveys a mixed image of Upper Marlboro. Uses such as Home Depot, built in 2004, mixed with older 1950s and 1960s warehouse/storage and industrial uses create a haphazard, disjointed appearance, lacking visual identity and continuity... A large part of the area is in the 100-year floodplain, which complicates the redevelopment investment and reinvestment potential. (p. 200)

Redevelopment of the study area faces the following challenges:

1. A large percentage of the study area is in the floodplain. As such, particular attention will need to be placed on the final design of the redevelopment strategy to incorporate local, state, and federal interests and requirements. A comprehensive approach is recommended considering the entire floodplain on the east side of the Town of Upper Marlboro. (p. 200-201)
2. Redevelopment will need to consider future plans for US 301. The current limited access and relocation plan could adversely impact the long-term viability of these sites, particularly the fast-food restaurants and the gas stations, by greatly reducing the direct access of pass-by traffic. (p. 200-201)
- Undertake a study and prepare an implementation plan for revitalizing the industrially and commercially zoned properties south of MD725 west of US 301. As part of this study consider appropriate land use recommendations and site configurations in consideration of the floodplain (p. 206)

Planning Area: 79

Community: Upper Marlboro & Vicinity

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

SMA/Zoning: The *Approved 2013 Subregion 6 Sectional Map Amendment* retained the subject property into the I-1/I-2 (Light Industrial/Heavy Industrial) zones.

c: Long-range Agenda Notebook

Scott Rowe, AICP, CNU-A, Acting Division Chief, Community Planning Division



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


(301) 952-3680
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August 15, 2018

MEMORANDUM

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

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

FROM:  Glen Burton, Transportation Planning Section, Countywide Planning Division

SUBJECT: **DSP-18019, Chick-fil-A, Upper Marlboro**

The Transportation Planning Section has reviewed the Detailed Site Plan (DSP) application referenced above. The site consists of five acres in the I-1 and I-2 Zones. The property is in the southwest quadrant of Chrysler Drive and US 301 in Upper Marlboro. The property is currently improved with an auto paint and body shop service building having a gross floor area (GFA) of approximately 16,800 square feet. The applicant is proposing to construct a 4,999 square-foot fast food restaurant with drive through service on the same property.

Traffic Impact

The site involves a 1971 plat. There is no evidence in the files of any details regarding an adequacy test for the subject property. However, pursuant to the *Trip Generation Manual, 10th edition* (Institute of Transportation Engineers), this type of use (Code 934) will generate 201 AM and 163 PM peak trips. Given the site's proximity to US 301, a heavily traveled regional transportation facility, it is reasonable to assign a pass-by rate of 50 percent. Consequently, the trip generation for new trips would be 101 AM and 82 PM peak hour trips.

As a means of determining if the use would exceed the trip generation contemplated by the plat, it was determined that the site could develop with 87,000 square-feet of general office space, generating 174 AM and 161 PM peak-hour trips. The existing building plus the proposed use would not exceed this trip generation.

Master Plan and Site Review Comments

The property is in an area where the development policies are governed by the *2013 Approved Subregion 6 Master Plan and Sectional Map Amendment*, as well as the *Approved Countywide Master Plan of Transportation, November 2009*. The subject property currently fronts on Chrysler Drive, a County road with a 70-foot right-of-way, and US 301, a four-lane arterial within a 150-foot right-of-way. One of the recommendations from the master plans is the construction of a freeway (F-10) approximately 400 feet to the east of existing US 301. When that construction occurs in the future, the existing US 301 will be converted into a service road (A-61) providing local access. This development however, will not be accessible from US 301, but rather from a 24-foot driveway connecting to Chrysler Drive. This driveway will also serve the existing development on the southern end of the property. All other aspects of the site regarding access and layout are deemed to be acceptable.

A small triangular portion of the ultimate Master Plan right-of-way for A-61 will encroach upon the northeastern corner of the subject property.

This encroachment could impact some proposed parking spaces as well as a portion of the proposed retaining wall. Structures are not allowed within a Master Plan right-of-way without permission from the District Council. To that end, the applicant filed an application to the District Council seeking authorization to build a structure within a proposed right-of-way. Staff is in receipt of a July 2018 Order of Approval issued by the District Council, authorizing construction of a portion of the subject application within the planned A-61 right-of-way.


The plan proposes 140 parking spaces, which represent more than the 92 total spaces that are required by the Prince George's County Zoning Ordinance. In terms of on-site circulation, staff finds no issue with the site plan as currently proposed.

Conclusion

Overall from the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a Detailed Site Plan.

July 3, 2018

MEMORANDUM

TO: Andrew Bishop, Urban Design Section
FROM: Sherri Conner, Subdivision and Zoning Section 
SUBJECT: Chick-Fil-A (Upper Marlboro), DSP-18019

The subject property located on Tax Map 102 in Grid B-1 and is known as Lot 2, Block A recorded in Plat Book WW 77-8 which was approved on April 28, 1971. The site is approximately 4.996 acres, with 4.209 acres located in the Light Industrial (I-1) Zone and 0.787 acres located in the Heavy Industrial (I-2) Zone. The site is currently improved with an auto repair facility which is proposed to remain.

This property is subject to Preliminary Plan of Subdivision (PPS) 12-3312 for which there are no available records. The instant DSP application is proposing the addition of a 4,999-square-foot eating or drinking establishment with drive through service, with site access from Chrysler Drive.

Plan Comments

1. A determination from the Transportation Planning Section that the additional development does not exceed the applied trip capacity associated with the site should be provided.
2. The plans reflect a proposed lease line with a bearing and distance. This should be removed from the plan as this is not a legal division for the purposes of conformance to Subdivision and Zoning regulations.

Recommended Conditions


1. Prior to certification of the detailed site plan, all plans shall be revised to remove the proposed lease line.

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

June 28, 2018

MEMORANDUM

TO: Andrew Bishop, Urban Design

FROM: Debbie Gallagher, Information and Permit Review Supervisor 

SUBJECT: DSP-18019, Chick-Fil-A

1. Is the site plan in conformance with the Subdivision Regulations? Refer to Subdivision Office for Review.
2. Place the height of the building and the canopy on the footprint of the site plan, place the square footage of the building on the site plan.
3. Section 27-469 (b)(1) and Section 27-470 (b)(1) require that the lot maintain 10% green area. The Landscape Strip cannot be counted towards these requirements.
4. Section 27-581 requires a 22-foot driveway access to serve a loading space. It appears that a Departure will be required.
5. Demonstrate 35 feet from centerline of Chrysler way.
6. Provide the right-of-way and center line along Crain Highway.
7. Provide an interior drawing labeling the patron service area with the square footage which should add up to the parking required.
8. The parking for the auto body repair is one space for every 3 service bays. Provide a parking schedule for this use that is also located on the subject lot.
9. Has the outdoor seating been included in the parking schedule?
10. Does the site plan demonstrated the proposed right-of-way on the corner of Crain and Chrysler way?
11. A 5-foot perimeter landscape strip is required between the drive aisle of the Chick Fila and lot 1 block A. It appears that Alternative Compliance will be required.
12. The dumpster location must be identified on the site plan and screening provided pursuant to Section 4.4 of the Landscape Manual.

13. Is the loading space adequately screened from Crain Highway per Section 4.4 of the Landscape Manual?
14. A parking and loading schedule for the existing site must be provided. A note shall be placed on the site plan stating that the Detailed Site Plan is only for the use of the Chick Fila and not for the entire property.
15. It is not clear whether the sign is located within the proposed right-of-way. Refer to Transportation.
16. Provide the height of the retaining wall and the building on the site plan.
17. The building sign have not been calculated properly, however they are under the allowable square footage.
18. Is the landscape plan in conformance with the requirement of the Landscape Manual?



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

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August 15, 2018

MEMORANDUM

TO: Andrew Bishop, Development Review Division
FROM: *BS* Fred Shaffer, Transportation Planning Section, Countywide Planning Division
SUBJECT: Detailed Site Plan Review for Master Plan Trail Compliance

The following detailed site plan was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* and/or the appropriate area Master Plan in order to provide the appropriate recommendations.

Detailed Site Plan Number: DSP-18019

Name: Chick-Fil-A (Upper Marlboro)

Type of Master Plan Bikeway or Trail

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

*If a Master Plan Trail is within a city, county, or state right-of-way, an additional two - four feet of dedication may be required to accommodate construction of the trail.

The Transportation Planning Section has reviewed the detailed site plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation* and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements. Staff recommendations based on current or proposed conditions are also included in this memo.

The subject application is located on the west side of US 301 and the south side of Chrysler Drive. The site is covered by the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment (area master plan)*. The subject application proposes the construction of a Chick-Fil-A restaurant and drive-through within the I-1 and I-2 zone.

Review Comments (Master Plan Compliance and Prior Approvals)

No master plan trails impact the subject application. However, the MPOT contains a section on Complete Streets which provides guidance on accommodating all modes of transportation as new roads are

constructed or frontage improvements are made. It also includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The site is within a largely-developed industrial zone, with several auto-oriented commercial and industrial uses. A sidewalk exists along Chrysler Drive and pedestrian improvements have been provided at the nearby signalized intersection with US 301. Although most access is currently vehicular, there is a need to accommodate pedestrian movement to and through the site. Many of the employees of the commercial uses along Marlboro Pike and US 301 come from the surrounding residential communities and some of the employees walk along Marlboro Pike and through the internal parking lots to get to their jobs every day. Since pedestrian access is not planned along US 301 and is probably not desirable due to the arterial nature of the road, it is important that a parallel pedestrian route be provided through the drive aisles/roads and parking lots of the existing and planned industrial and commercial uses. This route will not only accommodate employees of the site going to adjacent pad sites, but also accommodate the employees who walk from the surrounding neighborhoods. A suggested alignment was discussed at the time of SDRC, as was the need for a small amount of bicycle parking.

Comments on revised plans:

Revised plans were received on August 16th. On these plans, the applicant addressed both issues raised by the Transportation Planning Section regarding bike and pedestrian access at the time of SDRC. The plans have been revised to include a sidewalk along the drive aisle accessing the site along the western lease line. Also included in the revision is a designated pedestrian connection from the sidewalk to the building entrance and a pedestrian route with warning signage from the handicap parking spaces to the building entrance. Bike racks are also shown adjacent to the building. Due to the revisions provided by the applicant, there are no additional recommendations or conditions of approval related to pedestrian or bicycle access.

Recommendations:

There are no master plan trails issues. Due to the improvements incorporated into the revised plans, there are no additional bicycle or pedestrian recommendations necessary.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
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Countywide Planning Division
Environmental Planning Section

301-952-3650

September 7, 2018

MEMORANDUM

TO: Andrew Bishop, Senior Planner, Subdivision Review

VIA: Katina Shoulars, Supervisor, Environmental Planning Section

FROM: Chuck Schneider, Senior Planner, Environmental Planning Section

kf
ES for ACS

SUBJECT: **Chick-Fil-A (5301 SW Crain Highway); DSP-18019**

The Environmental Planning Section (EPS) has reviewed the above referenced Detailed Site Plan (DSP) stamped as received on June 14, 2018, August 15, 2018 and August 23, 2018. Verbal comments were provided in a Subdivision Development Review Committee (SDRC) meeting on July 13, 2018. The Environmental Planning Section recommends approval of DSP-18019 subject to one finding listed at the end of this memorandum.

Background

The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-265-15	N/A	Staff	Approved	1/4/2016	N/A
S-056-2018	N/A	Staff	Approved	4/5/2018	N/A
DSP-18019	Exempt	Planning Board	Pending	Pending	Pending

Proposed Activity

This DSP proposes to construct a fast food restaurant with a drive through and stormwater management on a parking area of a former car dealership operation. The on-site building used as an auto body and paint business will remain.

Grandfathering

The project is subject to the current environmental regulations of Subtitles 24, 25 and 27 that came into effect on and after September 1, 2010 because there are no prior approvals.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

Natural Resources Inventory/Existing Conditions

A Natural Resource Inventory Equivalency Letter (NRI-265-15) was issued on January 4, 2016. No woodlands are located on the site. The 100-year floodplain is the only Regulated Environmental Feature located over the entire site and comprises the Primary Management Area (PMA). No revisions are required for conformance to the NRI.

Woodland Conservation

This property is not subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site contains less than 10,000 square feet of woodlands and the site has no previously approved Tree Conservation Plans. The site has been issued a standard exemption letter (S-056-2018). No additional information is required concerning Woodland Conservation.

Primary Management Area (PMA) Impacts/Regulated Environmental Features

Section 27-285(b)(4) of the Zoning Ordinance requires the following finding: "The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(4)."

Impacts to regulated environmental features must first be avoided and then minimized. If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with the guidance provided with the Environmental Technical Manual. The justification must address how each impact has been avoided and/or minimized.

A letter of justification for the proposed impacts was date stamped as received on August 15, 2018 and then a revised submission on August 23, 2018. This property is almost entirely within the 100-year floodplain. The 100-year floodplain comprises all of the Primary Management Area (PMA) on the subject property in accordance with the Subdivision Ordinance. The letter requests 1.67 acres of impacts to the entire PMA for the construction of parking, stormwater management facilities and a building for fast food use. This site contains existing parking areas from a former car dealership. Due to the extensive PMA on-site, engineering for avoidance and minimization of the PMA to develop the property was unavoidable.

An exhibit was submitted along with the letter showing that the proposed use is for the general redevelopment of the site including all associated infrastructure. The proposed redevelopment will require stormwater management approval with the required floodplain controls, thus improving water quality and flood control over what currently exists on-site. Staff supports this proposed impact.

Recommended Finding: The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible given the unusual development constraints of the property.

Stormwater Management

The site has an approved Stormwater Management Concept letter (56203-2015-00) and plan that has been found in conformance with Subtitle 32 Water Resources Protection and Grading Code by the Department of Permitting, Inspection and Enforcement (DPIE). Proposed stormwater management structures include two micro-bioretenion boxes which feed into the county storm drain system. No stormwater management fee-in-lieu is required for this project. The approval letter states that the finished floor elevation shall be two feet above the 100-year floodplain elevation at 30.8 feet. The letter also states that compensatory storage will be required for impacts to the floodplain.

A floodplain waiver approval by DPIE on March 21, 2017 was submitted. The waiver letter approves the use of fill in the floodplain to raise the finished floor elevation to two feet above the floodplain at 30.8 feet. The compensatory storage is to be provided by constructing underground storage pipes. No additional information is required for stormwater management or fill within the floodplain.

Summary of Recommended Findings and Conditions

Recommended Findings

1. The regulated environmental features on the subject property appear to have been preserved and/or restored to the fullest extent possible given the unusual development constraints of the property.

If you have any questions concerning these comments, please contact me at 301-883-3240 or by e-mail at alwin.schneider@ppd.mncppc.org.

ACS: acs

Bishop, Andrew

From: Summerlin, Cheryl
Sent: Wednesday, July 11, 2018 11:40 AM
To: Bishop, Andrew
Subject: Fw: WSSC comments for DSP-18019 Chick-Fil-a Upper Marlboro
Attachments: CIVP-DSP-18019 WSSC comments.pdf

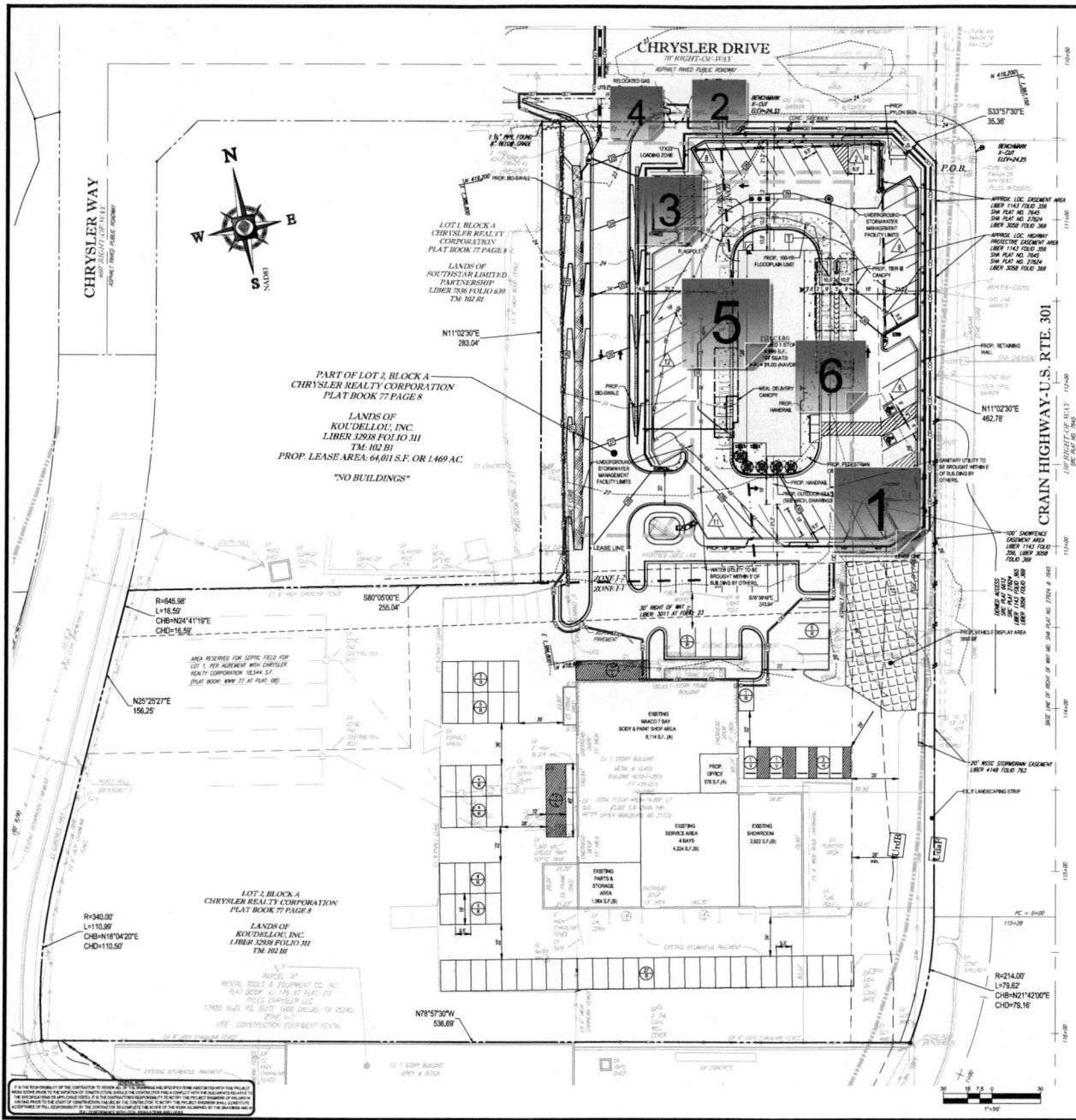
Cheryl Summerlin
Applications Supervisor
Development Review Division
www.pgplanning.org
301-952-3578

From: Flores, Hala <Hala.Flores@wsscwater.com>
Sent: Wednesday, July 11, 2018 9:06 AM
To: Summerlin, Cheryl
Cc: #DSG Intake; Kilbourne, Beth; Mejias, Fred; Madagu, Jonathan
Subject: WSSC comments for DSP-18019 Chick-Fil-a Upper Marlboro

Hello,
Attached are WSSC's review comments for the subject governmental review. Please email or call me if you have any questions.



Hala Flores, P.E., PMP
Project Manager
Development Services Division
O: 301-206-8750



7

8

- STANDARD NOTES:**
- THIS PLAN IS BASED UPON RECORDS:
 - ALTA RECORDS AND TITLE SURVEYS
 - BOHLER ENGINEERING
 - CHICK-FIL-A, INC. CHRYSLER DRIVE AND CRAIN HIGHWAY - U.S. RTE. 1, PRINCE GEORGE'S COUNTY, MARYLAND
 - FILE NO. SB18054
 - DATED 10/27/2018
 - APPLICANT:
 - CHICK-FIL-A, INC.
 - ADDRESS: 3300 BUFFINGTON ROAD
 - CONTACT PERSON: JOHN MARTINEZ
 - PHONE: (410) 306-6864
 - PROJECT NAME: CHICK-FIL-A UPPER MARLBORO
 - SUBDIVISION: CHICK-FIL-A UPPER MARLBORO
 - PLAT REFERENCE: PLAT BOOK 77 PAGE 8
 - ZONING: U-1 LIGHT INDUSTRIAL (183,345 SF OR 4,289 AC) AND U-2 HEAVY INDUSTRIAL (54,281 SF OR 1,231 AC)
 - PLAT REFERENCE: CHRYSLER REALTY CORPORATION P. & T. PLAT # 8
 - LIBER 3208 FOLIO 311
 - T.M. 102 B1
 - AREA: 217,812 SF OR 4.996 AC
 - ZONE: U-1 AND U-2
 - EXISTING USE(S): AUTOMOBILE PAINTING AND COLLISION REPAIR SHOP
 - PROPOSED USE(S): RESTAURANT WITH DRIVE THRU AUTOMOBILE PAINTING AND COLLISION REPAIR SHOP
 - ZONING ORDINANCE PROVISIONS:

REQUIRED	ALLOWED	PROVIDED
A. SETBACKS:	LANDSCAPE BULWARK	LANDSCAPE BULWARK
- FRONT SETBACK (CHRYSLER DRIVE)	10' 30'	10' 30'
- FRONT SETBACK (CRAIN HIGHWAY - U.S. RTE. 301)	10' 30'	10' 30'
- SIDE SETBACK (CHRYSLER WAY)	10' 30'	100.0' 200'
- SIDE SETBACK (SOUTH)	10' 30'	21.5' 42.5'
- SIDE SETBACK (WEST)	10' 30'	20.0'
- SIDE SETBACK (NORTH)	10' 30'	4.2' 8.0'
 - PARKING REQUIRED:

RESTAURANT USE	PROVIDED
- 1.0 SPACES/50 SEATS (54 SEATS PROPOSED)	18 SPACES
- 1.0 SPACES/50 SF OF EXCLUDING AREA USED EXCLUSIVELY FOR STORAGE, OR PATRON SEATING, AND ANY EXTERIOR PATRON SERVICE AREA	48 SPACES
- TOTAL:	66 SPACES
- ADA PER 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN:	2 ADA SPACES
- 1.0 SPACES/500 SF OF GFA	10 ADA SPACES (12,500 SF)
- TOTAL:	12 ADA SPACES
 - BUILDING MOUNTED AND FREESTANDING SIGNAGE:

SEE SHEET DSP-15	SEE SHEET DSP-16
1.0 LOADING SPACE (12,500 SF)	2.0 LOADING SPACE (12,500 SF)
140 SPACES	140 SPACES

BOHLER ENGINEERING

LAND SURVEYING, ENGINEERING, ARCHITECTURE, INTERIORS, ENVIRONMENTAL SCIENCE, PLANNING, AND CONSULTING SERVICES

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 WWW: BOHLERENG.COM

REVISIONS

REV.	DATE	COMMENT	BY
1	09/14/18	PER MANOPPC COMMENTS	A.S.

NOT APPROVED FOR CONSTRUCTION

PROJECT NO.: MB18054
 DRAWN BY: JCF
 CHECKED BY: JCF
 DATE: 09/16/18
 SCALE: AS NOTED
 DESIGNED BY: JCF

DETAILED SITE PLAN

FOR CHICK-FIL-A

1. LOCATION OF SITE: UPPER MARLBORO, PRINCE GEORGE'S COUNTY, MD, 3RD ELECTION DISTRICT TM. 102, GRID: B1, P. 2025

BOHLER ENGINEERING

16781 Melford Blvd., Suite 218
 Bowie, Maryland 20715
 Phone: (301) 898-4500
 Fax: (301) 893-4501
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J. DIMARCO

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TEL: (410) 893-4501
 FAX: (410) 893-4501
 WWW: BOHLERENG.COM

SHEET TITLE: **SITE PLAN**

SHEET NUMBER: **DSP-4**

THIS BLOCK IS FOR OFFICIAL USE ONLY

APPROVAL

PROJECT NAME: CHICK-FIL-A UPPER MARLBORO
 PROJECT NUMBER: DSP-18019

1 - WSSC Critical Design Comments

Created by: Hala Flores
On: 07/09/2018 09:09 AM

An onsite sharing agreement will be required to bring water from the MAACO building.

An outside meter for the main feed to the MAACO building is required. It is unclear from the submitted plan how the existing site is metered.

How is the sewer handled for the site? Public sewer mains are not shown on the plan and are not available in close proximity to this site.

----- 0 Replies -----

2 - WSSC Design Comments

Created by: Hala Flores
On: 07/09/2018 09:41 AM

Existing mains shown on plan should be labeled with correct pipe size, material and WSSC contract number.

Show easement limits on plan for all existing and proposed water and sewer mains.

There is an 8-inch diameter water main located on Chrysler Drive abutting this property. WSSC records indicate that the pipe material is ductile iron. Prior to submittal of Phase 2 System Integrity review, it is the applicant's responsibility to test pit the line and determine its exact horizontal and vertical location as well as to verify the type of pipe material. The applicant's engineer is responsible for coordinating with WSSC for monitoring and inspecting test pits for this project.

There is no public gravity sewer line abutting this site. The nearest sewer to this property is non-abutting and is a private pressure sewer.

Realign water and/or service connection(s) to avoid environmental, storm water management facilities, ESD Devices, other utilities, landscaping, tree boxes and structures or paving impacts for future maintenance. See WSSC Design Manual C-3.1

Water pipelines 12-inch and smaller must have the greater of: a minimum of 15 feet horizontal separation from any building or dwelling or a 1:1 slope from the bottom of the foundation of the existing or proposed building to the bottom edge of the pipeline trench.

Water pipelines larger than 12-inch, including PCCP mains, must have a minimum of 25 feet horizontal separation from any building or dwelling. The building must also be outside the WSSC existing or proposed right-of-way. Notes for Special Construction Requirements within the Vicinity of Existing PCCP Water Mains shall be added to all design plans, including the Erosion and Sediment Control Plans.

The 2015 WSSC Plumbing & Fuel Gas Code has been adopted and is effective July 1, 2015. The minimum water service connection for Group R-3 occupancies (Single Family Dwellings and Townhouses) should be 1.5 inches, unless there is an exception under Section 111.1.1.1 of the Code.

Revise the plan to realign any sewer pipeline that conflicts with large storm drains, culverts, deep side ditches, etc. Maintain the required horizontal clearances from other utilities, retaining walls,

sediment traps, street lights, paving, etc. See WSSC Design Manual C-3.1

When establishing roadway grades, ensure design provides the required cover and clearances for proposed sewers that cross over bottomless arch bridges.

Provide a minimum 50-foot clearance between the proposed sewer alignment and well.

----- 0 Replies -----

3 - WSSC Onsite water/sewer comments

Created by: Hala Flores
On: 07/09/2018 09:57 AM

Review of plan indicates a grinder pump system may be required. Grinder pump systems/units must be approved by WSSC. The developer/owner is responsible for all on-site installation (materials, electrical equipment, plumbing hook-up, etc.) and must be installed by a registered plumber. The property owner is responsible for all on-site maintenance of grinder pump systems. This requirement should be disclosed at settlement to new purchasers.

Residential water service pipeline connections exceeding 300-feet require outside meters.

Proposed water systems (greater than 3-inch diameter) with a developed length of more than 80 feet will require an outside meter setting in a vault. Show and label vault and required WSSC right-of-way. (For commercial sites only)

A single service connection for two or more buildings in a single lot/parcel requires a covenant. Should the property be subdivided or sold in the future, individual water/sewer connections for each building will be required.

----- 0 Replies -----

4 - WSSC Rights of Way comments

Created by: Hala Flores
On: 07/09/2018 10:00 AM

----- 0 Replies -----

5 - WSSC rights of way comments

Created by: Hala Flores
On: 07/09/2018 10:01 AM

WSSC easements must be free and clear of other utilities, including storm drain systems, with the exception of allowed crossings designed in accordance with the WSSC Pipeline Design Manual. Under certain conditions (and by special request) storm drains may be permitted within the WSSC easement. However, this will be evaluated on a case by case basis and if allowed, will require execution of a special agreement between WSSC and the developer.

WSSCs minimum easement width for a normal (14-inch diameter or less) pipeline (water or sewer at normal depth) is 20-feet. When both water and sewer (normal diameter and depth) are installed in the same easement, the minimum width is 30-feet. Installation of deep or large

water/sewer will require additional easement width.

The minimum horizontal clearance from a building to the outside diameter of a WSSC pipeline is 15-feet. The minimum spacing between adjacent buildings with both water and sewer lines between them must be 40-feet. In some cases where connections, fire hydrants, or deep water/sewer lines are involved, additional easement width is required.

Balconies or other building appurtenances must not encroach within WSSC easements. Water/Sewer pipeline alignment should maintain a minimum 5-foot horizontal clearance from storm-drain pipeline/structures and other utilities. Review of plan submitted does not meet these requirements.

Design of proposed [water and/or gravity sewer] main(s) through M-NCPPC forested property must minimize construction clearing impact and maximize tree preservation. Design must meet objectives of both M-NCPPC and WSSC. For 8-inch size mains: construction requires a minimum 40-foot easement/permit and additional 15-foot construction strip. For larger and/or deeper pipeline, additional easement/permit widths will be required depending on size and depth.

Acquisition of off-site easements from other property owners maybe be required for the proposed sewer) extension. The Applicant is responsible for obtaining the easements. Delineate and show the proposed off-site easement limits on plan. See WSSC Design Manual C-2.1

----- 0 Replies -----

6 - WSSC Environmental comments

Created by: Hala Flores
On: 07/09/2018 10:04 AM

----- 0 Replies -----

7 - 1-WSSC Plan Review Comments

Created by: Irene Andreadis
On: 07/05/2018 09:10 AM

Plan #DSP-18019
Chick-Fil-A Upper Marlboro

----- 0 Replies -----

8 - 2-WSSC Standard Review Comments for all Plans

Created by: Irene Andreadis
On: 07/05/2018 09:11 AM

1. WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.
2. Coordination with other buried utilities:

- a. Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements.
 - b. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
 - c. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.
 - d. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSC's pipeline crossing and clearance standards will be rejected at design plan review. Refer to WSSC Pipeline Design Manual Part Three, Section 3.
 - e. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.
 - f. The applicant must provide a separate Utility Plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.
 - g. Upon completion of the site construction, utilities that are found to be located within WSSCs rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicants expense.
3. Forest Conservation Easements are not permitted to overlap WSSC existing or proposed easements. Potential impacts to existing Forest Conservation Easements (due to proposed water and/or sewer systems) must be reviewed and approved by County staff.
4. Unless otherwise noted: ALL extensions of WSSCs system require a request for Hydraulic Planning Analysis and need to follow the System Extension Permit (SEP) process. Contact WSSCs Development Services Center at (301-206-8650) or visit our website at www.wsscwater.com/Development Services for requirements. For information regarding connections or Site Utility (on-site) reviews, you may visit or contact WSSC's Permit Services at (301) 206-4003.

----- 0 Replies -----