

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on November 15, 2001, regarding Specific Design Plan SDP-9516/04 for The Woodyard, Parcel G, Block A, the Planning Board finds:

1. This Specific Design Plan is for the one-acre Parcel ■G,● Block ■A,● a nonresidential tract contained within the limits of the L-A-C Zone. The application as submitted proposed construction of a convenience store with associated gasoline sales. This Specific Design Plan as submitted consisted of the site development plan, the landscape plan, and the architectural elevations for the convenience store and canopy for the gasoline pump islands.

Development data for the application as submitted was as follows:

	The Woodyard SDP-9516/04 Parcel G, Block A	
Zone		L-A-C (Local Activity Center)
Gross Lot Area		43,560 square feet (1 acre)
Proposed Use		Convenience Store (7-Eleven) and associated gasoline sales
Proposed Square Footage of Building		3,100 square feet
Number of Parking Spaces Required (1 space per 150 sq. ft. and 1 space for gasoline sales)		22 spaces
Number of Parking Spaces Provided		22 spaces
Number of Loading Spaces Required		1 space
Number of Loading Spaces Provided		1 space
Area of Parking Compound		19,170 square feet
Green Area Required (5%)		959 square feet
Green Area Provided (5.43%)		1,041 square feet
Shade Trees Required		3 shade trees
Shade Trees Provided		3 shade trees

2. In the course of the review of SDP-9516/04, Planning Department staff concluded that for a variety of

reasons they could not recommend approval of the gasoline sales component of the application. The basis for that conclusion is set forth in detail in Finding No. 4 below in a memorandum dated August 1, 2001, from the Transportation Planning Section.

In response to the staff recommendation, the applicant stated at the Planning Board hearing on November 15, 2001, that they would no longer pursue the gasoline sales element of their original application, thus effectively withdrawing the request for gasoline sales.

Conformance with Basic Plan

3. The proposed Specific Design Plan conforms to the approved Basic Plan, A-9899, in regard to land use types, quantities and locations. The following conditions of the basic plan merit discussion regarding the Specific Design Plan's conformance with them:

- **Prior to the approval of the Specific Design plan for the subject property, the applicant and/or the applicant's heirs, successors, or assigns shall complete a traffic signal warrant study at the intersection of the site entrance and Rosaryville Road, in accordance with the DPW&T requirements for such studies. The applicant and/or the applicant's heirs, successors, or assigns shall install a traffic signal at this location if deemed necessary by DPW&T at a time to be determined by DPW&T.**

The traffic signal warrant study was completed at the time SDP-9516 (PGCPB No. 96-76) approved March 7, 1996, was reviewed. At that time it was determined that a signal was not necessary at the intersection of Haislip and Rosaryville Road.

- **At the time of Specific Design Plan, the applicant shall address siting, height, size, style, design and materials for units adjoining both the school site and the Woodyard site for the purposes of ensuring compatibility with these adjoining uses.**

The subject application does not adjoin either the school or the Woodyard site.

Conformance with Comprehensive Design Plan

4. The proposed Specific Design Plan is in conformance with some, but not all, requirements of Comprehensive Design Plan (CDP-9501) approved by the Planning Board on June 29, 1995. The resolution (PGCPB No. 95-206) states the following in Finding No. 6:

■A one (1) acre site has been designated as an activity center for uses such as:

- Fitness center
- Day care center
- Church
- Community building
- Private club/lodge
- Eleemosynary use
- Family Day Care
- Small group child care center
- Library
- Post Office
- Swimming pool or spa
- Theatre
- Commercial Retail

■The specific use(s) of the Activity Center will be determined in the future and will be an appropriate activity or service for the residents of the Woodyard. This one (1) acre site, adjacent to Rosaryville Road, is an active and visible area which will encourage use of the site.

■The Planning Board recognizes that the Basic Plan approved all uses permitted in the L-A-C Zone. The list stated does not limit other uses

permitted in the L-A-C Zone from being proposed at the time of Specific Design Plan.●

In the Comprehensive Design Plan CDP-9501 quoted above, the applicant proffered that the use on the Activity Center lot would be an appropriate activity or service for the residents of the Woodyard. The Planning Board finds that the proposed convenience store is not an appropriate activity or service for the residents of the Woodyard. During the hearing for SDP-9516/04, 48 residents, mostly from the Woodyard and a few from the surrounding areas, signed up in opposition to the case.

The opposition, as a whole, made it clear that they did not believe that the proposed 7-11/gas station would be an appropriate activity or service for the residents of the Woodyard. Their concerns included but were not limited to: safety of the children who reside at the Woodyard, traffic and the difficulty of entering and exiting the development, the attraction to middle school students, trash, vermin, and crime. It should also be noted that many citizens pointed out that Haislip Way was not built for commercial vehicles. The Planning Board, considering the totality of the evidence presented by the residents in opposition to the proposal, the staff report and referrals and the record in its entirety cannot find that the Specific Design Plan is in conformance with this critical provision of the CDP and therefore cannot approve SDP-9516/04.

Furthermore, the proposed convenience store/gasoline sales is clearly oriented toward Rosaryville Road and will primarily serve the needs of customers passing on the road. This is inconsistent with the clear intent of the CDP that the use on the subject site be appropriate for and primarily intended to serve the residents of the Woodyard.

Projects in Comprehensive Design Zones, as evidenced by the name of the zone as well as by the required findings for internal compatibility in both the Basic Plan and Comprehensive Design Plan, are clearly intended to be comprehensively designed with uses that complement each other. In this case, the applicant

left a parcel of undeveloped land directly at the entrance to the project with primary access internal to the development. The perception of anyone driving by or living in the community is that this undeveloped parcel is the the entrance to the residential community, and therefore it must relate to and complement that community. It is clearly not appropriate for the uses on the parcel to be highway oriented, as proposed by the applicant

The following CDP standards and conditions apply to the commercial portion of the development and merit discussion regarding the Specific Design Plan's conformance with them:

- 7. At the time of Specific Design Plan for the one-acre commercial activity center, any proposed servicing of the commercial activity center by large vehicles (tractor trailers) shall be analyzed to determine the impacts on the adjacent residential property.**

The Transportation Planning Section, in a memorandum dated August 1, 2001 (Masog to Whitmore), provided the analysis below concerning Condition 7. The first several paragraphs address the difficulties created by tanker trucks needed to service gasoline pumps. This analysis contributed to the applicant's withdrawal of the gasoline sales component of the initial proposal, as indicated in Finding 2 above.

■. . .While the convenience store use would largely be serviced by single-unit trucks (i.e., 2- to 3-axle truck supplying snack foods, soft drinks, etc.), the gasoline pumps would typically be serviced by tractor-trailer tanker trucks. Trucks of this size are needed to fill the underground gasoline storage tanks. The impact of these trucks has been determined using templates taken from *A Policy on Geometric Design of Highways and Streets*, 1984 edition, published by the American Association of State Highway Transportation Officials (AASHTO). The

transportation staff took the following steps in its analysis:

- 1. The AASHTO Green Book includes minimum turning path figures for several design vehicles. A gasoline tanker truck most closely resembles the WB-40 vehicle (a vehicle with a 40-foot wheelbase and 50-foot overall length). While passenger cars, small trucks, and even single-unit trucks can maneuver in a variety of circumstances, combination vehicles (vehicles which include a trailer) as well as those with longer wheelbases (i.e., the distance between the frontmost and rearmost axles) present greater difficulties. All vehicles display offtracking while turning (that is, the rear wheels do not follow the same path as the front wheels), and longer vehicles have a greater offtracking than shorter vehicles. When a trailer is involved, the offtracking characteristic becomes even greater.
- 2. Staff followed the path of a tractor-trailer entering the site from the south along Rosaryville Road and exiting the site via Haislip Way back onto Rosaryville Road.
- 3. Attached Figure 1 shows a likely position of a tanker after it enters the site to service the fuel pumps. While the truck might eventually park in a different position to fill the tanks, it would likely block circulation on that portion of the site while present, block access to several parking spaces as well as the loading space, and necessitate evacuation of at least three spaces directly in front of the retail building upon leaving to keep from hitting a canopy support.
- 4. Attached Figure 2 shows a likely position of a tanker as it is leaving the site. The truck would need to turn into oncoming

traffic in order to leave the site, and the rear trailer axles would run over the curb at the entrance while exiting.

- 5. A tractor-trailer tanker traveling southbound along Rosaryville Road could not physically enter the site from Haislip Way, fill the gasoline tanks, and exit the site onto Haislip Way. The only possible access would be for the tanker to enter the site, and leave it by backing the tanker across the site into Haislip Way. Such a maneuver would be disruptive and dangerous.

■Because a convenience store normally operates 24 hours, there is no time when no one would be on the site for the tanker trucks to get onto the site. Furthermore, it is very disturbing that the trucks would potentially block oncoming traffic into the townhouses from Haislip Way while the trucks are exiting. Given the offtracking of an exiting truck, there is limited space along Haislip Way out of the traffic flow for one car to wait for a truck, and the staff does not find that there is sufficient space for two or three cars to wait. A second or third car would find itself in the path of the truck or in the path of Rosaryville Road traffic. This problem would have been minimal if Haislip Way had been platted as a 70-foot commercial street, which is typical for streets adjacent to commercial zones. But Haislip Way is platted as a 60-foot street and constructed consistent with the design requirements for a primary residential street; ongoing usage by tractor-trailers would be inconsistent with the typical function of a primary residential street.

■The proposed entrance to the site from Rosaryville Road has been an ongoing concern. Neither the Basic Plan nor the Comprehensive Design Plan nor the Preliminary Plan anticipated direct access from Rosaryville Road; all access to the activity center was to occur from Haislip Way. That said, the Department of Public Works and Transportation has indicated that provision of a

channelized entrance to the site from northbound Rosaryville Road, combined with provision of a concrete median within Rosaryville Road and no exit from the site onto Rosaryville Road, would be acceptable. Staff agrees that this arrangement would not impair existing traffic operation along Rosaryville Road.

■As noted previously, the subject property is part of a larger project which has either completed roadway improvements or paid a fair share of area roadway improvements pursuant to a finding of adequate public facilities made in 1995 for the Preliminary Plat of Subdivision 4-95062. The basis for that finding is still valid, and in consideration of the materials discussed earlier, the transportation staff finds that the construction of a 3,100 square foot convenience store on the subject property will be adequately served within a reasonable period of time with transportation facilities which are existing, programmed, or which will be provided as part of the development if the development is approved. Due to issues related to the impact of tractor-trailer trucks serving the proposed gasoline pumps on the adjacent residential uses, the transportation staff does not recommend approval of gasoline sales as part of this application..

It should also be noted that the children wait for the Prince George's County school bus on the corner directly south of the exit the tractor-trailers would utilize to leave the site. The Transportation Planning Section indicates the path the exiting tractor-trailer would take if it were to swing east when leaving the site would be directly over the area in which the children wait for the school bus. The foregoing analysis from the Transportation Planning Section convinces the Planning Board that gasoline sales in this location would be unsafe and, therefore, is clearly not appropriate for residents of the Woodyard.

Many trucks other than tractor trailers and other commercial vehicles such as step vans would make

deliveries at the site even in the absence of gasoline sales. Many other trucks driven by customers would visit the convenience store. Because the Basic Plan, and Comprehensive Design Plan restrict access from the site onto Rosaryville Road, (due to the proximity of the Rosaryville/Woodyard intersection) and the Department of Public Works and Transportation has allowed right-in only from Rosaryville Road into the site, all trucks coming from the north on Rosaryville will necessarily enter the site via Haislip Way, and all trucks leaving the site must exit via Haislip Way.

The Planning Board further finds that it is not appropriate or consistent with the intent of the CDP for truck traffic in this quantity to enter and exit the site via Haislip Way, which is a 60-foot primary residential street. The location of a school bus stop on Haislip Way increases the inappropriateness of introducing this truck traffic onto Haislip Way. The Planning Board finds that the truck traffic generated by the proposed convenience store and its ingress and egress via Haislip Way are inconsistent with the long-term safety and welfare of the residents of the Woodyard, and therefore, that the proposed use should not be approved on this site.

- 8. The commercial activity center building(s) shall have facades consisting of predominantly brick and other high quality materials. The architectural design shall be distinctive and create an image of quality and permanence. The rear and side elevations of the building(s) shall be attractively designed with the same attention to detail as the front facade. The architecture of the commercial building(s) shall be designed to be compatible with the adjacent residential structures.**

The proposed convenience store (7-Eleven) is 3,100 square feet and is approximately 61 feet by 50 feet. At its highest the building is approximately 28 feet 9 inches above the exterior grade adjacent to the building. The building is described on the submitted architecture as being rose colored brick with a four-(4) inch face brick as an accent. This accent is

proposed in two (2) locations on the front facade and one location on the remaining facades. The front facade indicates the traditional window arrangement of a 7-Eleven, with two trash receptacles. The rear and side elevations indicate false windows articulated with tan recessed brick and incorporate a concrete key stone. A bronze standing seam metal hip-roof is proposed. While the proposed architecture attempts to meet the intent of Condition 8 of the CDP-9501, it falls short. The trash receptacles, bike racks, and ash trays should have been upgraded, as well as the lighting for the subject application.

9. The following development standards shall govern development for all Specific Design Plans:

Minimum Commercial and Residential Setbacks (of Lot Lines) for Overall Development

East property line 50 feet of woodland preservation

North property line 50 feet of woodland preservation

Historic Site 10 feet of woodland preservation
or landscape buffer

Woodyard Road 100 feet of woodland preservation

Rosaryville Road 25 feet of woodland
preservation or landscape buffer

Minimum Commercial Setbacks for Buildings and Parking Lots

Rosaryville Road 25 feet

Other Public Right-of-way 20 feet

Private Streets 30 feet

Homeowners Association Land 20 feet

The Specific Design Plan violates the CDP development standard along the north property line, which requires a 20-foot setback from any land adjoining homeowners' association land. The parking lot compound is set back 11.5 feet from the adjacent homeowners' association land, which is 8.5 feet short of the 20-foot setback requirement. It should also be noted that while the requirements of the *Landscape Manual* do not technically apply to a Comprehensive Design Zone, if they did, a 20-foot bufferyard and 30-foot building setback would be required.

Conformance with the Preliminary Plan of Subdivision

5. The Specific Design Plan is in conformance with Preliminary Plan of Subdivision 4-95062, approved by the Planning Board on July 27, 1995. The following conditions merit discussion regarding the Specific Design Plan's conformance with them:

14. **Prior to the issuance of building permits, the applicant, his heirs, successors and/or assigns, shall pay a pro rata share of the cost of the road improvements identified below:**

The pro rata share for retail development shall be calculated as follows:

- j. For the improvements on MD 223 at Rosaryville Road, the amount of $\$1,776.24/1,000$ square feet x (Engineering News Record Highway Construction Cost Index at time of building permit application)/(Engineering News Record Highway Construction Cost Index for 1990).
- k. For the improvements on MD 223 at Dower House Road, the amount of $\$396.58/1,000$ square feet x (Engineering News Record Highway Construction Cost Index at time of building permit application)/(Engineering News Record Highway Construction Cost Index for 1990).

1. For the improvements to Rosaryville Road between Frank Tippet Road and MD 223, the amount of \$596.43/1,000 square feet x (Engineering News Record Highway Construction Cost Index at time of building permit application)/(Engineering News Record Highway Construction Cost Index for 1990).

Comment: The applicant is subject to payment of a pro rata fee at the time of building permit based upon the gross square footage of the retail building to the Department of Public Works and Transportation.

6. The Specific Design Plan, while technically in conformance with all applicable regulations governing development in the L-A-C Zone, does not meet the requirements of the Landscape Manual as discussed in Finding No. 4 above.
7. The Transportation Planning Section has determined that the subject property will be adequately served within a reasonable period of time with transportation facilities which are existing, programmed, or which will be provided as a part of the development if the development is approved.
8. The Specific Design Plan includes provisions for draining surface water to prevent adverse effects on the subject property or any adjacent property. A Stormwater Management Concept Plan for the entire project was approved (#958007950) by the Department of Environmental Resources (DER) on August 24, 1995. The SDP is in conformance with Section 27-528(a)(3) of the Zoning Ordinance which states that ■Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties..
9. The Environmental Planning Section in a memorandum dated February 14, 2001 (Stasz to Whitmore), offered the following comment:

■The site is subject to the provisions of the Woodland Conservation Ordinance because it is more

than 40,000 square feet in size and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required to satisfy the requirements of the Woodland Conservation Ordinance.

■The Forest Stand Delineation and Tree Conservation Plan, TCPI/30/95, were reviewed and approved with CDP-9501. TCPII/30/95 was approved with SDP-9516 and includes all of the area of CDP-9501 except for Parcel G, Block A. A Tree Conservation Plan, TCPII/26/01, has been reviewed for The Woodyard, Parcel G, Block A, SDP9516-04. The plan proposes clearing all existing woodland on the site. The proposed clearing is in conformance with TCPI/30/95 as approved with CDP-9501. TCPII/26/01 proposes to satisfy the required woodland conservation of 0.45 acre by paying a fee-in-lieu of \$5,880.60. The Environmental Planning Section recommends approval of Tree Conservation Plan TCPII/26/01.

The applicant should pay the sum of \$5,880.60 prior to building permit to the Department of Environmental Resources.

10. The Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following:
 - a. The existing fire engine service at Clinton, Company 25, located at 9025 Woodyard Road, has a service response time of 5.80 minutes, which is beyond the 3.25-minute response time guideline.
 - b. The existing ambulance service at Clinton Company 25, located at 9025 Woodyard Road, has a service response time of 5.80 minutes, which is beyond the 4.25-minute response time guideline.
 - c. The existing paramedic service at Clinton, Company 25, located at 9025 Woodyard Road, has a service response time of 5.80 minutes, which is within the 7.25-minute response time guideline.

- d. The existing ladder truck service at Marlboro, Company 45, located at 7710 Croom Road, has a service response time of 8.78 minutes, which is beyond the 4.25-minute response time guideline.
- e. The proposed site is within the service area of District V - Clinton. Staff concludes that the existing county's police facilities will be adequate to serve the proposed food and beverage store with gasoline sales.

The above findings are in conformance with the *Adopted and Approved Safety Master Plan 1990* and the *Guidelines For The Analysis Of Development Impact On Fire and Rescue Facilities*.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the Fire Department recommends that all commercial structures be fully sprinklered in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

- 11. The Prince George's County Public Schools in a memorandum dated January 29, 2001 (Lee to Whitmore), offered the following comment:
 - Approval of the proposed SDP-9516/04 *The Woodyard* will neither adversely impact any existing, or future, school facility from a physical standpoint, nor affect the operation of Prince George's County Public Schools.
- 12. The Planning and Preservation Section has determined that the proposed development will have no adverse effect upon any Historic Sites.
- 13. The State Highway Administration in a memorandum dated January 30, 2001 (McDonald to Whitmore), offered the following comments:

■The proposed development will create additional vehicle trips, which may impact traffic operations at MD 223/Rosaryville Road intersection. Traffic data needs to be provided for review by divisions within State Highway in order to determine the appropriateness of this development.

■The site plan shows direct access onto Rosaryville Road, we suggest Prince George's County DPW&T investigate the entrance adequacy. **It is our understanding that Rosaryville Road at this location is experiencing operational problems during peak periods. By adding a commercial driveway it may exacerbate these conditions.** [emphasis added]

■This office has been in concert with the Public Works and Transportation, Engineering Services, regarding transportation-related issues affecting the Woodyard development.

■In summation we object to Specific Design Plan SDP-9516/04 approval as submitted. [emphasis added]

Rosaryville Road is a county road and the commercial driveway has been removed and replaced with a right-in-only off Rosaryville Road.

14. No master plan trails are recommended for this site.
15. The Department of Public Works and Transportation in a memorandum dated June 12, 2001 (Issayans to Behun), offered the following comments:

■Engineering staff reviewed the concept plan for construction of a concrete median along Rosaryville Road and concurs with your submittal.
16. No Master Plan land use issues are raised with the subject application.

17. The Permit Section had numerous concerns, most of which have been addressed except for the following:
 - a. A note should be added to the plan stating that goods are to be prepared on the premises and shall be offered as retail sales only on the premises.
 - b. The method of marking compact parking spaces should be added to the site plan.

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 DISAPPROVED the Specific Design Plan (SDP-9516/04), The Woodyard, Parcel G, Block A for the above-described land.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with District Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

* * * * *

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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Scott, and Hewlett voting in favor of the motion, and with Commissioner Brown opposing the motion at its regular meeting held on Thursday, November 15, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of January, 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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