



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

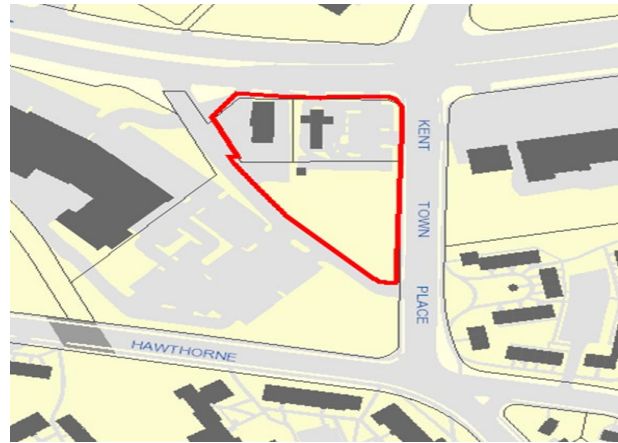
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Special Exception Royal Farms #411 (Kent Village)

SE-4834

REQUEST	STAFF RECOMMENDATION
A special exception for a 4,649 square foot food and beverage store, in combination with eight fuel gas station pumps, with a variance to Section 27-358(a)(2) to allow the gas station to be less than 300 feet from an outdoor playground.	APPROVAL with conditions

Location: In the southwest quadrant of the intersection of MD 202 (Landover Road) and Kent Town Place.	
Gross Acreage:	4.48
Zone:	C-S-C
Dwelling Units:	0
Gross Floor Area:	4,649 sq. ft.
Lots:	0
Parcels:	0
Planning Area:	72
Council District:	05
Election District:	13
Municipality:	N/A
200-Scale Base Map:	204NE06
Applicant/Address: RF Landover, LLC 3611 Roland Ave Baltimore, MD 21211	
Staff Reviewer: Sam Braden IV Phone Number: 301-952-3411 Email: Sam.BradenIV@ppd.mncppc.org	



Planning Board Date:	07/29/2021
Planning Board Action Limit:	N/A
Staff Report Date:	07/14/2021
Date Accepted:	04/16/2021
Informational Mailing:	03/26/2020
Acceptance Mailing:	03/30/2021
Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

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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: Jeremy Hurlbutt, Supervisor, Zoning Review Section, Development Review Division

FROM: Sam Braden IV, Senior Planner, Zoning Review Section,
Development Review Division

SUBJECT: Special Exception SE-4834
Royal Farms #411 (Kent Village)

REQUEST: A special exception for a 4,649-square-foot food and beverage store in combination with eight fuel gas station pumps, with a variance to Section 27-358(a)(2) to allow the gas station to be less than 300 feet from an outdoor playground.

RECOMMENDATION: **APPROVAL with conditions**

NOTE:

The Planning Board has scheduled this application on the consent agenda for transmittal to the Zoning Hearing Examiner on the agenda date of July 29, 2021.

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.

FINDINGS:

1. **Location and Site Description:** The subject property is located in the southwest quadrant of the intersection of MD 202 (Landover Road) and Kent Town Place. The site has two businesses that exist on the property in the Commercial Shopping Center (C-S-C) Zone and consists of three parcels. All existing site features will be razed to construct a 4,649-square-foot food and beverage store in combination with a gas station.
2. **History and Previous Approvals:** The subject property is located on Tax Map 59 in Grids D-1 and D-2, consisting of Parcel G-9 and Parcel H, and part of Parcel K, containing a total of 4.48 acres of land in the C-S-C Zone. The subject property contains Kent Village Shopping Center in Parcel G-9, recorded by plat among the Prince George's County Land Records in Plat Book 41 page 79, dated August 1961, and Parcel H, recorded in Plat Book 57 page 22, dated May 1965. Parcels G-9 and H, consisting of existing development, are part of Preliminary Plan of Subdivision 12-1626. Both parcels were recorded prior to 1970. All existing features for the proposed food and beverage store with gas station will be razed.
3. **Neighborhood and Surrounding Uses:** The general neighborhood is bounded to the north by Landover Road, Baltimore Avenue to the west, Kent Town Place to the east, and Hawthorne Street to the south. The neighborhood primarily includes residential and commercial uses. The immediate uses surrounding the subject property are as follows:

North— Multifamily residential development at MD-202 in the C-S-C Zone.

East— Shopping center and multifamily residential uses in the C-S-C and Multifamily Medium Density Residential (R-18) Zones.

South— Multi-family residential development at Hawthorne Street in the R-18 Zone.

West— Shopping center in the C-S-C Zone.
4. **Request:** The applicant requests approval of a special exception to construct a food and beverage store in combination with a gas station, with a variance to Section 27-358(a)(2) of the Zoning Ordinance to allow the gas station to be less than 300 feet from an outdoor playground.
5. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Eating or Drinking Establishment	Food and Beverage Store Gas Station
Acreage	1.87	4.84
Lots	0	0
Gross Floor Area	4,011 sq. ft.	4,649 sq. ft.
Dwellings	0	0

6. **Required Findings:** A special exception is subject to the general findings for approval of all special exceptions contained in Section 27-317(a) of the Prince George's County Zoning Ordinance. Part 4 of the Zoning Ordinance also includes additional required findings for specific uses. A food and beverage store is subject to the additional findings of Section 27-355 of the Zoning Ordinance, and gas stations are subject to Section 27-358. The analysis of all the required findings for approval are provided below.

In support of the application, the applicant filed a statement of justification (SOJ) submitted April 16, 2021 incorporated by reference herein. This case was heard at the Subdivision and Development Review Committee (SDRC) meeting on April 30, 2021. The applicant submitted revised site and landscape plans for the subject property, which were received on May 20, 2021, as requested by staff at the SDRC meeting.

General Special Exception Findings—Section 27-317(a) provides the following:

(a) A Special Exception may be approved if:

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

Staff finds that the proposed use will provide jobs within the area. There will be an increase in commercial property taxes paid to the County's coffers. Furthermore, economic redevelopment is stimulated by this proposed development. Also, there will be additional tax revenue being created by sales tax and gasoline tax, ensuring economic stability within all parts of the County.

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

The proposed use is in conformance with the requirements and regulations set forth in Subtitle 27 of the Zoning Ordinance, except for Section 27-358(a)(2), for which a variance has been requested by the applicant, as discussed in Finding 7 below. Most notably, the food and beverage store in combination with a gas station are each uses that are permitted in the C-S-C Zone, upon approval of a special exception, including conformance with the requirements in Sections 27-355 and 27-358 of the Zoning Ordinance.

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

The subject property is located in the C-S-C Zone, and each of the proposed use designations are permitted as special exceptions. The application includes a recommended streetscape from the 2014 *Approved Landover Metro Area and MD 202 Corridor Sector Plan and Sectional Map Amendment* (pages 52–54), on the south side of Landover Road. These frontage improvements will provide a more

pedestrian and bicycle friendly environment. Largely, the South Landover Road Focus Area is envisioned as a mixed-residential area, with the residential designation being dominant. However, the mixed-use designation allows for various use types, such as small-scale, neighborhood-serving commercial uses. In accordance with Subtitle 27, staff does not have any issues with the proposed circulation of the site, and additional right-of-way will not be required. Therefore, the proposed use will not substantially impair the integrity of the applicable master plan.

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

The proposed development provides a safe, internal circulation for vehicles and pedestrians, in addition to safe ingress and egress of vehicles from surrounding public rights-of-way and the internal road. Also, the number of access points along Landover Road will be reduced from four to one.

The special exception boundary of the subject property on which the special exception use is proposed to be conducted is nearly 230 feet from the Kent Village Apartment Complex, which sits on 12.91 acres, and is known as Block F. The outdoor playground is located in the center of the apartment complex, and is more than 700 feet from the special exception boundary. However, since distance is measured from lot line to lot line under Section 27-358(a)(2), a variance is required, as the lot, Block F, is within 300 feet of the proposed special exception.

The playground located southwest of the proposed development site is completely screened from all public roads, and is not visible from Kent Town Place or Hawthorne Street. The physical location of the playground is more than 700 feet from the closest point of the special exception site boundary. Hawthorne Road and the Lower Beaverdam Creek separate the subject property from the playground.

The proposed use will not have adverse effects on the health, safety, or welfare of residents, due to the proposed layout location on the site, which will place the gas pumps on the north side of the site, facing MD 202 with the food and beverage store located on the southern part of the site (part of Parcel K). The store will screen the gas pumps which will be approximately 788 feet from the existing playground. Staff finds that 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.

Staff finds that the proposed use is compatible with the surrounding existing commercial development. The development shall be in compliance with required site design standards, physical features, and align with the harmony of the community. Ultimately, the proposed use 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; and**
- (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 in accordance with the requirement of Subtitle 24-130(b)(5).**

The site has an approved Natural Resources Inventory Equivalency Letter (NRI-046-2020). This site is not associated with any regulated environmental features such as streams, wetlands, 100-year floodplain, or associated buffers. In addition, the site is not within the primary management area. As a result, a Standard Letter of Exemption (S-036-2020) from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) was approved.

Specific Special Exception Requirements:

Section 27-355—Food or Beverage Store.

- (a) A food and beverage store may be permitted, subject to the following:**

- (1) The applicant shall show a reasonable need for the use in the neighborhood;**
- (2) The size and location of, and access to, the establishment shall be oriented toward meeting the needs of the neighborhood;**

The applicant states that a food and beverage store is useful, appropriate, and convenient for use in the neighborhood. The applicant provided a market study from Valbridge Property Advisors, dated June 29, 2020. Staff finds that the proposed development meets the fueling station demands of the Hyattsville trade area. Also, the four access points adequately serve the site, reducing the impact of traffic congestions. Overall, the site accessibility and major connections to MD 202 will ensure adequate traffic flow on-site and within the surrounding neighborhood.

In addition, the proposed size of the building conforms to the requirements of the C-S-C Zone. The size and location of the proposed development, and access to the food and beverage store, are oriented toward meeting the needs of the neighborhood.

- (3) The proposed use shall not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses;**

The proposed use will not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses. The special exception is being developed on the sites of two existing take out and fast-food restaurants. The site's redevelopment should not pose an obstacle for other potential uses which might want to move into the area. It may also help to revitalize surrounding retail.

- (4) In the I-1 and I-2 Zones, the proposed use shall be located in an area which is (or will be) developed with a concentration of industrial or office uses;**

The subject property is located in the C-S-C Zone; therefore, this requirement does not apply.

- (5) The retail sale of alcoholic beverages from a food and beverage store approved in accordance with this Section is prohibited; except that the District Council may permit an existing use to be relocated from one C-M zoned lot to another within an urban renewal area established pursuant to the Federal Housing Act of 1949, where such use legally existed on the lot prior to its classification in the C-M Zone and is not inconsistent with the established urban renewal plan for the area in which its located.**

There will be no alcoholic beverages sold in the proposed food and beverage store.

Section 27-358—Gas Stations.

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

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

The subject property has 250 feet of frontage along Landover Road and 392 linear feet of frontage on Kent Town Place. The plan proposes an access point located on Landover Road, and two access points on Kent Town Place. Both rights-of-way have a width of at least 70 feet or greater.

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

The boundary of the subject property is located in the 300-foot radius of an outdoor playground. Specifically, the site is located approximately 230 feet from the 12-acre lot (Block F) that includes an outdoor playground, surrounded by multifamily residential dwellings.

The outdoor playground is physically located more than 700 feet away, and separated from the proposed development site by apartments, the Lower Beaverdam Creek, and Hawthorn Road. A variance of 70 feet has been requested for the requirement of 300 feet for SE-4834, and staff supports the variance as discussed in Finding 7 below.

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

This plan does not include the display and rental of cargo trailers, trucks, or similar uses.

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

This plan does not include the storage or junking of wrecked vehicles.

- (5) Access driveways shall not be less than 30 feet wide unless width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable, and shall be constructed in accordance with the minimum standards required by the County Road Ordinance or the Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than 20 feet from the point of curvature (pc) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than 12 feet from the side or rear lot line of any adjoining lot.**

This proposal includes four access driveways: a 35-foot-wide access driveway at Landover Road; a 35-foot-wide access driveway at Kent Town Place; and two 35-foot-wide access driveways onto the internal road. Since the special exception is on a corner lot, each of the access driveways are more than 20 feet from the point of curvature. Furthermore, the rear lot line requirement does not apply to this property because there is not an adjoining lot. The remainder of Parcel K is separated from the subject site by an internal private road, Kent Town Drive.

(6) Access driveways shall be defined by curbing;

As shown on the special exception site plan, the access driveways are to be defined by curbing.

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

The proposed development has the following sidewalks: an 8-foot-wide sidewalk on the west and south sides, a 6-foot-wide sidewalk on the east side, and a 12-foot-wide sidewalk on the north side of the property. The sidewalk from Kent Town Place will provide a pedestrian pathway to the store from the property frontage.

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

The gas station meets this requirement. All gas pumps are more than 25 feet behind street lines.

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

There will be no vehicle repair at the site.

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

The special exception site plan includes architectural elevations in the submission. The architecture of the building incorporates a band of composite siding at the top portion, brick veneer in the middle, and stone veneer at the base of the building. The main entrance, with a high-profile roof, projects from the rest of the building. The front

elevation is accented with a pitched roof and a cupola over the main entrance, supported by stone veneer and painted steel columns. Oversized windows help break up the horizontal mass of the building. The rear elevation presents long, uninterrupted bands of the composite siding, in combination with red brick and stone veneer. The applicant has used durable quality materials including stone, brick, and composite siding. The gasoline pumps and canopy are designed to coordinate well with the architecture and materials of the main building. Based on the architectural elevations provided, the proposed buildings will be compatible with the current and proposed surrounding development.

7. **Variance Request:** The applicant seeks a variance to the strict interpretation of Section 27-358(a)(2), which requires that the subject property be located at least 300 feet from any lot of a school, outdoor playground, library, or hospital.

Section 27-230(a)(1) provides the following findings for approval of a variance:

(a) A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:

- (1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The proposed site is composed of Parcels G-9, H, and an oddly triangular shaped part of Parcel K. The special exception area is bounded by public and private rights-of-way. The odd shape is due to right-of-way improvements of MD 202, Kent Town Place, and Kent Town Drive, which is now a private road.

- (2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

The strict application of this subtitle would result in peculiar and unusual practical difficulties, as it would be impossible for the applicant to construct gas pumps to operate an otherwise allowable special exception use at any location on the property, even though the pumps are significantly farther than 300 feet from the nearby playground.

- (3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

The variance will not substantially impair the intent, purpose, or integrity of the 2014 *Landover Metro Area and MD 202 Corridor Sector Plan and Sectional Map Amendment*. This plan recommends mixed-use residential land use, and the support of redeveloped retail uses along the corridor. The subject property for the special exception is located in the Established Communities policy area. The Plan Prince George's 2035 Approved General

Plan describes Established Communities as areas appropriate for context-sensitive infill and low- to medium-density development, and recommends maintaining and enhancing public services and infrastructure, to ensure that the needs of residents are met.

The proposed uses of the site are a permitted use by special exception in the C-S-C Zone. Therefore, the variance is compatible with the surrounding area and community.

8. **Parking Regulations:** In accordance with the parking and loading regulations contained in Section 27-568 of the Zoning Ordinance, there are 49 proposed parking spaces provided, which exceeds the minimum requirement of 46 spaces for the proposed uses. One loading space is provided, satisfying the requirement for the development. All parking and loading spaces are appropriately sized.
9. **2010 Prince George's County Landscape Manual Requirements:** The landscape plan displays landscaping, screening, and buffering that is in general conformance with the 2010 *Prince George's County Landscape Manual* requirements. The requirements are as follows: Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6, Buffering Development from Special Roadways (for frontage along Landover Road); and Section 4.9, Sustainable Landscape Requirements. However, the submitted landscape plans do not have a Section 4.6 Schedule. The applicant must provide a Section 4.6 schedule and show conformance with the requirements. Furthermore, the landscape plan also shows a landscape strip along public roadway Kent Town Drive. Section 4.10 is applicable to private streets only.
10. **Tree Canopy Coverage:** This application is subject to the requirements of the Tree Canopy Coverage Ordinance. The subject site is located within the C-S-C Zone and required to provide 10 percent of the site area in tree canopy coverage (TCC). In accordance with the Tree Canopy Coverage Ordinance, the proposed development is required to provide a minimum of 0.45 acre (19,602 square feet). The TCC schedule includes errors and takes credit for existing off-site tree canopy, adjacent to the property, to fulfill the TCC requirement for the subject site, which is not in conformance with Section 25-129(a) of the Tree Canopy Coverage Ordinance. The applicant should revise the plan and schedule to satisfy the requirements of Tree Canopy Coverage Ordinance.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is exempt from the provisions of the WCO because the property contains less than 10,000 square feet of woodland and has no previous tree conservation plan approvals. A Standard Letter of Exemption from the WCO was issued for this site (S-157-2020), which expires on October 7, 2022.
12. **Signage:** The signage chart, sign details, and sign location key map shown on Sheet 5 of the special exception plan requires revisions, due to numerous inconsistencies and errors. For example, the signage chart shows five canopy-mounted signs provided, but the plans only show three. Plans show locations for signage types six and nine, for which no details are provided, and they are not accounted for in the signage chart. The chart notes two directional signs are provided, but the plans show four. A new signage plan is needed with all required information for the proposed signage for this development.

Freestanding signage–The site plan shows six freestanding signs with advertising. There are two larger signs with gas station pricing and four smaller directional signs. The proposed signs on the signage plan should be revised, in accordance with Section 27-614(d)(2) of the Zoning Ordinance. The directional signs with advertising must be removed from the plan entirely, or can be retained, provided all advertising for the Royal Farms business is removed. Furthermore, site plans display the labeling of two pylon signs proposed, but details show monument signs instead.

Building and canopy-mounted signage–The series of building and canopy-mounted signage shown on the plans appear to be in general conformance with the applicable requirements of Section 27-613 of the Zoning Ordinance. However, as previously noted, the signage plan in general requires several corrections and clarifications to demonstrate conformance with Part 12, Signs.

13. Referral Comments: The following referrals were received and are incorporated herein by reference. All of the comments are addressed on the site plan, or as part of this technical staff report:

- a. Community Planning Division, dated May 28, 2021 (White to Braden)
- b. Transportation Planning Section, Traffic, dated May 27, 2021 (Burton to Braden)
- c. Transportation Planning Section, Pedestrian and Bicycle Facilities, dated May 24, 2021 (Smith to Braden)
- d. Environmental Planning Section, dated May 21, 2021 (Rea to Braden)
- e. Historic Preservation Section, dated April 26, 2021 (Stabler to Braden)
- f. Urban Design Section, dated May 25, 2021 (Bossi to Braden)
- g. Prince George's County Department of Permitting, Inspections and Enforcement, dated May 20, 2021 (Giles to Braden)

RECOMMENDATION

A special exception use is considered compatible with uses permitted by right within the Commercial Shopping Center (C-S-C) Zone if specific special exception criteria are met. A special exception must be approved if the applicant satisfies the required criteria which are intended to address any distinctive adverse impacts associated with the use.

Based on the applicant's statement of justification, the analysis contained in the technical staff report, associated referrals, and materials in the record, the applicant has demonstrated conformance with the required special exception findings, as set forth in Section 27-317 (in general), Section 27-355 (food and beverage store), and Section 27-358 (gas station) of the Prince George's County Zoning Ordinance, except for Section 27-358(a)(2). Staff finds the proposed application satisfies the requirements for approving a variance and, therefore, finds the application will be in conformance with the Zoning Ordinance requirements if the variance is granted.

Therefore, staff recommends APPROVAL of Special Exception SE-4834, for Royal Farms #411 (Kent Village), and Variance to Section 27-358(a)(2), for the gas station to be less than 300 feet from an outdoor playground, subject to the following conditions:

1. Prior to certificate approval, the applicant shall revise the special exception plan and provide additional information as follows:
 - a. Provide a new signage plan, including clearly identifying the number and location of freestanding signs, to demonstrate conformance with the applicable requirements of Part 12, Signs, of the Prince George's County Zoning Ordinance.
 - b. Revise the plan and the tree canopy coverage schedule to demonstrate conformance with the Tree Canopy Coverage Ordinance.
2. Prior to certificate of approval, remove the Section 4.10 schedule and replace it with the Section 4.2 schedule and landscape planting on the landscape plan if Kent Town Drive is a public roadway.
3. Prior to certification of the special exception, revisions shall be made to the site and landscape plan by providing a schedule to demonstrate conformance with Section 4.6 of the 2010 *Prince George's County Landscape Manual*.