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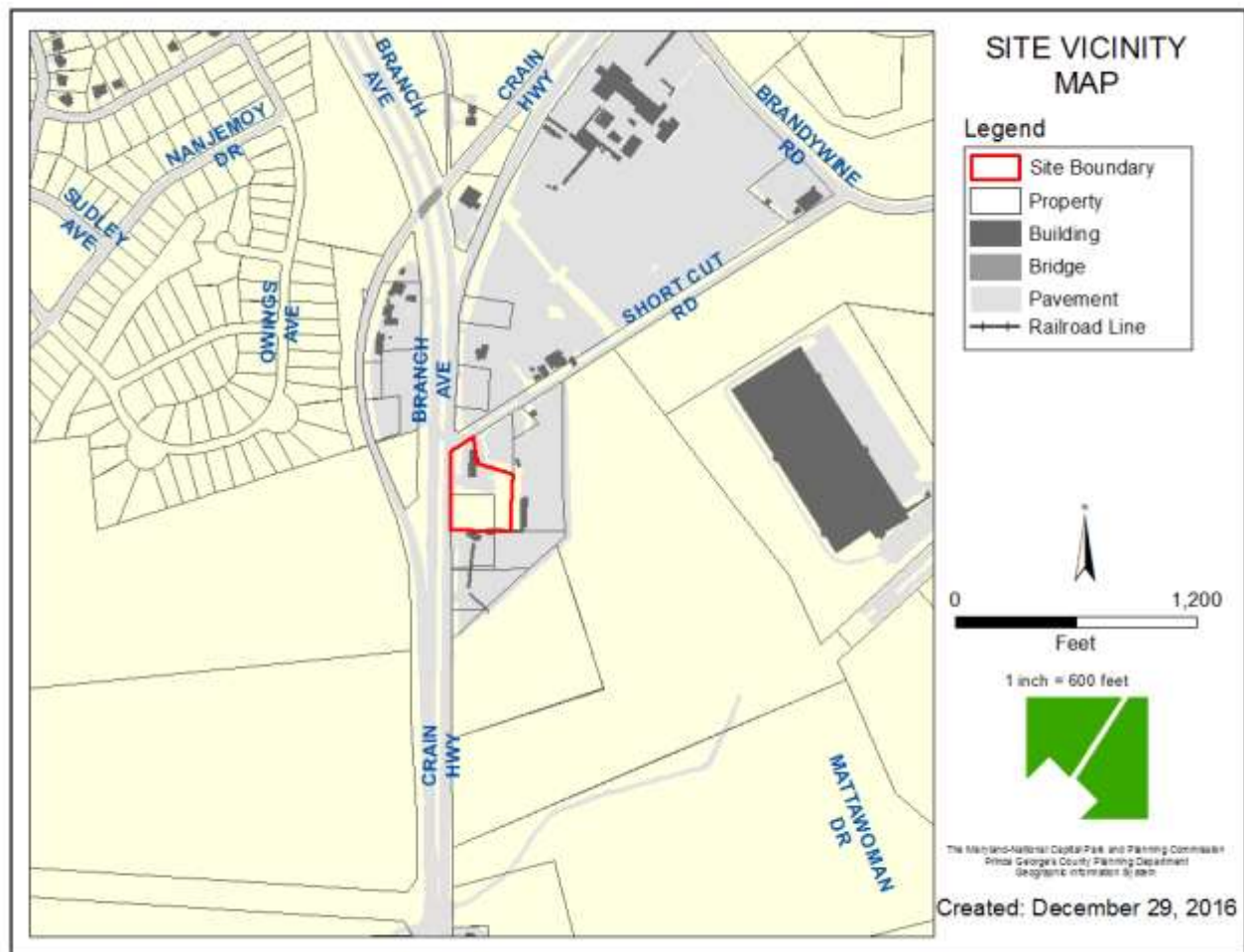
Detailed Site Plan

DSP-17013

Application	General Data	
Project Name: Empire Petroleum Brandywine Location: Southeast quadrant of the intersection of Shortcut Road and US 301 (Robert Crain Highway). Applicant/Address: EPP-BESCHE Acquisition, LLC 8350 North Central Avenue, Suite M2185 Dallas, TX 75206	Planning Board Hearing Date:	10/26/17
	Staff Report Date:	10/05/17
	Date Accepted:	06/13/17
	Planning Board Action Limit:	10/19/17
	Plan Acreage:	2.57
	Zone:	I-1
	Dwelling Units:	N/A
	Gross Floor Area:	3,500 sq. ft.
	Planning Area:	85A
	Council District:	09
	Election District	11
	Municipality	N/A
	200-Scale Base Map:	218SE07

Purpose of Application	Notice Dates	
This case was continued from the Planning Board hearing of October 5, 2017 to October 26, 2017. An eating and drinking establishment with drive-through service on a gas station site with a food and beverage store.	Informational Mailing:	04/19/17
	Acceptance Mailing:	05/18/17
	Sign Posting Deadline:	09/05/17

Staff Recommendation		Staff Reviewer: Ivy R. Thompson Phone Number: 301-952-4326 Email: Ivy.Thompson@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-17013
Type II Tree Conservation Plan TCPII-016-2017
Empire Petroleum Brandywine

The Development Review staff has completed 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 Prince George's County Zoning Ordinance for the Light Industrial (I-1) Zone, Section 27-259 (Permits within proposed rights-of-way), and the site design guidelines;
- b. The requirements of the 2010 *Prince George's County Landscape Manual*;
- c. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- d. The Prince George's County Tree Canopy Coverage Ordinance;
- e. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Development Review staff recommends the following findings:

1. **Request:** The subject detailed site plan (DSP) application is a request for the redevelopment of a gas station with a food and beverage store and an eating and drinking establishment with drive-through service. The project will entail the complete removal of all existing structures on the property and the new construction of a 3,500-square-foot building that will house a food and beverage store (2,500 square feet) and an eating and drinking establishment with drive-through service (1,000 square feet); a canopy; 10 multi-product fuel pump dispensers that provide a total of 20 fueling positions for cars; and three fuel pump dispensers providing six fueling stations for trucks. Both the gas station and the food and beverage store require approval of a special

exception in the I-1 Zone. A Special Exception (SE-4789) is concurrently being reviewed as a companion case with the subject DSP.

An eating and drinking establishment is permitted by-right in the I-1 Zone; however, an eating and drinking establishment with drive-through service requires a DSP in accordance with Part 3, Division 9, of the Prince George's County Zoning Ordinance. Should the DSP for an eating and drinking establishment with drive-through service be denied, the eating and drinking establishment (without drive-through service) remains a permitted use.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	I-1	I-1
Uses	Gas Station, Food and Beverage Store,	Gas station, food and beverage, eating and drinking establishment with drive-through
Acreage	2.57	2.57
Parcels	Parcel 83 and Parcel	Parcel 83 and Parcel 287
Gross Floor Area (Square Footage)	1,520	3,500

OTHER DEVELOPMENT DATA

Required Parking and Loading:

Gas Station	225
Food and Beverage Store	6
Eating and drinking establishment (9 seats)	3
Total Parking Required:	34
Total Parking Provided:	27
Loading Spaces Required	1
Loading Space Provided	1

3. **Location:** The subject property consists of two parcels, Parcel 83 and Parcel 287, and is located on the south side of Short Cut Road, and in the southeast quadrant of its intersection with US 301 (Robert Crain Highway) in Planning Area 71B and Council District 9.
4. **Surrounding Uses:** The general neighborhood is bounded to the north by MD 381 (Brandywine Road), to the west by US 301, to the east by Matapeake Business Drive, and to the south by Timothy Branch Road. Empire Petroleum Brandywine, 14330 Crain Highway, is bounded to the east and south by a vehicle salvage yard in the I-1 Zone; to the north by the public right-of-way of Short Cut Road, with industrial uses in the I-1 Zone beyond; and to the west by the public right-of-way of US 301, with vacant land in the Rural Residential (R-R) Zone beyond.
5. **Previous Approvals:** A gas station has existed on part of Parcel 83 since at least 1977, and has been developed in the current configuration since the mid-1990s. Special Exception SE-3507 was approved by Prince George's District Council in 1984 permitting a gas station with a food and

beverage store. Departure from Design Standards DDS-207 was approved, waiving on-site landscape requirements (PGCPB Resolution No. 85-84). The site plan was revised in 1994 to reduce the size of the food and beverage store to 1,564 square feet and the required landscape strip to 5 feet along US 301 (Crain Highway) and to place the required landscaping within the 70-foot right-of-way for Short Cut Road. Revisions to SE-3507 and Departure from Design Standards DDS-444 were approved by the District Council via PGCPB Resolution No. 94-316 and PGCPB Resolution No. 94-317. The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) retained the I-1 Zone on the subject property. Due to the redevelopment of the subject property, this application is not subject to the previous approvals. The site also has an approved Stormwater Management Plan (2852-2016-00), which is valid through March 18, 2019.

6. **Design Features:** The subject application is a companion case with Special Exception SE-4789, Empire Petroleum, the redevelopment of a gas station. The site plan proposes the construction of a 3,500-square-foot building that will house a 2,500-square-foot food and beverage store and a 1,000-square-foot eating and drinking establishment with drive-through service.

The site is accessed from US 301 (Crain Highway) and Short Cut Road. The site proposes a right-in only ingress for trucks only at the southern entrance on US 301 and 2 two-way ingress and egress points to the site; one via the northern entrance on US 301 and the other on Short Cut Road respectively. A two-way traffic pattern continues on-site. The traffic pattern for the drive-through and truck fueling stations arc around the building. The site also has 27 parking spaces south of the car fueling pumps and building.

Architecture—The building is generally rectangular and includes a flat roof with variation across the length of the building. The building has been designed to incorporate a variety of building materials including brick, stone and cementitious panels on all sides of the structure, and complements the surrounding uses. Prefabricated stone has been used on the columns and tower feature on the front elevation with brick and cementitious panel finish as predominant building material. The rest of the elevations show a balance composition of stone, brick and cementitious panel. The building is very contemporary in style and is acceptable.

Lighting—This DSP proposes lighting to illuminate the building and the fueling areas. The site plan provides a balanced lighting pattern on the property, while not causing a glare onto adjoining properties.

Signage—The applicant is proposing building, canopy, and freestanding signage that are of prototypical franchise-style for Fast Fuel/Fast Market franchises. The canopy signage will be the standard white background with a red band and blue and red “Fast Fuel” lettering, while the canopy sides will be the blue, white, and red logos that are typical for Fast Fuel. The proposed freestanding sign will replace an existing one and to include two digital gasoline price signs. The signage is within the allowed square footage and height (freestanding sign) and is in general conformance with the applicable sign requirements.

CONFORMANCE WITH EVALUATION CRITERIA

7. **Prince George’s County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-1 Zone, Section 27-259 (Permits within the proposed rights-of-way), and the site design guidelines of the Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-473(b) of the Zoning Ordinance, which governs uses in the industrial zones. The proposed eating and drinking establishment with drive-through service is a permitted use in the I-1 Zone; but food and beverage store along with the gas station required special exception approval. The companion case (SE-4789) is currently under review pending ZHE approval.
- b. **Section 27-259, Permits within proposed rights-of-way (ROWs)**—The subject property is encumbered by the master plan freeway facility designated as F-9 in the Subregion 5 Master Plan and SMA, which recommends a minimum 300-foot right-of-way along US 301/MD 5 (Crain Highway/Branch Avenue) and a proposed transit line (Southern Maryland Rapid Transit) alignment along MD 5, which (as detailed in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT)), would encumber most of the subject property. A condition is included in the Recommendation section of this report requiring the applicant to show the two rights-of-way (ROWs).

Pursuant to Section 27-259 (Permits within proposed rights-of-way) of the Zoning Ordinance, “no building or sign permit (except as provided in Part 12 of this Subtitle) may generally be issued for any structure on land located within the right-of-way or acquisition lines of a proposed street, rapid transit route, or rapid transit facility, or proposed relocation or widening of an existing street, rapid transit route, or rapid transit facility, as shown on a Master Plan; however, the Council may authorize the issuance of the building or sign permit in accordance with this Section.”

The approval for the issuance of building and sign permits must be authorized by the District Council. The land owner is required to request, in writing, to the District Council to authorize the issuance of the permits.

Should the District Council authorize issuance of the permit, the exact location, ground area, height, extent, and character of the structure to be allowed is to be noted on the permit. The validity period of the request rests with the status of the connected site plans, in this case, DSP-17013 and SE-4789. The authorization for issuance of a permit is automatically terminated if the application for the Special Exception (SE-4789) or Detailed Site Plan (DSP-17013) is denied. When approved with an associated site plan, the authorization is valid for two years. A permit must be obtained and construction implemented, pursuant to the permit, within two years of the final approval date, or the authorization shall be terminated. A one-year extension of the validity period may be granted by the Planning Director if the applicant is diligently proceeding towards issuance of a permit. A condition is included in the Recommendation section of this report requiring the applicant to provide a written request to the District Council prior to certificate of approval of this DSP. Prior to issuance of the building permit, the applicant should obtain the District Council’s approval of the request.

- c. **Site Design Guidelines**—Section 27-283 of the Zoning Ordinance provides that a DSP should be designed in accordance with the same design guidelines for a conceptual site plan (Section 27-274), which provides design guidelines regarding parking, loading and circulation, lighting, views, green area, site and streetscape amenities, grading, service areas, public spaces, and architecture.

Section 27-274(a) of the Zoning Ordinance further requires that the applicant demonstrate the following:

Section 27-274

(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.**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.**
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.**

Comment: The DSP is in general conformance with the site design guidelines contained in Section 27-274 of the Zoning Ordinance regarding provisions for safe and efficient on-site pedestrian and vehicular circulation, as well as provisions for adequate illumination. Specifically, the plan shows interior two-way travel lanes at 22 feet in width. The size of these travel lanes is large enough to provide safe parking, as well as through traffic that can travel in both directions.

There are 27 total parking spaces for the 3 proposed uses. The vehicular access to the site at Short Cut Road and the northern entrance on US 301 is from a 30-foot-wide drive aisle, which provides two-way traffic to the site. The southern entrance for truck fueling is dimensioned at 18 feet and feeds into a one-way travel lane leading to the 3 fueling pumps. A single loading space is provided on the northern portion of the site. Parking spaces are located in close proximity to the building.

(3) Lighting.

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

Comment: A balanced lighting pattern is provided throughout the property. The lighting placement has been designed to enhance the building entrances and pedestrian areas, and to improve safety.

(4) Views.

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

Comment: The DSP is designed to preserve, create, or emphasize views from public roads and public spaces to the adjoining properties and green areas. The proposed buildings have been designed to provide a modern, clean, and appealing street presence along the roadways. This plan is designed to preserve, create, or emphasize views from the public roads that surround the property. The site plan is proposing landscape strips along the road frontages of US 301 and Short Cut Road.

(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.**

Comment: The required green area for the I-1 Zone is 10 percent of the site area. Calculations for green area were not provided. The plans should be revised to provide the green area for the subject site, for permitting purposes. A condition has been added to the Recommendation section of this report requiring the applicant to provide the green area prior to certification.

(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.**

Comment: The applicant is not proposing any site or streetscape amenities except for landscaping and complete redevelopment of an existing dilapidated site. The redevelopment will contribute to an attractive and coordinated development pattern of the streetscape bordering the site.

(7) Grading.

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

Comment: The development is being proposed on a site that has been previously mass graded and the site is relatively flat. Minor fine grading will be required, but should be designed to minimize disruption to existing topography and other natural resources on the site and on adjacent properties.

(8) Service Areas.

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

Comment: The DSP proposes loading areas on the northern side of the site, away from the building.

(9) Public Spaces.

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

Comment: The DSP does not propose any public space in this development.

(10) Architecture.

- (A) **When architectural considerations are references for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with unified, harmonious use of materials and styles.**
- (B) **The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**
- (C) **These guidelines may be modified in accordance with Section 27-277.**

Comment: Elevations and architectural details of the proposed building and associated signage have been provided for evaluation. The proposed one-story, approximately 16-foot-high, food and beverage store is rectangular in shape, measuring approximately 72.5 feet in length by 49 feet in width. The roofline is flat and the exterior finish material is proposed to include a combination of red brick, stone veneer in brown tones, and exterior insulation finishing system in shades of white. The main entrance area, with a large metal canopy and storefront doors and windows, is on the western elevation of the building, facing US 301. The side and rear elevations have no fenestration; however, they will be minimally visible from the public rights-of-way due to the building's position on the lot. The staff believes the building is well-designed. It is noted that the design and materials for the fueling station canopy was revised to complement the design and materials used on the building.

8. **2010 Prince George's County Landscape Manual Requirements:** The application to redevelop an existing gas station involves new construction and is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The application is in general conformance with Sections 4.2, 4.3, 4.4, and 4.9 of the Landscape Manual as follows:
 - a. **Section 4.2, Requirements for Landscape Strips Along Street**—The proposal is subject to Section 4.2, Requirements for Landscape Strips Along Streets, along its Short Cut Road and US 301 (Crain Highway) frontages. The current submitted plan provides the appropriate schedules showing the planting requirements of this section being met along both frontages.
 - b. **Section 4.3, Parking Lot Requirements**—The plan proposes a new parking lot requiring interior planting, in accordance with this section. The submitted plans indicate that all the requirements of this section are being met and the correct schedules are provided.
 - c. **Section 4.4, Screening Requirements**—The submitted plan indicates a proposed loading space and trash area on the site. The details for the dumpster enclosure and screening for the loading space are provided on the site plan. No mechanical equipment, such as meters, freestanding air conditioners, heat pumps, or similar equipment is shown on the plans. (The Urban Design Section recommends that the plans be revised to show the location of such mechanical equipment, if they are proposed, and to show everything screened in conformance with the requirements of this section.)
 - d. **Section 4.9, Sustainable Landscaping Requirements**—The site is subject to the requirements of Section 4.9, which requires a certain percentage of the planting materials

to be native species. A schedule is provided on the plan demonstrating conformance with these requirements.

9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size, contains more than 10,000 square feet of existing woodland, and proposes more than 5,000 feet of woodland clearing. A Type II Tree Conservation Plan (TCPII-016-2017) has been submitted with the subject application. The plan requires minor revisions to be in conformance with the WCO.

The site has a woodland conservation threshold of 15 percent or 0.39 acre. According to the proposed worksheet, the cumulative woodland conservation requirement, based on the total clearing of 1.32 acres for this project, is 1.00 acre. The TCPII proposes to meet this requirement with 1.00 acre of fee-in-lieu.

A Natural Resources Inventory Equivalency Letter, NRI-236-2015, was approved and expires on December 28, 2020.

10. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned I-1 are required to provide a minimum of 10 percent of the gross tract area in TCC. This application is subject to the Tree Canopy Coverage Ordinance because it proposes 5,000 square feet or greater of gross floor area or disturbance. The required TCC is 11,199 square feet for the 2.57-acre site and is reflected on the site plan.

11. **Referrals:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Transportation**—In a memorandum dated August 31, 2017, the Transportation Planning Section reviewed the special exception and DSP applications for health, safety, and welfare issues in the immediate area, as well as master plan consistency. The source for estimates of trip generation is *Trip Generation, 9th Edition* (Institute of Transportation Engineers). The table below provides information regarding site trip generation. The comparison of trip rates for the existing use, versus the proposed use under the special exception, are shown in the following table:

TRIP GENERATION RESULTS SUMMARY, EMPIRE PETROLEUM, SE-4789/DSP-17013						
	AM-in	AM-out	AM-total	PM-in	PM-out	PM-total
Existing Use						
14 fueling position gas station with food and beverage store	71	71	142	95	95	190
Less 80% pass-by in both peak hours (per judgment of staff, discussion below)	-57	-57	-114	-76	-76	-152
Off-site trip generation for existing use	14	14	28	19	19	38
Proposed Use						
23 fueling position gas station with food and beverage store	117	117	234	155	155	310
Less 80% pass-by in both peak hours (per judgment of staff, discussion below)	-94	-94	-188	-124	-124	-248
Off-site trip generation for proposed use	23	23	46	31	31	62
NET NEW TRIPS Versus EXISTING	9	9	18	12	12	24

The application is supported by a traffic study dated January 2017 provided by the applicant, and referred to the Maryland State Highway Administration (SHA), the Prince George's County Department of Public Works and Transportation (DPW&T), and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). Comments from all agencies have been received, and no comments were offered. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Transportation Review Guidelines*.

The subject property is located within Transportation Service Area 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level of Service D, with signalized intersections operating at a critical lane volume of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the *Guidelines*.

Unsignalized intersections: *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

In the traffic study, the applicant has shown that the site access points operate acceptably as unsignalized intersections under existing and future traffic. However, many other traffic studies in the area have found that nearby adjacent intersections, such as US 301/US 381 to the north and US 301/MD 5/Timothy Branch Drive to the south,

operate unacceptably. On March 28, 2017, the Prince George's County Council adopted Council Resolution CR-9-2017, which amends CR-60-1993. Specifically, this new resolution establishes a fee structure for payment to the Brandywine Road Club. Pursuant to CR-9-2017, the new fee for the subject application would be \$2.07 per square foot of nonresidential building construction, to be indexed by the appropriate cost indices to be determined by DPIE. This is recommended in consideration that CR-9-2017 is considered to apply to all properties within Planning Areas 85A and 85B, even though neither the special exception nor the DSP have transportation adequacy findings associated with them.

Master Plan Highways

The site is adjacent to US 301/MD 5 which is a master plan freeway facility and is designated as F-9 in the Subregion 5 Master Plan and SMA. The master plan recommends a 300-foot minimum right-of-way. PGAtlas shows a variable right-of-way along the frontage of the site. The description on the plan for Crain Highway, being a 200-foot right-of-way, is incorrect. At this location, the overall public right-of-way is actually about 370 feet in width. Per the Maryland State Highway Administration (SHA), mapping completed in 2006, any further widening of US 301/MD 5 along the frontage will involve converting the existing shoulder to a load-bearing fourth lane, and adding a shoulder. This can be fully accomplished within the current right-of-way.

Southern Maryland Rapid Transit

The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) shows a proposed transit line parallel and adjacent to MD 5. This line represents the Southern Maryland Rapid Transit (SMRT) Study being conducted by the Maryland Transit Administration (MTA) of the Maryland Department of Transportation. This study seeks to complete location and initial design for a proposed transit facility linking the Branch Avenue Metrorail Station with Charles County. Both bus rapid transit (BRT) and light rail transit (LRT) alternates are under study by MTA. The preferred alternative uses an alignment along the east side of US 301/MD 5 in this area, having a width of approximately 80 feet. The impact to the site would require a substantial part of the subject site. The site would likely be a total taking to accommodate the transit line. For that reason, placement of structures outside of the planned right-of-way is not feasible.

Given that the site is already operating as a gas station and food and beverage store, and any future purchase of this property for a transit facility would involve buying out these uses, the Transportation Planning Section does not oppose the special exception or the DSP. In approving the expanded uses, the approving and review bodies should be made aware that existing structures within the SMRT right-of-way are being replaced with other structures within the same right-of-way. This must involve a petition for authorization to build within the planned right-of-way in accordance with Section 27-259 of the Prince George's County Zoning Ordinance.

Given that the site is designed to serve trucks, it is apparent from the plans that a WB-50 design vehicle can maneuver through this site to make fuel deliveries. Otherwise, access and circulation on the subject plan are acceptable as shown. Any changes to access will require approval of the responsible operating agency. The site is not affected by any master plan active transportation facilities. Overall, from the standpoint of transportation, it is determined that these applications are acceptable and meet the findings required for a special exception and a DSP, as described in the Zoning Ordinance. From the standpoint of non-motorized transportation, it is determined that this plan is acceptable as well.

In approving the expanded uses, the approving and review bodies shall be made aware that existing structures within the SMRT right-of-way are being replaced with other structures within the same right-of-way. Also, if deemed appropriate by the Zoning Hearing Examiner, and in consideration that CR-9-2017 is considered to apply to all properties within Planning Areas 85A and 85B, it is recommended that the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-9-2017, pay to Prince George's County (or its designee) a fee of \$2.07 per square foot for the gross square footage of the food and beverage store, computed as \$7,245 in first quarter 1993 dollars, to be indexed by the appropriate cost indices to be determined by DPIE.

- b. **Urban Design**—In a memorandum dated May 12, 2017, Urban Design Section reviewed the special exception and DSP applications for conformance with the Zoning Ordinance. Section 27-473, Uses Permitted in the Industrial Zones, of the Zoning Ordinance provides that an eating and drinking establishment with drive-through service is permitted in the I-1 Zone, subject to Footnote 54, which requires a DSP. A gas station and a food and beverage store use are permitted pursuant to a special exception, as has been filed. Section 27-358(a) of the Zoning Ordinance, which lists additional requirements for a special exception gas station, stipulates two urban design-related requirements, as follows:

- (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;**

Comment: The submitted site plan indicates that no sidewalks exist along the site's frontages, and the applicant argued that none is proposed because the area does not serve pedestrian traffic since US 301 (Crain Highway) is a master-planned freeway and Short Cut Road is an industrial road.

- (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.**

Comment: Architecture was submitted for the proposed gas station canopy and the food and beverage store, as specified above. Regarding the existing and proposed surrounding development, it is largely industrial and utilitarian; therefore, it is not desirable for this proposed building to blend with those sites. The finishes and architectural character of the proposed building is of a high quality and will be a needed improvement in the immediate neighborhood.

- c. **Permits**—In memorandums dated April 17, 2017 and June 27, 2017, the Permit Review Section reviewed the special exception and DSP applications for conformance with the Zoning Ordinance, noting several site plan revisions that were addressed by the applicant through revisions to the plan or are addressed as conditions of approval.
- d. **Community Planning**—In a memorandum dated June 8, 2017, the Community Planning Division reviewed the special exception and DSP for consistency with the approved master plans. The subject property is located in Planning Area 85A, known as Brandywine. The subject property is not located in a Military Installation Overlay Zone.

MTA conducted the SMRT Study along the MD 5/US 301 corridor. The purpose of this study was to designate a preferred alignment for either a BRT or LRT system in the MD 5 corridor to link the Branch Avenue Metro Station to Charles County (see Subregion 5 Master Plan, page 112). MTA's 2010 Preferred Alternative alignment traverses the subject property (see the Southern Maryland Transit Corridor Preservation Study, Conceptual Plan and Profile Drawings, drawing SM-24.) An ongoing planning strategy for this area is to continue to work with MTA to preserve right-of-way for transit service in the MD 5/US 301 corridor (see Subregion 5 Master Plan, page 53).

- e. **Environmental Planning**—In a memorandum dated June 8, 2017, the Environmental Planning Section reviewed the special exception, DSP, and Type II Tree Conservation Plan (TCP-II-016-2017) for conformance. An approved and signed Natural Resources Inventory, NRI-236-2015, was issued on December 28, 2015 for this site. No other previous environmental reviews have occurred on this site. The project is subject to the environmental regulations of Subtitle 27 of the Prince George's County Code that came into effect on September 1, 2010 because this is a new special exception/detail site plan request. This project is also subject to the WCO.

There are 1.32 acres of woodlands currently on-site. A review of available information identified that no regulated environmental features, such as streams, wetlands, areas of steep slopes, 100-year floodplain, or associated buffers, are found on the property. This site does not contain primary management area and is outside of the Chesapeake Bay Critical Area. The site straddles two watersheds. The eastern half of the site is within the Mattawoman Creek watershed, while the western half of the site drains into the Piscataway Creek watershed, which is a stronghold watershed; the entire site drains into the Potomac River basin. The predominant soil found to occur on-site, according to the USDA NRCS Web Soil Survey, is Beltsville-Urban Land complex, 0 to 5 percent slope. According to available information, neither Marlboro clay nor Christiana complexes are known to occur on-site. According to the Sensitive Species Project Review Area map prepared by the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. This site is not identified as containing forest interior dwelling species (FIDS) or FIDS buffer. This site does not share frontage with any historic or scenic roadways. According to the approved 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* pursuant to County Council Resolution CR-11-2017, the Countywide Green Infrastructure Plan (Green Infrastructure Plan), the site is not mapped within the network.

Approved Subregion 5 Master Plan and Sectional Map Amendment (2013): The master plan for this area is the 2013 Subregion 5 Master Plan and SMA. The area of the special exception application falls within the Brandywine Community Center core and edges portion of this plan. In the master plan and SMA, the Environment section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **bold** is the text from the master plan and the plain text provides comments on plan conformance.

Policies:

- **Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**

The area of proposed development is located within an area designated as mixed use in the master plan. This area is not within a priority area for protection according to the Green Infrastructure Plan and contains no regulated or sensitive environmental features.

- **Ensure that new development incorporates open space, environmentally sensitive design, and mitigation activities.**

This special exception application is for the redevelopment of an existing site. No regulated environmental features exist on-site. The site is subject to County and state environmental regulations that encourages environmentally-sensitive design and mitigation activities.

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**

The site has a valid approved Stormwater Management Concept Plan and Letter (2852-2016-00) that expires on March 18, 2019. The approved concept plan shows the construction of two submerged gravel wetlands on-site that will improve run-off quality and volume control during storm events. The concept letter also approved the use of fee-in-lieu of providing on-site/quality control measures, and required use of an oil and grit separator, or approved equivalent, prior to discharging into a primary water quality device. A pollution prevention plan is also required. This project will meet water quality requirements from both storm and non-storm events entering wetlands and waterways, in accordance with an approved final stormwater management plan, to be approved by the Site/Road Plan Review Division of DPIE.

- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

As previously stated, the site has a stormwater management concept approval letter. Water quality will continue to be addressed through the approval of the final stormwater management plan.

- **Reduce air pollution through transportation demand management (TDM) projects and programs.**

The Transportation Planning Section will review the application further for appropriate strategies.

- **Encourage the use of green building techniques that reduce resource and energy consumption.**

The use of green building techniques and energy conservation techniques should be used, as appropriate.

- **Ensure that excessive noise-producing uses are not located near uses that are particularly sensitive to noise intrusion**

Environmental requirements for noise impacts will be addressed by the Subdivision and Zoning Section.

Conformance with the Green Infrastructure Plan: The Green Infrastructure Plan indicates that none of the property is within or near the designated network

Conformance Finding for 2010 Approved Water Resources Functional Master Plan:

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection, and preservation of drinking water, stormwater, and wastewater systems within the County, on a countywide level. These policies are not intended to be implemented on individual properties or projects, and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans; County ordinances for stormwater management, floodplain, and woodland conservation; and programs implemented by DPIE, the Prince George's County Health Department, the Prince George's County Department of Environmental Resources, the Prince George's County Soil Conservation District, the Maryland-National Capital Park and Planning Commission, and the Washington Suburban Sanitary Commission are also deemed to be consistent with this master plan.

Natural Resources Inventory/Environmental Features: A signed Natural Resources Inventory (NRI-236-2015), which included a detailed forest stand delineation was submitted with the application. This NRI expires on December 28, 2020. This site contains 1.32 acres of existing woodlands. No specimen, champion, or historic trees are known to occur on-site. A review of available information identified that no regulated environmental features such as streams, wetlands, areas of steep slopes, 100-year floodplain, or associated buffers are found on the property. This site is not associated with a primary management area or located within the Chesapeake Bay Critical Area.

Woodland Conservation: This site is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size, contains more than 10,000 square feet of existing woodland, and proposes more than 5,000 feet of woodland clearing. A Type II Tree Conservation Plan (TCPII-016-2017) was submitted with this application.

The site has a woodland conservation threshold of 15 percent or 0.39 acre. According to the proposed worksheet, the cumulative woodland conservation requirement, based on the total clearing of 1.32 acres for this project, is 1.00 acre. The TCPII proposes to meet this requirement with 1.00 acre of fee-in-lieu. The worksheet, as submitted, will require one technical revision. The worksheet indicates that the project is subject to the 1991 WCO; however, the site is actually within a priority funded area and subject to the 2010 WCO.

There are three changes that need to be addressed on the TCPII plan. Features that are only required to be shown on an NRI shall not be reflected on the TCPII; specifically, the forest stand labels and forest stand hatching are not required to be reflected on the TCPII. These elements visually detract from other required information on the plan and should be removed. Once the revisions have been made, have the qualified professional who prepared the TCPII sign and date it and update the revision box with a summary of the revisions made.

Preservation of Regulated Environmental Features/Primary Management Area: No regulated environmental features are known to exist on this property.

Soils: The predominant soil found to occur on-site, according to the USDA NRCS Web Soil Survey, is Beltsville-Urban Land complex, 0 to 5 percent slope. According to available information, neither Marlboro clay nor Christiana complexes are known to occur on-site.

This information is provided for the applicant's benefit. No further action is needed as it relates to this review. A soils report may be required by DPIE during the permit process review.

Stormwater Management: As previously stated, a stormwater management concept letter and plan, that is in conformance with the current code, has been approved by DPIE. No additional information is required with regard to stormwater management with this application.

- f. **Subdivision**—The subject property is comprised of two legal parcels 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 One and Two (Liber 36979 folio 39), the State Department of Assessments and Taxation and the tax maps show the property as Parcels 83 and 287. Staff has determined that the site is exempt from the requirement of filing a preliminary plan pursuant to Section 24-107(c)(7)(B) of the Subdivision Regulations. The development of more than 5,000 square feet of gross floor area on the subject site will require the approval of a preliminary plan.
 - g. **Prince George's County Fire/EMS Department**—In a memorandum dated April 17, 2017, the Fire/EMS Department offered standard comments that were provided to the applicant. Their comments will be enforced through their separate permitting process.
 - h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated May 25, 2017, DPIE offered numerous comments. Those comments have been provided to the applicant and will be addressed under DPIE's separate permitting process.
 - i. **Prince George's County Police Department**—As of the writing of this staff report, the Police Department did not offer any comments.
 - j. **Prince George's County Health Department**—As of the writing of this report, the Health Department did not offer any comments.
12. Based on the foregoing, and as required by Section 27-285(b)(1) of the Zoning Ordinance, this DSP, if approved with the conditions below, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
13. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board must also find 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

Section 24-130(b)(5) of the Subdivision Regulations. In a memorandum dated July 17, 2017, the Environmental Planning Section noted that there are no regulated environmental features on the subject property. This finding is not required to be made at this time.

RECOMMENDATION

Based on the preceding analysis and findings, staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-17013 and Type II Tree Conservation Plan TCPII-016-2017 for Empire Petroleum Brandywine, subject to the following conditions:

1. Prior to certification of the detailed site plan, the applicant shall revise the plans and provide the noted information as follows:
 - a. Revise Type II Tree Conservation Plan as follows:
 - (1) Revise the woodland conservation worksheet by indicating that the site is subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance and is in a priority funded area, instead of subject to the 1991 Woodland Conservation Ordinance.
 - (2) Remove all forest stand labels and forest stand hatching from the TCPII plan and legend.
 - (3) Have the qualified professional who prepared the TCPII sign and date it and update the revision box with a summary of the revisions made.
 - b. Provide the green area calculations on the site plan.
 - c. Show the rights-of-way (ROWs) on the site plan.
 - d. Provide evidence that a written request to the District Council to authorize the issuance of the permit within the proposed rights-of-way (ROWs).
2. Prior to the issuance of the building permit, the applicant shall obtain District Council authorization for issuance of the permit within the proposed ROWs.