

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed DSDS-669, McDonalds-University Boulevard requesting a departure from sign design standards for the expansion of a nonconforming fast-food restaurant 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 April 12, 2012, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is an irregularly shaped lot located on the north side of University Boulevard, 375 feet west of 24th Avenue. The site, also known as 2306 University Boulevard, is improved with a one-story, brick, fast-food restaurant with a drive-through window and an asphalt parking lot. Access to the site is gained from University Boulevard via two driveways. The applicant is proposing to close the westernmost driveway leaving a single point of access at the location of the existing entrance drive.

B. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Fast-food Restaurant	Fast-food Restaurant
Gross Floor Area (GFA)	4,000 sq. ft.	4,372 sq. ft.
Acreage	1.07	1.07
Parcels	2	2

C. **History:** The subject site was placed in the C-S-C Zone upon adoption of the 1989 &1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment (SMA) for Planning Areas 65, 66 and 67*. In 1984, the use was certified nonconforming due to changes in the Zoning Ordinance and Special Exception SE-3527 was approved for an expansion of the existing building. The District Council approved Special Exception SE-4096 in 1993 to add a soft playland and the Planning Board approved Departure from Parking and Loading Standards DPLS-158 to waive five of the 80 required parking spaces. In 1997, the District Council approved a third Special Exception (SE-4201) which enclosed the playland and waived the additional resulting parking through Departure from Parking and Loading Standards DPLS-206. The playground enclosure was ultimately never built.

D. **Master Plan Recommendation:** This application conforms to the land use recommendations of the 1989 &1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity*

*and Adopted Sectional Map Amendment (SMA) for Planning Areas 65, 66 and 67 for retail commercial land uses. The 2002 Prince George's County Approved General Plan placed the property in the Developed Tier. The vision for the Developing Tier is a network of sustainable transit supporting mixed-use, pedestrian oriented, medium- to high-density neighborhoods.*

- E. **Request:** The applicant is proposing to raze and rebuild the McDonalds fast-food restaurant that has existed at this location since 1960. The resulting restaurant would be slightly larger and incorporate new architectural features and materials. The applicant is also requesting a departure of 18 parking spaces, since some of the existing parking on the site would be taken by a proposed dual drive through. In order to retain the existing freestanding sign along University Boulevard, the applicant must obtain a departure from sign design standards. Two additional departures are necessary; one for a substandard landscape yard and a second for a slight decrease in the width of a driveway to serve a loading space. The applicant is further requesting alternative compliance from Section 4.7 (Buffering Incompatible Uses) of the 2010 *Prince George's County Landscape Manual*.
- F. **Neighborhood and Surrounding Uses:** The appropriate neighborhood to be considered in this case is bounded on the northwest by a PEPCO (Potomac Electric Power Company) transmission line, on the east by the Northwest Branch and on the south by University Boulevard. This neighborhood includes a mixture of commercial and residential uses. Commercial development dominates the University Boulevard frontage. Medium density, single-family attached houses characterize the interior of the neighborhood. This is the neighborhood which was adopted in Special Exceptions SE-3527, SE-4096 and SE-4201.

The property is surrounded by the following uses:

- North—** A shopping center in the C-S-C Zone and a Pepco power line in the O-S Zone.
- East—** A shopping center in the C-S-C Zone.
- South—** Across University Boulevard is a gas station, convenience store and Laundromat in the C-S-C Zone.
- West—** A gas station in the C-S-C Zone.

- G. **Sign Requirements: Section 27-614(a)(4)** of the Zoning Ordinance requires freestanding signs in all Commercial and Industrial Zones (except the I-3 Zone), to be located at least (10) feet behind the street line. The existing sign, which the applicant wishes to retain, is located 5 feet from the right-of-way.
- H. **Departure from Sign Design Standards DSDS-669:**

**Section 27-239.01(b)(7)(A) Required Findings** of the Zoning Ordinance provides that 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.**

In general, the purposes of the Sign Ordinance are to regulate unsightly and hazardous signs, to provide adequate identification and advertisement, to promote the general welfare of the residents of the county, and to foster the appropriate use of land, buildings and structures. Although the required ten-foot setback is not being met, the applicant's goal is to retain the existing sign, which is set back more than 14 feet from the existing edge of pavement. The sign location for the use becomes all the more important due to the realignment of the building and the applicant's proposed closing of the second driveway to University Boulevard. The height and area of the sign meet the requirements of the Code. Retention of the existing sign would provide necessary visibility for the use in an appropriate manner.

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

The applicant wishes to simply retain the long-existing sign. It has provided appropriate identification for McDonalds for many years at this location. When the sign was originally placed here, it met the setback requirement. It is because of the widening of the right-of-way for University Boulevard that it is now out of compliance. If permitted to stay, the five-foot departure is the minimum necessary.

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

The freestanding sign has existed on this property for many years yet remains attractive and recognizable. It is in an older area of Prince George's County developed with old commercial uses. Through the years, McDonalds has made numerous improvements to the site, but now they have come to the conclusion that a complete modernization is in order to present a new image to their customers and improve the overall character of the commercial corridor. The sign is set back more than 14 feet from the existing edge of pavement, meeting the intent, if not the letter, of the requirement. Therefore, the departure is necessary in order to alleviate circumstances which are unique to the site and prevalent in older areas of the County.

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

A freestanding sign is necessary to further provide adequate identification for the use. A freestanding sign has existed on the site for many years, and the applicant is not proposing any changes.

The proposed sign will be compatible with other existing freestanding signs within the general area, and the overall design of the sign will be compatible with the commercial use of the

property. The sign will not attract undue attention, but will provide for adequate identification and advertisement, and will be compatible with the overall streetscape. The site is surrounded by strip commercial uses along the three sides, and faces other commercial uses along the fourth. There are no nearby residential subdivisions that would be visually impacted by the freestanding sign. For the reasons stated above, the departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

- I. **Referral Comments:** None of the referral replies received had any objection to the application. The Transportation Planning Section agrees that the 53 spaces should be adequate to serve the use based on the studies of restaurants with a drive through, but would like the applicant to install a bike rack at the entrance. The Environmental Planning Section indicated that the site is exempt from the Woodland Conservation and Tree Preservation Ordinance requirements and that no environmental issues were identified. The Urban Design Section points out that the landscape plan submitted needs to be revised because it differs slightly from that recommended for approval in the Alternative Compliance application.
- J. **Zone Standards:** The site plan, with the approved request for alternative compliance and departures, along with recommended conditions, will be in conformance with all zoning requirements and regulations.

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

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

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Squire, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 12, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10<sup>th</sup> day of May 2012.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:TL:arj