



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

PGCPB No. 2023-07

File No. DSP-98061-05

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Town Activity Center-Edge Zone (TAC-E); and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, development applications may continue to be reviewed and decided in accordance with the Zoning Ordinance under which it was approved; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on January 26, 2023, regarding Detailed Site Plan DSP-98061-05 for Raising Cane's Bowie, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) approves development of an eating and drinking establishment with a drive through. This building will replace an existing eating and drinking establishment, which will be razed.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	TAC-E (Prior C-M)	TAC-E (Prior C-M)
Use(s)	Eating and Drinking Establishment	Eating and Drinking Establishment with Drive Through
Total Gross Acreage	6.78	6.78
Total Gross Floor Area (GFA)	5,676 sq. ft.	3,352 sq. ft.

Parking Spaces

Use	NUMBER OF SPACES REQUIRED	NUMBER OF SPACES PROVIDED
Eating and Drinking Establishment	59	60
Handicap-accessible spaces	3	4
Bicycle spaces	6	6
Total	59	60

Loading Spaces

	Required	Provided
Eating and Drinking Establishment	1	1
Total	1	1

3. **Location:** The subject site is located in the northwest quadrant of the intersection of MD 197 (Laurel Bowie Road) and US 301 (Robert Crain Highway), in Planning Area 71B and Council District 4. The site is zoned Town Activity Center Edge (TAC-E) and was previously zoned Commercial Miscellaneous (C-M).
4. **Surrounding Uses:** The subject property is located on the south side of Heritage Boulevard, at its intersection with US 301. The property is located in the Bowie Local Town Center, as designated in the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* (master plan). The property is surrounded by other C-M-zoned properties. Located adjacent to the site is a Lowes supply store to the west and a vacant commercial building to the south. To the north of the site is Heritage Boulevard and across the street from the site is an eating and drinking establishment. To the east is US 301 and across the street from the site is a gas station and Chick-fil-A.
5. **Previous Approvals:** The subject property is located on Tax Map 55 in Grid D-2. It consists of one lot, known as Lot 7, recorded in the Prince George's County Land Records on September 22, 1999, as Lots 5 thru 7, Block A, City of Capitals, in Plat Book VJ 187 page 89. The property was rezoned in 1975 via Prince George's County Council Resolution CR-108-1975, Amendment 14, from the Rural Residential Zone to the C-M Zone. The subject property is located within the area of the master plan. The property is subject to Preliminary Plan of Subdivision (PPS) 4-98060 and Conceptual Site Plan CSP-78020-02 and CSP-78020-12. The relevant conditions of approval from 4-98060 and CSP-78020-02 are discussed below. CSP-78020-12 did not change the conditions of approval of CSP-78020-02, but amended the use of the site from an eating and drinking establishment to an eating and drinking establishment with a drive through, which maintains conformance with the Zoning Ordinance. The subject DSP application amends DSP-98061, with development of an eating and drinking establishment with a drive through, in place of an eating and drinking establishment.

6. **Design Features:** The approved application permits construction of a 3,352-square-foot eating and drinking establishment with a drive through. The building will be oriented toward Heritage Boulevard. In front of the building, there will be a patio with an outdoor seating area. The site will contain a total of 60 parking spaces, with 4 handicap-accessible (Americans with Disabilities Act (ADA)) spaces, one 33-foot by 12-foot loading space, and 6 bike spaces within two bike racks. The rear of the building will include two dumpsters, with enclosures and direct access to two of the ADA parking spaces. The site will contain two drive-through lanes that will wrap around the approximately 20-foot-tall building, with a 10-foot-tall canopy located at the drive-through pick up window. Stormwater management will be located east of the approved building, next to the loading space. The building's materials will include reclaimed metal panel, brick masonry, cement stucco, black aluminum storefront systems, and steel matte black finish, that will be in multiple colors including black, gray, red, and brown.

Signage

The site signage was approved, as shown on the signage plan. This plan includes one freestanding pylon sign and several building-mounted signs. Located on the front of the building, there will be a sign with the Raising Cane's logo and a white channel letter "ONE LOVE" sign above the outdoor patio. The site will also contain a menu bar and order board for the drive through.

Lighting

Pole-mounted lighting is provided throughout the parking lot, and building-mounted lights are provided at all doors. A photometric plan was approved with this application and reflects adequate lighting throughout the site, with minimal spillover onto adjacent neighboring properties.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prior Prince George's County Zoning Ordinance:** The DSP application was reviewed for compliance with the requirements of the C-M Zone of the prior Zoning Ordinance.

Section 27-459(a)

(1) The purposes of the C-M Zone are:

- (A) **To provide locations for miscellaneous commercial uses which may be disruptive to the harmonious development, compactness, and homogeneity of retail shopping areas;**

The approved DSP is for an eating and drinking establishment with a drive through, which is consistent and compatible with the C-M Zone. The closest retail use is the Kohl's department store located on Lot 4, Block B, which is approximately 740 feet from the subject property.

(B) To provide these locations, where possible, on nonresidential streets; and

This site is located in a nonresidential area and fronts on Heritage Boulevard, which is a nonresidential street.

(C) To provide concentrations of these uses which are relatively far apart.

The subject property is located along US 301 in Bowie and fronts on Heritage Boulevard. The property is located in an area of TAC-E-zoned property, located along US 301, that includes Bowie Gateway Center and commercial properties located on the east side of US 301. The next concentration of similar uses is further south and located in the Pointer Ridge Shopping Center.

The criteria for approval of a DSP are set forth in Section 27-285(b) and the site design guidelines are set forth in Section 27-283 of the prior Zoning Ordinance.

Section 27-285

(b) Required findings.

(1) The plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

The approved development satisfies the site design guidelines and does not require unreasonable costs

(2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).

The approved development meets all of the conditions of the original Conceptual Site Plan, CSP-78020-02, and the latest amended version, CSP-78020-12.

Section 27-283. – Site design guidelines.

(a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).

(b) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development, and the specific zone in which it is to be located.

(c) These guidelines may be modified in accordance with Section 27-286.

The approved development conforms with the design guidelines indicated in the following analysis of Section 27-274. The guidelines below are applicable to the development of a eating and drinking establishment, with a drive through, in the C-M Zone. The guidelines have not been modified, in accordance with Section 27-286.

Section 27-274. - Design Guidelines

(1) General.

(A) The Plan should promote the purposes of the Conceptual Site Plan.

The approved development promotes the purposes of the detailed site plan, as stated in Section 27-281.

Section 27-281. - Purpose of Detailed Site Plans.

(b) General purposes.

(1) The general purposes of Detailed Site Plans are:

- (A) To provide for development in accordance with the principles for the orderly, planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;**
- (B) To help fulfill the purposes of the zone in which the land is located;**
- (C) To provide for development in accordance with the site design guidelines established in this Division; and**
- (D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.**

(c) Specific purposes.

(1) The specific purposes of Detailed Site Plans are:

- (A) To show the specific location and delimitation of buildings and structures, parking facilities, streets, green areas, and**

other physical features and land uses proposed for the site;

- (B) To show specific grading, planting, sediment control, tree preservation, and storm water management features proposed for the site;**
- (C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and**
- (D) To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.**

The approved development promotes the intended purposes of the detailed site plan. All buildings and structures are located on the plan. There is adequate parking provided for the site. The use is permitted and there are green areas shown on the plan.

(2) Parking, loading, and circulation.

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site...**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians...**
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers...**

The approved development demonstrates adequate parking and circulation throughout the site. The subject application approves access to the site via Heritage Boulevard. The existing site consisted of 109 parking spaces, with zero loading spaces. The Planning Board approves a total of 60 parking spaces and 3 loading spaces, which exceeds the required 59 parking spaces. The site

plan also reflects six bicycle parking spaces on-site, at a location near the entrance to the building.

The surface parking is primarily located east of the building and a striped crosswalk is provided, connecting the surface parking to the building. There are existing sidewalks along Heritage Boulevard and the approved site plan has a sidewalk connection with associated ADA ramps and striped crosswalk, to facilitate safe pedestrian movement to the entrance of the building. Given the striped crosswalks, ADA ramps, and sidewalk connection from Heritage Boulevard, the Planning Board found that the pedestrian circulation on-site is acceptable and no additional sidewalk connections were required.

A truck turning plan was submitted as part of the DSP application, to demonstrate on-site truck turning movements, with the appropriate design vehicle classification for the site. As shown in the truck turning plans, trucks will have to use the full extent of the site and encroach into the drive-through lanes to access the loading area and to maneuver through the site. In addition, given the location of the access from Heritage Boulevard, trucks that are prohibited from making safe turning maneuvers, due to conflicts with the drive-through facility (when at full capacity), will lead to queuing of vehicles that would impact vehicle access from Heritage Boulevard. Furthermore, the truck turning plans also show that outbound trucks, making a right-turn movement out of the site, will encroach into the curve to access Heritage Boulevard.

The truck conflicts with the drive-through facility and site access, as shown on the truck turning plan, do not allow for adequate vehicular circulation on-site.

The applicant has proffered to restrict the loading operations to only allow deliveries to the restaurant, outside of peak operating hours. The applicant also provides signage to restrict truck right-turn outbound movements onto Heritage Boulevard. The Planning Board was made aware that the restaurant does not serve breakfast and that deliveries would likely be made prior to 9:30 a.m. A note was added to the truck access plan stating that all deliveries would be made outside of standard operating hours, and signage is provided to restrict the right turn leaving the site.

(3) Lighting.

(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the design character...

The approved development provides adequate lighting. A photometric plan was provided with this application and full cut-off light-emitting diode (LED) fixtures are harmonious with the surrounding commercial development.

(4) Views.

- (A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.**

The site design techniques include a 15-foot-wide landscape strip along the US 301 frontage and a Section 4.2 landscape strip located along the Heritage Boulevard frontage, in keeping with this criteria.

(5) Green Area.

- (A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use...**

This application meets the green space requirements and a Tree Canopy Coverage schedule has been provided, which demonstrates conformance with this requirement. An adequate variety of landscaping has been provided within the site, in compliance with the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

(6) Site and streetscape amenities.

- (A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site...**

There will be site and streetscape amenities, such as the approved landscape strips along Heritage Boulevard and US 301, with a variety of landscaped material that will contribute to an attractive development. An approximate 516-square-foot outdoor seating area is approved, designed to accommodate guests that wish to eat outdoors. The outdoor seating area provides picnic tables, with adequate spacing to allow for multiple groups to utilize the space at the same time.

(7) Grading.

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts...**

There is minimal grading associated with the development, as the property contains an existing eating and drinking establishment.

(8) Service Areas.

(A) Service areas should be accessible, but unobtrusive...

All service areas approved on the site, such as the dumpster, are easily accessible.

(9) Public Spaces.

(A) A public space system should be provided to enhance a large-scale commercial, mixed use, or multifamily development.

There were no public space systems approved, as part of this development.

(10) Architecture.

(A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.

(B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.

(C) These guidelines may be modified in accordance with Section 27-277.

Architectural elevations were included with this application and the Planning Board found that the building materials, including reclaimed metal panel, brick masonry, cement stucco, black aluminum storefront systems, and steel matte black finish that will be in black, gray, red, and brown colors, are harmonious with the approved building design.

8. **Preliminary Plan of Subdivision 4-98060:** On November 19, 1998, the Prince George's County Planning Board approved PPS 4-98060, with five conditions. The relevant conditions are discussed, as follows:

1. **The Detailed Site Plan shall ensure that vehicular access to the site from Heritage Boulevard shall be located to directly align with that of Lot 8, Block E (Applebee's site).**

The Planning Board found that the connection to Heritage Boulevard is appropriately aligned with the vehicular access to Lot 8, Block E (Applebee's site). The existing access drive, that was installed as part of the original development, will not be relocated.

2. The following note shall be placed on the final plat:

“An automatic fire suppression system shall be provided in all proposed buildings.”

This condition was previously satisfied with Note 3 on the record plat for the subject property, Plat Book NLP 187 plat number 89.

3. A note shall appear on the final plat that access is provided from Heritage Boulevard to all lots pursuant to Section 24-128 (b)(9) of the Subdivision Regulations and that direct access to US 301 and MD 197 is denied.

This condition was previously satisfied with Note 4 on the record plat for the subject property, Plat Book NLP 187 plat number 89. The DSP does not approve direct vehicular access to or from US 301 and MD 197.

4. Development of the site shall be in conformance with the Conceptual Site Plan, SP-78020/09.

The Planning Board found that the subject DSP is in conformance with CSP-78020-09.

9. Conceptual Site Plan CSP-78020-02: The Planning Board approved Conceptual Site Plan CSP-78020-02 on September 10, 1992, subject to five conditions.

The relevant conditions applicable to this DSP are, as follows:

4. Development of individual lots along US 301 and MD 192 shall provide consistent landscaping/berming within the 15-foot-wide landscape strip along US 301 and MD 197 to tie the individual development into a coherent identity.

The 15-foot-wide landscape strips along US 301 and MD 197 are shown on the approved landscape plan.

5. The design of signs, lighting and entrance features on individual lots shall be carefully coordinated throughout the entire center to ensure the compatibility among these elements and to enhance the overall development character and appearance. National logos shall not be prohibited. Monumental signs for the center (not for individual businesses) shall be permitted at the locations shown on the subject plan.

There are no entrance features approved with this development.

10. **2010 Prince George's County Landscape Manual:** The application is subject to the requirements of Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. A diverse set of new trees, shrubs, and groundcovers will be planted to the north and east of the site, while the western border will primarily consist of stormwater management facilities and existing trees. The landscape plan provided with the subject DSP contains the required schedules, demonstrating conformance to these requirements.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The subject site has a Natural Resources Inventory Equivalency Letter (NRI-184-2021), which was issued on December 3, 2021. The site has been previously developed and is not associated with any regulated environmental features. The site has a valid Standard Letter of Exemption (S-219-2021) from the Woodland and Wildlife Habitat Conservation Ordinance that expires on December 1, 2023. The site has an approved Stormwater Management Concept Plan (01-0822-208NE14), which was issued on August 16, 2022 by the City of Bowie, that is in conformance with the current code.
12. **Prince George's County Tree Canopy Coverage Ordinance:** The DSP is subject to the requirements of the Subtitle 25, Tree Canopy Coverage Ordinance, of the Prince George's County Code. Section 25-128 requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance. The subject DSP provides the required schedule, demonstrating conformance to these requirements through new tree, shrub, and groundcover plantings on the subject property.
13. **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. **Subdivision**—The Planning Board has reviewed and adopts the memorandum dated December 28, 2022 (Heath to Butler), incorporated herein by reference, in which the Subdivision Section noted that the DSP has been found to be in conformance with the approved PPS.
 - b. **Transportation**—The Planning Board has reviewed and adopts the memorandum dated January 4, 2023 (Patrick to Butler), incorporated herein by reference, in which the Transportation Planning Section determined that this plan is acceptable, with conditions included in this resolution.
 - c. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated December 21, 2022 (Rea to Butler), incorporated herein by reference, in which the Environmental Planning Section stated that the site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance.

- d. **Permits**—The Planning Board has reviewed and adopts the memorandum dated December 20, 2022 (Shaffer to Butler), incorporated herein by reference, in which it was noted that the plan was acceptable, with conditions for technical revisions included herein.
 - e. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated November 9, 2022 (Lester to Butler), incorporated herein by reference, in which the Community Planning Division noted that the site is located within and is in conformance with the master plan.
 - f. **City of Bowie**—The Planning Board has reviewed and adopts the memorandum dated January 6, 2023 (Adams to Shapiro), incorporated herein by reference, in which the Bowie City Council recommended approval of the subject DSP, after conducting a public hearing on January 3, 2023.
14. As required by Section 27-285(b), the DSP, if revised as conditioned, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code, without requiring unreasonable cost and without detracting substantially from the utility of the development for its intended use.

The DSP satisfies the site design guidelines, without requiring unreasonable costs.

15. Per Section 27-285(b)(4), which became effective on September 1, 2010, a required finding for approval of a DSP is, as follows:

- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.**

Based on the level of design information submitted with this application, the regulated environmental features on the subject property have been preserved and/or restored, to the fullest extent possible. No impacts to regulated environmental features are approved with this DSP.

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 Detailed Site Plan DSP-98061-05 for the above-described land, subject to the following conditions:

- 1. All deliveries shall be made outside of standard operating hours.
- 2. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:
 - a. Revise the total required parking amount shown in the parking schedule. Revise the schedule to reflect the correct parking amount of 59.

- b. Provide the height and dimensions of the drive-through canopies.
 - c. Provide a general note to clarify the “Permanent Easement for a Special Purpose, Liber 14485, Folio 247, SHA Plat 55448,” that is shown on and encumbering 17 parking spaces.
 - d. Show the recording information of the “Access Easement for Adjacent Property” at the Heritage Boulevard entrance.
 - e. Revise the sign table to reflect the same columns and calculations, as what is shown on the plan.
 - f. Provide a freestanding sign table for the pylon sign.
 - g. Add a general note to the DSP indicating that all deliveries will be made outside of standard operating hours.
 - h. Add a general note to the DSP stating that all delivery trucks are required to turn left onto Heritage Boulevard, on exiting the site.
 - i. Revise the 2010 *Prince George’s County Landscape Manual* Schedule 4.7-3 and replace “Buffer Type = Alternative Compliance Requested” with “Buffer Type = N/A.”
3. Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for installation of the “Delivery Trucks Left Turn Only” signage, as shown in the approved Detailed Site Plan, DSP-9861-05.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following 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 Doerner, with Commissioners Washington, Doerner, Bailey, and Shapiro voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, January 26, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of February 2023.

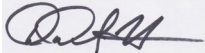
Peter A. Shapiro
Chairman



By Jessica Jones
Planning Board Administrator

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APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: February 9, 2023