



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 2020-49

File No. DDS-661

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Departure from Design Standards Application No. DDS-661, Chick-Fil-A Brandywine, requesting Departure from Section 4.2 of the Landscape Manual to permit a low wall and no shade trees within the required landscape strip 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 2, 2020, the Prince George's County Planning Board finds:

- 1. Request:** The applicant is proposing to add a second drive-through to an existing eating or drinking establishment as a response to patron demand, and to prevent vehicles from stacking onto abutting roads and drive isles. Due to limited space on the site, a reduction in the 2010 *Prince George's County Landscape Manual* (Landscape Manual) Section 4.2 landscape strip along Albert Road, along the southern boundary of the site, is necessary to accommodate the additional drive-through lane.

Pursuant to Section 4.2(c)(3)(iv) of the Landscape Manual, a four-foot-wide landscape strip with a three- to four-foot-high masonry wall adjacent to, but entirely outside the landscape strip, and the planting of one shade tree per 35 linear feet of frontage is normally required. The applicant is proposing a three-foot-high masonry wall within a four-foot-wide landscape strip, without any plantings. Accordingly, this application is for a departure from the Section 4.2 landscape requirements.

- 2. Development Data Summary:** The following chart summarizes the approved development for the subject property.

| | EXISTING |
|-------------------|-----------------|
| Zone | C-S-C |
| Use(s) | Commercial |
| Total Acreage | 1.04 |
| Number of Parcels | 1 |
| Gross Floor Area | 4,617 |

- 3. Location:** The subject site, known as Parcel J, is in the Commercial Shopping Center (C-S-C) Zone, located in the northwest quadrant of the intersection of US 301 (Crain Highway) and Albert Road, and is part of an integrated shopping center known as the 301 Commercial Center. The site is accessed by a private ingress/egress drive extending from Albert Road to Clymer Drive through the 301 Commercial Center.
- 4. Surrounding Uses:** The subject site is bounded on the north and west by other uses in the C-S-C Zone; to the south by Albert Road, with a carwash in the Commercial Miscellaneous

Zone beyond; and to the east by US 301, with Brandywine Crossing Shopping Center in the C-S-C Zone beyond.

5. **Previous Approvals:** Preliminary Plan of Subdivision 4-06142 was approved by the Prince George's County Planning Board for seven parcels on 9.15 acres, including the subject parcel, on May 10, 2007 (PGCPB Resolution No. 07-105), subject to 18 conditions. Final Plat 5-08240 (301 Commercial Center) was approved by the Planning Board on December 15, 2008 and recorded in the Prince George's County Land Records in Plat Book PM 228-99 for Parcel J. Detailed Site Plan DSP-08045 was approved by the Planning Board on April 23, 2009 (PGCPB Resolution No. 09-54), for the construction of a restaurant eating or drinking establishment with drive-through service on Parcel J, with no conditions. It is noted that a DSP is no longer required, pursuant to CB-56-2011, which amended the Prince George's County Zoning Ordinance to exempt eating and drinking establishments with drive-through service, within an integrated shopping center having 50,000 square feet or more of gross floor area, from DSP review.
6. **2010 Prince George's County Landscape Manual:** The proposed development is subject to the requirements of the Landscape Manual. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; and Section 4.9, Sustainable Landscaping Requirements are applicable to the proposal, to expand the impervious area of the site for an added drive-through lane.

The requirements of Sections 4.3 and 4.9 are met by the applicant's proposal; however, minor corrections are needed to the plans to clarify the requirements. The applicant submitted a request for Alternative Compliance, AC-19022, from the requirements of Section 4.2, which was denied by the Planning Director on January 14, 2020, with the finding that an equally effective landscape proposal could not be achieved. Accordingly, this application is for a departure from design standards from Section 4.2 of the Landscape Manual.

7. **Prince George's County Zoning Ordinance Requirements:** The criteria for approval of a departure from design standards is set forth in Section 27-239.01(7) of the Zoning Ordinance, which states:
 - (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 applicant is proposing to add a second drive-through lane to the existing eating and drinking establishment as a response to patron demand, and to prevent vehicles from stacking onto Albert Road and into drive isles within the shopping center. However, due to limited space on the site, a

modification to the required design of the Section 4.2 Landscape Strip along Albert Road is necessary. The granting of the departure will allow the site to function more efficiently without compromising the drive isle widths. The purposes of the subtitle will be equally well, or better served by this proposal.

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

The applicant explored other options to accommodate the dual drive-through and has included the provision of additional compact parking spaces along the entire length of the southern property line. This will preserve the number of on-site parking spaces while allowing the installation of a low brick wall within the Section 4.2 landscape strip. There are no changes to the building. The departure is 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 site is located within an existing commercial shopping center and, more specifically, at the corner of intersecting public roadways and major drive isle to the shopping center. There is not additional space on any property surrounding this development in which full compliance with Section 4.2 of the Landscape Manual can be achieved. The departure is necessary in order to alleviate drive-through traffic from stacking and impeding upon the abutting road and drive isle.

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

This departure will increase the functional efficiency of the site by providing faster drive-through service and reducing the likelihood of the stacking of vehicles onto Albert Road and into the shopping center drive isle. The addition of a decorative brick wall will enhance the visual appearance of the site by screening the parking and drive-through without any impacts to the environmental quality. The departure will not impair the visual, functional, or environmental quality or integrity of the site.

- 8. Tree Canopy Coverage Ordinance:** This application is exempt from the requirements of the Tree Canopy Coverage Ordinance. Section 25-128 of the Prince George's County Code requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance. This application includes less than 5,000 square feet of disturbance.

9. **Referrals:** The relevant comments submitted for this application are included herein. The following referral memorandums were received, and are incorporated by reference herein:

- Permits Section dated March 2, 2020 (Linkins to Sievers)
- Urban Design Section dated February 26, 2020 (Burke to Sievers)

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, subject to the following conditions:

1. Prior to certification of the departure site and landscape plans, the plans shall be revised to:
 - a. Demonstrate conformance with the size requirements for the handicap spaces.
 - b. Indicate the Section 4.3 interior planting requirement is five percent and revise the calculations accordingly.
 - c. Indicate Option 4 in the Section 4.2 Landscape Schedule and that a departure is requested.
 - d. Provide that one shade tree is proposed in the Section 4.9 Landscape Schedule.
 - e. Remove the Tree Canopy Coverage Schedule.

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, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, April 2, 2020, in Upper Marlboro, Maryland.

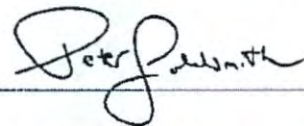
Adopted by the Prince George's County Planning Board this 23rd day of April, 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: April 7, 2020