

PGCPB No. 2024-029

File No. DSP-19031-02

R E S O L U T I O N

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

WHEREAS, the applicant, Three Roads Corner, LLC, submitted an application for approval of a Detailed Site Plan amendment, DSP-19031-02 (entitled Popeyes), for development of 2,923-square-foot building to serve as a eating and drinking establishment with drive-through service located on the west side of MD 631 (Old Brandywine Road), in the southeast quadrant of its intersection with the confluence of MD 381 (Brandywine Road) and MD 373 (Accokeek Road) (subject property); and

WHEREAS, the subject property is within the Commercial, General and Office (CGO) and Commercial, Service (CS) Zones, but was within the prior Commercial Shopping Center (C-S-C) and Commercial Miscellaneous (C-M) Zones prior to April 1, 2022; and

WHEREAS, pursuant to Section 27-1900 of the Zoning Ordinance, *et seq.*, for a period of four years, until April 1, 2026, the applicant can submit a Detailed Site Plan for property in the CGO and CSC Zones for review under the requirements of the Zoning Ordinance in effect prior to April 1, 2022 (prior Zoning Ordinance); and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the prior Zoning Ordinance and the subject property's prior C-S-C and C-M zoning; and

WHEREAS, in consideration of evidence presented at a public hearing on April 25, 2024, regarding Detailed Site Plan DSP-19031-02 for Popeyes, the Planning Board finds:

1. **Request:** Detailed Site Plan DSP-19031 was approved to develop Parcels 1 and 4 with a 3,484-square-foot food and beverage store, a gas station, and a 982-square-foot car wash. This resolution approves the addition of Parcels 2 and 3 to DSP-19031 and amends that DSP for development of a 2,923-square-foot building to serve as an eating and drinking establishment with drive-through service on Parcel 3. This resolution does not approve any changes to the development approved for Parcels 1 and 4, pursuant to DSP-19031.

2. **Development Data Summary:**

	EXISTING	APPROVED (DSP-19031)	EVALUATED (DSP-19031-02)
Zone (s)	CGO (prior C-S-C) and CS (prior C-M)	C-S-C and C-M	C-S-C and C-M
Use(s)	Vacant	Approved food and beverage store, a gas station, and a car wash	Approved food and beverage store, a gas station, and a car wash (Parcels 1 and 4) Eating and drinking establishment with drive-through service (Parcel 3)
Gross tract acreage	4.427 (Parcel 1: 1.542; Parcel 2: 1.03; Parcel 3: 1.393; and Parcel 4: 0.461)	2.003 (Parcel 1: 1.542 and Parcel 4: 0.461)	4.427 (Parcel 1: 1.542; Parcel 2: 1.03; Parcel 3: 1.393; and Parcel 4: 0.461)
Parcels	4 (Parcels 1, 2, 3 and 4)	2 (Parcels 1 and 4)	4 (Parcels 1, 2, 3 and 4)
Gross floor area (sq. ft.)	0*	4,466 (Food and beverage store: 3,484 and Car wash: 982)	7,389 (Parcels 1 and 4: 4,466 and Parcel 3: 2,923)

Note: *The aerial image from PGAtlas.com shows that the building, which previously existed on the subject property, no longer remains on-site. A condition is included herein requiring the applicant to clarify the existence of the building on-site and revise the existing condition/demolition plan. If the on-site building has been razed, a condition is included herein requiring the applicant to revise the existing building gross floor area for Parcels 1 and 4 in General Note 6.

Zoning Regulations (Per Section 27-462 (a) of the prior Zoning Ordinance)

	REQUIRED	EVALUATED
Street setback – MD 5 (Branch Avenue)	10 feet	± 143 feet
Street setback – MD 631 (Old Brandywine Road)	10 feet	± 50 feet
Side setback – North	N/A*	± 50 feet
Side setback – South	50 feet	± 89 feet**
Building height	N/A	19 feet

Notes: Regarding the parking setback requirements shown on the submitted plan, a condition is included herein requiring the applicant to clarify which zoning ordinance is being referred to and, if not, remove this information from the plan. Another condition is also included requiring the applicant to correct “front setback” to “street setback.”

*The northern property line of Parcel 3 adjoins Parcel 2. Since the four parcels are treated as one development site, setback requirements among the parcels are not applicable.

**A condition is included herein requiring the applicant to revise the dimension of the provided southern setback, to be consistent with what is shown on the plan.

Parking Requirements (Per Section 27-568(a) of the prior Zoning Ordinance)

	Requirement	Evaluated
Parcels 1 and 4 (DSP-19031)		
Gas station	2	4
Food and beverage store	23	25
Car wash	2	2
Total	27	31
Standard car spaces (9.5 feet x 19 feet)		29
Handicap van-accessible		2
Parcel 3 (DSP-19031-02)		
Eating and drinking establishment with drive-through service	36	-
Total	36*	36
Standard car spaces	-	-
90-degree nonparallel (9.5 feet x 19 feet)	-	5
60-degree nonparallel (9.5 feet x 19 feet)	-	17**
Compact car spaces	Max. 12	-
90-degree nonparallel (8 feet x 16.5 feet)	-	10
Parallel (7 feet x 19feet)	-	2***
Handicap van-accessible	At least 2	2

Notes: *Of which at least two shall be handicap-accessible, in accordance with Section 27-566(b) of the prior Zoning Ordinance. In addition, up to 12 (one third of the requirement) may be compact, in accordance with Section 27-559(a) of the prior Zoning Ordinance.

**A condition is included herein requiring the applicant to properly label the dimensions of 60-degree nonparallel parking spaces.

***There are two parallel parking spaces shown on the plan. A condition is included herein requiring the applicant to revise the parking schedule.

Loading Spaces (Per Section 27-582(a) of the prior Zoning Ordinance)

	Required	Provided
Loading spaces (12 feet x 33 feet)	1	1

Bicycle Spaces

This DSP includes two U-shaped bicycle racks, which are located at the building entrance, to support a multimodal system of service.

3. **Location:** The subject site is in Planning Area 85A and Council District 9. Geographically, it is located on the west side of MD 631 (Old Brandywine Road), in the southeast quadrant of its intersection with the confluence of MD 381 (Brandywine Road) and MD 373 (Accokeek Road).
4. **Surrounding Uses:** The site is bounded to the north by the intersection of MD 5 (Branch Avenue) and MD 381, and, beyond, commercial uses in the Commercial, General and Office (CGO) Zone, formerly the Commercial Shopping Center (C-S-C) Zone. To the east is MD 631 and, beyond, commercial uses in the Commercial, Service (CS) Zone, formerly the Commercial Miscellaneous (C-M) Zone. To the south are single-family detached houses in the Residential, Rural (RR) Zone, formerly the Rural Residential (R-R) Zone. To the west is MD 5 (Branch Avenue) and, beyond, are single-family detached houses in the RR Zone, formerly the R-R Zone.
5. **Previous Approvals:** Zoning Map Amendment (ZMA) A-9920 was approved by the Prince George's County District Council on February 5, 1996 (Zoning Ordinance 1-1996) and rezoned a portion of the subject property from the R-R Zone to the C-S-C Zone.

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan) was approved by the District Council on July 24, 2013 (Resolution CR-81-2013) and rezoned a portion of the subject site (Parcel 167) from the R-R Zone to the C-M Zone (pages 169 and 184 of the master plan).

Preliminary Plan of Subdivision (PPS) 4-18009 was approved by the Planning Board on May 2, 2019 (PGCPB Resolution No. 19-58), for the development of four parcels with 12,062 square feet of commercial space. The PPS had an associated approved Stormwater Management (SWM) Concept Plan and Letter, 32000-2018-00.

Detailed Site Plan DSP-19031 was approved by the Planning Board on September 10, 2020 (PGCPB Resolution No. 2020-132) for the development of Parcels 1 and 4 with a 3,484-square-foot food and beverage store, a gas station, and a 982-square-foot car wash. On November 16, 2020, the District Council reviewed DSP-19031 and affirmed the conditions contained in PGCPB Resolution No. 2020-132.

6. **Design Features:** The site contains four parcels, which share a vehicular entry/exit point located on MD 631, specifically on Parcel 1. Parcels 1 and 4, approved with DSP-19031, will be developed with a 7-Eleven convenience store, a gas station, and a car wash. Through the subject DSP, Parcel 3 will be developed with a 2,923-square-foot eating and drinking establishment with drive-through service. Parcel 2 is currently vacant.

The subject development is oriented towards MD 5 and has pedestrian access from MD 631. The building is one-story and is approximately 19 feet in height. Two drive-through lanes are located to the south of the building with two separate menu display boards. The two lanes merge into one lane before the pick-up window. A condition is included herein requiring the applicant to organize all information and details related to the drive-through service in one package, such as directional signs, clearance bars, and menu display boards.

Architecture

The architectural design of the approved building is contemporary with a flat roof. The building is finished with a mix of materials, including brick veneer, stucco finished exterior insulation and finish systems, glass, aluminum tubes, and pre-finished metal cap. The materials are arranged in a geometric pattern. Conditions are included herein requiring the applicant to label the elevations based on cardinal directions, and separate and organize details associated with the elevations from the signage package such as the drive-through canopy, decorative shutters, and aluminum tubes.

Signage

The subject DSP includes six building-mounted signs, per Section 27-107.01 of the prior Zoning Ordinance, which defines signs as, "Any letter, word, numeral, figure, design, projected image, picture, illustration, emblem, symbol, trademark, banner, pennant, or other device, which is used to announce, direct attention to, identify, advertise, or otherwise make anything known. Signs do not include the flag or emblem of any nation; county; state; city; religious, fraternal, or civic organization; decorations or works of art which in no way identify a product or business."

Among the six signs, two are letter signs, two are logo signs and two are graphic signs. These signs are mounted on the west, north and south elevations. Each of the elevations has two signs. No signs are mounted on the east elevation. Some details of the signs are missing. Conditions are included herein requiring the applicant to re-organize the signage package, provide details for each sign (including dimensions, materials, and illumination), revise the signage schedule to demonstrate conformance with the requirements (location, height, and area). The submitted plans

also include a free-standing sign; however, its location is not specified on the plans. A condition is included herein requiring the applicant to clarify if the subject DSP includes such a sign and, if not, remove it from the signage package and, if provided, indicate its location on the plan. Signage information contained in Standard Note 7 appears to be incorrect; therefore, a condition is included herein for correction.

Lighting

The subject DSP includes both building-mounted and pole-mounted lighting throughout the site, with details. The Planning Board finds that the submitted photometric plan shows adequate lighting for users on-site and is sufficient for illuminating drive aisles, building entryways, and walking paths. A condition is included herein requiring the applicant to add a note indicating that all light fixtures included in this DSP are fully cut-off and directed downward to reduce glare and light spill-over. For people to access the approved development on Parcel 3, they need to use the shared vehicular entry/exit point located on Parcel 1 and cross Parcel 2, via a drive aisle. Conditions are included herein requiring the applicant to revise the photometric plan, submitted for this DSP, to cover the entire access route from MD 631 and add additional pole-mounted light fixtures along the route on Parcel 2, to ensure sufficient illumination.

Loading and Trashing Facilities

The subject DSP includes one loading space, located internally to the subject property. With the planting along the MD 631 frontage, public view to the loading space is screened. A condition is included herein requiring the applicant to revise the landscape plan to accommodate the provision of the one loading space. The submitted plans also show the location of a dumpster. Details of the dumpster enclosure are included in this DSP but are blurred. Conditions are included herein requiring the applicant to provide legible dumpster details and revise the large-scale plan for the dumpster, to be consistent with the design shown on other plans.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9920:** On February 5, 1996, Zoning Map Amendment A-9920 was enacted by the District Council with two conditions, as follows:
 1. **Before any building permit is issued, a site plan showing the footprint of any proposed building, parking, and landscaping (along with corresponding elevations) shall be reviewed and approved by the Planning Board or its designee. Such plans shall show the building's siting, setback, orientation, scale, roof shape, and proportions to be compatible with the character of the Historic Resource and Historic Site. Parking and landscaping shall be subject to the requirements of the Landscape Manual as to setbacks and buffers regarding development adjacent to Historic Sites.**

A DSP application (DSP-19031, 7-Eleven Branch Avenue), for development on intermediate Parcels 1 and 4, was reviewed and recommended for approval with no conditions by the Historic Preservation Commission at its July 21, 2020, meeting.

The subject property is located on the west side of MD 631, and the Marlow-Huntt Store historic site is located on the east side of MD 631. The subject DSP includes an exhibit showing a plan view and a cross section of the approved development in relation to the Marlow-Huntt Store historic site. The Planning Board finds that the orientation, mass, height, materials, and design of the approved development will have minimal impact on the historic site. The historic site is oriented in a northwest-southeast direction, facing MD 381, and does not directly face the development on Parcel 3. The development on Parcel 3 is located approximately 450 feet from the historic site and will be visually separated from the historic site by a landscape strip along the length of MD 631.

2. The adjoining Historic Resource and Historic Site shall be noted on all subsequent plans.

Such a note is not included in the submitted plans. A condition is included herein requiring the applicant to add a note to the plans, indicating that the Historic Marlow-Huntt Store and Casket Shop (85A-033-14) is located across MD 631.

8. Prince George's County Zoning Ordinance: The DSP application has been reviewed for compliance with the requirements of the C-M Zone and the site design guidelines of the prior Zoning Ordinance:

- a. This application is subject to the requirements of Section 27-459, C-M Zone, of the prior Zoning Ordinance as follows:

(b) Landscaping and screening.

(1) Landscaping and screening shall be provided in accordance with Section 27-450.

In accordance with Section 27-450 of the Zoning Ordinance, "Landscaping, screening, and buffering of all development in the Commercial Zones shall be in accordance with the provisions of the Landscape Manual." Evaluation of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) has been addressed in Finding 11 below.

(c) Uses

(1) The uses allowed in the C-M Zone are as provided for in Table of Uses I (Division 3 of this Part).

The subject DSP approves an eating and drinking establishment, with drive-through service. Per Section 27-461(b), this use is permitted in the C-M Zone, subject to Footnote 24. That footnote requires that a DSP, in accordance with Part 3, Division 9, be approved. This DSP is filed in accordance with this requirement.

(d) Regulations.

- (1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the C-M Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Table (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The subject DSP is in conformance with these regulations. Specific details have been discussed in Findings 2 and 6 above and Finding 11 below.

- b. Section 27-274(a) of the prior Zoning Ordinance provides site design guidelines for a DSP. The applicable design guidelines are described as the following:

(2) Parking, loading, and circulation.

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site...**

The submitted plans include a sidewalk along the frontage of MD 631 and sidewalk and crosswalk connections within the subject site. Parking spaces are arranged along drive aisles to the sides of the approved building for easy access and to avoid conflicts with pedestrian connectivity.

- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians...**

One loading space is included in this DSP, which has been discussed in Finding 6 above. The loading space is located internal to the subject site and to the east of the approved building. The loading space is also away from the on-site vehicular and pedestrian circulation. Accordingly, it is visually unobtrusive and has minimal conflicts with vehicles and pedestrians.

- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers...**

The site is accessed via the shared vehicular entry/exit point located on MD 631, approved with DSP-19031, and the driveway across Parcel 2. A crosswalk is shown crossing this driveway, connecting the MD 631

frontage to the subject development and adjacent property. The submitted plans show both vehicular and pedestrian circulation to be safe, efficient, and convenient for both pedestrians and drivers, because vehicular and pedestrian routes are separated. Where pedestrians must cross the vehicular route, crosswalks are provided.

(3) Lighting.

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

Lighting for this DSP has been discussed in Finding 6 above, demonstrating adequate illumination for users and for the site in the evening.

(4) Views.

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

Parcel 3, that is the subject site for this DSP, is far away from the Marlow-Huntt Store historic site and does not have vast scenic views. The mixture of the improved landscapes and existing vegetation in the perimeter of the subject site provides buffering and screening from public areas.

(5) Green Area.

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

The submitted plan shows 52 percent of green area to be provided on-site. The size, shape, location, and design of green area is appropriate to enhance landscape screening from residential houses located to the south of the subject site, as well as to improve the street frontage of MD 631 and MD 5. A condition is included herein to correct "open space" to "green area."

(6) Site and streetscape amenities.

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

The business model of the approved development is to serve food quickly, whether clients intend to dine in, order at the counter to go, or drive through. The submitted plans show the provision of bike racks at the building entrance. To enhance improvement of the MD 631 frontage and create a more attractive, coordinated development, a condition is included herein requiring the applicant to provide trash receptacles within this frontage.

(7) Grading.

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

The submitted existing conditions/demolition plan shows steep slopes greater than 15 degrees are located in the perimeter of Parcels 1, 2, 3 and 4. The approved building will be located in the center of Parcel 3, which is relatively flat. This will minimize the need for grading and additional disruption to the existing topography. In addition, retaining walls are included in the eastern, southern, and western perimeter of Parcel 3 to enhance stability.

(8) Service Areas.

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

The submitted plans show the location of the dumpster and one loading space are accessible, but unobtrusive. Both are screened with landscaping and the dumpster is also enclosed.

(9) Public Spaces.

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

This requirement is not applicable to the subject DSP because it is not considered to be a large-scale commercial, mixed-use, or multifamily development.

(10) Architecture.

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

- (B) **The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) **These guidelines may be modified in accordance with Section 27--277.**

A detailed discussion regarding architecture has been addressed in Finding 6 above.

(11) Townhouses and three-family dwellings.

This requirement is not applicable to this DSP because it does not include any townhouse or three-story units.

9. **Preliminary Plan of Subdivision (PPS) 4-18009:** PPS 4-18009 was approved by the Planning Board on May 2, 2019 (PGCPB Resolution No. 19-58), subject to 10 conditions. The conditions relevant to the revision of this DSP are listed below, in **bold** text. The Planning Board's analysis of the preliminary plan's conditions follows each one, in plain text:

5. **Total development within the subject property shall be limited to uses which generate no more than 161 AM peak-hour trips and 109 PM peak-hour trips, in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.**

The applicant submitted a trip generation memo dated September 17, 2021, with this DSP, stating that the approved development on Parcels 1 and 4 (approved under DSP-19031) and the proposed development on Parcels 2 and 3 under the subject DSP, would generate 74 a.m. and 66 p.m. trips. These trips are well within the trip cap established with PPS 4-18009. However, the Planning Board recommends the trip generation calculation be consistent with the prior approvals, using the square footage of the approved eating and drinking establishment with drive through. A condition is included herein for a revised trip generation memorandum.

6. **A substantial change to the uses or site layout on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval any building permits.**

No substantial change to the uses, which affect Subtitle 24 adequacy findings for the subject property, is approved with this DSP.

7. **Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 32000-2018-00, and any subsequent revisions.**

SWM Concept Plan 32000-2018-00 expired and is replaced by SWM Concept Plan 52526-2020-00. The subject DSP is in conformance with the approved SWM Concept Plan 52526-2020-00 and approval letter.

8. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:

a. Dedicate 25 feet of right-of-way from the center line of MD 631 (Old Brandywine Road).

The right-of-way (ROW) for MD 631 was dedicated by recordation of final plat at Plat Book ME 258 Plat 54. The DSP shows the ROW consistent with the PPS and the final plat.

b. Grant a 10-foot-wide public utility easement along all public rights-of-way.

The public utility easements (PUEs) along all public ROWs were dedicated by recordation of the final plat at Plat Book ME 258 Plat 54. The DSP shows the PUEs consistent with the PPS and the record plat.

10. Prior to the approval of any building permit on Parcels 1 through 4, the applicant shall obtain approval of a detailed site plan in accordance with Part 3, Division 9, of Subtitle 27 (the Zoning Ordinance) for the purpose of evaluating the effect of the orientation, mass, height, materials, and design of the proposed development on the environmental setting of the Marlow-Huntt Store Historic Site, 85A-033-14.

DSP-19031 was reviewed and recommended for approval with no conditions by the Historic Preservation Commission at its July 21, 2020, meeting.

The subject DSP includes an exhibit showing a plan view and a cross section of the approved development in relation to the Marlow-Huntt Store historic site (85A-033-14). The historic site is oriented in a northwest-southeast direction facing MD 381 and does not directly face the development on Parcel 3. The approved development on Parcel 3 is located approximately 450 feet from the historic site and will be visually separated from the historic site by a landscape strip along the length of MD 631, existing structures on the east side of MD 631, and the development on Parcels 1 and 4, approved with DSP-19031. The Planning Board finds that the orientation, mass, height, materials, and design of the approved development will have minimal impact on the historic site.

10. Detailed Site Plan DSP-19031: DSP-19031 was approved by the Planning Board on September 10, 2020 (PGCPB Resolution No. 2020-132), subject to three conditions. The conditions relevant to the revision of this DSP are listed below in **bold** text. The Planning Board's analysis of the preliminary plan's conditions follows each one, in plain text:

2. **Prior to the approval of the first grading permit, the TCP2 Standard Type 2 Tree Conservation Plan Note 11 must be revised with the liber and folio information for the woodland conservation easement once it is recorded.**

This condition was met, but the easement was recorded incorrectly without the metes and bounds or the woodland preservation exhibit. Prior to certification of DSP-19031-02, the woodland conservation easement will need to be amended and restated and recorded in the Prince George's County Land Records to include the metes and bounds, the woodland preservation exhibit, and the woodland conservation easement document.

3. **Prior to the approval of the first building permit, the applicant, applicant's heirs. Successors and/or assignees shall provide a financial contribution of \$420.00 to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) for the placement of a bikeway sign along Accokeek Road, unless modified by DPIE, with written correspondence.**

This condition is carried forward with this DSP.

11. **2010 Prince George's County Landscape Manual:** The application is subject to the requirements of Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and, Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.

- a. **Section 4.2, Requirements for Landscape Strips Along Streets (MD 631)**—Along MD 631, the applicant is using Option 1 to fulfill the requirements. Option 1 requires a minimum 10-foot-wide landscape strip to be planted with a minimum of 1 shade tree and 10 shrubs per 35 linear feet of frontage, excluding driveway openings. However, most of the plants and shrubs are located outside of the 10-foot-wide landscape strip. A condition is included herein requiring the applicant to revise this schedule with Option 2, which requires a minimum width of 10 feet, and has an average width of at least 15 feet. The required planting will be at the rate of 1 shade tree and 5 shrubs per 35 linear feet of frontage.
- b. **Section 4.2, Requirements for Landscape Strips Along Streets (MD 5)**—The submitted landscape plan shows the analysis for the requirements of Section 4.6-2 for the MD 5 frontage. However, the correct section for this frontage is Section 4.2. A condition is included herein requiring the applicant to add a correct schedule to the plan and provide necessary information to demonstrate conformance to the requirements.
- c. **Section 4.3, Parking Lot Requirements**—Section 4.3 requires a percentage of the parking lot, determined by the size, to be used as planting area. In this DSP, the parking lot area is approximately 29,125 square feet. Table 4.3-1, Parking Lot Interior Planting Requirements, requires eight percent of the interior planting area, which is approximately 2,330 square feet. The submitted landscape plans show the provision of 2,858 square feet of the interior planting area (approximately 9.8 percent). For parking lots less than 50,000 square feet, 1 shade tree shall be provided for each 300 square feet of the provided

interior landscape area. Therefore, 10 shade trees are required for this DSP, and this requirement is met with the provision of 12 shade trees. Conditions are included herein requiring the applicant to label the width of the landscape islands parallel to the parking spaces, and to update the information for Items 6 and 9 to conform with the requirements.

- d. **Section 4.4, Screening Requirements**—The site is subject to Section 4.4, which requires screening of loading spaces and trash facilities. The submitted DSP shows that the approved loading space and trash dumpster are located internally to the site. The public view from MD 631 will be screened. Since the dumpster is located close to MD 631, the dumpster enclosure and evergreen trees enhance the screening from public view.
- e. **Section 4.7, Buffering Incompatible Uses (Bufferyard 1)**—Alternative Compliance (AC-24001) from the requirements of Section 4.7, Buffering Incompatible Uses, of the Landscape Manual, for Bufferyard 1 along the southern property line that abuts a single-family detached house on the RR Zone (formerly the R-R Zone), has been filed with this DSP. Specifically, the applicant seeks relief, as follows:

REQUIRED: Section 4.7, Buffering Incompatible Uses, Bufferyard 1, adjacent to a single-family detached residential use

Length of bufferyard	212 linear feet
Minimum building setback	50 feet
Minimum landscape yard	40 feet
Existing trees	0 percent
Fence or wall	Yes, for 212 linear feet
Plant units (80 per 100 linear feet)*	170

Note: *The requirement is 160 plant units per 100 linear feet; however, per Section 4.7(c)(4)(E) of the Landscape Manual, this requirement may be reduced by 50 percent with the 6-foot-high, board-on-board fence.

PROVIDED: Section 4.7, Buffering Incompatible Uses, Bufferyard 1, adjacent to a single-family detached residential use

Length of bufferyard	212 linear feet
Minimum building setback	±89 feet
Minimum landscape yard	±20 feet
Existing trees	0 percent
Fence or wall	Yes, for 212 linear feet
Plant units	338

Justification of Recommendation

The DSP shows an approximately 89-foot building setback, an approximately 20-foot landscape yard, and 338 plant units, including a mix of evergreen trees and shrubs. The applicant has exceeded the minimum plant unit requirement by almost 100 percent, and the provided landscape plan conforms to all other requirements within Section 4.7. In addition, the applicant plans to install a 6-foot-high, board-on-board fence on the retaining wall within Bufferyard 1. The restaurant sits elevated above the adjacent residential property, with an approximately 3-foot-high slope and then an approximately 4-foot-high retaining wall located within the landscape bufferyard. The 6-foot-high fence will be located at the top of the retaining wall and will be elevated so as to enhance its screening ability. Conditions are included herein requiring technical revisions to the plan to verify these heights and relationships.

The Planning Director finds that, given the provision of the fence, wall and slope, and almost 100 percent additional plant units, the applicant's proposal is equally effective as normal compliance, with respect to Section 4.7 of the Landscape Manual.

- f. **Section 4.7, Buffering Incompatible Uses (Bufferyard 2)**—Section 4.7 requires buffering for the southern property line that is adjacent to single-family detached houses in the RR Zone (formerly the R-R Zone). Table 4.7-2, Minimum Bufferyard Requirements, requires a Type D bufferyard for a drive-in or fast-food restaurant, which is high impact, adjoining single-family detached dwellings. Table 4.7-3, Bufferyard Types, requires a minimum building setback of 50 feet, a minimum landscape yard width of 40 feet, and 160 plant units per 100 linear feet of property line for a Type D bufferyard. Bufferyard 2 in the subject DSP complies with these requirements through the existing on-site vegetation. A condition is included herein requiring the applicant to correct the requirements for the building setback and the width of landscape yard.
 - g. **Section 4.9, Sustainable Landscaping**—Section 4.9 requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) be native species (or the cultivars of native species). The minimum percentage of plants of each plant type, required to be native species and/or cultivars, is 50 percent for shade trees and ornamental trees, and 30 percent for evergreen trees and shrubs. Conditions are included herein requiring the applicant to revise Schedule 4.9-1 and the landscape schedule, to be consistent with the information contained in other required schedules and demonstrate conformance to the requirements of Section 4.9.
12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan (TCP2-026-2018-02) has been submitted.

According to the worksheet, the site is 4.55 acres with 4.08 acres located within the C-M Zone and 0.47 acre in the C-S-C Zone. The development approved with this application is entirely within the C-M Zone. A total of 2.28 acres of existing woodlands are on the net tract. The site has

a woodland conservation threshold (WCT) of 0.68 acre, or 15 percent of the net tract area. The TCP2 shows a total woodland conservation requirement of 1.99 acres. This requirement was met by providing 0.23 acre of woodland preservation on-site and through acquiring 1.76 acres of off-site conservation credits (Liber 42921/folio 542 and Liber 42921/folio 544).

As part of the conditions of approval for DSP-19031, the on-site woodland preservation area (0.23 acre) was required to be recorded within a woodland and wildlife habitat conservation easement. The recorded document was reviewed as part of this application; however, it was found that the metes and bounds description (Exhibit A), as well as the woodland preservation exhibit, were not included in the recordation. Prior to the certification of DSP-19031-02, the woodland and wildlife habitat conservation easement shall be amended and restated and recorded in the Prince George's County Land Records, and include the metes and bounds description, the woodland preservation exhibit, and the woodland conservation easement document.

The TCP2 requires minor technical revisions that are included as conditions herein.

13. **Prince George's County Tree Canopy Coverage Ordinance:** The subject site is located in the CS Zone (prior C-M Zone), and a 10 percent tree canopy coverage (TCC) requirement applies, per Section 25-128(b) of the Prince George's County Code. This amounts to approximately 0.1393 acres, or 6,068 square feet, to be provided in TCC. Conditions are included herein requiring the applicant to correct the total required TCC in square footage on the plan, as well as to revise the number of trees included in this DSP, to be consistent with the landscape schedule.
14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The Planning Board has reviewed and adopts referral comments that are incorporated herein by reference and are summarized, as follows:

- a. **Historic Preservation and Archeological Review**—In a memorandum dated March 21, 2024 (Stabler, Smith, and Chisholm to Huang), the following comments were offered:

The subject property is adjacent to the Marlow-Huntt Store and Casket Shop historic site (85A-033-14). Constructed in 1867 and 1878 as a general store in the village of T. B., it was operated by T.B.'s most prominent citizen, J. Eli Huntt, for the remainder of the 19th century. It is a one- and one-half-story frame front-gabled building with cornices embellished with large jig-sawn brackets above a central round arch window. A small two-story frame building sits next to the store, which was constructed in 1878 and used as a casket shop and meeting place for a local temperance society. These two buildings are the last remnants of the nineteenth-century village of T. B.

The master plan contains goals and policies related to Historic Preservation (pages 155 through 159) that are relevant to the subject property. Several interpretive clusters have been identified in the master plan based on the presence of archeological resources and their interpretive potential, including the T.B./Brandywine Cluster (page 157), in which this subject property is located:

6. **T.B./Brandywine Cluster: The core of this cluster centers on the historic communities of T.B. and Brandywine. Many dwellings, businesses, and farms were developed in the two communities during the 19th century. There is a potential for identifying archeological resources associated with the two communities.**

The subject property is reflective of the heritage themes of the Eighteenth Century and the Antebellum Period—Early Crossroads Communities (page 19) and Transportation—Early Roads (page 20) identified in the 2010 *Approved Historic Sites and Districts Plan*.

A Phase I archeological survey was conducted in September 2018. A surface reconnaissance was conducted on the property and several building ruins were documented. The site was extensively grabbed when the buildings were demolished, and standing water was present over a portion of the property. The reconnaissance survey identified four ruined buildings and one derelict garage, all of which were photographed.

A total of 28 shovel test pits (STPs) were excavated along six transects laid out at 50-foot intervals. Only three STPs contained cultural material. A probable late nineteenth century flowerpot rim was found above remains of the soft mud-brick foundation of the Marlow-MacPherson House (PG: 85A-16) in STP A3; three wire nails and a piece of coal were found in STP A4; a sherd of colorless glass, and a piece of rusted iron were identified in STP D4. A draft Phase I archeology report was submitted for PPS 4-18009, which was reviewed by the Historic Preservation Commission at its April 16, 2018, meeting.

- b. **Community Planning**—In a memorandum dated February 20, 2024 (Calomese to Huang), an evaluation was provided of the application stating that, while master plan conformance is not a required finding for this DSP, the subject DSP does conform with the master plan's recommended land use for the subject property.
- c. **Transportation Planning**—In a memorandum dated February 26, 2024 (Daniels to Huang), the following comments were offered:

Master Plan Right of Way

The site is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the master plan. The property fronts MD 5 (F-9) and MD 631; however, the property can only be accessed via MD 631, which has no master plan designation.

Master Plan Pedestrian and Bicycle Facilities

There are no master plan bicycle and pedestrian recommendations that impact the subject property. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

The master plan includes the following policies and goals that can be applied to the subject site:

- **Implement land use strategies that will reduce vehicle trips and miles traveled by encouraging mixed-use developments and increasing employment in targeted areas.**

The site plan includes a 5-foot-wide sidewalk along the property frontage, to provide a continuous and new connection to the site. There are no bicycle facilities recommended that impact the subject site. However, bicycle parking is shown on-site. The Planning Board finds that the facilities meet the intent of the master plan and MPOT.

- d. **Subdivision**—In a memorandum dated March 21, 2024 (Vatandoost to Huang), the following comments were offered:
1. The eating and drinking establishment on Parcel [3] has direct access to a public ROW via a driveway located on Parcel 1. Parcels 1, 2, 3, and 4 are considered one building site for the development per Section 27-107.01(a)(129) of the prior Zoning Ordinance.
 2. The property received an automatic certificate of adequacy associated with PPS 4-18009, pursuant to Section 24-4503(a)(1) of the Subdivision Regulations, which became effective April 1, 2022, and is valid for 12 years from that date, subject to the expiration provisions of Section 24-4503(c).
 3. The property's western boundary line on the DSP is missing the bearings and distances. A condition is included herein requiring that this information be added.
 4. All parcels included in this subject DSP exist and were recorded in the Prince George's County Land Records in Plat Book ME 258 Plat 54. All the parcel labels on all DSP plans shall be revised to remove the suffix 'Proposed,' which is conditioned herein.
- e. **Environmental Planning**—In a memorandum dated March 20, 2024 (Schneider to Huang), the following comments were offered:

Natural Resources Inventory

The subject TCP2 is in conformance with the approved NRI (NRI-187-2017). This site contains no specimen, historic, champion trees, or regulated environmental features (REF) such as streams, wetlands, 100-year floodplain, associated buffers, or primary management area (PMA). The NRI has expired, and a one-year revalidation is required. This NRI revalidation has been approved by the Environment Planning Section on March 21, 2024.

Soils

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Aquasco-Urban Land complex, Beltsville Silt Loam, and Beltsville-Urban Land complex. Neither Marlboro clay nor soils containing Christiana complexes are known to occur on or within the vicinity of this property.

Stormwater Management

The site has an approved Stormwater Management Concept Plan (52526-2020-00) and approval letter, which is valid until June 11, 2024, that is in conformance with the current code.

- f. **Permit Review Section**—At the time of the writing of this resolution, no comments were offered on this application.
- g. **Prince George's County Department of Parks and Recreation (DPR)**—In an email dated January 18, 2024 (Holley to Huang), no comments were offered on this application.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated January 29, 2024 (Giles to Huang), it was noted that the subject DSP is consistent with the approved site development concept plan and provided comments pertaining to the approval of SWM.
- i. **Price George's County Police Department**—At the time of the writing of this resolution, no comments were offered on this application.
- j. **Prince George's County Fire/EMS Department**—In an email dated February 4, 2024 (Reilly to Huang), the following comments were offered:
 - “1. Provide the location of the proposed Fire Department Connection (FDC) for the building.
 - “2. Show any existing or proposed fire hydrants. There must be a fire hydrant within 200 feet of the FDC. This distance must be measured as hose is laid by the fire department, along drive aisles and around obstacles.
 - “3. There must be a hydrant within 500 feet of the most remote portion of the structure. Distance measured as above.”

- k. **Prince George's County Health Department**—In a memorandum dated January 19, 2024 (Adepoju to Huang), comments were offered addressing construction activity impacts (noise and dust) extending onto adjacent properties during construction, and indicated that the applicant must apply for plan review to the Maryland Department of Health, Environmental Health Bureau, Food Protection and Food Licensing program, located at 6 St. Paul Street, Suite 1301, Baltimore, Maryland. 21202
 - l. **Washington Suburban Sanitary Commission (WSSC)**—Utility-related comments were offered, dated February 27, 2024, that have been provided to the applicant and will have to be addressed before sewer and water connection. Specifically, WSSC noted that existing and/or proposed water/sewer mains and service connections should clearly be shown on the plan and that there is a 30-inch diameter water main located in the vicinity of this property (on MD 5) and that is being relocated.
 - m. **Public Utilities**—The subject DSP application was referred to Verizon, Comcast, the Southern Maryland Electric Cooperative (SMECO), and Washington Gas for review and comments on February 22, 2024. At the time of the writing of this resolution, no correspondence has been received from these public utility companies.
- 15. **Community Feedback:** The Planning Board did not receive any inquiries from the community regarding the subject DSP.
 - 16. Based on the foregoing analysis, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, if approved with the conditions below, represents a most 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 costs and without detracting substantially from the utility of the approved development for its intended use.
 - 17. Section 27-285(b)(2) of the prior Zoning Ordinance is not applicable because there is no conceptual site plan.
 - 18. Section 27-285(b)(3) of the prior Zoning Ordinance does not apply to this DSP because it is not a DSP for infrastructure.
 - 19. As required by Section 27-285(b)(4) of the prior Zoning Ordinance, the Planning Board may approve a DSP if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5). There are no regulated environmental features (REF) on the subject property.

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 Type 2 Tree Conservation Plan TCP2-026-2018-02 and APPROVED Alternative Compliance AC-24001, and further APPROVED Detailed Site Plan DSP-19031-02 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the detailed site plan (DSP), the following revisions shall be made, or information shall be provided:
 - a. Revise the DSP case number on the cover sheet to DSP-19031-02.
 - b. Revise Standard Note 3 on Sheet C-302 to indicate the total number of parcels as four parcels (Parcels 1 to 4) and correct the acreage of the property.
 - c. Revise Standard Note 4 on Sheet C-302 to add the recording plat reference for Parcels 3 and 4 as Plat Book ME 258 Plat 54 instead of the deed reference.
 - d. Revise parcel information noted on the site plans across various sheets to be consistent with the parcel information contained in Standard Note 4 on Sheet C-302.
 - e. Revise the existing and prior zones for each parcel in Standard Note 4 on Sheet C-302, and similar information on the cover sheet.
 - f. Regarding Standard Note 5 on Sheet C-302:
 - (1) Revise the proposed use to the approved use for Parcels 1 and 4.
 - (2) Revise the existing use of Parcels 1 and 4 to be vacant, if any on-site structures have been razed.
 - g. Revise the existing condition/demolition plan on Sheet C-201 if any on-site structures have been razed.
 - h. Revise Standard Note 6 on Sheet C-302 to indicate if the existing building gross floor area on Parcels 1 and 4 will remain or be razed.
 - i. Revise all the existing parcels labeling on all the plans to remove the suffix "Proposed."
 - j. Revise Sheet C-301 to show clearly all the property's boundary bearings and distances, in conformance with the record plat, and not overlapping with other features.
 - k. On Sheet C-301, label the area of the proposed building on Parcel 1 that was approved under DSP-19031.
 - l. Clarify which Zoning Ordinance contains the parking setback requirements and, if not required, remove this information from the plans.
 - m. Revise the dimension of the provided southern setback to be consistent with what is shown on the plan
 - n. Accurately label the dimensions of 60-degree nonparallel parking spaces.

- o. Revise the parking schedule to include two parallel parking spaces provided.
- p. Organize information and details related to the drive-through service in one package.
- q. Regarding architectural elevations:
 - (1) Label the elevations based on cardinal directions.
 - (2) Separate and organize details associated with the elevations from the signage package.
 - (3) Provide large-scale, colored architectural elevations.
- r. Regarding signage:
 - (1) Organize the signage package with the provision of details for each sign (including dimensions, materials, and illumination).
 - (2) Revise the signage schedule to demonstrate conformance with the requirements.
 - (3) Clarify if the subject DSP includes a free-standing sign and, if not, remove it from the signage package and, if provided, indicate its location on the plan.
 - (4) Revise signage information contained in Standard Note 7 to be consistent with the submitted plans.
- s. Regarding lighting:
 - (1) Add a note indicating that all light fixtures included in this DSP are full cut-off and directed downward to reduce glare and light spill-over.
 - (2) Revise the photometric plan, submitted for this DSP, to cover the entire access route from MD 631 (Old Brandywine Road).
 - (3) Add additional pole-mounted light fixture along the route on Parcel 2 to ensure sufficient illumination.
- t. Regarding the dumpster:
 - (1) Provide legible dumpster details.
 - (2) Revise the large-scale plan for the dumpster to be consistent with the design shown on other plans

- u. Add a note to the plans, indicating that the Historic Marlow-Huntt Store and Casket Shop (85A-033-14) is located across MD 631 (Old Brandywine Road).
 - v. Correct “open space” to “green space” on Sheet C-907.
 - w. Provide at least two trash receptacles along the MD 631 (Old Brandywine Road) frontage.
 - x. Provide a revised trip generation memo that details the trips generated by the proposed and approved uses in comparison to the trip cap established by Preliminary Plan of Subdivision 4-18009.
 - y. Correct “front setback” to “street setback.”
2. Prior to certification, the applicant shall revise the landscape plans, as follows:
- a. Revise Schedule 4.2-1 with Option 2 for MD 631 (Old Brandywine Road) and demonstrate conformance to the requirements.
 - b. Revise Schedule 4.2-1 for MD 5 (Branch Avenue) and demonstrate conformance to the requirements.
 - c. Regarding Scheule 4.3-2:
 - (1) Label the width of the landscape islands parallel to the parking spaces.
 - (2) Revise the information for Items 6 and 9 to conform with the requirements.
 - d. Correct the requirements for the building setback and the width of landscape yard in Schedule 4.7-1 for Bufferyard 2.
 - e. Revise Schedule 4.9-1 and the landscape schedule to be consistent with the information contained in other required schedules.
 - f. Revised Schedule 4.9-1 to demonstrate conformance to the requirements.
 - g. Regarding the tree canopy coverage (TCC) requirement:
 - (1) Correct the total required TCC in square footage.
 - (2) Revise the number of trees included in this detailed site plan to be consistent with the landscape schedule.
 - h. Revise the landscape plan in accordance with the provision of the one loading space.

- i. Provide details of the 6-foot-high, board-on-board fence and show its location at the top of the retaining wall.
 - j. Revise the site plan to show the locations of major improvements that are within 50 feet of the property line on all sides.
 - k. Provide spot elevations across the entire grading area.
 - l. Label the linear feet of Bufferyard 1 on the plan.
 - m. Revise Schedule 4.7-1 for Bufferyard 1 to be consistent with information shown on the plan.
3. Prior to certification, the applicant shall revise the Type 2 Tree Conservation Plan (TCP2), as follows:
 - a. Revise the TCP2 approval block to show the previous approvals.
 - b. Add the recordation Liber and folio of the amended and restated woodland and wildlife conservation easement to Note 11 of the Standard Type 2 Tree Conservation Notes.
4. Prior to the certification of this detailed site plan, the woodland and wildlife habitat conservation easement shall be amended and restated and recorded in the Prince George's County Land Records office and include the metes and bounds, the woodland preservation exhibit, and the woodland conservation easement document.
5. Prior to the approval of the first building permit, the applicant, applicant's heirs, successors and/or assignees shall provide a financial contribution of \$420.00 to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) for the placement of a bikeway sign along MD 373 (Accokeek Road), unless modified by DPIE, with written correspondence.

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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, April 25, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of May 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:TH:rpg



Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel