



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

**Detailed Site Plan**  
**Departure from Parking and Loading Standards**  
**Departure from Design Standards**  
**Alternative Compliance**  
**Oxon Hill McDonald's**

**DSP-18051**  
**DPLS-463**  
**DDS-658**  
**AC-19005**

REQUEST	STAFF RECOMMENDATION
<b>DSP:</b> A 1,373-square-foot building addition and a second drive-through lane to the existing eating and drinking establishment.	APPROVAL with Conditions (Continued from 06/27/19)
<b>DPLS:</b> To allow a reduction of 13 parking spaces, including one handicapped space.	APPROVAL (Continued from 06/27/19)
<b>DDS:</b> A reduction in the requirements of the 2010 <i>Prince George's County Landscape Manual</i> (Landscape Manual).	APPROVAL (Continued from 07/25/19)
<b>AC-19005:</b> Section 4.7 Section 4.2	DISAPPROVAL APPROVAL

<b>Location:</b> On the south side of Oxon Hill Road, approximately 238 feet west of John Hanson Lane.	
Gross Acreage:	0.836
Zone:	C-S-C
Dwelling Units:	N/A
Gross Floor Area:	4,816 sq. ft.
Planning Area:	76B
Council District:	08
Election District:	12
Municipality:	N/A
200-Scale Base Map:	208SE02



<b>Applicant/Address:</b> McDonalds USA, LLC 110 North Carpenter Street One McDonalds Plaza Chicago, IL 60607	Planning Board Date:	09/12/19
	Planning Board Action Limit:	10/06/19
<b>Staff Reviewer:</b> Thomas Burke <b>Phone Number:</b> 301-952-4534 <b>Email:</b> Thomas.Burke@ppd.mncppc.org	Staff Report Date:	08/28/19
	Date Accepted:	04/24/19
	Informational Mailing:	11/08/18
	Acceptance Mailing:	04/15/19
	Sign Posting Deadline:	05/28/19

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-18051  
Departure from Parking and Loading Standards DPLS-463  
Departure from Design Standards DDS-658  
Alternative Compliance AC-19005  
Oxon Hill McDonald's

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

**EVALUATION**

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

- a. The requirements of the Prince George's County Zoning Ordinance in the Commercial Shopping Center (C-S-C) Zone and site design guidelines;
- b. The requirements of Special Exception, SE-3875;
- c. The requirements of the 2010 *Prince George's County Landscape Manual*;
- d. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- e. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- f. Referral comments.

**FINDINGS**

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

- 1. **Requests:** The subject application is for approval of Detailed Site Plan, DSP-18051, for a 1,373-square-foot building addition and the installation of a second drive-through lane on the existing eating and drinking establishment, specifically a McDonald's restaurant.

A Departure from Parking and Loading Standards, DPLS-463, requests a reduction of 13 parking spaces, including one handicap-accessible space. A Departure from Design Standards, DDS-658, requests a reduction in the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

**2. Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	C-S-C	C-S-C
Use	Eating and Drinking Establishment	Eating and Drinking Establishment
Total Acreage	0.836	0.836
Parcels	1	1
Gross Floor Area (sq. ft.)	3,443	4,816
Number of Seats	53	60

**Parking and Loading Requirements**

<b>Eating and Drinking Establishment</b>	<b>Spaces Required</b>
60 interior seats at 1 space/3 seats	20
1,723 sq. ft. at 1 space/50 sq. ft., excluding storage and patron seating	35
<b>Total</b>	<b>55</b>
Of which are handicap-accessible spaces	3
<b>Loading</b>	
4,816 sq. ft. GFA at 1 space/2,000-10,000 sq. ft. of GFA	1

	<b>Spaces Provided</b>
Standard Spaces	26
Compact Spaces	14
Handicap-accessible Spaces	2
<b>Total</b>	<b>42</b>
<b>Loading</b>	
12 feet x 33 feet	1

**3. Location:** The site is in Planning Area 76B, Council District 8. More specifically, it is located on the south side of Oxon Hill Road, approximately 238 feet west of John Hanson Lane. The site is known as 6126 Oxon Hill Road, in Oxon Hill, Maryland.

4. **Surrounding Uses:** The site is bounded to the north by MD 414 (Oxon Hill Road), to the south by a Commercial Office (C-O) zoned property, which is developed with a single-family detached residential dwelling, to the east with an eating and drinking establishment in the Commercial Shopping Center (C-S-C) Zone, and to the west with an office building in the C-O Zone.
5. **Previous Approvals:** The site is currently improved with a McDonald's restaurant, which was originally constructed in 1972 when the site was zoned C-O. Subsequently, due to Prince George's County Zoning Ordinance changes, the restaurant became nonconforming in the C-O Zone. On December 9, 1988, Special Exception SE-3875 was granted by the Zoning Hearing Examiner (ZHE) for an expansion and improvements to the restaurant. A Declaration of Finality for the case was issued by the District Council on February 13, 1989. A Departure from Parking and Loading Standards, DPLS-73 was granted by the Planning Board on December 1, 1988 (PGCPB Resolution No. 88-580) for a reduction in the required number of parking spaces from 71 to 60 spaces. In 1988, the Zoning Ordinance required a 10-foot landscape strip to be provided along the road frontage as measured from the ultimate right-of-way line along MD 414. A variance to a 10-foot landscape strip was granted by the Board of Zoning Appeals on January 11, 1989.

On August 1, 1991, a revision to the special exception, ROSE-SE-3875-1, was approved by the Planning Board (PGCPB Resolution No. 91-307) to install outdoor soft play equipment. Although this equipment was installed pursuant to the approval, it has since been removed.

In 2010, the County Council approved legislation, CB-19-2010, to create a use classification known as eating and drinking establishment and removed the term "fast food restaurant." The approved legislation contained footnotes for the C-S-C Zone, stating that eating and drinking establishments with drive-through service, which were "operating pursuant to an approved special exception as of the effective date of CB-49-2005 shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use."

6. **Design Features:** The subject DSP proposes a 1,291-square-foot addition to the front of the existing building to provide for additional dining area and an increase in the number of patron seats. This work will also allow for upgrading handicap-accessible facilities. An 82-square-foot addition is proposed on the southeast corner of the building to accommodate an additional drive-through window. A second drive-through order lane is proposed to allow cars to enter the double drive through from a single access drive, which will split at the order boards then merge back into a single lane for payment and pick up. The addition of this second drive-through lane will result in the loss of parking spaces, particularly along the south side of the property, thereby necessitating the DPLS.

#### **Architecture**

The proposed architectural elevations depict a more contemporary franchise look from the traditional natural brick and double mansard roof. The brick will remain, however the building will feature a more modern grey color scheme and incorporate panels and stucco. Visual elements faced with dark grey porcelain tile are shown on the front façade and the side entrance. These elements will provide dimension and focal interest to the two façades, with each featuring the corporate logo. The side element will emphasize the side entrance of the restaurant. The double mansard roof will be replaced with a straight parapet wall extending from the top of the building, defined by grey corrugated metal. The parapet will screen the mechanical equipment on the roof. The building will feature flat metal canopies

above the window line across the front façade and the west façade, over each drive-through window, and at select points along each side façade.

### **Signage**

A total of three building-mounted signs are proposed, with two located on the north façade and one on the west façade. The north façade signs will be the McDonald's name across the parapet and the corporate logo "M," which will be located on the tile visual element. The west side façade will feature the corporate logo "M" on the visual element, above the side entrance. The signs will measure approximately 46 square feet on the north elevation, and approximately 14 square feet on the west elevation. The signage table indicates conformance with the regulations provided in Section 27-613 of the Zoning Ordinance.

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

## **COMPLIANCE WITH EVALUATION CRITERIA**

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

"Subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle. Any fast-food restaurant operating pursuant to an approved Special Exception as of the effective date of CB-49-2005 shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such fast-food restaurants and their underlying special exceptions may be modified pursuant to the existing provisions relating to revisions or amendments to special exceptions generally and fast-food restaurants specifically as they exist in the Zoning Ordinance. The requirement for Detailed Site Plan approval does not apply to eating or drinking establishments within, and sharing the same points of vehicular access as, an integrated shopping center having six individual businesses (including the fast-food restaurant) and a minimum 50,000 square foot gross floor area."
  - b. The DSP is consistent with the regulations in the C-S-C Zone including Section 27-454(a) regarding purposes; Section 27-454(b) regarding landscaping, screening, and buffering; and Section 27-454(d) regarding regulations in the C-S-C Zone.

- c. **Departure from Parking and Loading Standards, DPLS-463:** The applicant has requested a departure of 13 parking spaces, including one handicap-accessible space, from the required 55 spaces for the expanded eating and drinking establishment. Pursuant to Section 27-588(b)(7) of the Zoning Ordinance, the Planning Board must make the following findings:

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

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

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

The applicant has done two separate studies of on-site parking. The initial study was more observational and concluded low utilization of site parking during peak hours. The second study was a more technical count over longer periods of time and concluded that the parking demand for this site is 0.45 spaces per seat. Given the current proposal of 60 seats, the study suggests that 27 parking spaces would be sufficient for this site.

The statement of justification (SOJ) states that the parking requirement for the use in Subtitle 27 "does not take into account any reduced parking demand as a result of having a drive-thru window." The applicant continues by noting that sales figures show that 63 percent of business for this site occurs by means of drive-through.

The applicant intends to expand the building by nearly 1,400 square feet, but seating will only be increased by 7 seats. Some of the added building space will be needed as a function to serve patrons of the double drive-through system, but most of the added space will improve the dining experience for patrons that choose to park and eat inside.

The transportation planners did observe parking utilization on the site during weekday lunch hours, and the staff's observations were consistent with the two studies. Given that the staff has found no evidence to the contrary, the applicant's studies are found to be credible. The expansion of the use by seven seats will not change existing conditions to a great degree, and the applicant's arguments are supportable.

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

This is a small site, and currently fully developed with the restaurant and parking. The applicant has shown that the site currently has adequate on-site parking, and it is anticipated that the small increase in seating would be more than offset by the addition of the double drive-through service. Therefore, staff believes that this finding is met and the departure of 13 spaces is the minimum necessary.

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

The applicant asserts that the offering of drive-through service warrants special consideration for the subject use given its nature as proposed at this location and has demonstrated that the use of the drive-through lane has substantially decreased the demand for on-site parking. The addition of the double drive-through system will increase the efficiency of customer service at this restaurant and further reduce the demand for parking. The area near the restaurant is densely developed with office, commercial/retail, and residential uses, and many patrons have the opportunity to safely walk to the site from nearby homes or businesses.

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

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

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

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

The use exists in a mostly commercial area, and while there are dense residential areas nearby, they are not adjacent to the site and not close enough that patrons of this site could easily use the

residential parking. The site is surrounded by roadways and other commercially-zoned properties. Although there is a residentially-developed property adjacent to this site, due to layout and access, parking infringement is highly unlikely.

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

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

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

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

When this restaurant was approved for a major revision in 1988, the 1981 *Master Plan for Subregion VII* and the 1984 *Approved Subregion VII Sectional Map Amendment* were applicable. That master plan recommended commercial office use for the property. However, the zoning of the property was subsequently changed from C-O to C-S-C, thus allowing a fast-food restaurant as a special exception. During the review and approval of SE-3875, findings were made by the staff, the Planning Board, and the ZHE that the continued use of the property as a fast food restaurant would not impair the integrity of the master plan. The master plan recognized the existing restaurant on the property as legally nonconforming and accordingly placed the property in the C-S-C Zone in order to reflect that use, which had been in existence for many years.

The property is now subject to the provisions of the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*. The property is located within the Oxon Hill Regional Center, which is described as consisting of strip commercial uses, shopping centers, big box stores, and offices. It is expected that National Harbor will stimulate density and mixed-use development. The plan recognizes the existing retail commercial zoning for the property. Therefore, the continued use of the property for a McDonald's restaurant, which is permitted in the C-S-C Zone, is in conformance with the master plan, and does not impair the master plan.

Plan Prince George's 2035 Approved General Plan places the property within a neighborhood center and the future land use map for the neighborhood recommends mixed-use for the property and surrounding properties. The continued use of the property for a McDonald's restaurant is consistent with a recommendation for mixed-use.

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

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

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

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

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

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

The D12, NH1, and 35 Metrobus routes all serve the subject property, with a stop at the frontage of the adjacent property to the west. The NH1 route provides a direct link to National Harbor as well as to the Southern Avenue Metrorail station, located about 3.8 miles away.

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

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

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

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

**(iv) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically**

**handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

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

Based on the analysis above, staff recommends that the Planning Board approve DPLS-463, to allow a reduction of 13 parking spaces, including one handicap-accessible space.

- d. **Departure from Design Standards DDS-658:** Section 4.7 of the Landscape Manual requires a 50-foot building setback, and a minimum landscape yard width of 40 feet along the southern boundary line, where the subject site abuts a residentially-developed property. Based on the existing site limitations, the applicant has provided a 0.6-foot landscape yard along the southern boundary. The Planning Director determined that the applicant is unable to provide equally effective measures, and recommended denial of the alternative compliance request for this property line, necessitating a departure from design standards.

Section 27-239.01(b)(7) of the Zoning Ordinance contains the following required findings in order for the Planning Board to grant the departure:

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

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

The site is bound on all sides by constraints established with the development of the property in 1972, and strict compliance with the requirements of the Landscape Manual cannot be effectively applied without completely redeveloping the site. The applicant is proposing a solution to screen the existing establishment and proposed additions in such a way that is comparable to other properties, and agreeable to the neighboring tenants. Staff agrees that the proposed improvements to the existing conditions will better serve the purposes of this subtitle.

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

The current layout of the site was established prior to the inception of the Landscape Manual. Minimal buffers were provided with the original layout, and given the existing conditions of the restaurant, parking space and drive aisle requirements, there is no ability to establish conforming buffers. Given these factors, staff agrees that the applicant has minimized the impacts, to the extent possible.

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

The parking area was constructed up to the southern property boundary with the original development of the site. Additionally, the adjacent residentially-developed property is zoned C-O and could be developed with a compatible use in the future. Given the standards relating to drive aisles and parking spaces, the circumstances are unique, and the departure is necessary.

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

The applicant's SOJ indicates that the landscaping and screening fence proposed will improve the visual and environmental quality of the site and reduce the existing impacts of the establishment on the surrounding neighborhood.

- (B) For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements in paragraph (7)(A), above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.**

The Alternative Compliance Committee concluded in the review of AC-19005 that there was no feasible proposal for alternative compliance that would exhibit equally effective design characteristics based on the limiting constraints along the southern boundary line, abutting the residentially-developed property. Based on the safety concerns expressed by the adjacent property owner and tenants to the west, the applicant is proposing to install an open fence, and by doing so eliminates the opportunity to provide equally effective design characteristics.

Based on the analysis above, staff recommends that the Planning Board approve DDS-658, to allow a departure to the Section 4.7, buffer requirements along the southern boundary line.

- e. The DSP is in general conformance with the applicable site design guidelines, as referenced in Section 27-283 and contained in Section 27-274 of the Zoning Ordinance. For example, vehicular and pedestrian circulation is designed to be safe, efficient, and convenient for both pedestrians and drivers; pedestrian access is provided to the site from the public right-of-way; and the architecture proposed for the building is constructed of durable, low-maintenance materials, and employs a variety of architectural features and designs, such as window and door treatments, projections, colors, and materials.

8. **Special Exception SE-3875:** On December 9, 1988, SE-4875 was granted by the ZHE for specified renovations to the existing fast food restaurant. This approval was subject to one condition, as follows:

(1) **Approval of Special Exception SE-3875 is subject to the condition that the landscape strip within the right-of-way be maintained by the applicant. The site plan is Exhibit No. 20.**

The current proposal shows landscaping within the right-of-way. Permit SHA-3-PG-0683-19-DO from the Maryland State Highway Administration (SHA), was issued on July 31, 2019 to allow specified plantings within the 30-foot MD 414 right-of-way, subject to conditions by SHA. This condition shall be carried forward and modified as a condition of approval for this DSP.

9. **2010 Prince George’s County Landscape Manual:** The application is subject to the requirements of Sections 4.2, Landscape Strips Along Streets; 4.7, Buffering Incompatible Uses; and 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. The landscape and lighting plan provided with the subject DSP contains the required schedules demonstrating conformance to these requirements, with the exception of Sections 4.2 and 4.7. Alternative Compliance, AC-19005 was submitted and reviewed, however, the Planning Director recommends disapproval of the Section 4.7 request and DDS-658 was submitted. The Planning Director recommends approval of the AC request for the Section 4.2 requirements, as follows:

REQUIRED: Section 4.2(c)(3)(A)(i), Landscape Strips Along Streets (Oxon Hill Road)

Length of Landscape Strip	148 feet
Width of Landscape Strip	10 feet
Shade Trees (1 per 35 l. f.)	5
Shrubs (10 per 35 l. f.)	43

PROVIDED: Section 4.2, Requirements for Landscape Strips Along Streets, along MD 414

Length of Landscape Strip	148 feet
Width of Landscape Strip	Varied 0-30*
Shade Trees	4*
Shrubs	93*

**Note:** \*The majority of the landscape strip width, three of the provided shade trees, and 81 of the provided shrubs are located in the public right-of-way of MD 414.

**Justification of Recommendation**

The underlying DSP proposes a building expansion of more than 10 percent of the gross floor area requiring conformance to Section 4.2 along MD 414. The original McDonald’s building was constructed in approximately 1972, prior to any landscape requirements. In 1989, Special Exception SE-3875 was approved for an enlargement of the building and an associated variance from the 10-foot landscape strip requirement along the street was granted by the Board of Appeals.

Landscape requirements initially came into effect in 1990, and the current proposed building expansion now subjects the property to the 2010 Landscape Manual. However, the facts of the site development remain the same as when the variance was granted in 1989. The property was initially developed, in accordance with all requirements and the right-of-way line subsequently moved, impacting more of the site. The proposed building expansion extends closer to the right-of-way line but does not impact the landscape strip. The full landscape strip width and a comparable number of plants, including almost double the number of shrubs, are provided within the public right-of-way. At the time of the original variance approval, the applicant had obtained approval from the SHA to put plantings in the right-of-way.

Given the prior approval of a variance from the landscape strip requirement for this development, the Planning Director finds the applicant's proposal equally effective as normal compliance with Section 4.2, as the proposed landscape strip width and additional plants are provided within the public right-of-way, in accordance with the SHA permit issued on July 31, 2019.

The Planning Director recommends APPROVAL of Alternative Compliance AC-19005, Oxon Hill McDonald's, from the requirements of the 2010 *Prince George's County Landscape Manual* from Section 4.2, Requirements for Landscape Strips Along Streets, along MD 414 (Oxon Hill Road), subject to conditions that have been addressed through plan revisions or included herein.

10. **Prince George's Country Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Tree Canopy Coverage Ordinance. Section 25-128 of the County Code requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance. In the C-S-C Zone, the coverage requirement is 10 percent, which for this application equates to 3,642 square feet. The subject DSP does not provide the required schedule demonstrating conformance to these requirements. A condition has been included in the Recommendation section of this report to provide a schedule demonstrating conformance.
11. **Prince George's County Woodland and Wildlife Habitat Conservation:** The site is exempt from the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is less than 40,000 square feet in size. The site has a Natural Resource Inventory Equivalency Letter (NRI-119-2018) and Woodland Conservation Exemption Letter (S-112-2018), which were issued on August 2 and 6, 2018, respectively.
12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
  - a. **Community Planning**—In a memorandum dated May 30, 2019 (Lester to Burke), incorporated herein by reference, the Community Planning Division provided the following summarized comments:

Pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, master plan conformance is not required for this application DSP, which is located in the Oxon Hill Neighborhood Center. The vision for the policy area is medium- to medium-high residential development, along with limited commercial uses.

The 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* recommends mixed-use land uses on the subject property and recommends that parking spaces be minimized to reduce impervious surfaces and located to the sides and rear of buildings. Additionally, innovative circulation and landscape design for parking areas shall be considered to reduce conflicts between cars and pedestrians.

- b. **Transportation Planning**—In a memorandum dated July 23, 2019 (Masog to Burke), incorporated herein by reference, the Transportation Planning Section provided comments, included in the Recommendation section of this report.
  - c. **Subdivision Review**—In an email dated May 7, 2019 (Onyebuchi to Burke), incorporated herein by reference, the Subdivision Review Section indicated there are no issues with this proposal.
  - d. **Trails**—In a memorandum dated August 12, 2019 (Barnett-Woods to Burke), incorporated herein by reference, the Transportation Planning Section offered comments and conditions included in the Recommendation section of this report.
  - e. **Permit Review**—In a memorandum dated May 6, 2019 (Bartlett to Burke), incorporated herein by reference, the Permit Review Section offered comments that have been either addressed by revisions to the plans or by conditions in the Recommendation section of this report.
  - f. **Environmental Planning**—In a memorandum dated May 31, 2019 (Schneider to Burke), incorporated herein by reference, the Environmental Planning Section concluded that there were no issues with this proposal.
  - g. **Prince George’s County Fire/EMS Department**—At the time of the writing of this report, a memorandum had not been provided by the Office of the Fire Marshal.
  - h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated August 13, 2019 (Giles to Burke), incorporated herein by reference, DPIE provided standard comments which will be addressed through their separate permitting process and indicated they have no objection to the DSP or DPLS.
13. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
14. Per Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:

- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(15).**

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

## RECOMMENDATION

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

- A. APPROVE Departure from Parking and Loading Standards DPLS-459, to allow for a reduction of 13 parking spaces, including one handicap-accessible space.
- B. APPROVE Departure from Design Standards DDS-658, to allow a reduction in the Landscape Manual, Section 4.7 requirements along the southern property line.
- C. APPROVE Detailed Site Plan DSP-18051 and Alternative Compliance AC-19005, for Oxon Hill McDonald's, subject to following conditions:
  - 1. Prior to certification of the detailed site plan (DSP), the applicant shall make the following revisions to the plans:
    - a. Provide a tree canopy coverage schedule demonstrating conformance to the requirements.
    - b. Note on the plan that the landscape strip within the right-of-way must be maintained by the applicant, pursuant to Maryland State Highway Administration Permit SHA-3-PG-0683-19-DO.
    - c. Add a trash enclosure detail to the plan, which shall be constructed of a durable, quality material to match the building.
    - d. Indicate traffic flow into the drive-through lanes, as well as a minimum width of the drive aisles of 11 feet between the marking line and the adjacent parking spaces.
    - e. Show three inverted-U bicycle parking racks near an entrance to the building.
    - f. Provide a marked crosswalk crossing the drive-through lanes connecting the building entrance with the specially marked drive-through service parking spaces.
    - g. Correct the Section 4.2 and 4.7 landscape schedules to be consistent with, and refer to, the alternative compliance.

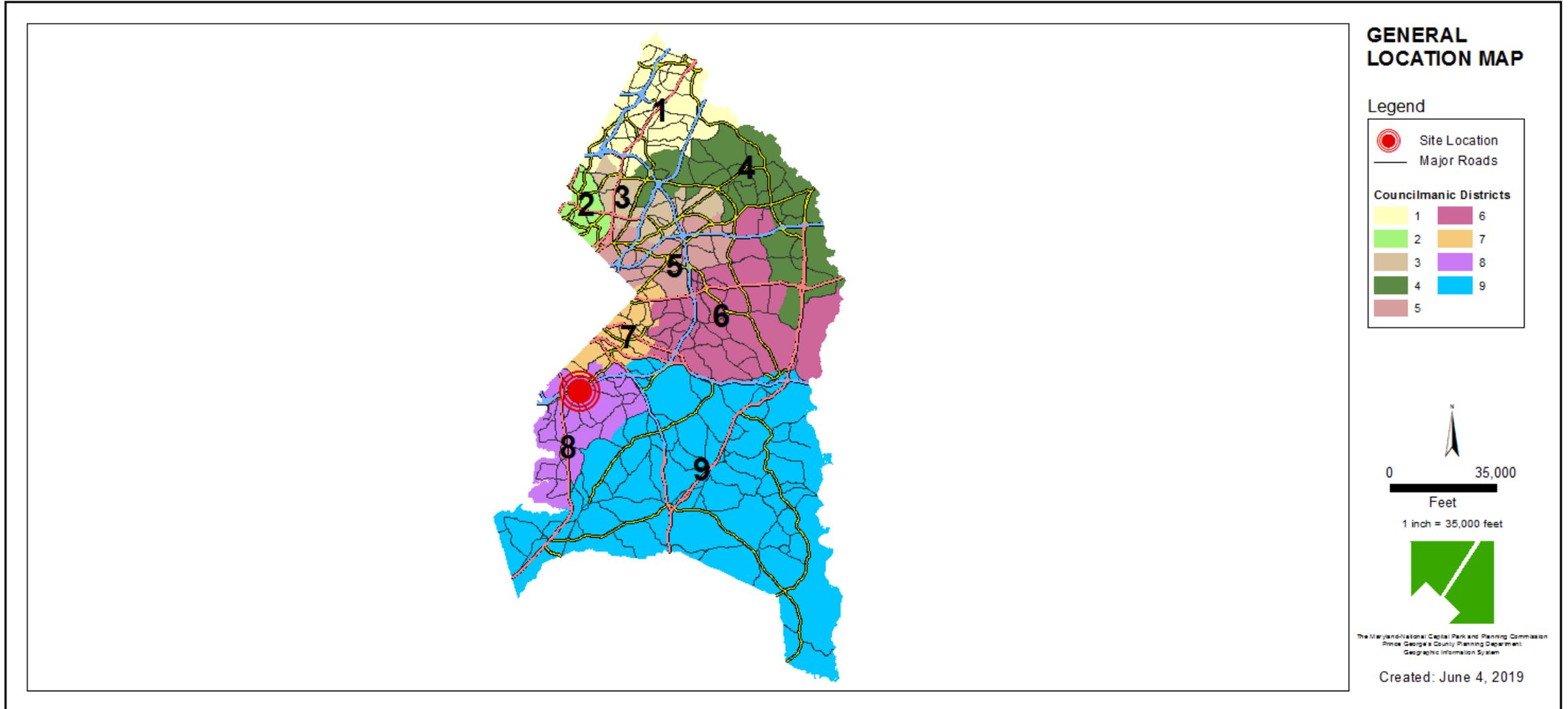
- j. Correct the Section 4.7 landscape schedule along the western property boundary to reflect full compliance with a Type B bufferyard, as modified by Section 4.7(c)(4)(F) of the 2010 *Prince George's County Landscape Manual*.

ITEM: 5, 6, AND 7

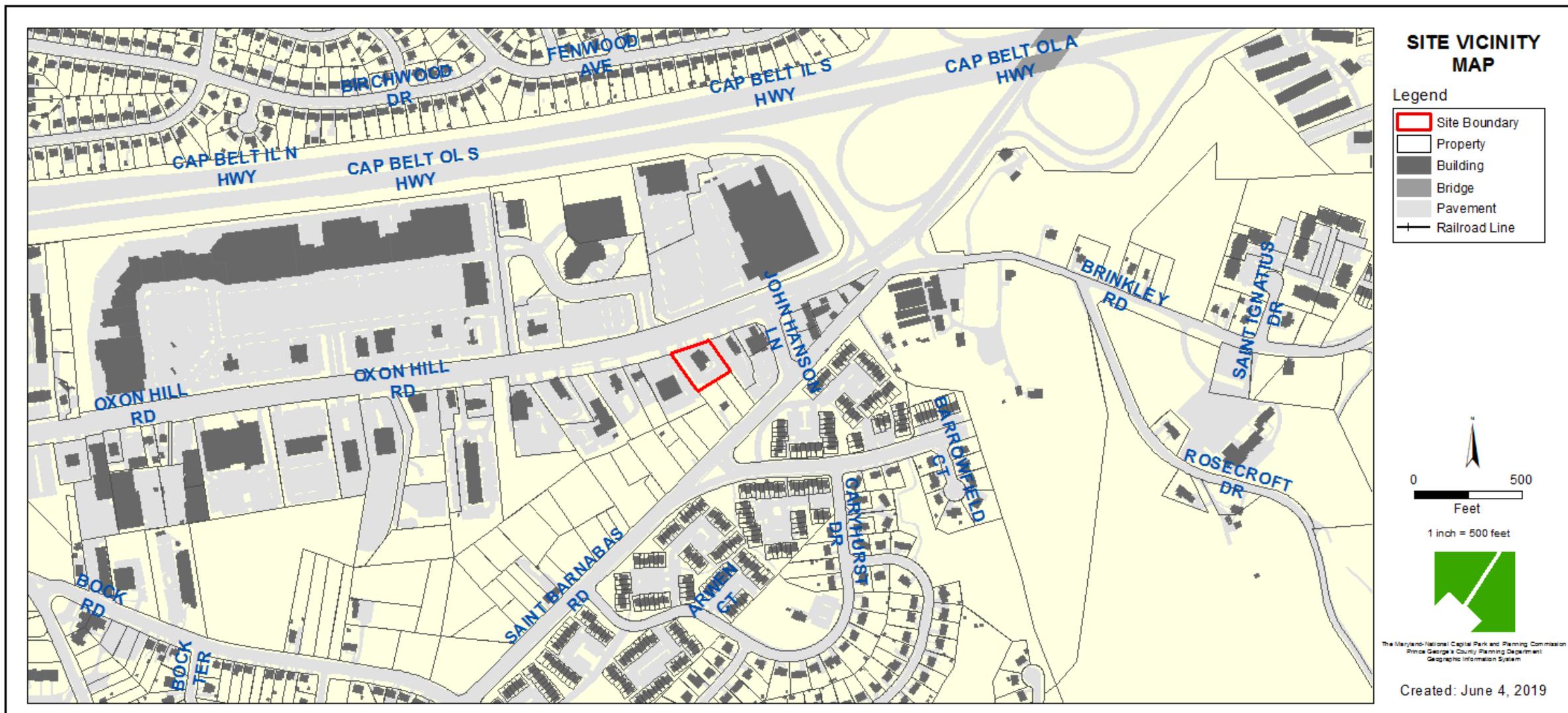
CASE: DSP-18051 & DPLS-463 & DDS-658

## OXON HILL MCDONALD'S

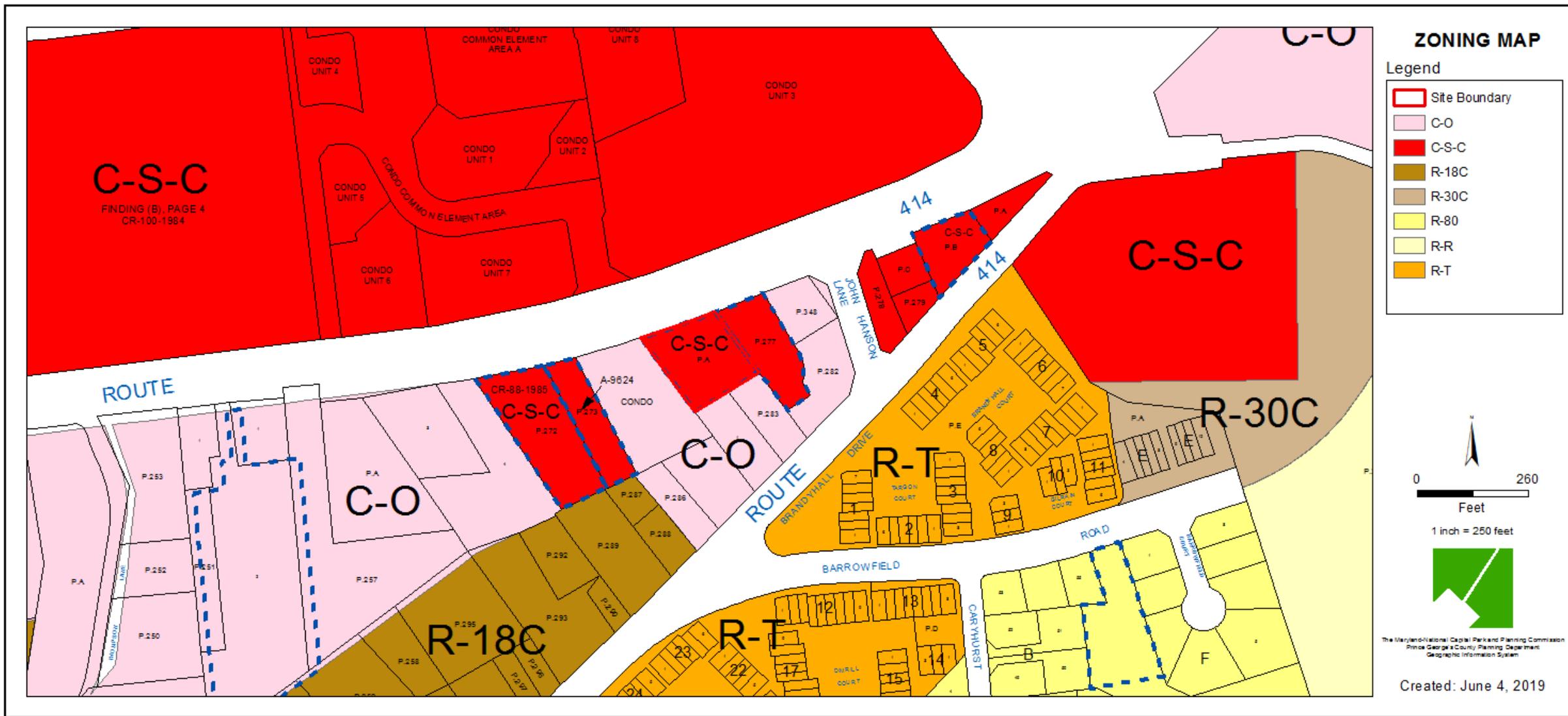
# GENERAL LOCATION MAP



# SITE VICINITY



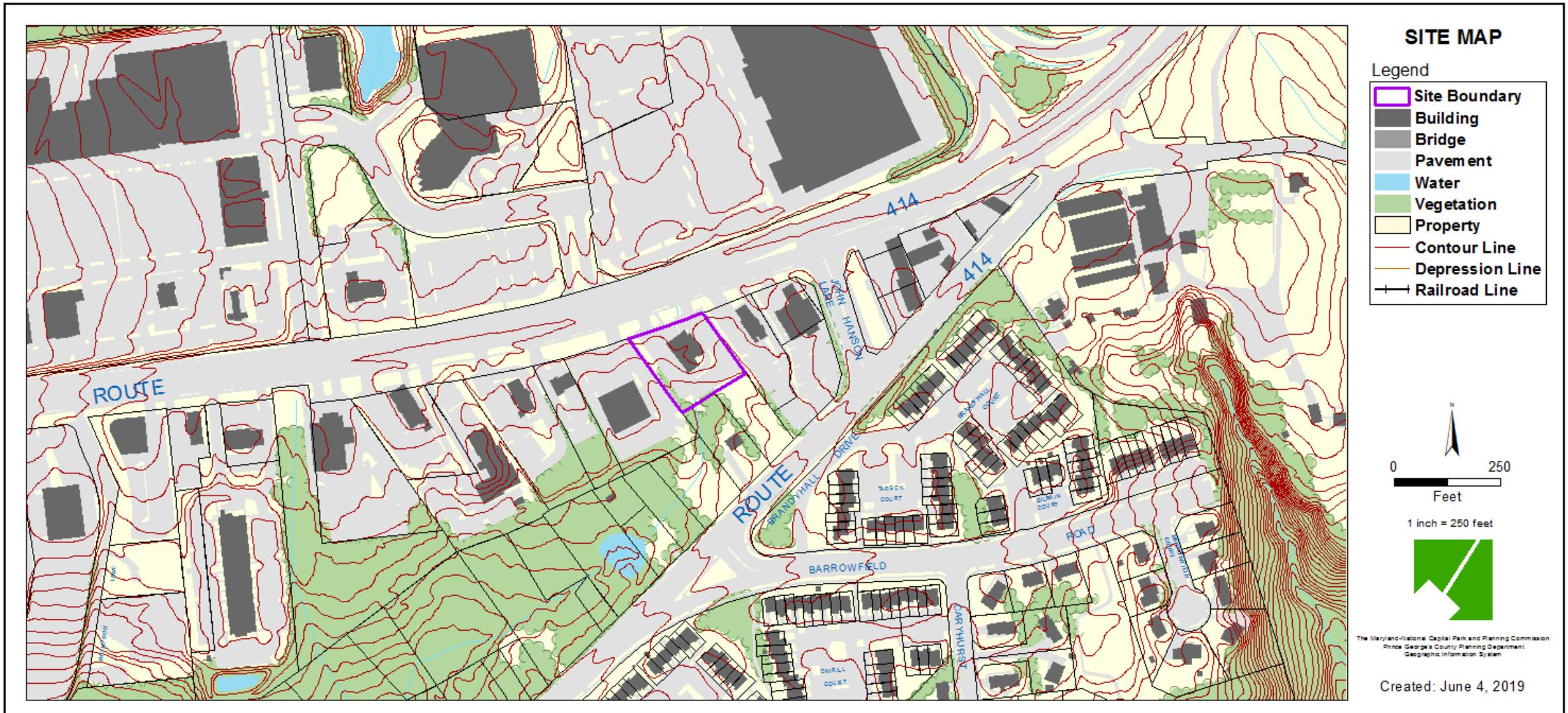
# ZONING MAP



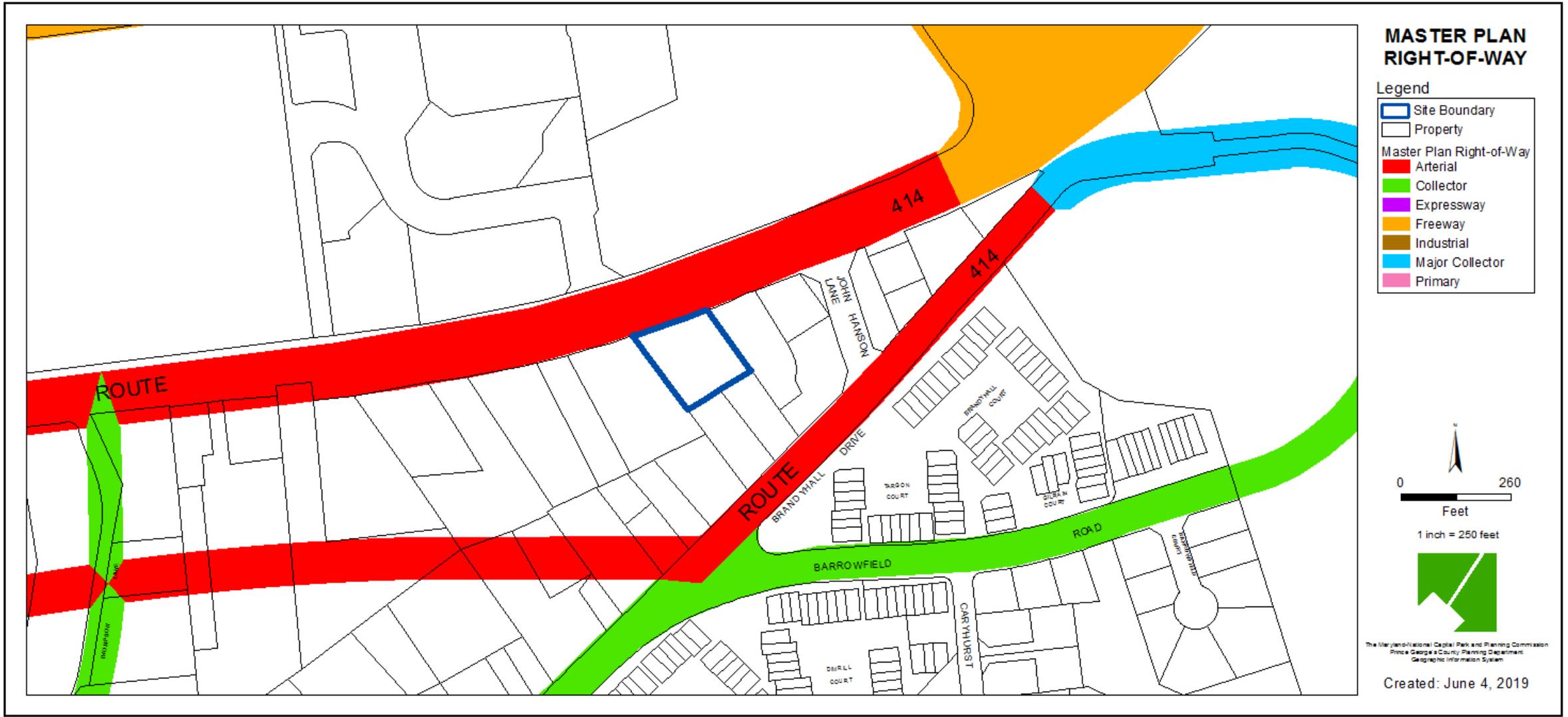
# AERIAL MAP



# SITE MAP



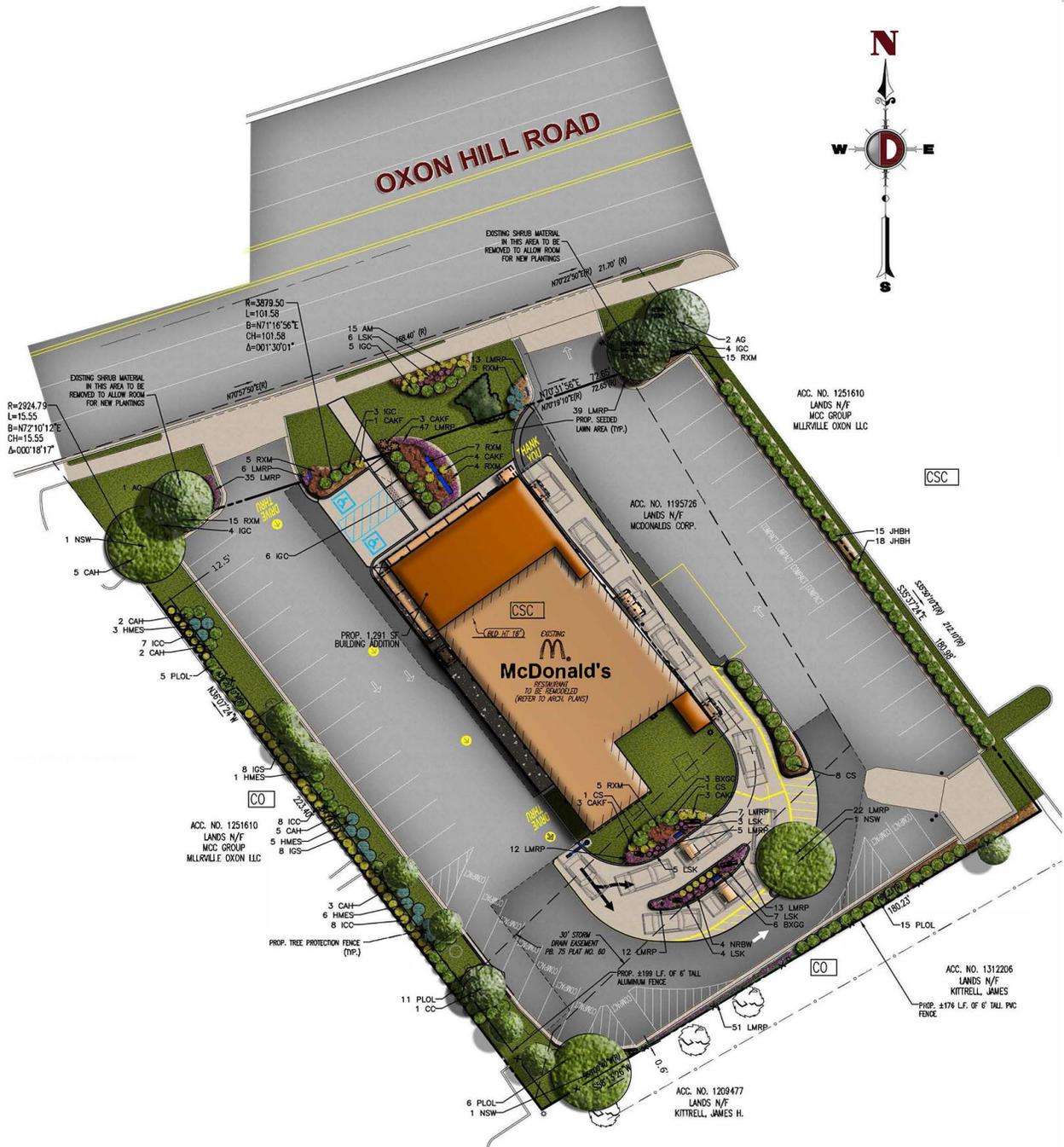
# MASTER PLAN RIGHT-OF-WAY MAP



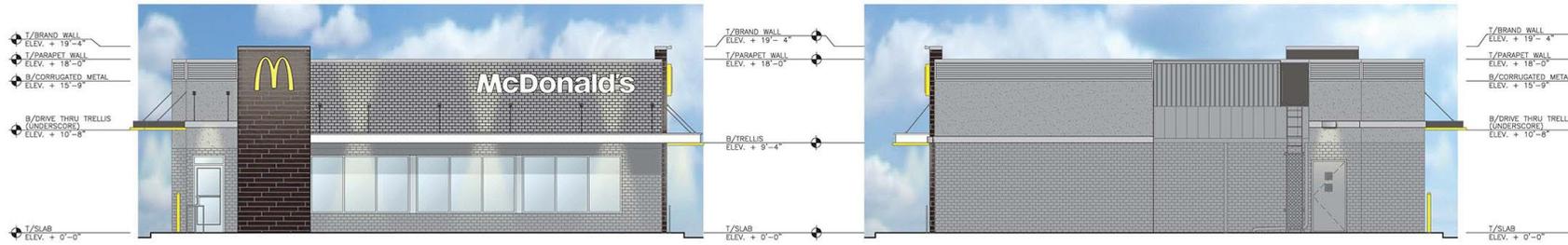
# BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



# SITE RENDERING



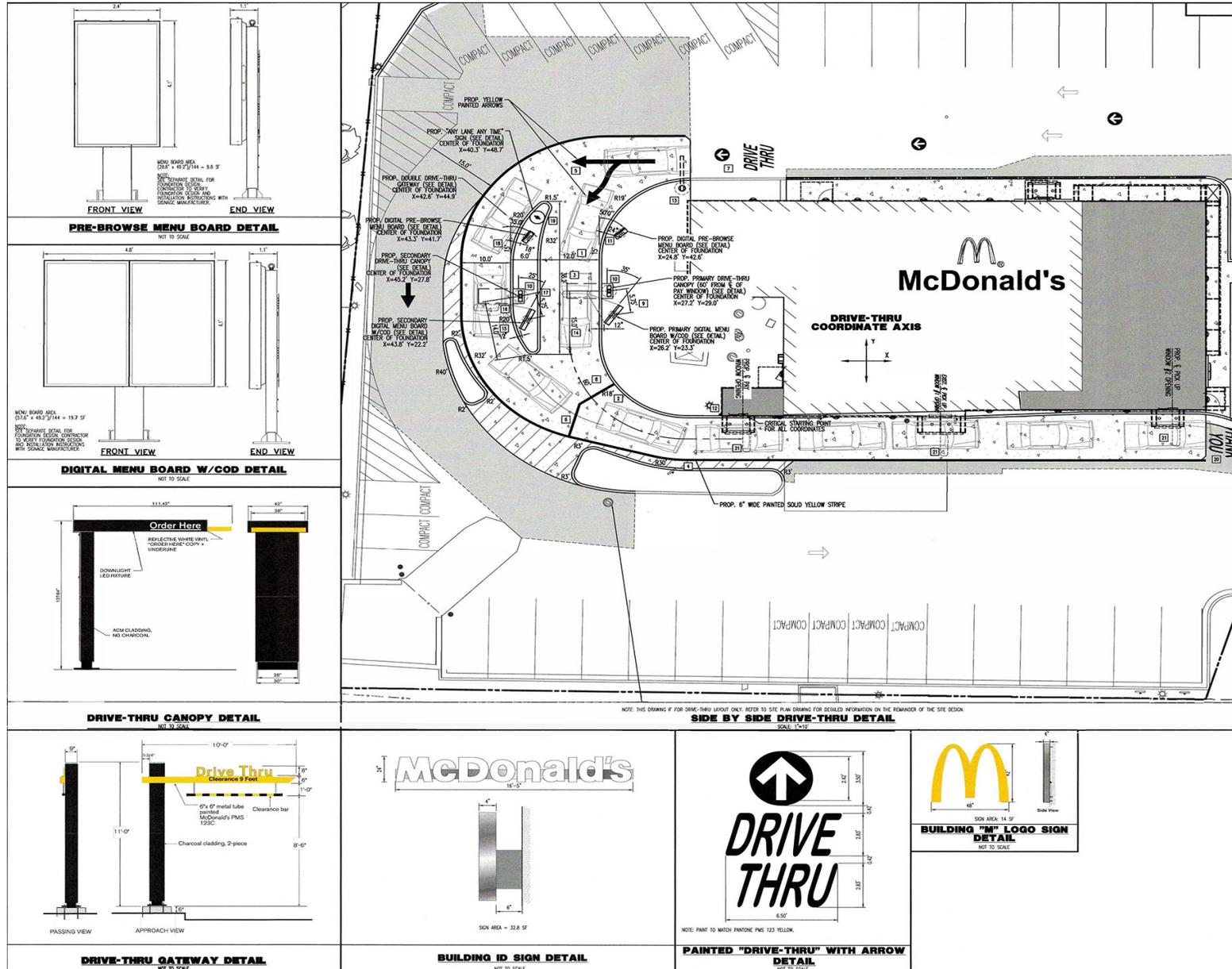
# ELEVATIONS



## LEGEND

- CHELSEA GREY  
HC-168 BENJAMIN MOORE
- IRON MOUNTAIN  
2134-40 BENJAMIN MOORE

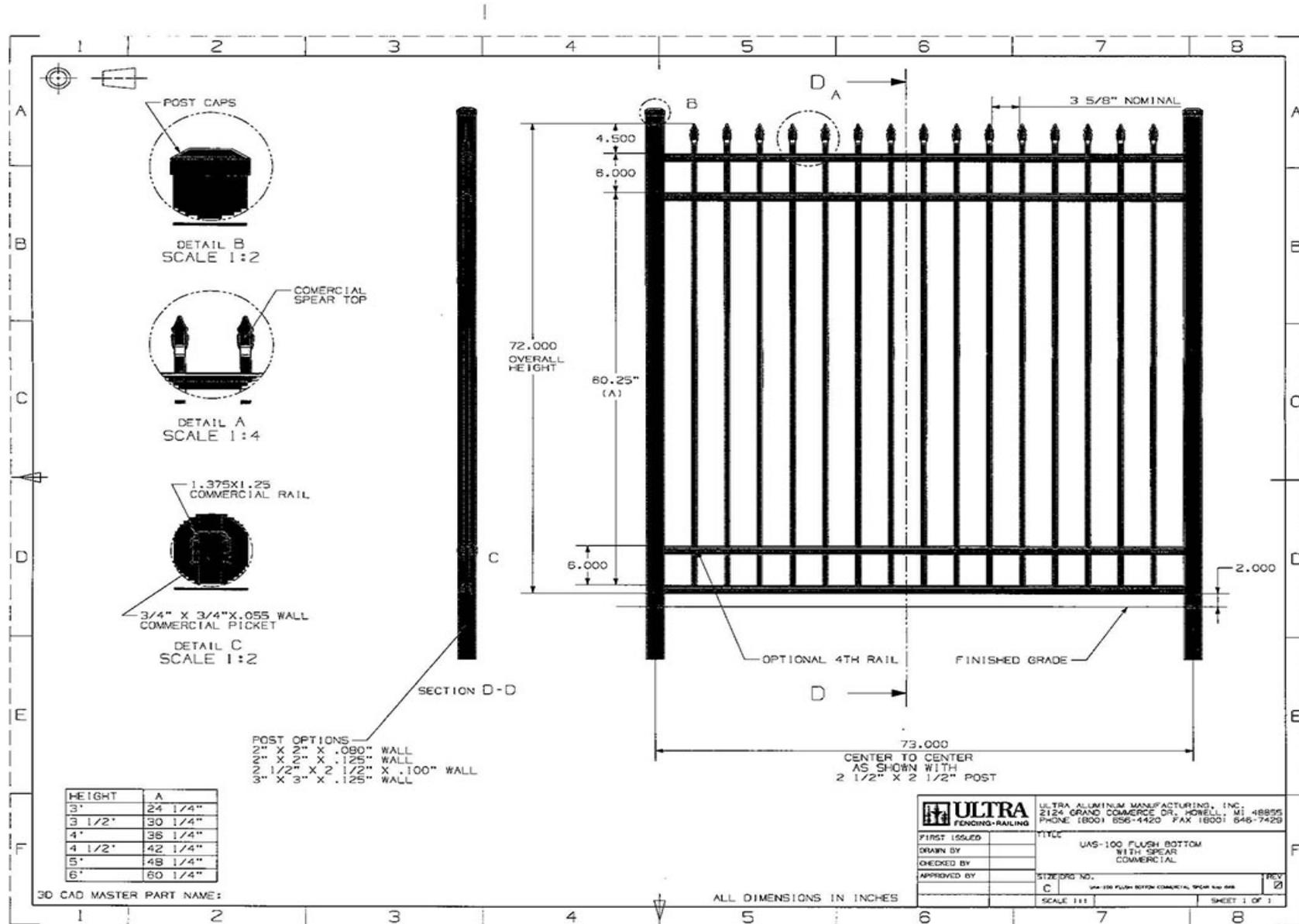
# DETAILS SHEET



NOTE: THIS DRAWING IS FOR DRIVE-THRU LAYOUT ONLY. REFER TO SITE PLAN DRAWING FOR DETAILED INFORMATION ON THE REMAINDER OF THE SITE DESIGN.

NOTE: PAINT TO MATCH FINISHING PMS 123 YELLOW.

# FENCE DETAIL



**SECOND AMENDED**  
**STATEMENT OF JUSTIFICATION**  
**(June 17, 2019)**  
**DETAILED SITE PLAN DSP-18051**  
**DEPARTURE FROM PARKING AND LOADING STANDARDS DPLS-463**  
**MCDONALD'S RESTAURANT/6126 OXON HILL ROAD**

**INTRODUCTION**

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

The property forming the subject matter of this application comprises approximately 36,423± square feet (0.84± acres). It is located on the south side of Oxon Hill Road just west of the intersection of Oxon Hill Road and John Hanson Lane (the "Property"). The Property has approximately 170 feet of frontage along Oxon Hill Road. It is more particularly described as Parcel A, Burch's Subdivision, as per plat thereof recorded among the Land Records of Prince George's County, Maryland in Plat Book WWW 75, Plat No. 60. It is also shown depicted on Tax Map 96, Grid D-4. The property is irregular in shape and slopes downward from north to south.

**DEVELOPMENT AND APPROVAL HISTORY**

The Property is presently improved with a McDonald's restaurant. This McDonald's restaurant was originally

constructed and opened for business in February 1972. At that time, the Property was zoned C-0 and the Zoning Ordinance in effect allowed restaurants of this type to be constructed and operated in the C-0 Zone. Subsequently, due to Ordinance changes, the restaurant became legally nonconforming. However, it has operated continuously and uninterruptedly at this location since 1972.

In 1988, McDonald's became desirous of making a major renovation to the restaurant. At that time, the existing restaurant included a drive-thru window. However, as part of the 1988 renovation, McDonald's constructed an extended cash booth along the eastern side of the restaurant building in order to allow drive-thru patrons to place their order in one location, and pick up the order at the service window on the east side of the building. The 1988 renovation also included the addition of vestibules around entrances to the restaurant building. This allowed patrons to enter into a covered area prior to actually entering into the restaurant building itself. It also assisted in preventing the loss of heat and cooled air from the restaurant during the winter and summer seasons respectively. In 1988, McDonald's also proposed a building addition to both the front and rear of the restaurant. At the front of the restaurant, an addition 12' deep and 44' wide was proposed. At the rear of the building, an addition 19.33' deep and 22.67' wide was proposed. The building additions allowed for increased interior seating for patrons in the front and additional storage in the rear of the

restaurant. Also, the rear renovation allowed for the installation of handicapped restrooms meeting ADA standards. Finally, the 1988 proposed renovations included a modernization of the restaurant operation itself. The kitchen was renovated in addition to the upgrading of the restrooms referenced above. Further, the interior patron seating area was increased and modernized.

Because of the nature of the renovations, a major revision by way of special exception was required. This also had the effect of removing the nonconforming status. Accordingly, McDonald's filed a new special exception application, SE-3875. The addition of new patron seating area allowed for 92 interior seats. When coupled with the increased square footage, the new parking requirement was 71 spaces. At the time of processing SE-3875, McDonald's also filed a Departure from Parking and Loading Standards as only 60 spaces could be accommodated on site. The Departure was assigned the number DPLS-73. Both SE-3875 and DPLS-73 were approved. SE-3875 was approved by the Zoning Hearing Examiner on January 9, 1989. A Declaration of Finality was issued by the Prince George's County Council, sitting as the District Council ("District Council") on February 13, 1989. No appeal was filed from the Zoning Hearing Examiner's Decision and the District Council did not elect to make the final decision. A copy of the decision of the Zoning Hearing Examiner and the District Council's Declaration of Finality are marked Exhibits "A" and "B" respectively and attached hereto. A copy of the

Planning Board Resolution (PGCPB No. 88-580) approving the parking departure to allow 60 spaces in lieu of the required 71, was issued on December 15, 1988. This Resolution evidenced the Planning Board's approval of December 1, 1988. A copy of this Planning Board Resolution is marked Exhibit "C" and attached hereto.

In 1988, the Zoning Ordinance, at Section 27-450(a)(1) required a 10 foot landscape strip to be provided along the front of the property as measured from the ultimate street right-of-way line. Due to the as-built situation of the existing restaurant and further given the ultimate proposed right-of-way of Oxon Hill Road, that landscape strip could not be provided on the Property. While a landscape strip was in place, it was located in the proposed right-of-way area. Accordingly, a variance from that provision was requested. At that time, a variance from the 10 foot landscape strip requirement could be acted upon by the Board of Zoning Appeals. The Board of Zoning Appeals granted the variance on January 11, 1989. A copy of the decision of the Board of Zoning Appeals is marked Exhibit "D" and attached hereto.

Pursuant to the approval of SE-3875 and DPLS-73, the renovations to the restaurant were made and completed. Since 1989, when the renovations were completed, the restaurant has operated continuously. The restaurant building is irregular in shape due to the expansions approved in SE-3875. It operates today within a one-story building. The building is a combination

of brick and glazing. The brick has been painted dark brown with tan accents. The building features what was at that time the trademark McDonald's double mansard roof. Today, the mansard roof is a light tan color. A McDonald's pylon sign is located at the front of the building, along the Oxon Hill Road frontage. At the front of the building is a patio area enclosed with wrought iron fencing with a gate. Inside the enclosure area there are picnic tables and benches. Copies of photographs depicting the front (north) and west sides of the building are marked Exhibits "E" and "F" respectively and attached hereto.

Presently, access is gained from two driveways along the Property's Oxon Hill Road frontage. Cars can enter through either of the access points and two-way circulation is provided around the site. The restaurant building is located generally in the center of the site with parking located around the perimeter. Handicapped parking spaces are located immediately in front of the building, adjacent to the patio area. Today, the drive-thru lane, as designed, starts at the rear (south side) of the building. Orders are placed at the rear of the building. Cars proceed along the rear of the building and turn to the north along the east side of the building where orders are picked up at a window. A brick trash enclosure is located in the extreme southeast corner of the Property. While SE-3875 approved a total of 92 seats for interior patron seating, over the years, those seats have been reduced. Today, there are only 55 seats inside the restaurant. A copy of an aerial photograph with the

McDonald's property outlined thereon in red and which depicts the current as-built situation, is marked Exhibit "G" and attached hereto.

In 1991, McDonald's desired to add an amenity to the front of the restaurant building known as a soft playland. These improvements featured children's play equipment. The addition of a soft playland was approved for this McDonald's restaurant as a minor revision to SE-3875. This revision, styled as ROSP-SE-3875-1, was approved by the Planning Board on August 1, 1991. A copy of the Planning Board Resolution confirming this fact (PGCPB No. 91-307) is marked Exhibit "H" and attached hereto. The soft playland authorized pursuant to this revision was constructed. However, it was ultimately removed and replaced with the existing patio with picnic table and benches.

#### **NEIGHBORHOOD AND SURROUNDING AREA**

While a planning neighborhood is not required for purposes of a Detailed Site Plan, a neighborhood was established for the review of SE-3875. As defined by staff at that time, the neighborhood boundaries were determined to be Oxon Hill Road to the north, St. Barnabas Road to the southeast and Bock Road to the southwest. This was a triangular shaped neighborhood which at that time was known as the "Oxon Hill Triangle". It contained a mix of zones and land uses. A copy of a zoning map is marked Exhibit "I" and attached hereto. The Property can be seen outlined in a dark blue hashed line with the "SE-3875".

designation within the dashed line area. Immediately to the east is other property zoned C-S-C. Beyond that is property zoned C-O. C-O zoned land also exists immediately to the south and west of the Property. Beyond that to the west is more C-S-C zoned land. Directly to the north and across Oxon Hill Road is a large swath of land zoned C-S-C. The uses in the general area are overwhelmingly commercial in nature. Along the south side of Oxon Hill Road and to the east of the McDonald's restaurant are a Wendy's fast food restaurant, a bank and a gas station. Beyond that is John Hanson Lane. To the west of the McDonald's restaurant and also on the south side of Oxon Hill Road is an office building, a quick lube facility, a Kentucky Fried Chicken restaurant, a vacant office building, a Burger King, a Kalas Funeral Home, a BB&T Bank, two offices and a Red Roof Inn hotel. To the north, directly across Oxon Hill Road, are a series of retail commercial uses including the Rivertowne Commons Shopping Center which is anchored by a Ross' retail store and a Soul Food grocery store. Directly across Oxon Hill Road to the northeast is a PetSmart and Home Depot. An office building is also located directly across Oxon Hill Road. This building is being converted to multifamily residential use.

#### **LEGISLATIVE CHANGES**

As noted above, the 1988 proposed renovation was approved pursuant to the grant of SE-3875. This special exception approved the renovation of McDonald's as a fast food restaurant.

The term "fast food restaurant" was a term of art and was defined as a quick service restaurant where prepared food was served ready for consumption on disposable plates, cups and utensils. Food could be consumed on site or taken off site.

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

part, Footnote 24 provides as follows:

"Any fast-food restaurant operating pursuant to an approved Special Exception as of the effective date of CB-49-2005 shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such fast-food restaurants and their underlying special exceptions may be modified pursuant to the existing provisions relating to revisions or amendments to special exceptions generally and fast-food restaurants specifically as they exist in the Zoning Ordinance."

Therefore, pursuant to the provisions of Footnote 24, this McDonald's Restaurant could utilize the existing provisions relating to modifications to special exceptions generally, and fast-food restaurants specifically, set forth in the Zoning Ordinance as opposed to filing a detailed site plan as is normally now required for eating or drinking establishments subsequent to the enactment of CB-19-2010. In this instance, McDonald's elects to use the provisions of CB-19-2010 and to implement the detailed site plan process to authorize the changes being proposed.

#### DEVELOPMENT PROPOSAL AND NATURE OF REQUEST

McDonald's proposes a number of changes to the existing restaurant. Most significantly, it is proposed that a 1,291 square foot building addition be added to the front of the building to provide for an additional dining area and a modest increase in the authorized number of interior patron seats. The front addition will also allow for upgraded ADA facilities. The existing outdoor patio dining area will be removed to accommodate

the building addition on the front. This front building addition will be approximately 25 feet deep and will extend across the entire front of the restaurant for approximately 50 feet.

Further, a small 82 square foot addition is proposed to be added at the southeast corner of the restaurant building. This will allow for an additional drive-thru window to facilitate new drive-thru service. The facade of the building will also be changed. While the existing brick will remain. Gray panels will be added which will include a brick pattern. Stucco will also be tastefully added at points along the building facade. The prior trademark McDonald's double mansard roof will no longer be visible as a parapet wall will extend up from the top of the building wall. All HVAC equipment located on the roof will continue to be screened.

McDonald's proposes to add a double drive-thru lane. The second drive-thru will be parallel to and outside of the existing single drive-thru lane. Cars will enter the double drive-thru at the southwest corner of the building through a single access drive. At that point, the drive-thru will split into two lanes. There will be order boards available for both lanes. After placing orders, cars will merge into a single lane to pay for meals at the first drive-thru window and pick up meals at the second drive-thru window.

In addition to the above, there are several other changes which will be implemented and which will have the overall effect of modernizing this restaurant and making it more accessible for

handicapped patrons and friendlier for all McDonald's customers.

A list of all changes to be made are as follows:

#### Summary of Civil Site Changes

- Interior/exterior remodel of existing McDonald's restaurant
- 82 SF building addition to the rear of the building for an additional drive-thru window
- 1,291 SF building addition in the front of the building to provide for additional and relocated dining area and provide adequate ADA facilities. Existing outdoor dining area will be removed as part of the building addition.
- Modification of existing single order point drive-thru to a side-by-side drive-thru
- Removal of 14 parking spaces to account for the front building addition and to provide adequate truck circulation around the site at rear of building due to the introduction of the side-by-side drive-thru
- Replacement of existing building mounted signs to meet current McDonald's/industry standards (sign areas depicted on the plans)
- Minor grading improvements to bring site to ADA compliance. This includes parking areas, accessible route and interior building improvements
- Addition of water quality treatment device in accordance with Prince George's County standards to meet the applicable stormwater requirements (Stormwater Concept Plan currently under review)
- The addition of a sight tight 6' high fence along the western and southern property boundaries.

#### Summary of Building Changes

- 1291 SQFT front building addition
- 82 SQFT rear drive thru addition
- Kitchen remodel including equipment relocation/replacement
- Restroom remodel/relocation
- New finishes throughout interior and exterior
- Existing mansard roof to be cut back and parapet walls to be built up from existing walls
- New front counter and menu board area and finishes
- New decor (by others)
- New sprinkler/fire alarm system (if required) (by others)
- New vestibule layouts
- New trellis/canopy's mounted to building
- New TPO roof
- New ADA compliant entrance doors
- New interior/exterior lighting
- New HVAC for building addition
- Exterior Facade to be existing brick/new Nichiha Panels with brick pattern and stucco as reflected in the elevation
- Relocation of seating from the west side of the interior of the building to the front addition.

The building addition to the front and the addition of the double drive-thru will result in an impact to the onsite parking. Parking spaces are proposed to be reduced to 42 spaces. Since a total of 56 parking spaces would normally be required pursuant to application of the normal parking computation requirements (60 seats are proposed), a departure from parking and loading spaces (DPLS-463) is also being filed requesting the required departure to allow 42 spaces to be provided.

Beyond the changes set forth above, site access and circulation will remain essentially unchanged. Access will continue to be achieved through the same two driveways onto Oxon Hill Road. However, it is proposed that the circulation will become one way with cars entering from the westernmost access drive on Oxon Hill Road, circulating to the south and then north to exit the site. Parking will continue to be provided essentially around the perimeter of the site and the access points to the restaurant itself will remain unchanged. Handicapped spaces will continue to be provided at the front of the restaurant. The addition of the second drive-thru lane will make that operation even more efficient and will serve as a further enhancement for customers to use the drive-thru window to order and pick up their menu selections. The orientation of drive-thru service will remain essentially unchanged.

#### **CONDITIONS OF PRIOR APPROVAL**

SE-38975 was approved with one condition. That required the applicant to maintain the landscaping in the right-of-way of Oxon

Hill Road. McDonald's has continuously maintained that landscaping and will continue to do so.

DPLS-73 was approved by the Planning Board with no conditions. The variance approved by the Board of Zoning Appeals from the requirement to provide a 10 foot landscape strip on site (Appeal No-9696) was approved with no conditions attached thereto.

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

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

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

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

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

When this restaurant was approved for a major revision in 1988, the Subregion VII Master Plan and Sectional Map Amendment was applicable. That Master Plan, which was approved in 1984, recommended commercial office use for the Property. However, the zoning of the Property was subsequently changed from C-O to C-S-C thus allowing a fast-food restaurant as a special exception. During the review and approval of SE-3875, findings were made by the staff, the Planning Board and the Zoning Hearing Examiner that the continued use of the Property as a fast food restaurant would not impair the integrity of the Subregion VII Master Plan which had recognized the existing restaurant on the Property as legally nonconforming and accordingly had placed the Property in the C-S-C Zone in order to reflect that use which had been in existence for many years.

The Property is now subject to the provisions of the Henson Creek-South Potomac Master Plan which was approved in 2006. The Property is located within the Oxon Hill Regional Center which is described as consisting of strip commercial uses, shopping centers, big box stores and offices. It is planned that National Harbor will stimulate density and mixed use development. The plan recognizes the existing retail commercial zoning for the Property. Therefore, the continued use of the Property for a McDonald's restaurant, which is permitted in the C-S-C Zone, is in conformance with the Master Plan and does not impair the Master Plan.

In addition, General Plan 2035 places the Property within a neighborhood center and the future land use map for the

neighborhood recommends mixed use for the Property and surrounding properties. The continued use of the Property for a McDonald's restaurant is consistent with a recommendation for mixed use.

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

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

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

An eating and drinking establishment with drive-thru service is expressly permitted as a matter of right in the C-S-C Zone pursuant to the approval of a detailed site plan. Further, the use has already been approved as a fast food restaurant pursuant to the grant of a special exception. Clearly, this use being located on property zoned C-S-C and within a predominantly commercial area, is consistent with uses found within retail commercial shopping center facilities. Further, it provides a needed and desired service for residents and workers in the area. It also is not incompatible with uses found generally in shopping centers. Therefore, the proposal to modernize and continue the use of the Property with a McDonald's restaurant certainly conforms to the purposes of the C-S-C Zone.

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

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

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

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

Section 27-281(c) sets forth the Specific Purposes of detailed site plans. These Specific Purposes are as follows:

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

It is important to bear in mind that this restaurant is already constructed and has been operational for many years. The Site Plan continues to show the specific location and delineation of the existing restaurant building, access points, parking,

circulation, signage and green areas. Other features including site lighting and drive-thru lane directional controls and locations are also expressly shown.

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

Since no new impervious area is being created, prior approvals for grading, planting, sediment control and conservation have previously been determined and continue to be conformed with. Given that two building additions are proposed, a new sediment and erosion control plan has been approved and is included with this application. A new concept SWM plan is under review and is expected to be approved imminently.

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

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

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

This provision is inapplicable as this is an existing building which is being renovated. Any requirements imposed by

Prince George's County or the Maryland-National Capital Park and Planning Commission as part of the approval of this Detailed Site Plan or the issuance of permits will be complied with.

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

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

As has been discussed previously, this is an existing restaurant which has operated successfully for many years. Site design guidelines were reviewed at the time of the major renovation in 1988. It was determined at that time that the layout being proposed was acceptable and conformed to Zoning Ordinance and Master Plan requirements. The changes being proposed today will result in a more modern and efficient building which will be more friendly to consumers. As has been discussed, handicap accessibility is being improved. The addition of the double drive-thru results in more efficient business operations for the restaurant. The changes to the building facade will make the restaurant more aesthetically appealing and more contemporary. Therefore, McDonald's submits that the changes being requested satisfy site design guidelines without requiring unreasonable costs and without detracting from

the purpose of the use.

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

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

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

This criterion is inapplicable.

- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

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

#### **DEPARTURE FROM PARKING AND LOADING STANDARDS**

As noted above, McDonald's plans to implement its double drive-thru ordering system at this location. This change is, from a functional standpoint, very important as patrons have shown an increasing desire to use drive-thru lanes as opposed to parking and eating in the restaurant. The new double drive-thru system incorporates the existing drive-thru lane at this restaurant. The existing drive-thru originates near the

southwest corner of the restaurant building. From there, it wraps around the southern portion of the building. At this point, there will be two menu and order boards for patrons to place their food orders. The double drive-thru lanes are separated by an island which also includes the double drive-thru gateway menu board and radio controlled ordering system. Once orders are placed, the cars merge once again into a single lane and proceed to the east side of the building where a new drive-thru window will be constructed comprising approximately 82 square feet. At this point, orders will be paid for. Patrons will then proceed to the second drive-thru window also located on the east side of the building where they will pick up orders. The effect of the double drive-thru system is to allow for greater efficiency within the kitchen area of the restaurant. Simply stated, more orders can be filled in a given time since more orders are being taken and prepared. This reduces time spent in the drive-thru lane and reduces queues. Studies at restaurants where new double drive-thru systems have been installed have demonstrated an ability to reduce by as much as two minutes a typical wait time within the drive-thru lane from the time of entry.

In 1988 when the last revision to this restaurant was reviewed and approved pursuant to SE-3875, a Departure from Parking and Loading Standards (DPLS-73) was also reviewed and approved by the Planning Board. At that time, the applicant was proposing to have 93 seats for patrons inside the restaurant. This necessitated a total of 71 parking spaces. At that time,

McDonald's was proposing to provide 60 spaces and a departure of 11 spaces was approved.

Today, McDonald's is proposing to add a front addition to the building. Seating from the west side of the restaurant is being moved to the front. This is due to kitchen expansion and ADA improvements. The restaurant will provide a total of 60 seats for interior dining. This is a modest increase of 5 seats. While 56 parking spaces would normally be required, McDonald's is proposing to provide 42 parking spaces. Therefore, a departure for 14 spaces is being requested.

**CONFORMANCE WITH ZONING ORDINANCE PROVISIONS**

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

***Section 27-588(7) Required Findings:***

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

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

***Section 27-550 Purposes.***

***(a) The purposes of this Part are:***

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

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

McDonald's submits that 42 spaces will be more than adequate parking for McDonald's customers. As previously noted, McDonald's has seen a marked increase in the number of customers utilizing the drive-thru service. McDonald's' "double drive-thru" will create additional capacity to handle the surge in demand from drive-thru customers. The demand for drive-thru service diminishes the amount of parking needed on site as larger percentages of customers order from their vehicles and avoid parking.

Presently, McDonald's has 55 seats inside the restaurant. An increase to 60 interior seats is being proposed resulting in a requirement for a total of 56 parking spaces. The front building addition provides additional floor area which will allow for a more spacious interior dining area. This will allow for a more relaxed atmosphere for patrons who have determined to dine inside.

While a total of 56 parking spaces would be required under application of Zoning Ordinance provisions, the reality is that while the existing McDonald's constitutes a vibrant business enterprise which is supported by the public, even the 56 required parking spaces are not needed. An Affidavit is attached hereto as Exhibit "J". This Affidavit contains parking space counts taken at this restaurant during the lunch hour on two different days. On December 20 and 27, 2018, between the hours of 12:30

p.m. and 1:00 p.m, a maximum of 21 and 23 spaces respectively were occupied by cars. On December 20 and 27 at the time of the observation, cars were queued in the drive-thru out to Oxon Hill Road and an employee was outside in the queue taking orders.

The required number of onsite parking spaces are computed pursuant to a formula set forth in the Zoning Ordinance. The formula for computing required parking does not take into account any reduced parking demand as a result of having a drive-thru window. As long as 25 years ago, McDonald's had commissioned independent studies to determine the impact of the drive-thru windows on restaurant operations and parking needs. Actual parking utilization observations, conducted both before and after the installation of a drive-thru window at McDonald's restaurants, revealed that the installation of the drive-thru window reduced the need for parking by anywhere from 40 to 60 percent. That number has continued to increase and today, it is the experience of McDonald's that approximately 65 percent of all of its sales occur through the drive-thru window. This McDonald's restaurant is no different. Individual McDonald's restaurants can obviously track their total sales. In addition, the sales can be divided between drive-thru transactions and transactions occurring inside the restaurant. When applying these numbers to the overall sales figures, a determination can be made as to the percentage of business which is transacted through the drive-thru window. The operator of the McDonald's restaurant at 6126 Oxon Hill Road has applied this formula and has determined that 63 percent of all sales presently occur

through the single drive-thru window. A copy of an analysis prepared by McDonald's and confirming these numbers is marked Exhibit "K" and attached.

McDonald's anticipates that this number will grow even higher given the unique side-by-side drive-thru concept which is being introduced at this restaurant. Internal McDonald's studies have shown that the Double Drive-Thru window concept, with its tandem side-by-side driveways and dual ordering system reduces time spent in the drive-thru process by approximately two minutes. Thus, more transactions than ever before can be accommodated through the drive-thru window. The reduction in waiting time makes utilization of the drive-thru service even more attractive. McDonald's has also determined, through its own studies, that the turnover rate for an individual party dining in the restaurant is typically three groups/customers per hour. In other words, it is normally anticipated that a party dining in the restaurant will place their orders, consume their food on the premises and leave within approximately twenty minutes. Based upon this formula, three in-store transactions are "turned over" within one hour.

McDonald's has utilized the services of an independent traffic engineer from Dynamic Engineering Consultants to prepare an analysis based upon the Institute of Transportation Engineers ("ITE") trip generation analyses and applying the transactional data provided by McDonald's. The ITE creates trip generation forecasts for various land uses. The traffic division within Dynamic Engineering Consultants has prepared an analysis, a copy

of which is marked Exhibit "L" and attached hereto. The ITE trip generation manual establishes peak hour trip generation for different land uses based upon independent variables such as gross floor area and seats. For fast food restaurants, the ITE trip generation manual estimates that a building of the size of the Oxon Hill restaurant with seats for 116 patrons will generate approximately 141 peak hour vehicles.<sup>1</sup> Based upon the assumption that 63 percent of the peak hour visits would utilize the drive-thru (an assumption which is conservative based upon the anticipated impact of the double drive thru) a maximum of 51 cars could be anticipated to park to allow patrons to dine in the restaurant. If the customer turnover rate is three customers per hour, the peak parking demand for vehicles is estimated to be 18. Based upon those employees who drive at this restaurant, the McDonald's operator needs a maximum of four employee parking spaces within a given shift. The remaining employees are driven to work and dropped off. Therefore, based upon the above formula, a total of 22 spaces would be required at peak demand. Significantly, this peak demand estimate corresponds with the actual observations confirmed in Exhibit "J".

After the Detailed Site Plan and Departure from Parking and Loading Standards applications were accepted and under review, the cases were scheduled for Development Review Committee on May 3, 2019. At the time of that meeting, the Transportation

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<sup>1</sup>When this application was originally filed, McDonald's had proposed a total of 116 seats for patrons. That request has been amended to propose 60 seats for patrons.

Division provided comments. Included in these comments was an opinion that the information submitted in support of the Parking Departure was insufficient to allow for a full analysis of parking needs in order to conclude whether or not 42 spaces would be sufficient. Accordingly, McDonald's commissioned the same independent traffic consultant, Dynamic Traffic LLC, to undertake a parking needs analysis at the restaurant as it exists today. On Friday, May 17, 2019, and on Saturday, May 18, 2019, parking counts were taken. The existing parking stalls were delineated. Individual parking counts were taken at 15-minute intervals during the morning, midday and evening peak operational hours. The peak operational hours were determined based upon McDonald's actual experience of heaviest demand at the restaurant. The results were compiled and analyzed in a written report dated May 22, 2019, a copy of which is marked Exhibit "M" and attached hereto. The results are illuminating. On Friday, May 17, 2019, the peak parking demand during the AM was 21 spaces. During the midday, the peak was 20 spaces and during the evening peak it was 15 spaces. The average parking demand throughout the entire three measured periods on Friday, May 17, 2019 was 17 spaces. On Saturday, May 18, 2019, the peak morning demand was 24 spaces. The peak midday demand was 23 spaces and the peak evening demand was 17 spaces. Again, the total average throughout the observation periods was 17 utilized parking spaces. As noted previously, there are 55 seats inside the restaurant for dining today. Even assuming a constant peak demand of 24 spaces, nearly 100 seats for interior patron seating could be accommodated with

42 spaces.

The parking needs study generated by Dynamic notes that the Institute of Transportation Engineers (ITE), in their Parking Generation publication, 5<sup>th</sup> Edition, note that a fast food restaurant with drive-thru service generates an average peak parking demand of 0.44 vehicles per seat. Dynamic notes that under the ITE standard, a total of 37 spaces would be required for 85 seats. Thus, the 42 spaces proposed are more than sufficient. Dynamic also notes that the same standard is fully justified by the results of its parking count study. The maximum peak utilization of spaces on site was 24 spaces for one 15-minute period on Saturday, May 18, 2019. Applying that standard results in a 43 percent occupancy rate during the single 15 minute reporting period. Dynamic notes that this equates to a maximum parking demand of 0.45 vehicles per seat based upon actual parking compound counts. Again, this would result in a need for only 37 spaces. Accordingly, based upon all information presented, 42 parking spaces are more than sufficient to accommodate parking needs at this restaurant even after the potential addition of seats.

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

There is no street parking allowed on Oxon Hill Road or on MD Route 414. Further, the site presently has two access points

on to Oxon Hill Road and those two accesses will be maintained. No additional access is proposed. The fact of the matter is that the 42 parking spaces proposed to be offered for customers on site will be more than sufficient to satisfy all parking needs. Therefore, notwithstanding the fact that no parking is allowed along Oxon Hill Road or MD 414, there will be no need for parking on public streets given the fact that 42 spaces are more than sufficient to satisfy on-site parking demands. This was confirmed by empirical observations as set forth in the Parking Needs Study. In addition, as previously noted, many customers will avoid parking and will instead use the "double drive-thru system" which the applicant is proposing to install. This will have a further ameliorative effect on the need for on-site parking. The "double drive thru" system allows more patrons to be served in the drive-thru lane than under the current situation. This faster service time encourages patrons to use the drive-thru as opposed to parking and coming in to the restaurant to dine.

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

The Property will not have a negative impact on any residential areas. As can be seen from the zoning map attached as Exhibit "N", commercially zoned property surrounds the McDonald's site. Further, McDonald's has been in continuous operation at this site since 1972 (46 years) and has endeavored to be a very good neighbor throughout that time.

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

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

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

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

**(iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its**

***nature at this location or to alleviate circumstances which are prevalent in older areas of the County which are predominantly developed prior to November 29, 1949;***

As has been explained above, an increasing number of customers desire to order in their car and pull out of the site. Since 1988, a drive-thru lane has been in existence at this restaurant and has served numerous customers. Even today, the impact of the drive-thru lane is to substantially reduce the need for onsite parking. As the parking study submitted in support of this application clearly demonstrates, 24 spaces represent the maximum number of spaces being utilized at any time during the observation period on a Friday and Saturday. The addition of a second drive thru lane will substantially increase the efficiency of that operation and will further reduce the need for parking onsite. McDonald's submits this alone is a circumstance which is special to the McDonald's restaurant use at this location. In other words, the addition of a double drive thru is in itself a special circumstance at this site. A further unique circumstance which presents itself in this case is the substantial residential population which is clustered in close proximity to the restaurant site. Many residents live in townhomes and multifamily dwellings in close proximity to the site (immediately across MD 414). This affords patrons the opportunity to walk to this McDonald's restaurant. It is not unusual for patrons to also walk from nearby businesses to the McDonald's restaurant. Reference to the zoning map (Exhibit "N") and the aerial photograph (Exhibit "O") confirms the high density residential

population which exists in close proximity to the southern boundary of the McDonald's site. Patrons can be observed regularly walking to the restaurant from these residential units. Similar observations occur with regard to the businesses located to the west and east on the south side of Oxon Hill Road. Finally, a bus stop exists immediately in front of the McDonald's site which also contributes to pedestrian traffic using the restaurant. These circumstances are special to the McDonald's restaurant at this location and they also serve to alleviate the need for all required parking spaces.

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

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

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

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

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

This is not applicable.

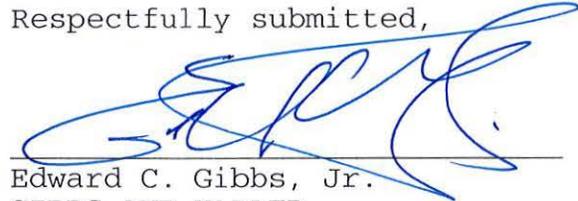
*(iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.*

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

**CONCLUSION**

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

Respectfully submitted,



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

OFFICE OF ZONING HEARING EXAMINER

NOTICE OF DECISION

Applicant: McDonald's Corporation

On the 9th day of January, 19<sup>89</sup>, ~~the~~ attached Decision of the Zoning Hearing Examiner in Case No. SE-3875 was filed with the District Council.

The Zoning Hearing Examiner's decision shall become final 30 calendar days after the above filing date unless:

(1) Written appeal within the 30 day period has been filed with the District Council by any person of record or by the People's Zoning Counsel; or

(2) The District Council directs the case be transmitted to the Council for final disposition by the Council.

The County Zoning Ordinance provides the Zoning Hearing Examiner may direct an earlier effective date of the decision if all persons of record, the People's Zoning Counsel, and the District Council (by majority vote) all waive their rights of appeal or final disposition. Waiver forms are available from the Clerk of the Council (telephone 952-3600).

Barry S. Cramp  
Zoning Hearing Examiner  
County Administration Building  
Upper Marlboro, Md. 20772  
952-3644

cc: Edward C. Gibbs, Jr., Esq., 6411 Ivy Lane, Ste. 600, Greenbelt, MD 20770  
John M. Valenstein, Trustee, The Chase Manhattan Bank, 1211 Sixth Ave., New York, N.Y. 10036  
Leslie Moore, Esq., People's Zoning Counsel, 2nd Fl., CAB, Upper Marlboro, MD 20772

*Exhibit "A"*

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

SPECIAL EXCEPTION

3875

DECISION  
January 9, 1989

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

NATURE OF REQUEST

McDonald's Corporation is seeking to enlarge a restaurant located on Oxon Hill Road across from River Town Commons Shopping Center. The application was reviewed by the Staff who recommended approval pursuant to three conditions, one of which was a revised site plan which has been submitted and is Exhibit No. 20. The hearing was recessed on December 9th for an affidavit of posting and the Planning Board Resolution. The affidavit was filed on the date of the hearing and the Planning Commission's Resolution was received on the date it was taken under advisement, December 16, 1988.

FINDINGS OF FACT

(1) The subject property is located on Oxon Hill Road south of River Town Commons Shopping Center. (It is approved with a McDonald's fast-food restaurant which been on the premises since prior to its existing zoning of C-S-C approved 1984.)

(2) The property adjoins a Wendy's restaurant to the east and an office building in the C-0 Zone to the west. To the south of the subject property is a single-family detached dwelling in the C-0 Zone and to the north is the River Town Commons Shopping Center which includes a hotel and office complex together with retail stores in the shopping center.

(3) The neighborhood of the subject property is bounded by Oxon Hill Road, St. Barnabas Road and Bock Road. This area is called the Oxon Hill Triangle and is made up of a mixture of uses some retail, some commercial offices and some residential. The Staff defines the neighborhood as follows:

"This triangular shaped neighborhood, known as the 'Oxon Hill Triangle', has a mixture of zoning and land uses. Retail - and service-commercial uses are located along Oxon Hill Road, with the zoning being a mix of the C-S-C, R-18 and C-0 Zones. The Bock Road frontage is developed with single-family detached dwellings and public/quasi-public uses. Although the southeast side of the neighborhood is zoned C-0 and R-18, the higher density and intensity development has not taken place. Older single-family detached dwellings are scattered along the St. Barnabas road frontage." (Exhibit 18, Page 4)

(4) The review of the Staff of the site plan resulted in a recommendation of a number of conditions which were incorporated into a revised site plan which is Exhibit No. 20. This revised site plan does not literally follow all of the recommendations but it does carry out most of them and those it does not it goes along with are modified to a minor degree. It should be noted that the applicant has also filed and received a departure from design standards for the six-foot landscaping strip along Oxon Hill Road and from the interior landscaping of a parking compound of five percent. It also received a departure from parking and loading requirements.

(5) The review of this application pursuant to Section 27-350 was accomplished in the Staff Report to which we agree and accept to the extent modified by the Planning Board and our decision.

"Section 27-350 - Specific Special Exception Requirements for Fast-food Restaurants:

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

"Comment: There are no residentially-zoned properties within 200 feet of the subject property.

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

"Comment: McDonald's proposes to provide a bicycle rack for the storage of six bicycles in front of the restaurant building.

\* "3. The use will not restrict the availability, or upset the balance, of land use in the neighborhood for other

commercial uses.

"Comment: The restaurant has been in continuous operation at the subject site since 1972. The construction of vestibules and the extension to the front and rear of the building will not upset the balance of land uses for other commercial uses in the neighborhood. There is undeveloped land within the neighborhood that could provide additional retail- and office-commercial development to meet future needs within the neighborhood.

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

"Comment: The applicant proposes to keep the advertisement, outdoor display, outdoor activity, and lighting essentially the same. The lighting will be sufficient to ensure safe visibility and not adversely affect the use of adjoining properties.

"Section 27-564(a)(1) - Landscaping Requirements:

"Whenever a parking lot is located in a yard which abuts a street, a landscape strip at least six feet wide shall be provided along the entire street line.

"Comment: The applicant cannot provide a six-foot-wide landscaped strip along Oxon Hill Road. An extensive amount of landscaping has been provided in the right-of-way. In reviewing the site plan, the staff noted that there is some land available at the ends of the aisles and between the two driveways that can be used for landscaping.

"The Planning Board must make the findings that the purposes of the off-street parking and loading provisions will be better served by the applicant's proposed alternative [27-587(b)(8)]. If the applicant is required to provide the six-foot-wide landscaped strip, four parking spaces will be lost. The applicant is requesting a departure from the parking and loading schedule for 11 parking spaces. If the landscape strip is provided, a departure for 14 parking spaces would be required. Since one of the purposes for off-street parking is to "aid in relieving traffic congestion on streets by reducing the use of public streets for parking, we agree that the departure is the better alternative. However, we do recommend that the applicant request permission from the State Highway Administration to plant additional trees and shrubs and maintain the existing plants within the right-of-way as shown on the Landscape Plan.

"Section 27-564(a)(2) - Interior Landscaping Requirement:

"In parking lot containing 20 or more parking spaces, at least five percent of the total area of the parking lot shall be devoted to interior landscaping.

"Comment: The applicant requests a departure of 3.3 percent or 472 square feet of interior landscaping. However, the Urban Design Section recommends the inclusion of a landscaped island (see attached site plan sketch) to separate the drive-thru lane from the other lanes in the parking lot. There are approximately 640 square feet in the recommended island which will enhance the appearance of the site, improve vehicular circulation and fulfill the Ordinance requirements for interior landscaping. Staff, therefore, recommends that the site plan be revised accordingly.

"Section 27-568 - Parking Schedule:

"A fast-food restaurant requires one parking space for every three seats, plus, one parking space for every 50 square feet of gross floor area (excluding any area used exclusively for storage or patron seating, and any exterior patron service areas).

"Comment: The proposed restaurant will require 71 parking spaces:

"1 space/50 sp. ft. GFA exclusive of storage and patron seating area	1,965/50 = 40 spaces
1 space for every 3 seats	93/3 = <u>31</u> spaces
Total Required	71 spaces

"The site plan shows 60 parking spaces to be provided. A departure of 11 spaces is requested. The need for additional parking spaces is a result of the enlargement of the existing facility. The 12' x 44' addition will hold approximately 35 seats assuming 1 seat = 15 square feet of floor area. The fire marshal allows 15 square feet of floor area per seat. In order for the Planning Board to grant a departure from the parking and loading requirements, certain findings must be made [27-588(b)(8)]. Among those findings is:

'The departure is necessary in order to alleviate certain 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 19, 1949.'

"The only circumstance that is special to this use at this location is the enlargement which requires about 11 parking spaces for approximately 35 seats. Over development of the site is a self-imposed hardship and should not be considered an unusual or extraordinary circumstance peculiar to the property.

"The applicant submitted a parking study taken on a Friday and Saturday July 29 and 30, 1988, indicating that the 11 parking are not needed. While there may not have been a parking problem during those two days, staff questions whether consideration was given to the fact that July and August are generally vacation periods. To make a fair analysis and conclude that there is no need for the extra spaces, a comparison count should be conducted at a different time of year and on different days of the week. Until such time as a further study is conducted, it is recommended that the departure from parking and loading spaces be denied."

#### CONCLUSIONS

(1) The application is in proper form for approval having been conformed to the Ordinance through departures granted by the Planning Board. We find that the pedestrian connection proposed by the applicant to be adequate and, therefore, find it unnecessary to add Condition A. In most respects the site plan does conform with those concerns of the Staff and the only one that we really can say that the applicant disagrees with the Staff would be under the requirement of Condition C; that the enlargement of the drive-thru taper and realignment of adjacent parking spaces to 90 degrees. The Planning Board removed this from consideration and we agreed that it would be safer to provide a more gradual taper at the drive-in window. As of Condition 2, that the applicant obtain permission from the State Highway Administration to plant additional trees and shrubs within the right-of-way, this have been accomplished. (See Exhibit 21 and 22) The Staff recommends the landscape strip within the right-of-way be maintained by the applicant. We agree with this condition.

(2) The use of the subject property continuously for over 15 years has demonstrated that this use is compatible with the uses within the neighborhood and is probably more compatible now with the condition of the major shopping center across Oxon Hill Road. As the revised site plan demonstrates, the use of the property with not cause any adversity to residential workers in the area nor would it be detrimental to the use of the development of adjacent properties or the general neighborhood. The use of the property for a fast-food restaurant would be in compliance with the Master Plan for it does show commercial use of the subject property and this use is permitted in the C-S-C Zone by special exception. The Zoning Ordinance permits all the C-S-C Zone uses and does not discriminate against the fast-food restaurant except to the extent of the special exception is required. This use is in harmony with the purposes of the Zoning Ordinance.

#### RECOMMENDATION

(1) Approval of Special Exception 3875 subject to the condition that the landscape strip within the right-of-way be maintained by the applicant. The site plan is Exhibit No. 20.

00101 WAL



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

S.E. 3875 (McDonald's Corporation)

## DECLARATION OF FINALITY OF THE ZONING HEARING EXAMINER'S DECISION

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

## CERTIFICATE OF SERVICE

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

  
\_\_\_\_\_  
Jean M. Schmuhi, CMC  
Clerk of the Council

(6/85)

Exhibit "B"

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

952-3281

December 15, 1988

The Chase Manhattan Bank, N.A.  
1211 Sixth Avenue  
New York, N.Y. 10036

Re: DPLS 73 & DDS 336

Dear Applicant:

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

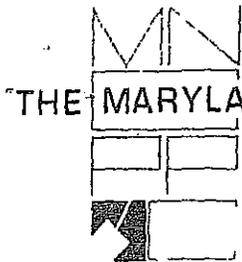
- (x) The Planning Board's decision will become final 30 calendar days after the date of this notice, unless within the 30 days:
  - (1) Written appeal has been filed with the District Council by the applicant or any person of record in the case; or
  - (2) Within the 30 days, the District Council decides,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

Very truly yours,



Dale C. Hutchison, Chief  
Zoning Division

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

PGCPB No. 88-580

File No. DPLS-73

Prince George's County Departure from Parking and Loading Standards No. 73

Applicant: McDonald's Corporation, Agent  
The Chase Manhattan Bank, Trustee, Owner  
Edward C. Gibbs, Jr., Esquire, Correspondent

Location: The subject property is located on the south side of Oxon Hill Road, approximately 230 feet west of St. Barnabas Road

Request: Departure from Parking and Loading Standards, in accordance with Section 27-588 of the Zoning Ordinance

R E S O L U T I O N

WHEREAS, the applicant is requesting a departure to reduce the number of required parking spaces from 71 to 60; and

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

WHEREAS, the Technical Staff Report released November 9, 1988, recommends denial; and

WHEREAS, the applicant supplied additional data subsequent to the release of the staff report to substantiate the lack of need for eleven additional parking spaces; and

WHEREAS, the Technical Staff accepted the data and changed its recommendation to approval; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on December 1, 1988, the Prince George's County Planning Board agreed with the staff's amended recommendation and adopts the staff analysis and recommendation as its own.

NOW, THEREFORE, BE IT RESOLVED, that Departure from Parking and Loading Standards Application No. 73 is hereby APPROVED.

\* \* \* \* \*

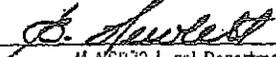
This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Prince George's County Planning Board of The

PGCPB No. 88-580  
File No. DPLS-73  
Page 2

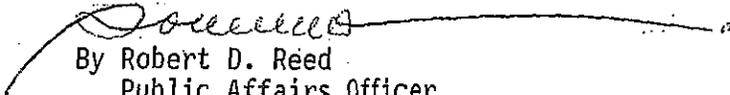
Maryland-National Capital Park and Planning Commission on motion of Commissioner Yewell, seconded by Commissioner Dabney, with Commissioners Dabney, Botts, Rhoads and Yewell, voting in favor of the motion and with Commissioner Wootten absent at its regular meeting held on Thursday, December 1, 1988, in Upper Marlboro, Maryland.

John F. Downs, Jr.  
Acting Executive Director

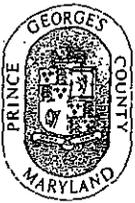
APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCP&C Legal Department

Date 12/8/88

  
By Robert D. Reed  
Public Affairs Officer

JFD:RDR:DC:amo



# PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF APPEALS

952-3220



## NOTICE OF FINAL DECISION OF BOARD OF APPEALS

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: January 11, 1989

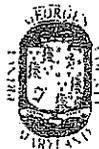
### CERTIFICATE OF SERVICE

This is to certify that on January 18, 1989, the above notice and attached Board Order were mailed, postage prepaid, to the following named persons of record at the Board of Appeals Hearing:

<u>McDonald's Corporation</u>	_____
Applicant or Applicant's Representative	_____
<u>Chase Manhattan Bank, N.A.</u>	<u>County Attorney</u>
<u>Oxon Hill Assoc.</u>	<u>Dir. DER - E. Lauer</u>
<u>Estelle Proctor</u>	_____
<u>M.C.C. Group</u>	_____
<u>St. Barnabas Ltd. Partnership</u>	_____
<u>Ed. Glabs, Esq.</u>	_____
<u>Park &amp; Planning - Senes, Jones</u>	_____
<u>Permits - J. Carr</u>	_____

*Lois Gosnell Burch*  
 Lois Gosnell Burch, Clerk  
 Board of Appeals

# BOARD OF APPEALS for



# PRINCE GEORGE'S COUNTY

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO MARYLAND 20870

TELEPHONE (301) 952-3220

January 18, 1989

Petitioner: McDonald's Corporation

Appeal No.: 9696

Heard and Decided: January 4, 1989; January 11, 1989

Board Members Present and Voting: Melvin Tanchel, Chairman  
Elsie Conway, Vice Chairman  
Robert Zugby, Member

This appeal was brought to the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland, requesting a variance from the strict application of the Zoning Ordinance for the Maryland-Washington Regional District in Prince George's County, Maryland, said land being within the Maryland-Washington Regional District and the Board having jurisdiction.

It was explained to the Board that a variance was requested in order to renovate existing restaurant and site. Section 27-450 (a) prescribes that a landscaped strip at least ten (10) feet wide (measured from the street line) shall be provided on the property along the entire street line. A variance of 10 feet was requested.

The following testimony and evidence were presented to the Board for their consideration:

1. The property is zoned C-S-C and is improved with an existing McDonald's restaurant which was constructed in 1962.
2. Petitioner wants to renovate the site.
3. When the property was developed it met all of the requirements of the code in existence at that time. The laws have changed since the property was developed. The ultimate right of ways lines for the streets have changed since the property was developed.
4. It was explained that there is existing grass and landscape area between the ultimate right of way line and the existing street line. They have approval from the State Highway Administration to put plantings in the right of way of the street. There are no plans to widen this road.
5. Petitioner is also adding landscaping within the interior portion of the site.
6. No one appeared in opposition.
7. Petitioner has received approval recommendations from the Planning Board and the Technical Staff.

Petitioner: McDonald's Corporation  
Appeal No: 9696  
Page 2  
Order dated: January 18, 1989

APPLICABLE CODE SECTION AND AUTHORITY

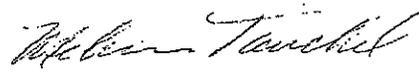
Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of which would result in peculiar and unusual practical difficulties, or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

After hearing all the testimony and reviewing the evidence presented, the Board finds that:

Due to the existing conditions on the property, the change in the laws after the development of the property, petitioner providing some of the landscaping along the existing street lines, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan and denying the request would result in a peculiar or unusual practical difficulty upon the owner of the property.

THE BOARD THEREFORE RESOLVED, unanimously, that a variance of 10 feet from the landscape strip requirements along the street in order to renovate and expand existing restaurant on the property located at Parcel A, Burch's Subdivision, being 6126 Oxon Hill Road, Oxon Hill, Prince George's County, Maryland, is hereby GRANTED in accordance with the site plan submitted to the Board.

BOARD OF ZONING APPEALS

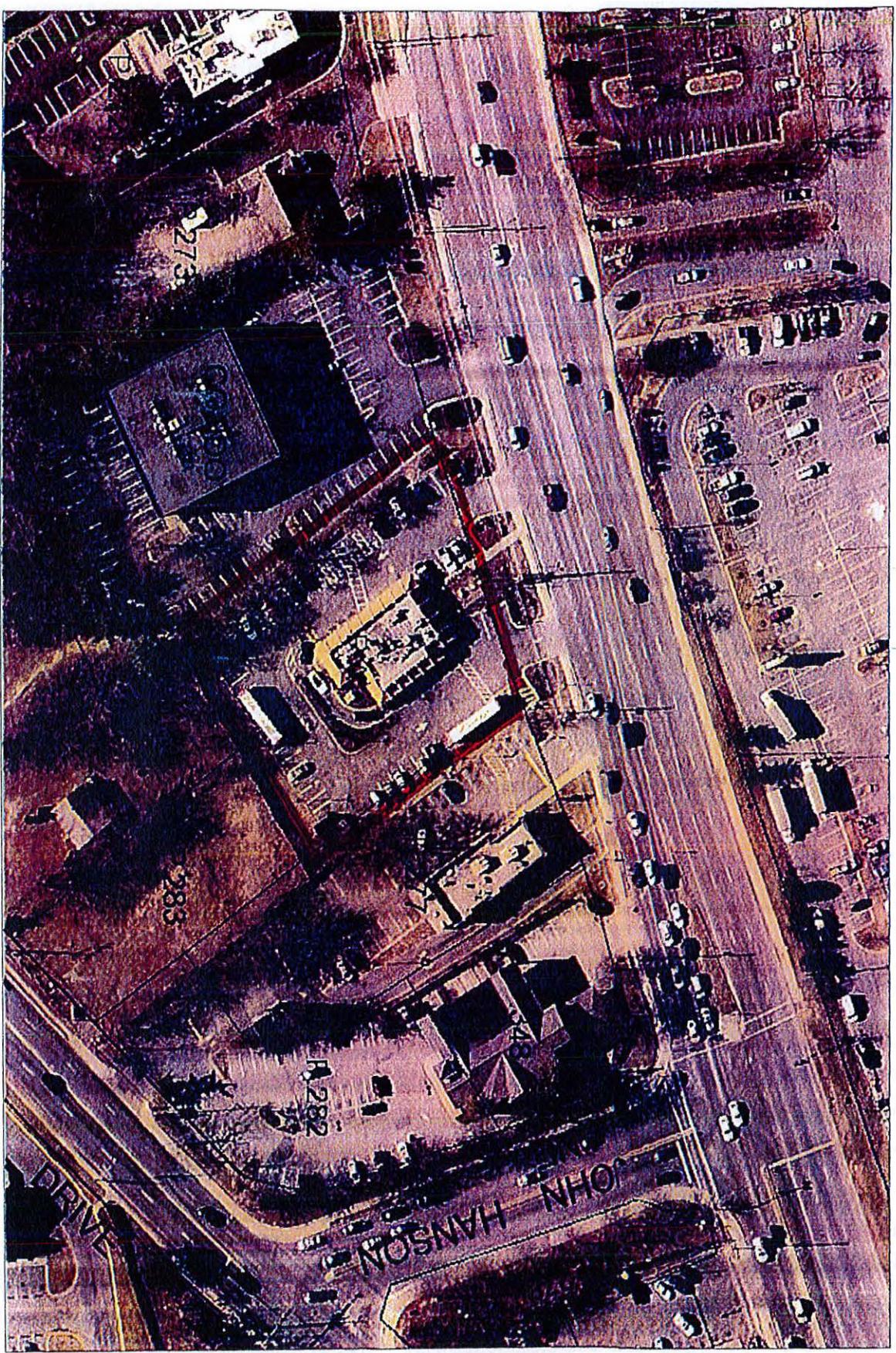
By:   
Melvin Tanchel, Chairman

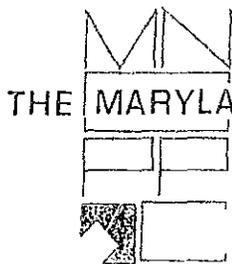






8.5X11\_Landscape





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
952-3281

August 5, 1991

Edward C. Gibbs, Esquire  
4640 Forbes Blvd.  
Lanham, Maryland 20706

AUG 07 1991

Re: ROSE-SE-3875

Dear Mr. Gibbs:

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

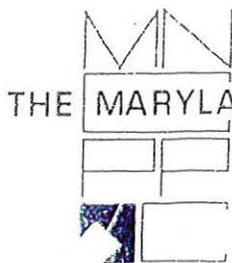
- ( ) The Planning Board's decision will become final 30 calendar days after the date of this notice, unless within the 30 days:
  - (1) Written appeal has been filed with the District Council by the applicant or any person of record in the case; or
  - (2) The District Council decides, on its own motion,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

Very truly yours,

*Dale C. Hutchison*

Dale C. Hutchison  
Zoning Division

cc: Maurene Epps  
Zoning Hearing Examiner  
People's Zoning Counsel  
Zoning Enforcement  
Eugene Lauer, Director, Dept. of Environmental Resources  
Persons of Record



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

PGCPB No. 91-307

File No. ROSE/SE-3875/1

Prince George's County Revision of Site Plan (Minor Change) for Special Exception No. 3875/1  
Applicant: McDonald's Corporation, Agent  
Edward C. Gibbs, Jr., Correspondent  
Location: The subject property is located on the south side of Oxon Hill Road, approximately 230 feet west of St. Barnabas Road  
Request: Revision of Site Plan (Minor Change) in accordance with Section 27-325(b) of the Zoning Ordinance

R E S O L U T I O N

WHEREAS, the applicant is requesting approval of a minor change to Special Exception No. 3875/1 in accordance with Section 27-325(b) of the Prince George's County Zoning Ordinance; and

WHEREAS, under this provision the applicant is proposing to add a "soft" playland in front of the existing restaurant building; and

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

WHEREAS, the Technical Staff Report released July 24, 1991, recommended approval; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on August 1, 1991, the Prince George's County Planning Board agreed with the staff recommendation; and

WHEREAS, the Planning Board decision is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

1. The change proposed by the applicant, the addition of a "soft" playland, is permitted pursuant to the provisions of Section 27-322(b) of the Zoning Ordinance. However, installation of the playground results in the relocation of other improvements shown on the special exception site plan. Such relocations require a revision to the special exception site plan.
2. The revisions proposed by the applicant may be approved by the Planning Board in accordance with Section 27-325(b) of the Zoning Ordinance. The site is less than five acres and the improvements proposed will be 1.5 feet closer to the property line which is not greater than 10 percent of the distance to the property line. The original location was 15 feet from the property line.

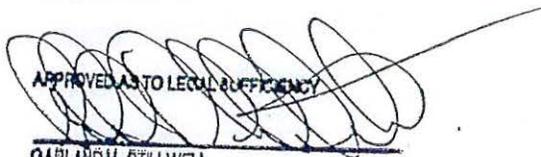
3. The subject request meets or exceeds the design and operational criteria for fast-food restaurants as found in Section 27-350 of the Zoning Ordinance.
4. The addition of the playground will not unduly restrict the availability of land or upset the balance of land uses along Oxon Hill Road, a major arterial and commercial strip.
5. The proposed playground will not alter the fact that the use is in harmony with the purposes, requirements and regulations of the Zoning Ordinance.
6. The addition of a playground will not impair the integrity of the Master Plan for Subregion VII, which recommends a commercial use for the site.
7. In the time this use has existed on the subject property, it has not been shown to adversely affect the health, safety or welfare of residents or workers in the area, or to be detrimental to the use or development of adjacent properties and the general neighborhood.
8. This proposal generates no issues which would lead staff to question the continuation of this use per the District Council's previous action in approving Special Exception No. 3875.

NOW, THEREFORE, BE IT RESOLVED, that this application for a "minor change" to Special Exception No. 3875/1, is hereby APPROVED.

\* \* \* \* \*

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 Stone, seconded by Commissioner McNeill, with Commissioners Stone, McNeill, Rhoads, Sydnor and Brown voting in favor of the motion, at its regular meeting held on Thursday, August 1, 1991, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of August 1991.

  
APPROVED AS TO LEGAL SUFFICIENCY

CARLAND M. STILLWELL  
M-NOPPS LEGAL DEPT.

DATE: 8/2/91

Rosemary Malcolm Bridgeman  
Executive Director



By Frances J. Guertin  
Planning Board Administrator

RMB:FJG:DC:lg

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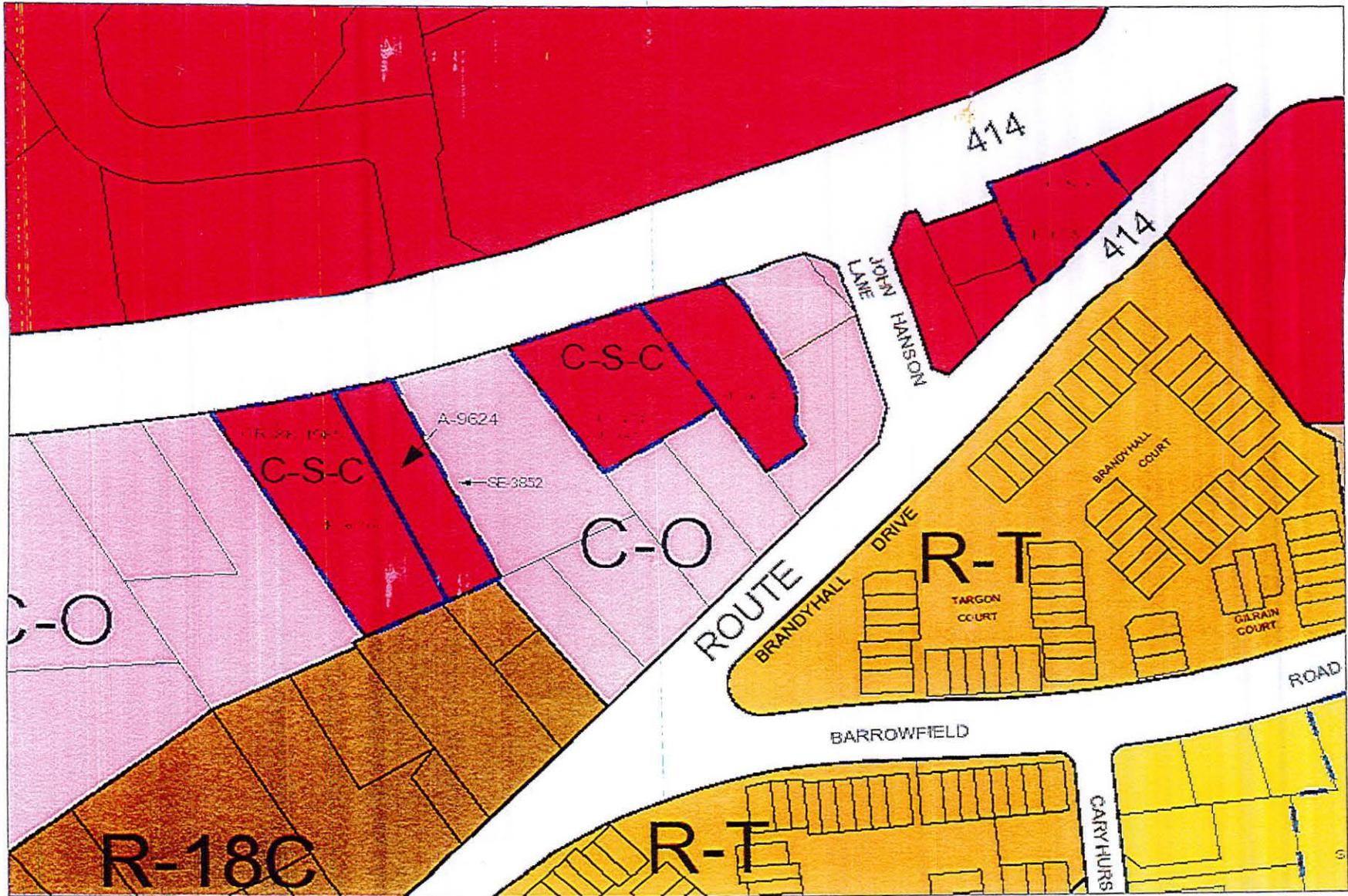


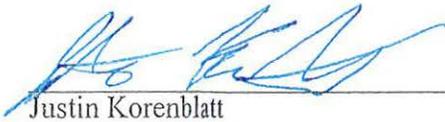
Exhibit "I"

In Re Departure from Parking and Loading Standards-463  
McDonald's Restaurant  
6126 Oxon Hill Road, Oxon Hill, Maryland

I, Justin Korenblatt, hereby depose and say:

1. I am an adult over the age of 18 years with personal knowledge of the facts stated herein.
2. I am employed as a law clerk by the firm of Gibbs and Haller.
3. I personally visited the existing McDonald's restaurant located at 6126 Oxon Hill Road, Oxon Hill, Maryland on December 20, 2018 between 12:30 p.m. and 1:00 p.m. and on December 27, 2018 between 12:30 p.m. and 1:00 p.m.
4. During my visits on the above dates, I recorded the number of cars occupying parking spaces on the restaurant site. On December 20, 2018 between 12:30 p.m. and 1:00 p.m. a maximum of 21 cars were parked on site at one time. On December 27, 2018, between 12:30 p.m. and 1:00 p.m. I observed a maximum of 23 cars parked on site at one time.
5. On both December 20, 2018 and December 27, 2018, between 12:30 p.m. and 1:00 p.m., I observed that the queue line for the drive-thru window was filled with cars which backed out to the site entrance on Oxon Hill Road. Copies of photographs of the drive-thru lane and parking lot which I took on December 27, 2018 are attached hereto as Exhibits 1, 2 and 3.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FORGOING PAPER ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

  
Justin Korenblatt

12/28/2018  
Date







*Exhibit "3"*



December 14, 2018  
Via Email

Maryland-National Park & Planning Commission  
County Administration Building – 4<sup>th</sup> Floor  
14741 Governor Oden Bowie Drive  
Upper Marlboro, MD 20772

RE: **Parking Assessment**  
**Proposed McDonald's Renovations**  
**6126 Oxon Hill Road (Route 414)**  
**Oxon Hill, Prince George's County, MD**  
**DEC # 0114-98-132**

To Whom It May Concern:

Our office has prepared the following Parking Assessment to determine if the proposed parking supply is sufficient to support the parking demand generated by the proposed renovation and expansion of the existing McDonald's restaurant. The site is currently developed with an approximate 3,443 SF McDonald's restaurant with 53 seats and a single drive-thru lane. The existing restaurant provides 56 parking stalls on site. It is proposed to renovate and expand the existing restaurant to 4,816 SF and 116 seats. Additionally, a side-by-side drive-thru system is proposed to replace the existing single drive-thru. The project will be supported by 42 parking spaces. This assessment presents an evaluation of the existing and proposed parking conditions to determine an appropriate parking supply.

#### **Parking Demand Analysis**

The applicant proposed to renovate and expand the existing restaurant to provide a 4,816 SF building and 116 seats. In addition, a side-by-side drive-thru system is proposed to increase the efficiency and reduce the service time of the drive-thru system. Based on data provided by the operator of the facility, the existing restaurant has a drive-thru utilization rate of 63%. This is expected to increase with the improvement in efficiency resulting from the side-by-side drive-thru system. Further, data indicates the average dine-in customer visit is 20 minutes in duration. This equates to a vehicle turnover rate of 3 per hour.

In an effort to project the traffic generation of the renovated restaurant, data has been collected by the Institute of Transportation Engineers (ITE) within their publication *Trip Generation, 10<sup>th</sup> Edition* was consulted. This publication establishes peak hour trip generation for multiple land uses based upon different independent variables, such as GFA and seats. For Land Use Code (LUC) 934 – Fast-Food Restaurant with Drive-Thru Window, the ITE data indicates the Saturday midday peak hour experiences the highest traffic generation of any of the weekday or Saturday typical peak periods. This is a single peak hour typically occurring between 11:00 AM and 2:00 PM coinciding with the lunch hour and is consistent with the transaction data for this restaurant, our experience with McDonald's and the hourly trip generation breakdown published by the ITE. Table I summarizes the ITE trip generation for the proposed McDonald's restaurant based on building size and number of seats.

---

1904 Main Street, Lake Como, NJ 07719 T. 732-974-0198

245 Main Street, Suite 110, Chester, NJ 07930 T. 908-879-9229  
8 Robbins Street, Suite 102, Toms River, NJ 08753 T. 732-974-0198  
790 Newtown Yardley Rd., Suite 425, Newtown, PA 18940 T. 267-685-0276

100 NE 5<sup>th</sup> Avenue, Suite B2, Delray Beach, FL 33483 T. 561-291-8570  
14521 Old Katy Road, Suite 250, Houston, TX 77079 T. 281-789-6400  
1301 Central Expressway S., Suite 210, Allen, TX 75013 T. 972-311-8100

**Table I**  
**Saturday Peak Hour Trip Generation**

Independent Variable	Peak Entering Volume	Peak Dine-In Volume*
4,816 SF	135	50
116 Seats	141	52

\*Assumes 63% drive-thru utilization.

As noted above, based on the average dine-in customer visit, the vehicle turnover rate is 3 per hour. Utilizing the peak dine-in volume of 52 vehicles, this would equate to a peak parking demand of 18 vehicles. In addition, we understand the restaurant has a maximum of 4 employees per shift who park onsite which would translate to a peak parking demand of 22 vehicles or a peak occupancy of 52%. Therefore, the proposed parking supply is sufficient to accommodate any variation in customer arrival assuming they are not evenly spread throughout the hour.

**Conclusion**

The Applicant proposes to renovate and expand the existing restaurant to provide a 4,816 SF building with 116 seats. In addition, a side-by-side drive-thru system is proposed to improve the efficiency of the drive-thru operations. The project will be supported by 42 parking spaces, which is a reduction of 14 spaces compared to existing conditions. Dynamic Engineering has performed a parking analysis based on the projected traffic volumes for the renovated facility and current customer statistics and have determined that the proposed parking supply is sufficient to support the parking demands. The results of the parking analyses are detailed in Table II below.

**Table II**  
**Parking Demand Summary**

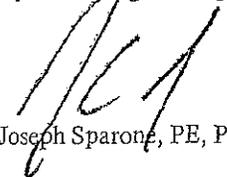
Parking Criteria	Result
Projected Peak Parking Demand	22
Proposed Parking Supply	42
Peak Occupancy Rate	52%

Based upon our Parking Assessment as detailed in the body of this report, it is the professional opinion of Dynamic Engineering that the parking departure can be granted with no detrimental impact to the proposed lot or adjacent properties.

Should you have any questions on the above, please do not hesitate to contact our office.

Sincerely,

Dynamic Engineering Consultants, PC



Joseph Sparone, PE, PP



Robert J. Coluccio

### ITE Parking Demand

National parking demand data has been collected by the Institute of Transportation Engineers (ITE) within their publication *Parking Generation, 5<sup>th</sup> Edition*. This publication establishes peak parking demands for multiple land uses based upon different independent variables, such as GFA and seats. For Land Use Code (LUC) 934 – Fast-Food Restaurant with Drive-Thru, ITE sets forth an average peak demand of 0.44 vehicles per seat. Consequently, the ITE parking demand data calculates a demand of 37 spaces for the site and the proposed 42 spaces will be sufficient to support the project.

### Existing Parking Demand

Parking counts were conducted at the McDonald's restaurant to determine the parking demand generated by the existing facility. The counts were conducted during the following dates and times:

- Friday, May 17, 2019
  - 7:00 AM to 9:00 AM
  - 11:00 AM to 1:00 PM
  - 4:00 PM to 6:00 PM
- Saturday, May 18, 2019
  - 7:00 AM to 9:00 AM
  - 11:00 AM to 1:00 PM
  - 4:00 PM to 6:00 PM

These specific count times were selected to coincide with the typical peak parking hours of the use. The parking count data is appended. Based upon the results of the parking counts, the maximum demand experienced by the existing McDonald's restaurant is 24 spaces, or 43% occupancy of the existing parking field. This equates to a maximum peak parking demand of 0.45 vehicles per seat over the 6 study periods. Table I summarizes the peak parking demand during each of the study periods and the corresponding parking accumulation rate per seat.

**Table I**  
**Parking Count Summary**

Day/Time Period	Peak Parking Demand	Parking Rate Per Seat
Friday AM	21	0.40
Friday Midday	20	0.38
Friday PM	15	0.28
Saturday AM	24	0.45
Saturday Midday	23	0.43
Saturday PM	17	0.32

Based on the peak observed parking demand rate of 0.45 vehicles per seat, the remodeled restaurant would be expected to generate a peak parking demand of 37 vehicles, which is consistent with the ITE data. This would equate to a peak parking demand of 37 vehicles under the proposed conditions which would provide a parking occupancy of 88%.

**Conclusion**

The Applicant proposes to remodel the existing McDonald's restaurant to provide a 4,816 SF building containing 85 seats. The project will be supported by 42 parking spaces, which does not meet the Ordinance parking requirement of 64 spaces. Dynamic Engineering has performed three separate parking analyses that have determined that the proposed parking supply is sufficient to support the parking demands. The results of the parking analyses are detailed in Table II below.

**Table II**  
**Parking Assessment Summary**

Parking Criteria	Parking Demand/Requirement
Local Ordinance	64
ITE Average Peak Demand	37
Existing Demand	37
<b>Proposed Parking Supply</b>	<b>42</b>

Based upon our Parking Assessment as detailed in the body of this report, it is the professional opinion of Dynamic Engineering that the parking variance can be granted with no detrimental impact to the proposed lot or adjacent properties. Should you have any questions on the above, please do not hesitate to contact our office.

Sincerely,

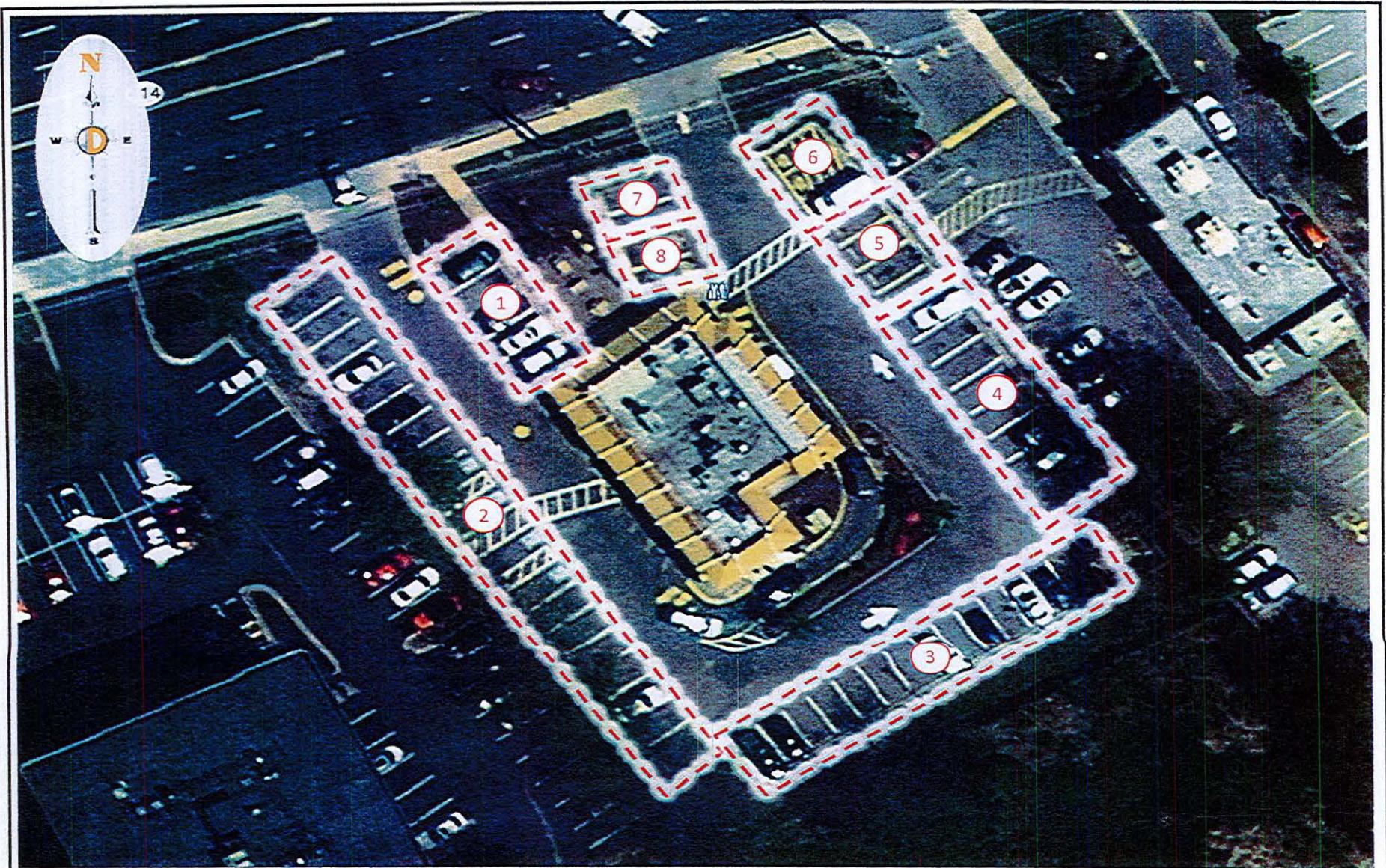
Dynamic Engineering Consultants, PC



Corey Chase, PE  
Principal



Joseph C. Sparone, PE  
Principal



**Location:** 6126 Oxon Hill Road (Route 414)  
Oxon Hill, MD

**Peak Hour(s):** AM (7:00-9:00)  
MID (12:00-2:00)  
PM (4:30-6:30)

**DT #:** 0114-98-132T



Date Performed: Friday, May 17, 2019

Weather: Clear/Dry

Oxon Hill McDonald's Parking Survey 									
Time Start	# Cars Parked								Total
	Location*								
	1	2	3	4	5	6	7	8	
7:00 AM	3	4	1	4	0	0	0	7	19
7:15 AM	2	9	1	4	2	1	0	0	19
7:30 AM	1	4	1	7	2	1	0	0	16
7:45 AM	4	5	1	6	0	0	0	0	16
8:00 AM	2	9	3	7	0	0	0	0	21
8:15 AM	2	6	5	4	0	0	0	0	17
8:30 AM	3	8	4	5	0	0	0	0	20
8:45 AM	3	8	5	4	1	0	0	0	21
Max # That Can Park	5	19	13	7	4	3	2	2	55

\* See map for the surveyed parking locations

Date Performed: Friday, May 17, 2019

Weather: Clear/Dry

Oxon Hill McDonald's Parking Survey 									
# Cars Parked									
Time Start	Location*								Total
	1	2	3	4	5	6	7	8	
12:00 PM	3	6	0	5	1	1	0	0	16
12:15 PM	4	7	1	4	0	0	0	0	16
12:30 PM	1	7	1	4	2	0	0	0	15
12:45 PM	3	7	2	4	3	0	0	0	19
1:00 PM	2	10	1	4	3	0	0	0	20
1:15 PM	1	7	2	4	2	0	0	0	16
1:30 PM	3	7	1	4	2	0	0	0	17
1:45 PM	0	8	1	5	1	0	0	0	15
Max # That Can Park	5	19	13	7	4	3	2	2	55

\* See map for the surveyed parking locations

Date Performed: Friday, May 17, 2019

Weather: Clear/Dry

Oxon Hill McDonald's Parking Survey 									
# Cars Parked									
Time Start	Location*								Total
	1	2	3	4	5	6	7	8	
4:30 PM	4	5	2	3	0	0	0	0	14
4:45 PM	1	6	3	2	1	0	0	0	13
5:00 PM	2	7	2	2	1	0	0	0	14
5:15 PM	2	8	2	3	0	0	0	0	15
5:30 PM	2	4	2	4	0	0	0	0	12
5:45 PM	3	5	2	3	1	0	0	0	14
6:00 PM	1	3	2	3	1	0	0	0	10
6:15 PM	2	4	2	3	0	0	0	0	11
Max # That Can Park	5	19	13	7	4	3	2	2	55

\* See map for the surveyed parking locations

Date Performed: Saturday, May 18, 2019

Weather: Cloudy/Dry

Oxon Hill McDonald's Parking Survey 									
# Cars Parked									
Time Start	Location*								Total
	1	2	3	4	5	6	7	8	
7:00 AM	1	5	2	6	1	0	0	0	15
7:15 AM	1	5	4	6	1	0	0	0	17
7:30 AM	5	8	3	5	0	0	0	0	21
7:45 AM	4	9	4	6	1	0	0	0	24
8:00 AM	1	7	5	5	0	0	0	0	18
8:15 AM	2	5	5	7	0	0	0	0	19
8:30 AM	3	4	4	5	1	1	0	0	18
8:45 AM	1	8	4	6	0	1	0	0	20
Max # That Can Park	5	19	13	7	4	3	2	2	55

\* See map for the surveyed parking locations

Date Performed: Saturday, May 18, 2019

Weather: Cloudy/Dry

Oxon Hill McDonald's Parking Survey 									
# Cars Parked									
Time Start	Location*								Total
	1	2	3	4	5	6	7	8	
12:00 PM	2	10	4	5	1	0	0	0	22
12:15 PM	3	6	5	6	1	0	0	0	21
12:30 PM	3	6	5	6	0	0	0	0	20
12:45 PM	3	4	5	5	2	1	0	0	20
1:00 PM	1	5	5	4	0	0	0	0	15
1:15 PM	2	7	5	4	0	0	0	0	18
1:30 PM	3	9	4	6	1	0	0	0	23
1:45 PM	0	6	7	6	0	0	0	0	19
Max # That Can Park	5	19	13	7	4	3	2	2	55

\* See map for the surveyed parking locations

Date Performed: Saturday, May 18, 2019

Weather: Clear/Dry

Oxon Hill McDonald's Parking Survey 									
Time Start	# Cars Parked								Total
	Location*								
	1	2	3	4	5	6	7	8	
4:30 PM	4	9	2	2	0	0	0	0	17
4:45 PM	2	5	3	2	0	1	0	0	13
5:00 PM	1	3	3	2	0	0	0	0	9
5:15 PM	2	5	3	2	0	0	0	0	12
5:30 PM	2	0	3	2	1	1	0	0	9
5:45 PM	2	3	3	3	1	1	0	0	13
6:00 PM	3	5	3	2	0	0	0	0	13
6:15 PM	2	3	3	1	0	0	0	0	9
Max # That Can Park	5	19	13	7	4	3	2	2	55

\* See map for the surveyed parking locations

8.5X11\_Landscape

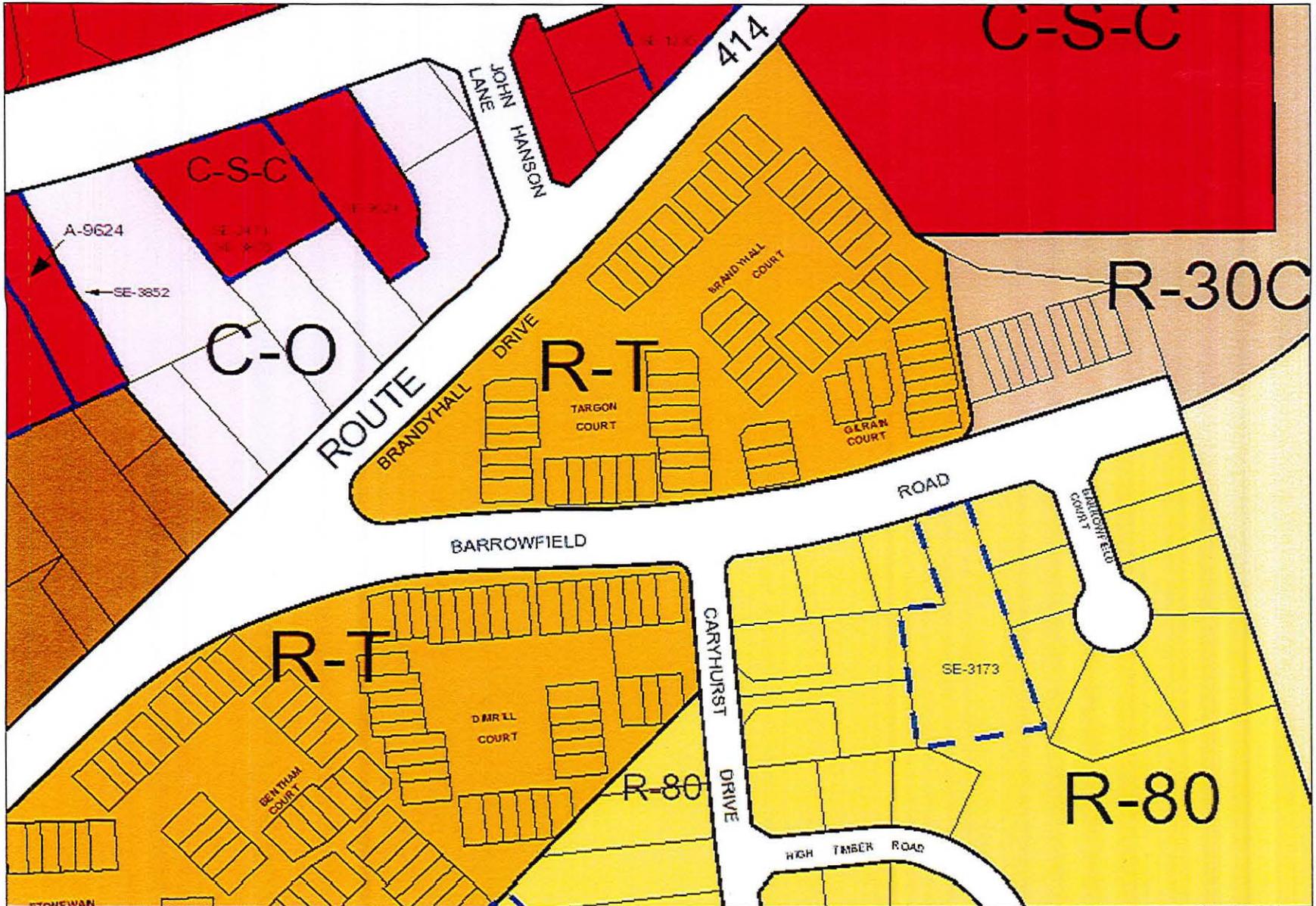


Exhibit "N"



8.5X11\_Landscape



**STATEMENT OF JUSTIFICATION**  
**DEPARTURE FROM DESIGN STANDARDS DDS-658**  
**MCDONALD'S RESTAURANT/6126 OXON HILL ROAD**

**INTRODUCTION**

The applicant for this Departure from Design Standards application is McDonald's USA LLC. The owner of the property forming the subject matter of this application is McDonald's Corporation. References herein to "McDonald's" shall be intended to refer interchangeably to McDonald's USA LLC or McDonald's Corporation.

The property forming the subject matter of this application comprises approximately 36,423± square feet (0.84± acres). It is located on the south side of Oxon Hill Road just west of the intersection of Oxon Hill Road and John Hanson Lane (the "Property"). The Property has approximately 170 feet of frontage along Oxon Hill Road. It is more particularly described as Parcel A, Burch's Subdivision, as per plat thereof recorded among the Land Records of Prince George's County, Maryland in Plat Book WWW 75, Plat No. 60. It is also shown depicted on Tax Map 96, Grid D-4. The property is irregular in shape and slopes downward from north to south.

**DEVELOPMENT AND APPROVAL HISTORY**

The Property is presently improved with a McDonald's restaurant. This McDonald's restaurant was originally constructed and opened for business in February 1972. At that time, the Property was zoned C-0 and the Zoning Ordinance in

effect allowed restaurants of this type to be constructed and operated in the C-0 Zone. Subsequently, due to Ordinance changes, the restaurant became legally nonconforming. However, it has operated continuously and uninterruptedly at this location since 1972.

In 1988, McDonald's became desirous of making a major renovation to the restaurant. At that time, the existing restaurant included a drive-thru window. However, as part of the 1988 renovation, McDonald's constructed an extended cash booth along the eastern side of the restaurant building in order to allow drive-thru patrons to place their order in one location, and pick up the order at the service window on the east side of the building. The 1988 renovation also included the addition of vestibules around entrances to the restaurant building. This allowed patrons to enter into a covered area prior to actually entering into the restaurant building itself. It also assisted in preventing the loss of heat and cooled air from the restaurant during the winter and summer seasons respectively. In 1988, McDonald's also proposed a building addition to both the front and rear of the restaurant. At the front of the restaurant, an addition 12' deep and 44' wide was proposed. At the rear of the building, an addition 19.33' deep and 22.67' wide was proposed. The building additions allowed for increased interior seating for patrons in the front and additional storage in the rear of the restaurant. Also, the rear renovation allowed for the installation of handicapped restrooms meeting ADA standards.

Finally, the 1988 proposed renovations included a modernization of the restaurant operation itself. The kitchen was renovated in addition to the upgrading of the restrooms referenced above. Further, the interior patron seating area was increased and modernized.

Because of the nature of the renovations, a major revision by way of special exception was required. This also had the effect of removing the nonconforming status. Accordingly, McDonald's filed a new special exception application, SE-3875. The addition of new patron seating area allowed for 92 interior seats. When coupled with the increased square footage, the new parking requirement was 71 spaces. At the time of processing SE-3875, McDonald's also filed a Departure from Parking and Loading Standards as only 60 spaces could be accommodated on site. The Departure was assigned the number DPLS-73. Both SE-3875 and DPLS-73 were approved. SE-3875 was approved by the Zoning Hearing Examiner on January 9, 1989. A Declaration of Finality was issued by the Prince George's County Council, sitting as the District Council ("District Council") on February 13, 1989. No appeal was filed from the Zoning Hearing Examiner's Decision and the District Council did not elect to make the final decision. A copy of the decision of the Zoning Hearing Examiner and the District Council's Declaration of Finality are marked Exhibits "A" and "B" respectively and attached hereto.

In 1988, the Zoning Ordinance, at Section 27-450(a)(1) required a 10 foot landscape strip to be provided along the front

of the property as measured from the ultimate street right-of-way line. Due to the as-built situation of the existing restaurant and further given the ultimate proposed right-of-way of Oxon Hill Road, that landscape strip could not be provided on the Property. While a landscape strip was in place, it was located in the proposed right-of-way area. Accordingly, a variance from that provision was requested. At that time, a variance from the 10 foot landscape strip requirement could be acted upon by the Board of Zoning Appeals. The Board of Zoning Appeals granted the variance on January 11, 1989. A copy of the decision of the Board of Zoning Appeals is marked Exhibit "C" and attached hereto.

Pursuant to the approval of SE-3875 and DPLS-73, the renovations to the restaurant were made and completed. Since 1989, when the renovations were completed, the restaurant has operated continuously. The restaurant building is irregular in shape due to the expansions approved in SE-3875. It operates today within a one-story building.

#### **NEIGHBORHOOD AND SURROUNDING AREA**

A copy of a zoning map is marked Exhibit "D" and attached hereto. The Property can be seen outlined in a dark blue hashed line with the "SE-3875". designation within the dashed line area. Immediately to the east is other property zoned C-S-C. Beyond that is property zoned C-0. C-0 zoned land also exists immediately to the south and west of the Property. Beyond that

to the west is more C-S-C zoned land. Directly to the north and across Oxon Hill Road is a large swath of land zoned C-S-C. The uses in the general area are overwhelmingly commercial in nature. Along the south side of Oxon Hill Road and to the east of the McDonald's restaurant are a Wendy's fast food restaurant, a bank and a gas station. Beyond that is John Hanson Lane. To the west of the McDonald's restaurant and also on the south side of Oxon Hill Road is an office building, a quick lube facility, a Kentucky Fried Chicken restaurant, a vacant office building, a Burger King, a Kalas Funeral Home, a BB&T Bank, two offices and a Red Roof Inn hotel. To the north, directly across Oxon Hill Road, are a series of retail commercial uses including the Rivertowne Commons Shopping Center which is anchored by a Ross' retail store and a Soul Food grocery store. Directly across Oxon Hill Road to the northeast is a PetSmart and Home Depot. An office building is also located directly across Oxon Hill Road. This building is being converted to multifamily residential use.

#### **LEGISLATIVE CHANGES**

As noted above, the 1988 proposed renovation was approved pursuant to the grant of SE-3875. This special exception approved the renovation of McDonald's as a fast food restaurant. The term "fast food restaurant" was a term of art and was defined as a quick service restaurant where prepared food was served ready for consumption on disposable plates, cups and utensils. Food could be consumed on site or taken off site.

In 2010, the District Council approved legislation designated as CB-19-2010. The stated intent of this legislation was to create a use classification known as an "eating or drinking establishment". In the C-S-C Zone, an eating or drinking establishment requires the approval of a detailed site plan.

#### **DEVELOPMENT PROPOSAL AND NATURE OF REQUEST**

McDonald's proposes a number of changes to the existing restaurant. Most significantly, it is proposed that a 1,291 square foot building addition be added to the front of the building to provide for an additional dining area and a modest increase in the authorized number of interior patron seats. The front addition will also allow for upgraded ADA facilities. The existing outdoor patio dining area will be removed to accommodate the building addition on the front. This front building addition will be approximately 25 feet deep and will extend across the entire front of the restaurant for approximately 50 feet.

Further, a small 82 square foot addition is proposed to be added at the southeast corner of the restaurant building. This will allow for an additional drive-thru window to facilitate new drive-thru service. The facade of the building will also be changed. While the existing brick will remain. Gray panels will be added which will include a brick pattern. Stucco will also be tastefully added at points along the building facade. The prior trademark McDonald's double mansard roof will no longer be

visible as a parapet wall will extend up from the top of the building wall. All HVAC equipment located on the roof will continue to be screened.

McDonald's proposes to add a double drive-thru lane. The second drive-thru will be parallel to and outside of the existing single drive-thru lane. Cars will enter the double drive-thru at the southwest corner of the building through a single access drive. At that point, the drive-thru will split into two lanes. There will be order boards available for both lanes. After placing orders, cars will merge into a single lane to pay for meals at the first drive-thru window and pick up meals at the second drive-thru window.

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

#### Summary of Civil Site Changes

- Interior/exterior remodel of existing McDonald's restaurant
- 82 SF building addition to the rear of the building for an additional drive-thru window
- 1,291 SF building addition in the front of the building to provide for additional and relocated dining area and provide adequate ADA facilities. Existing outdoor dining area will be removed as part of the building addition.
- Modification of existing single order point drive-thru to a side-by-side drive-thru
- Removal of 14 parking spaces to account for the front building addition and to provide adequate truck circulation around the site at rear of building due to the introduction of the side-by-side drive-thru
- Replacement of existing building mounted signs to meet current McDonald's/industry standards (sign areas depicted on the plans)

- Minor grading improvements to bring site to ADA compliance. This includes parking areas, accessible route and interior building improvements
- Addition of water quality treatment device in accordance with Prince George's County standards to meet the applicable stormwater requirements (Stormwater Concept Plan currently under review)
- The addition of a sight tight 6' high fence along the western and southern property boundaries.

#### Summary of Building Changes

- 1291 SQFT front building addition
- 82 SQFT rear drive thru addition
- Kitchen remodel including equipment relocation/replacement
- Restroom remodel/relocation
- New finishes throughout interior and exterior
- Existing mansard roof to be cut back and parapet walls to be built up from existing walls
- New front counter and menu board area and finishes
- New decor (by others)
- New sprinkler/fire alarm system (if required) (by others)
- New vestibule layouts
- New trellis/canopy's mounted to building
- New TPO roof
- New ADA compliant entrance doors
- New interior/exterior lighting
- New HVAC for building addition
- Exterior Facade to be existing brick/new Nichiha Panels with brick pattern and stucco as reflected in the elevation
- Relocation of seating from the west side of the interior of the building to the front addition.

The building addition to the front and the addition of the double drive-thru will result in an impact to the onsite parking. Parking spaces are proposed to be reduced to 42 spaces. Since a total of 56 parking spaces would normally be required pursuant to application of the normal parking computation requirements (60 seats are proposed), a departure from parking and loading spaces (DPLS-463) is also being filed requesting the required departure to allow 42 spaces to be provided.

Beyond the changes set forth above, site access and circulation will remain essentially unchanged. Access will continue to be achieved through the same two driveways onto Oxon

Hill Road. However, it is proposed that the circulation will become one way with cars entering from the westernmost access drive on Oxon Hill Road, circulating to the south and then north to exit the site. Parking will continue to be provided essentially around the perimeter of the site and the access points to the restaurant itself will remain unchanged. Handicapped spaces will continue to be provided at the front of the restaurant. The addition of the second drive-thru lane will make that operation even more efficient and will serve as a further enhancement for customers to use the drive-thru window to order and pick up their menu selections. The orientation of drive-thru service will remain essentially unchanged.

#### **DEPARTURE FROM DESIGN STANDARDS**

As noted above, pursuant to the provisions of CB-19-2010, the changes being proposed can be approved as part of a detailed site plan which would also change the status of the restaurant from a fast food restaurant approved pursuant to a special exception to an eating and drinking establishment. Therefore, McDonald's has filed a detailed site plan (DSP-18051) application. In addition, McDonald's has also filed a departure from parking and loading standards (DPLS-463). Both the Detailed Site Plan and the Departure from Parking and Loading Standards are currently under review.

In conjunction with the review of a detailed site plan, an

applicant must show conformance with the standards as set forth in the Prince George's County Landscape Manual. The Landscape Manual establishes buffer yards and planting requirements within those buffer yards based upon the intensity of uses on adjoining properties. Due to the small size of the McDonald's site and the age of the restaurant, the current Landscape Manual requirements could not be literally complied with in all instances.

Accordingly, McDonald's filed an Application for Alternative Compliance from strict conformance with the Landscape Manual. This Alternative Compliance Application was assigned the number AC-19005. Alternative Compliance requests were filed from multiple provisions of the Landscape Manual. After analysis by staff, an Alternative Compliance decision was issued on June 19, 2019. A copy is marked Exhibit "E" and attached. While a portion of the Alternative Compliance Application was approved, the request for Alternative Compliance from the provisions of Section 4.7 of the Landscape Manual as to the southern boundary of the McDonald's property was denied. Accordingly, since Alternative Compliance has been deemed inappropriate in this location, it is necessary to file a Departure from Design Standards in order to obtain relief from the requirement to satisfy the buffer requirements of Section 4.7 of the Landscape Manual.

Section 4.7 requires the buffering of incompatible uses. Along the southern (rear) property boundary of the McDonald's site, two abutting parcels are zoned C-0. However, while one of

the parcels is vacant, the other is improved with an older structure which is used as a single-family detached dwelling. Pursuant to the Landscape Manual, buffering is determined is determined based upon the use of an adjoining parcel and not its zoning classification. The existence of a single-family detached home to the rear of the McDonald's restaurant requires a minimum building setback of 50 feet and a landscape yard of 40 feet. Plant units are required within the buffer yards at a rate of 120 units per 120 lineal feet. A 50 percent reduction in the plant unit requirement is allowed if a six-foot high sight tight fence is provided along the property boundary. In this instance, McDonald's proposed a six-foot high sight tight fence to be installed along its southern property boundary. However, because this restaurant was constructed in 1972, the rear parking lot has been constructed virtually up to the southern property boundary. Therefore, it is not possible to provide a landscape yard of any significant width. While a buffer yard of approximately 11 feet in width can be provided at the southeast corner of the site, that yard narrows to approximately one half foot as you approach the southwest boundary of the site. For this reason, the staff denied the applicant's request for Alternative Compliance in this location.

When Alternative Compliance is not approved, an applicant's only recourse is to file a Departure from Design Standards. Departures are governed by the provisions of Section 27-239.01 of the Zoning Ordinance. In particular, the required findings for the Board are set forth in Section 27-239.01(b)(7). McDonald's

believes that this request meets all required findings. An analysis follows:

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

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

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

An eating and drinking establishment with drive-thru service is expressly permitted as a matter of right in the C-S-C Zone pursuant to the approval of a detailed site plan. Further, the use has already been approved as a fast food restaurant pursuant to the grant of a special exception. Clearly, this use being located on property zoned C-S-C and within a predominantly commercial area, is consistent with uses found within retail commercial shopping center facilities. Further, it provides a needed and desired service for residents and workers in the area. It also is not incompatible with uses found generally in shopping centers. Therefore, the proposal to modernize and continue the use of the property with a McDonald's restaurant certainly conforms to the purposes of the C-S-C Zone. Further, this McDonald's restaurant was constructed in a location which for the

most part is surrounded by other compatible uses. As can be seen from a review of the Zoning Map filed with this application, the property is located within a triangular area bounded by Oxon Hill Road on the north, John Hanson Lane on the east and MD 414 on the south. Immediately abutting the McDonald's property is other property zoned either C-S-C or C-O. Further to the west is more C-S-C zoned land. Property zoned C-S-C is also located directly to the east of John Hanson Lane. A large commercial retail center is located to the north across Oxon Hill Road. This certainly represents a commercial enclave which allows for the location of compatible service uses. The issue in this case results from the fact that a single family detached residence is located on property zoned C-O and to the rear of this McDonald's restaurant. Presently, there is no buffering which exists between the McDonald's restaurant and the C-O zoned land to the south. McDonald's believes the installation of the six-foot high sight tight fence will, in substantial measure, reduce any potential impact. Further, given the fact that a residential use is constructed on a commercially zoned property, McDonald's would submit that it is the residential use which is incompatible with the overwhelmingly commercial enclave described above.

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

McDonald's submits the departure being request is in fact the minimum necessary in this instance. As was described above, the inability to provide the required buffer yard occurred as a

result of the original construction of this restaurant in 1972. At that time, the parking compound was extended virtually up to the southern property boundary. The Landscape Manual did not become effective until 1990. This is after the approval of the major revision and special exception in 1989. Consequently, there simply is no room available at the rear of the restaurant site to provide the buffer yard as described by the Landscape Manual.

Attached as Exhibits "F", "G" and "H" are copies of aerial photographs from 1965, 1977 and 1993 respectively. The 1965 photograph depicts a single-family home. In this photo, the McDonald's has not yet been constructed. The 1993 photograph continues to show the single-family dwelling. The McDonald's (which was constructed in 1972) is now clearly visible. Also visible is the outline of the parking compound which shows paving up to the southern property boundary. There is no drive thru window in the 1977 photograph. The 1003 aerial photograph continues to show the paved parking compound. In the 1993 photograph, the drive thru lane has been constructed pursuant to the 1989 Special Exception approval. The current owner of the land on which the single-family home is constructed is James H. Kittrell. He acquired the property in 2017 (See Liber 39837, Folio 111). Hence, the current owner purchased the property fully aware of the existence of the McDonald's restaurant and all of the commercial development which has occurred in the area.

Reference was made in the Alternative Compliance decision to the fact that the addition of the second drive thru lane would

bring commercial activity closer to the southern property boundary. To the extent that operations associated with the drive thru will be closer to the property boundary, that statement is correct. However, it is clear from the aerial photography that the restaurant use has existed since its construction up to the property boundary. Cars have parked abutting the southern property boundary since the restaurant's construction in 1972. Further, McDonald's submits that the addition of the second drive thru lane will not present any additional intrusion. Speakers for the drive thru system have been substantially improved. The decibel level at this speaker board will be the same as a normal human voice. Further, the use of the digital display menu board has a further ameliorative effect. Once an order has been placed, it is confirmed by a digital display on the menu board. This obviates the need for an employee in the restaurant to use the speaker system to repeat the order. It must be remembered that while a residential structure is constructed on the property to the south, the structure is approximately 102 feet from the southern property boundary of the McDonald's site. The menu board associated with the second drive thru is approximately 35 feet from the southern property boundary. Therefore, any noise associated with ordering will occur at a distance of approximately 137 feet from the residential structure. Finally, McDonald's would proffer that if deemed appropriate, it will install an additional fence in the curved grassed area to the south of the second drive thru lane. This would further reduce any noise associated with the second

drive thru lane.

Given the fact that the restaurant was constructed in 1972 and the parking compound immediately abutted the property to the south at that time, it simply is not possible to provide the buffer yard at this time. McDonald's submits that the construction of a six-foot high sight tight fence along the southern property boundary will substantially reduce any impact from the McDonald's operation. This will represent a substantial improvement to the existing situation given that there is no buffering or screening along the southern property boundary today.

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

McDonald's submits that the facts included immediately above also address this criterion. The fact that the restaurant was constructed in 1972 and the parking compound was constructed up to the southern property boundary, both constitute circumstances which are unique to this site.

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

McDonald's submits that the substantial new landscaping which is being proposed for this site as well as the screening which is proposed along both the south and west property boundaries will in fact improve the visual and environmental

quality of the site and will reduce impacts on the surrounding area.

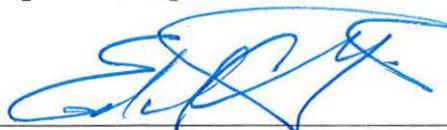
(B) For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements in paragraph (7)(a) above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.

Since the Alternative Compliance application was denied for Section 4.7 along the south property boundary, there are no alternative measures as defined in the Landscape Manual which would exhibit equally effective design characteristics.

#### CONCLUSION

In view of all the above, McDonald's respectfully submits that the departure application meets all published criteria and request that it be approved.

Respectfully submitted,



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

OFFICE OF ZONING HEARING EXAMINER

NOTICE OF DECISION

Applicant: McDonald's Corporation

On the 9<sup>th</sup> day of January, 19<sup>89</sup>, SE-3875 the attached Decision of the Zoning Hearing Examiner in Case No. \_\_\_\_\_ was filed with the District Council.

The Zoning Hearing Examiner's decision shall become final 30 calendar days after the above filing date unless:

(1) Written appeal within the 30 day period has been filed with the District Council by any person of record or by the People's Zoning Counsel; or

(2) The District Council directs the case be transmitted to the Council for final disposition by the Council.

The County Zoning Ordinance provides the Zoning Hearing Examiner may direct an earlier effective date of the decision if all persons of record, the People's Zoning Counsel, and the District Council (by majority vote) all waive their rights of appeal or final disposition. Waiver forms are available from the Clerk of the Council (telephone 952-3600).

Barry S. Cramp  
Zoning Hearing Examiner  
County Administration Building  
Upper Marlboro, Md. 20772  
952-3644

cc: Edward C. Gibbs, Jr., Esq., 6411 Ivy Lane, Ste. 600, Greenbelt, MD 20770  
John M. Valenstein, Trustee, The Chase Manhattan Bank, 1211 Sixth Ave., New York, N.Y. 10036  
Leslie Moore, Esq., People's Zoning Counsel, 2nd Fl., CAB, Upper Marlboro, MD 20772

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

SPECIAL EXCEPTION

3875

DECISION

January 9, 1989

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

NATURE OF REQUEST

McDonald's Corporation is seeking to enlarge a restaurant located on Oxon Hill Road across from River Town Commons Shopping Center. The application was reviewed by the Staff who recommended approval pursuant to three conditions, one of which was a revised site plan which has been submitted and is Exhibit No. 20. The hearing was recessed on December 9th for an affidavit of posting and the Planning Board Resolution. The affidavit was filed on the date of the hearing and the Planning Commission's Resolution was received on the date it was taken under advisement, December 16, 1988.

FINDINGS OF FACT

- (1) The subject property is located on Oxon Hill Road south of River Town Commons Shopping Center. (It is approved with a McDonald's fast-food restaurant which been on the premises since prior to its existing zoning of C-S-C approved 1984.)
- (2) The property adjoins a Wendy's restaurant to the east and an office building in the C-0 Zone to the west. To the south of the subject property is a single-family detached dwelling in the C-0 Zone and to the north is the River Town Commons Shopping Center which includes a hotel and office complex together with retail stores in the shopping center.
- (3) The neighborhood of the subject property is bounded by Oxon Hill Road, St. Barnabas Road and Bock Road. This area is called the Oxon Hill Triangle and is made up of a mixture of uses some retail, some commercial offices and some residential. The Staff defines the neighborhood as follows:

"This triangular shaped neighborhood, known as the 'Oxon Hill Triangle', has a mixture of zoning and land uses. Retail - and service-commercial uses are located along Oxon Hill Road, with the zoning being a mix of the C-S-C, R-18 and C-0 Zones. The Bock Road frontage is developed with single-family detached dwellings and public/quasi-public uses. Although the southeast side of the neighborhood is zoned C-0 and R-18, the higher density and intensity development has not taken place. Older single-family detached dwellings are scattered along the St. Barnabas road frontage." (Exhibit 18, Page 4)

(4) The review of the Staff of the site plan resulted in a recommendation of a number of conditions which were incorporated into a revised site plan which is Exhibit No. 20. This revised site plan does not literally follow all of the recommendations but it does carry out most of them and those it does not it goes along with are modified to a minor degree. It should be noted that the applicant has also filed and received a departure from design standards for the six-foot landscaping strip along Oxon Hill Road and from the interior landscaping of a parking compound of five percent. It also received a departure from parking and loading requirements.

(5) The review of this application pursuant to Section 27-350 was accomplished in the Staff Report to which we agree and accept to the extent modified by the Planning Board and our decision.

"Section 27-350 - Specific Special Exception Requirements for Fast-food Restaurants:

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

"Comment: There are no residentially-zoned properties within 200 feet of the subject property.

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

"Comment: McDonald's proposes to provide a bicycle rack for the storage of six bicycles in front of the restaurant building.

\* "3. The use will not restrict the availability, or upset the balance, of land use in the neighborhood for other

commercial uses.

"Comment: The restaurant has been in continuous operation at the subject site since 1972. The construction of vestibules and the extension to the front and rear of the building will not upset the balance of land uses for other commercial uses in the neighborhood. There is undeveloped land within the neighborhood that could provide additional retail- and office-commercial development to meet future needs within the neighborhood.

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

"Comment: The applicant proposes to keep the advertisement, outdoor display, outdoor activity, and lighting essentially the same. The lighting will be sufficient to ensure safe visibility and not adversely affect the use of adjoining properties.

"Section 27-564(a)(1) - Landscaping Requirements:

"Whenever a parking lot is located in a yard which abuts a street, a landscape strip at least six feet wide shall be provided along the entire street line.

"Comment: The applicant cannot provide a six-foot-wide landscaped strip along Oxon Hill Road. An extensive amount of landscaping has been provided in the right-of-way. In reviewing the site plan, the staff noted that there is some land available at the ends of the aisles and between the two driveways that can be used for landscaping.

"The Planning Board must make the findings that the purposes of the off-street parking and loading provisions will be better served by the applicant's proposed alternative [27-587(b)(8)]. If the applicant is required to provide the six-foot-wide landscaped strip, four parking spaces will be lost. The applicant is requesting a departure from the parking and loading schedule for 11 parking spaces. If the landscape strip is provided, a departure for 14 parking spaces would be required. Since one of the purposes for off-street parking is to "aid in relieving traffic congestion on streets by reducing the use of public streets for parking, we agree that the departure is the better alternative. However, we do recommend that the applicant request permission from the State Highway Administration to plant additional trees and shrubs and maintain the existing plants within the right-of-way as shown on the Landscape Plan.

"Section 27-564(a)(2) - Interior Landscaping Requirement:

"In parking lot containing 20 or more parking spaces, at least five percent of the total area of the parking lot shall be devoted to interior landscaping.

"Comment: The applicant requests a departure of 3.3 percent or 472 square feet of interior landscaping. However, the Urban Design Section recommends the inclusion of a landscaped island (see attached site plan sketch) to separate the drive-thru lane from the other lanes in the parking lot. There are approximately 640 square feet in the recommended island which will enhance the appearance of the site, improve vehicular circulation and fulfill the Ordinance requirements for interior landscaping. Staff, therefore, recommends that the site plan be revised accordingly.

"Section 27-568 - Parking Schedule:

"A fast-food restaurant requires one parking space for every three seats, plus, one parking space for every 50 square feet of gross floor area (excluding any area used exclusively for storage or patron seating, and any exterior patron service areas).

"Comment: The proposed restaurant will require 71 parking spaces:

"1 space/50 sp. ft. GFA exclusive of storage and patron seating area	1,965/50 = 40 spaces
1 space for every 3 seats	93/3 = <u>31</u> spaces
Total Required	71 spaces

"The site plan shows 60 parking spaces to be provided. A departure of 11 spaces is requested. The need for additional parking spaces is a result of the enlargement of the existing facility. The 12' x 44' addition will hold approximately 35 seats assuming 1 seat = 15 square feet of floor area. The fire marshal allows 15 square feet of floor area per seat. In order for the Planning Board to grant a departure from the parking and loading requirements, certain findings must be made [27-588(b)(9)]. Among those findings is:

'The departure is necessary in order to alleviate certain 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 19, 1949.'

"The only circumstance that is special to this use at this location is the enlargement which requires about 11 parking spaces for approximately 35 seats. Over development of the site is a self-imposed hardship and should not be considered an unusual or extraordinary circumstance peculiar to the property.

"The applicant submitted a parking study taken on a Friday and Saturday July 29 and 30, 1988, indicating that the 11 parking are not needed. While there may not have been a parking problem during those two days, staff questions whether consideration was given to the fact that July and August are generally vacation periods. To make a fair analysis and conclude that there is no need for the extra spaces, a comparison count should be conducted at a different time of year and on different days of the week. Until such time as a further study is conducted, it is recommended that the departure from parking and loading spaces be denied."

#### CONCLUSIONS

(1) The application is in proper form for approval having been conformed to the Ordinance through departures granted by the Planning Board. We find that the pedestrian connection proposed by the applicant to be adequate and, therefore, find it unnecessary to add Condition A. In most respects the site plan does conform with those concerns of the Staff and the only one that we really can say that the applicant disagrees with the Staff would be under the requirement of Condition C; that the enlargement of the drive-thru taper and realignment of adjacent parking spaces to 90 degrees. The Planning Board removed this from consideration and we agreed that it would be safer to provide a more gradual taper at the drive-in window. As of Condition 2, that the applicant obtain permission from the State Highway Administration to plant additional trees and shrubs within the right-of-way, this have been accomplished. (See Exhibit 21 and 22) The Staff recommends the landscape strip within the right-of-way be maintained by the applicant. We agree with this condition.

(2) The use of the subject property continuously for over 15 years has demonstrated that this use is compatible with the uses within the neighborhood and is probably more compatible now with the condition of the major shopping center across Oxon Hill Road. As the revised site plan demonstrates, the use of the property with not cause any adversity to residential workers in the area nor would it be detrimental to the use of the development of adjacent properties or the general neighborhood. The use of the property for a fast-food restaurant would be in compliance with the Master Plan for it does show commercial use of the subject property and this use is permitted in the C-S-C Zone by special exception. The Zoning Ordinance permits all the C-S-C Zone uses and does not discriminate against the fast-food restaurant except to the extent of the special exception is required. This use is in harmony with the purposes of the Zoning Ordinance.

#### RECOMMENDATION

(1) Approval of Special Exception 3875 subject to the condition that the landscape strip within the right-of-way be maintained by the applicant. The site plan is Exhibit No. 20.

ORIGINAL



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

S.E. 3875 (McDonald's Corporation)

## DECLARATION OF FINALITY OF THE ZONING HEARING EXAMINER'S DECISION

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

## CERTIFICATE OF SERVICE

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

  
\_\_\_\_\_  
Jean M. Schuhl, CMC  
Clerk of the Council

(6/85)

Exhibit "B"



PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF APPEALS

952-3220



NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: January 11, 1989

CERTIFICATE OF SERVICE

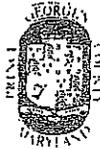
This is to certify that on January 18, 1989, the above notice and attached Board Order were mailed, postage prepaid, to the following named persons of record at the Board of Appeals Hearing:

McDonald's Corporation
Applicant or Applicant's Representative

- Chase Manhattan Bank, N.A.
Oxon Hill Assoc.
Estelle Proctor
M.C.C. Group
St. Barnabas Ltd. Partnership
Ed. Glabe, Esq.
Park & Planning - Senes, Jones
Permits - J. Carr
County Attorney
Dir. DER - E. Lauer

Lois Gosnell Burch
Lois Gosnell Burch, Clerk
Board of Appeals

BOARD OF APPEALS for



PRINCE GEORGE'S COUNTY

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20870  
TELEPHONE (301) 952-3220

January 18, 1989

Petitioner: McDonald's Corporation

Appeal No.: 9696

Heard and Decided: January 4, 1989; January 11, 1989

Board Members Present and Voting: Melvin Tanchel, Chairman  
Elsie Conway, Vice Chairman  
Robert Zugby, Member

This appeal was brought to the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland, requesting a variance from the strict application of the Zoning Ordinance for the Maryland-Washington Regional District in Prince George's County, Maryland, said land being within the Maryland-Washington Regional District and the Board having jurisdiction.

It was explained to the Board that a variance was requested in order to renovate existing restaurant and site. Section 27-450 (a) prescribes that a landscaped strip at least ten (10) feet wide (measured from the street line) shall be provided on the property along the entire street line. A variance of 10 feet was requested.

The following testimony and evidence were presented to the Board for their consideration:

1. The property is zoned C-S-C and is improved with an existing McDonald's restaurant which was constructed in 1962.
2. Petitioner wants to renovate the site.
3. When the property was developed it met all of the requirements of the code in existence at that time. The laws have changed since the property was developed. The ultimate right of way lines for the streets have changed since the property was developed.
4. It was explained that there is existing grass and landscape area between the ultimate right of way line and the existing street line. They have approval from the State Highway Administration to put plantings in the right of way of the street. There are no plans to widen this road.
5. Petitioner is also adding landscaping within the interior portion of the site.
6. No one appeared in opposition.
7. Petitioner has received approval recommendations from the Planning Board and the Technical Staff.

Petitioner: McDonald's Corporation  
Appeal No: 9696  
Page 2  
Order dated: January 18, 1989

APPLICABLE CODE SECTION AND AUTHORITY

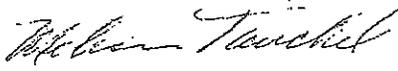
Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of which would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

After hearing all the testimony and reviewing the evidence presented, the Board finds that:

Due to the existing conditions on the property, the change in the laws after the development of the property, petitioner providing some of the landscaping along the existing street lines, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan and denying the request would result in a peculiar or unusual practical difficulty upon the owner of the property.

THE BOARD THEREFORE RESOLVED, unanimously, that a variance of 10 feet from the landscape strip requirements along the street in order to renovate and expand existing restaurant on the property located at Parcel A, Burch's Subdivision, being 6126 Oxon Hill Road, Oxon Hill, Prince George's County, Maryland, is hereby GRANTED in accordance with the site plan submitted to the Board.

BOARD OF ZONING APPEALS

By:   
Melvin Tanchel, Chairman

8.5X11\_Landscape

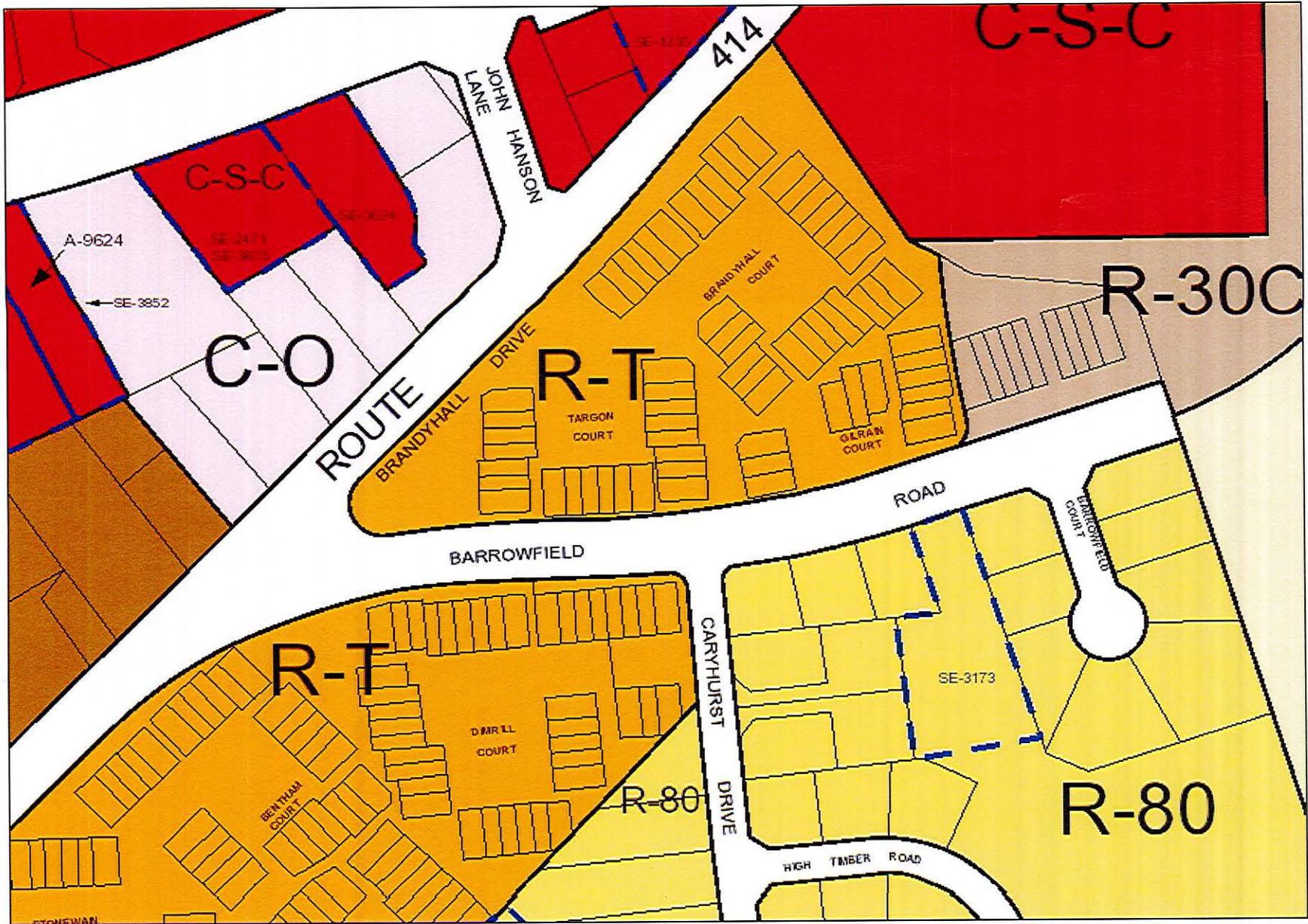


Exhibit "D"



Alternative Compliance: AC-19005  
Name of Project: Oxon Hill McDonald's  
Underlying Case: Detailed Site Plan DSP-18051  
Date: June 19, 2019

Alternative compliance is requested from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) for Section 4.2, Requirements for Landscape Strips Along Streets and Section 4.7, Buffering Incompatible Uses.

#### **Location**

The property associated with this application is located on the south side of MD 414 (Oxon Hill Road), approximately 250 feet to the west of its intersection with John Hanson Lane. More specifically, the property is located at 6126 Oxon Hill Road, within the geography previously designated as the Developed Tier, and reflected on Attachment H(5) of the *Plan Prince George's 2035 Approved General Plan*, as found in Prince George's County Planning Board Resolution No. 14-10 (see County Council Resolution CR-26-2014, Revision No. 31).

#### **Background**

The underlying detailed site plan (DSP) is for a 1,373-square-foot building addition and a second drive-through lane to an existing eating and drinking establishment, a McDonald's, with associated parking on a 0.84-acre parcel in the Commercial Shopping Center Zone.

The application is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual because it involves construction of an addition to a building of more than 10 percent of the gross floor area on the subject property.

The applicant is requesting alternative compliance from Section 4.2 to allow for the entire landscape strip width and plantings to be provided within the public right-of-way of MD 414, and from Section 4.7 for a reduction in the required landscape yard width, along the southern property line, adjacent to an existing single-family detached home in the Commercial Office Zone.

The alternative compliance request originally included Section 4.3 for a reduction in the parking lot perimeter strip and interior planting area. However, this development is exempt from Section 4.3 per Section 1.1(g)(1), as the proposed improvements do not result in additional impervious surface for parking or loading spaces. There is some increase in impervious surface proposed with the DSP, but that is necessitated by the addition of the second drive-through lane. Therefore, no alternative compliance is needed, and this exemption from Section 4.3 should be noted on the plan.

The alternative compliance request also originally included Section 4.7, Buffering of Incompatible Uses for a reduction in the required landscape yard width along the western property line adjacent to an existing commercial office. However, the submitted plan incorrectly indicates that a Type C bufferyard is required, when only a Type B is required. Additionally, Section 4.7(c)(4)(F) allows properties in the Developed Tier to reduce all the bufferyard requirements by up to 50 percent if a 6-foot opaque fence is located within the bufferyard. With this 50 percent reduction in the plant units, setback, and landscape yard width, all of the requirements are met, and no alternative compliance is needed.

**Section 4.2 Requirements for Landscape Strips Along Streets**

REQUIRED: Section 4.2, Requirements for Landscape Strips Along Streets, along MD 414

Length of Landscape Strip	148 feet
Width of Landscape Strip	10 feet
Shade Trees (1 per 35 l.f.)	5
Shrubs (10 per 35 l.f.)	43

PROVIDED: Section 4.2, Requirements for Landscape Strips Along Streets, along MD 414

Length of Landscape Strip	148 feet
Width of Landscape Strip	Varied 0-30*
Shade Trees	4*
Shrubs	93*

**Note:** \*The majority of the landscape strip width, three of the provided shade trees, and 81 of the provided shrubs are located in the public right-of-way of MD 414.

**Justification of Recommendation**

The underlying DSP proposes a building expansion of more than 10 percent of the gross floor area requiring conformance to Section 4.2 along MD 414. The original McDonald's building was constructed in approximately 1972, prior to any landscape requirements. In 1989, Special Exception SE-3875 was approved for an enlargement of the building and an associated variance from the 10-foot landscape strip requirement along the street was granted by the Board of Appeals.

Landscape requirements initially came into effect in 1990, and the current proposed building expansion now subjects the property to the 2010 Landscape Manual. However, the facts of the site development remain the same as when the variance was granted in 1989. The property was initially developed in accordance with all requirements and the right-of-way line subsequently moved, impacting more of the site. The current building expansion extends closer to the right-of-way line, but does not impact the facts of the landscape strip. The full landscape strip width and a comparable number of plants, including almost double the amount of shrubs, are provided within the public right-of-way. At the time of the original variance approval, the applicant had obtained approval from the Maryland State Highway Administration (SHA) to put plantings in the right-of-way. Similar documentation from SHA should be provided at this time to verify the plantings are acceptable within the right-of-way.

Given the prior approval of a variance from the landscape strip requirement for this development, the Alternative Compliance Committee finds the applicant's proposal equally effective as normal compliance with Section 4.2, as the proposed landscape strip width and additional plants are provided within the public right-of-way.

## Section 4.7 Buffering Incompatible Uses

### REQUIRED: 4.7 Buffering Incompatible Uses, along the southern property line, adjacent to one-family detached

Length of bufferyard	180
Minimum building setback	50 feet
Landscape yard	40 feet
Bufferyard occupied by existing trees	0
Fence or wall	Yes
Plant units (120 per 100 l.f.)	108*

\*Includes a requested 50 percent reduction in the plant unit requirement with the provision of a 6-foot-high, sight-tight fence, which is not allowed by-right along existing residentially-developed lots.

### PROVIDED: 4.7 Buffering Incompatible Uses, along the southern property line, adjacent to one-family detached

Length of bufferyard	180 feet
Minimum building setback	66 feet
Minimum landscape yard	0.6 feet
Bufferyard occupied by existing trees	0
Fence or wall	Yes, 6-foot-high, sight-tight
Plant units provided	21

### **Justification of Recommendation**

The applicant is requesting alternative compliance from Section 4.7, Buffering Incompatible Uses, of the Landscape Manual along the southern boundary. A Section 4.7 Type D bufferyard, which includes a 50-foot-wide building setback and a 40-foot-wide landscape yard, is required along the southern property boundary adjacent to an existing single-family detached home. The building exceeds the minimum building setback as it is setback 66 feet; however, the minimum width of the landscape yard provided is 0.6 feet. As an alternative to the normal requirements of Section 4.7, the applicant is providing a 6-foot-high sight-tight fence along the property line and only 20 percent of the plant units, after a requested reduction of 50 percent for the provision of the fence. The applicant justifies that the proposed site improvements do not change the existing site conditions relative the southern property line. However, the addition of the second drive-through lane at the southern end of the building moves this high-impact use to approximately 20 feet from the property line, increasing its impact on the adjacent residential use.

Therefore, the Alternative Compliance Committee does not find the applicant's proposal to be equally effective as normal compliance along the southern property line given the provision of less than 20 percent of the landscape yard and plant unit requirements, as well as the fact that the high-impact use is moving closer to the lower impact use.

### **Recommendation**

The Alternative Compliance Committee recommends DISAPPROVAL of Alternative Compliance AC-19005, Oxon Hill McDonald's, from the requirements of the 2010 *Prince George's County Landscape Manual* from Section 4.7, Buffering Incompatible Uses, along the southern property line, adjacent to an existing one-family detached home.

The Alternative Compliance Committee recommends APPROVAL of Alternative Compliance AC-19005, Oxon Hill McDonald's, from the requirements of the 2010 *Prince George's County Landscape Manual* from Section 4.2, Requirements for Landscape Strips Along Streets, along MD 414 (Oxon Hill Road), subject to the following conditions:

- I. Prior to certification of the detailed site plan, the applicant shall:
  - a. Remove the Section 4.3 landscape schedules and note the applicable exemption.
  - b. Provide documentation from the Maryland State Highway Administration allowing the proposed landscaping within the right-of-way of MD 414 (Oxon Hill Road).
  - c. Correct the Section 4.2 and 4.7 landscape schedules to be consistent with, and refer to, this alternative compliance.
  - d. Correct the Section 4.7 landscape schedule along the western property boundary to reflect full compliance with a Type B bufferyard, as modified by Section 4.7(c)(4)(F) of the 2010 *Prince George's County Landscape Manual*.

1965



*Exhibit "F"*

1977

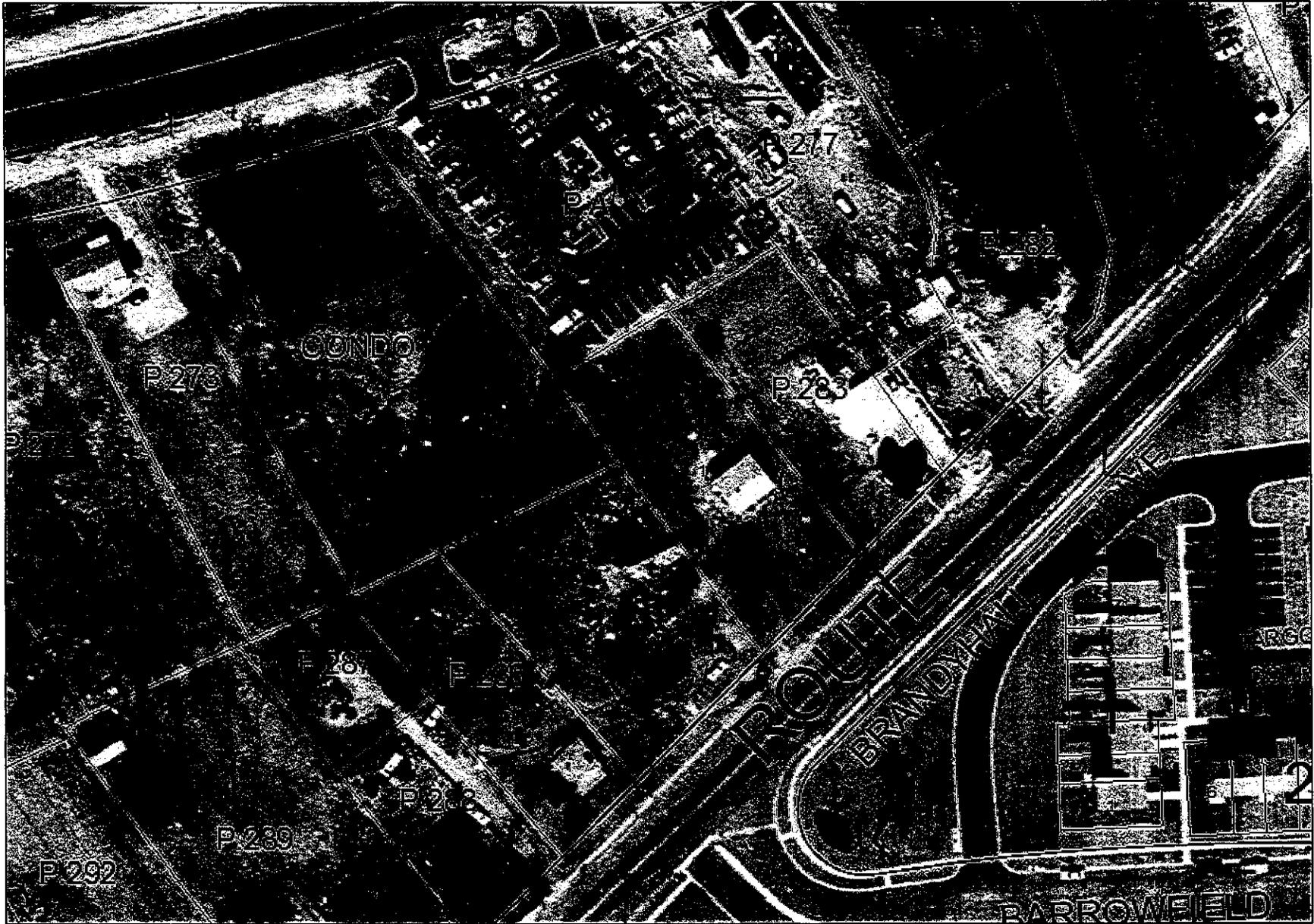


Exhibit "G"

1993



Exhibit "H"



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
952-3281

August 5, 1991

Edward C. Gibbs, Esquire  
4640 Forbes Blvd.  
Lanham, Maryland 20706

AUG 07 1991

Re: ROSP-SE-3875

Dear Mr. Gibbs:

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

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

Very truly yours,

*Dale C. Hutchison*

Dale C. Hutchison  
Zoning Division

cc: Maurene Epps  
Zoning Hearing Examiner  
People's Zoning Counsel  
Zoning Enforcement  
Eugene Lauer, Director, Dept. of Environmental Resources  
Persons of Record



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

PGCPB No. 91-307

File No. RO SP/SE-3875/1

Prince George's County Revision of Site Plan (Minor Change) for Special Exception No. 3875/1

Applicant: McDonald's Corporation, Agent  
Edward C. Gibbs, Jr., Correspondent  
Location: The subject property is located on the south side of Oxon Hill Road, approximately 230 feet west of St. Barnabas Road  
Request: Revision of Site Plan (Minor Change) in accordance with Section 27-325(b) of the Zoning Ordinance

R E S O L U T I O N

WHEREAS, the applicant is requesting approval of a minor change to Special Exception No. 3875/1 in accordance with Section 27-325(b) of the Prince George's County Zoning Ordinance; and

WHEREAS, under this provision the applicant is proposing to add a "soft" playland in front of the existing restaurant building; and

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

WHEREAS, the Technical Staff Report released July 24, 1991, recommended approval; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on August 1, 1991, the Prince George's County Planning Board agreed with the staff recommendation; and

WHEREAS, the Planning Board decision is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

1. The change proposed by the applicant, the addition of a "soft" playland, is permitted pursuant to the provisions of Section 27-322(b) of the Zoning Ordinance. However, installation of the playground results in the relocation of other improvements shown on the special exception site plan. Such relocations require a revision to the special exception site plan.
2. The revisions proposed by the applicant may be approved by the Planning Board in accordance with Section 27-325(b) of the Zoning Ordinance. The site is less than five acres and the improvements proposed will be 1.5 feet closer to the property line which is not greater than 10 percent of the distance to the property line. The original location was 15 feet from the property line.

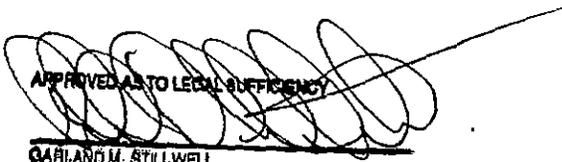
3. The subject request meets or exceeds the design and operational criteria for fast-food restaurants as found in Section 27-350 of the Zoning Ordinance.
4. The addition of the playground will not unduly restrict the availability of land or upset the balance of land uses along Oxon Hill Road, a major arterial and commercial strip.
5. The proposed playground will not alter the fact that the use is in harmony with the purposes, requirements and regulations of the Zoning Ordinance.
6. The addition of a playground will not impair the integrity of the Master Plan for Subregion VII, which recommends a commercial use for the site.
7. In the time this use has existed on the subject property, it has not been shown to adversely affect the health, safety or welfare of residents or workers in the area, or to be detrimental to the use or development of adjacent properties and the general neighborhood.
8. This proposal generates no issues which would lead staff to question the continuation of this use per the District Council's previous action in approving Special Exception No. 3875.

NOW, THEREFORE, BE IT RESOLVED, that this application for a "minor change" to Special Exception No. 3875/1, is hereby APPROVED.

\* \* \* \* \*

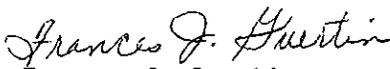
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Stone, seconded by Commissioner McNeill, with Commissioners Stone, McNeill, Rhoads, Sydnor and Brown voting in favor of the motion, at its regular meeting held on Thursday, August 1, 1991, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of August 1991.

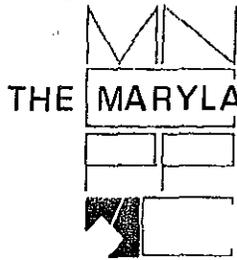
  
APPROVED AS TO LEGAL SUFFICIENCY  
GARLAND M. STILLWELL  
M-NO PPG LEGAL DEPT.

DATE: 8/2/91

Rosemary Malcolm Bridgeman  
Executive Director

  
By Frances J. Guertin  
Planning Board Administrator

RMB:FJG:DC:lg



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

952-3281

December 15, 1988

The Chase Manhattan Bank, N.A.  
1211 Sixth Avenue  
New York, N.Y. 10036

Re: DPLS 73 & DDS 336

Dear Applicant:

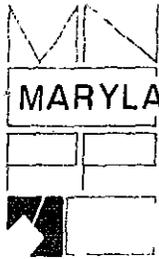
Enclosed is a copy of a Resolution adopted by the Prince George's County Planning Board concerning the above-captioned application. This action of the Planning Board has now been officially transmitted to the District Council.

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

Very truly yours,

Dale C. Hutchison, Chief  
Zoning Division

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

PGCPB No. 88-580

File No. DPLS-73

Prince George's County Departure from Parking and Loading Standards No. 73

Applicant: McDonald's Corporation, Agent  
The Chase Manhattan Bank, Trustee, Owner  
Edward C. Gibbs, Jr., Esquire, Correspondent

Location: The subject property is located on the south side of Oxon Hill Road, approximately 230 feet west of St. Barnabas Road

Request: Departure from Parking and Loading Standards, in accordance with Section 27-588 of the Zoning Ordinance

R E S O L U T I O N

WHEREAS, the applicant is requesting a departure to reduce the number of required parking spaces from 71 to 60; and

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

WHEREAS, the Technical Staff Report released November 9, 1988, recommends denial; and

WHEREAS, the applicant supplied additional data subsequent to the release of the staff report to substantiate the lack of need for eleven additional parking spaces; and

WHEREAS, the Technical Staff accepted the data and changed its recommendation to approval; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on December 1, 1988, the Prince George's County Planning Board agreed with the staff's amended recommendation and adopts the staff analysis and recommendation as its own.

NOW, THEREFORE, BE IT RESOLVED, that Departure from Parking and Loading Standards Application No. 73 is hereby APPROVED.

\* \* \* \* \*

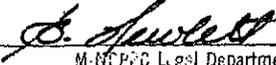
This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Prince George's County Planning Board of The

PGCPB No. 88-580  
File No. DPLS-73  
Page 2

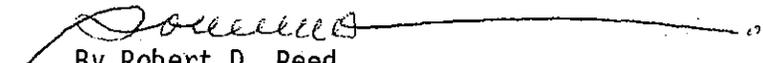
Maryland-National Capital Park and Planning Commission on motion of Commissioner Yewell, seconded by Commissioner Dabney, with Commissioners Dabney, Botts, Rhoads and Yewell, voting in favor of the motion and with Commissioner Wootten absent at its regular meeting held on Thursday, December 1, 1988, in Upper Marlboro, Maryland.

John F. Downs, Jr.  
Acting Executive Director

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCP&C L. gsl Department

Date 12/8/88

  
By Robert D. Reed  
Public Affairs Officer

JFD:RDR:DC:amo

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Application No. 336  
Location: Oxon Hill Road  
Property Owner: [illegible]  
1988

Applicant is requesting a departure to reduce the  
of interior and peripheral landscaping; and

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

WHEREAS, the Technical Staff Report released November 9, 1988,  
recommends approval in part and denial in part; and

WHEREAS, after consideration of the Technical Staff Report and  
testimony at its regular meeting on December 1, 1988, the Prince George's  
County Planning Board agreed with the staff recommendation and adopts the  
staff analysis and recommendation as its own.

NOW, THEREFORE, BE IT RESOLVED, that Departure from Design Standards  
Application No. 336 is hereby APPROVED for Section 27-564(a)(1) to provide  
a variable width landscaped strip along Oxon Hill Road, and DENIED for  
Section 27-564(a)(2) to reduce the required interior landscaping.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of  
a resolution adopted by the Prince George's County Planning Board of the  
Maryland-National Capital Park and Planning Commission on motion of  
Commissioner Yewell, seconded by Commissioner Dabney, with Commissioners  
Yewell, Dabney, Rhoads and Botts, voting in favor of the motion and with

PCPN No. 88-578  
File No. DDS-336  
Page 2

Date 12/8/88

*Robert D. Reed*  
By Robert D. Reed  
Public Affairs Officer

JFD:RDR:DC:amo



THE MARYLAND DEPARTMENT OF TRANSPORTATION  
STATE HIGHWAY ADMINISTRATION (MDOT SHA)

9300 Kenilworth Avenue  
Greenbelt, Maryland 20770



**District Office Permit**

**Permit Number:** SHA-3-PG-0683-19-DO

**U.C. Ref or Job ID#:** MD 414  
**Project Number:** Prince Georges

**Route No.:** MD 414

**Route Name (optional):** OXON HILL RD  
- MD 414

**Limits :** OXON HILL RD (BACK) - CO 114 to **Mile Point :** 0.000,

**Issue Date :** 7/31/2019

**Expiration Date :** 7/31/2020

So far as the MDOT State Highway Administration has the right and power to grant same, permission is hereby given to:

**Permittee :**

Mc Donald's Corporation  
6903 Rockledge Drive  
Suite 1100  
Bethesda, MD 20817

**Attention :**

Edward Mack  
Phone#: (267) 410-0078  
Email: edward.mack@us.mcd.com

**Description of Work:**

Replacement of three (3) street trees within the 30' Oxon Hill Road R.O.W. dedication previously approved in 1991 that has since been removed. Same will be placed as close to the property line as feasible and will consist of Acer Ginnala/Amur Maple as requested by MDOT/SHA.

**The following Special Conditions apply to this permit.**

- If existing sidewalk must be closed as part of the permit work, the permittee is responsible for posting a sidewalk closure notice at the work site at least two weeks in advance of the closure. The above notice
  - ✓ must specify the expected period of time during which the sidewalk will be closed, and the contact information of the Permit Holder and/or Contractor and MDOT SHA. The posted notice must remain in place during the sidewalk closure period.
  - ✓ An onsite pre-construction meeting with the SHA Permit Inspector is required before any work starts. Other special conditions of this permit will be discussed at the field meeting and enforced.
- You must apply for a Traffic Control Permit for the above referenced road from the SHA, District 3
  - ✓ Utilities, at least two days (48 hours) prior to closure and it must be approved before starting work. Weekend and Monday requests must be in by Thursday.

**Notifications:**

a. Permittee must notify **BLAIR JONES**, the MDOT State Highway Administration **District Utility Inspector**, at **(301) 513-7483**, 48 hours prior to commencement of any activities related to this permit.

b. The permittee will designate the Traffic Manager for this permit and a 24 hour emergency number at the pre-construction meeting.

c. All work for this permit shall be in conformance with the above referenced documentation supplied by the utility company.

THIS PERMIT IS ISSUED WITH THE REQUIREMENT THAT IT WILL BE ENFORCED BY THE GENERAL PROVISIONS, SPECIAL PROVISIONS, AND PERMIT REGULATIONS AS OUTLINED IN THE FULL LENGTH SHA MASTER UTILITY PROVISIONS WHICH MUST BE FOUND ON THE JOB SITE **AT ALL TIMES.**

A COPY OF THIS PERMIT MUST ALSO BE FOUND ON THE JOB SITE **AT ALL TIMES.**

 For

By: \_\_\_\_\_

ANDRE FUTRELL

District Engineer

MDOT State Highway Administration

301-952-3972

May 30, 2019

**MEMORANDUM**

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

VIA: Scott Rowe, AICP, CNU-A, Supervisor, Long-Range Planning Section, Community Planning Division <sup>BSR</sup>  
David A. Green, MBA, Master Planner, Community Planning Division 

FROM: Thomas Lester, Senior Planner, Long-Range Planning Section, Community Planning Division <sup>BSR</sup> for Thomas Lester

SUBJECT: **DSP-18051 and DPLS-463 Oxon Hill McDonald's**

**FINDINGS**

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

Pursuant to Section 27-588(b)(7)(A) of the Zoning Ordinance, Master Plan conformance is not required for this DPLS.

Pursuant to Section 27-588(b)(7)(B) of the Zoning Ordinance, the Planning Board "shall give consideration to the recommendations of the 2006 *Approved Master Plan for the Henson Creek-South Potomac Planning Area*.

- Environmental Infrastructure - Policy 2, Strategy 5, Minimize the number of parking spaces and provide for alternative parking methods that reduce the area of impervious surfaces (p. 64).
- Community Character - Policy 1, Strategy 7, Locate parking areas to the sides and rear of buildings (never in the front, between the street and the building), and provide innovative circulation and landscaping design for parking areas to reduce conflicts between cars and pedestrians and reduce the amount of impervious surface. Consolidate curb cuts whenever possible (p. 96).

## DSP- 18051 and DPLS-463 Oxon Hill McDonald's

### BACKGROUND

**Application Type:** Detailed Site Plan for property outside of an overlay zone and a departure from the number of parking and loading spaces required.

**Location:** 6126 Oxon Hill Road, Oxon Hill, MD 20745

**Size:** 0.84 Acres

**Existing Uses:** Eating and drinking establishment

**Proposal:** Add a front building addition (1,291 sq. ft.), a second drive-through lane to the existing structure, increase the number of patron seats and a decrease the number parking spaces (14 parking spaces).

### GENERAL PLAN, MASTER PLAN, AND SMA

**General Plan:** This application is located in the Oxon Hill Neighborhood Center. The vision for the policy area is medium- to medium-high residential development, along with limited commercial uses.

**Master Plan:** The 2006 *Approved Master Plan for the Henson Creek-South Potomac Planning Area* recommends Mixed-Use land uses on the subject property.

In addition, the 2006 *Approved Master Plan for the Henson Creek-South Potomac Planning Area* also makes the following recommendations that affect the subject property:

- Environmental Infrastructure - Policy 2, Strategy 5, Minimize the number of parking spaces and provide for alternative parking methods that reduce the area of impervious surfaces (p. 64).
- Community Character - Policy 1, Strategy 7, Locate parking areas to the sides and rear of buildings (never in the front, between the street and the building), and provide innovative circulation and landscaping design for parking areas to reduce conflicts between cars and pedestrians and reduce the amount of impervious surface. Consolidate curb cuts whenever possible (p. 96).

#### **Planning Area/**

**Community:** 76B/Henson Creek

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

**SMA/Zoning:** The 2006 *Approved Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* retained the subject property in the Commercial Shopping Center (C-S-C) zone.

c: Long-range Agenda Notebook

July 23, 2019

**MEMORANDUM**

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

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

*By for TM  
7-26-19*

SUBJECT: **DSP-18051, DPLS-463 and DDS-658: Oxon Hill McDonalds**

**Proposal**

The applicant is proposing an expansion to an existing eating and drinking establishment with drive-through service, along with modifications to the drive-through facilities. The applicant is also proposing a departure from the number of required parking spaces, and a second departure to obtain relief from buffer yard requirements.

**Background**

This site plan has a long case history of prior special exceptions and departures. None of those applications have transportation-related conditions that have yet to be enforced. The site plan is required to address issues related to architecture, building siting, and relationships between the development and any open space. The site plan is also required to address general detailed site plan requirements such as access and circulation. There are no transportation-related findings related to traffic or adequacy associated with a detailed site plan (DSP). The site is on recorded Parcel A of Burchs Subdivision, so there will be no preliminary plan of subdivision (PPS) required.

The detailed site plan is generally required for this use in the C-S-C Zone; optionally, such uses may be modified as a revision to a previously approved special exception. The applicant has elected to utilize the detailed site plan process. In any regard, the use has no specific transportation-related requirements.

The parking departures are reviewed pursuant to several findings and considerations shown in Section 27-588 of the Zoning Ordinance. A prior departure in 1988 approved a departure of 11 parking spaces on this site.

The design departure relates to buffer yard requirements. As such, the Transportation Planning Section offers no review of this departure and has no comment.

**Review Comments**

The current proposal seeks to renovate and expand the footprint of the existing use and reconfigure the drive-through to create a double-drive-through service (thereby necessitating the removal of several parking spaces at the rear of the site). Access will remain as exists; circulation within the site is acceptable.

**Departure from Parking and Loading Standards**

From the standpoint of transportation, the substantive portion of this review involves review of the departure from parking and loading standards. The existing building is 3,443 square feet, contains 55 seats and is served by 60 parking spaces. The proposal is to increase the size of the building to 4,816 square feet with 60 seats and reduce the parking to 42 parking spaces.

The proposal would require 56 parking spaces, and the departure request is for 14 spaces. Pursuant to Section 27-588 of the Zoning Ordinance, the applicant is proposing to reduce the total parking quantity by 14 spaces. The applicant has submitted a statement of justification (SOJ) to address the required findings for a departure from number of Parking and Loading Space (DPLS), indicated in Section 27-588:

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

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

**Comment:** The applicant asserts that 42 parking spaces will be sufficient to serve the parking needs of the use. The applicant notes the following:

- The applicant has seen a marked increase over time in the use of their drive-through service to the point that the applicant is installing a double-drive-through system on the site. This double-drive-through system requires that some of the existing parking be removed from the site, but the applicant believes that parking demand will be more than offset by improved drive-through services.
- The applicant has done two separate studies of on-site parking. The initial study was more observational and concluded low utilization of site parking during peak hours. The second study was a more technical count over longer periods of time and concluded that the parking demand for this site is 0.45 spaces per seat. Given the current proposal of 60 seats, the use would require 27 spaces.
- It is stated that the parking requirement for the use in Subtitle 27 "does not take into account any reduced parking demand as a result of having a drive-thru window." The applicant continues by noting that sales figures show that 63 percent of business for this site occurs by means of drive-through.
- The applicant intends to expand the building by nearly 1,400 square feet but seating will only be increased by five seats. Some of the added spaces will be needed to serve the double-drive-through system, but most of the added space will improve the dining experience for patrons that choose to park and eat inside.

The transportation planners did observe parking utilization on the site during weekday lunch hours, and the staff's observations were consistent with the two studies. Given that the staff has found no evidence to the contrary, the applicant's studies are found to be credible. The expansion of the use by five seats will not change existing conditions to a great degree, and the applicant's arguments are supportable.

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

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

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

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

- The applicant has demonstrated that the use of the drive-through lane has substantially decreased the demand for on-site parking, and the addition of the double-drive-through system will further increase the efficiency of customer service at this restaurant and further reduce the demand for parking.
- It is noted that the area near the restaurant is densely developed with office, commercial and residential uses, and that many patrons do walk to the site from homes or businesses.

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

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

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

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

**Comment:** The use exists in a commercial area, and while there are dense residential developments nearby, they are not adjacent to the site and not so close that patrons of this use could easily use the associated parking. The site is virtually surrounded by roadways. It is believed that this finding is met.

In summary, the Transportation Planning Section staff concur with the findings addressed by the applicant and recommend approval of the Departure from Parking and Loading Standards to permit a total of 42 parking spaces (a reduction of 14 spaces).

### **Conclusion**

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

## **Burke, Thomas**

---

**From:** Onyebuchi, Joseph  
**Sent:** Tuesday, May 07, 2019 10:04 AM  
**To:** Burke, Thomas; Kosack, Jill  
**Cc:** PGReferrals; Conner, Sherri  
**Subject:** DSP-18051 & DPLS-463

Good Morning Tom,

There are no subdivision issues for this property. Please accept this email in lieu of a memorandum.

**Thank you,**

**Joseph Onyebuchi**

Senior Planner, Subdivision and Zoning  
301-952-3665 | joseph.onyebuchi@ppd.mncppc.org



The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department  
pgplanning.org



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
 Upper Marlboro, Maryland 20772  
 www.mncppc.org/pgco

August 12, 2019

**MEMORANDUM**

TO: Thomas Burke, Development Review Division

FROM: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division *TBW*  
 Tom Masog, Transportation Planning Section, Countywide Planning Division

**SUBJECT: Detailed Site Plan Review for Master Plan Trail Compliance**

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

Detailed Site Plan Number: DSP-18051

Name: McDonald's, Oxon Hill Road

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>      </u>	Nature Trails	<u>      </u>
SHA R.O.W.*	<u>  X  </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 submitted detailed site plan application referenced above for conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2006 *Approved Masterplan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject application is for an expansion and an additional drive-through lane for an existing McDonald's Restaurant.

The subject site is located on Oxon Hill Road, approximately 1,000 feet west of the intersection of Oxon Hill Road and Brinkley Road. The subject site is Zoned C-S-C and is within 1,500 feet of three bus stops serving four different bus routes (The Bus 35; Metrobus D12, D 13, D14, and NH1).

## **Background:**

The *Approved Countywide Master Plan of Transportation* and the area master plan identify one master plan trail recommendation that impacts the subject site, as shown on plan maps for the MPOT and area master plan. A proposed bicycle lane is shown along Oxon Hill Road for the entire frontage of the subject site. This bicycle lane is part of a longer bicycle corridor that extends to Fort Foote and to Branch Avenue.

The MPOT also includes a Complete Streets element that contains several policies related to accommodations for bicyclists and pedestrians along new road construction. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians (pg. 10):

**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.

**Policy 4:**

Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the *1999 AASHTO Guide for the Development of Bicycle Facilities*.

The area master plan includes the following bicycle, pedestrian, and trails policies (pg. 75-76):

**Policy 1:**

Incorporate appropriate pedestrian, bicycle, and transit-oriented design and transit supporting design features in all new development and with centers and corridor nodes.

**Policy 3:**

Provide adequate pedestrian and bicycle linkages to schools, parks, and recreation areas, commercial areas, and employment centers.

**Comment:** There is an existing sidewalk along the frontage of the subject site. The applicant has proposed an additional five-foot-wide sidewalk connecting the Oxon Hill Road sidewalk with the primary entrance of the building. Continuous pedestrian facilities would include crosswalks that align with the existing sidewalks. However, the pavement marking would need to be added to the concrete driveway aprons, which is not consistent with Maryland State Highway Administration practice and is not recommended for this development.

An on-street bicycle lane along Oxon Hill Road can be installed as part of a future Capital Improvement Project or roadway maintenance project directed by the Maryland State Highway Administration, the operating agency responsible for this section of Oxon Hill Road.

The existing site includes two on-site crosswalks, one connecting the Americans with Disabilities Act (ADA) accessible parking spaces to the building entrance, and a second crosswalk connecting the drive-through waiting spaces with the building entrance. While these crosswalks are not specifically identified as features to be removed in the proposed site plan, they are not included on the plan.

**Comment:** The proposed site plan includes ADA accessible parking spaces on the same side of the drive aisle as the building, and therefore a marked crosswalk connecting the ADA accessible parking spaces and the building is not necessary. However, the remaining parking spaces, including the drive-through spaces will be located across the drive aisle from the building entrance. If the applicant intends to maintain parking spaces for drive-through pick-up service, as it currently exists, a marked crosswalk connecting the building entrance and the drive-through spaces shall be included on the plan.

The submitted plans do not indicate the location of bicycle parking on the subject site.

**Comment:** Bicycle parking is an important component to accommodate bicycle transportation. The applicant shall update the proposed plans to include at least three inverted-U style bicycle parking racks near the entrance of the building.

**Recommendations:**

Prior to certification of the detailed site plan, the following amendments to the detailed site plan shall be provided:

- A. Provide a marked crosswalk crossing the drive-through lanes connecting the building entrance with the specially marked drive-through service parking spaces.
- B. Provide three inverted-U bicycle parking racks near the entrance of the building.

May 6, 2019

**MEMORANDUM**

TO: Thomas Burke, Urban Design

FROM: Jason Bartlett, Permit Review Section, Development Review Division

SUBJECT: Referral Comments for DSP-18051 & DPLS-463, Oxon Hill McDonald's

**GENERAL SCOPE/HISTORY OF APPLICATION:**

- Detailed Site Plan and Departure from Parking and Loading Standards application for a McDonald's w/drive through window originally constructed and opened for business in February 1972 (ran continuously since).
- Approximately 36,423± square feet (0.84± acres).
- Parcel A, Burch's Subdivision w/approximately 170 feet of frontage along Oxon Hill Road.
- Plat 75@60.
- Originally zoned C-O and became non-conforming w/subsequent zoning changes. Currently zoned C-S-C.
- 1988 renovations filed under **SE-3875**, necessitating companion case **DPLS-73**, as the increased SF of the patron area increased the minimum parking requirements to 71 but they could only provide 60.
- The 1988 renovations included:
  - An extended cash booth along the east side of the building.
  - The addition of vestibules around entrances to the building.
  - Two building addition - One at the front of the restaurant to increase patron seating measuring 12' X 44' and one at the rear to increase storage space allow for the installation of handicapped restrooms meeting ADA standards that measured 19.33' X 22.67'.
  - General restaurant interior renovations.
- The approval of SE-3875 on 01/09/89 removed the non-conforming status of the restaurant and the approval of DPLS -73 on 12/15/88 authorized the reduction in parking spaces.
- After construction in 1988 it was determined that the applicant was unable to provide the then required 10' Landscape Strip along Oxon Hill Road required by the zoning

Page 1 of 4

ordinance, so the applicants applied for an were granted a variance by the ZHE under **Appeal #9696**, approved on 01/18/89.

- In 1991 there was a minor revision to the SE under **ROSP-3875-1** to add a play area in the front of the restaurant, approved on 08/01/91. It was eventually removed and replaced with the existing patio, picnic table and benches.
- Though approved for 92 patron seats under SE-3875, there are now only 53 seats inside the restaurant.
- The new DPLS-463 proposes a reduction from the now required 74 spaces down to 42 spaces.
- The approval of DDS-336 denied approval of

### **REFERRAL COMMENTS**

DDS-336

1. Outside drive isle at menu board is too narrow. Shown on plan at 10'. An 11' drive isle is required.
2. Show width of drive through drive isle between the proposed pay window and the concrete curb of adjacent island.
3. Add trash enclosure detail
4. It is advisable that the applicant include all existing sign detail (e.g., building signs, freestanding signs, etc) with this DSP to avoid future DSP revision in the event that signs not included need to be replaced. This should be on a separate sheet of the DSP titled "Sign Detail Sheet.
5. Remove titling on sheets that refer to the Approved Site Development Concept Plan. Consider revision all sheets to be consistent with the typical plan titling in Prince George's County.
6. Remove the Erosion and Sediment Control Plan, which carries its own approval, as well as the Erosion and Sediment Control detail sheet. Add any site related details from those sheets to a separate Site Detail Sheet of the DSP package
7. Plans is devoid of Elevation Sheets. Add elevations to the DSP and sign elevation sheets as may be applicable in conjunction with comment No. 4, above.
8. Sheet C 10 shows the side-by-side drive through detail. This representation of how the traffic flows into the drive through lanes should also be depicted on the Site Plan. Furthermore, the site plan does not show the drive isle width between the entrance off Oxon Hill Road and the



11. At the discretion of the reviewer, it doesn't seem like the Grading, Drainage & Utilities Plan, Sheet C-5, is necessary. Any pertinent detail from there related to the Site Plan should be placed on the Site Plan and the other elements are unnecessary.
12. The applicant included greater detail in their separate Site Development Plan that was also submitted with the DSP and which is a part of their acceptance documents on DAMS. It would be nice to see the applicant make those more enhanced details a part of the DSP package as their separate Site Development Plan is not approved with the DSP. Specific examples of pages or incorporations from the Acceptance Plans in the DSP package are:
  - a. Sheet 13 of 25 (or) A2.0
  - b. Sheet 14 of 24 (or) A2.1



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

www.mncppc.org/pgco

301-952-3650

Countywide Planning Division  
Environmental Planning Section

May 31, 2019

**MEMORANDUM**

**TO:** Thomas Burke, Planner Coordinator, Urban Design Section

**VIA:** Katina Shoulars, Acting Division Chief, Countywide Planning Division *KS*

**FROM:** Chuck Schneider, Senior Planner, Environmental Planning Section *CS for ACS*

**SUBJECT: Oxon Hill McDonalds; Detailed Site Plan DSP-18051/DPLS-463  
(6126 Oxon Hill Road)**

The Environmental Planning Section (EPS) has reviewed Detailed Site Plan DSP-18051 and Departure from Parking and Loading Standard DPLS-463, received by the Countywide Planning Division on April 24, 2019. The Environmental Planning Section recommends approval of the application with no conditions.

The site has a Natural Resource Inventory Equivalency Letter (NRI-119-2018) and Woodland Conservation Exemption Letter (S-112-2018) which were issued on August 2 and 6, 2018. The site is entirely developed with one structure and paved surface parking areas. No woodland or regulated environmental features are located on this site. According to the US Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS), the site contains one soil type which is Urban land-Beltsville complex. No unsafe soils containing Christiana complexes or Marlboro clays are associated with this site. This site is not located within a Sensitive Species Protection Review Area (SSPRA) based on a review of the SSPRA GIS layer prepared by the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP). The site is located within the Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan* (2014). One area of Evaluation Area, along the western and southern property lines, of the *Countywide Green Infrastructure Plan* is located on-site.

The Environmental Planning Section finds this application to be in conformance with the environmental requirements of Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance) and Subtitle 27 (Zoning Ordinance).

The site has an approved Stormwater Management Concept Plan #36571-2018-00 that is in conformance with the current code, which is valid until December 17, 2021. The approved concept plan is consistent with the detail site plan.

No additional Information is required. The Environmental Planning Section Recommends approval of DSP-18051/DPLS-463.



Angela D. Alsobrooks  
County Executive

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



MEMORANDUM

August 13, 2019

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

**FROM:** Mary C. Giles, P.E., Associate Director  
Site/Road Plan Review Division, DPIE *neg 8/15/19*

**RE:** Oxon Hill McDonald's  
Detailed Site Plan No. DSP-18051  
Departure from Parking and Loading Standards No. DPLS-463

**CR:** Oxon Hill Road (MD 414)

In response to Detailed Site Plan No. DSP-18051 and the Departure Parking and Loading Standards No. DPLS-463 referrals, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The subject site is Zoned C-S-C. It is located at 6126 Oxon Hill Road, on the south side approximately 238 feet west of John Hanson Lane.
- Detailed Site Plan No. 18051 and Departure from Parking and Loading Standards No. 463 are being requested to:
  - o Interior/exterior remodeling of existing McDonald's restaurant.
  - o Remove 14 parking spaces to account for a 1,291 square foot addition to the front of the building and to provide adequate truck circulation. DPLS - 463 is to allow 42 parking spaces instead of 74 parking spaces that would be required.
  - o Eighty-two square foot building addition to the rear of the building for an additional drive-thru window.
  - o Modification of existing single order point drive-thru to a side-by-side drive-thru.
  - o Minor grading improvements to bring site to Americans with Disabilities Act (ADA) compliance.

9400 Peppercorn Place, Suite 230, Largo, Maryland 20774  
Phone: 301.636.2060 ♦ <http://dpi.e.mypgc.us> ♦ FAX: 301.925.8510

Thomas Burke  
August 13, 2019  
Page 2

- o Addition of water quality treatment device in accordance with Prince George's County standards to meet the applicable stormwater requirements.
- Oxon Hill Road (MD 414) is a State-maintained roadway; therefore, coordination with the Maryland State Highway Administration (SHA) is necessary.
- The approved DPIE Stormwater Management Concept Plan No. 36571-2018 dated December 17, 2018, and valid through December 17, 2021, is consistent with the proposed DSP - 18051.
- All storm drainage systems and facilities are to be in accordance with the Department of Public Works and Transportation (DPW&T) Specifications and Standards.
- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies are required.
- Conformance with Street Tree, Street Lighting Standards and parking lot lighting is required.
- DPIE has no objection to DSP No. 18051 and DPLS No. 463 provided there is no adverse effects in the surrounding areas.

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

MCG:NF:csw

cc: Nanji Formukong, District Engineer, S/RPRD, DPIE  
Salman Babar, Engineer, S/RPRD, DPIE  
Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE  
Edward C. Gibbs, 1300 Caraway Court, Upper Marlboro,  
Maryland 20774  
McDonald's USA, LLC, 110 North Carpenter Street, Chicago,  
Illinois, 60607

EXHIBIT'S LIST

9/12/19 PGCPB REGULAR MEETING

ITEMS 5 – 7

DSP-18051, DPLS-463 & DDS-658

OXON HILL MCDONALD'S

Applicant's Exhibit No. 1:

Applicant's Proposed Revisions to Conditions (2 pages)

Applicant's Exhibit No. 2A &B:

Directional sign illustrations (2 pages)

Staff's Exhibit No. 1:

Additional Finding (2 pages)

ORIGINALS TO: DRD 9/12/19

APPLICANT'S PROPOSED REVISIONS TO CONDITIONS

MCDONALD'S/OXON HILL

DSP-18051

DPLS-463

DDS-658

AC-19005

REC'D BY PGCPB ON 9/2/19  
ITEM # 5-7 CASE # DSP-18051  
DPLS-463  
EXHIBIT # Appl Ex No. 1 658

RECOMMENDATION

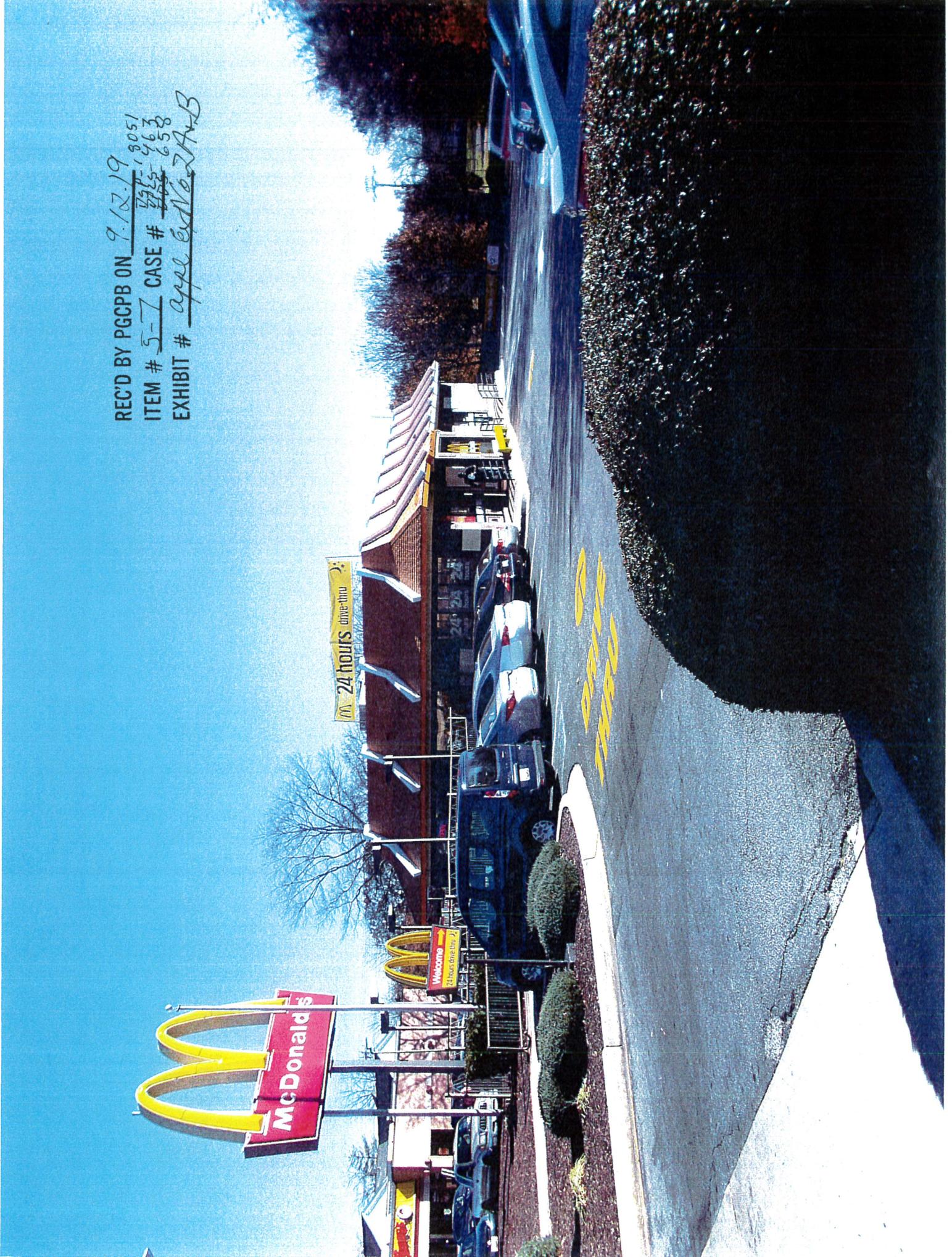
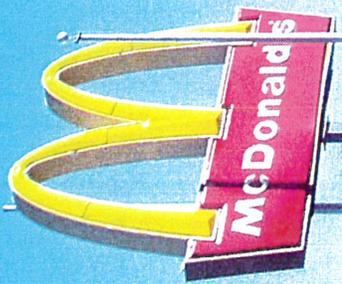
Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and:

- APPROVE Departure from Parking and Loading Standards DPLS-459, to allow for a reduction of 13 parking spaces, including one handicap-accessible space.
- APPROVE Departure from Design Standards DDS-658, to allow a reduction in the Landscape Manual, Section 4.7 requirements along the southern property line.
- APPROVE Detailed Site Plan DSP-18051 and Alternative Compliance AC-19005, for Oxon Hill McDonald's, subject to following conditions:

1. Prior to certification of the detailed site plan (DSP), the applicant shall make the following revisions to the plans:
  - a. Provide a tree canopy coverage schedule demonstrating conformance to the requirements.
  - b. Note on the plan that the landscape strip within the right-of-way must be maintained by the applicant, pursuant to Maryland State Highway Administration Permit SHA-3-PG-0683-19-DO.
  - c. Add a trash enclosure detail to the plan, ~~which shall be constructed of a durable, quality material to match the building depicting the location and construction materials of the existing trash enclosure.~~
  - d. Indicate traffic flow into the drive-through lanes, as well as a minimum width of the drive aisles of 11 feet between the marking line and the adjacent parking spaces.
  - e. Show three inverted-U bicycle parking racks near an entrance to the building.
  - ~~f. Provide a marked crosswalk crossing the drive-through lanes connecting the building entrance with the specially marked drive-through service parking spaces.~~
  - ~~g. f.~~ Correct the Section 4.2 and 4.7 landscape schedules to be consistent with, and refer to, the alternative compliance.
  - ~~j. Correct the Section 4.7 landscape schedule along the western property boundary to reflect full compliance with a Type B bufferyard, as modified by Section 4.7(c)(4)(F) of the 2010 Prince George's County Landscape Manual~~

- g. Provide a six (6) foot high black aluminum picket fence along the western property boundary.
- h. Show one (1) directional sign at each driveway entrance.

REC'D BY PGCPB ON 9.12.19  
ITEM # 5-7 CASE # 19051  
EXHIBIT # app ex No 2A+B



## Next Gen Directional



**Illumination:** LED

**Electrical:** 25 amps

**Power Supply:** Amperor ANF90 30P1

**Ship Weight:** 130 lbs.

**Face Details:** Laser cut aluminum faces painted charcoal, white illuminated copy and arrow. Optional illuminated gold arch.

**Available Copy:**  
Enter  
Exit  
Welcome  
Thank You  
Draw-Through



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.pgplanning.org

September 11, 2019

REC'D BY PGCPB ON 9.12.19  
ITEM # 5-7 CASE # DSP-18051  
EXHIBIT # Staff Ex Vol DDS 463  
658

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: James Hunt, Chief, Development Review Division *JEM*  
Jill Kosack, Supervisor, Urban Design Section, Development Review Division *JK*

FROM: Thomas Burke, Planner Coordinator, Urban Design Section *TB*  
Development Review Division

SUBJECT: **Detailed Site Plan DSP-18051 & Alternative Compliance AC-19005**  
**Oxon Hill McDonald's**  
Planning Board Agenda September 12, 2019 - Additional Finding

Subsequent to the issuance of the Planning Director's recommendation on alternative compliance, AC-19005, the applicant requested a change in the proposed fence along the western boundary line, as reflected on the latest submitted DSP, from a six-foot-high opaque fence to a six-foot-high picket aluminum fence because the adjacent office building's owner and tenants have safety concerns. The Section 4.7 landscape schedule for this incompatible use bufferyard was originally shown with the six-foot-high opaque fence allowing for a 50 percent reduction in the requirements by-right. A non-opaque fence, as now proposed, means this bufferyard is no longer in conformance, as the full required landscape yard width is not provided, and an AC is now needed.

The Urban Design staff finds that the applicant's proposal meets the required finding for approval of the AC and is equally effective to what would normally be required. Should the Planning Board support the applicant's request for a non-opaque fence, the Section 4.7 requirements for the western property line could be added to the AC and approved with the following additional finding and the deletion of Condition 1.j.:

**Additional Language Finding 9, page 14**

**Section 4.7, Buffering Incompatible Uses**

Subsequent to the AC review, the applicant requested a change in the proposed fence along the western boundary line from an opaque fence to a picket aluminum fence, citing the adjacent property owner and tenant's safety concerns. This change requires an AC as the plan is no longer in conformance with the requirements.

REQUIRED: Section 4.7, Buffering Incompatible Uses, along the western property line.

adjacent to commercial offices

Length of bufferyard	198 feet
Minimum building setback	30 feet
Minimum landscape yard	20 feet
Fence or wall	No, six-foot-high, non-opaque
Plant units (80 per 100 l.f.)	158

PROVIDED: Section 4.7-1, Buffering Incompatible Uses, along the western property line, adjacent to commercial offices

Length of bufferyard	198 feet
Minimum building setback	65 feet
Minimum landscape yard	12.5 feet
Fence or wall	No, six-foot-high, non-opaque
Plant units provided	161

**Justification**

The Landscape Manual allows for a 50 percent reduction in the Section 4.7 incompatible use bufferyard in the Developed Tier when a six-foot-high, opaque fence is provided. The adjacent property owner expressed safety concerns with an opaque fence along the shared boundary and requested a metal, picket fence. The applicant provided a revised plan showing a six-foot-high aluminum picket fence along the western boundary with 161 planting units. It should be noted that none of the proposed site improvements impact this area of the property, so the new fence and plants are all enhancements to the existing condition. Given the adjacent property owner's concerns, the existing conditions, and the provision of the open-style aluminum fence and the full amount of required plant units, the Planning Board finds the applicant's proposal equally effective as normal compliance with Section 4.7.

The Planning Board APPROVES Alternative Compliance AC-19005, Oxon Hill McDonald's, from the Section 4.7 requirements of the 2010 *Prince George's County Landscape Manual* for the western property line.

**Revised Condition, page 17**

1. Prior to certification of the detailed site plan (DSP), the applicant shall make the following revisions to the plans:
  - j. ~~Correct the Section 4.7 landscape schedule along the western property boundary to reflect full compliance with a Type B bufferyard, as modified by Section 4.7(c)(4)(F) of the 2010 *Prince George's County Landscape Manual*.~~