

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed SE-4549 requesting car wash, fast-food restaurant, gas station in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on May 3, 2007, the Prince George's County Planning Board finds:

FINDINGS:

- A. Location and Field Inspection:** The subject property is located on the east side of US 301, also known as Crain Highway, north of its intersection with Osborne Road and south of Croom Road. The site is a large, rectangular-shaped area, improved with a gas station and food and beverage store. Access to the property is proposed via two driveways from Crain Highway at both ends of the site; a right-in only driveway and a right-in, right-out driveway. Two vacant structures on the site (a single-family dwelling and a plumbing and heating use) will be removed.
- B. Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Gas Station, Food and Beverage Store	Gas Station, Car Wash, Fast-Food Restaurant
Acreage	2.98	2.98
Lots		
Parcels	3	3
Square Footage/GFA	1,011	5,524

- C. History:** The subject property was retained in the C-S-C Zone during the 1994 Sectional Map Amendment for the Subregion VI Study Area. The existing gas station is a certified non-conforming use (NCU 8596-86-U-01), approved in 1987. Because an expansion of the existing use is proposed, a special exception is required. The proposed special exception site is part of a larger subdivision comprising three parcels under common ownership; Parcels 47, 53, and 64. The special exception is located on Parcel 53, Parcel 64, and part of Parcel 47.
- D. Master Plan Recommendation:** The 1993 Subregion VI Study Area Master Plan Map recommends low-suburban residential land use for the Marlton area of Planning Area 82A. However, the master plan text (page 143) recognizes that many older commercial uses along major corridors are appropriate and, thus, recommends the following action for the subject property:

Retain ongoing commercial uses (and vacant sites where appropriate) in the existing commercial zones, where permanent commercial usage is suitable at a given location.

The General Plan places this property in the Developing Tier. The vision of the Developing Tier is to maintain a pattern of low- to moderate density suburban residential communities, district commercial centers, and employment areas that are increasingly transit serviceable.

- E. Request:** The applicant proposes to raze the existing convenience store, vacant plumbing and heating supply building, and vacant single-family dwelling located behind the existing gas station and construct a new gas station, and car wash. Originally, the proposal included a one-story, 4,224-square-foot fast-food restaurant, eight multi-product fuel dispensers (MPDs) with 16 fueling positions covered by a canopy, and a 1,300-square-foot car wash. The applicant also requested a departure from design standards to allow a reduced setback for the proposed fast-food restaurant from the adjoining residential zone. However, during the public hearing, the applicant proffered the elimination of the fast-food component of the proposed use. The use would instead include a convenience store which is permitted by right in the C-S-C Zone. A departure from design standards is also required to allow a reduced setback from the adjacent residentially zoned property to accommodate the access drive to the loading space. The site plan indicates that the proposed access drive is 29 feet from the residential property line (R-R Zone). Section 27-579(b) requires a minimum 50-foot setback from residentially zoned property for a loading space or access to a loading space. The applicant requests a departure of 21 feet for the proposed access drive.
- F. Neighborhood and Surrounding Uses:** The applicant, in the statement of justification, defines the neighborhood boundaries as the entire Marlton community. This community is defined by the 1993 Approved Subregion VI Study Area Master Plan as that area extending south from the US 301/Croom Road intersection to the two roads' connection to Duley Station Road. In general planning practice, a community is defined as a distinct area comprising several neighborhoods. A neighborhood is typically defined by major roads or other physical barriers including significant natural features such as streams. Although staff would agree that the subject site is within the Marlton community, the specific neighborhood is actually defined by the following boundaries:

North: Croom Road (MD 382)

South and East: Charles Branch

West: Crain Highway (US 301)

The property is surrounded by the following uses:

Northwest (Across Crain Highway): C-S-C-zoned property (Osborne Shopping Center)

Northeast: At the intersection of Crain Highway and Croom Road are batting cages, a miniature golf course and a residential use. The site is currently the subject of a pending rezoning (A-9974) from R-R to C-S-C for a Rite Aid.

South: R-R (undeveloped) and further south R-E-zoned properties with single-family detached residential uses.

The neighborhood can be generally characterized as low-density residential with a smattering of commercial uses oriented toward the Crain Highway and Croom Road intersection.

- G. Specific Special Exception Requirements for a Gas Station:** A gasoline station is permitted in the C-S-C Zone by a special exception. **Section 27-358** of the Zoning Ordinance sets forth the specific special exception requirements for a gas station:

(a) A gas station may be permitted, subject to the following:

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

The subject property has approximately 481 feet of frontage along US 301, which has a right-of-way width of at least 70 feet at this location, and an ultimate right-of-way width of at least 300 feet.

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

The subject property meets this requirement. Staff notes that the nearest school is Frederick Douglass High School located on the north side of Croom Road, approximately 3,200 feet east of the subject property.

- (3) The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a Special Exception in accordance with the provisions of Section 27-417.**

The applicant's proposal does not include these activities. Both the applicant's statement of justification and the site plan indicate that there will be no display or rental of cargo trailers, trucks, or similar uses at this site.

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

The applicant does not propose the storage or junking of wrecked vehicles on the property.

- (5) Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at**

an intersection without curb and gutter. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot.

The site plan shows that one 22-foot-wide one-way driveway and one 30-foot-wide driveway are proposed from Crain Highway. The applicant will have to obtain approval from SHA for a 22-foot-wide driveway from Crain Highway. Should SHA grant permission for the 22-foot driveway, the site plan notes must be revised to indicate that permission was granted by SHA for the 22-foot-wide driveway. Both driveways are proposed to be at least 20 feet from the point of curvature of the curb return.

(6) Access driveways shall be defined by curbing.

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

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

The site plan proposes a 5-foot-wide sidewalk along the front of the fast-food restaurant.

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

The site plan is in compliance with this requirement.

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

The applicant states that no repair service is proposed for the site. The site plan does not provide for an accessory storage building, and there is no reference to the provision of accessory storage in the applicant's statement of justification.

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

The applicant submitted a letter, dated March 15, 2007, as a supplement to the statement of justification that provides a detailed description of the architecture and building materials. The applicant alleges that no real architectural standards have been set in the immediate neighborhood. The subject site is surrounded to the north by batting cages and a mini-golf course; to the east and south with undeveloped woodland; to the west with a shopping center. The shopping center is proposed to be razed and redeveloped. The letter indicates the proposed building materials for proposed use will be consistent with the materials proposed for the new shopping center, including brick veneer, EIFS (a textured material resembling cast stone or concrete) along the roofline, and ground face CMU (textured concrete block) at grade level. The applicant has submitted elevations of the proposed façade of the buildings that show a staggered roofline and canvas awnings that will provide additional architectural interest and visual appeal. The awnings will further provide visual continuity with the redeveloped shopping center. The Planning Board finds the applicant has adequately demonstrated architectural compatibility.

(b) In addition to what is required by Section 27-296(c), the site plan shall show the following:

- (1) The topography of the subject lot and abutting lots (for a depth of at least fifty [50] feet).**
- (2) The location and type of trash enclosures.**
- (3) The location of exterior vending machines or vending area.**

The topographical information is shown on the site plan. The site plan details indicate the dumpster will be enclosed by an 8 foot by 12 foot board-on-board wooden fence. The statement of justification states that the fence will be painted to match the architecture. There are no vending machines proposed with this application.

(c) Upon the abandonment of a gas station, the Special Exception shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term “abandonment” shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease.

The applicant agrees to comply with this requirement.

(d) When approving a Special Exception for a gas station, the District Council shall find that the proposed use:

- (1) Is necessary to the public in the surrounding area; and**

- (2) **Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.**

The applicant has submitted a need analysis dated September 1, 2006. Upon reviewing the proposal and the applicant's need analysis, Dr. Joseph Valenza of the Research Section determined, in a memo dated December 18, 2006, that the applicant's methodology was flawed and that the unmet demand was significantly overestimated:

The applicant has concluded that there is an unmet demand for 3.6 million gallons of gasoline in the market, which translates into a need for nearly 2.5 more gas stations. The applicant has overestimated the demand from transient traffic on US 301 by 26 million gallons. The applicant cites the high commuter utilization of US 301 but does not account for this heavy commuter utilization when calculating transient demand. Consequently, the applicant has overestimated the demand for gasoline by 3.6 million gallons. Staff estimates the existing stations can adequately satisfy the local as well as the transient demand for gasoline in the market area.

The applicant responded to staff's memo in a letter dated January 8, 2007, citing that if the existing gas station were removed, a deficit would be created; therefore, the need for the gas station is justified. The Planning Board concurs that should the gas station be removed, a deficit would exist. In fact, there is currently a deficit with the existing gas station, albeit a negligible one. For these reasons the Board finds that the applicant has adequately demonstrated need for the proposed gas station.

- H. Requirements for a Car Wash:** A car wash is permitted in the C-S-C Zone by a special exception, **Section 27-461(b)(1)(B)(iii)** of the Zoning Ordinance. There are no specific special exception requirements for a car wash. Sufficient queuing space is provided in addition to a by-pass aisle, so cars will not be prevented from exiting the site if they are not waiting for a car wash. Staff finds the car wash meets the criteria of 27-317 as discussed below.
- I. Parking Regulations:** The site plan correctly notes that a total of 41 parking spaces are required for the proposed convenience store, fast-food restaurant, gas station, and car wash. The applicant is providing two handicap spaces and one loading space.
- J. Landscape Manual Requirements:** The proposed site plan is subject to Section 4.2.a (Commercial Landscape Strip); Section 4.3.c (Interior Parking); Section 4.4 (Screening) and Section 4.7 (Incompatible Uses) of the *Landscape Manual*. The site plan was amended subsequent to a memo from the Urban Design Section dated April 4, 2006. At that time staff recommended that alternative compliance (AC) be requested to reduce the required eastern bufferyard from 40 feet to 30 feet. Instead, the applicant has revised the site plan to provide the 40-foot bufferyard in accordance with Section 4.7. The applicant has provided a variety of evergreen, deciduous, and ornamental trees and shrubs. Staff recommends that 50 percent of the Leyland cypress and Eastern white pine be replaced with a native species such as American holly and/or red cedar to reduce the potential for disease.

- K. Zone Standards:** The proposed use meets all bulk and height standards for the C-S-C Zone. The applicant specifically requests a departure from Section 27-579(b) that pertains to the location of an access drive to a required loading space.

Section 27-579(b) Location: “No portion of an exterior loading space, and no vehicular entrances to any loading space (including driveways and doorways), shall be located within fifty (50) feet of any Residential Zone.”

The access drive is approximately 29 feet from the eastern property line and R-R-zoned property. The applicant has requested a departure from design standards for the reduced setback.

- L. Sign Regulations:** The site plan indicates one free-standing sign located at the southern entrance to the site. Details were provided. The sign conforms with height and location requirements. It appears that the sign is able to meet area requirements; however, the panel information will have to be provided prior to ZHE review to make a final determination.

- M. Required Findings:**

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The 15 purposes of the Zoning Ordinance, as provided in Section 27-102(a), seek generally to protect and promote the health, safety and welfare of the present and future inhabitants of the county. The proposed uses will replace outdated structures and generally provide convenient services to current and future county residents.

- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

With the recommended conditions of approval, the proposed use is in conformance with all applicable requirements of the Zoning Ordinance.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

The proposed development will help to modernize the existing use. The statement of justification states that the proposal complies with the recommendation contained in the 1993 approved Master Plan for the Subregion VI Study Area., in that the plan calls for commercial land uses on the subject property. Community Planning, in a memo dated March 17, 2006, indicated that the proposal was not in conformance with the master plan recommendation for land uses at this location. The master plan map shows low-suburban

land uses; however, the master plan text (pg. 143) specifically recommends retaining existing commercial uses in commercial zones, where appropriate, within the US 301 and Croom Road corridors. The proposed development is located within the ultimate rights-of-way of two master plan facilities, A-61 and F-10. The applicant will be required to obtain a permit from SHA allowing construction with a planned right-of-way. Neither of these improvements is in a current CTP. Therefore, the Planning Board finds the proposed uses will not substantially impair the integrity of the 1993 Master Plan for Subregion VI. The applicant is not proposing a new use on the subject property; rather, the existing uses are being updated and expanded.

(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.

The Planning Board finds proposed development represents an improvement to the neighborhood and community. The new building and pumping stations will be set back a considerable distance from where the existing building is located—the existing pumps directly abut the Crain Highway right-of-way. The existing building, which is outdated and unattractive, will be replaced with a brand-new facility. A vacant, somewhat dilapidated commercial use on the property will be removed. Although there are no specific requirements for a car wash, adequate queuing space and hours of operation are generally concerns of the impacted neighborhood. The Board finds sufficient queuing space has been provided for the car wash. There is queuing space for approximately seven cars without impeding access to the primary parking area. Access to three of the 41 parking spaces proposed could be impacted if there is a queue of more than two cars. The number of access points has been reduced from three rather indistinct points to two clearly defined access points. Transportation staff, in a memo dated April 14, 2006, did not find that the proposed development would negatively impact the surrounding transportation network in the near-term. The Board finds that the proposal will not adversely affect the health, safety or welfare of residents or workers in the area.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The applicant is updating an existing use. The uses are in an appropriate location, adjacent to a major arterial and at the junction of similar service commercial uses. The development will be an improvement to the existing use in that it will provide safer and more efficient access, a more attractive site and an updated, modern building.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

The Environmental Planning Section reviewed TCP II/161/06 as submitted by the applicant and requested that revisions be made. On January 22, 2007, a revised TCP II was submitted. Environmental Planning staff indicated, in a memo dated January 22, 2007, that the TCP was in compliance with all technical requirements and recommended the TCP be approved. Staff notes, however, that the site plan shows the proposed retaining wall, with a maximum height of 9.2feet, encroaching into the 25-foot floodplain buffer. Because the retaining wall is over 32 inches high and is, therefore, considered a structure, it must conform to the setback requirement. If the applicant is unable to comply with this requirement they must obtain a waiver from DER.

N. Additional Determinations:

At the public hearing on Thursday, May 3, 2007, the Planning Board made the following additional findings:

1. Concerns raised by the Friends of Croom in written testimony dated April 5, 2007 have been reviewed by the Planning Department's Environmental Planning Section. In a memo dated April 26, 2007, the Environmental Planning Section provides that:

A. The Friends of Croom state that a November 11, 2006 memorandum from the Environmental Planning Section is incorrect when it states that "... There are no designated scenic or historic roads in the vicinity of this application." Croom Road is a state-designated scenic byway along its entire distance.

Comment: The section of Croom Road adjacent to the subject property is not a county-designated scenic or historic road. Croom Road is a County-designated historic road from Croom Station Road, over a mile east of the subject property, to the Charles County line. Croom Road is a state road, and a state-designated Scenic Byway (Lower Patuxent Scenic Byway). The State Highway Administration (SHA) has control over any improvements within the right of-way. MNCPPC has adopted a policy of working to preserve, conserve or enhance the viewshed of sites adjacent to a county designated scenic or historic road by requesting an inventory of significant visual features, and in most cases by applying a "D" bufferyard as designated as appropriate for a historic resource in the Prince George's County Landscape Manual. (A "D" bufferyard is comprised of a 50 foot building restriction line, and a 40 foot landscaped strip adjacent to a historic resource).

The subject property is located, at its closest point, a minimum of 190 feet from Croom Road, and current development along Croom Road defines the viewshed directly adjacent to the south side of the roadway. If development is proposed on parcels directly adjacent to Croom Road in the future, concern about the appearance along the scenic byway can be addressed.

If views of the proposed use from the Scenic Byway remain a concern related to this application, screening using either vegetation, a wall, or fencing, could be provided along the northeast property line, and between the SWM pond and the proposed building.

- B. The Friends of Croom cite from the November 20, 2006 memorandum from the Environmental Planning Section the following: “. . . there is a stream located on Parcel 47, with associated 100-year floodplain extending onto the area of the Special Exception, and possibly nontidal wetlands . . . The soils found to occur according to the “Prince George’s County Soil Survey” are in the Collington soil series and Bibb series. . . . Bibb soils are in hydrologic group D, and may be affected by high water table, flood hazard and poor drainage.”**

Comment: A signed Natural Resources Inventory (NRI/14/06) was submitted with the Special Exception application. As part of that review, the elevation of the 100-year floodplain (with 1 foot of freeboard elevation) was determined based on a Floodplain Study of Charles Branch prepared by the Prince George’s County Department of Environmental Resources in April 1984; and the location nontidal wetlands was verified through a Wetlands Study by Geo-Technology Associates, Inc. dated May 10, 2006, submitted by the applicant. Bibb soils and other hydric soils on a site are generally treated as a possible indicator of nontidal wetlands, which was the case on this property.

The signed NRI indicated the delineation of the Patuxent River Primary Management Area (PMA) on the property, based on protection of all the environmental factors that comprise the PMA. During the Special Exception review process the applicant acquired more up-to-date topography which more accurately reflected the ground plane on the subject property. As a result, the location of the floodplain was revised to respond to the known floodplain elevation reflected on better topography, and the NRI was resigned to reflect this revision.

The PMA as currently delineated identifies the most sensitive environmental features of the site, as defined in the Subdivision Ordinance. No impacts to these sensitive features are proposed in the most current Special Exception Site Plan.

- C. The Friends of Croom expressed concern over possible water quality impacts downstream to existing and future public property ownership along Charles Branch.**

Comment: The Approved Master Plan for Subregion VI indicates a stream valley park along Charles Branch for Melwood Hills Community Park to the Patuxent River, which includes the portion of the stream adjacent to this site. The Department of Parks and Recreation should be consulted for any comments they may have about the effect of the current proposal on the Charles Branch Stream Valley Park.

This property is located in the Charles Branch Watershed of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan. If the proposed stormwater management features, are designed, implemented and enforced in accordance with existing

State and County regulations, additionally impairment to the quality of surface water should not occur.

The confluence of the Pleasant Hill parcel drainage with the Charles Branch is located 8700 linear feet (1.65 miles) downstream from the subject property. The Pleasant Hills drainage is entirely located upstream of Charles Branch, and will not be impaired by development on the proposed site.

D. The Friends of Croom cite a prior special exception application (SE-4271) for a gas station that was denied. The denial was in part based on the proximity to the 100-year floodplain and Western Branch.

Comment: The special exception case cited (SE-4271) is not a similarly situated property. In that case, the entire site was located within the 100-year floodplain, and the application proposed to fill within the floodplain to create a building pad. The gas station was proposed to be constructed at an elevation one-foot above the floodplain, with underground tanks situated within the 100-year floodplain elevation.

The current application is located entirely outside of the 100-year floodplain and Patuxent River Primary Management Area (PMA). The elevation of 100-year floodplain on this site, with one-foot of freeboard added is approximately 77 feet mean sea level. The elevation of the building pad proposed is 86 feet mean sea level.

E. The Friends of Croom quotes from the staff report the following:

“Staff notes, however, that the site plan shows the proposed retaining wall, with a maximum height of 9.2feet, encroaching into the 25-foot floodplain buffer. Because the retaining wall is over 32 inches high and is, therefore, considered a structure, it must conform to the setback requirement. If the applicant is unable to comply with this requirement they must obtain a waiver from DER.”

Comment: The staff report incorrectly refers to the 25-foot floodplain building restriction line as the 25-foot floodplain buffer. The appropriate setback for retaining walls, which qualify as structures, from the 100-year floodplain, is determined by the Department of Public Works and Transportation, who should be consulted. The Environmental Planning Section does not make this determination.

F. The Friends of Croom had questions concerning the stormwater management facility proposed, and specifically if any type of filter was required to catch the oil and gas run-off anticipated from the gas station.

Comment: The conceptual and technical design of stormwater management facilities is reviewed and approved by the Department of Public Works and Transportation, who should be contacted for further information.

G. The Friends of Croom state that the environmental review memorandum does not include a review by the U.S. Army Corps of Engineers.

Comment: A signed Natural Resources Inventory (NRI/014/06) was submitted, which included a nontidal wetlands study by Geo-Technology Associates, Inc. dated May 10, 2006. The Environmental Planning memorandum states that the site contains streams or wetland areas that may be impacted by the proposed outfall from the stormwater management pond, or the proposed sewer line extension, and may be regulated by federal and state requirements

The Environmental Planning Section further recommended the following:
Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all Federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

Due to differences in application processes and timeframes, the applicant is allowed to move forward with a zoning application that may impact nontidal wetlands at their own risk. If they are unable to obtain the required Federal and/or State wetland permits prior the issuance of local permits for development, they face time delays and costs related to revision of their plans. Most applicants are concurrently consulting with the U.S. Army Corps of Engineers during the plan application process, although we cannot require them to do so.

2. At the May 3, 2007 public hearing the applicant proffered to include a green roof for the proposed building. The applicant will also eliminate eight parking spaces. The Board accepted the proffer as an additional condition of approval.
3. With respect to staff's condition number 3 regarding hours of operation, the Board noted that other similar uses in the area operated without restriction on hours of operation. The Board concluded that hours of operation of the proposed use should as well not be restricted.

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 recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED , subject to the following conditions:

1. The applicant shall either revise the location of the retaining wall so it does not encroach within the required 25-foot floodplain buffer or obtain a waiver from DER.
2. The landscape plan shall be revised to replace 50 percent of the proposed Leyland cypress and Eastern white pine with native species such as American Holly and red cedar.
3. All information to be displayed on the pylon sign panels shall be provided prior to ZHE review to verify compliance with sign regulations.

4. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all Federal and State wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
5. The site plan shall be revised as follows:
 - a. Indicate that a green roof will be provided
 - b. Eliminate eight parking spaces.
 - c. Delete the fast-food restaurant

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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 Eley, seconded by Commissioner Clark, with Commissioners Eley, Clark, Vaughns, Squire and Parker voting in favor of the motion, at its regular meeting held on Thursday, May 3, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of May 2007.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:JJ:bjs