

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed DPLS-323 requesting a departure of 12 parking spaces from Parking and Loading Standards in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on June 21, 2007, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject 0.68-acre property is located in the I-1 Zone on the northeast corner of Hampton Park Boulevard and Hampton Mall Drive North and is known as 8800 North Hampton Mall Drive. The applicant is proposing to replace the existing Pizza Hut restaurant on the subject property with a 2,448-square-foot fast-food restaurant with a drive-through window for Panda Express. Access to the property is from two-way entrances along Hampton Mall Drive North and Hampton Park Boulevard. The property has approximately 175 feet of frontage along Hampton Park Boulevard and approximately 116 feet of frontage along Hampton Mall Drive North.
- B. **History:** The District Council approved a Special Exception, SE-3510, for the existing 3,300-square-foot Pizza Hut restaurant on July 30, 1984.

On May 4, 2007, the Zoning Hearing Examiner approved a Special Exception, SE-4574, for a 2,448-square-foot fast-food restaurant with a drive-through window for Panda Express. An Alternative Compliance application AC-07002 was also approved.

- C. **Master Plan Recommendation:** The property is located in an area identified in the 2002 General Plan as the Developed Tier. The application is in conformance with the land use recommendations of the 1985 approved Master Plan and 1986 adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B. The master plan retained the I-1 Zone for the property.
- D. **Request:** The applicant is requesting a departure of 12 parking spaces from the required 45 parking spaces. At the time of the review of the Special Exception application for the proposed restaurant, the applicant had provided incorrect information regarding the required parking. An additional 12 parking spaces are required for the proposed restaurant. The applicant is planning to use the existing parking lot for providing the required parking. Due to site constraints, the existing parking lot can only accommodate 33 parking spaces. The additional 12 required parking spaces cannot be accommodated on-site. Therefore, a waiver of 12 of the required 45 parking spaces is required. The Zoning Hearing Examiner approved SE-4574 with the following condition:

Prior to issuance of building permits, approval of a Departure from Parking and Loading Standards for the reduction in the number of proposed parking spaces (12) shall be obtained.

The applicant has revised the parking schedule to show the correct number of required and proposed parking spaces.

E. Neighborhood and surrounding uses:

The property is surrounded by the following uses:

North—Vacant gas station in the I-1 Zone.

East—Retail (7-Eleven store) in the I-1 Zone.

South—Hampton Mall Drive North and retail and vacant property in the I-1 Zone across from Hampton Mall Drive North.

West—Hampton Park Boulevard and hotel and restaurant in the I-1 Zone across from Hampton Park Boulevard.

F. Parking Regulations: Section 27.568(a)(3), Schedule of Parking Spaces, of the Zoning Ordinance requires one parking space for every three seats plus one parking space for 50 square feet of gross floor area (excluding storage and exterior seating)

Proposed Seating and Square Footage	Required Parking	Proposed Parking
52 interior seats	$52/3=18$ spaces	18
16 exterior seats	$16/3=6$	6
1,019 square feet (excluding storage and patron seating)	$1,019/50=21$	9
TOTAL	45	33

Specific Special Exception Requirements:

Sec. 27-350. Drive-in or fast-food restaurant.

- (a) (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;**

Since the master plan has designated Hampton Park Boulevard as a designated bikeway, it is appropriate to provide bicycle racks. The applicant has provided ten bicycle racks.

G. Referral Comments:

1. The Permit Review Section (memorandum dated May 3, 2007) states that the Zoning Section verified that an Alternative Compliance approval was obtained for the subject property.
2. The Historic Preservation and Public Facilities Planning Section (memorandum dated April 27, 2007) states that the subject proposal has no effects on historic resources.
3. The Historic Preservation and Public Facilities Planning Section (memorandum dated April 27, 2007) states that the subject proposal has no effect on public facilities.

4. The Environmental Planning Section (memorandum dated May 7, 2007) states that there are no environmental issues associated with this application. The subject property is exempt from the requirements of the Woodland Conservation Ordinance. The Environmental Planning Section issued a standard letter of exemption on May 4, 2007.
5. The Urban Design Section (memorandum dated May 17, 2007) has stated that the proposal must be reviewed for compliance with the requirements of the Landscape Manual.
6. The Transportation Planning Section (memorandum dated May 25, 2007) has no comments regarding this application. The Section conforms that the proposed drive-through is anticipated to serve a majority of the restaurant's customers.

H. Required Findings—Departure from Parking and Loading Standards

(A) Section 27-588(b)(8) of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:

- 1. The purposes of Section 27-550 will be served by the applicant's request.**

The purposes of the Parking Regulations are as follows:

- a. The off-street and on-street parking areas are sufficient to serve the parking and loading needs of all persons associated with the building and use.**
- b. 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.**
- c. To protect the residential character of residential areas.**
- d. To provide parking and loading areas which are convenient and increase the amenities in the Regional District.**

The purposes of the Parking Regulations will be served by the applicant's request. The purposes seek among other things to provide parking and loading areas sufficient to serve the needs of the use and to aid in relieving traffic congestion on the streets by reducing the use of public streets for parking and loading.

The proposed parking will be adequate to serve the needs of the Panda Express restaurant's employees and customers. The applicant anticipates the majority of its customers to use the drive-through window. There will be adequate parking for customers who choose to dine at the restaurant. Therefore, there will be no need for the customers to use public streets for parking. The proposed parking

will not have any adverse impacts on the adjacent properties and the neighborhood.

The parking area is easily accessible from the adjacent streets and design of the parking lot provides safe and easy circulation of vehicles and pedestrians. Directional signs are provided within the parking lot to ensure safe and efficient circulation.

2. The departure is the minimum necessary, given the specific circumstances of the request.

The applicant is using an existing parking lot to provide the required parking spaces. The existing parking lot is not large enough to accommodate all the required parking spaces. The applicant cannot provide a larger parking lot without encroaching into the landscape buffers and green areas on the property. Therefore, the departure is the minimum necessary, given the specific circumstances of the request.

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

The subject site is not located in an area that was developed prior to November 29, 1949. The subject use is located on a small lot that had an existing restaurant and parking. Although the proposed restaurant is smaller than the existing restaurant on this property, the addition of a drive-through and outdoor seating have reduced the space available for accommodating additional parking. Therefore, strict compliance with the parking requirements is not feasible. The proposed parking is adequate to serve the needs of the restaurant's employees and customers. The departure is necessary to alleviate circumstances, which are special to the subject use, given its nature at this location.

4. All methods for calculating the number of spaces required have either been used or found to be impractical.

The applicant has applied the correct method for calculating the number of spaces required. No other parking standard can be applied in this case.

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

There are no residential areas in the immediate vicinity of the subject property. Parking and loading needs of adjacent industrial areas will not be infringed upon if the departure is granted. The proposed parking and the drive-through window will be adequate to serve the needs of the restaurant.

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

- 1. 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 500 feet of the subject property.**

Although there is parking on the adjacent properties, the applicant does not anticipate the use of the parking on adjacent properties by its customers and employees.

- 2. The recommendations of an area master plan, or county or local revitalization plan, regarding the subject property and its general vicinity.**

The property is located in an area identified in the 2002 General Plan as the Developed Tier. The application is in conformance with the land use recommendations of the 1985 approved Master Plan and 1986 adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B. The master plan retained the I-1 Zone for the property. The applicant's proposal is consistent with the requirements of the I-1 Zone and will not impair the integrity of the master plan.

- 3. The recommendations of a municipality (within which the property lies) regarding the departure.**

The subject property is not within a municipality.

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

According to the applicant there are no public parking facilities proposed in the County's Capital Improvement Program for this area.

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

- 1. Public transportation available in the area;**
- 2. Any alternative design solutions to off-street facilities which might yield additional spaces;**
- 3. 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 500 feet of the subject property.**

The subject property is within a developed area in the county. Public transportation is available in the area. There are bus routes with stops along Central Avenue and Hampton Park Boulevard. The subject property is also near the Morgan Boulevard Metro Station.

The applicant has made optimum use of the existing parking lot to provide the maximum number of parking spaces feasible after exploring alternative designs for the parking lot.

The proposed restaurant is a fast food restaurant with a drive-through. The hours of operation for the restaurant are from 11 a.m. to 10 p.m., seven days a week. The applicant anticipates that the majority of its customers will utilize the drive-through window. The proposal will not have an adverse impact on the surrounding uses because the applicant does not anticipate the use of the parking on adjacent properties by its customers and employees.

4. **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 I-1 Zone. The above section is not applicable to the subject property.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the above-noted application DPLS 323 for a waiver of 12 of the required 45 parking spaces with the following condition:

Prior to certification of the site plan, the applicant shall add a note to the site plan stating that a waiver of 12 of the required 45 parking spaces for the Panda Express restaurant is granted by DPLS-323.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt and Parker voting in favor of the motion, and with Commissioners Clark and Vaughns absent at its regular meeting held on Thursday, June 21, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of July 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:LS:bjs