

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed DPLS-374, McDonald’s (Chavez Lane), requesting a departure from parking and loading standards to reduce the number of parking spaces below the required minimum number of parking spaces 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 28, 2012, the Prince George's County Planning Board finds:

1. **Request:** The subject application is for approval of a departure from parking and loading standards to reduce the number of parking spaces below the required minimum number of parking spaces required by Section 27-568 of the Zoning Ordinance for a 4,326-square-foot, one-story, freestanding eating or drinking establishment with drive-through service on an existing McDonald’s site in the Commercial Shopping Center (C-S-C) Zone.

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	1.19	1.19
Parcels	2	2
Square Footage/GFA	4,159	4,326

TREE CANOPY COVERAGE

	REQUIRED	APPROVED
Tree Canopy	4,698 sq. ft.	5,193 sq. ft.

Parking Requirements*

	REQUIRED	APPROVED
Total Parking Spaces (1 space per every 3 seats for 72 seats plus 1 space per 50 square feet for 4,326 square feet)	60	46*
Of which		3
Handicap Spaces	3	2 (van-accessible)
Total Loading Spaces	1	1

* Note: The subject departure from the number of parking spaces required (DPLS-374) for the reduction of 14 spaces from the 60 spaces required by the Zoning Ordinance as a companion case to DSP-11006.

3. **Location:** The 1.19-acre property is located on the northern side of Chavez Lane, approximately 250 feet east of its intersection with Walters Lane. The site is also located in Planning Area 75A, Council District 6, within the Developed Tier.
4. **Surrounding Uses:** The subject property is bounded to the north by Pennsylvania Avenue (MD 4), with single-family detached units beyond; to the south by Chavez Lane, with the Penn Forest Shopping Center beyond; to the east by single-family attached residential dwelling units; and to the west by an existing gas station, Walters Lane, and multifamily dwellings beyond.
5. **Previous Approvals:** The project is subject to the requirements of Preliminary Plan of Subdivision 4-06104, approved by the Planning Board on February 22, 2007, PGCPB Resolution No. 07-52, Wallington Estates, which was adopted by the Planning Board on March 15, 2007. Parcels 4 and 5 were recorded as Record Plat 5-07345 in Plat Book PM 220-50 on June 25, 2007 in accordance with the requirements of Preliminary Plan of Subdivision 4-06104. The project is also subject to the requirements of the approval of Stormwater Management Concept Plan 12682-2011, approved by the Department of Public Works and Transportation (DPW&T) on August 4, 2011.
6. **Design Features:** The proposed DSP indicates three vehicular access points off Chavez Lane. The two access points on the eastern portion of the site's frontage are proposed as one-way, providing direct access to the drive-through service. The third access point on the westernmost portion of the site's frontage is proposed as two-way and directly accesses the main parking area on the site.

The application shall construct a new 4,326-square-foot McDonald's restaurant on an existing McDonald's restaurant site to replace an existing 4,159-square-foot building. The existing building will be demolished before the new building will be constructed on the site. The new restaurant building is proposed to be set back ten feet from the front property line. The

rectangular building is oriented toward Chavez Lane with a drive-through window on the western façade proximate to the western property line, shared with the adjacent gas station. Angled on-site surface parking spaces are provided on both sides of the building, with perpendicular spaces provided in a parking lot on the western portion of the site and perpendicular to the central portion of the rear property line. Two enclosed dumpsters and a loading space are located on the western portion of the rear property line.

The proposed McDonald's restaurant building is specified as a "4587 plus R5 plus F5 2009 Series Building" and has a contemporary appearance with some architectural detailing. Two entrances to the building are located on southern (Chavez Lane) and eastern ("non-drive through") sides. The one-story, flat-roof building with a building height of 21 feet 8 inches is finished with a combination of red and grey face brick, cultured stone, and aluminum doors and coping. The aluminum coping and cultured stone have been used as accent elements to break up the dominance of brick on all of the elevations. A roof cap element is provided in the yellow often characteristic of McDonald's restaurants. A tower element has been used at the front entrance. 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 eastern 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 southern and eastern elevations are designed as the main elevations of the building. The northern and the western elevations (where the drive-through windows are located) 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 to be 22 feet high, with fully cut-off luminaires. A condition of this approval ensures a two foot-candle reading along the eastern property line, and a reduced foot-candle reading along the project's Pennsylvania Avenue (MD 4) and Chavez Lane rights-of way, to ensure that lighting spill-over will not negatively impact the adjacent property.

A total of approximately 100 square feet of building-mounted and 284 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 double-sided pole-mounted identification sign, with the golden arch logo, is located on the northern side of the building, proximate to Pennsylvania Avenue (MD 4). An additional golden arch logo is included as building signage on each of the restaurant's four façades. The site plan also includes a 103-inch by 6-foot nine-inch menu board in front of the drive-through lane.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Departure from Parking and Loading Standards DPLS-374:** The applicant is also requesting the approval of a Departure from Parking and Loading Standards pursuant to Section 27-588 of

the Zoning Ordinance for 14 of the 60 parking spaces required by Section 27-568 of the Zoning Ordinance.

a. Each required finding as containing in Section 27-588(b)(7)(A) of the Zoning Ordinance is listed in **boldface type** below, followed by Planning Board comment:

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

Section 27-550:

(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;**

The applicant is providing a total of 46 spaces and one loading space, which should be sufficient to serve the parking and loading needs of the proposed restaurant as it will do much of its business operating as a drive-through, significantly reducing the need for parking, based on studies by the McDonald's Corporation of recent trends among restaurant patrons of similarly situated restaurants. Additionally, the subject restaurant has historically shared parking with the adjacent gas station and, if this practice continues, parking demand at the restaurant would be further reduced.

(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;**

Again, the parking provided for the subject project should be sufficient for the expected clientele as many patrons will simply drive-through and not park on-site. Also, a loading space is being provided on the site. Therefore, it may be said, that the parking provided will aid in relieving traffic congestion on streets by reducing use of the public streets for parking and loading. Further, access is limited and is from the less heavily traveled road bordering the subject site. A minimal three access points have been provided; two are one-way and service the drive-through and the third is two-way and provides access to the restaurant's main parking area.

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

As the nearest adjoining residential development is located more than 200 feet from the subject property, it would be inconvenient for restaurant customers to park proximate to those residences. Therefore, it is highly unlikely that the

granting of the departure would infringe on the parking and loading needs of the adjacent residential area.

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

The parking and loading areas for the subject project are conveniently located on-site and amenities in the Regional District will be increased by updating an outmoded eating and drinking establishment with drive-through facilities with one of the newest models currently utilized by the McDonald's Corporation.

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

The departure is the minimum necessary, given the specific circumstances of the request. These include:

- The site is small, only 1.19 acres.
- The proposed restaurant will do much of its business operating as a drive-through, significantly reducing the need for parking based on studies by the McDonald's Corporation of recent trends among restaurant patrons of similarly situated restaurants.
- As per the applicant's estimation, the restaurant must be its proposed size to maximize its success at the given location.
- The amount of parking required by the Zoning Ordinance is arrived at generally, and does not take special site circumstances into account.
- Though the proposed restaurant is to be a new structure, it is a replacement of an existing McDonald's on the site that has operated since the 1960s with approximately the same amount of parking. Thus, the applicant has had ample opportunity to observe the use of the parking lot and to conclude that the proposed number of parking spaces will be more than adequate for the new restaurant.
- The preceding restaurant shared parking with the adjacent gas station, a practice which may in fact continue, further reducing parking need on-site.

Taking the above specific circumstances into consideration, it may be said that the subject project fulfills this required finding for a departure from parking and loading standards.

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

The departure is necessary on this site, hampered as a through-lot with frontages on two rights-of-way. Also, it is necessary to enable the applicant to redevelop and thereby refurbish an existing McDonald on the property. Lastly, it is necessary because the shared parking on the adjacent gas station is not technically available to the applicant for the subject project, as the process to modify its special exception approval, or pursue a non-conforming use approval on the subject site would be too cumbersome.

- (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 other methods of calculating the number of spaces have been explored and it has been determined that there is no other alternative to granting the requested departure from parking and loading standards. Division 2 Subdivision 3 contains regulations regarding the calculation of minimum requirements for off-street parking, among these are provisions regarding reductions for multiple uses, joint uses and off-site parking. The applicant has stated that though they explored the possibilities, an agreement could not be reached with any nearby property owner that met the requirements of these provisions.

Division 3 Subdivision 2 applies only to loading spaces and so is not germane to a discussion of departure from the required number of parking spaces.

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

As the nearest adjoining residential development is located more than 200 feet from the subject property, it would be inconvenient for restaurant customers to park proximate to those residences. Therefore, the granting of the departure will not infringe on the parking and loading needs of the adjacent residential area.

- b. Each consideration required when the Planning Board makes the above findings, as contained in Zoning Ordinance Section 27-588(b)(7)(B) is listed in **boldface type** below, followed by Planning Board comment:

- (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;**

A gas station (together with a post office and Western Union office) is located immediately to the west of the subject site and provides some on-site parking, which it historically shared with the subject project. There is a possibility of some de facto sharing, however, with this property and possibly the Penn Forest Shopping Center to the south, both of which might decrease on-site parking demand. It is highly unlikely that the subject project would share any parking with the townhomes to the east of the subject property or the multifamily housing on the western side of Walters Lane.

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

The Area Master Plan (The 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*) located the subject project in “Living Area F (Zone 3,)” which has as the short term objective for this C-S-C zoned property to help meet the neighborhood-serving needs of existing residents. Further, it supports transit and improvement of pedestrian circulation. The subject project offers adequate sidewalks and bike racks in this regard. There are currently no known County or local revitalization plans operating in the vicinity of the subject site.

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

The subject project does not lie within a municipality. Therefore, this consideration is inapplicable to the subject project.

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

The public parking facilities most proximate to the subject site are the Metro parking lots. There are no public parking facilities proposed in the County’s Capital Improvement Program within the general vicinity of the subject property that would affect the demand for on-site parking for the subject project.

- c. In making its findings, Section 27-588(b)(7)(C) of the Zoning Ordinance suggests that the Planning Board may want to give consideration to certain other items. Each item is listed **boldface type** below, followed by Planning Board comment:

(i) Public transportation available in the area;

Public transportation available in the vicinity of the subject site includes the K11, K12, and K13 bus lines, with a peak headway (time between buses) of 15 minutes. The most accessible Metro is the Suitland Metrorail Station, which is served by the K11, K12 and K13 bus lines. The availability of public transportation in the vicinity of the subject site may help to marginally decrease its need for on-site parking.

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

The applicant has considered use of the maximum number of compact spaces and structured parking, but since neither solution is financially viable and/or consistent with existing development in the vicinity of the subject site, has not been required by the Planning Board.

(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; and

McDonald's is an eating and drinking establishment with drive-through service. It generally operates from 5:00 a.m. to 12:00 midnight, seven days a week, though the drive-through is open 24 hours a day, seven days a week. The gas station immediately west of the subject project is open 24 hours a day, seven days a week, with a post office/Western Union facility that operates from 6:00 a.m. to 7:30 p.m., seven days a week, and the Penn Forest Shopping Center immediately to its south is open 7:00 a.m. to 12:00 midnight, six days a week.

(iv) In the R-30, R-30C, R-18, R-18C, 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 project is an eating and drinking establishment with drive-through service in the C-S-C Zone. Therefore, this additional consideration is not applicable to the subject project.

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.

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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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Squire and Hewlett voting in favor of the motion, and with Commissioner Shoaff abstaining at its regular meeting held on Thursday, June 28, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of July 2012.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj