

Detailed Site Plan 22001

August 14, 2025

Donna J. Brown
Clerk of the County Council
Wayne K. Curry Administration Building
1301 McCormick Drive
Largo, MD 20774

Via USPS, electronic and hand delivery

Item: **Detailed Site Plan 22001 – McDonald’s on Ager Road**

Request that the District Council Hear Oral Arguments, Disapprove Detailed Site Plan 22001, and Reverse the Prince George’s County Planning Board’s Approval of DSP-22001 (PGCPB 2025-008A)

Dear Ms. Brown,

Pursuant to Zoning Ordinance 27-290 and for the reasons stated below, we, the undersigned Persons of Record (Alexi Boado, Shantha Alonso, Daniel Broder, Jeff Cronin, Lisa Entzminger, Rebeca Rios, Marybeth Shea, Greg Smith and Melissa Schweisguth) respectfully request that the District Council disapprove Detailed Site Plan 22001 – McDonald’s on Ager Road (DSP-22001).

We file these comments for protective and cautionary reasons and this filing does not preclude raising these or any other issues before the District Council.

We note with some concern that apparently no earlier than the afternoon of Friday, August 8, 2025, three large files intrinsic to the record for this case – were posted to the Council’s web page for this case, **without notice to Persons of Record**.

Those files, which are titled

1. DSP-22001 Remand- Transcripts 6-12-2025,
2. DSP-22001 Remand - Planning Board Record Part 1, and
3. DSP-22001 Remand - Planning Board Record Part 2.

They comprise more than 4,700 pages.

Clearly, even if Persons of Record had been notified that these files were available, the timing of their posting left far too little time for Persons of Record to review and cite them before the August 14, 2025 deadline for filing an appeal.

We believe that the Planning Board has failed to examine with sufficient rigor this project's potential impacts on the environment, public safety (particularly road safety for the most vulnerable users: cyclists and pedestrians), traffic congestion, public health, historical preservation and climate change.

We also believe the Planning Board has failed to examine with any rigor whether this project is consistent with and conforms to the purposes and goals of the:

- Zoning Ordinance,
- Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity,
- The relevant Functional Master Plans,
- The County's Climate Action Plan, and
- Other relevant policy documents, especially those focused on;
 - Healthy food,
 - Food equity, and
 - Public health

The Applicant proposes to build a high-volume drive-through fast-food outlet along Maryland 410 (East-West Highway) in the Green Meadows Shopping Center. This site is adjacent to a complex, congested, five-point intersection that links some of the most dangerous road segments in the county. The main entrance is immediately west of the merger of Route 410 and Ager Road.

The project site is located in an intense urban heat island, in a community subject to multiple social, economic, health, and environmental stressors that typify Environmental Justice communities, in an area the County classifies as a "Food Swamp" and a Healthy Food Priority Area, and very near the 100-year floodplain of Sligo Creek, which flows into the lower Northwest Branch, which flows in the Anacostia. The lower Northwest Branch and the Anacostia are classified as impaired waters under the Clean Water Act.

Critically, because McDonald's has not been required to secure approval of a Conceptual Site Plan or a Preliminary Plan of Subdivision, **this DSP is the *only* opportunity for the public to comment on this project's impacts** on the community, the environment, and public health, and for the Planning Board and the District Council to understand and fairly weigh those impacts.

This **review is also the *only* opportunity for the Planning Board and the District Council to determine** whether this project and DSP-22001 are consistent with and conform to the purposes and goals of the Zoning Ordinance, Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity, relevant Functional Master Plans, the County's Climate Action Plan, and other relevant policy documents, especially those focused on healthy food, food equity, and public health.

This DSP review is ***not*** a “retest” of issues examined through a Conceptual Site Plan or a Preliminary Plan of Subdivision.

For this project, this review is the first and ***only*** test.

We are deeply concerned that the Applicant and the Planning Board have asserted that the Planning Board is not required or even allowed to consider off-site impacts or existing and projected off-site conditions, including conditions that clearly affect traffic safety and public health.

For many reasons, we believe that this assertion is incorrect and that failing to consider off-site conditions or to assess off-site impacts ignores basic planning principles, will lead to a poorly informed decision, and will undermine the public interest.

Issues and Objections

1. The Applicant has failed to meet the burden of proof imposed by the Zoning Ordinance.

Based upon the facts below and other evidence in the record, the Applicant has failed to meet the burden of proof imposed by Section 27-142 of the Zoning Ordinance, and has failed to demonstrate that this project is consistent with, conforms to, or supports the attainment of purposes and goals of **Zoning Ordinance**, the **County’s General Plan (Plan 2035)**, relevant **Functional Master Plans**, the **County’s Climate Action Plan**, and other relevant policy documents, especially those focused on *healthy food, food equity, and public health*.

In fact, there is ample evidence that this project would undermine the attainment of multiple goals and policies laid out in the Zoning Ordinance, county plans, and other county policy documents.

2. The Planning Board failed to make a fact-based finding on whether DSP-22001 may be conditionally approved without a drive-through service.

The Order of Remand repeatedly orders the Board to “make a finding of whether this DSP represents a reasonable alternative for satisfying the site design guidelines in PGCC § 27-274 or whether the proposed site plan may be conditionally approved without a drive-through service.”

Yet the Planning Board’s resolution, the Technical Staff Report, and the record contain no analysis of whether:

- a. the project may succeed and meet applicable requirements without the drive-through; or
- b. the site plan may be conditionally approved without a drive-through.

3. The Planning Board failed to consider the project’s potential impacts on public health.

The Planning Board erred when it decided not to consider the potential public health impacts of this project on a community documented to be already burdened with multiple social, economic, environmental and health stressors.

Section 27-284 of the Zoning Ordinance *requires* a DSP to be referred to the Health Department and charges the Department with assessing the distribution of potential health impacts in the community.

The Zoning Ordinance defines a **Health Impact Assessment Review** as:

“..... a tool that may include a combination of procedures, methods and tools by which a policy, program or project may be evaluated as to its potential effects on the health of a population, the distribution of those effects within the population, and provide a platform to make our communities healthier.”

In this case, the potential health impacts would fall upon a community that is already burdened with multiple social, environmental, and economic stressors, so many that it appears to be an **Environmental Justice Community**, based on screening tools offered, at least until recently, by

- the US Environmental Protection Agency,
- the Maryland Department of the Environment, and
- the University of Maryland School of Public Health.

Yet, inexplicably, the Planning Board’s original resolution approving DSP-22001 *never mentions Section 27-284*, never mentions the multiple stressors already burdening the neighboring, and never mentions relevant county policies and goals focused on health and the environment. In fact, the word “health” appeared only twice the Board’s original resolution and only in reference to health of trees on the property.

Risk factors and stressors already burdening the neighboring community include:

- very high percentages of residents who are person of color;
- relatively low income;
- high heat since this community is located in an intense urban heat island;
- high traffic volumes and high concentrations of toxic and carcinogenic traffic-related air pollution;
- high asthma rates;
- lack of health insurance;
- high percentages of people who do not speaking English,
- high percentages of children under five years old;
- an over-abundance of unhealthy food options and a lack of healthy food options; and
- unsafe conditions for pedestrians and bicyclists.

Any one of these stressors merits consideration, and the cumulative impacts of so many stressors certainly should weigh heavily against approving this project. Yet there is no evidence in the record that any of these stressors were considered by the Health Department, the Planning Department, or the Planning Board.

In PGCPB 2025-008A, rather than give any serious consideration to this project's potential public health impacts, the Planning Board merely referred to the Health Department's wholly inadequate January 30, 2024 letter, in which the Health Department merely stated that it had completed a "desktop health assessment review". The Department also stated that the applicant must follow certain laws by obtaining certain county and state permits, that dust should not leave the site during demolition and construction, and that noise generated during demolition and construction "should not be allowed to adversely impact activities on the adjacent properties."

- The Health Department did not explain which potential public health impacts it had explored or identified, whether or how it had assessed them, or what it had found.
- There is no evidence in the record that the Department engaged the community in any way or made any attempt to consider existing stressors on the community.
- The Department did not recommend "...design components to increase positive health outcomes and minimize adverse health outcomes on the community."

In contrast, in commenting on Suffrage Pointe DSP 21001, where the developer would like to build 41 luxury townhouse – probably marketing them for more than \$700,000 – for some reason, the Health Department chose to quantify the number of existing carry-out/convenience store food facilities within one-half mile of the Suffrage Pointe site, saying:

"Health Department permit records indicate there are approx. 5 carry-out/convenience store food facilities within a ½ mile radius and one markets/grocery stores within a one-mile radius of this location.

"Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes."

Yet for DSP-22001, the Health Department did not provide the same analysis of the number of carry-out/convenience store food facilities within the one-half mile (or any distance) of the proposed McDonald's on Ager site even though the project site is located in what the Health Department and other county agencies classify as a **Food Swamp** and a **Healthy Food Priority Area (HFPA)**, and is in the midst of a community already subject to multiple socio-economic, health, and environmental stressors.

Notably, the damaging impacts of fast-food drive-throughs are significant enough that, for a variety of reasons, jurisdictions are banning new drive-throughs. Those jurisdictions include the City of Minneapolis, towns in California, Missouri and New Jersey, and the City of Annapolis, which in December 2024 passed an ordinance prohibiting drive-through windows for new fast-food restaurants.

Notably, a significant body of research shows that people of color suffer from higher rates of Type 2 diabetes, obesity, and other conditions due to poor diets, lack of exercise, and other factors. Some studies have found a correlation between the proximity of fast-food outlets and obesity in nearby communities.

At least one study found this impact to be greatest among African American women.

4. The Planning Board failed to give adequate consideration to the project's potential impacts on vehicular traffic safety, traffic congestion, and pedestrian and bicycle safety.

McDonald's proposes to build this high-volume drive-through right next to a complex five-point intersection, which links road segments that are among the **5 most dangerous in the county** with respect to accident rates, accident-related injuries, and pedestrian fatalities.

The site is within the watershed of **two elementary schools and next to three bus stops** that serve high-volume routes and surrounded by dense residential areas, making the site a high-pedestrian location and desirable bike commuting route, and an area where the safety of vulnerable road users – pedestrians and cyclists – must be prioritized.

Maryland State Police Crash data for approved crash reports indicate that, from **2021-2023**, there were 176 crashes within *800 feet* (0.15 miles) of the site, a conservative radius that extends just past the intersections of East West Highway/410 with Riggs/212 and Ager. Of these crashes, **three were fatalities**, all of which were pedestrians, and 25 were injury crashes, two of which were pedestrians

This is a chronic, long-term issue: considering the most vulnerable road users - pedestrians and cyclists - there were three pedestrian fatalities, and additional bike and pedestrian injury crashes within *one-quarter mile* of the site from 2018-2021.

Adding a high-volume drive-through would exacerbate these issues and will imperil pedestrians and bicyclists the most. It also would increase local emissions and ambient concentrations of traffic-related air pollution in an already over-burdened community.

A straightforward comparison of morning and evening peak-hour trip generation tables developed by the Applicant and published by the Planning Board on pages 8 and 9 of PGCPB 2025-008A shows that construction and operation of ***the proposed high-volume drive-through on this site would significantly increase morning peak-hour and evening peak-hour trips into and out of the property***, including the integrated strip shopping center and the existing free-standing sit-down restaurant.

In the table on page 8 of PGCPB 2025-008A, which is titled "Trip Generation Summary: DSP-22001", the Applicant indicates that there currently are a total of 45 morning peak-hour trips and 126 evening peak-hour trips into and out of the site, which includes the integrated strip shopping center and the existing free-standing sit-down restaurant.

In the table on page 9 of PGCPB 2025-008A, which is titled "Trip Generation Summary: ITE 934: Fast-Food Restaurant with Drive-Through Window", the Applicant indicates that there would be 164 morning peak-hour trips and 122 evening peak-hour trips into and out of the proposed McDonald's.

At the bottom of page 8 of PGCPB 2025-008A and just above that table on page 9, the Planning Board states:

“The table below summarizes trip generation for the 3,683-square-foot eating and drinking establishment with drive-through, that will be used in reviewing site traffic-generated Impacts.”

Based on that language and those numbers, the construction and operation of the proposed high-volume drive-through would lead to **many more** morning and evening peak-hour trips entering and exiting the property. Adding so many vehicles to this road during peak hours, would increase crash risks and congestion, particularly around the drive-through entry/exit close to the intersection of Ager and 410.

Incredibly, the Applicant and the Planning Board have asserted that relevant off-site impacts and conditions, including impacts traffic safety attributable to the drive-through and the entry/exit siting, may not be considered in this DSP review even though Section 27-102 of the Zoning Ordinance states that the purposes of the Ordinance include:

“To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County” and

“to lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions.”

The Applicant has provided no evidence that this project would meet these or numerous other purposes of the Ordinance. Please see detailed testimony on traffic and safety issues [here](#)¹ and photos and videos [here](#)².

We are deeply concerned that the Planning Board failed to give due consideration to actual crash data and risks and to the real-world conditions that drivers, pedestrians, and bicyclists experience every day on adjacent and nearby roads.

There is no evidence in the record that whatever traffic impact analysis was done here accounts for approved projects in the Development Pipeline.

It is also important to consider that the ITE trip generation rates, which the County’s Transportation Review Guidance directs applicants to use, are national averages that are not specific to McDonald’s or to this specific project, and may not be representative of fast-food drive-through rates in Prince George’s County or the region.

The shopping center will have 75 parking spaces and the McDonald’s will have another 54 – for a total of 129. This McDonald’s will have a drive-through queuing capacity of approximately 20 vehicles. The proposed site capacity could clearly enable the development to exceed the estimated peak-hour trip generation rates, especially given that a significant share of fast-food revenue comes from drive-through customers that are in and out of the site, and adjacent roads, in just a few minutes.

- If the number of vehicles in the ordering and queue exceeds the capacity of designated queuing space, how will that affect on-site pedestrian safety and vehicular circulation?

¹ <https://drive.google.com/file/d/1Nz-FVrZPVV172q4NlthcoLsoZboxsNgp/view>

² https://drive.google.com/file/d/1YIDG0sDbE56QyNTdIT5kutHGnLJ_OH6H/view

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- How would the vehicular capacity the site allows affect on-site circulation and safety?
- How would it affect congestion and safety on local roads?

The Applicant's trip generation calculation focuses on morning and evening "peak" hours, per the ITE method specified in Planning Department Guidance. But what about weekend days, when youth sporting events or faith services tend to generate a lot of traffic, and may generate a lot of trips to this McDonald's?

Section 27-274(2)(C)(i) states:

- (i) *The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary;*
- (ii) *Entrance drives should provide adequate space for queuing;*

Placing the main access point for this high-volume drive-through so close to the intersections of Ager and East West and of East-West and Riggs is likely to increase congestion and potential conflicts, especially when this drive-through probably will operate more hours each day and week than the current restaurant does.

The site design creates points where drivers, pedestrians, and bicyclists may have limited lines of sight and little time to react, where drivers may be distracted, and where conflicts between motor vehicles, and between motor vehicles and pedestrians and bicyclists, may increase, especially with higher volumes flowing into, through, and out of the site.

Those points include the right turn in immediately after the merger of Ager and East-West, the left turn out of the pick-up lane, and the right turn out of the site. The steep slope entering the site might also limit drivers' lines of sight.

5. The Planning Board failed to assess whether this project and this DSP conform to or are consistent with the General Plan, Master Plan, Functional Master Plans, and other relevant policy documents, especially those focused on healthy food, food equity, and public health.

The Council's Order of Remand directs the Board to "*to take further testimony, as outlined above, on the purposes of the prior Zoning Ordinance, the 1989 Plan, the general purposes of the Commercial Zone, the purposes of the C-S-C Zone, the definition and application of an eating and drinking establishment, the purposes of a Detailed Site Plan, Site Design Guidelines, and the impact of a Health Assessment Review from the Health Department*".

The Order lays out the purposes of the General Plan, the Commercial and C-S-C zones, and Detailed Site Plans, as well as numerous relevant Master Plan policies.

The Applicant's comments, the Technical Staff Report, and the Planning Board's resolution generally seek to evade virtually any conformity test, and they cite case law that may not be relevant. Taking their arguments to their logical-illogical conclusion, the only sections of the Ordinance that matter are 27-283 and 27-285.

Zoning Ordinance Section 27-102 states that the Purposes of the Zoning Ordinance include:

- (1) To protect and promote the health, safety, morals comfort, convenience, and welfare of the present and future inhabitants of the County;
- (2) To implement the General Plan, Area Master Plans, and Functional Master Plans;
- (11) To *lessen* the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;
- (12) To insure the social and economic stability of all parts of the County;
- (13) To protect against undue noise, and air and water pollution,

Section 27-282(b)(1)(A) and (B) state that the general purposes of Detailed Site Plans are to:

- (A) 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) Help fulfill the purposes of the zone in which the land is located;

Section 27-281(a)(1) notes that “*detailed design of land development significantly affects the health, safety, and welfare of the general public*”, and because regulation of land development through fixed standards can result in monotonous design and lower quality development, certain types of land development are best regulated by a combination of development standards and a discretionary review of a Detailed Site Plan.

Section 27-446 – General purposes of Commercial Zones – states that one purpose of Commercial Zones is to implement the general purposes of the Zoning Ordinance.

6. The Planning Board failed to give adequate consideration to relevant and significant off-site impacts, conditions, and context.

Incredibly, the Applicant and the Planning Board have asserted that off-site impacts and conditions may not or need not be considered in this DSP review even though:

Section 27-102 of the Zoning Ordinance states that the purposes of the Ordinance include:

“To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County,” and

“To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions.”

Sec. 27-281 – Purpose of Detailed Site Plans – notes that “**the detailed design of land development significantly affects the health, safety, and welfare of the general public**”.

Section 27-284 **requires** a DSP to be referred to the Health Department and charges the Department with assessing **the distribution of a project’s health impacts in the community**;

The Applicant has provided little or no evidence that this project would meet numerous relevant, purposes, goals, recommendations, and policies of the Zoning Ordinance, the General Plan, or the Master Plan.

7. Approval of yet another fast-food outlet in this community would undermine food equity and deepen the local Food Swamp.

The County has passed measures to incentivize healthy food options, supported the creation of a county-wide **Food Equity Council** and has designated **Healthy Food Priority Areas (HFPA)**.

This property lies within an HFPA.

We urge the District Council to consider those and other relevant policies here. Ensuring that a proposed development aligns with the HFPA designation would ensure alignment with the Purposes of the Zoning Ordinance, specifically Sec. 27-102, “*Protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County.*”

Numerous McDonald’s already operate within a 10-mile radius of this site, as do numerous fast-food restaurants in the local community. This new McDonald’s drive-through would be within what Prince George’s Healthcare Action Coalition (PGHAC), the Health Department, and Prince George’s County Food Equity Council call a “**Food Swamp**,” meaning the community has too few healthy food options and too many unhealthy ones.

Notably, a significant body of research shows that people of color suffer from higher rates of Type 2 diabetes, obesity, and other conditions due to poor diets, lack of exercise, and other factors. Some studies have found a correlation between the proximity of fast-food outlets and obesity in nearby communities.

At least one study found this impact to be greatest among African American women.

8. Approval of yet another fast-food outlet in this community would undermine an important economic goal of the Zoning Ordinance.

Section 27-102 of the Ordinance states: “*Encourage economic development activities that provide desirable employment and a broad, protected tax base.*”

Food service work is, generally, low paid. While McDonald’s estimates that this drive-through would create 50 jobs, please note that a federal General Accounting Office [report](#)³ (October 2020, GAO-21-45) found that, other than from Walmart, no company had more employees enrolled in the Supplemental Nutrition Assistance Program (SNAP) and in Medicaid than

³ <https://www.gao.gov/assets/d2145.pdf>

McDonald's. In other words, many of these new jobs will likely be heavily subsidized by taxpayers – although both programs currently are under assault by the Trump administration and the current Congress.

9. Historical Preservation of a Site with Documented Significance Regarding Enslaved People

This property was once part of the Green Hill Plantation, which was one of the largest plantations in the region, which once was known as Chillum Castle Manor. The Green Hill Plantation now functions as a Roman Catholic seminary owned by the Pallottine Fathers. The enslavement of many Black men, women, and children on that plantation has been well-documented, and it is highly probable that graves of those enslaved people lie, or did once lie, on the project site and/or the adjacent seminary's grounds.

Thanks to evidence presented by members of our group and to robust discussion during the Planning Board's fall 2024 hearings, M-NCPPC has taken a closer look at these essential facts, and McDonald's presumably will continue to consult with reputable historic preservation specialists during the development process. Even so, we urge additional due diligence regarding the history of this land.

Last fall, we presented evidence that at least 39 persons – including 33 whose names are known – had been enslaved here by the Digges and Riggs families. Both families benefited mightily and continue to hold wealth earned upon the theft of labor from those they enslaved for generations.

While McDonald's now plans to provide a commemorative bench on the property and include "posters" in the restaurant about this history, we are deeply concerned that this concession fails to reflect the *gravitas* of what occurred on this land. If the past is prologue, a transparent curation process, with observation and meaningful commentary by the community and county elected officials, will be essential to rich and rigorous curation of this property.

Even though the Green Hill Seminary site is recognized as a county historic resource, the complex and troubling history of that land generally is woefully underacknowledged.

We fear that private control – by the Pallottine Fathers seminary and now McDonald's partners – may mean that this information will continue to be insufficiently public. Transparent and honest curation of this county historic resource is essential to preventing that outcome.

As always, thank you for your time and your consideration, and for your service to the community. Please ensure that this appeal is entered into the record for DSP-22001.

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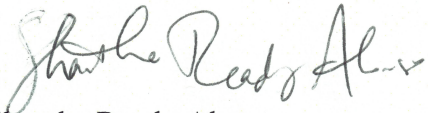
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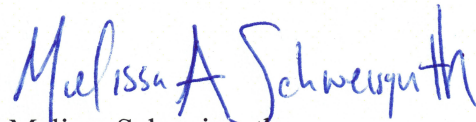
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Certificate of Service

I hereby certify that on this day, the 15th day of August, 2025, a copy of the foregoing Notice of Appeal was mailed to all parties of record.



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