



October 23, 2024

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Hyojung Garland, Supervisor, Urban Design Section *J K for HG*
Development Review Division

FROM: Te-Sheng (Emery) Huang, Planner IV, Urban Design Section *TH*
Development Review Division

SUBJECT: **Detailed Site Plan DSP-19031-02 (Remanded)**
Popeyes

BACKGROUND

Detailed Site Plan DSP-19031-02, Popeyes, for the development of a 2,923-square-foot eating and drinking establishment with drive-through service on Parcel 3, in the Commercial Miscellaneous and Commercial Shopping Center Zones, was approved by the Prince George's County Planning Board on April 25, 2024, and a final resolution (PGCPB Resolution No. 2024-029) was adopted on May 16, 2024. The Prince George's County District Council elected to review this application on June 10, 2024, and conducted oral arguments on July 15, 2024. The Order of Remand was issued by the District Council on September 16, 2024.

At oral argument on July 15, 2024, People's Zoning Counsel agreed with the Planning Board's approval of the DSP but advised the Council that the Planning Board's Resolution contained significantly more conditions than normal and suggested the Council could remand the case to the Planning Board, to have some of these conditions addressed, so that the DSP would be more complete. The Council elected to have an Order of Remand prepared. The Order of Remand found that the application should not have been accepted and directed the applicant to either withdraw its application and abandon the project or submit a "revised" application, schedule another evidentiary hearing, and transmit a revised or amended decision.

ORDER OF REMAND FINDINGS

The Order of Remand was mailed to all parties of record on September 16, 2024. Within the Order of Remand, the District Council ordered the applicant to complete four actions in **bold**, followed by staff analysis, in plain text:

1. **The applicant may *withdraw* the wholly deficient DSP application or abandon the project altogether if it cannot comply with the requirements of the prior Zoning Ordinance, or in the alternative, shall submit a revised DSP application that *complies* with all revisions articulated by the Board in its Resolution at pages 21 through 24. PGCPB No. 2024-029 at 21-24.**

The applicant has elected not to withdraw DSP-19031-02 and instead submitted a revised DSP. The revised plans submitted by the applicant were received on October 3, 2024, addressing Conditions 1, 2 and 3 on pages 21 through 24 of Prince George's County Planning Board (PGCPB) Resolution No. 2024-029.

2. **To the extent that the applicant submits a revised DSP application that complies with all revisions articulated by the Board in its Resolution at pages 21 through 24, Technical Staff shall issue an amended Report on the revised DSP.**

Staff have reviewed the revised plans and found that the revised plans, received on October 3, 2024, comply with revisions articulated by the Planning Board in its Resolution on pages 21 through 24, specifically for Conditions 1, 2 and 3. This memorandum and an amended technical staff report, published on October 24, 2024, responds to this remand instruction.

The application form initially submitted by the applicant was sufficient, and the contents of the application included all attendant plans required, in order to review the application. During the site plan review process, a full review of the design shown on said plans was conducted by staff where technical corrections were identified, and requested to be corrected as necessary, to clarify the improvements shown on the plans. Such revisions were nonsubstantive, technical in nature, and of the kind typically found when proofing a site plan, and did not prevent approval by the Planning Board, with modifications, as allowed under Section 27-285 of the prior Zoning Ordinance.

In the instance of this application, the Planning Board adopted two conditions (4 and 5 of PGCPB Resolution No. 2024-029), which have been retained in the amended technical staff report, as they require the recording of documents and requirements that may only be applied subsequent to the approval of a DSP.

3. **After appropriate notice of Technical Staff's amended Report, in accordance with law, the Board shall schedule, after appropriate notice, in accordance with law, another evidentiary hearing to consider the DSP application.**

The applicant posted signs on-site on October 8, 2024, notifying the public that the Planning Board evidentiary hearing was scheduled for November 7, 2024, pursuant to this remand. Two weeks prior to the hearing, on October 24, 2024, the memorandum was published on the Planning Board's webpage.

4. **After an evidentiary hearing on Technical Staff's amended Report analyzing applicants' revised DSP application, the Board shall transmit a revised or amended decision to the District Council in a Resolution, amended or otherwise, in accordance with the provisions on remand under the prior Zoning Ordinance.**

Following the evidentiary hearing, staff recommend that the Planning Board transmits an amended decision to the District Council, in a Resolution, in accordance with this remand instruction, and pursuant to the amended technical staff report.

RECOMMENDATION

Based on the forgoing discussion, the Urban Design Section recommends that the Planning Board adopt the findings of this memorandum to address the four specific issues subject to this Order of Remand and, based on the amended technical staff report, issue a new resolution to supersede PGCPB Resolution No. 2024-029.



Detailed Site Plan Remand Hearing Popeyes

DSP-19031-02

REQUEST	STAFF RECOMMENDATION
Amend DSP-19031 to develop a 2,923-square-foot eating and drinking establishment with drive-through service on Parcel 3.	With the conditions recommended herein: <ul style="list-style-type: none"> • APPROVAL of Detailed Site Plan DSP-19031-02 • APPROVAL of AC-24001 • APPROVAL of Type 2 Tree Conservation Plan TCP2-026-2018-02

Location: On the west side of MD 631 (Old Brandywine Road), in the southeast quadrant of its intersection with the confluence of MD 381 (Brandywine Road) and MD 373 (Accokeek Road).	
Gross Acreage:	4.427
Zone:	CS/CGO
Prior Zone:	C-M/C-S-C
Reviewed per prior Zoning Ordinance:	Section 27-1903(c)
Dwelling Units:	0
Gross Floor Area:	7,389 sq. ft.
Planning Area:	85A
Council District:	09
Municipality:	N/A
Applicant/Address: Three Roads Corner, LLC 5620 Linda Lane Camp Springs, MD 20748	
Staff Reviewer: Te-Sheng (Emery) Huang Phone Number: 301-952-4534 Email: tesheng.huang@ppd.mncppc.org	



Planning Board Date:	11/07/2024
Planning Board Action Limit:	11/15/2024
Staff Report Date:	10/23/2024
Date Accepted:	01/18/2024
Informational Mailing:	05/06/2021
Acceptance Mailing:	01/10/2024
Sign Posting Deadline:	03/26/2024

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-19031-02
Alternative Compliance AC-24001
Type 2 Tree Conservation Plan TCP2-026-2018-02
Popeyes

The Urban Design Section has reviewed the detailed site plan for the subject property and recommends APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

EVALUATION CRITERIA

The subject property is within the Commercial, Service (CS) and Commercial, General and Office (CGO) Zones, formerly the Commercial Miscellaneous (C-M) and Commercial Shopping Center (C-S-C) Zones, respectively. Detailed Sit Plan DSP-19031-02 is an application to amend DSP-19031, which was approved on November 16, 2020, pursuant to the Zoning Ordinance that was effective prior to April 1, 2022 (prior Zoning Ordinance). Pursuant to Section 27-1704(a) of the Zoning Ordinance, DSP-19031 remains valid for the period of time specified in the prior Zoning Ordinance. Per Section 27-287 of the prior Zoning Ordinance, DSP-19031 remained valid for three years and would have expired on November 16, 2023. However, a grading permit was filed prior to November 16, 2023, and remains under review with DPIE. Accordingly, pursuant to Prince George's County Council Bill CB-75-2013, approved by the Prince George's County District Council on October 15, 2013, DSP-19031 remains active and valid during the Prince George's County Department of Permitting, Inspections and Enforcement's review of the grading permit and for six months following issuance of the grading permit.

Pursuant to Section 27-1903(c), "proposals [. . .] of any type for properties" in the CGO zone "may utilize the prior Zoning Ordinance [. . .] for development of the subject property." The applicant has elected to have this DSP amendment reviewed under the prior Zoning Ordinance and the property's prior C-M and C-S-C zoning. Accordingly, this application is being reviewed pursuant to the prior Zoning Ordinance. Staff considered the following in reviewing this detailed site plan:

- a. The requirements of the prior Prince George's County Zoning Ordinance for the Commercial Miscellaneous (C-M) Zone, and site design guidelines;
- b. The requirements of Zoning Map Amendment (Basic Plan) A-9920;
- c. The requirements of Preliminary Plan of Subdivision 4-18009;

- d. The requirements of Detailed Site Plan DSP-19031;
- e. The requirements of the 2010 *Prince George's County Landscape Manual*;
- f. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- g. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- h. Referral comments; and
- i. Community feedback.

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommend the following findings:

1. **Request:** Detailed Site Plan DSP-19031 was approved to develop Parcels 1 and 4 with a 3,484-square-foot food and beverage store, a gas station, and a 982-square-foot car wash. This application seeks to add Parcels 2 and 3 to DSP-19031 and amend that DSP for the development of a 2,923-square-foot eating and drinking establishment with drive-through service on Parcel 3. This application does not propose any changes to the development approved for Parcels 1 and 4, pursuant to DSP-19031.
2. **Development Data Summary:**

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

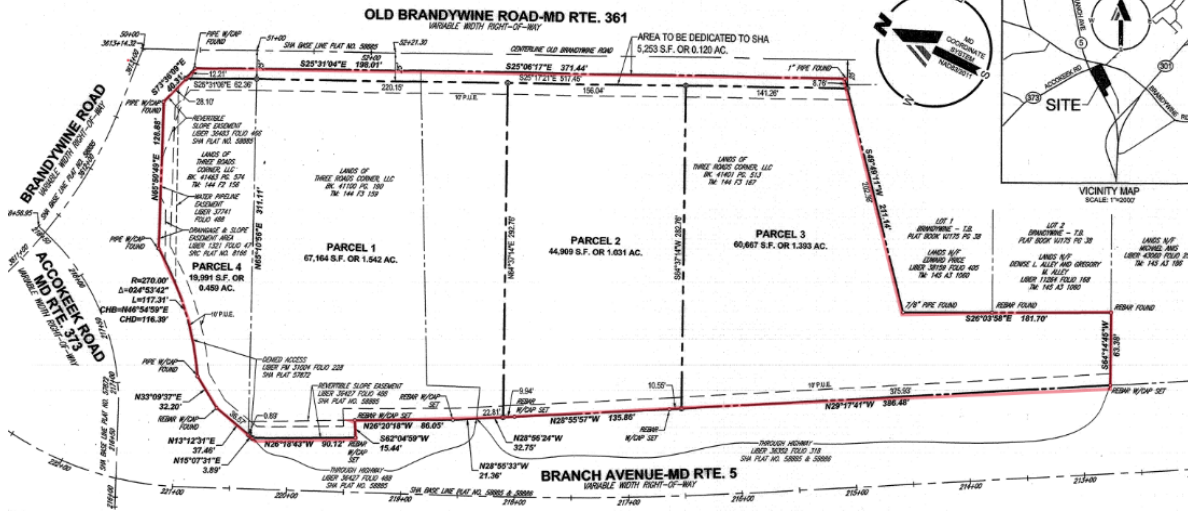


Figure 1: Boundary Plat of the Subject Property

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

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

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

	Requirement	Evaluated
Parcels 1 and 4 (DSP-19031)		
Gas station	2	4
Food and beverage store	23	25
Car wash	2	2
Total	27	31
Standard car spaces (9.5 feet x 19 feet)		29
Handicap van-accessible		2
Parcel 3 (DSP-19031-02)		
Eating and drinking establishment with drive-through service	36	-
Total	36*	36

Standard car spaces	-	-
90-degree nonparallel (9.5 feet x 19 feet)	-	5
60-degree nonparallel (9.5 feet x 19 feet)	-	17
Compact car spaces	Max. 12	-
90-degree nonparallel (8 feet x 16.5 feet)	-	10
Parallel (7 feet x 19 feet)	-	2
Handicap van-accessible	At least 2	2

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

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

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

Bicycle Spaces

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

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

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan) was approved by the District Council on July 24, 2013 (Resolution CR-81-2013), to rezone a

portion of the subject site (Parcel 167) from the R-R Zone to the C-M Zone (pages 169 and 184 of the master plan).

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

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

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

The subject development is oriented towards MD 5 and has pedestrian access from MD 631. The building is one-story and is approximately 19 feet in height. Two drive-through lanes are located to the south of the building, with two separate menu display boards, and then merge into one lane before the pick-up window.

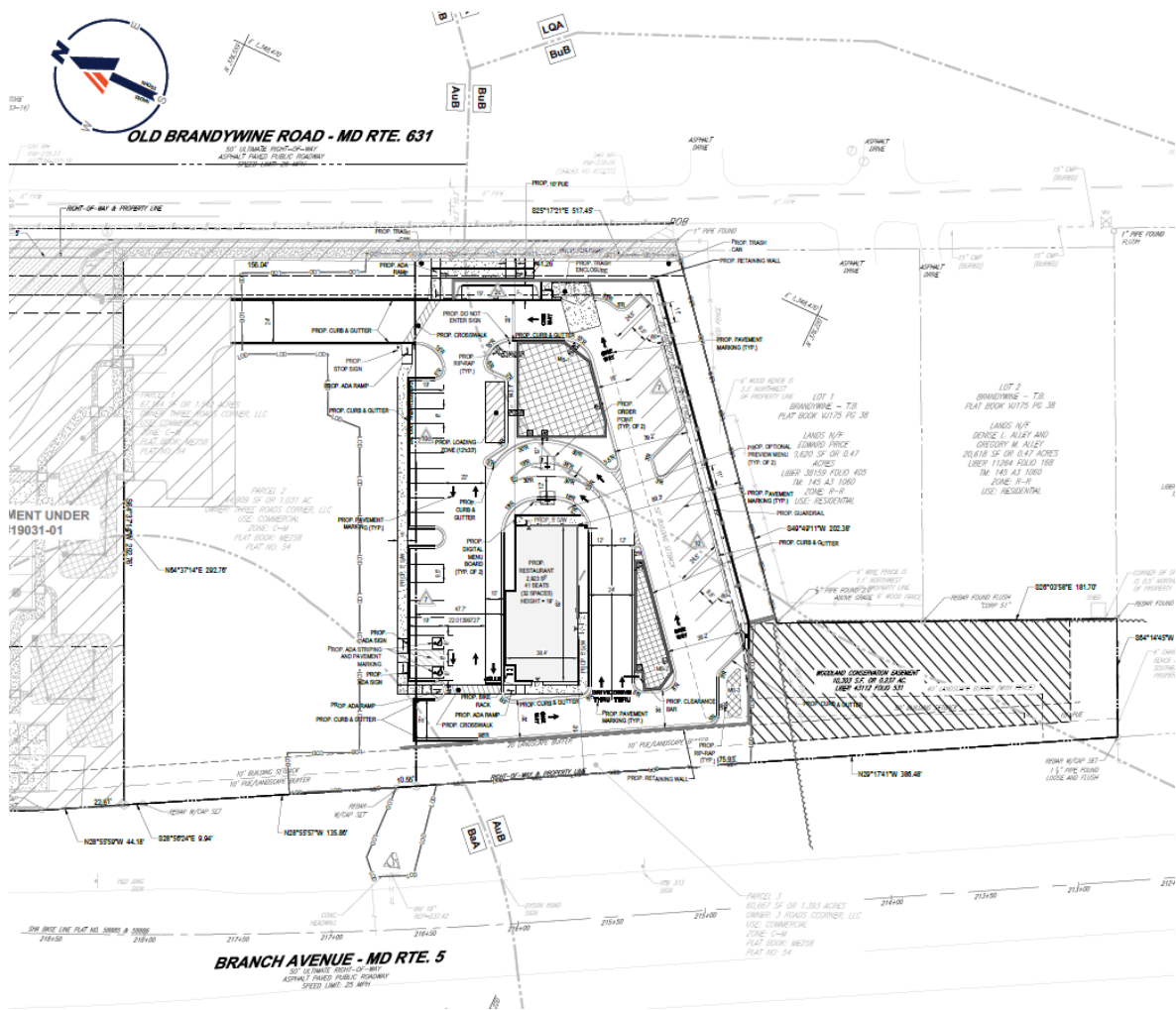


Figure 2: Detailed Site Plan

Architecture

The architectural design of the proposed building is contemporary with a flat roof. The building is finished with a mix of materials, including brick veneer, stucco finished exterior insulation and finish systems, glass, aluminum tubes, and pre-finished metal cap. The materials are arranged in a geometric pattern.

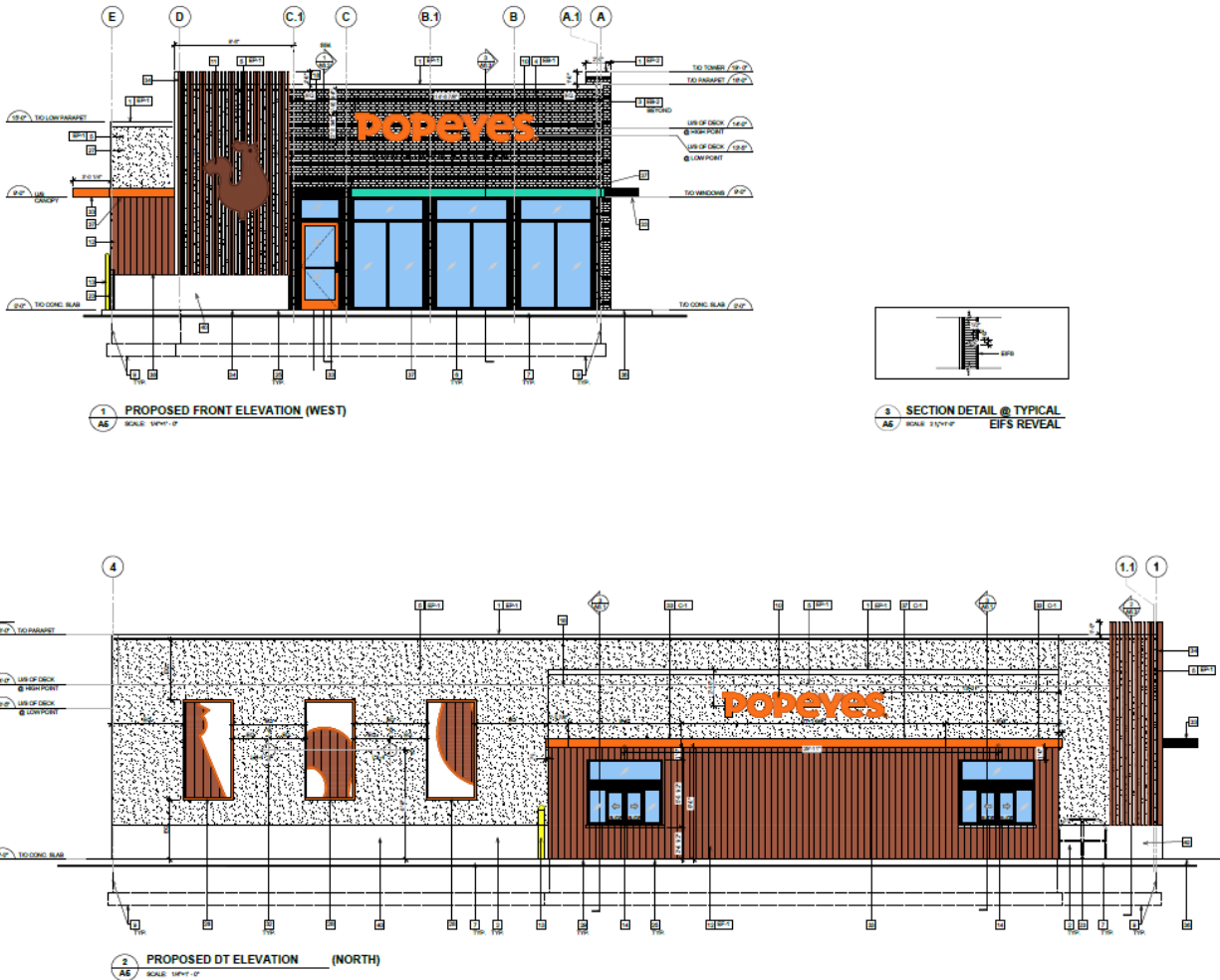


Figure 3: Proposed West (upper) and North (lower) Elevations

Signage

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

Among the five signs, two are letter signs, two are logo signs, and one is a graphic sign. These signs are mounted on the west, north, and south elevations. Each of the elevations has two signs except the north elevation which has one. No signs are mounted on the east elevation. The submitted plans also include the details of the signs. No freestanding signs are included in this DSP.

Lighting

The subject DSP includes both building-mounted and pole-mounted lighting throughout the site, with details. Staff find that the submitted photometric plan shows adequate lighting for users on-site and is sufficient for illuminating drive aisles, building entryways, and walking paths. All light fixtures included in this DSP are fully cut-off and directed downward to reduce glare and light spill-over. For people to access the proposed development on Parcel 3, they need to use the shared vehicular entry/exit point located on Parcel 1 and cross Parcel 2, via a drive aisle. The submitted photometric plan also shows additional pole-mounted light fixtures that are installed along the route on Parcel 2, to ensure sufficient illumination.

Loading and Trashing Facilities

The subject DSP includes one loading space, located internally to the subject property. With the planting along the MD 631 frontage, public view to the loading space is screened. The submitted plans also show the location of the proposed dumpster, with the details of the dumpster enclosure.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9920:** On February 5, 1996, Zoning Map Amendment A-9920 was enacted by the District Council with two conditions, as follows:

1. **Before any building permit is issued, a site plan showing the footprint of any proposed building, parking, and landscaping (along with corresponding elevations) shall be reviewed and approved by the Planning Board or its designee. Such plans shall show the building's siting, setback, orientation, scale, roof shape, and proportions to be compatible with the character of the Historic Resource and Historic Site. Parking and landscaping shall be subject to the requirements of the Landscape Manual as to setbacks and buffers regarding development adjacent to Historic Sites.**

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

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

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

The submitted plans include such a note, indicating that the Historic Marlow-Huntt Store and Casket Shop (85A-033-14) is located across MD 631. Therefore, this condition was addressed.

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

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

(b) Landscaping and screening.

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

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

(c) Uses

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

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

(d) Regulations.

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

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

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

(2) Parking, loading, and circulation.

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

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

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

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

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

The site is accessed via the shared vehicular entry/exit point located on MD 631, approved with DSP-19031, and the driveway across Parcel 2. A crosswalk is proposed crossing this driveway, connecting the MD 631 frontage to the subject development and adjacent property. The submitted plans show both vehicular and pedestrian circulation to be safe, efficient, and convenient for both pedestrians and drivers, because vehicular and pedestrian routes are separated. Where pedestrians must cross the vehicular route, crosswalks are provided.

(3) Lighting.

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

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

(4) Views.

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

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

(5) Green Area.

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

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

(6) Site and streetscape amenities.

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

The business model of the proposed development is to serve food quickly, whether clients intend to dine in, take at the counter to go, or drive through. The submitted plans show the provision of bike racks at the building entrance. To enhance improvement of the MD 631 frontage and create a more attractive, coordinated development, the applicant also provides two trash receptacles, with details, within this frontage.

(7) Grading.

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

The submitted existing conditions/demolition plan shows steep slopes greater than 15 degrees are located in the perimeter of Parcels 1, 2, 3 and 4. The proposed building will be located in the center of Parcel 3, which is relatively flat. This will minimize the need for grading and additional disruption to the existing

topography. In addition, retaining walls are included in the eastern, southern and western perimeter of Parcel 3 to enhance stability.

(8) Service Areas.

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

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

(9) Public Spaces.

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

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

(10) Architecture.

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

(B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.

(C) These guidelines may be modified in accordance with Section 27-277.

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

(11) Townhouses and three-family dwellings.

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

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

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

The applicant submitted a trip generation memo dated October 19, 2021, with this DSP, stating that the approved development on Parcels 1 and 4 (approved under DSP-19031) and the proposed development on Parcels 2 and 3 under the subject DSP, would generate 133 AM and 105 PM trips. These trips are well within the trip-cap established with PPS 4-18009.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This condition is carried forward with this DSP.

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

In addition, Alternative Compliance (AC-24001) from the requirements of Section 4.7, Buffering Incompatible Uses, of the Landscape Manual, for Bufferyard 1 along the southern property line that abuts a single-family detached house on the RR Zone (formerly the R-R Zone), has been filed with this DSP. Specifically, the applicant seeks relief, as follows:

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

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

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

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

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

Justification of Recommendation

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

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

12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan (TCP2-026-2018-02) has been submitted for review.

According to the worksheet, the site is 4.55 acres with 4.08 acres located within the C-M Zone and 0.47 acre in the C-S-C Zone. The development proposed with this application is entirely within the C-M Zone. A total of 2.28 acres of existing woodlands are on the net tract. The site has a woodland conservation threshold (WCT) of 0.68 acre, or 15 percent of the net tract area. The TCP2 shows a total woodland conservation requirement of 1.99 acres. This requirement was met by providing 0.23 acre of woodland preservation on-site and through acquiring 1.76 acres of off-site conservation credits (Liber 42921 / folio 542 and Liber 42921/folio 544).

As part of approval for DSP-19031, the on-site woodland preservation area (0.23 acre) was required to be recorded within a woodland and wildlife habitat conservation easement. The recorded document was reviewed as part of this application, which includes the meets and bounds description (Exhibit A), as well as the woodland preservation exhibit.

13. Prince George's County Tree Canopy Coverage Ordinance: The subject site is located in the CS Zone, and a 15 percent tree canopy coverage (TCC) requirement applies, per Section 25-128(b) of the Prince George's County Code, in accordance with Prince George's County Council Bill CB-021-2024. This amounts to approximately 0.21 acre, or 9,082 square feet, to be provided in TCC. This requirement is met through the combination of on-site woodland conservation, on-site woodland retained, and landscaping provided with this DSP.

14. Referral Comments: The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and incorporated herein by reference:

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

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

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

6. T.B./Brandywine Cluster: The core of this cluster centers on the historic communities of T.B. and Brandywine. Many dwellings, businesses, and farms were developed in the two communities during

the 19th century. There is a potential for identifying archeological resources associated with the two communities.

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

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

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

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

Master Plan Right of Way

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

Master Plan Pedestrian and Bicycle Facilities

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

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

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

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

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

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

- d. **Subdivision**—In a memorandum dated March 21, 2024 (Vatandoost to Huang), the Subdivision Section offered the following comments:

- “1. The proposed eating and drinking establishment on Parcel [3] has direct access to a public ROW via a driveway located on Parcel 1. Parcels 1, 2, 3, and 4 are considered one building site for the proposed development per Section 27-107.01(a)(129) of the prior Zoning Ordinance.
- “2. The property received an automatic certificate of adequacy associated with PPS 4-18009, pursuant to Section 24-4503(a)(1) of the Subdivision Regulations, which became effective April 1, 2022, and is valid for 12 years from that date, subject to the expiration provisions of Section 24-4503(c).”

Additional comments provided by the Subdivision Section have been addressed on the submitted DSP.

- e. **Environmental Planning**—In a memorandum dated March 20, 2024 (Schneider to Huang), the Environmental Planning Section offered the following:

Natural Resources Inventory

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

Soils

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

Stormwater Management

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

- f. **Permit Review Section**—At the time of the writing of this technical staff report, the Permit Section did not offer comments on this application.
- g. **Prince George’s County Department of Parks and Recreation (DPR)**—In an email dated January 18, 2024 (Holley to Huang), DPR had no comments on this application.
- h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated January 29, 2024 (Giles to Huang), DPIE noted that the subject DSP is consistent with the approved Site Development Concept Plan and provided comments pertaining to the approval of SWM.
- i. **Prince George’s County Police Department**—At the time of the writing of this technical staff report, the Police Department did not offer comments on this application.
- j. **Prince George’s County Fire/EMS Department**—In an email dated February 4, 2024 (Reilly to Huang), the Fire/EMS Department offered the following comments:
 - “1. Provide the location of the proposed Fire Department Connection (FDC) for the building.
 - “2. Show any existing or proposed fire hydrants. There must be a fire hydrant within 200 feet of the FDC. This distance must be measured as hose is laid by the fire department, along drive aisles and around obstacles.
 - “3. There must be a hydrant within 500 feet of the most remote portion of the structure. Distance measured as above.”
- k. **Prince George’s County Health Department**—In a memorandum dated January 19, 2024 (Adepoju to Huang), the Health Department offered comments addressing construction activity impacts (noise and dust) extending onto adjacent properties during construction, and indicated that the applicant must apply for plan review to the Maryland Department of Health, Environmental Health Bureau, Food Protection and Food Licensing program, located at 6 St. Paul Street, Suite 1301, Baltimore, Maryland. 21202
- l. **Washington Suburban Sanitary Commission (WSSC)**—WSSC offered utility related comments, dated February 27, 2024, that have been provided to the applicant and will have to be addressed before sewer and water connection. Specifically, WSSC noted that existing and/or proposed water/sewer mains and service connections should clearly be shown on the plan and that there is a 30-inch diameter water main located in the vicinity of this property (on MD 5) and that is being relocated.

- m. **Public Utilities**—The subject DSP application was referred to Verizon, Comcast, the Southern Maryland Electric Cooperative (SMECO), and Washington Gas for review and comments on February 22, 2024. At the time of the writing of this technical staff report, no correspondence has been received from these public utility companies.
15. **Community Feedback:** As of the writing of this technical staff report, staff did not receive any inquiries regarding the subject DSP from the community.
 16. Based on the foregoing analysis, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, if approved with the proposed conditions below, represents a most reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George’s County Code, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
 17. Section 27-285(b)(2) of the prior Zoning Ordinance is not applicable because there is no conceptual site plan.
 18. Section 27-285(b)(3) of the prior Zoning Ordinance does not apply to this DSP because it is not a DSP for infrastructure.
 19. As required by Section 27-285(b)(4) of the prior Zoning Ordinance, the Planning Board may approve a DSP if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5). There are no regulated environmental features (REF) on the subject property.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Prince George’s County Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-19031-02, Alternative Compliance AC-24001, and Type 2 Tree Conservation Plan TCP2-026-2018-02, for Popeyes, subject to the following conditions:

1. Prior to the certification of this detailed site plan, the woodland and wildlife habitat conservation easement shall be amended and restated and recorded in the Prince George’s County Land Records office and include the meets and bounds, the woodland preservation exhibit, and the woodland conservation easement document.
2. Prior to the approval of the first building permit, the applicant, applicant’s heirs, successors and/or assignees shall provide a financial contribution of \$420.00 to the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) for the placement of a bikeway sign along MD 373 (Accokeek Road), unless modified by DPIE, with written correspondence.