

## R E S O L U T I O N

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, in consideration of evidence presented at a public hearing on January 8, 2009 regarding Detailed Site Plan DSP-07075 for BP Amoco Upper Marlboro, the Planning Board finds:

1. **Request:** The application proposes the construction of a ten-pump gas station with two overhead canopies, a 4,224-square-foot food and beverage store with a fast food component, a 1,200-square-foot, drive-through, single-bay car wash, and ancillary parking and stormwater management facilities.
2. **Surrounding Uses:** The subject property is located on the west side of US 301 directly across from its intersection with Village Drive. The property is bounded to the north, south and west by undeveloped land in the R-A Zone and to the east by US 301. Across US 301 is undeveloped land in the L-A-C Zone. One existing single-family detached residence will remain within the boundary of the subject site on a separate parcel, Parcel X.
3. **Previous Approvals:** Zoning Map Amendment A-9471 was a request for the rezoning of 4.68 acres in the southern portion of the site from the R-A to the C-S-C Zone. This request was denied; however the site was further evaluated in the *Approved Master Plan and Sectional Map Amendment for Subregion IV Study Area (Planning Areas 79, 82A, 82B, 86A, 86B, 87A, 87B)* (September 1993 and May 1994). The Sectional Map Amendment for Subregion IV rezoned a portion of the site totaling 1.02 acres from the R-A to the C-M Zone. On June 17, 2002, the District Council approved A-9948 (Zoning Ordinance 9-2002) to rezone an additional 1.36 acres of the subject site from the R-A to the C-M Zone. On the same day, the District Council also approved a special exception, SE-4398, for a food and beverage store and fast food restaurant in the C-M Zone (Zoning Ordinance 10-2002) and permission to build within the ultimate right-of-way of US 301 (Zoning Ordinance 11-2002). DDS-516 was also approved by the District Council on June 17, 2002 to allow an access to the proposed loading space closer than 50 feet from residentially-zoned land. CB-36-2004 is a text amendment, which was approved by the District Council on July 27, 2004, adding footnote 75 to the table of uses for the R-A Zone and thereby permitting a gas station use on R-A-zoned properties meeting certain criteria. ROSP-4398/01 was approved by the Planning Director on September 4, 2007 for the relocation of a retaining wall, which was subsequently constructed. Preliminary Plan of Subdivision 4-07075 was approved on March 6, 2008 for gas station, convenience store and car wash uses on two parcels subject to 21 conditions as contained in PGCPB No. 08-28. Revision of Site Plan ROSP-4398/02 is being processed concurrently with this detailed site plan to shift the convenience store and gas canopy approximately 15 feet to the north, to delete one MPD (multi-product dispenser) from the previously approved gas canopy, and to add a 1,200-square-foot car wash on the C-M-zoned portion of the property. The site has an approved Stormwater Management Concept Plan, 15111-2005-00, which will remain valid until March 19, 2009.

4. **Development Data Summary**

Zones Uses	<b>EXISTING</b>		<b>PROPOSED</b>
	C-M/R-A Vacant		C-M/R-A Gas Station, Food and Beverage Store, Fast Food Restaurant, Car Wash
Lots	0		0
Parcels	3		2
Square Footage	N/A		5,424
Dwelling Units	0		N/A
	<b>C-M</b>	<b>R-A</b>	<b>Total</b>
Gross Tract Area	2.38	7.79	10.17
Floodplain	0	.32	.32
Net Tract Area	2.38	7.47	9.85

**Parking Required:**

**Food and Beverage Store** (3,666 s.f.\*)

1 space/250 sq. ft. for the first 3,000 sq. ft.  
& 1 space /200 sq. ft. above 3,000 sq. ft. 24

**Gas Station** (2 employees)

1 space per employee 2

**Fast Food Restaurant** (3 seats/196 s.f.\*)

1 space/3 seats & 1 space/50 sq. ft. of GFA 9

**Car Wash** (1,284 s.f.\*)

1 space/500 sq. ft. of GFA 3

**Total:** 38

**20% reduction for combined use may be  
applied for uses generating less than 20  
parking spaces** 36

**Parking Provided**

Standard 34

Compact 0

Handicap 2

**Total** 36

**Loading Required** 1

**Loading Provided** 1

\*A total of 36 parking spaces are required and provided for the proposed food and beverage store,

fast-food restaurant, gas station, and car wash. The applicant is also providing two handicap spaces and one loading space, as required. The parking schedule calculates the total square footage of the food and beverage store and fast food restaurant at 3,862 square feet. The site plan, however, indicates the total area is 4,224 square feet. This discrepancy (362 square feet) must be reconciled in order to accurately calculate the amount of parking required. In addition, the parking schedule shows the car wash at 1,284 square feet, although the site plan shows the car wash area as 1,200 square feet. This discrepancy must also be corrected.

5. **Design Features:** The gas station and associated pumps that previously operated on the site have already been razed in preparation for the development proposed with this application. The applicant proposes to develop the C-M portion of the site with a 4,224-square-foot one-story structure, which will be used as a gas sales center and food and beverage store with a fast food component. East of this structure and parallel to US 301, the applicant proposes to construct seven MPDs beneath an overhead canopy. A 1,200-square-foot, drive-through, single-bay car wash will be located north of the food and beverage store and will be accessed from the west. Three additional MPDs are proposed north of the car wash within the R-R-zoned portion of the site. These pumps will also be sheltered by an overhead canopy. Two access points are proposed: the first, located along the site's northern frontage on US 301, is designed as right-in; the other is located further south and is designed to provide two-way access to an extension of Village Drive. This extension will be constructed pursuant to this approval and will provide a fully-operational signalized intersection at US 301, directly across from Village Drive West.

The proposed architectural elevations feature a base of cream-colored concrete masonry units (CMU) above which will be located a wide band of traditional red-colored brick. A typical storefront glazing system will be featured at the pedestrian level and the uppermost portions of the front façade will be finished with cream-colored exterior insulation finish system (EIFS). The roofline of the convenience store is embellished with aluminum cornice and one central decorative parapet, which will provide the background for the main building-mounted signage. The side elevations of the convenience store are proposed to be clad in a combination of brick, CMU and EIFS in a pattern resembling the front façade; however, the side façades feature a disproportionately larger percentage of EIFS than the fronts, much of which is located at the pedestrian level. Secondary building-mounted signage is proposed on the side elevations of the convenience store building. All building-mounted signage consists of white individually-mounted channel letters.

The car wash building features a similar architectural design and combination of materials, without the main parapet element. Building mounted signage is proposed at the entrance and exit of the drive-through car wash to aid circulation.

The pillars of the proposed gas pump canopy will be clad in brick to match the other buildings on site. The white aluminum canopy top features a green, internally illuminated band and a small illuminated BP logo on each side.

One pylon gas price sign is proposed at the north side of Village Drive Extended. Two different details were submitted for this sign. One shows a pylon sign flanked on each side by two-foot-wide

brick piers. The other shows only a brick base. The overall aesthetic of the sign incorporating brick piers is superior and this type of sign should be provided.

The plans show a large expanse of impervious area north of the car wash building. It appears as though some of this asphalt could be eliminated without impacting internal circulation and access to the car wash. The elimination of some of this asphalt would result in less of an impact on the existing residence on Parcel X. Therefore, the plans should be revised prior to signature approval to reduce the amount of impervious area to the extent possible without impacting site circulation or access to the car wash.

6. **Conformance to Zoning Map Amendment A-9948:** On June 17, 2002, the District Council approved A-9948 (Zoning Ordinance 9-2002) to rezone 4.649 acres of the total land area of the subject site from the R-A to the C-M Zone. The plans correctly designate this area for the C-M Zone.
7. **Conformance to Zoning Ordinance No. 11-2002:** On June 17, 2002, the District Council approved Zoning Ordinance No. 11-2002 to allow the issuance of a permit within the planned right-of-way for US 301 for a gas station, food and beverage store, and a fast food restaurant. Although this approval does not include the currently proposed car wash, pursuant to Section 27-259 of the Zoning Ordinance, building permits may be issued without District Council approval for any structures located on:

“Land which was subdivided after the adoption of a Functional Master Plan of Transportation, Area Master Plan, or the General Plan, but was not reserved or required to be dedicated for a street or rapid transit route or facility shown on the Plan.”

The Subregion VI Study Area Master Plan, which designated US 301 as a freeway, was approved in September of 1993. Preliminary Plan of Subdivision 4-07075 was subsequently approved for the subject site on March 6, 2008, showing site boundaries that included the area within the proposed ultimate right-of-way of US 301. PGCPB Resolution No. 08-28 contains neither findings nor conditions of approval calling for the dedication of this land area. Therefore, District Council approval of building permits for the structures shown within the ultimate right-of-way of US 301 is not required.

8. **Conformance to Special Exception SE-4398 & Revision of Site Plan ROSP-4398/01:** On June 17, 2002, the District Council approved Special Exception SE-4398, for a food and beverage store and fast food restaurant in the C-M Zone (Zoning Ordinance 10-2002). Revision of Site Plan ROSP-4398/01 was approved by the Planning Director on September 4, 2007 for the relocation of a retaining wall, which was subsequently constructed. The proposed site layout has changed somewhat since the approval of SE-4398 and ROSP-4398/01. Therefore, ROSP-4398/02 is being processed concurrently with this detailed site plan application to reflect the shift of the convenience store and gas canopy approximately 15 feet to the north, the elimination of one MPD (multi-product dispenser) from the previously approved gas canopy, the addition of a 1,200-square-foot car wash on the C-M-zoned portion of the property and three MPDs in the R-A-zoned portion of the property. The detailed site plan is in conformance with ROSP-4398/02.

9. **Conformance to Departure from Design Standards DDS-516:** DDS-516 was approved by the District Council on June 17, 2002 to allow a ten-foot reduction in the required 50-foot setback of the access to the proposed loading space from residentially-zoned land north of the gas station. The configuration of this access has changed since the approval of DDS-516 and a portion of the access is shown on the detailed site plan to be located on the R-A portion of the site outside of proposed Parcel A. The R-A-zoned portion of Parcel A meets the criteria set forth in Footnote 75 of the table of uses for the R-A Zone (see Finding 11 for a detailed discussion). Therefore, a gas station is a permitted use on the residentially-zoned portion of this parcel and the loading space proposed to serve the gas station use and the access to the loading space may be located on this parcel. The current configuration would require approval of a revision to DDS-516 to allow access to the loading space to be located outside of Parcel A, on the portion of the R-A Zone where the gas station use is not permitted. In addition, it would be necessary to record an access easement across the R-A Zoned portion of proposed Parcel B to serve the commercial use on Parcel A. The reconfiguration of Parcel A to include the proposed access would eliminate the need for the revision to the departure and the access easement. Therefore, prior to certification of the detailed site plan, the applicant should revise the configuration of Parcel A so that it both meets the requirements of Footnote 75 and includes the northern access to US 301.

10. **Conformance to Preliminary Plan of Subdivision 4-07075:** Preliminary Plan of Subdivision 4-07075 was approved on March 6, 2008 for gas station, convenience store and car wash uses on two parcels subject to 21 conditions as contained in PGCPB No. 08-28.

1. **The detailed site plan and Type II tree conservation plan for the subject property shall show a minimum of a 10-foot-wide setback from the limits of disturbance from the retaining wall, and impacts to the delineated PMA shall be limited to those approved at time of preliminary plan.**

The TCPII complies with the requirement that all woodland conservation areas be set back ten feet from the retaining wall in order to allow a work and maintenance zone.

2. **At time of TCPII submittal, the plan shall reflect the extent of road construction requirements for Village Drive Extended as determined by the Department of Public Works and Transportation.**

The TCPII for the site was approved twice pursuant to development activities not requiring the approval of a special exception or detailed site plan (a stockpile and construction of a retaining wall). Therefore, this condition was not previously addressed. The TCPII shows the extension of Village Drive only to the extent necessary to provide access to the site, even though evidence from Department of Public Works and Transportation (DPW&T) indicating that the road construction for Village Drive Extended is not required has not been provided.

The following finding of PGCPB Resolution No. 08-28 for Preliminary Plan of Subdivision 4-07075 addresses this issue:

- “19. **Village Drive Extended**—Village Drive currently terminates at US 301. The large residential development to the west of the subject property (Beech Tree) shows Village Drive Extended across the subject property, connecting to become an additional point of access. The approved special exception plan for this site also shows this road, with a note saying that it will be dedicated to public use. However, this road is not shown in the current master plan and thus need not be dedicated in its entirety by the applicant. Staff is recommending, however, that the applicant dedicate a 125-foot long section of 80-foot-wide right-of-way for Village Drive Extended to preserve that segment of the road and to ensure essential additional access to the site from a public road. The applicant needs only to pave that portion of the road necessary to gain access to their driveway.”

The plans correctly reflect the dedication of a 125-foot long section of 80-foot right-of-way for Village Drive.

6. **Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

The plans do not show any impacts to wetlands, wetland buffers, streams or Waters of the U.S.; however, due to the close proximity of development activities to these features, this condition should be carried forward in case future revisions to the plans propose impacts.

8. **Development shall be in conformance with the approved Stormwater Management Concept Plans 15111-2005-00 (Phase 1) and 15134-2005-00 (Phase 2) and any subsequent revisions.**

Comments were not received from DPW&T. Prior to certification of the detailed site plan, evidence should be provided from DPW&T that the detailed site plan is in conformance with the approved Stormwater Management Concept Plans, as set forth in Condition No. 8 of this resolution.

Copies of the Stormwater Management Concept Approval Letter and the associated plans were submitted with the preliminary plan application. A technical plan has not been approved. Condition No. 8 of this resolution requires that the proposed development conform with approved Stormwater Management Concept Plans and any attendant revisions, as they may affect the TCPII or environmental features of the site. A copy of the approved technical stormwater management approval plans demonstrating conformance with the approved limits of disturbance should be submitted prior to the issuance of grading permits for work associated with the revised TCPII.

9. **Direct vehicular access to US 301 shall be limited to right-in only. The location of this direct vehicular access shall be approved by SHA. This access shall in no way be connected to the access for adjacent Parcel X.**

Access to US 301 is shown on the plans as right-in only and is not connected to the proposed access for Parcel X. The SHA provided a referral response which does not indicate that the proposed access is unacceptable. The access will be reviewed further by SHA with the access permit.

- 10. The applicant shall provide sufficient and uninterrupted access to Parcel X, either along the existing recorded right-of-way or through some other means mutually agreeable to all parties. This access shall in no way be connected to the commercial development.**

The plans propose to provide access to Parcel X via an easement to be located west of the existing recorded access easement. The proposed access to Parcel X is not connected to the commercial development. This condition has been carried forward as a condition of approval of this detailed site plan to ensure that adequate access is provided in perpetuity.

- 13. The proposed development shall be limited to a mix of uses where the net new trips shall not exceed 68 AM and 86 PM peak-hour trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

There is currently pending, a Revision of Site Plan (ROSP-4398/02) for the subject property. The specific nature of this revision is to relocate on the site, the location of the gas pumps, the canopy and the food mart building. This revision will also involve the removal of one of the original eight pumps and the addition of three new pumps in another location on the site. The net effect would result in the creation of two new pumps over and above the eight pumps, which were presented on the original preliminary plan of subdivision.

As part of the preliminary plan of subdivision review process, the applicant submitted documentation of the traffic impact of the proposed development. It was determined that the original eight-pump proposal would generate 68 AM trips and 86 PM trips. Applying the original ratio, two additional pumps would therefore generate 17 net new AM trips and 22 net new PM trips. Consequently, the revised site with ten pumps will therefore generate a total of 85 AM trips and 108 PM trips. If this DSP is approved as currently proposed, it will generate more traffic than was previously anticipated.

In accordance with the condition above, prior to certification of the detailed site plan, the applicant should revise the plans so that the mix of proposed uses is within the trip cap established by Preliminary Plan of Subdivision 4-07075 or obtain approval a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

- 14. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have**

**an agreed-upon timetable for construction with the appropriate operating agency:**

**US 301 – Village Drive intersection**

- a. Pursuant to SHA requirement, widen the eastbound approach to at least 44 feet to provide a left turn lane, a shared left-through lane and an exclusive right turn lane.**
- b. Pursuant to SHA requirement, provide a deceleration lane on the southbound approach.**
- c. Access shall be limited to a right-in only from southbound US 301.**

This condition has been carried forward as a condition of this detailed site plan.

- 15. At the time of final plat, the applicant shall dedicate to public use a 125-foot long section of 80-foot wide right-of-way for Village Drive Extended.**

A 125-foot long section of 80-foot-wide right-of-way is shown on the plans to be dedicated to public use. This condition has been carried forward as a condition of approval of this detailed site plan.

- 17. Prior to signature approval of this preliminary plan, Phase I (Identification) archeological investigations, according to the Planning Board's *Guidelines for Archeological Review* (May 2005), shall be conducted on the woodland preservation area to determine if any cultural resources are present. Only 3.69 acres of the site, designated on TCPI/32/01 as "Woodland Preservation" shall be surveyed for archeological sites. The applicant shall submit a Phase I Research Plan for approval by the staff archeologist prior to commencing Phase I work. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval of the preliminary plan.**

- 18. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archeological resources exist in the project area, prior to Planning Board approval of any detailed site plan or final plat, the applicant shall provide a plan for:**

- a. Evaluating the resource at the Phase II level, or**
- b. Avoiding and preserving the resource in place.**

Four copies of the Final Report: *Phase I Archeological Survey of the Proposed BP Amoco Station, Upper Marlboro, Prince George's County, Maryland, Preliminary Plan Number 4-07075*, were received and no further archeological work was deemed necessary on the BP Amoco property.



11. Conformance to the Zoning Ordinance, specifically:

- a. **Section 27-461 regarding permitted uses in the C-M Zone:** The proposed car wash is a permitted use in the C-M Zone. A gas station is permitted in the C-M Zone, subject to detailed site plan review in accordance with Section 27-358(a)(1),(2),(4),(5),(6), (7),(8),(9), and (10) of the Zoning Ordinance. See Finding 11(c) below for a detailed analysis of the subject detailed site plan's conformance with the above-referenced section of the Zoning Ordinance. The food and beverage store and fast food restaurant uses are permitted subject to special exception approval. SE-4398 and ROSP-4398/01 were previously approved for the subject site to allow the food and beverage store and fast food restaurant uses. Since the site design has changed somewhat since the approval of ROSP-4398/01, ROSP-4398/02 is being processed concurrently with this detailed site plan to allow the food and beverage store and fast food restaurant uses as they are shown with the revised site design.
- b. **Section 27-462 regarding regulations in the C-M Zone:** The detailed site plan is in conformance with the regulations of the C-M Zone, which regard minimum setback requirements.
- c. **Section 27-441 regarding permitted uses in the R-A Zone:** The R-A portion of the subject property is proposed to be improved with three MPDs. Pursuant to footnote 75 of table of uses for the R-A Zone (CB-36-2004), a gas station is a permitted use on R-A-zoned properties meeting the following specific criteria:

**(A) The use is located on property in both the C-M and R-A Zones;**

Proposed Parcel A is located in both the C-M and R-A Zones.

**(B) The property has frontage on a road classified as a freeway on the applicable Master Plan;**

The subject property has frontage on US 301, which is classified as a freeway in the the1993 Subregion VI Study Area Master Plan.

**(C) The property is between 40,000 and 45,000 square feet in size and abuts the site of an existing gas station that was certified as a nonconforming use; and**

Proposed Parcel A will have an area of 44,470 square feet. The R-A portion of the parcel abuts the land area previously occupied by a gas station, which was certified as a nonconforming use under Use and Occupancy Permit # 689304-U.

**(D) A Detailed Site Plan shall be approved by the Planning Board that shows proposed improvements in both the C-M and R-A Zones and demonstrated compliance with Section 27-358(a)(1),(2),(4),(5),(6),(7),(8),(9) and (10). In**

**addition, the Detailed Site Plan shall demonstrate that there are no single-family homes on the property or on any abutting property.**

The subject detailed site plan shows the proposed improvements in both the C-M and R-A Zones. All single-family detached structures previously located on the subject site have been razed. The existing single-family residence on Parcel X will be separated from Parcel A, on which the proposed development governed by this footnote will occur, by proposed Parcel B.

The detailed site plan is in conformance with the requirements of the aforementioned portions of Section 27-358 of the Zoning Ordinance as follows:

- (1) The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;**

The subject property has more than 150 feet of frontage on and direct vehicular access to US 301, which has a right-of-way width of 175 feet at this location.

- (2) The subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, or hospital is located;**

There are no schools, playgrounds, hospitals or libraries within 300 feet of the subject property.

- (4) The storage or junking or wrecked motor vehicles (whether capable of movement or not) is prohibited.**

The storage or junking of wrecked motor vehicles is not proposed on site.

- (5) Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot;**

The proposal includes a one-way 22-foot-wide access driveway off of US 301 and a

two-way 35-foot access driveway on Village Drive extended. The proposed driveways are at least 150 feet from the point of curvature of the curb return. Although the SHA provided comments on the proposed development, the width of the one-way access on US 301 was not discussed. Prior to certification of the detailed site plan, the applicant should provide evidence from SHA that the width is acceptable.

**(6) Access driveways shall be defined by curbing;**

The detailed site plan indicates that the access driveways will be defined by curbing.

**(7) A sidewalk at least five (5) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;**

A five-foot sidewalk is proposed along US 301 and Village Drive extended.

**(8) Gasoline pumps and other service appliances shall be located at least twenty-five (25) feet behind the street line;**

All gasoline pumps and other service appliances are located at least twenty-five feet behind the street line.

**(9) Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.**

Vehicle repair service is not a proposed use for the subject site.

**(10) Details on architectural elements such as elevation depictions of each facade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.**

The subject site is located in close proximity to the Beech Tree and Balmoral

projects, which are single-family residential developments consisting of superior quality architecture incorporating a large percentage of masonry materials. The proposed elevations feature front façades with a combination of mostly masonry materials and a minimal amount of EIFS. The large expanse of EIFS proposed on the side elevations of the convenience store building is not in keeping with the high-quality character of the surrounding community. The red-colored EIFS on the side elevations should be replaced with brick.

The car wash building will be highly visible from all four sides. Therefore, the cream-colored EIFS shown in the mid section of the rear car wash elevation should be eliminated and brick should be used in its place. In addition, the EIFS panels between the windows on the front car wash elevation are not consistent with the material distribution proposed on the other three façades. These EIFS panels should also be replaced with red brick.

- d. **Section 27-442 of the Zoning Ordinance regarding regulations in the R-A Zone:** The detailed site plan is in conformance with the regulations of the R-A Zone.
12. ***Prince George's County Landscape Manual:*** The site is subject to Section 4.2 Commercial and Industrial Landscaped Strip, Section 4.3(c) Parking Lot Interior Planting, and Section 4.7 Buffering Incompatible Uses of the Landscape Manual. The detailed site plan is in conformance with all applicable sections of the Landscape Manual except as follows:
- a. The schedule for the Section 4.7 bufferyard adjacent to the west property line incorrectly indicates that no plant units are required. The plans should be revised to indicate that 296 plant units are required in this bufferyard. The schedule correctly indicates that 305 plant units will be provided in this location.
  - b. The plant schedule indicates that the proposed evergreens will be planted at a minimum height of 4-5 feet. According to the Landscape Manual, the minimum height for proposed evergreens is 6-8 feet. The plan should be revised to indicate that the minimum height for all proposed evergreens is 6-8 feet.

13. **Woodland Conservation and Tree Preservation Ordinance:**

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site has previously approved tree conservation plans. A Type I Tree Conservation Plan was approved as part of the Special Exception approval, and a TCPII has been approved for development activities unrelated to the Special Exception use of the site.

The previous TCPII approvals were for use as a stockpile and construction of a retaining wall. The current revision to the TCPII is the first submittal to address the Special Exception use of the site. The TCPII complies with requirements that all woodland conservation areas be set back ten-feet from the retaining wall in order to allow a work and maintenance zone.

The net tract area of this site is 9.85 acres. The woodland conservation threshold based on the existing zones is 41.54 percent of the net tract or 4.09 acres (the split zoning of C-M and R-A results in the unusual percentage for the threshold). Based on the clearing currently proposed the woodland conservation requirement for the site is 4.82 acres. The plan shows this requirement being met entirely through on-site preservation.

The Type II Tree Conservation Plan, TCPII/156/06-02, has been reviewed and was found to require revisions. Woodland preservation cannot be credited in the 100-year floodplain, and the plan should be graphically corrected not to include woodland preservation. Likewise, woodland preservation or conservation cannot be credited with the ultimate right-of-way for US 301. Woodlands within the ultimate right-of-way do not have to be counted as cleared. Afforestation within the PMA is a priority, such as the area located on the northern end of the property. After these revisions are made, a determination must be made regarding how much of the woodland conservation requirement cannot be met on site, and how much will have to be obtained in off-site woodland conservation. The woodland conservation summary table should be revised to correctly reflect revisions made to the plan sheet.

All pertinent standard TCPII notes must be added to the TCPII.

Only the ultimate right-of-way line should be shown on the site, and it must be located in the correct location. Other incorrectly labeled or distracting elements should be removed from the plan. The 50-foot-wide gas easement should be identified by adding arrows to indicate the extent of the easement on the site. The legend should also be revised to eliminate confusing elements describing the right-of-way, and notes should be renumbered or corrected to provide effective reference.”

14. **Referrals:**

- a. **Environmental Planning Section:** This 10.17-acre property in the C-M and R-A zones is located on the west side of Crain Highway (US 301) at the intersection of Village Drive and future Village Drive West. There are streams, wetlands, 100-year floodplains, severe slopes, and steep slopes on highly erodible soils found on this property. The site is approximately seventy-five percent wooded, and contains cleared and developed areas on a triangular area adjacent to US 301. The soil series found on this property include Ochlocknee sandy loam (OcB) and Westphalia fine sandy loam (WaC2, WaC3). Ochlocknee soils generally occur along the bottom of slopes, around the head of drainage ways, and on the rims of depressions. It has poor stability for pipeline construction and maintenance; road locations, and dikes, levees and embankments, and is found on approximately half of the site. Westphalia soils are in hydrologic soil group B, but are considered highly erodible. Based on available information, Marlboro clay is expected to occur on the site. According to the Sensitive Species Protection Review Area (SSPRA) GIS layer, obtained from the Maryland Department of Natural Resources Natural Heritage Program, no endangered species are found to occur in the vicinity. There are no designated scenic or historic roads adjacent to this site. The site is adjacent to US 301 which is designated as a master planned freeway. The ultimate master plan right-of-way for US 301, as determined by SHA, has been delineated on the special exception site plan, detailed site plan, and TCPII. Noise impacts are not anticipated to be of concern due to the proposed usage of the site for commercial purposes. The property is located in the Collington Branch watershed of the Patuxent River basin. The property is located in the Developing Tier as reflected in the General Plan. According to the *Approved Countywide Green Infrastructure Plan*, the site includes Regulated Areas and Evaluation Areas.

**Conformance with the Master Plan**

The site was evaluated in the Subregion VI Study Area Master Plan (1993) and the Sectional Map Amendment for Subregion VI (1994). The Sectional Map Amendment for Subregion VI rezoned a portion of this site totaling 1.02 acres in size from the R-A to the C-M Zone, allowing the commercial development proposed under the current application.

**Conformance with the *Approved Countywide Green Infrastructure Plan***

According to the *Approved Countywide Green Infrastructure Plan*, the site includes Regulated Areas and Evaluation Areas. The regulated areas of the subject property have been protected through the subdivision process, and priority preservation areas and sensitive environmental features will be retained as woodland conservation.

**Environmental Review**

A natural resources inventory (NRI) can be accepted as fulfilling the requirements of a forest stand delineation (FSD), if all of the information required for a detailed forest stand

delineation is complete and correct within the NRI. The NRI/FSD submitted with the preliminary plan application was insufficient and incomplete for a number of reasons. Prior to signature approval of the TCPI, the FSD plan was revised to include the entire legal boundaries of the site and a Forest Stand Delineation Report for the entire legal parcel must also be submitted, and relabeled as a Natural Resources Inventory/Forest Stand Delineation Plan (NRI/007/05) as required by preliminary plan conditions of approval. The revised TCPII shows the location of the primary management area (PMA) and environmental features in accordance with the approved preliminary plan and TCPI.

- b. **Permit Review Section:** The Permit Review Section raised several issues, all of which have been addressed within other findings of this report.
- c. **Transportation Planning Section:** The site layout as shown on the submitted detailed site plan is acceptable; however, the site plan is not in conformance with the trip cap established through the approval of Preliminary Plan of Subdivision 4-07075. See Finding 9 for a detailed discussion of this analysis.

There are no master plan trails issues that affect the subject site and a standard sidewalk is proposed along the site's frontage of US 301.

- d. **Subdivision Section:** There are no subdivision issues and the layout proposed on the detailed site plan is consistent with the agreement dated July 3, 2008 (Tedesco to Hirsch) to adjust the parcel sizes (Parcels A and B). This agreement was pursuant to a meeting on June 20, 2008 with the applicant and Alan Hirsch, Supervisor of the Subdivision Section. As a result, Parcel A is being proposed at 1.02 acres and Parcel B is being proposed at 9.14 acres. A new record plat in accordance with Section 24-108 of the Subdivision Regulations will be required to adjust the common boundary lines consistent with the detailed site plan, and as anticipated by the applicant in their letter of July 3, 2008.
- e. **Community Planning Section:** The application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and conforms to the urban land use recommendations in the 1993 Subregion VI Study Area Master Plan. The plan indicated a potential for Retail or Service Commercial land use for the subject property.
- f. **The Department of Public Works and Transportation (DPW&T):** At the time of the public hearing comment had not been received from the Department of Public Works and Transportation.
- g. **The State Highway Administration (SHA):** The State Highway Administration indicated that US 301 is designated as a freeway in the County's master plan and is planned to be developed as a six-lane freeway, F-10, with a service road, A-61, on either side providing access to adjacent sites. SHA indicated that the area of proposed development is completely within the future right-of-way and would later necessitate it being purchased to allow for the

widening of US 301. While SHA acknowledged that the decision on the approval of the development would be at the sole discretion of M-NCPPC, it requested that the County seek appropriate dedications and/or reservations to preserve the freeway alignment. See Finding 7 for a detailed discussion of this issue.

- h. **Washington Suburban Sanitary Commission (WSSC):** In comments dated May 29, 2008, WSSC indicated that a service area category change is required to serve the site.
  - 14. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
- 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 Type II Tree Conservation Plan (TCPII/156/60-02) and further APPROVED Detailed Site Plan DSP-07075 for the above-described land, subject to the following conditions:
- 1. Prior to certification, the following revisions to the detailed site plan shall be made or the following information shall be provided:
    - a. Provide evidence from DPW&T indicating that the detailed site plan is in conformance with the approved stormwater management concept plans.
    - b. Revise the plans so that the mix of proposed uses does not exceed 68 AM and 86 PM peak-hour trips or obtain approval of a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
    - c. Revise the schedule for the Section 4.7 bufferyard adjacent to the existing single-family detached residence to indicate that 296 plant units are required.
    - d. Revise the plant schedule to indicate that all evergreens will be planted at a minimum height of six to eight feet.
    - e. Reduce the amount of impervious area north of the car wash to the extent possible without impacting internal circulation or access to the car wash.
    - f. Replace the red EIFS on the side elevations of the convenience store with brick to match the brick featured on the rest of the building.
    - g. Replace the EIFS between the windows on the front car wash elevation and in the middle section of the rear car wash elevation with brick to match the brick featured on the rest of the



building.

- h. Provide evidence from SHA that the width of the right-in access on US 301 is acceptable.
  - i. Indicate that the gas price sign will be flanked by two-foot-wide brick piers.
  - j. The correct square footages of the food and beverage store, fast food restaurant and car wash shall be shown on the site plan and in the parking schedule.
- 2. Prior to certification, the following revisions shall be made to the TCPII:
  - a. Revise the plan to remove woodland preservation areas from the ultimate right-of-way and the 100-year floodplain.
  - b. Revise the plan to include all pertinent standard TCPII Notes.
  - c. Revise the worksheet as necessary to reflect how the woodland conservation requirements are being met.
  - d. Show only the ultimate right-of-way line on the plan, and remove other incorrectly labeled or distracting road elements from the plan.
  - e. Indicate with arrows the location of the 50-foot-wide gas easement.
  - f. Revise the legend to eliminate confusing graphic elements describing the right-of-way, and correct or renumber notes providing effective references.
  - g. Have the plans signed and dated by the qualified professional who prepared them.
- 3. Prior to Record Plat, revise the configuration of Parcel A so that it both meets the requirements of CB-36-2004 and includes the right-in access on US 301.
- 4. At the time of final plat, the applicant shall dedicate to public use a 125-foot-long section of 80-foot-wide right-of-way for Village Drive Extended.
- 5. Unless this is rendered unnecessary as part of a new preliminary plan of subdivision, the applicant shall provide sufficient and uninterrupted access to Parcel X, either along the existing recorded right-of-way or through some other means mutually agreeable to all parties. This access shall in no way be connected to the commercial development.
- 6. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency:

US 301–Village Drive intersection

- a. Pursuant to SHA requirement, widen the eastbound approach to at least 44 feet to provide a left-turn lane, a shared left-through lane and an exclusive right turn lane.
  - b. Pursuant to SHA requirement, provide a deceleration lane on the southbound approach.
  - c. Access shall be limited to a right-in only from southbound US 301.
7. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
  8. Development shall be in conformance with the approved Stormwater Management Concept Plans 15111-2005-00 (Phase 1) and 15134-2005-00 (Phase 2) and any subsequent revisions.
  9. Prior to the issuance of grading permits for work associated with the revised TCPII, a copy of the approved technical stormwater management plans shall be submitted to show conformance with the approved limits of disturbance.

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Clark, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, January 8, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29<sup>th</sup> day of January 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator