

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed DPLS-398, McDonald’s – Allentown Road, requesting a departure of 16 parking spaces, since some of the existing parking on the site would be taken by a proposed dual-lane drive-through and relocation of the trash enclosure in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on May 1, 2014, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is a combination of two parcels located at the southwest corner of the intersection of Temple Hill Road and Allentown Road. The site, also known as 7100 Allentown Road, is improved with a one-story, brick, fast-food restaurant with a drive-through window and an asphalt parking lot. The building is located on Parcel A in the Commercial Shopping Center (C-S-C) Zone, while most of the parking is contained on Parcel 86 in the One-Family Detached Residential (R-80 Zone). Access to the site is gained from Allentown Road via two driveways (one full, one right-in/right-out) and from a single driveway along Temple Hill Road. The applicant is proposing to close the right-in/right-out driveway along Allentown Road. The use is separated from a residence to the southwest by a 75-foot-wide landscaped buffer and an eight-foot-high fence.

B. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	C-S-C/R-80	C-S-C/R-80
Use(s)	Fast-Food Restaurant	Fast-Food Restaurant
Gross Floor Area (GFA)	4,259 sq. ft.	4,393 sq. ft.
Acreage	1.91	1.91
Parcels	2	2

C. **History:** The original McDonald’s on Parcel A was established in 1965 as a permitted use. In 1984, the use was certified nonconforming due to changes in the Prince George’s County Zoning Ordinance which required a special exception for a fast-food restaurant. The District Council approved Special Exception SE-3728 in 1987 to bring the use into compliance. At the same time, the District Council also approved SE-4736 to allow parking on the residentially-zoned Parcel 86 to serve the special exception use. In 1991, the Prince George’s County Planning Board approved the first minor revision to the special exception site plan to add a soft play land and shift the location of the bike racks and flagpoles. On June 11, 2013, the District Council approved County Council Bill CB-14-2013, which makes an eating and drinking establishment with drive-through service a permitted use provided the subject property is subject to a previously approved special exception for a parking lot on residential land serving an adjacent property in a commercial zone and the adjacent property is developed with an eating or drinking establishment with drive-through

service. Thus, the portion of the building and parking on Parcel 86 is now a permitted use no longer requiring a special exception. However, it is an integral part of the development, providing the parking and has a portion of the building on it. While the application reflects only the 0.835 acre contained in Parcel A, the Planning Board has reviewed the case based on the total acreage of both parcels as a matter of expediency. This is the second minor revision to the site plan.

- D. **Master Plan Recommendation:** This application conforms to the land use recommendations of the 2006 *Approved Master Plan and Sectional Map Amendment for Henson Creek-South Potomac Planning Area* (Henson Creek-South Potomac Master Plan and SMA). The subject property is within the Padgett's Corner Activity Center. The master plan envisions this area as a community-scaled commercial area that supports the residential neighborhoods by providing locally serving retail, offices, and public uses closely integrated with residential development. The 2002 *Prince George's County Approved General Plan* (General Plan) classified the site in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.
- E. **Request:** The applicant is proposing to raze and rebuild the McDonald's fast-food restaurant that has existed at this location since 1965. The resulting restaurant would be slightly larger and incorporate new architectural features and materials. The applicant is also requesting a departure of 16 parking spaces, since some of the existing parking on the site would be taken by a proposed dual-lane drive-through and relocation of the trash enclosure. The applicant is further requesting alternative compliance from the 2010 *Prince George's County Landscape Manual*; more specifically from Section 4.6 (Buffering Development from Special Roadways) along Allentown Road and from Section 4.7 (Buffering Incompatible Uses) along the western and southern property lines.
- F. **Neighborhood and Surrounding Uses:** The neighborhood previously identified as appropriate in this case is bounded on the north by Allentown Road, on the east by Temple Hill Road, and on the south and west by Webster Lane and the Tinkers Creek Stream Valley Park. This neighborhood includes a mixture of commercial and residential uses. The western and southern portions of the neighborhood contain single-family residences, a church, and a regional park.

The property is surrounded by the following uses:

**North—** Across Allentown Road is a gas station and a small shopping center in the C-S-C Zone.

**East—** Across Temple Hill Road is Padgett's Corner Shopping Center in the C-S-C Zone.

**South and West—** Single-family residences in the R-80 Zone.

- G. **Departure from Parking and Loading Standards DPLS-398:** The plan correctly notes that 66 parking spaces and one loading space are required to serve this use. The site plan indicates that

50 spaces can be provided, a deficit of 16 spaces. A departure from parking and loading standards (DPLS) is required to address this reduction in parking spaces provided. Section 27-588(b)(7)(A) of the Zoning Ordinance sets forth the following findings to grant a departure from parking and loading standards:

**Section 27-588(b)(7)(A) Required Findings**

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

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

**Section 27-550(a)**

- (1) To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**

This proposal complies with this purpose. The applicant's proposal will provide adequate off-street parking and loading areas in order to serve the needs of McDonald's employees and customers. The applicant has operated a restaurant from this site since 1965 and has determined that a significant amount of its business is associated with the drive-through service. Thus, the applicant is proposing to install a dual-lane drive-through. The applicant believes that the addition of the dual-lane drive-through and modifications to the existing parking area will address the parking needs of its employees and will not have any adverse impacts on the community. In addition, 14 different aerial photos of this site from 1977 to 2014 have been reviewed. They show an average of 18 parking spaces being occupied, with a maximum parking utilization of 28 spaces. On the weekday afternoon that staff visited the site, there were 14 cars in the lot.

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

This proposal complies with this purpose because the applicant will provide a dual drive-through window. The applicant anticipates the majority of its customers to use the dual drive-through window, which decreases the likelihood that customers will need to use public streets for parking. In addition, the applicant is proposing to reduce the number of access points from three to two.

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

The changes to the use proposed will not change the relationship between the restaurant and the adjoining residential property. These two uses have successfully coexisted for almost 30 years.

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

This proposal complies with this purpose. There will be ample parking for restaurant patrons. There will also be landscaping and loading areas on-site. Parking is conveniently located whereas the customers will not have a far walk to the front door entrance to the restaurant. This proposal will be an amenity in the regional district since it will be part of a project which will replace an older restaurant with dated architecture with a modern facility.

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

This proposal complies with this purpose. The departure is the minimum necessary considering this proposal calls for the redevelopment of the subject property. As stated above, this site has been developed since 1965. The site is compact and is impacted by a wide unused right-of-way for Temple Hill Road. The applicant is proposing to redevelop the site with a more modern restaurant with a modern layout.

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

The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. As stated above, the applicant is proposing to construct a new McDonald's and incorporate into that design a dual-lane drive-through and a modern layout that will not only create a safer environment for its customers, but a more attractive layout. The lack of space makes it difficult for the applicant to provide the required number of parking spaces and a dual-lane drive-through. The dual-lane drive-through component at this location will increase the likelihood of the restaurant's success. This site is compact and a departure is necessary in order to redevelop this site utilizing current site design requirements.

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

All methods of calculating the number of spaces have been explored. There is no alternative but to obtain a departure.

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

The provision of the dual-lane drive through and historical parking utilization on the site ensure that residential parking will not be infringed upon.

In addition, Section 27-588(b)(7)(B) and (C) of the Zoning Ordinance sets forth the following:

- (B) **In making its findings, the Planning Board shall give consideration to the following:**
  - (i) **The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;**

The adjacent retail and office commercial uses have sufficient parking. There is no on-street parking along Allentown Road or Temple Hill Road.

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

This application conforms to the land use recommendations of the Henson Creek-South Potomac Master Plan and SMA for retail commercial land uses.

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

This site is not within a municipality.

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

No public parking facilities are proposed in the Prince George's County Capital Improvement Program within the general vicinity of the property.

- (C) **In making its findings, the Planning Board may give consideration to the following:**
  - (i) **Public transportation available in the area;**

There is a Metro bus stop on the W15 Route directly in front of the site along Allentown Road.

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

The size and configuration of the site does not lend itself to an alternative design that would yield more parking opportunities. A total of 50 spaces are provided.

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

The subject fast-food restaurant use has longer hours of operation than its neighbors (except for the gas station), thereby affording the site extra parking spaces if needed. However, as stated previously, it would be rare, if ever, that all of the on-site parking spaces would be used at one time.

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

The subject property is in the C-S-C and R-80 Zones and multifamily dwellings are not proposed under this application. Consequently, the above section is not applicable to the subject property.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the above-noted application.

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Shoaff, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, May 1, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of May 2014.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:TL:arj