

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed DPLS-362, McDonald’s (Seat Pleasant) requesting to reduce the required number of parking spaces from 54 to 40 in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on May 31, 2012, the Prince George's County Planning Board finds:

1. **Request:** The subject application is for approval of a departure from the number of parking and loading spaces required (DPLS-362) to reduce the required number of parking spaces from 54 to 40.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Eating or Drinking Establishment with Drive-Through Service	Eating or Drinking Establishment with Drive-Through Service
Acreage	1.05	1.05
Square Footage/GFA	3,812	4,217
Parcels	2	2

Parking Requirements*

	REQUIRED	APPROVED
Total Parking Spaces (1 space per every 3 seats for 65 seats plus 1 space per 50 square feet for 1,595 sq. ft.)	54	40*
Of which Handicap Spaces	3	3 (2 Van-Accessible)
Total Loading space	1	1

Note: * A Departure from the number of parking and loading spaces required (DPLS-362) for the reduction of 14 parking spaces from the 54 spaces required by the Zoning Ordinance has been filed as a companion case with this DSP. See Finding 7(f) below for discussion.

3. **Location:** The 1.05-acre property is located at 6131 Martin Luther King Jr. Highway, on the southeast side of Martin Luther King Jr. Highway (MD 704), approximately 160 feet north of its intersection with Cabin Branch Drive in the City of Seat Pleasant. The site is also located in Planning Area 72, Council District 7, within the Developed Tier.
4. **Surrounding Uses:** The subject site is bounded on the north by the right-of-way (ROW) of Martin Luther King Jr. Highway. Further across the highway are developments in the R-18 (Multifamily Medium-Density Residential) and R-T (Townhouse) Zones. To the south and east of the subject property is open space zoned R-O-S (Reserved Open Space) owned by the City of Seat Pleasant that includes the Cabin Branch Tributary and a park owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC). To the south of the subject property in the C-S-C Zone is an unused/abandoned gas station.
5. **Previous Approvals:** The subject site consists of two parcels that were recorded among the Land Records in the 1960s. Subsequently, the site was developed and the primary structure was built in 1964. The site has a Special Exception SE-3536, which was approved by the District Council (via Zoning Ordinance No. 62-1984, enacted on January 2, 1985) for a fast-food restaurant. The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* retained the subject property in the Commercial Zone and rezoned the adjoining residential property from the R-35 (One-family Semidetached, and Two-family Detached, Residential) Zone to the R-O-S Zone.
6. **Design Features:** The subject site has three existing vehicular access points off Martin Luther King Jr. Highway. The proposed DSP eliminates the middle access point and shifts the two remaining ones closer to the two ends of the elongated rectangular site.

The application proposes to construct a new 4,217-square-foot McDonald's restaurant on an existing McDonald's restaurant site to replace an existing 3,812-square-foot building. The existing building will be demolished before the new building will be constructed on the site. The new restaurant building is set back approximately 60 feet from the front property line. The rectangular building is oriented toward Martin Luther King Jr. Highway with a drive-through window at the rear of the property adjoining the existing residential open-space-zoned property. All on-site surface parking spaces are oriented parallel to the building and most of them are located between the restaurant building and the ROW of Martin Luther King Jr. Highway. The trash receptacle is located at the southern end of the site. The proposed exterior loading space is located behind the enclosed trash receptacle and will not be visible from Martin Luther King Jr. Highway, but will be within 50 feet of the property line.

The proposed McDonald's restaurant building is one of the franchise's latest architectural models and has a contemporary appearance with many architectural features. Two main entrances to the building are located on the north and west (Martin Luther King Jr. Highway frontage) sides. The one-story, flat-roof building with a building height of 20 feet is finished with a combination of

red brick, stone veneer and aluminum trellis system on four sides. The aluminum trellis system has been used as an accent element to break up the dominance of brick and stone on all of the elevations. The roof section is clad with corrugated metal panels. The tower element has been used at the two entrances. The flat plane of the roof of the tower element is broken with the addition of a stone veneer parapet and a golden, metal, sloping curve as a roof-cap design element. Darker brick is proposed on the south side of the building in the area of the drive-through pick-up windows, and in the form of wide horizontal bands between the pick-up windows. Additional stone veneer is proposed mostly in the area where the dining area is located. Awnings with yellow and orange bands are proposed above the dining room windows. The northern and western elevations are designed as the main elevations of the building. The southern and the eastern (where the drive-through windows are located) elevations are designed as the secondary elevations.

The lighting fixtures proposed include pole lights for the site and building-mounted wall sconce fixtures for the building. The pole lights are 24 feet high, with fully cut-off luminaires. However, there are no specifications for the proposed wall sconce fixtures provided. A condition has been included in this report to require a cut sheet to be provided, reviewed, and approved by the Urban Design Section as the designee of the Planning Board prior to certification. The Photometric Lighting Plan shows an average 4.2-foot-candle reading along the property line, meaning that a strong lighting spill-over may be impacting the adjacent property, specifically the open-space property to the north and east of the site. Since the west and south of the site are either bounded by the ROW of Martin Luther King Jr. Highway or commercial property, the foot-candle reading specifically along the north and eastern property lines should be reduced to an average of two, which is the minimum required lighting level for a public space without ambient lighting. A condition has been included in this resolution to require the applicant to reduce the foot-candle reading along the above identified property lines to an average of two in order to avoid too much light spill-over onto the open-space property adjacent to the subject property.

A total of 141 square feet of building-mounted and 181.9 square feet of site signage have been proposed with this DSP. The signage includes a typical McDonald's golden arch corporate sign and other site signs, including directional signs. The two identification signs along with the golden arch logos are located on the northern and eastern elevations. Two additional golden arches are located on the western elevation that fronts on Martin Luther King Jr. Highway. The site plan also includes a 104-inch by six-foot nine-inch menu board in front of the drive-through lane. One flag pole for an American flag and another flag pole for a McDonald's corporate flag are proposed on the northwest corner of the site near the Martin Luther King Jr. Highway frontage. United States, state and municipal flags and a menu board which is solely used to inform passengers of specific foods offered in a "Drive-in Restaurant" or a "Fast-Food Restaurant" with a drive-through window, are permitted and are not considered signage from the standpoint of the Zoning Ordinance. However, the McDonald's corporate flag is considered as a freestanding sign in accordance with Part 12 of the Zoning Ordinance.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** Section 27-568 of the Zoning Ordinance stipulates the minimum number of required off-street parking spaces for each type of use. As stated in Finding 2 above, the required number of off-street surface parking spaces for this site is calculated based on one space per three seats and one space per 50 square feet of non-seating area (excluding any area used exclusively for storage or patron seating, and any exterior patron service area) of the proposed restaurant in accordance with the requirements of Section 27-568. For a 65-seat restaurant with 1,595 square feet eligible area for parking calculation, a total of 54 off-street surface parking spaces is required. The applicant provided a Parking Stall Utilization Analysis at a typical McDonald's restaurant located in Prince George's County Maryland during the review process. The Parking Analysis concludes that the peak number of parking stalls required for the proposed restaurant is 34 spaces. Based on that study, the applicant has provided 40 surface-parking spaces for this site and has requested a departure of 14 parking spaces from the required 54 parking spaces.

The provisions of Section 27-588 of the Zoning Ordinance (Departures from the number of parking and loading spaces required) requires the Planning Board to make the following findings in order to approve the application:

(b) Purposes.

(7) Required Findings.

(A) In order for the Planning Department 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 purposes of this Section 27-550 are as follows:

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

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

The parking analysis provided by the applicant clearly indicates that only 34 peak-hour parking spaces are needed in order to operate a viable fast-food restaurant like the one proposed. The applicant provides an additional six spaces in excess of the peak-hour parking demand to accommodate any unexpected parking situations. In addition, the site will be oriented toward Martin Luther King Jr. Highway. The new site layout removes one existing vehicular access point. The two proposed access points to the site will be directly off the highway. The only developed site adjacent to the subject site is an abandoned gas station to the south. Therefore, the departure will not have any impact on the residential character of residential areas and will better serve the above purposes of Section 27-550 than the current improvements.

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

The applicant's parking analysis concludes that a total of 34 parking spaces is needed to accommodate peak hour parking demand for this site. The proposed 40 spaces have already factored in any possible future parking contingencies for this site. Therefore, the staff agrees with the applicant's contention that the departure is the minimum necessary for this site.

(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 site fronts directly on Martin Luther King Jr. Highway. Commuters make up a large percentage of its clientele. Compared with the previous layout of the existing facility, the new detailed site plan greatly increases the queuing capacity of the proposed restaurant. At the same time, it reduces the on-site parking based on an analysis of parking needs at similar McDonald's facilities. Meanwhile, the new building is oriented toward Martin Luther King Jr. Highway with a longer elevation. Given the shallowness of the site, this departure is necessary in order to alleviate circumstances that are special to the proposed fast-food restaurant use and to this narrow and highly constrained location.

- (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**

According to Section 27-568 (Division 2, Subdivision 3), Schedule (number) of minimum parking spaces required, the proposed McDonald's restaurant is required to have a minimum of 54 on-site parking spaces. For on-site loading spaces, Section 27-582 (Division 3, Subdivision 3), Schedule (number) of the minimum required loading parking spaces, requires one loading space. The DSP provides the required loading space, but only 40 parking spaces. The proposed new drive-through lane can accommodate 12 vehicles with a parallel overflow lane of the same length. Given the limited site space, it is not practical to add more parking spaces. The parking study's recommendation of only 34 peak hour parking spaces is convincing evidence that it is not necessary to have 54 parking spaces on this site. There is no other method of calculating the number of spaces required that would result in a different conclusion.

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

The site is surrounded on three sides by the public ROW and by open space. There is only one developed site to its south that is currently vacant. The departure will not lead to any parking difficulties in the area where the site is located. Since the applicant is basing the departure request on data obtained from similar McDonald's restaurants currently in operation in the County, the parking analysis can reliably conclude that the departure is the minimum necessary given the specific circumstances of the request. Furthermore, there is no developed residential area immediately adjacent to the subject site. The residential development in the vicinity of the site is located either across Martin Luther King Jr. Highway or further south beyond the abandoned gas station. The parking and loading needs of the adjacent residential areas will not be infringed upon if the departure is granted.

- (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;**

As discussed previously, the subject site is located at the end of a highway commercial strip. Only a few properties in the immediate vicinity have been developed. The subject site is relatively isolated from other development. There is an outdoor facility with a surface parking lot that is approximately 70 feet away from this site. The site is bounded on the west side by the ROW of Martin Luther King Jr. Highway. The outdoor facility to the east of the site is the City of Seat Pleasant's recreational center. Citizens visiting the recreational center frequently use the existing pedestrian walkway to access the existing restaurant. Per the representative of the applicant, this pedestrian connection will be improved along with the redevelopment of this site for the new restaurant. There is no vehicular connection from the McDonald's site to the adjacent site. The other developed site is an abandoned gas station to the south. Once again there is no connection between the two sites. The parking study provided by the applicant concludes that only 34 peak hour parking stalls are needed. The site plan provides 40 spaces. In addition, the newly designed drive-through lane allows 12 cars to queue on the site. The site is self-sufficient in terms of parking spaces and will make no demands on other parking facilities in the general facility.

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

The County's Master Plan of Transportation and the *Approved Subregion 4 Master Plan* recommends that Martin Luther King Jr. Highway be improved with a side path or wide sidewalk and designated bike lanes to encourage transportation modes other than the automobile. In addition, both WAMTA and the County's bus systems serve the area. Additional bicycle parking has been added as a condition of this DSP approval. The new restaurant will be easily accessed by both pedestrian and vehicular traffic. The application is consistent with master plan recommendations.

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

The site is located in the Town of Seat Pleasant. The Town of Seat Pleasant, in general, welcomes the redevelopment of the site and has no specific concerns about the departure. The Town expressed some concerns regarding sidewalks, safety of the drive-through lane, etc. during the review of this case at the Subdivision and Development Review Committee. However, at time of the public hearing, the Town of Seat Pleasant had not yet provided any official written comments on the application.

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

There are no parking facilities either proposed in the County's Capital Improvement Program or built in the general vicinity of the property. There is, however, a large surface parking lot within the commercial strip further to the south of the site along Martin Luther King Jr. Highway. The parking spaces provided in this DSP are seven spaces more than are actually needed at peak service hour for this site. The applicant believes and staff agrees that parking spaces provided on this site are sufficient for a viable McDonald's facility.

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

(i) Public transportation available in the area;

The subject site is located within a largely established community that is served by both the County's The Bus system and WMATA's buses. There are sidewalks on both sides of Martin Luther King Jr. Highway. The site is also adjacent to the Seat Pleasant Recreational Center and the Cabin Branch Stream Valley Trail. The existing site can be accessed by both motorists and pedestrians. In addition, the *Approved Countywide Master Plan of Transportation* (MPOT) has designated bike lanes along Martin Luther King Jr. Highway (MD 704). Since the site fronts on this highway, the Transportation Planning Section recommends bicycle parking spaces be provided. A condition has been included in this resolution to require the applicant to show a standard bicycle parking facility on the plan prior to certification, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.

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

Since the applicant contends that this proposed new restaurant needs only 34 parking spaces at its busiest time, and the site plan provides 40 parking spaces, the parking provided on site is sufficient. According to the applicant, no additional parking is needed.

(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;

As discussed previously, per the applicant most of the customers that patronize this restaurant are commuters on Martin Luther King Jr. Highway. The new site layout extends the drive-through lane to accommodate 12-car queuing. The site is located at the end of a highway commercial strip. The parking situation on this site will have a limited impact on adjacent development, and there are no other existing business uses within 500 feet of the site.

- (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 site is in the C-S-C Zone, not in any of the residential zones identified in this section.

Based on the applicant's parking data analysis, a total of 40 parking spaces are provided, of which three are for the physically handicapped. The number of the parking spaces for the physically handicapped meets the applicable minimum requirement for this use. However, in response to concerns raised by the Town of Seat Pleasant, the applicant has proffered one additional parking space for the physically handicapped around the main entrance area in the north portion of the site. Given that parking spaces for the physically handicapped usually occupy more site area, this parking arrangement will increase the total number of DPLS spaces to 14. The Urban Design Section supports this additional parking space for the physically handicapped. The justification statement should be revised to reflect this increase in the number of spaces in the departure request.

In summary, the subject site is located in the Developed Tier of the County and can be accessed through multiple modes of transportation including the public transit system. The requested departure from parking and loading spaces is further supported by the parking analysis provided by the McDonald's corporation. According to the study, which used actual parking data from similar facilities within the County, the proposed new McDonald's only needs 34 peak hour parking stalls, while the DSP provides 40 parking spaces. Therefore a departure of 14 spaces from the required 54 spaces is required. The Planning Board has reviewed the supporting data and the required findings to approve the departure, and has concluded that the request is the minimum necessary to alleviate the special circumstances of this site and will serve the purposes of

Section 27-550 of the Zoning Ordinance. The departure will not infringe upon the parking and loading needs of any adjacent residential area. One additional parking space for the physically handicapped will help improve the parking situation in a manner requested by the City of Seat Pleasant. The Planning Board agreed with the applicant's proffer that prior to certification of this DPLS, the applicant should revise the site plan to provide one standard parking space for the physically handicapped located as close as possible to the proposed handicapped parking spaces, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board. By adding one additional parking space for the physically handicapped, the total number of parking spaces included in the DPLS will be altered slightly to 14 spaces.

8. **Prince George's County Landscape Manual:** The application for McDonald's restaurant is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Interior Planting Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the 2010 *Prince George's County Landscape Manual*.
 - a. The subject site is oriented toward Martin Luther King Jr. Highway with approximately 433 feet of frontage excluding driveway entrances. Section 4.2 provides two options to meet the landscape strip requirements. The Landscape Plan uses Option 1 under Option A to provide a ten-foot landscape strip to be planted with a minimum one shade tree and ten shrubs for every 35 linear feet of frontage, excluding driveway openings. The Landscape Plan shows 13 shade trees and 125 shrubs that meet the requirements of Section 4.2.
 - b. Section 4.3(c)(2) requires that for any parking lot with an area between 7,000 and 49,999 square feet, eight percent of the parking lot area be interior planting area. The DSP has approximately 32,408 square feet of parking lot area and has provided 11 percent of the parking lot area as interior planting area to be planted with one shade tree for each 160 square feet of interior planting area. The Landscape Plan shows 13 shade trees, which is one shade tree more than required. The site meets the requirements of Section 4.3(c)(2).
 - c. Section 4.4 Screening Requirements requires any loading spaces, loading docks and maintenance areas be screened from constructed public streets. The DSP shows one loading space behind a proposed on-site trash receptacle in the southern corner of the site. The trash receptacle is properly screened with brick walls on three sides that match the restaurant building. The loading space is also completely screened from the views from Martin Luther King Jr. Highway. However, since the property to the east of the site is residentially zoned and the loading space is located less than ten feet from the property line, a departure from design standards in accordance with Section 27-579 of the Zoning Ordinance is required.
 - d. The site adjacent to the subject site to the south is an abandoned gas/automobile filling station, which is a high impact use according to Section 4.7 of the 2010 *Prince George's*

County Landscape Manual. Even though the site is currently abandoned, according to Section 4.7, it is not a vacant site because the site still has a structure and vehicular surface area within 200 feet of the subject property line. Since the proposed fast-food restaurant with drive-through service is also a high impact use in accordance with Section 4.7, there is no bufferyard required between the two properties.

- e. Section 4.9 requires a minimum percentage of the plants of each plant type to be native species and/or cultivars. The percentage is specified as follows:

Shade trees	50%
Ornamental trees	50%
Evergreen trees	30%
Shrubs	30%

Native plan materials should also be identified as such in the planting schedule on the landscape plan. The Landscape Plan provides 100 percent native shade trees, ornamental trees and evergreen trees and native shrubs that exceed the above native plant percentage requirements.

9. **Prince George's County Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinance:** The project is not subject to the Woodland and Wildlife Habitat Conservation Ordinance because the subject site contains less than 10,000 square feet of woodland and has no previously approved tree conservation plans. The site also does not contain any regulated environmental features. The applicant has submitted an approved letter of exemption to the Woodland Conservation Ordinance that is valid until May 9, 2013 and an approved Natural Resources Inventory (NRI-037-2011) that is valid until May 9, 2016.

The Tree Canopy Coverage Ordinance came into effect on September 1, 2010. All activities that require a grading permit after September 1, 2010 must provide the tree canopy coverage percentages required by Section 25-128 of the Prince George's County Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinance. A tree canopy coverage schedule has been provided on the Landscape Plan that demonstrates the site's conformance with the requirement. The required tree canopy for this site is ten percent of the site area or a total of 4,590 square feet. The site provides 4,750 square feet of tree canopy coverage that exceeds the requirements for the site.

10. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**— The Planning Board adopted the following findings:

The DSP is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier and conforms to the commercial land use recommendation of the

2010 Approved Subregion 4 Master Plan and Sectional Map Amendment. Under the planning issue section, the community planner noted that the proposed site plan will result in pedestrians crossing the internal circulation lanes and the two remaining points of vehicular ingress and egress.

The proposed site layout keeps two existing vehicular access points off Martin Luther King Jr. highway to the subject site. The two access points are approximately 285 feet apart. Two sidewalk connections have been provided at the two site access points that enable pedestrians from the sidewalk to enter the new building on a clearly marked pedestrian path. Since there is one row of parking spaces and a 22-foot-wide internal driveway between the ROW of Martin Luther King Jr. Highway and the new McDonald's building, pedestrians must cross the internal driveway in order to walk into the restaurant building. This kind of site arrangement is not uncommon for the type of restaurant with drive-through service, given the confined size and location of the site. The locations of the pedestrian connections are acceptable in providing safe on-site circulation.

- b. **Subdivision Review**—Pursuant to Section 24-111(c) (2) of the Subdivision Regulations, the site is exempt from the requirement of filing a preliminary plan of subdivision because the final plats were approved prior to October 27, 1970 and the total gross floor area of the development does not exceed 5,000 square feet. There are no other subdivision issues at this time.
- c. **Transportation Planning**—The Planning Board reviewed the site plan along with the companion departure from design standards and departure from the number of parking and loading spaces required. Even though the Planning Board agrees that most commercial parking in the immediate area appears to be underutilized, the Board required the applicant to perform a parking analysis to support the departure request.

Plats indicate that the right-of-way along MD 704 is 110 feet dedicated. 60 feet was dedicated from the east side; 50 feet from the west side.

The master plan ROW width for MD 704 is 120 feet to serve vehicular traffic, plus five feet each side for bike lanes, plus three feet for a side path, for a total of 133 feet. The side path will be on the east side of the highway including a 5-foot standard sidewalk plus a 3-foot paving for a total of an 8-foot side path.

On the east side (the McDonald's side), ROW needs are 60 feet plus five feet (bike lane) plus three feet (side path), for a total of 68 feet. Existing dedication is 60 feet. The ultimate R/W line is 8 feet beyond the existing R/W, and must be reflected on the plan.

On the west side (no application at this time), ROW needs are 60 feet plus five feet (bike lane) plus zero feet (NO side path), for a total of 65 feet. Existing dedication is 50 feet. The ultimate ROW line is 15 feet beyond the existing ROW, and would be recommended if a plan were filed on that side of MD 704.

The submitted parking analysis uses real parking data from a typical McDonald's restaurant located within Prince George's County with similar targeted sales and concludes that a total of 34 parking spaces is required during the peak hours. Based on this study, the applicant proposes a total of 40 parking spaces for this site and as such a departure of 14 spaces from the required 54 is requested. Based on the above Finding 7, the requested DPLS is the minimum necessary and meets all required findings for approval. The Planning Board approved DPLS-362 based on the analysis of the parking study.

The subject site with a redevelopment proposal of approximately 4,217 square feet is not subject to a new preliminary plan of subdivision. As such, additional ROW dedication is not required at time of detailed site plan review.

The Planning Board also reviewed the applicable elements of the *Approved Countywide Master Plan of Transportation* and the *2010 Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* and concludes that adequate bicycle and pedestrian transportation facilities will exist to serve the proposed use if bicycle parking is provided. A condition requiring the applicant to provide a u-shaped bicycle parking facility prior to certification has been included in this resolution.

- d. **Permit Review**—All Permit Section's comments have been addressed during the review process through a revised site plan.
- e. **Department of Public Works and Transportation (DPW&T)**—DPW&T stated that Martin Luther King Jr. Highway is a State-maintained roadway that requires concrete curbs and gutters. Prior to approval of the detailed site plan, the applicant needs to obtain a new stormwater management plan. In conclusion, DPW&T has no objection to the proposed DSP-11007, DDS-607 and DPLS-362

The applicant provided a new, approved stormwater management concept from DPW&T with case number 14329-2011-00, which is valid through January 4, 2015.

- f. **Prince George's County Police Department**—In an e-mail dated February 6, 2012, the Community Services Division reviewed the site plan for conformance with the design guidelines of CPTED (Crime Prevention Through Environmental Design) and concluded that there are no CPTED or traffic-related issues with this DSP. According to Lieutenant B.E Devaney, the new design of the drive-through appears to be much more user-friendly than the existing one.
- g. **The Maryland State Highway Administration (SHA)**—SHA stated no comment on DPLS-362, and DDS-607; SHA has conditionally approved DSP-11007. The applicant is obligated to fulfill SHA's conditions at the time of application for access permits from SHA.

- h. **The Prince George's County Fire/EMS Department**—In three standard memoranda dated December 23, 2011, the Fire Department listed applicable regulations regarding access and turning radius for fire apparatus, fire lane and location and performance of fire hydrants. Nothing specific to this DSP was mentioned. The subject site plan is in conformance with the applicable regulations.
- i. **The municipalities within a one-mile radius of the subject site**—Those municipalities include Seat Pleasant, Fairmount Heights and Cheverly. At the time this report was written, none of the municipalities has responded to the referral request.
- j. **Health Department**—The Health Department provided comments regarding the number of carry-out and convenience store food facilities, and supermarket or grocery stores within a ½-mile radius of the site, and possible light pollution from the site. The Health Department also notes that because the site is located approximately 70 feet from an outdoor recreational facility and approximately 150 feet from residential property, additional attention should also be given to the possible noise and dust impact on the adjacent property.

The issues raised in the memorandum of the Health Department have been discussed with the applicant. Those concerns related to construction will be addressed in the process of construction administration. The possible light pollution has been discussed in Finding 6 above.

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 DPLS application, subject to the following conditions:

- 1. Prior to certification of this DPLS, the applicant shall revise the site plan to provide one standard parking space for the physically handicapped adjacent to the two parking spaces for the physically handicapped shown on the site plan to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.

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.

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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 Bailey, seconded by Commissioner Shoaff, with Commissioners Bailey, Shoaff, Squire and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, May 31, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of June 2012.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:HZ:arj