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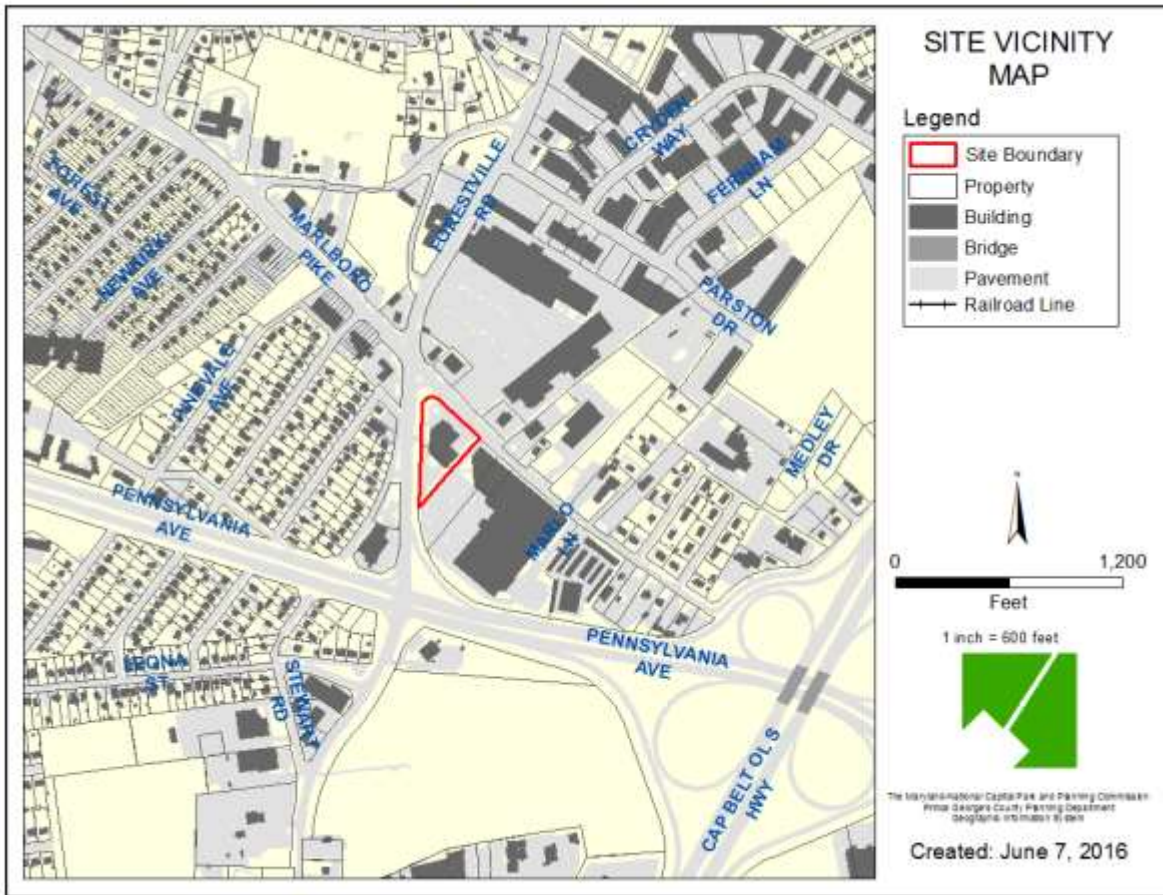
Detailed Site Plan

DSP-16027

Application	General Data	
Project Name: Royal Farms #287 (Forestville Road) Location: In the southeast quadrant of the intersection of Forestville Road and MD 725 (Marlboro Pike). Applicant/Address: Two Farms Inc. d/b/a Royal Farms 3611 Roland Avenue Baltimore, MD 21211	Planning Board Hearing Date:	01/04/18
	Staff Report Date:	12/20/17
	Date Accepted:	01/17/17
	Mandatory Action Timeframe	352 days
	Planning Board Action Limit:	01/04/18
	Plan Acreage:	2.16
	Zone:	C-S-C/D-D-O/ M-I-O
	Dwelling Units:	N/A
	Gross Floor Area:	4,637 sq. ft.
	Planning Area:	75A
	Council District:	06
	Election District	06
	Municipality:	N/A
	200-Scale Base Map:	205SE07

Purpose of Application	Notice Dates	
A request for an indefinite continuance for the above referenced case from the Planning Board hearing date of June 1, 2017. The construction of a food and beverage store in combination with a gas station, amendment to the use table to permit the use, amendments from the development district standards 2.1 and 4.1 of the 2009 <i>Approved Marlboro Pike Sector Plan and Sectional Map Amendment</i> .	Informational Mailing:	06/17/17
	Acceptance Mailing:	04/12/17
	Sign Posting Deadline:	12/05/17

Staff Recommendation		Staff Reviewer: Ruth Grover, MUP, AICP Phone Number: 301-952-4317 E-mail: ruth.Grover@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE’S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-16027
Royal Farms #287 (Forestville Road)

The subject application seeks the construction of a “Royal Farms” food and beverage store in combination with a gas station, in the area covered by the Development District Overlay (D-D-O) Zone created by the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment*, which requires an amendment of the use table, to permit a food and beverage store in combination with a gas station. In order to facilitate the development of the project on the constrained site, which has two major road frontages, the applicant is requesting two amendments to the development district standards; one for the required loading space and the second from landscaping requirements. Urban Design staff has completed its review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Development District Overlay (D-D-O) Zone Standards of the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Sector Plan);
- b. The requirements of the Prince George’s County Zoning Ordinance in the Commercial Shopping Center (C-S-C) Zone, the D-D-O Zone, the Military Installation Overlay (M-I-O) Zone and the and site design guidelines;
- c. The requirements of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual);
- d. The requirements of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO);
- e. The requirements of the Tree Canopy Coverage Ordinance (TCC); and
- f. Referrals.

FINDINGS

Based upon the evaluation and analysis of the subject application, the Urban Design Section recommends the following findings:

1. **Request:** The subject detailed site plan (DSP) is for the construction of a food and beverage store in combination with a gas station, to amend the use table in the D-D-O Zone to allow a food and beverage store in combination with a gas station, and to amend Development District Standards 2.1 and 4.1 of the D-D-O Zone to allow a reduction in the required plant material quantity and for not providing the required loading space.
2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C/D-D-O/M-I-O	C-S-C/D-D-O/M-I-O
Use(s)	Retail/Vacant	Food and beverage store in combination with a gas station
Acreage	2.16 acres	2.16 acres
Building Square Footage/GFA	23, 958 square feet (to be razed)	4,637 square feet

OTHER DEVELOPMENT DATA

PARKING AND LOADING SCHEDULE				
PARKING	DESCRIPTION	RATE	REQUIRED	PROVIDED
	Retail—4,637 sq. ft. Gross Floor Area (GFA)	Normal Parking Generation Group: 1 Space per 150 sq. ft. of the first 3,000 sq. ft.	20	52
		1 space per 200 sq. ft. above the first 3,000 sq. ft. 1,637 sq. ft.	9	
	Employee—2	1 parking space/ employee 2 employees	2	
	16 outdoor seats 14 indoor seats	Eating or drinking establishments (not including drive-through service) 1 space per 3 seats	10	
Total Number of Parking Spaces:			41 (including 3 handicapped)	52 (including 3 handicapped)
Loading	4,637 sq. ft. Gross Lease Area (GLA)	One loading space for 2,000–10,000 sq. ft. gross leasable area (15 x 33' loading space)	1*	0*

Note: *A modification to the D-D-O Zone standards to not provide the loading space has been requested. See Finding 7 of this report for a discussion of the conformance of the proposed parking and loading to the sector plan.

3. **Location:** The subject property is located in the southeastern quadrant of the intersection of Forestville Road and MD 725 (Marlboro Pike) at 3300 Forestville Road in District Heights. It is also located in the Planning Area 75A and Council District 6.
4. **Surrounding Uses:** The property is surrounded to the west by Forestville Road, with a single-family detached residence in the One-Family Detached Residential (R-55) Zone, a gas station in the Mixed-Use Infill (M-U-I) Zone, and offices in the Commercial Office (C-O) Zone

beyond; to the southeast by a commercial use, the Marlo Furniture Store, in the Light-Industrial (I-1) Zone; to the northeast by Marlboro Pike, with a church in the I-1 Zone, Forestville Plaza, a shopping center, and a liquor store in the C-S-C/D-D-O Zones beyond.

5. **Previous Approvals:** The subject property was rezoned from the Light Industrial (I-1) Zone to the Commercial Shopping Center (C-S-C) Zone (SMA Change Number 146, Page 293) by the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan and SMA). The site also has an approved Stormwater Management Concept Plan 49307-2016-00, approved December 15, 2016 and valid until December 15, 2019.

6. **Design Features**

Site Design: This triangularly-shaped site is proposed to be accessed from the property's Marlboro Pike and Forestville Road frontages respectively and from the adjacent commercial property to the southeast. Eight-pump islands covered by a canopy to serve the gas station use proposed for the property, are set back at an angle from the intersection of Marlboro Pike and Forestville Road. The Royal Farms food and beverage store is located in the most eastern portion of the site proximate to Marlboro Pike. Parking for the development is located in front of and on the sides of the building. The applicant is providing four outdoor-tables for dining, two located to the left and two located to the right of the front entrance to the building. The site is generously landscaped along its Forestville Road and Marlboro Pike frontages, along the shared-property line with the commercial land use to the southeast and in the southern corner of site around the two bioretention areas, which will assist with stormwater management. Pedestrian accessibility is facilitated on the site by inclusion of sidewalks around the building. A pedestrian connection to the adjacent property is provided directly behind the building to the adjacent commercial property to the southeast. A dumpster enclosure is located just south of the proposed building. Loading is proposed to be provided per the applicant by smaller trucks which will be able to utilize a standard parking space, which requires an amendment to the D-D-O Zone standards.

Architecture: The architecture of the building incorporates a band of composite siding at the top portion of the building, brick veneer in the middle, and stone veneer at the base of the building. The main entrance, with a high-profile roof, projects from the rest of the building. The front elevation is accented with a pitch roof with a cupola over the main entrance supported by stone veneer and painted steel columns. Over-sized windows help break up the horizontal mass of the building. The rear elevation presents long uninterrupted bands of the composite siding, red brick and stone veneer. The applicant has used durable quality materials including stone, brick and composite siding. The pumps and canopy are designed to coordinate well with the architecture and materials of the main building.

Signage: The applicant is proposing two twenty-five-foot-tall pylon signs, one along its Marlboro Pike frontage, close to the intersection with Forestville Road, and the second at the existing entrance along Forestville Road. Both sign faces are plastic and have painted aluminum housing. The signs will be lit internally with environmentally-sensitive low emitting diode illumination. The upper almost 12 feet of the signs (162 square feet) is devoted to the traditional "Royal Farms" sign with gas prices. Just below that portion of the signs is a changeable copy portion of the sign. Staff has suggested improvements to the proposed signage for the project (a stone veneer base with a concrete cap) as the project is located at a gateway to the Marlboro Pike Sector Plan and SMA. See Finding 7 for a detailed discussion of the proposed improvement to the signs. The project includes the following additional signs: fuel canopy sign (35.67 square feet), directional arrow (eight square feet-four directional signs total)), wall signage including project name (37.05) and a "fresh kitchen" sign (11.75 square feet).

Site Details: The project includes a double-dumpster enclosure to be located just south of the proposed building. The enclosure is proposed to be constructed of brick sides and rear, with “non-white, earth-toned” gate, constructed of a composite material. The chairs to be provided for the outside seating are proposed to be constructed of steel and will have decorative colorful umbrellas for protection from the elements. A bicycle rack is provided to the left side/rear of the building along the project’s Marlboro Pike frontage. Details of downward facing light fixtures, canopy lights, and wall-mounted lights have also been provided. Staff has reviewed the site details and finds them acceptable, with a preference for the more decorative fixture. A decorative wall is proposed in the landscape strip along Marlboro Pike, but no detail was provided. A proposed condition had been included in the Recommendation section of this report to require such detail, and to require a note on the plans stating that the more decorative light detail will be used exclusively for the project.

Green Building Techniques: The applicant has incorporated energy and water-efficient “green” building features into the project and that may qualify the development for Leadership in Energy and Environmental Design (LEED) certification for the building. Examples of these green-building techniques include that many of the materials will be purchased locally, and over 85 percent of all waste from the demolition of the existing building on the site and the construction of the new building and other improvements will be recycled or repurposed. The project also proposes to include green operational procedures such as converting all of the vegetable oil used to prepare Royal Farms’ fried chicken, a signature dish, into biofuel.

There is a miscellaneous correction needed to the DSP. The existing easement providing access from Forestville Road to the adjacent property to the southeast of the subject site must be correctly shown, with appropriate curb cuts and its Liber and Folio noted on the plan. A proposed condition has been included in the Recommendation section of this report that would require that, prior to certificate approval, the applicant revise the plans to make this correction.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Approved Sector Plan and Sectional Map Amendment and the standards of the Development District Overlay (D-D-O) Zone:** The subject site is located within the Low Intensity Business Park character area at a corridor gateway within the boundaries of the Marlboro Pike Sector Plan and SMA. The purpose of the D-D-O Zone standards and regulations was to provide a consistent design framework, to ensure that new developments and redevelopments meet the goals and objectives of the sector plan. The project generally meets the goals of the Low-Intensity Business Park character area, in that it redevelops an existing commercial property with low intensity commercial uses that provide an attractive gateway to the Marlboro Pike Sector Plan area, which is a functional business community that is compatible with the location under the flight path for Joint Base Andrew Naval Air Facility. The enhanced architecture of the building, including superior architectural materials such as brick, stone and composite siding, will help provide an attractive gateway to the sector plan area and the site design is enhanced by the provision of generous landscaping, ample parking and outdoor tables for customers who wish to sit or dine. The project is located at a gateway of the sector plan area, and Page 62 of the sector plan calls for gateway signage. Staff would suggest that the currently proposed pylon signs be improved by including a stone veneer base with a concrete cap in keeping with the project’s prominent location. Therefore, a proposed condition has been included in the Recommendation section of this report that would require that, prior to certificate approval, the plans for the project be revised to include such revision to sign design.

Development District Standards: The application is generally in conformance with the applicable development district standards in the Low Intensity Business Park character area, except for Development District Standard 2.1 of the Sector Plan, regarding the amount of plant materials to be provided, and Standard 4.1 of the Sector Plan, regarding the required loading space. Pursuant to Section 27-548.25(c) of the Prince George's Zoning Ordinance, the applicant has requested a differing development district standard and the Planning Board may grant such amendment if it finds that the alternate development district standard will benefit the development and the development district and will not substantially impair implementation of the master plan, master plan amendment, or sector plan.

The two requested amendments are recommended herein for approval as staff finds that granting of the amendments will not substantially impair implementation of the master plan. In the following discussion, the standard is listed in bold, followed by the applicant's justification and staff's comment.

Development Standard 2.1 states the following:

Section 2 Streetscape–2.1 Landscape/Buffering–Additional Requirements. (p. 143)

All development shall be subject to the design guidelines, requirements and standards of the Landscape Manual. Additional requirements for buffer/screening areas on private properties located along the public rights-of-way, as identified in Figure X-6: Landscape Buffer Illustration on page 144 are as follows: Area A (MD 4 including the exit ramp from I-95)– Minimum 20-foot-wide vegetative screen with or without fencing.

The applicant provided the following justification for the amendment:

“Detailed Site Plan DSP-16027 fronts on two public roadways, Forestville Road and Marlboro Pike. Forestville Road is designated as a historic road. DSP-16027 is not included in “Area A,” which are the properties subject to the landscape buffer depicted in Figure X-6. Development Standard 2.1 requires that the frontage of Marlboro Pike provide a 4.2 Landscape Strip along Streets, and that the frontage of Forestville Road provide a 4.6 Buffering Development from Special Roadways. The overall triangular shaped property has limited developable area. The required width of the landscape strips is being provided, however, the applicant is requesting relief from the amount of required plant materials. The vast majority of the required plant materials are being provided in both strips, the amendment is for 6 shade trees from the 4.2 landscape strip fronting Marlboro Pike and 5 shade trees and 2 shrubs from the 4.6 landscape strip fronting Forestville Road. As shown on Sheet LA-1 of the Landscape Plan, both 4.2 and 4.6 strips are fully planted, providing adequate growing space for the plants as well as clear sight lines that ensure CPTED principles are met. The addition of more plant materials would endanger the viability of this landscape buffer and could create an unsafe environment by obstructing viewsheds into and from the property. Therefore, the applicant respectfully requests the modification to design standard 2.1 for a reduction of plant materials from the 4.2 and 4.6 landscape strips, as provided for on the Landscape Plans (Sheets LA-1 through LA-4).”

Development Standard 2.1 requires that a Section 4.2 (Landscape Strip along Streets) landscape strip be provided along the frontage of Marlboro Pike, a Section 4.6 (Buffering

Development from Special Roadways) buffer be provided along the frontage of Forestville Road since it is a designated historic roadway, and a Section 4.3 parking lot perimeter strip be provided for the development. The triangular shape of the property limits its development potential. While the applicant has managed to provide the necessary width for the landscape strips and buffers, the applicant is requesting relief from the amount of required plant materials as discussed in Finding 9 below. Staff is in agreement that the amendment is justified. Further, staff suggests that the alternate development district standard will benefit the development and the development district by providing a safer situation and will not substantially impair implementation of the master plan, master plan amendment, or sector plan as the width of the required buffers and strips is provided and the site is generously landscaped overall. For these reasons, staff recommends **approval** of the amendment request.

Development Standard 4.1 states the following:

Section 4: Parking and Loading

4.1 Standards. All parking and loading shall comply with the standards of the zoning ordinance.

The applicant has provided the following justification for the amendment:

“DSP-16027 requests a modification to this standard to remove the required loading space. Section 27-582(a) of the Zoning Ordinance requires one (1) loading space for the proposed use. The layout design is challenged due to the fact that the parcel is triangular shaped and has frontage on two roads. An existing access easement burdens the property and further limits the originally proposed design. As it relates to the purpose of the loading space requirement, it must be highlighted that the proposed use is served by panel trucks, which are small enough to safely and efficiently use a standard sized parking space, thereby, rendering the need for the loading space mute. DSP-16027 proposes 8 parking spaces above the requirement, so all requisite deliveries can be accommodated by the proposed parking; thus, making the implementation of an oversized loading space, under these circumstances, superfluous.”

The Marlboro Pike Sector Plan provides that developments in Character Area 3 (in which the project is located), must conform to the loading requirements of Section 27-582(a) of the Zoning Ordinance, which requires one loading space for the proposed use. An existing access easement burdens the property and further limits the proposed design. As it relates to the purpose of the loading space requirement, the applicant has indicated that the proposed use is to be served by panel trucks, which are small enough to safely and efficiently use a standard sized parking space for loading, making the space unnecessary. The DSP proposes eight parking spaces above the requirement, so all requisite deliveries can be accommodated by the proposed parking. Staff is in agreement that the requested amendment is justified. Further, staff suggests that the alternate development district standard will benefit the development by providing additional space for other site requirements and will not substantially impair implementation of the sector plan as the loading will be provided for on the site in another fashion and the square footage of the needed asphalt paving on the site will be somewhat decreased. For these reasons, staff recommends **approval** of the amendment request.

Note that there were incorrect references to a “Departure Request” in General Note 30 on Sheet 1 of the DSP and to “Alternative Compliance” in the Development District Standards chart provided on Sheet 3 of the DSP. These requests are handled as amendments to development district standards. Additionally, a discussion of Design Guidelines was incorrectly included, as well as an incorrect statement that the DSP complies with standards. Therefore, a proposed condition has been included in the Recommendation section of this report that would require that these references be removed prior to certificate approval.

8. **Zoning Ordinance:** The subject site plan has been reviewed for conformance with the applicable requirements of the C-S-C, D-D-O and M-I-O-Z Zones and site design guidelines. The following discussion is offered regarding these requirements.

- a. **Section 27-461, Uses in Commercial Zones:** The proposed food and beverage store in combination with a gas station, is a permitted use in the C-S-C Zone. However, it is not a permitted use in the low-intensity business park character area of the D-D-O Zone in which it is located. A food and beverage store in combination with a gas station use has been requested to be added to the use table of the Marlboro Pike Sector Plan and staff supports its inclusion. If the District Council grants this request, a food and beverage store in combination with a gas station would be allowed on the site as a permitted use.

The applicant in the subject DSP has requested that, pursuant to Section 27-548.26(b) of the Zoning Ordinance, “food and beverage store in combination with a gas station” be added as a permitted use on the subject site. More particularly, Section 27-548.26(b) of the Zoning Ordinance, which addresses the property owner’s right to request amendments, states:

Amendment of Approved Development District Overlay

(b) Property Owner.

- (1) A property owner may request that the District Council amend development requirements for the owner’s property, as follows:**
 - (B) An owner of property in the Development District may request changes to the underlying zones or the list of allowed uses, as modified by the Development District Standards.**
- (2) The owner’s application shall include:**
 - (A) A statement showing that the proposed development conforms with the purposes and recommendations for the Development District, as stated in the Master Plan, Master Plan Amendment, or Sector Plan; and**
 - (B) A site plan, either the Detailed Site Plan required by Section 27-548.25 or a Conceptual Site Plan.**
- (3) Filing and review of the application shall follow the site plan review procedures in Part 3, Division 9, except as modified in this Section. The Technical Staff shall review and submit a report on the application, and the Planning Board shall hold a public hearing and**

submit a recommendation to the District Council. Before final action the Council may remand the application to the Planning Board for review of specific issues.

- (5) The District Council may approve, approve with conditions, or disapprove any amendment requested by a property owner under this Section. In approving an application and site plan, the District Council shall find that the proposed development conforms to the purposes and recommendations for the Development District, as stated in the Master Plan, Master Plan Amendment, or Sector Plan, and meets applicable site plan requirements.**

The subject property is located in the development district created by the Marlboro Pike Sector Plan and SMA, and the application seeks to change the list of allowed uses for the subject property only. A statement of justification (SOJ) and a site plan have been submitted in accordance with Section 27-548.26(b)(2)(A) and (B) above. The application proposes a food or beverage store, in combination with a gas station, and to add this use as permitted on the subject property only.

The applicant provided the following justification for the proposed change to the list of allowed uses for the subject property:

“The subject property is improved with a building that totals approximately 23,958 square feet. Since the owner acquired the property in July 2014, it has actively marketed the property, but due to the limitations imposed by the DDOZ’s Table of Uses (Figure X-9), it has been unsuccessful in securing any tenants. Most tenant interest is from uses currently prohibited in the C-S-C Zone of the DDOZ – although those same uses, as a result of DSP-13014, are permitted directly across the street at the Forestville Plaza. With the approval of this detailed site plan, the applicant intends to raze the existing structure and build an approximately 4,637 square foot commercial building for a food and beverage store in combination with a gas station, and add landscaping that complies with applicable Character Area 3: Business Park Development District Standards. In all, the grant of the detailed site plan will not only result in actual improvements to the property, but will also help to ensure a viable and popular tenant for this property. The net result of this will be the revitalization and transformation of this corner/gateway of the Sector Plan. This is already playing out at the northern getaway to Westphalia with Store #166 (DSP-08043-01). This alone supports the purpose and recommendation of the Development District of the Sector Plan, which rezoned the subject property to the C-S-C Zone to reinforce the existing adjacent commercial development by providing an attractive gateway to the Sector Plan area.

As adopted, the District Council established a development district overlay (DDO) Zone known as the “Low Intensity Business Park Character Area.” As provided on page 140 of the adopted Sector Plan, the goal of this Character Area is to “redevelop existing commercial and industrial properties with low-intensity commercial and industrial uses that provide an attractive gateway and business community that is compatible with the location under the flight path for Joint Base Andrews.” There is no question that the current state of the property – with

predominately vacant commercial/retail building(s) – fails to create an attractive gateway. Moreover, the recommendation for the D-D-O Zone relates to future redevelopment of the existing commercial and industrial properties with low intensity commercial and industrial buildings that facilitate low intensity commercial and industrial uses. The rezoning of the property to the C-S-C Zone would otherwise allow the subject property to be commercially viable but for the use restrictions imposed by the Development District Standards.

Indeed, if the amendment to the Table of Uses to allow for a food and beverage store in combination with a gas station use is approved for the subject property, the owner/applicant contends that the goal of the Sector Plan would be fulfilled, as it would be able to redevelop and revitalize the property, which will help to “provide an attractive gateway to the Marlboro Pike Sector Plan area.” Simply put, by granting the amendment to allow for a food and beverage store in combination with a gas station use on the subject property, new tenants/uses will be attracted to the properties adjacent to the site, which will “reinforce the existing adjacent commercial development” and provide needed retail amenities so that the subject property and adjoining properties can once again serve members of the community.

The second goal of the D-D-O Zone was to locate uses on property “compatible with the location under the flight path of Andrews Air Force Base.” The subject property is located within the Safety Zone of APZ 1. On June 9, 2015, the County Council adopted CB-42-2015 to establishing the Military Installation Overlay Zone (M-I-O) Zone, providing procedures and restrictions for designation and approval of the M-I-O Zone, and to provide use restrictions, development regulations, site plan provisions, and permitting requirements for the M-I-O Zone in the Zoning Ordinance. This legislation helps support the owner/applicant’s request to change the list of allowed uses by providing additional guidance regarding the second goal of the D-D-O Zone. That is, just like with DSP-13014, amending the list of allowed uses to include a food and beverage store in combination with a gas station will be consistent with the recent implementation of the M-I-O Zone and “compatible with the location under the flight path of Joint Base Andrews.” Simply stated, smaller leasable areas exist on the subject property and/or the use requested, if permitted, ensures that certain tenant uses will not have “significant crowds of people.”

Staff is in agreement with the foregoing applicant’s discussion, a food and beverage store in combination with a gas station conforms with the purposes and recommendations for the development district, as stated in the sector plan, and staff recommends **approval** of the amendment to add the gas station in combination with a food and beverage store as a permitted use.

- b. **Section 27-462, Regulations in Commercial Zones/C-S-C Zone Standards:** The site plan is in conformance with the regulations in the C-S-C Commercial Zone, in so far as they are applicable.
- c. **Military Installation Overlay Zone:** The project is also located within the Height, Noise and Accident Potential Zone (APZ) 1 under the Military Installation Overlay Zone. Under this zoning, the project has a height limit called “Surface B,” which requires that building height not exceed 145 feet tall. The project also falls in the Noise Intensity Zone,

where noise levels may range from 60db to 74db. Note that the building's height of 37.5 feet is well within the 145-foot requirement and that only residential projects are evaluated for acceptable noise levels.

Section 27-548.56 addresses prohibited and limited uses in the APZ1. Subsection(a)(1)(G) lists a prohibited use as, in relevant part:

“Commercial and Industrial uses that include the sales, handling, above-ground storage, refining, fabrication or manufacturing of explosives, fireworks or gunpower; fertilizers, pesticides and insecticides; petroleum products (other than gas station or vehicle repair and service station) ...”

Therefore, the proposed gas station is not prohibited.

Further, subsection (b)(2)(B) states:

“New limited permitted uses, including new accessory limited permitted uses on the site of an existing principal use, are subject to the following size restrictions:

“(B) New eating and drinking establishments in the M-I-O/C-S-C (Commercial Shopping Center) Zone shall not exceed 6,000 square feet of gross floor area.”

The proposed food and beverage store measures 4,637 square feet, meeting this requirement. In accordance with the above, the proposed food and beverage store, in combination with a gas station, meets the restrictions of the APZ1.

- d. **Site design guidelines:** The DSP is in conformance with the applicable site design guidelines contained in Section 27-274. For example, much of the proposed surface parking is proposed to be as near as possible to the main entrance of the building; The proposed architecture features varied building form with a harmonious use of different building materials. Specifically, the DSP satisfies the applicable design guidelines in Section 27-274(a) of the Zoning Ordinance as follows:

Section 27-274(a)(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. As a means of achieving these objectives, the following guidelines should be observed:**

The surface parking lot is located and designed to provide safe and efficient vehicular and pedestrian circulation within the site by use of clearly defined, striped and curbed accessways from Marlboro Pike, Forestville Road and the adjacent commercial property and travelways leading to the parking, loading and service use areas. Additionally, sidewalks are provided around the building, connecting both to the existing concrete sidewalk along Marlboro Pike and the adjacent commercial property to the southeast. The on-site sidewalk along Marlboro Pike connects to an offsite sidewalk that runs parallel to the Forestville Road frontage of the property, within the right-of-way. These facilities

make for safe, efficient and convenient circulation of the site for both pedestrians and drivers in accordance with this requirement.

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

Safe vehicular circulation is created on the site by use of clearly defined, striped and curbed accessways from Marlboro Pike, Forestville Road and the adjacent commercial property and travelways leading to the parking and service use areas. Sidewalks are provided around the building, connecting both to the existing concrete sidewalk along Marlboro Pike and the adjacent commercial property to the southeast. The on-site sidewalk along Marlboro Pike connects to an off-site sidewalk that runs parallel to the Forestville Road frontage of the property, within the right-of-way. These facilities make for safe, efficient and convenient circulation of the site for both pedestrians and drivers in accordance with this requirement.

Section 27-274(a)(3) Lighting

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

A photometric plan demonstrating adequate illumination for nighttime activity with a detail of the light fixtures to be utilized for the project has been provided. The light fixture is specified as "Viper S Series" by Beacon, which includes both a "rectangular" and a "decorative" arm. In deference to the above requirement, staff is proposing that the decorative arm style be utilized exclusively on the site and that the lights be pedestrian scaled to as to enhance the site's design character. A proposed condition in the Recommendation section of this report would require that, prior to certificate approval, the decorative arm be specified exclusively in the light detail and that a detail of the light pole be provided indicating that the light fixtures will not exceed 15 feet tall.

Section 27-274(a)(4) Views

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

The siting of the building, with its most architecturally significant façade facing the intersection of the two adjacent travelways helps create a scenic view to those driving or walking by in accordance with this requirement. Also, the quality of these views will be enhanced by generous landscaping along the road frontages. Lastly the quality architectural materials (brick, stone and composite siding) and design, assist in creating attractive views from the adjacent public domain.

Section 27-274(a)(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.

Green areas on the subject property are located primarily along the road frontages and in the bioretention areas in the southern end of the site. These green areas will serve to

enhance the views from the four tables and 16 seats, to be located in front of the store to be utilized primarily for outdoor dining and the area under the pump canopy, the site's main activity areas.

Section 27-274(a)(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.**

Landscaping of the site along its Forestville Road and Marlboro Pike frontages and in the bioretention areas located in the southernmost corner of the site are heavily landscaped. Four outdoor seating tables, with 16 seats, are provided in front of the building and a bike rack to the rear of the building along the Marlboro Pike frontage have been provided. Quality materials have been utilized in the architecture of the building and the design of the pump canopy has been coordinated therewith. All these factors help create an attractive, coordinated development that will enhance the use and enjoyment of the site in accordance with this requirement.

Section 27-274(a)(8) Service areas

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

Service areas, such as the dumpster pad on the south side of the building are accessible but unobtrusive in accordance with this requirement.

- e. **Development District Overlay Zone Required Findings:** Section 27-548.25(a), (b), (c) and (e) are applicable to the review of this DSP as follows:

Section 27-548.25 Site Plan Approval

- (a) Prior to issuance of any grading permit for undeveloped property or any building permit in a Development District, a Detailed Site Plan for individual development shall be approved by the Planning Board in accordance with Part 3, Division 9. Site plan submittal requirements for the Development District shall be stated in the Development District Standards. The applicability section of the Development District Standards may exempt from site plan review or limit the review of specific types of development or areas of the Development District.**

Should the subject DSP be approved as recommended, the applicant would have fulfilled this requirement.

- (b) In approving the Detailed Site Plan, the Planning Board shall find that the site plan meets applicable Development District Standards.**

The project meets all applicable district development standards except for Standards 2.1 and 4.1, for which amendments have been requested as part of the subject application, which is permitted pursuant to Section 27-248.25(c) of the Zoning Ordinance. Should these amendments be granted by the Planning Board, it may be said that the site plan meets applicable development district standards in accordance with this requirement. See

Finding 7 of this technical staff report for a detailed discussion of the amendment requests.

- (c) **If the applicant so requests, the Planning Board may apply development standards which differ from the Development District Standards, most recently approved or amended by the District Council, unless the Sectional Map Amendment text specifically provides otherwise. The Planning Board shall find that the alternate Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan.**

The applicant has requested two such amendments, as permitted by the Zoning Ordinance. See Finding 7 for a detailed discussion of these requests.

- (e) **If a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards.**

There is no variance or departure required by this application. Therefore, this otherwise required finding need not be made.

- 9. **2010 Prince George's County Landscape Manual:** Development District Standard 2.1 of the Sector Plan states that the relevant requirements in the 2010 *Prince George's County Landscape Manual* (Landscape Manual) apply. The detailed site plan is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Streets; and Section 4.9, Sustainable Landscaping of the Landscape Manual.

- a. **Section 4.2, Requirements for Landscape Strips Along Streets**—Along Old Marlboro Pike, in order to comply with Section 4.2 of the Landscape Manual, the applicant, as is permitted, is using a combination of Option 1 and Option 4 to fulfill the requirement. Option 1 requires that a ten-foot-wide landscape strip be planted with a minimum of one shade tree and 10 shrubs per 35 feet of frontage. Option 4 requires a four-foot-wide landscape strip abutting the street adjacent to a three -to four-foot-high brick, stone, or finished stamped concrete masonry wall and one shade tree per 35 linear feet of frontage. A wall is provided somewhat intermittently along the northeastern portion of the frontage. Using Option 1, the applicant would be required to provide eight shade trees and 76 shrubs. If the wall were continuous along the frontage, Option 4 would require eight shade trees and no shrubs. The applicant is providing five shade trees complemented by 83 shrubs and asking for an amendment from development district standards to cover the divergence from the requirement. Staff finds this acceptable. However, a detail of the wall is missing from the plans and, therefore, is required by a condition in the Recommendation section of this report.
- b. **Section 4.3, Parking Lot Requirements**—Section 4.3 requires a percentage of the parking lot, determined by the size, to be interior planting area, and a perimeter landscape strip along the adjacent commercial property to the southeast of the subject site. As the parking lot measures 34,838 square feet, eight percent, or 2,787 square feet is required in interior planting area. The required schedule has been provided demonstrating

conformance with this section by the provision of eight percent or 2,826 square feet of interior parking lot landscaping area planted with the ten required shade trees. Additionally, Section 4.3 requires that a perimeter landscape strip be provided where a parking lot is proximate to an adjacent property line. In this case, 160 linear feet of parking lot is adjacent to the southeast property line. The applicant has provided the appropriate schedule for this requirement demonstrating the provision of an average of an eight-foot-wide strip (when only a five-foot-wide strip is required), but planted with the five shade trees and 14 shrubs, instead of the required 44 shrubs.

The applicant has requested an amendment to development district standards for the difference in required planting material. A proposed condition would require the addition of a note to this schedule stating that an amendment to Development District Standard 2.1 has been requested. See Finding 7 for a detailed discussion of that requested amendment.

- c. **Section 4.4, Screening Requirements**—The site is subject to Section 4.4, which requires screening of trash facilities and mechanical equipment. The submitted DSP indicates that the trash will be enclosed in an attractive brick enclosure with a composite gate in accordance with this requirement. No ground-level mechanical equipment is shown on the site plan.
- d. **Section 4.6, Buffering Development from Special Roadways**—Section 4.6 requires that development along special roadways be buffered. Forestville Road, due to its designation as a historic road, requires such buffer. The applicant has provided this buffer except for eight of the required shade trees. Therefore, the applicant has requested an amendment from development district standards. See Finding 7 for a detailed discussion of that requested amendment, which is recommended for approval. A proposed condition would require the addition of a note to this schedule stating that an amendment to the Development District Standards 2.1 has been requested. Additionally, reference to Development District Standard 5.1 on this schedule shall be corrected to refer to Development District Standard 2.1.
- e. **Section 4.9, Sustainable Landscaping Requirements**—Section 4.9 requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) should 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 specified below:

Shade trees	50 percent
Ornamental trees	50 percent
Evergreen trees	30 percent
Shrubs	30 percent

The landscape plan indicates that the applicant has chosen 100 percent native shade trees and ornamentals and 76.7 percent native shrubs, meeting and exceeding these requirements.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is exempt from the requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance as it does not have a minimum of 10,000 square feet of woodlands or any prior approved tree conservation plans. The property is the subject of an approved Woodland Conservation Letter of Exemption (S-121-16), approved on February 9, 2017 and valid until February 9, 2019.
11. **Prince George's County Tree Canopy Coverage Ordinance:** The site is subject to the Tree Canopy Coverage (TCC) Ordinance because it proposes more than 5,000 square feet of disturbance. The TCC requires that based on the C-S-C zoning of the site, ten percent of the site is to be covered in tree canopy coverage. The overall site measures 2.16 acres and therefore it requires 0.22 acre, or 9,409 square feet of the site in tree canopy coverage. The site plan provides the appropriate schedule demonstrating that this requirement has been met by the inclusion of 11 ornamental trees, 20 minor shade trees and 25 major shade trees, providing 9,925 square feet of tree canopy meeting and exceeding the requirement.
12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Historic Preservation and Archeological Review**—In a memorandum dated January 18, 2017, the Historic Preservation Section stated that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources or known archeological sites.
 - b. **Community Planning**—In a memorandum received March 7, 2017, the Community Planning Division stated that the application conforms to the commercial land use recommendation of the sector plan. However, the Community Planning Division stated that the requested land uses for the site are not consistent with the specific uses permitted in the C-S-C/D-D-O Zones. Permitting the uses requested on this property, the Community Planning Division stated, will not substantially impair the implementation of the sector plan, provided the gateway recommendation is addressed and the requirement for high standards in site design and operations ensure that the uses and facility are attractive and functional.

The applicant is providing enhanced architecture for the building utilizing a combination of high-quality architectural materials including brick, stone and composite siding and has provided enhanced site design including generous landscaping along the project's road frontage and in the bioretention area, ample parking and outdoor seating, helping to create the desired low intensity business park character and gateway area of the sector plan. The Urban Design Section finds that the enhanced architecture and site design provided for the site is sufficient to fulfill its role as a gateway area and does not find that additional signage announcing entry into the Marlboro Pike Sector Plan area is necessary.
 - c. **Transportation and Trails Planning**—In a memorandum dated March 8, 2017, the Transportation Planning Section offered the following comments:

The property is located in an area where the development policies are governed by the Marlboro Sector Plan and SMA. The plan recommends Forestville Road to be upgraded to a four-lane collector road (C-426) within an 80-foot right-of-way. Marlboro Pike is to

be upgraded to an industrial road (I-414) within a 70-foot right-of-way. Both roads are currently built to their ultimate cross sections and consequently, no further widenings are anticipated, nor are any additional rights-of-way required. There are no previous transportation conditions associated with the site.

Review Comments for Active Transportation Compliance

The site plan was reviewed for conformance with the 2009 Marlboro Pike Sector Plan and SMA in terms of master plan trails and bikeways. Since the site does not require a preliminary plan, it is not subject to Section 24-124.01 of the Subdivision Regulations or the “Transportation Review Guidelines, Part 2, 2013,” which are used for evaluating the adequacy of bicycle and pedestrian facilities. The site is not within or adjacent to any active transportation facilities. However, Marlboro Pike is recommended to be upgraded with bike lanes, while Forestville Road is recommended to be a shared facility. Given the width of the existing rights-of-way for both roads along the property’s frontage, there is sufficient room for the addition of bike lanes if the operating agencies deem it necessary. There are three vehicular accesses being proposed, two of which will be used by larger trucks including oil tankers. All three access points will provide adequate circulation to all areas of the site. The two roads on which the property fronts will have sidewalks, and the food and beverage store will be accessible to pedestrians from Marlboro Pike. Overall, on site access and circulation is adequate.

Overall, from the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a detailed site plan as described in the Zoning Ordinance.

- d. **Subdivision Review**—In a memorandum dated February 8, 2017, the Subdivision Section offered the following comments:

The property is known as Parcel 22 on Tax Map 89 in Grid F-1 and consists of a total of 2.16 acres zoned C-S-C in the Development District Overlay (D-D-O) Zone and the Military Installation Overlay (M-I-O) Zone. The subject property is a legal parcel created by deed prior to 1982 and has never been the subject of a preliminary plan of subdivision or record plat. Although the deeds reference Parcels A and B, the State Department of Assessments and Taxation and the tax maps show the property as Parcel 22.

The existing 23,958-square-foot commercial building is to be razed and this application proposes to construct a 4,637-square-foot commercial building. Based on aerial photos provided on PGAtlas, the existing structure was built prior to December 31, 1991. Staff has determined that the site is exempt from the requirement of filing a preliminary plan of subdivision pursuant to Section 24-107(c)(7)(D) of the Subdivision Regulations which states:

Section 24-107. Jurisdiction.

- (c) **The following shall be exempt from the requirement of filing a preliminary plan and final plat of subdivision, except for any portion of land within the Interim Land Use Control (ILUC) Area subject to Sec. 24-120.03(b) of this Subtitle and consistent with Part 18 of the Zoning Ordinance unless otherwise noted below:**

(7) **Any subdivision of land by deed of a lot prior to January 1, 1982, provided:**

(D) **The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of a site that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code, has been constructed pursuant to a building permit issued on or before December 31, 1991.**

In order for the above preliminary plan exemption to remain valid, the applicant should be aware that a building permit for the proposed structure should be approved prior to the razing of the existing structure or a preliminary plan of subdivision will be required for development of more than 5,000 square feet of gross floor area (GFA).

- e. **Permit Review**—In a memorandum dated January 30, 2016, the Permit Review Section offered numerous comments that have been addressed by revisions to the plans.
- f. **Environmental Planning**—In an e-mail dated February 3, 2017, Environmental Planning Section stated that there were no issues with the subject proposal and they had no memorandum to offer for the project.
- g. **Prince George's County Fire Department**—In a memorandum dated February 10, 2017, the Prince George's County Fire Department offered comments on needed accessibility, private road design and the location and needed performance of fire hydrants. These comments will be enforced in their separate permitting process.
- h. **Maryland State Highway Administration (SHA)**—At the time of this writing, staff did not receive comment from SHA regarding the subject project.
- i. **Department of Inspections, Permitting and Enforcement (DPIE)**—In a memorandum dated February 27, 2017, DPIE offered comment on needed road and streetscape improvements, stormwater management, erosion and sediment control concerns and sidewalk and pedestrian accessibility. Specifically, DPIE offered that the DSP is consistent with DPIE-approved Stormwater Management Concept Plan No. 49307-2016, dated December 15, 2016. Note that DPIE's requirements will be addressed through their separate permitting process.
- j. **Prince George's County Health Department**—In a memorandum dated February 8, 2017, the Prince George's County Health Department stated that they had completed a health impact assessment review of the detailed site plan submission for Royal Farms No. 287 in Forestville, and had the following comments/recommendations.

Each comment is included in **boldface** type, followed by staff comment:

- (1) **The applicant should assure that all sources of air pollution have been registered with the Maryland Department of the Environment, Air and Radiation Management Administration (i.e. the gasoline underground storage tanks). Contact MDE – ARMA at 1-800-633-6101.**

This information has been transmitted to the applicant.

- (2) **The applicant must obtain appropriate Raze Permits from Prince George's County's Department of Permitting, Inspections & Enforcement office.**

This information has been transmitted to the applicant.

- (3) **The applicant must submit plans for the proposed food facility and apply to obtain a Health Department Food Service Facility permit through the Department of Permitting, Inspections & Enforcement.**

This information has been transmitted to the applicant.

- (4) **During the construction/demolition of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.**

Staff has included a proposed condition in the Recommendation section of this report that would require the applicant, prior to certificate approval, to include an intent to be in conformance with the above requirements with respect to dust control during the construction activity connected with the subject project.

- (5) **No construction/ demolition noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.**

Staff has included a proposed condition in the Recommendation section of this report that would require the applicant, prior to certificate approval, to include an intent to be in conformance with the above requirements with respect to noise control during the construction activity connected with the subject project.

- (6) **There are approximately three existing carry-out/convenience stores food facilities and two grocery stores/markets within a ½ mile radius of this site. A 2008 report by the UCLA Center for Health Policy Research found that the presence of a supermarket in a neighborhood predicts higher fruit and vegetable consumption and a reduced prevalence of overweight and obesity. The Department acknowledges that Royal Farms chain facilities are designed as convenience stores, however, to their credit they do provide healthy food options such as an assortment of fresh fruits and vegetables for retail sale.**

This information has been transmitted to the applicant.

- k. **Prince George's County Police Department**—At the time of this writing, staff did not receive comment regarding the subject project from the Prince George's County Police Department.

- l. **Washington Suburban Sanitary Commission (WSSC)**—In e-mail received February 2, 2017, WSSC offered numerous comments regarding the subject project’s needed connection to water and sewer facilities. WSSC’s comments will be addressed through their separate permitting process.
 - m. **Verizon Communications**—At the time of this writing, staff did not receive comment regarding the subject project from Verizon Communications.
 - n. **Potomac Electric Power Company (PEPCO)**—At the time of this writing, staff did not receive comment regarding the subject project from PEPCO.
14. Based on the foregoing and as required by Section 27-285(b)(1), the DSP, if revised in accordance with the proposed conditions below, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
 15. As there are no environmental features located on the subject property, the normally required finding pursuant to Section 27-285(b)(4) of the Zoning Ordinance that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130(b)(5) does not need to be made for the subject project.
 16. The subject application adequately takes into consideration the requirements of the D-D-O Zone and the Marlboro Sector Plan and SMA. The applicant has requested two amendments to the development district standards of the Marlboro Sector Plan and SMA, which are recommended for approval below.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the findings of this report and recommend APPROVAL of Detailed Site Plan DSP-16027, Royal Farms #287 (Forestville Road), to the District Council as follows:

- A. APPROVAL of a “Food and Beverage Store in Combination with a Gas Station” as an allowed use on the subject property, pursuant to Section 27-548-26(b)(1)(B) of the Zoning Ordinance.
- B. APPROVAL of the following alternative development district standards:
 - 2.1 To reduce the provided plant units in the Section 4.2 landscape strip along the project’s Marlboro Pike frontage by three shade trees, reduce the provided plant units in the Section 4.6 landscape strip along the project’s Forestville Road frontage by eight shade trees, and provide alternative plants within the Section 4.3 perimeter landscape strip along the southeastern property line.
 - 4.1 To allow for not providing the required loading space.

C. APPROVAL of Detailed Site Plan DSP-16027, Royal Farms #287 (Forestville Road), subject to the following conditions:

1. Prior to certificate approval of the detailed site plan (DSP), the applicant shall submit the following documentation or revise the plans as follows:
 - a. Add the following site notes to the plans:

“During the demolition and construction phases, this project will conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

“During the demolition and construction phases, this project will conform to construction activity noise control requirements as specified in the Code of Maryland Regulations (COMAR).”
 - b. The right-of-way width and centerline for both Forestville Road and Marlboro Pike shall be shown on the plans for the project.
 - c. Details for the two pylon signs to be included in the project shall be revised to include a stone veneer base with a concrete cap.
 - d. The “decorative arm” shall be specified exclusively in the light detail and the light fixtures shall be shown not to exceed 15 feet tall.
 - e. Remove references to a departure request in General Note 30, to Note 30 on the Parking and Loading Schedule on Sheet 1 of the DSP, to “Alternative Compliance,” and the entire discussion of Design Guidelines in the Development District Standards chart provided on Sheet 3 of the DSP.
 - f. The applicant shall dimension all structures and provide the height in the footprint of the building.
 - g. Remove the notes from the DSP regarding the restricted development area.
 - h. The landscape plan shall be revised as follows:
 - (1) A note shall be added to the schedules for Sections 4.2-1, 4.3-1 and 4.6, that an amendment to 2.1 of the development district standards is approved.
 - (2) Reference to the development district standards on the Section 4.6-2 Schedule shall be corrected to refer to 2.1 of the development district standards.
 - (3) A detail of the decorative wall to be utilized in the landscape strip along Marlboro Pike shall be provided on the landscape plan, to be approved by the Urban Design Section as designee of the Planning Board.

- (4) The street name of Marlboro Pike shall be corrected from “Old Marlboro Road” on the planting schedule for Section 4.2-1.
- i. The existing easement providing access from Forestville Road to the adjacent property to the southeast of the subject site shall be correctly shown, with appropriate curb cuts and its Liber and Folio noted on the plan.