



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Special Exception

## SE-4657

Application	General Data	
<b>Project Name:</b> 301 Commercial Center—Tires Plus  <b>Location:</b> Located at the southwest intersection of Robert S. Crain Highway (US 301) and Clymer Drive.  <b>Applicant/Address:</b> 301 Commercial Center LLC 995 N. Prince Frederick Boulevard Suite 201 Prince Frederick, MD 20678  <b>Property Owner:</b> 301 Commercial Center LLC 995 N. Prince Frederick Boulevard Suite 201 Prince Frederick, MD 20678	Planning Board Hearing Date:	04/28/11
	Staff Report Date:	04/13/11
	Date Accepted:	01/03/11
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.88
	Zone:	C-S-C
	Gross Floor Area:	7,600 sq. ft.
	Lots:	N/A
	Parcels:	Part of 1
	Planning Area:	85A
	Tier:	Developing
	Council District:	09
	Election District	11
Municipality:	N/A	
200-Scale Base Map:	220SE07	

Purpose of Application	Notice Dates	
Special exception for a vehicle parts and tire store (including installation) and a vehicle lubrication and tune-up facility.	Informational Mailing	04/27/10
	Acceptance Mailing:	10/15/10
	Sign Posting Deadline:	N/A

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> John Ferrante <b>Phone Number:</b> 301-952-3665 <b>E-mail:</b> John.Ferrante@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT**

TO: The Prince George's County Planning Board  
The Prince George's County District Council

VIA: Jimi Jones, Zoning Supervisor

FROM: John Ferrante, Senior Planner, Zoning Section

SUBJECT: **Special Exception Application No. SE-4657**  
**301 Commercial Center—Tires Plus**

REQUEST: Special exception for a vehicle parts and tire store (including installation) and a vehicle lubrication and tune-up facility.

RECOMMENDATION: **Approval with conditions**

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NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of April 28, 2011. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

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## FINDINGS

- A. **Location and Field Inspection:** The subject property is located at the southwest corner of the intersection of Robert S. Crain Highway (US 301) and Clymer Drive, and is situated directly across US 301 from the Brandywine Crossing Shopping Center. The site is located within the 301 Commercial Center which consists of approximately 7.15 acres in the Commercial Shopping Center (C-S-C) Zone. The 301 Commercial Center is an integrated shopping center that consists of seven recorded parcels that are being developed under a uniform development scheme.

The special exception boundaries consist of a portion of Parcel H totaling 0.88 acre. On March 24, 2011, the Prince George's County Planning Board approved Detailed Site Plan DSP-10032 for a fast-food restaurant with drive-through service (Checker's) on the remaining portion of Parcel H. At this time, a majority of 301 Commercial Center has already been developed with various commercial uses, including a medical office building, a grocery store (Aldi's), a liquor store (301 Liquors), a fast-food restaurant (Chick-Fil-A), and a retail auto parts store (Auto Zone). The subject property has been cleared and graded and the common driveway entrance that will serve both the Checker's restaurant and the proposed special exception uses has been installed. Vehicular access to both the north and southbound directions of US 301 is provided from the four-way Clymer Drive/Matapeake Business Drive signalized intersection, which is located along the north side of the shopping center. Access to and from the southbound lanes of US 301 is also provided from Albert Road which is situated along the south side of the shopping center.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	None	Vehicle Parts and Tire Store w/Installation & Vehicle Lubrication and Tune-up Facility
Acreage	0.88	0.88
Lots	None	None
Parcels	Part of 1 Parcel	Part of 1 Parcel
Square Footage/GFA	None	7,600
Variance	None	None
Variation	N/A	N/A

- C. **History:**

December 8, 2006—	Natural Resources Inventory NRI/159/06 was approved for the property.
January 17, 2007—	Stormwater Management Concept Plan 50400-2006-00 was approved for the property.
May 10, 2007—	Preliminary Plan of Subdivision 4-06142 and Type I Tree Conservation Plan TCPI/001/07 was approved by the Planning Board for seven parcels covering 9.15 acres in the C-M and C-S-C Zones. The Planning Board's decision for Preliminary Plan 4-06142 and TCPI/001/07 are contained in PGCPB Resolution No. 07-105.

- April 10, 2008— Type II Tree Conservation Plan TCPII/17/08, approved by the Environmental Planning Section.
- December 17, 2008— Final Plat of Subdivision PM 228 @ 99 recorded in Prince George’s County Land Records.
- April 23, 2009— Detailed Site Plan DSP-08045, approved for the construction of a Chick-Fil-A restaurant on Parcel J in the 301 Commercial Center.
- June 25, 2009— The former C-M-zoned portions of the property were rezoned to the C-S-C Zone under PGCPB Resolution No. 09-109 and County Council Resolution CR-61-2009.
- March 24, 2011— Detailed Site Plan DSP-10032, approved by the Planning Board for a Checker’s fast-food restaurant in the C-S-C Zone on the remaining portion of Parcel H in the 301 Commercial Center. The Checker’s restaurant is proposed to be constructed on the northern side of Parcel H, while the subject special exception application is proposed on the southern side of Parcel H.

- D. **Master Plan Recommendation:** The 2002 General Plan recommends that retail and service land uses comprise 5–50 percent of the land-use mix in a designated Corridor and Community Center. The General Plan Development Pattern policies recommend compact, mixed-use, transit-supportive and transit-oriented development in the Center.

The vision for Centers and Corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with strong emphasis on transit-oriented development. The goals of the Centers and Corridors are to:

- Capitalize on public investment in existing transportation system
- Promote compact, mixed use development at moderate to high densities
- Ensure transit-supportive and transit-serviceable development
- Require pedestrian-oriented and transit-oriented design
- Ensure compatibility with surrounding neighborhoods

The 2009 *Approved Master Plan and Sectional Map Amendment for Subregion 5, Planning Areas 81A, 81B, 83, 84, 85A and 85B* recommends new commercial land uses that are more compact, transit-supportive and transit-oriented in the edge area of the Community Center in Brandywine.

- E. **Request:** The applicant seeks approval of a special exception to authorize the new uses of a vehicle parts or tire store with installation facilities, and a vehicle lubrication or tune-up facility on approximately 0.88 acre in the C-S-C Zone. The new development of a 7,600-square-foot building with ten service bays is proposed to contain both special exception uses.
- F. **Neighborhood and Surrounding Uses:** The applicant submits that the appropriate neighborhood to be considered in this case is bounded on the north by Chaddsford Drive. Where Chaddsford Drive terminates, the northern property boundary of the neighborhood is proposed to be comprised of an imaginary line running west from the terminus of Chaddsford Drive to intersect with McKendree Road. The property is further bounded to the west and south by McKendree Road and on the east by US 301.

The eastern portion of the neighborhood is characterized by intense retail commercial development. The western portion of the neighborhood is characterized by scattered detached single-family dwellings that front on McKendree Road. To the south and southwest of the subject property are detached single-family dwellings. To the north and northwest of the property is the Chaddsford residential subdivision which is currently being developed with detached single-family dwellings and townhomes.

The property is surrounded by the following uses:

- |        |   |
|--------|---|
| North— | Future site of a proposed Checker's fast-food restaurant in the C-S-C Zone approved by the Planning Board on March 24, 2011 via PGCPB Resolution 11-26. |
| West—  | The private right-of-way easement which serves as the main internal access roadway for the 301 Commercial Center.                                       |
| South— | An auto parts store in the C-S-C Zone (Auto Zone).  |
| East—  | Crain Highway (US 301) and commercial uses farther east across US 301 in the C-S-C Zone.  |

G. **Specific Special Exception Requirements:** Section 27-417.01 of the Zoning Ordinance provides the following specific requirements for a vehicle parts and tire store with installation facilities:

(a) **A vehicle parts and tire store, including installation facilities, may be permitted, subject to the following:**

(1) **All sales and installation operations shall be conducted within a wholly enclosed building, with no outdoor storage;**

**Comment:** The proposed building for the Tires Plus store is designed to accommodate ten enclosed motor vehicle service bays. The business will conduct all operations within a wholly enclosed building and will have no outdoor storage.

(2) **Installation activity on any motor vehicle shall be completed within forty-eight (48) hours or less. No vehicle may be stored on the property for longer than this period; and**

**Comment:** All installation shall be completed within 48 hours or less and no vehicles will be stored on the subject property longer than this period.

(3) **The demolition or junking of motor vehicles is prohibited.**

**Comment:** The operation will not involve any junking of motor vehicles.

Section 27-416.03 of the Zoning Ordinance provides the following specific requirements for vehicle lubrication and tune-up facilities:

(a) **A vehicle lubrication or tune-up facility may be permitted, subject to the following:**

- (1) **Service activity on any motor vehicle shall be completed within twenty-four (24) hours or less, and no vehicle may be stored on the property for longer than this period;**

**Comment:** All service activity will be completed within 24 hours or less and no vehicles will be stored on the property for longer than 24 hours.

- (2) **The demolition or junking of motor vehicles is prohibited; and**

**Comment:** The operation will not involve any demolition or junking of motor vehicles.

- (3) **The District Council shall find that the proposed use will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.**

**Comment:** Other uses presently existing within the 301 Commercial Center include a medical office building, a grocery store, a fast-food restaurant, an auto parts store, and a liquor store. Detailed Site Plan DSP-10032 was approved by the Planning Board on March 24, 2011 for a Checker's fast-food restaurant, which is proposed to share a parcel and common driveway entrances with the subject special exception uses. Therefore, a wide array of different uses currently exists within the 301 Commercial Center. The Brandywine Crossing Shopping Center, located directly across US 301 from the subject property, is proposed to contain approximately 600,000 square feet of retail uses when completed. Thus, the proposed uses will offer compatible use and service in an area already containing a high concentration of commercial uses.

H. **Parking Regulations:** The property is part of 301 Commercial Center, which is being developed as an integrated shopping center. Based on the gross floor area (GFA) of the retail and medical uses that make up the shopping center, a total of 279 parking spaces and 3 loading spaces are required to serve the property. The special exception site plan submitted by the applicant demonstrates that a total of 315 parking spaces and 3 loading spaces will be provided within the limits of the shopping center.

I. **Prince George's County Landscape Manual:** The application to build a vehicle parts and tire store with installation services and a vehicle lubrication and tune-up facility involves new construction and is subject to the requirements of the *Prince George's County Landscape Manual*. Because the area of special exception is located on a portion of Parcel H, which was reviewed under DSP-10032, the Urban Design Section has recommended that the tree canopy coverage (TCC) requirement be calculated and reviewed for the parcel as a whole and be reflected as such on both the special exception and the detailed site plan.

#### **Section 4.2 Requirements for Landscaped Strips along Streets**

The proposal is subject to Section 4.2, Commercial and Industrial Landscaped Strip Requirements. The proposed landscaped strip against the public streets on the eastern and northern property boundaries appears to be the required ten feet wide, but dimensions should be added to the plan to demonstrate the exact width provided. Additionally, the landscape schedule provided includes the length of road frontage on parcels to the south of Parcel H. The schedule should be revised per the requirements of the new Landscape Manual and made to only apply to the road frontage of Parcel H.

#### **Section 4.3 Parking Lot Requirements**

The special exception plan proposes to construct a new parking lot; therefore, the requirements of Section 4.3, Parking Lot Requirements, of the Landscape Manual apply. However, the site is exempt from the requirements of Section 4.3.c.(1), Parking Lot Perimeter Landscape Strip, along the southern property line, as it is part of an integrated shopping center.

The plan provides a Section 4.3.c.(2), Parking Lot Interior Planting Requirements, landscape schedule, which again includes areas of parking on the adjacent parcels to the south and does not show the correct percentage of interior planting area relative to the overall parking lot area. This schedule should be revised per the requirements of the Landscape Manual and made to only apply to the parking lot compound within Parcel H.

#### **Section 4.4 Screening Requirements**

A dumpster enclosure made from concrete masonry units (CMU) in a color matching the building has been provided. Details of all mechanical equipment, such as meters, freestanding air conditioners, heat pumps, and similar equipment should be shown on the plans, if any, and screening provided in accordance with Section 4.4.

#### **Section 4.7 Buffering Incompatible Uses**

The site is subject to the requirements of Section 4.7; however, none of the adjacent uses are incompatible per the Landscape Manual. Therefore, no revisions are required for this section.

#### **Section 4.9 Sustainable Landscaping Requirements**

The site is subject to the requirements of Section 4.9 and, therefore, the appropriate schedule and notes should be added to the plan as required.

#### **Tree Canopy Coverage (TCC)**

The application to build a vehicle parts and tire store and a vehicle lubrication and tune-up facility will require permits and, therefore, is subject to the requirements of the Tree Canopy Coverage Ordinance. Because the area of special exception is located on a portion of Parcel H, which was reviewed under Detailed Site Plan DSP-10032, it is recommended that the TCC requirement be calculated and reviewed for the parcel as a whole and be reflected as such on both the special exception and the detailed site plan. The site, Parcel H, is zoned C-S-C and is required to provide ten percent in TCC, or 6,161 square feet. A TCC worksheet specifying how this is being met should be provided on the landscape plan, or a variance should be applied for if the applicant is not able to meet the requirement.

**Comment:** Conditions have been recommended that require the remaining Landscape Manual conformance issues to be addressed prior to signature approval of the special exception site plan.

- J. **Zone Standards:** The applicant's proposal is in compliance with the standard zoning requirements of the C-S-C Zone. No variances have been requested as part of the special exception application.
- K. **Sign Regulations:** The signage on the building is of a standard commercial type prototypical for the Tires Plus franchise. Yellow and red signs that read "Tires Plus" are located on all four sides of the building, just below the roofline. Additionally, small yellow signs describing services are located above each service bay. The maximum amount of total building signage that is permitted for the special exception uses is 329 square feet. The applicant proposes a total of 268 square feet of building signage.

The two freestanding signs for 301 Commercial Center are located outside the limits of the special exception boundaries, and are therefore, not part of the subject special exception application. The freestanding signs for the shopping center were reviewed and approved on November 9, 2009 under sign permits 23750-2009-SG and 23751-2009-SG. The applicant is proposing to add a sign panel to both of the existing freestanding signs that serve the shopping center.

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

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

**Comment:** The primary purposes of the Zoning Ordinance are to protect public health, safety, and welfare; to promote the most beneficial relationship between the uses of land and buildings; and to protect landowners from adverse impacts of adjoining development. The proposed uses of a vehicle parts and tire store and vehicle lubrication and tune-up facility are uses that are permitted through the special exception process in the C-S-C Zone. Therefore, there is a legislative presumption that the uses can be carried out in harmony with the purposes of this Subtitle with no adverse impacts on health, safety, and welfare. With the recommended conditions, the site plan will meet all applicable design requirements of the Zoning Ordinance.

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

**Comment:** All required parking and loading spaces are being fully provided within the limits of the shopping center, and the proposed building is in compliance with the height and building setback requirements of the C-S-C Zone. The 301 Commercial Center has already obtained approval of a preliminary plan of subdivision, a final plat of subdivision, a stormwater management plan, Type I and Type II tree conservations plans, and a natural resources inventory. All required landscape and tree canopy coverage (TCC) will be provided in accordance with the Landscape Manual, and no variances have been requested as part of the special exception application. With the recommended conditions, the proposed uses are in substantial conformance with all of the applicable requirements and regulations of this Subtitle.

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

**Comment:** The Community Planning Section in a memorandum dated March 3, 2011 opines that the proposed uses are in general conformance with the commercial land use recommendations within the 2009 Approved Subregion 5 Master Plan and SMA. The application does not conform to the recommendations of the master plan for new commercial land uses that are more compact, transit-supportive, and transit-oriented in the edge area of the community center in Brandywine. Technical staff notes that the special exception does not mandate conformance with the master plan. On May 10, 2007, Preliminary Plan of Subdivision 4-06142 and Type I Tree Conservation Plan TCPI/001/07 were approved by the Planning Board for 301 Commercial Center. At that time, the preliminary plan application was found to be consistent with the 1993 *Approved Master Plan and Section Map Amendment for Subregion 5, Planning Areas 81A, 81B, 83, 84, 85A and 85B*, which recommended commercial land uses along the northern part of the property and employment-office/light manufacturing/business park land uses along the southern side of the property.

Grading permits were approved for 301 Commercial Center followed by building and sign permits and construction commenced on the property. On April 23, 2009, prior to the approval of the 2009 Subregion 5 Master Plan and SMA, the Planning Board approved DSP-08045 for a Chick-Fil-A restaurant on Parcel J within the 301 Commercial Center. At this time, most of 301 Commercial Center has been developed. The existing uses in the shopping center include a medical office building (Parcel L), a grocery store (Parcel K), a retail auto parts store (Parcel I), a fast-food restaurant (Parcel J), and a liquor store (Parcel M).

On March 24, 2011, the Planning Board approved Detailed Site Plan DSP-10032 for a fast-food restaurant with drive-through service (Checker's) on the remaining portion of Parcel H.

The vehicle parts or tire store with installation facilities and the vehicle lubrication and tune-up facility that is proposed through the subject special exception application is proposed to be located on the same parcel as the Checker's restaurant (Parcel H). The two uses are proposed to share a common driveway entrance from the 30-foot-wide private access road which will serve the shopping center. Although the automotive-related uses that are being proposed through the subject special exception do not conform to the compact, transit-supportive, and transit-oriented land uses that are envisioned by the current master plan, the proposed uses are permitted in the C-S-C Zone through the special exception process. In this case, the approved preliminary plan and the construction of a majority of 301 Commercial Center predated the current master plan land use recommendations.

At the time of the adoption of the 2009 Subregion 5 Master Plan, the District Council also enacted a sectional map amendment (SMA) which comprehensively rezoned the area. Previously, the 301 Commercial Center had been split-zoned with some portions of the property being located in the C-S-C Zone, and other areas being situated in the C-M Zone. The applicant filed a request to rezone the 301 Commercial Center in its entirety to the C-S-C Zone. The applicant's request was approved by the District Council as a part of their adoption of the 2009 Subregion 5 Master Plan and Sectional Map Amendment.

The goal of the master plan is to develop a core area in the Brandywine community center to the north of the subject property, which is accessible from the surrounding areas by foot, bicycle, and transit. The subject application is within the surrounding edge areas of the center. New development within the edge areas should respond to this master plan goal by increasing walking and biking facilities that lead to the core area. Enhanced sidewalks and trails throughout the larger edge community are encouraged in order for the Brandywine community center to become a community for pedestrians, bicyclists, and transit riders, in addition to car drivers and passengers.

The preliminary plan of subdivision for the property, however, was approved for a traditional, automobile-oriented, retail commercial center. This occurred prior to approval of the 2009 Subregion 5 Master Plan or the site's designation in the Prince George's County Approved General Plan as a community center. In line with prior planning policies, individual buildings are distributed across this site and are surrounded by customer parking lots. The new master plan text acknowledges this situation and sets forth the vision for this area as follows:

“Community center edges to the west of MD 5/US 301 would contain a mix of residential and commercial land uses, although these areas are not expected to develop the high-density mix envisioned for the community center core. Commercial uses may be clustered in pods, rather than mixed among residential uses...” (Text, p. 50)

The proposed development represents a “pod” of commercial uses that are separated from adjacent residential areas. This alone conforms to the master plan recommendations. This proposal does not conform to master plan and General Plan recommendations for pedestrian-oriented and transit-oriented design elements that are key to implementing planning policy for centers and corridors. To adapt the proposed use to the 2009 master plan recommendations, the pedestrian network within this shopping center should be enhanced.

“On-road bicycle lanes or sidepaths are envisioned for major roads in the vicinity (see Chapter VI). Additional trails and small parks should be built as part of new development. Trails and parks should be linked together, and designed to protect sensitive natural resources. South of the community center, a 50 acre community park on McKendree Road, adjacent to the Mattawoman Watershed Park, is recommended (see Chapter VII).” (Text, p. 50):

Although this proposal identifies a standard sidewalk along the frontage of Albert Road and the approved Preliminary Plan of Subdivision (4-06142) requires the construction of a standard sidewalk along Clymer Drive to provide access from surrounding residential properties, there appears to be a deficiency of walkways or paths between the commercial uses within this integrated shopping center. Additional sidewalks should link the various commercial components of this integrated shopping center and link this shopping center to the surrounding land uses and to existing and future development in the Brandywine community center.

The special exception boundaries are limited to a 38,208-square-foot portion of the shopping center. Therefore, the only pedestrian improvements that can be recommended as part of this application would have to be situated within the limits of the special exception boundaries. When approving the detailed site plan application for the abutting Checker's restaurant, the Planning Board required a pedestrian connection to be implemented from the existing sidewalk on Clymer Drive to the proposed sidewalks within the Checker's restaurant site. In order to further implement the master plan recommendations to the degree possible, a curb cut will be provided along the northern boundary line to help continue the interior pedestrian link between the various commercial components within the shopping center.

As a result, the uses being proposed through this special exception application will not substantially impair the integrity of any validly approved master plan or functional master plan.

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

**Comment:** The proposed use would be located in an area characterized by intense commercial development and would be surrounded by other commercial uses in the C-S-C Zone. The Brandywine Crossing Shopping Center, containing thousands of square feet of retail uses, is located directly across US 301 from the subject property. Thus, the proposed uses will offer a compatible use and service in an area already containing a high concentration of commercial uses.

The property is adjacent to US 301, a heavily traveled master plan freeway facility carrying thousands of vehicles on a daily basis. The applicant argues that Tires Plus will provide a needed service to both residents and travelers from a highly-visible and easily-accessible site. At the time of preliminary plan, a traffic study for 301 Commercial Center was reviewed by the Transportation Planning Section, the State Highway Administration (SHA), and the Department of Public Works and Transportation (DPW&T). The applicant was required to participate in the Brandywine Road Club and pay a calculated fee based on the square footage of the shopping center. Prior to the issuance of any building permits, the applicant was required to demonstrate that the appropriate fees were paid to the road club escrow agent for the necessary off-site transportation improvements. In addition, to ensure the health, safety, and welfare of residents, workers, and the traveling public in general, several transportation improvements to the nearby critical intersections were required to be fully funded and have an agreed-upon timetable for construction with SHA before building permits could be issued for the shopping center.

The proposed use would be located within a comprehensively-designed commercial center that includes a total of seven recorded parcels, shared parking and loading areas, and a private interior access road. The proposed use is proposed to be located within the interior of 301 Commercial Center, and will abut other commercial uses to the north, south, and west. All operations associated with the proposed uses will occur inside a wholly-enclosed building. As a result, the proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area.

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

**Comment:** The applicant proposes a commercial use in an area that already contains a high concentration of commercial uses. The architecture for the proposed 7,400-square-foot building is similar in style to that of other buildings within 301 Commercial Center. The Urban Design

Section has reviewed the proposed architecture and recommended minor changes to ensure that the proposed building is compatible with the adjacent properties and the general neighborhood. Additional architectural features, fenestration, and/or possibly the addition of a main entrance along the eastern side of the proposed building have been recommended by the Urban Design Section due to the fact that the eastern elevation of the building will be highly visible from US 301.

The shopping center is primarily developed at this time with uses that include an office building, grocery store, liquor store, auto parts store, and a fast-food restaurant. In addition, the Planning Board approved the detailed site plan application for Checker's fast-food restaurant on March 24, 2011, which will share Parcel H with the proposed special exception uses. With the site abutting streets along the eastern and western sides of the property and other commercial uses in the C-S-C Zone along the northern and southern sides of the property, the proposed uses will not be detrimental to the use or development of adjacent properties or the general neighborhood.

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

**Comment:** Type I Tree Conservation Plan TCPI/001/07 was approved by the Planning Board on May 10, 2007 and Type II Tree Conservation Plan TCPII/17/08 was approved by the Environmental Planning Section on April 10, 2008. Therefore, the proposed site plan is in conformance with an approved tree conservation plan.

**(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

**Comment:** There are no regulated environmental features within the limits of the special exception boundaries. A majority of 301 Commercial Center has already been developed. As part of that development, 301 Commercial Center has obtained approval of a preliminary plan, stormwater management plans, tree conservation plans, and a natural resources inventory.

The recorded final plat for 301 Commercial Center (PM 228 @ 99) established conservation easements along the western portion of the site that consist of approximately 1.38 acres. The purpose of the conversation easements was to permanently protect the sensitive environmental features that are located on the 301 Commercial Center property, which includes a stream and areas of 100-year floodplain. Parcel N was established on the final plat in order to contain the conservation easements and to prevent any development from occurring within the 100-year floodplain. Parcel N was dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) at the time of final plat to ensure that the regulated features on the site remain in their natural state to the fullest extent possible.

M. **Referrals:** The following comments were received for the special exception application.

1. **Transportation Planning Section**—In a memorandum dated January 27, 2011, the Transportation Planning Section provided the following comments concerning the special exception application:

The subject property consists of approximately 0.87 acre of land in the C-S-C Zone. The property is located on the southwest corner of US 301/MD 5 and Clymer Drive. The application proposes a vehicle parts and tire store of 7,600 square feet, with installation service, as part of an integrated shopping center.

### Review Comments

The subject property is located within the Developing Tier, as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) 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 for the Analysis of the Traffic Impact of Development Proposals" (September 2002).

**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.

It is noted that the site is part of a subdivided lot, and so the addition of the use does not raise any off-site transportation adequacy issues. Consistency with preliminary plan conditions will be demonstrated below. In consideration of the findings required for a special exception, health, safety, and welfare issues in the immediate area will be examined.

The *Trip Generation Manual, 8th Edition* (Institute of Transportation Engineers) is the source for the estimates of trip generation for the use. The table below provides information regarding site trip generation. The trip rates for the commercial integrated shopping center use in the C-S-C Zone and the proposed use under the special exception are shown in the following table as a means of comparison.

TRIP GENERATION RESULTS SUMMARY – SE-4657						
	AM IN	AM OUT	AM TOTAL	PM IN	PM OUT	PM TOTAL
Potential Uses of 0.88 acre site						
7,600 square feet retail (considering a 60% pass-by rate)	8	5	13	18	18	36
Proposed Use						
7,600-square-foot tire store	14	8	22	14	18	32
<b>NET NEW TRIPS</b>	<b>6</b>	<b>3</b>	<b>9</b>	<b>-4</b>	<b>0</b>	<b>-4</b>

The use change is very similar in impact to the underlying commercial use. Given that the overall 301 Commercial Center site is building out slightly below the trip generation level assumed at the time of preliminary plan, the slightly greater AM trip impact is not

sufficient to trigger the need for additional studies of traffic impacts.

There is an approved Preliminary Plan, 4-06142, for 301 Commercial Center. There are a number of transportation-related conditions on the current underlying subdivision, and a summary of the status of these conditions is shown below:

**Condition 8. Prohibits direct driveway access from the site onto US 301/MD 5. All access occurs via an internal private street that connects to two public streets that bring traffic into the development from US 301/MD 5. OK.**

**Condition 9. Requires a pro rata payment toward Brandywine Road Club improvements at the time of building permit. Gross square footage must be confirmed at the time of permit, and the payment made prior to the release of the permit. OK.**

**Condition 10. Requires the funding of certain off-site transportation improvements at the time of building permit. While this condition is enforceable at the time of building permit, the improvements listed under Condition 10 have been completed. OK.**

**Condition 11. Limits access at the US 301/MD 5 and Albert Drive intersection to right-in right-out movements. The site plan shows sufficient geometric improvements to limit all except right-in right-out movements. OK.**

**Condition 12. Requires dedication of 140 feet from the existing baseline along US 301/MD 5 as a means of accommodating future master plan improvements. This was done. OK.**

**Condition 13. Limits development to a designated trip cap. With the development of all commercial space on the site (a total of 63,696 square feet), the site would generate 47 AM and 305 PM peak hour vehicle trips. With the approval of the 17,600 square foot tire store in place of an equivalent amount of commercial space, the site would generate 56 AM and 301 PM peak hour vehicle trips. Under either scenario, this is within the overall trip cap for the site of 61 AM and 436 PM peak hour vehicle trips. OK.**

The tire store is one of two proposed uses proposed on Parcel H. The other use is a fast-food restaurant that was approved under Detailed Site Plan DSP-10032. Access and on-site circulation are acceptable. All access to this use is either intraparcels or interparcels access, or via a private roadway within the larger commercial development.

As noted under discussion of the preliminary plan conditions, the site is adjacent to a master plan freeway facility planned along US 301/MD 5; needed dedication for that facility was confirmed at the time of preliminary plan and obtained at the time of record plat.

### **Conclusion**

The Transportation Planning Section finds that the proposal for a vehicle parts and tire store and a vehicle lubrication and tune-up facility on the site, in consideration that the

net trip generation is consistent with the underlying preliminary plan, would not pose unanticipated safety issues on adjacent roadways. Therefore, the Transportation Planning Section finds that the proposal would meet the requirements of Subtitle 27 of the County Code for the approval of a special exception from the standpoint of vehicular circulation and transportation.

2. **Trails Section**—In a memorandum dated March 15, 2011, the Transportation Planning Section provided the following comments concerning the special exception application:

The Transportation Planning Section has reviewed the special exception application for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master/sector plan in order to implement planned trails, bikeways, and pedestrian improvements.

The subject application is located in the southeast quadrant of the US 301 and Clymer Drive intersection. The area is covered by the MPOT and the *Approved Subregion 5 Master Plan and Sectional Map Amendment* (area master plan). The site also has a previously approved Preliminary Plan (4-06142, PGCPB Resolution No. 07-105).

#### **Review Comments (Master Plan Compliance and Prior Approvals)**

There are no master plan trails issues identified in either the MPOT or the area master plan for the subject site. The master plan stream valley trail is planned along the tributary of Timothy Branch, which is to the west of the subject application. Preliminary Plan of Subdivision 4-06142 included stream valley dedication to accommodate this master plan trail. Condition 6 of that approval (Resolution No. 07-105) required the construction of a standard sidewalk along Clymer Drive, which will provide access from surrounding residential properties. The submitted special exception also reflects a standard sidewalk along the frontage of Albert Road.

#### **Conclusion**

There are no master plan trails recommendations.

3. **Environmental Planning Section**—In a memorandum dated March 8, 2011, the Environmental Planning Section provided the following comments concerning the special exception application:

#### **Background**

This site was reviewed and issued a numbered Letter of Exemption (E-01-02) by the Environmental Planning Section on January 10, 2002 for the installation of a communications tower. The installation did not propose clearing of any existing woodland and the exemption was for this purpose only. A Natural Resources Inventory (NRI/159/06) was approved for the site on December 8, 2006. The site was reviewed for approval of a Preliminary Plan (4-06142) and Type I Tree Conservation Plan (TCPI/001/07) for a 9.15-acre tract which was approved on May 10, 2007, subject to PGCPB Resolution No. 07-105 for seven parcels in the C-M and C-S-C Zones. A Type 2 Tree Conservation Plan (TCPII/17/08) was subsequently approved on April 10, 2008. Detailed Site Plan DSP-08045 was approved on April 23, 2009 for the construction of a Chick-Fil-A restaurant on a 1.13-acre portion of the site in the C-M Zone.

The former C-M-zoned portions of the property were rezoned to C-S-C under PGCPB Resolution No. 09-109 and by County Council Resolution CR-61-2009 on June 25, 2009.

The current application is for the development of a tire store including installation services and a vehicle lubrication and tune-up facility to be located on a portion of Parcel H.

### **Site Description**

This 0.88-acre site is part of a 1.41-acre parcel within the 301 Commercial Center site. The property is in the C-S-C Zone and is located on the south side of Clymer Drive, adjacent to US 301. The 2009 aerial photography indicates that the site contains no existing woodland. The site does not contain any streams, wetlands, or 100-year floodplain. The site is located in the Mattawoman Creek watershed in the Potomac River basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. Crain Highway (US 301) is an adjacent source of traffic-generated noise. The proposal is not expected to be a noise generator. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville and Croom series. No areas of Marlboro clay or Christiana soils have been identified on this site. The site is in the Developing Tier according to the General Plan. The site does not contain any regulated areas, evaluation areas or network gaps within the network of the *Approved Countywide Green Infrastructure Plan*.

### **Environmental Review**

- a. Effective September 1, 2010, a natural resources inventory is required for the submission of special exception applications. A signed Natural Resources Inventory, NRI/159/06, was submitted with the application. The site does not contain any existing woodland and does not contain any regulated environmental features. The elements of the signed NRI are correctly reflected on the special exception plan.

**Comment:** No further information regarding the natural resources inventory is required at this time.

- b. This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the site has an approved Tree Conservation Plan (TCPII/17/08). The special exception site plan was found to be in conformance with the approved tree conservation plan, and no changes are required to the approved TCPII. Because no changes are required to the TCPII as a result of the current application, the TCPII is grandfathered under the 1993 Woodland Conservation Ordinance.

**Comment:** No further information is required with regard to woodland conservation.

- c. Effective September 1, 2010, Subtitle 25, Division 3: Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on properties that require a grading permit. Properties zoned C-S-C are required to provide a minimum of ten percent of the gross tract area in tree canopy.

The subject site is part of the overall 1.41-acre Parcel H and has a minimum TCC requirement of 0.14 acre (6,142 square feet). The associated landscape plan proposes to plant landscaped trees to satisfy the tree canopy requirements.

A tree canopy coverage schedule should be placed on the landscape plan which demonstrates that the TCC for the special exception has been fulfilled.

**Recommended Condition:** Prior to certificate approval of the special exception site plan, a tree canopy coverage (TCC) schedule which demonstrates that the TCC requirement has been fulfilled shall be added to the landscape plan.

- d. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville and Croom series. Beltsville soils are highly erodible and may have areas with perched water tables and impeded drainage. Croom soils are only problematic when associated with extensive areas of steep slopes. Because the site is relatively flat, these soils do not pose any specific problems for development.

**Comment:** This information is provided for the applicant's benefit. No further action is needed as it relates to this special exception plan review. A soils report may be required by Prince George's County during the permit review process.

- e. An approved Stormwater Management Concept Plan (50400-2006-00) was submitted with the subject application. The concept approval number is correctly noted on the special exception plan.

**Comment:** No further action regarding stormwater management is required as it relates to the review of the current application.

#### **Summary**

The Environmental Planning Section recommends approval of Special Exception SE-4657 subject to the following condition:

- a. Prior to signature approval of the special exception site plan, a tree canopy coverage (TCC) schedule which demonstrates that the TCC requirement has been fulfilled shall be added to the landscape plan.

4. **Subdivision Review Section**—In a memorandum dated February 15, 2011, the Subdivision Review Section provided the following comments concerning the special exception application:

The property is known as part of Parcel H and is located on Tax Map 154 in Grid F-4. The subject property is located in the Commercial Shopping Center (C-S-C) Zone. The applicant is requesting a special exception for the development of a tire store with installation services and a vehicle lube and tune-up facility that is proposed to be located on part of Parcel H within an existing integrated shopping center. The site area of the special exception is 38,208 square feet or 0.8771 acre. The boundary lines that are shown on the submitted special exception site plan include a small portion of Parcel I along the northwest property line and most of Parcel H. However, it appears that the inclusion of Parcel I within the redline special exception boundaries may have been unintentional, as the applicant's statement of justification states that the proposed development will be confined to a portion of Parcel H. Parcels H and I are recorded in Plat Book PM 228 @ 99. The bearings and distances on the site plan are consistent with the record plat. The record plat contains fifteen notes and the following notes, in bold, relate to the review of this application:

3. **Approval of this plat is based upon a reasonable expectation that public water and sewer service will be available when needed and is conditioned on fulfilling all of the commitments contained in the Washington Suburban Sanitary Commission project/authorization # DA 4986Z 09 commitments...**

Based on information provided on PGAltas and Note10 on the site plan of the special exception, the property is currently in water and sewer Category 3, planned or existing community system.

9. **The applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off site transportation improvements per condition 9 of PGCPB No. 07-105.**
10. **Prior to the issuance of any building permits within subject property, the road improvements per condition 10 of PGCPB No 07-105 shall be met.**

Conformance to Conditions 9 and 10 of PGCPB Resolution No. 07-105 should be reviewed and determined by the Transportation Planning Section.

The property is the subject of Preliminary Plan 4-06142 for 301 Commercial Center and was originally adopted by the Planning Board on June 7, 2007 (PGCPB Resolution No. 07-105). The resolution for the approved preliminary plan contains 18 conditions and the following conditions, in bold, relate to the review of this application:

3. **The following note shall be placed on the Final Plat of Subdivision:**

**"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (PCPI/001/07), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Environmental Planning Section."**

The note is on the recorded plat. Conformance of this application to the TCPI and TCPII should be reviewed and determined by the Environmental Planning Section.

4. **Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to approval of any building permits.**

This application proposes the development of a tire store with installation. No residential development is proposed or shown on the site plan.

6. **The applicant shall provide a standard sidewalk along subject site's entire road frontage of Clymer Drive, unless modified by DPW&T.**

This frontage is outside the limit of the special exception.

7. **Development of this site shall be in conformance with Stormwater Concept Plan No. 50400-2006-00 and any subsequent revisions. Prior to signature approval of the preliminary plan, the concept number and approval date shall be added to the plan.**

Note 11 on the site plan states that Stormwater Concept Plan 50400-2006-00 was approved for the subject property on January 17, 2007.

8. **Direct vehicular access to US 301 / Maryland Route 5 is prohibited for all lots.**

No direct vehicular access to US 301/MD 5 is shown on the special exception site plan. A note stating that direct vehicular access is prohibited from all lots should be added to the general notes of the special exception site plan. Parcels H and I have access via a private ingress/egress easement on Parcel K, as reflected on the record plat.

11. **Access at the US 301/MD 5 and Albert Drive intersection shall be limited to right-in right-out movements.**

The site plan shows right-in, right-out movements at US 301/MD 5 and Albert Drive.

13. **Total development of the subject property shall be limited to uses that would generate no more than 61 AM and 436 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The special exception is limited to a portion of Parcel H, while this trip cap is for the entire property. Conformance to the trip cap should be reviewed and determined by the Transportation Planning Section.

14. **An automatic fire suppression system shall be provided in all proposed buildings proposed in the subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.**

Condition 14 should be added to the general notes on the site plan of the special exception.

The resolution also contains 17 findings. Finding 9 is in regard to daily vehicle trip cap, road improvements, and access issues for the entire site. Relating to access for the site, Finding 9 states:

**Access to the subject property via the US 301 corridor is denied. Per Section 24-128(b)(9), the applicant is proposing the establishment of a 40-foot private easement for ingress and egress within Parcels "H", "I", "J", "K" and "M." The interior service roads that are provided by the applicant provide a safer, more convenient method of ingress and egress to the site and**

**therefore we find that the utilization of Section 24-128(b)(9) for the subject property is appropriate. Access would occur via two existing streets that connect to US 301/MD 5. The Albert Road access will never become a full-movement access point, while Clymer Drive has an existing signal and will eventually connect to General Lafayette Boulevard. This property must be planned with adequate circulation so that vehicles accessing all parcels can get to Clymer Drive. Therefore we support the easement shown across the center of the property as a means of guaranteeing this access.**

Further review of proposed development impacts on the daily vehicle trip cap, access, and road improvements should be examined by the Transportation Planning Section.

Special Exception SE-4657 is in substantial conformance with approved Preliminary Plan 4-06142 and the final plat of subdivision if the above comments have been addressed. The Subdivision Section recommends the following conditions for Special Exception SE-4657:

- a. The following notes shall be added to the site plan of the special exception:
  - (1) Direct vehicular access to US 301/MD 5 is prohibited from all lots.
  - (2) The 40-foot private easement for ingress and egress for Parcels H through K and M is pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
  - (3) An automatic fire suppression system shall be provided in all proposed buildings proposed in the subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

There are no other subdivision issues at this time.

**Comment:** The redline special exception boundaries take in a portion of abutting Parcel "I" to the south. Per a conversation with the applicant, the special exception boundaries were shown incorrectly and do not extend beyond the southern property line of Parcel H. A condition has been recommended to correct the special exception boundaries on the site plan prior to signature approval.

5. **Permit Review Section**—In a memorandum dated January 14, 2011, the Permit Review Section provided the following comments concerning the special exception application:
  - a. Is the site plan in conformance with the Subdivision Regulations? Refer to Subdivision Office for review.
  - b. A tree conservation plan or exemption letter will be required. Refer to Environmental Planning for review.

- c. The definition of vehicle parts or tire store is a facility where the primary “use” is the retail sale of vehicle parts, products, tires, or accessories. Provide the square footage of the retail area versus the service area. The service area must be secondary to the retail. The proposed use appears to be auto repair advertising shocks, batteries, brakes, alignments, oil change, air conditions, tune-ups, belts and hoses which are considered a separate Special Exception. The Auto Repair use must be separated out for parking purposes. The parking ratio for Auto Repair is based on 3 parking spaces per service bay.
- d. What is the black heavy line with the 61 feet along Crain Highway that is encroaching into the parking area?
- e. The parcel has a pending Detailed Site Plan for the fast food at the corner of Clymer and 301. The site plan should be revised to label the building as fast-food not retail.
- f. The subject parcel will be subject to the new Prince George’s Landscape Manual as it relates to Sections 4.2, 4.3, 4.4, 4.7 and 4.10 of the manual.
- g. A minimum of one interior planting island shall be provided on average for every ten contiguous spaces.
- h. The landscape plan is required to have all of the required landscape schedules per the Landscape Manual.
- i. A note must be placed on the landscape plan regarding the tier that the subject property is located within.
- j. A depressed ramp or curb must be demonstrated on the site plan for handicap purposes.
- k. A schedule for Section 4.9 Substantial Landscaping requirements must be placed on the Landscape Plan.
- l. The site plan has a note that state that two-thirds of the parking must be compact parking this is not a correct statement. The requirement is that up to one-third of the parking can be compact parking. Please correct the note on the plan.
- m. It seems that the proposed use is more than a vehicle parts or tire store with installation. The use is advertising shocks, batteries, brakes, alignments, oil change, air conditions, tune-ups, belts and hoses. Are these products just for sale or will they also be repaired. It appears this use is also Auto Repair which has its own Special Exception requirements. An Auto Repair service cannot use the parking ratio of a Shopping Center and must be calculated by the number of service bays the use has.
- n. The height and square footage of the freestanding sign must be demonstrated on the sign plan.

**Comment:** In order to address the use issues that were identified by the Permit Review Section in their January 14, 2011 memorandum, the applicant has amended the special exception application to add the additional use of a vehicle lubrication or tune-up facility. Conditions have been recommended to address any of the remaining comments provided above that were not previously addressed through prior site plan revisions. The freestanding signs for 301 Commercial Center are located outside the limits of the special exception boundaries, and are therefore, not part of the subject special exception application. The freestanding signs for the shopping center were approved under separate sign permits.

6. **Community Planning South Division**—In a memorandum dated March 3, 2011, the Community Planning South Division provided the following comments concerning the special exception application:

**2002 General Plan**

The proposed use is consistent with the General Plan recommendation that retail and service land uses comprise 5 to 50 percent of the land use mix in a designated corridor and community center. This application is not consistent with General Plan Development Pattern policies for compact, mixed-use, transit-supportive, and transit-oriented development in the center.

The vision for centers and corridors is mixed residential and nonresidential uses at moderate to high densities and intensities, with strong emphasis on transit-oriented development. The goals of the centers and corridors are to:

- Capitalize on public investment in an existing transportation system
- Promote compact, mixed-use development at moderate to high densities
- Ensure transit-supportive and transit-serviceable development
- Require pedestrian-oriented and transit-oriented design
- Ensure compatibility with surrounding neighborhoods

**Master Plan**

This application generally conforms to the land use recommendations of the 2009 Approved Subregion 5 Master Plan and SMA for commercial land use. This application does not conform to the recommendations of the master plan for new commercial land uses that are more compact, transit-supportive, and transit-oriented in the edge area of the community center in Brandywine.

**SMA/Zoning**

The 2009 *Approved Subregion 5 Sectional Map Amendment* retained most of the subject property in the C-S-C Zone and rezoned a portion of the subject property from the C-M Zone to the C-S-C Zone.

**Planning Issues**

The General Plan policy for centers is to promote the development of compact, integrated, mixed-residential, and nonresidential uses at moderate to high densities and intensities in context with surrounding neighborhoods, with a strong emphasis on transit-

and pedestrian-oriented design. This application does not conform to General Plan Development Pattern policies. Instead, this application proposes a continuation of an automobile-oriented, suburban shopping center where customers are more likely to drive from store to store instead of walk.

The goal of the master plan is to develop a core area in the Brandywine Community Center, to the north of the subject property, which is accessible from the surrounding areas by foot, bicycle, and transit. This application is within the surrounding edge areas of the center. New development within the edge areas should respond to this master plan goal by increasing walking and biking facilities that lead to the core area. Enhanced sidewalks and trails throughout the larger edge community are encouraged in order for the Brandywine Community Center to become a community for pedestrians, bicyclists, and transit riders, in addition to car drivers and passengers.

This application does not conform to the master plan goals for the Brandywine Center, stated above. The preliminary plan of subdivision for the property was approved for a traditional, automobile-oriented, retail commercial center. This occurred prior to approval of the 2009 Subregion 5 Master Plan or the site's designation in the General Plan as a community center. In line with prior planning policies, individual buildings are distributed across this site and surrounded by customer parking lots. The new master plan text acknowledges this situation and sets forth the vision for this area as follows:

**Community center edges to the west of MD 5/US 301 would contain a mix of residential and commercial land uses, although these areas are not expected to develop the high-density mix envisioned for the community center core. Commercial uses may be clustered in pods, rather than mixed among residential uses..." (Text, p. 50)**

The proposed development represents a "pod" of commercial uses that are separated from adjacent residential areas. This alone conforms to the master plan recommendations. This proposal does not conform to master plan and General Plan recommendations for pedestrian-oriented and transit-oriented design elements that are key to implementing planning policy for centers and corridors. To adapt the proposed use to the 2009 master plan recommendations, the pedestrian network within this shopping center should be enhanced.

**On-road bicycle lanes or sidepaths are envisioned for major roads in the vicinity (see Chapter VI). Additional trails and small parks should be built as part of new development. Trails and parks should be linked together, and designed to protect sensitive natural resources. South of the community center, a 50 acre community park on McKendree Road, adjacent to the Mattawoman Watershed Park, is recommended (see Chapter VII)." (Text, p. 50):**

Although this proposal identifies a standard sidewalk along the frontage of Albert Road and the approved Preliminary Plan of Subdivision (4-06142) requires the construction of a standard sidewalk along Clymer Drive to provide access from surrounding residential properties, there appears to be a deficiency of walkways or paths between the commercial uses within this integrated shopping center. Additional sidewalks should link the various commercial components of this integrated shopping center and link this shopping center to the surrounding land uses and to existing and future development in the Brandywine Community Center.

West of the subject property, at the end of Clymer Drive, land was rezoned from the Residential (R-R) Zone to the Townhouse (R-T) Zone. When that property is developed, there will be medium-density residential development adjacent to the subject shopping center. Future residents should be able to walk or bike to the subject shopping center as well as to points north along General Lafayette Boulevard that will connect this area to the core of the Brandywine Community Center.

**Comment:** It is important to recognize that the type of development that has occurred on the property is a commercial center with automobile-oriented uses that are typically found along major highways. Understandably, the Community Planning Division has concerns regarding pedestrian connections to this commercial center however, the special exception boundaries are limited to a 38,208-square-foot portion of the shopping center. Therefore, the only pedestrian improvements that can be recommended as part of this application would have to be situated within the limits of the special exception boundaries. When approving the detailed site plan application for the abutting Checker's restaurant, DSP-10032, the Planning Board required a pedestrian connection to be implemented from the existing sidewalk on Clymer Drive to the proposed sidewalks within the Checker's restaurant site. In order to further implement the master plan recommendations to the degree possible, a curb cut will be provided along the northern boundary line to help continue the interior pedestrian link between the various commercial components within the shopping center.

7. **Special Projects Section**—In a memorandum dated January 6, 2011, the Special Projects Section provided the following comments concerning the special exception application:

The property is located at the southwest corner of the intersection of US 301 and Clymer Drive. The Special Projects Section has reviewed the proposed special exception application for public facility adequacy. The request for a vehicle parts and tire store (including installation) and a vehicle lubrication and tune-up facility will have no impact on existing public facilities.

8. **Urban Design Section**—In a memorandum dated February 3, 2011, the Urban Design Section provided the following comments concerning the special exception application:

The Urban Design Section has reviewed the information provided in support of Special Exception SE-4657, 301 Commercial Center—Tires Plus. The subject property is located in the southwest quadrant of the intersection of Clymer Drive and Robert S. Crain Highway (US 301). Special Exception SE-4657 requests approval to build a 7,600-square-foot vehicle parts and tire store, including installation and vehicle lubrication and tune-up facility, specifically a Tires Plus, within an integrated shopping center. The 0.88-acre special exception area is located on a portion of Parcel H, within the 301 Commercial Center, is zoned Commercial Shopping Center (C-S-C), and is

surrounded to the east by the US 301 right-of way, to the north by C-S-C-zoned land that was reviewed under Detailed Site Plan DSP-10032 for the development of a fast-food restaurant, to the west by a private ingress/egress easement developed with the shopping center access road, and to the south by C-S-C-zoned land that is already developed with an auto parts store. The remainder of the shopping center property, to the south and west, is already developed with another fast-food restaurant, a liquor store, a grocery store, and a medical office building.

### **Previous Approvals**

The special exception area is part of Preliminary Plan of Subdivision 4-06142 for 301 Commercial Center that was approved on May 10, 2007 for seven parcels over 9.1525 acres. Final Plat 5-08240 was approved by the Planning Board on December 11, 2008 for the same property. A Type I Tree Conservation Plan, TCPI/001/07 and a Type II Tree Conservation Plan, TCPII/017/08, have been previously approved for the overall 301 Commercial Center, of which the special exception is a part.

### **Zoning Ordinance**

Section 27-417.01 of the Zoning Ordinance, which lists additional requirements for a special exception vehicle parts and tire store, including installation, stipulates the following urban design-related requirements:

- (1) All sales and installation operations shall be conducted within a wholly enclosed building, with no outdoor storage;**

**Comment:** The architectural elevations and site plan submitted with the subject application demonstrate conformance with this requirement through notes and proposed layout.

- (2) Installation activity on any motor vehicle shall be completed within forty-eight (48) hours or less. No vehicle may be stored on the property for longer than this period; and**

**Comment:** The site plan submitted with the subject application demonstrates conformance with this requirement through a general note.

- (3) The demolition or junking of motor vehicles is prohibited.**

**Comment:** The site plan submitted with the subject application demonstrates conformance with this requirement through a general note.

### **Architectural Review**

Elevations and details of the proposed building and associated signage have been provided for evaluation. The proposed building will have a hipped, asphalt-shingled roof and will be faced with split-face concrete block painted in various shades of tan with two bands of red smooth-faced concrete blocks near the top of the building. The main entrance to the building, finished with large aluminum storefront windows, along with the ten service bay entrances, finished with typical commercial garage-type doors done in clear and white panels, are located along the northern elevation of the building, facing the proposed fast-food restaurant. The building elevations facing the internal access road to the west and the existing auto parts store to the south are proposed largely as blank walls with some secondary entrances. The eastern building elevation, facing US 301, is also

largely a blank wall with some variation in the roofline. The existing and proposed adjacent commercial buildings, to the north and south of this proposed use, generally face US 301 or have some additional architectural features on the elevations facing US 301. Therefore, we would suggest additional architectural features, fenestration, or possibly even a main entrance, be added to the building façade facing US 301 as this is the most highly visible façade from the roadway.

The signage on the building is of a standard commercial type prototypical for the Tires Plus franchise. Large yellow and red signs that read “Tires Plus” are located on all four sides of the building, just below the roofline. Additionally, small yellow signs describing services are located above each service bay. Recommendations for upgrades in the proposed architecture are listed below.

### **Landscape Manual**

The application to build a vehicle parts and tire store and a vehicle lubrication and tune-up facility involves new construction and is subject to the requirements of the *Prince George’s County Landscape Manual*. Because the area of special exception is located on a portion of Parcel H, which was reviewed under Detailed Site Plan DSP-10032, it is recommended that the landscape manual requirements be reviewed for the parcel as a whole and be reflected as such on both the special exception and the detailed site plan.

### **Section 4.2 Requirements for Landscaped Strips along Streets**

The proposal is subject to Section 4.2, Commercial and Industrial Landscaped Strip Requirements. The proposed landscaped strip against the public streets on the eastern and northern property boundaries appears to be the required ten feet wide, but dimensions should be added to the plan to demonstrate the exact width provided. Additionally, the landscape schedule provided includes the length of road frontage on parcels to the south of Parcel H. The schedule should be revised per the requirements of the new Landscape Manual and made to only apply to the road frontage of Parcel H.

### **Section 4.3 Parking Lot Requirements**

The special exception plan proposes to construct a new parking lot; therefore, the requirements of Section 4.3, Parking Lot Requirements, of the Landscape Manual apply. However, the site is exempt from the requirements of Section 4.3.c.(1), Parking Lot Perimeter Landscape Strip, along the southern property line, as it is part of an integrated shopping center.

The plan provides a Section 4.3.c.(2), Parking Lot Interior Planting Requirements, landscape schedule, which again includes areas of parking on the adjacent parcels to the south and does not show the correct percentage of interior planting area relative to the overall parking lot area. This schedule should be revised per the requirements of the Landscape Manual and made to only apply to the parking lot compound within Parcel H.

### **Section 4.4 Screening Requirements**

A dumpster enclosure made from concrete masonry units (CMU) in a color matching the building has been provided. Details of all mechanical equipment, such as meters, freestanding air conditioners, heat pumps, and similar equipment should be shown on the plans, if any, and screening provided in accordance with Section 4.4.

#### **Section 4.7 Buffering Incompatible Uses**

The site is subject to the requirements of Section 4.7; however, none of the adjacent uses are incompatible per the Landscape Manual. Therefore, no revisions are required for this section.

#### **Section 4.9 Sustainable Landscaping Requirements**

The site is subject to the requirements of Section 4.9 and, therefore, the appropriate schedule and notes should be added to the plan as required.

#### **Tree Canopy Coverage (TCC)**

The application to build a vehicle parts and tire store and a vehicle lubrication and tune-up facility will require permits and, therefore, is subject to the requirements of the Tree Canopy Coverage Ordinance. Because the area of special exception is located on a portion of Parcel H, which was reviewed under Detailed Site Plan DSP-10032, it is recommended that the TCC requirement be calculated and reviewed for the parcel as a whole and be reflected as such on both the special exception and the detailed site plan. The site, Parcel H, is zoned C-S-C and is required to provide ten percent in TCC, or 6,161 square feet. A TCC worksheet specifying how this is being met should be provided on the landscape plan, or a variance should be applied for if the applicant is not able to meet the requirement.

#### **Urban Design Recommendations**

Based on the above analyses, the Urban Design Section recommends that:

- a. Additional architectural features, fenestration, or possibly a main entrance, should be added to the building elevation facing US 301.
- b. The landscape plan and Section 4.2 landscape schedule shall be revised per the requirements of the new Landscape Manual and made to only apply to the road frontage of Parcel H.
- c. The landscape plan and Section 4.3.c.(2) landscape schedule shall be revised per the requirements of the new Landscape Manual and made to only apply to the parking lot compound within Parcel H.
- d. Details of all mechanical equipment, such as meters, freestanding air conditioners, heat pumps, and similar equipment, if any, shall be shown on the plans and screening provided in accordance with Section 4.4. of the new Landscape Manual.
- e. The landscape plan, schedules, and notes shall be revised as necessary to meet the requirements of Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.
- f. A tree canopy coverage (TCC) worksheet, showing how the requirement of 6,161 square feet for the entirety of Parcel H is being met, shall be provided on the landscape plan.

**Comment:** Conditions have been recommended to address the above comments provided by the Urban Design Section in their February 3, 2011 memorandum. In addition, conditions have also been recommended to label the height and type of fencing around

the trash enclosure, and to revise the site details on Sheet C-3 to demonstrate that the height of the proposed dumpster enclosure will be no more than six feet above finished grade in accordance with Section 4.4. of the Landscape Manual.

9. **Department of Public Works & Transportation (DPW&T)**—In a memorandum dated February 15, 2011, DPW&T stated that the proposed site development is consistent with Stormwater Management Concept Plan 50400-2006-00, which was approved for the subject property on November 19, 2009.

Conformance with DPW&T's street tree, street lighting, and utility policy is required. Clymer Drive and Albert Drive are considered commercial and industrial roadways and are to be improved in accordance with the County Road Ordinance, DPW&T Specifications and Standards, and the Americans with Disabilities Act (ADA).

10. **State Highway Administration (SHA)**—In a memorandum dated January 7, 2011, SHA stated that they have no comments concerning the subject special exception application.
11. **Historic Preservation Section**—In a memorandum dated January 6, 2011, the Historic Preservation Section found that the proposed special exception application will have no effect on identified historic sites, resources, or districts.

## CONCLUSION:

Based on the preceding analysis and findings, staff recommends APPROVAL of Special Exception Application No. SE-4657, subject to the following conditions:

1. Prior to signature approval, the special exception site plan shall be revised as follows:
  - a. Provide a general note stating that direct vehicular access to US 301/MD 5 is prohibited from all lots.
  - b. Provide a general note stating that the 40-foot private easement for ingress and egress for Parcels H through K and M is pursuant to Section 24-128(b)(9) of the Subdivision Regulations.
  - c. Provide a general note stating that an automatic fire suppression system shall be provided in all proposed buildings proposed in the subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
  - d. Provide general notes that demonstrate compliance with the specific special exception requirements provided in Section 27-416.03 of the Zoning Ordinance for a vehicle lubrication and tune-up facility.
  - e. Label the abutting use to the north as being a fast-food restaurant pursuant to Detailed Site Plan DSP-10032.
  - f. Revise the redline special exception boundaries to include the southern portion of Parcel H only.

- g. Revise the note on the parking schedule that states that two-thirds of the parking spaces must be non-compact to reflect the correct requirement that a maximum of one-third of the parking spaces can be compact.
- 2. Prior to signature approval, the landscape plan shall be revised to show the following:
  - a. The landscape schedule for Section 4.2 shall be revised per the requirements of the new Landscape Manual and made to only apply to the road frontage of Parcel H.
  - b. The landscape schedule for Section 4.3.c.(2) shall be revised per the requirements of the new Landscape Manual and made to only apply to the parking lot compound within Parcel H.
  - c. Details of all mechanical equipment, such as meters, freestanding air conditioners, heat pumps, and similar equipment, if any, shall be shown on the plans and screening provided in accordance with Section 4.4. of the new Landscape Manual.
  - d. The schedules and notes on the landscape plan shall be revised as necessary to meet the requirements of Section 4.9, Sustainable Landscaping Requirements, of the new Landscape Manual.
  - e. A tree canopy coverage (TCC) worksheet shall be provided on the landscape plan that demonstrates how the requirement of 6,161 square feet for the entirety of Parcel H is being met.
  - f. Label the height and type of fencing around the trash enclosure, and revise the site details on Sheet C-3 to reduce the height of the proposed dumpster enclosure to no more than six feet above finished grade in accordance with Section 4.4 of the Landscape Manual.
- 3. Prior to signature approval, the architectural elevations shall be revised to show the following:
  - a. Additional architectural features, fenestration, or possibly a main entrance shall be added to the building elevation facing US 301.