



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 11-26

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File No. DSP-10032

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, in consideration of evidence presented at a public hearing on March 24, 2011 regarding Detailed Site Plan DSP-10032 for 301 Commercial Center/Checkers, the Planning Board finds:

1. **Request:** The subject application is for approval of a 1,078-square-foot, one-story, freestanding Checkers fast food restaurant with drive-through service in the C-S-C Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant	Fast-Food Restaurant
Acreage	1.4142	1.4142
Parcels	1	1
Building square footage/GFA	0	1,078

Other Development Data:

	REQUIRED	APPROVED
Total Parking Spaces for 1,078 sq. ft. @ 1/250 sq. ft.*	5 (1 Van-Accessible Handicapped)	12 (2 Van-Accessible Handicapped)
Loading spaces*	0	0

*Because the subject site is part of an integrated shopping center, parking is to be provided at one space per 250 square feet of retail space, and the three loading spaces which are required for the overall shopping center are being provided on other parcels.

3. **Location:** The subject property is known as Parcel H of the 301 Commercial Center located west of Robert S. Crain Highway (US 301) between Clymer Drive and Albert Road in Planning Area 85A in the Brandywine Community, Council District 9. The proposed Checkers restaurant is located southwest of the intersection of Clymer Drive and southbound US 301, across from the Brandywine Crossing Shopping Center.
4. **Surrounding Uses:** The surrounding properties are all zoned Commercial Shopping Center (C-S-C). The subject property is bounded to the north by the public right-of-way of Clymer Drive and beyond it by the Brandywine Village Shopping Center, which is under development per

Detailed Site Plan DSP-05115; to the west by a private ingress/egress easement developed with an existing 30-foot-wide drive aisle that provides access to the 301 Commercial Center parcels, including Parcel H; to the south by Parcel I of the 301 Commercial Center, which is already developed with an auto parts store, AutoZone; and to the east by the right-of-way of US 301, and beyond it by the existing developed Brandywine Crossing Shopping Center.

5. **Previous Approvals:** Preliminary Plan of Subdivision 4-06142 was approved for seven parcels on 9.1525 acres and the resolution (PGCPB No. 07-105) was adopted on June 7, 2007. Final Plat S-08240 (301 Commercial Center) was approved by the Planning Board on December 11, 2008. The Planning Board approved Type I Tree Conservation Plan TCPI/001/07 concurrently with Preliminary Plan 4-06142. A Type II Tree Conservation Plan, TCPII/017/08, was approved by staff on April 10, 2008 for the larger 301 Commercial Center of which Parcel H is a part.
6. **Design Features:** The applicant proposes to develop a 10-foot-high, 818-square-foot standard prototype Checkers restaurant, with a detached 10-foot-high, 260-square-foot storage shed, on the northern portion of existing Parcel H. The southern portion of Parcel H is currently under review as Special Exception SE-4657 for a proposed vehicle parts or tire store with installation services combined with a vehicle lubrication or tune-up facility, a Tires Plus store. The building and site layout shown with the SE development will go through a separate review process, as required for a special exception.

A common driveway entrance off of the private ingress/egress drive extending through the 301 Commercial Center, from Albert Road to Clymer Drive, is proposed to serve both Tires Plus and the abutting Checkers restaurant. The proposed Checkers restaurant building is located in the northeast part of the site and is set back approximately 78 feet from the US 301 right-of-way and approximately 56 feet from the Clymer Drive right-of-way. The restaurant building is a long, narrow rectangle that faces east towards US 301, with the detached shed located behind it to the west. The building has canopies in the front that extend over the two drive-through service lanes, one to the north and one to the south of the building. To the north, on the other side of the drive-through aisle, is a large paved area with proposed picnic tables to serve as seating for customers as there is no customer seating located within the building. To the north of this is a 20-foot-wide, two-way drive aisle that provides the main access from east to west. A large sidewalk area in front of the building will accommodate customers using the walk-up service windows. Parking, including two handicapped parking spaces, is provided to the east and west of the proposed building, with the proposed trash enclosure being located in the northwest corner of the site. Stormwater on-site is being treated in the overall 301 Commercial Center system through underground storage pipes and a storm filter system.

The proposed Checkers restaurant is a typical franchise prototype design of a one-story building with a flat roof, two drive-through aisles, and a walk-up service area on the front of the building. The exterior will be finished with a combination of white and black ceramic tile, red and black aluminum, white exterior finishing system (EIFS), and chrome and glass block trim. The front elevation of the building, facing US 301, features the two walk-up pedestrian service windows and a large menu board located in the center. The two drive-through service windows are located in the

eastern portion of the northern and southern elevations of the building underneath the nine-foot-high canopies. Otherwise, these elevations contain no fenestration except for the main employee entrance, which is located on the northern elevation of the building facing Clymer Drive. The rear elevation, which faces the detached shed, contains two service doors and two small windows. A backlit, rectangular red, black, yellow, and white building-mounted sign stating "Checkers: Burgers, Fries, Colas" is attached to the roof on the eastern, northern, and southern building elevations. The detached shed is a plain, rectangular box with a slightly pitched roof. It is finished in white synthetic stucco and has no features except for an entrance door on the eastern elevation, facing the rear of the main building. The proposed menu order boards for the drive-through service lanes are located to the west of the shed.

An existing freestanding pylon sign is shown in the northeast corner of Parcel H. This sign has been previously reviewed, permitted, and built; therefore, the pylon sign is not considered to be approved as part of the subject DSP.

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the C-S-C Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in general conformance with the requirements of Section 27-461(b) of the Zoning Ordinance, which governs uses in commercial zones. The proposed eating or drinking establishment, with drive-through service, is permitted in the C-S-C Zone subject to DSP approval.
 - b. The DSP shows a site layout that is consistent with Section 27-462, regulations regarding building setbacks. The DSP is also in conformance with the applicable site design guidelines.
 - c. The signage within the DSP has been reviewed per Section 27-613, which governs signs attached to a building or canopy. The three proposed building-mounted signs are in conformance with the applicable regulations. No proposed freestanding signage was submitted, reviewed, or approved with this DSP application.
8. **Conformance to Preliminary Plan of Subdivision 4-06142:** Preliminary Plan 4-06142 was approved and the resolution (PGCPB No. 07-105) was adopted on June 7, 2007. Final Plat 5-08240 was approved by the Planning Board on December 11, 2008. The Planning Board approved the preliminary plan with 18 conditions, of which the following are applicable to the review of this detailed site plan and warrant discussion as follows:
 1. **At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the plat:**

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

The proposed conservation easement does not impact Parcel H.

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

Parcel H does not contain any jurisdictional wetlands, wetland buffers, streams, or Waters of the US; therefore, no federal or state wetland permits will be required for the improvements that are part of this DSP.

3. **The following note shall be placed on the Final Plat of Subdivision:**

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/001/07), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

This note was included on the final plat as required. Discussion regarding the site's TCP approvals is in Finding 10 below.

4. **Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.**

No residential development is proposed for Parcel H.

5. **At the time of final plat the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC 1.4+ acres of open space (floodplain) as shown on the Department of Parks and Recreation (DPR) Exhibit A. [...]**

The portion of the property proposed for conveyance does not border or impact the subject site.

- 6. The applicant shall provide a standard sidewalk along the subject site's entire road frontage of Clymer Drive, unless modified by DPW&T.**

The submitted DSP does show a concrete sidewalk in the right-of-way of the subject site's entire road frontage on Clymer Drive.

- 7. Development shall be in conformance with the approved Stormwater Management Concept Plan, 50400-2006-00 and any subsequent revisions. Prior to signature approval of the preliminary plan, the concept number and approval date shall be added to the plan.**

In a memorandum dated February 3, 2011, the Department of Public Works and Transportation (DPW&T) indicated that the proposed development is consistent with approved Stormwater Management Concept Plan 50400-2006-00, which was approved on November 19, 2009.

- 8. Direct vehicular access to US 301/MD 5 shall be prohibited from all lots.**

No direct vehicular access to US 301 is shown on this parcel. All access for this site occurs via an internal private ingress/egress easement that connects to two public streets, Clymer Drive and Albert Road, then intersects with US 301.

- 9. The applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. [...] Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made. [...]**

This payment to the Brandywine Road Club will be due prior to the issuance of building permits as required by the preliminary plan of subdivision condition.

- 10. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA:**
- a. Along US 301/MD 5 at Clymer Drive, provide dual northbound left-turn lanes.**
 - b. Along the Clymer Drive approach (eastbound) to US 301/MD 5, widen to provide a three-lane approach, including a right-turn lane, a shared**

through/left-turn lane, and an exclusive left-turn lane. The westbound roadway shall be widened to receive two left-turn lanes.

- c. Along the Chadds Ford Drive approach (eastbound) to US 301/MD 5, widen to provide a four-lane approach, including a right-turn lane, a through lane, and dual exclusive left-turn lanes.**

While technically this condition is enforceable at the time of building permit, the road improvements as listed have already been completed.

- 11. Access at the US 301/MD 5 and Albert Drive intersection shall be limited to right-in right-out movements.**

This parcel does not adjoin Albert Road; therefore, this requirement is not part of this DSP approval. However, site plan improvements, shown for informational purposes only, at the intersection of Albert Road and US 301/MD 5 appear to be sufficient to limit all movements to right-in/right-out only.

- 12. At the time of final plat approval, the applicant shall indicate dedication of right-of-way of 140 feet from the existing baseline of US 301/MD 5.**

The DSP reflects an existing right-of-way line 140 feet from the existing baseline of US 301/MD5, as this required dedication was already platted.

- 13. Total development of the subject property shall be limited to uses that would generate no more than 61 AM and 436 PM peak-hour vehicle trips. Any development generating an 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.**

The DSP is limited to Parcel H while the specified trip cap is for the entire 301 Commercial Center property. The Transportation Planning Section provided the following analysis of the trip cap. With the development of the proposed Checkers fast-food restaurant, there would be 63,696 square feet of commercial space on the overall property; this would generate 47 AM and 305 PM peak-hour vehicle trips. This is well within the overall trip cap for the site of 61 AM and 436 PM peak-hour vehicle trips.

- 14. An automatic fire suppression system shall be provided in all proposed buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.**

This requirement will be enforced at the time of building permit, when the Fire/EMS Department will do a complete review of the proposed structure.

9. **Prince George's County Landscape Manual:** The proposed Checkers restaurant with drive through is subject to Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements of the *Prince George's County Landscape Manual*.
- a. Section 4.2, Requirements for Landscape Strips Along Streets, applies to all public and private road frontages, which would include the eastern and northern edges of the subject site. This section does not apply to the Parcel H frontage along the private ingress/egress easement to the west, as this easement was created under Section 24-128(b)(9) of the Subdivision Regulations to avoid the potentially hazardous situation of providing direct vehicular access from each parcel to US 301. The requirements of Section 4.2 include a minimum ten-foot-wide strip planted with one tree and ten shrubs for every 35 feet of road frontage, excluding driveway openings. The submitted DSP meets this requirement for the northern and eastern road frontages.
 - b. The subject site is exempt from the requirements of Section 4.3(c)(1), Parking Lot Perimeter Landscape Strip Requirements, because it is part of an integrated shopping center. The DSP is subject, though, to Section 4.3(c)(2), Parking Lot Interior Planting Requirements, which requires that a certain percentage of the parking area, in accordance with the size of the parking lot, be interior planting areas with one shade tree for each 300 square feet of planting area. The landscape plan identifies one parking lot on Parcel H of 40,572 square feet, which would be subject to the eight percent requirement because the total parking lot area is between 7,000 and 49,999 square feet. The landscape plan provides 9.97 percent of the total parking lot area in interior planting area and a total of 14 shade trees which satisfy the requirements of Section 4.3(c)(2).

However, three of these proposed trees, south of the restaurant building, are located in a long, narrow planting island that appears to be only six feet wide and is located between the southern, nine-foot-wide, drive-through service aisle and the access drive for the proposed Tire Plus store to the south. Due to the constricted planting area and the possibility of drive-through customers hitting these trees, the Planning Board found that these trees shall be moved to a more suitable location on-site, such as between the detached shed and proposed menu boards or within a planting area within the paved picnic area to the north of the restaurant building, in order to ensure their long-term viability. The Planning Board then found that a hedgerow of evergreen shrubs shall be planted in this southern island to provide low-maintenance greenery in between these paved areas.
 - c. Section 4.4, Screening Requirements, require that all dumpsters be screened from all adjacent public roads. The proposed trash area in the northwestern corner of the site is proposed to be enclosed with a 6-foot, 6.5-inch-high concrete masonry unit wall, which will be faced with materials to match the proposed building architecture. This sight-tight wall enclosure is consistent with Landscape Manual requirements in this section.

- d. Section 4.7, Buffering Incompatible Uses, requires a buffer between adjacent incompatible land uses; however, as part of an integrated shopping center, there are no adjacent incompatible uses that require buffering from the proposed DSP.
 - e. Section 4.9, Sustainable Landscaping Requirements, requires certain percentages of native plants be provided on-site, along with no invasive plants, and no plants being planted on slopes steeper than three-to-one. The submitted landscape plan did not provide the required schedule or notes; therefore, a condition requiring the DSP to demonstrate conformance to Section 4.9 has been included in this approval.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is more than 40,000 square feet in area and has a previously approved Tree Conservation Plan (TCPII/17/08). The detailed site plan was reviewed and found to be in conformance with the approved TCPII. However, General Note 12, shown on Sheet C-1 of the DSP, needs to be revised to read "The subject property has an existing Type II Tree Conservation Plan. All proposed development must be in conformance with the approved TCPII/17/08." A condition requiring this has been included in this approval.
11. **Tree Canopy Coverage Ordinance:** The project is subject to the requirements of Subtitle 25, Division 3: The Tree Canopy Coverage Ordinance. The requirement for the subject property, Parcel H, is ten percent of the gross tract area or 0.14 acre (6,160 square feet) based on the C-S-C zoning. There are no existing trees left on the site, so the tree canopy coverage (TCC) requirement must be met through proposed landscape trees. The submitted landscape plan shows the proposed planting of 30 shade trees, planted at two and a half to three inch caliper, within all of Parcel H. These proposed shade trees can each be credited at 225 square feet, based upon the planting size, for a total of 6,750 square feet of TCC, which satisfies the requirement. A condition has been included in this approval requiring the TCC schedule, as shown on the landscape plan, be revised to reflect the correct number of proposed trees on-site and the correct credit amount for each tree.
12. **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. **Community Planning:** The proposed use is consistent with the *Prince George's County Approved General Plan* recommendation that retail and service land uses comprise 5 to 50 percent of the land use mix in a designated corridor and community center. This application is not consistent with General Plan Development Pattern policies for compact, mixed-use, transit-supportive, and transit-oriented development in the center.

This application generally conforms to the land use recommendations of the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment for commercial land use. This application does not conform to the recommendations of the master plan for new

commercial land uses that are more compact, transit-supportive, and transit-oriented in the edge area of the community center in Brandywine.

The General Plan policy for centers is to promote the development of compact, integrated, mixed-residential, and nonresidential uses at moderate to high densities and intensities in context with surrounding neighborhoods and with a strong emphasis on transit- and pedestrian-oriented design. This application does not conform to General Plan Development Pattern policies. Instead, this application proposes a continuation of an automobile-oriented, suburban shopping center where customers are more likely to drive from store to store instead of walk.

The goal of the master plan is to develop a core area in the Brandywine Community Center, to the north of the subject property, which is accessible from the surrounding areas by foot, bicycle, and transit. This application is within the surrounding edge areas of the center. New development within the edge areas should respond to this master plan goal by increasing walking and biking facilities that lead to the core area. Enhanced sidewalks and trails throughout the larger edge community are encouraged in order for the Brandywine Community Center to become a community for pedestrians, bicyclists, and transit-riders, in addition to car drivers and passengers. The attached illustration from the approved master plan (text, pg 52, Map IV-6: Brandywine Community Center Core and Edges) shows the location of the subject site (notation added) in relation to the Brandywine Community Center core area.

This application does not conform to the master plan goals for the Brandywine Center, stated above. The C-S-C Zone and the preliminary plan of subdivision for the property that is subject to this DSP were approved for a traditional, automobile-oriented, retail commercial center. This occurred prior to approval of the 2009 Subregion 5 Master Plan or the site's designation in a General Plan community center. In line with prior planning policies, individual buildings are distributed across this site and surrounded by customer parking lots. The new master plan text (p. 50) acknowledges this situation and sets forth the vision for this area as follows:

Community Center Edges

Community center edges to the west of MD 5/US 301 would contain a mix of residential and commercial land uses, although these areas are not expected to develop the high-density mix envisioned for the community center core. Commercial uses may be clustered in pods; rather than mixed among residential uses...

The proposed development represents a "pod" of commercial uses that are separated from adjacent residential areas. This alone conforms to the master plan recommendations. This proposal does not conform to master plan and General Plan recommendations for pedestrian-oriented and transit-oriented design elements that are key to implementing

planning policy for centers and corridors. To adapt the proposed use to the 2009 Subregion 5 Master Plan recommendations, the pedestrian network within this shopping center should be enhanced.

Recreation and Trails (p. 50)

On-road bicycle lanes or sidepaths are envisioned for major roads in the vicinity (see Chapter VI). Additional trails and small parks should be built as part of new development. Trails and parks should be linked together, and designed to protect sensitive natural resources. South of the community center, a 50 acre community park on McKendree Road, adjacent to the Mattawoman Watershed Park, is recommended.

Although this proposal identifies a standard sidewalk along the frontage of Albert Road, and the approved Preliminary Plan of Subdivision (4-06142) requires the construction of a standard sidewalk along Clymer Drive to provide access from surrounding residential properties, there appears to be a deficiency of walkways or paths between the commercial uses within this integrated shopping center. Additional sidewalks should link the various commercial components of this integrated shopping center and link this shopping center to the surrounding land uses and to existing and future development in the Brandywine Community Center.

West of the subject property, at the end of Clymer Drive, land was rezoned from the R-R (Rural Residential) Zone to the R-T (Townhouse) Zone. When that property is developed, there will be medium-density residential development adjacent to the subject shopping center. Future residents should be able to walk or bike to the subject shopping center as well as to points north along General Lafayette Boulevard that will connect this area to the core of the Brandywine Community Center.

The subject DSP is limited to Parcel H, and within that only to the area of development for the Checkers restaurant. Therefore, the only pedestrian improvements that can be found as part of this approval would have to be within the limits of the DSP. A condition has already been included in this approval, requiring the creation of a pedestrian connection from the sidewalk along Clymer Drive to the sidewalks around the proposed Checkers restaurant.

- b. **Transportation Planning:** The applicant is proposing a fast-food restaurant with drive-through service as a part of an integrated shopping center totaling 63,696 square feet. There is an approved preliminary plan for the site known as 4-06142 for 301 Commercial Center. There are a number of transportation-related conditions on the current underlying subdivision, and a summary of the status of these conditions is in Finding 8 above.

The fast-food restaurant is one of two proposed uses on Parcel H of 301 Commercial Center. The other use is a tire store, which is currently under special exception review as

SE-4657. Access and on-site circulation are acceptable. All access to this use is either intra-parcel access or via a private roadway within the larger commercial development.

The subject property was given subdivision approval pursuant to a finding of adequate transportation facilities made in 2007 during the review of Preliminary Plan of Subdivision 4-06142. In conclusion, the Transportation Planning Section deems the site plan to be acceptable from the standpoint of transportation.

- c. **Subdivision Review:** The subject property is located on Tax Map 154 in Grid F-4 and is known as Parcel H of the 301 Commercial Center. Preliminary Plan 4-06142 was approved for seven parcels on 9.1525 acres and zoned C-M (Miscellaneous Commercial). This DSP only affects Parcel H, which is 1.4142 acres. The applicant is proposing to develop the property with an 818-square-foot Checkers restaurant and a 208-square-foot storage shed. The site is also subject to Special Exception SE-4657 for construction of a 7,600-square-foot tire store, which is pending.

Preliminary Plan 4-06142 was approved and the resolution (PGCPB No. 07-105) was adopted on June 7, 2007. Final Plat 5-08240 was approved by the Planning Board on December 11, 2008. The Planning Board approved the preliminary plan with 18 conditions which are discussed in Finding 8 above.

- d. **Trails:** There are no master plan trails issues identified in either the *Master Plan of Transportation* (MPOT) or the area master plan for the subject site. The master plan stream valley trail is planned along the tributary of Timothy Branch which is to the west of the subject application. The approved Preliminary Plan of Subdivision, 4-06142, included stream valley dedication to accommodate this master plan trail. Condition 6 of the approval for Preliminary Plan 4-06142 required the construction of a standard sidewalk along Clymer Drive, which will provide access from surrounding residential properties.

In order to link the walkway immediately around the proposed Checkers with the public sidewalk along Clymer Drive, a short sidewalk connection and crosswalk is found to be appropriate. The recommended location is marked in red on a plan given to the applicant. These improvements will ensure a continuous designated walkway from the surrounding community to the proposed restaurant.

Conclusion

From the standpoint of non-motorized transportation, it is determined that this plan is acceptable, fulfills the intent of applicable master plans and functional plans, fulfills prior conditions of approval, and meets the finding required for a specific design plan as described in Section 27-285 of the Zoning Ordinance if the following condition were to be placed.

- (1) Provide a sidewalk connection with appropriate curb cuts and crosswalk markings from the existing sidewalk along Clymer Drive to the walkway around the proposed Checkers restaurant.

The suggested condition has been included in this approval.

- e. **Department of Parks and Recreation (DPR):** DPR indicated that they had no comments regarding the subject DSP.
- f. **Permit Review:** Permit Review comments are either not applicable at this time, have been addressed through revisions to the plans, or are addressed through proposed conditions of approval of this detailed site plan.
- g. **Environmental Planning:** This site was reviewed and issued a numbered Letter of Exemption (E-01-02) by the Environmental Planning Section on January 10, 2002 for the installation of a communications tower. The installation did not propose the clearing of any existing woodland and the exemption was for this purpose only. A Natural Resources Inventory (NRI/159/06) was approved for the site on December 8, 2006. The site was reviewed for the approval of a Preliminary Plan (4-06142) and Type I Tree Conservation Plan TCPI/001/07 for a 9.15-acre tract which was approved on May 10, 2007, subject to PGCPB Resolution No. 07-105 for seven parcels in the C-M and C-S-C Zones. A Type II Tree Conservation Plan (TCPII/17/08) was subsequently approved on April 10, 2008.

The former C-M-zoned portions of the property were rezoned to C-S-C under PGCPB Resolution No. 09-109 and by Prince George's County Council Resolution CR-61-2009 on June 25, 2009. The current application seeks the approval of a detailed site plan for the construction of a Checkers restaurant on Parcel H in the C-S-C Zone with a total area of 1.41 acres.

This 1.41-acre property in the C-S-C Zone is located on the south side of Clymer Drive adjacent to US 301. The 2009 aerial photography indicates that the site contains no existing woodland. The site does not contain any streams, wetlands, or 100-year floodplain. The site is located in the Mattawoman Creek watershed in the Potomac River Basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Robert S. Crain Highway (US 301) is an adjacent source of traffic-generated noise. The current proposal is not expected to be a noise generator. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville and Croom series. No areas of Marlboro clay or Christiana soils have been identified on this site. The site is in the Developing Tier according to the General Plan. The site does not contain any regulated areas, evaluation areas, or network gaps within the network of the *Approved Countywide Green Infrastructure Plan*.

Robert S. Crain Highway (US 301) is an adjacent source of traffic-generated noise. The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA Ldn noise contour is 507 feet from the centerline of US 301. Because the property is zoned C-S-C and the proposed use is commercial, traffic-generated noise from US 301 is not a concern on this site.

According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville and Croom series. Beltsville soils are highly erodible and may have areas with perched water tables and impeded drainage. Croom soils are only problematic when associated with extensive areas of steep slopes. Because the site is relatively flat, these soils do not pose any specific problems for development. This information is provided for the applicant's benefit. No further action is needed as it relates to this detailed site plan review. A soils report may be required by Prince George's County during the permit review process.

An approved Stormwater Management Concept Plan (50400-2006-00) was submitted with the subject application. The concept approval number is correctly noted on the detailed site plan.

h. Zoning Review:

- (1) Section 27-560(b) of the Zoning Ordinance states that interior driveways in areas where no parking is permitted shall be at least ten feet wide for each lane of traffic. The site plan submitted demonstrates one-way driveway aisles along the north and south side of the proposed building that are nine feet in width.

The nine-foot-wide, one-way drive aisles along the north and south sides of the building are aisles for drive-through food service. Per the Permit Review Section, drive-through aisles for food service can be whatever width the retailer feels is appropriate as long as a separate drive aisle, of an appropriate width, for through traffic is provided on-site. The submitted DSP does propose a two-way, 20-foot-wide drive aisle to the north of the building area.

- (2) The proposed dumpster enclosure, including both the wall and the front gate, exceeds six feet in height and may be subject to main building setback requirements. Section 4.4(c)(4)(a) of the *Prince George's County Landscape Manual* states that the height of a sight-tight fence or wall used to screen trash and recycling facilities should be determined by the size and location of the area to be screened. The Urban Design Section should determine if the dumpster enclosure can be reduced to six feet in height, or if additional setbacks will be required for the proposed structure.

The proposed dumpster enclosure is shown at 6 feet, 6.5 inches tall, which is not excessive given its purpose; however, since it is over six feet high, it is subject to

main building setbacks per Section 27-447(a) of the Zoning Ordinance. The enclosure meets this requirement as it is set back 11 feet from the right-of-way of Clymer Drive.

- (3) One of the freestanding signs for the shopping center is proposed to be constructed on this parcel. However, no details for the freestanding sign are shown on the submitted plan. The Urban Design Section should determine if the freestanding sign should be included and reviewed as part of the subject detailed site plan application.

The freestanding sign shown within Parcel H was actually previously permitted and is already constructed. The DSP has been revised to label this as an existing sign.

- (4) Special Exception Application No. SE-4657 is currently pending for a portion of the subject property for a proposed vehicle parts or tire store with installation services. The special exception use is proposed on the south side of Parcel H and extends down into the northern portion of Parcel I. A common driveway entrance on Parcel H is proposed to serve both the Tires Plus and the abutting Checkers restaurant. Based on recent conversations with the applicant, the special exception application will be revised to add the additional use of a vehicle lubrication or tune-up facility to the application along with the proposed vehicle parts or tire store with installation services.

The proposed Special Exception (SE-4657) site layout has been shown on the subject DSP for informational purposes; however, the two uses do share a common driveway entrance off of the internal private drive. Since the SE is scheduled to be heard by the Planning Board after the DSP, a condition requiring the DSP to be revised to reflect any significant changes within the limits of the SE has been included in this approval.

- (5) No landscape schedules were provided on the plans that were included in the referral package. Compliance with Landscape Manual requirements should be determined by the Urban Design Section. Within their February 3, 2011 referral memo for the abutting special exception application, SE-4657, the Urban Design Section provided the following comment:

The application to build a vehicle parts and tire store involves new construction and is subject to the requirements of the Landscape Manual. Because the area of special exception is located on a portion of Parcel H, which is now under review as a detailed site plan, it is found that the Landscape Manual requirements be reviewed for the parcel as a whole and be reflected as such on both the special exception and the detailed site plan.

Compliance with Landscape Manual requirements is discussed in Finding 9 above.

- (6) No zoning issues were identified with the applicant's proposal.
- i. **Department of Public Works and Transportation (DPW&T):** DPW&T provided a standard response on issues such as frontage improvements, soils, storm drainage systems, and utilities in order to be in accordance with the requirements of DPW&T. Those issues will be enforced by DPW&T at the time of the issuance of permits. DPW&T also indicated that the subject DSP is consistent with Approved Stormwater Management Concept Plan 50400-2006-00.
 - j. **Maryland State Highway Administration (SHA):** SHA indicated that they had no comments regarding the subject DSP.
 - k. **Washington Suburban Sanitary Commission (WSSC):** WSSC did not offer comments on the subject application.
 - l. **Verizon:** Verizon did not offer comments on the subject application.
 - m. **Southern Maryland Electric Cooperative (SMECO):** SMECO did not offer comments on the subject application.
13. 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.
14. Per Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

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.

The Planning Board found that the site does not contain any regulated environmental features, such as streams, wetlands, or floodplain. Therefore, no preservation or restoration of environmental features is required as part of this DSP approval.

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-10032 for the above-described land, subject to the following conditions:

1. Prior to signature approval, the following revisions shall be made to the detailed site plan or the following information shall be provided:
 - a. Revise the DSP to provide a sidewalk connection with appropriate curb cuts and crosswalk markings from the existing sidewalk along Clymer Drive to the walkway around the proposed Checkers restaurant.
 - b. Label the height of the fencing around the dumpster on the site plan.
 - c. Revise the note on the DSP that states that 2/3 of the parking must be non-compact parking to reflect the correct requirement that a maximum of 1/3 of the parking spaces can be compact.
 - d. Revise the tree canopy coverage (TCC) schedule, as shown on the landscape plan, to reflect the correct number of proposed trees on-site and the correct credit amount for each tree.
 - e. Revise General Note 12 shown on Sheet C-1 to read as follows:

“The subject property has an approved Type II Tree Conservation Plan. All proposed development must be in conformance with TCPII/17/08.”
 - f. Revise the DSP to demonstrate conformance to Section 4.9, Sustainable Landscaping Requirements, of the *Prince George's County Landscape Manual* with the appropriate schedule and notes.
 - g. Revise the DSP to move the three proposed shade trees, located south of the restaurant building, to a larger, more suitable planting location, such as between the detached shed and proposed menu boards or to a planting area within the paved picnic area to the north of the restaurant building.
 - h. Revise the DSP to show a hedgerow of evergreen shrubs to be planted in the long, narrow island located to the south of the proposed southern drive-through service aisle to replace the three shade trees that are to be moved.
2. If the location of the connecting driveway between Tires Plus site (Special Exception SE-4657) and the subject site changes as a result of the approval of SE-4657, then this detailed site plan shall be revised at staff level to reflect the change.

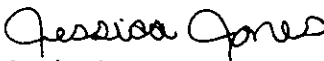
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Clark, with Commissioners Squire, Clark, Cavitt, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, March 24, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of April 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Acting Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 3/29/11