

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 26, 2018, regarding Detailed Site Plan DSP-17057 for Royal Farms #326, Forks of the Road, the Planning Board finds:

1. **Request:** The subject approval is for a detailed site plan (DSP) for a 4,637-square-foot food and beverage store in combination with a gas station on Parcel 1. The applicant’s statement of justification (SOJ) indicated that the extent of the DSP is two acres, however, the site plan reflected disturbance in support of this site onto Parcels 2 and 3. The disturbance is subject to a DSP in the M-X-T Zone and as a part of the necessary infrastructure for the development on Parcel 1 for the food and beverage store and gas station. The zoning sketch map (obtained and submitted by the applicant) and the notice requirements (including posting) was for the entire site, which includes Parcels 1–4. This approval includes those parcels, as reflected on the DSP herein approved, Parcel 1 for building development and Parcels 2 and 3 for infrastructure.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Food and Beverage Store and Gas Station
Lots	1	4
Acreage	8.98	8.98 (Parcels 1-4)
Gross Floor Area (GFA)	0	4,637 sq. ft.

Overall Floor Area Ratio (FAR) in the M-X-T Zone

Base Density Allowed	0.40 FAR
Total FAR Permitted*	0.40 FAR
Total FAR Proposed	0.01 FAR**

Note: *Without optional method of development.

*The FAR on the plan shall be revised by condition of this approval to reflect the entire 8.98-acre property.

Parking Requirements*

The applicant filed a parking analysis in accordance with Section 27-574(a) dated June 15, 2018 from Lenhart Traffic Consulting, Inc. and incorporated herein by reference. The Planning Board concurs with the applicant's analysis, which found that the site will be adequately served by the number of parking spaces reflected on the DSP, as follows:

“Section 27-574(a) of the Zoning Ordinance provides that ‘the number of parking spaces required in the M-X-T Zone are to be calculated by the applicant and submitted for Planning Board approval at the time of Detailed Site Plan approval. Prior to approval, the applicant shall submit the methodology, assumptions, and data used in performing the calculations.’ This memorandum is to provide a parking assessment for the proposed convenience store with gas pumps as required for the M-X-T zone in Section 27-574(a) of the Zoning Ordinance.

“The number of parking spaces required is to be calculated in accordance with the methodology set forth in Section 27-574(b). The first step in determining the number of required spaces is to calculate the peak parking demand. In this regard, Section 27-574(b)(1) states as follows. ‘Determine the number of parking spaces required for each use proposed, based on the requirements of Section 27-568. These parking spaces are to be considered as the greatest number of spaces which are occupied in any one (1) hour and are to be known as the peak parking demand for each use. At less than this peak, the number of spaces being occupied is assumed to be directly proportionate to the number occupied during the peak (i.e., at eighty percent (80%) of the peak demand, eighty percent (80%) of the peak parking demand spaces are being occupied).’ Section (b)(2) and (b)(3) go on to recommend an hourly distribution of each use within the M-X-T zone to determine the hourly fluctuation and the resulting peak parking demand for the overall site. However, the parking requirements set forth in the zoning ordinance is simply a parking schedule and does not translate to an actual peak parking demand. It may, in many cases, be appropriate to utilizing the minimum parking requirements set forth in Section 27-568 as the peak parking demand, but this is often not an accurate indicator of peak parking demand and may result in providing excess parking which increases impervious area, adds unnecessary development cost, and underutilizing land intended for more dense development. The subject property presents such a situation. In order to supplement the provisions of Section 27-568, we have considered the ITE Parking Generation Manual to determine the appropriate peak parking demand for the proposed development. The ITE Parking Generation Manual is based on empirical data and actually provides peak parking demand projections.

“For the following reasons, it is our opinion that the peak parking demand can be adequately projected based upon the ITE Parking Generation Manual as discussed below.

- “1. The property in question is part of a previously approved CSP (12001) and Preliminary Plan of Subdivision (4-12010) for development of this M-X-T zoned property with a total of 59,156 square feet of retail and office (per Development

Data Summary in Resolution 13-38 of 4-12010). This DSP represents the development of Lot 1 with a 4,637 square foot convenience store with 16 fueling positions.

- “2. It is understood that the final parking supply shown on the plans is a total of 60 parking spaces for the proposed convenience store with gasoline.
- “3. If strictly followed, the County Zoning Code would require a total of 31 parking spaces based on the following formulae.
 - “a. One parking spaces per employee for a total of two spaces.
 - “b. One parking space per 150 square feet for the first 3,000 square feet (20 spaces), and one parking space per 200 square feet for the square footage above 3,000 square feet (9 spaces).
 - “c. The resulting parking requirement is 31 spaces which includes 3 handicap spaces and one loading space.
- “4. The Institute of Transportation Engineers (ITE) *Parking Generation Manual, 4th Edition* was researched and based upon the following findings it is our opinion that the 4,637-square-foot convenience store with 16 fueling positions will be more than adequately parked with a total of 60 parking spaces.
 - “a. The ITE data included a review of 10 study sites with an average square footage for the convenience store of 5,500 square feet. The results revealed that the average parking supply ratio is 13.1 parking spaces per 1,000 square feet. This would equate to 61 parking spaces for this proposed 4,637-square-foot facility.
 - “b. The ITE data showed that the peak weekday parking demand ranged between 4.88 and 11.67 parked vehicles per 1,000 square feet with an average peak-parking demand of 8.38 vehicles per 1,000 square feet. The peak Saturday parking demand ranged between 3.93 and 7.01 parked vehicles per 1,000 square feet with an average peak-parking demand of 5.11 vehicles per 1,000 square feet. Based upon these ITE reported parking demand rates, the proposed 4,637-square-foot convenience store with gas pumps will generate the following parking demand:

Parking Demand Calculations	Weekday		Weekend	
	Rate	Vehicles	Rate	Vehicles
Lowest Observed	4.88	23	3.93	19
Highest Observed	11.67	55	7.01	33
Average	8.38	39	5.11	24

Note: 4,637 Square Foot C-Store w/Gas

“As discussed above, Section 27-574(b)(1)-(3) requires the determination of the peak parking demand. Once this peak parking demand is calculated, it becomes the base requirement. In this case, based upon the ITE Parking Generation Manual, the peak parking demand for the proposed C-store with gas is 39 spaces which represents the average peak parking demand of all observed sites. The applicant has proposed 64 parking spaces which would accommodate the highest potential parking demand of 55 vehicles based upon ITE’s highest observed parking demand rate.

“Section 27-574(b)(4) allows a reduction of the base requirement by calculating the number of trips which are multipurpose and by determining the number of spaces which are not needed due to mass transit, van pool or developer provided transportation services. In this case, the applicant is not requesting a reduction in the base requirement.

“Finally, Section 27-574(b)(5) sets forth other considerations which the Planning Board may take into account in determining the parking needs for the proposed development. These considerations include any areas of parking which are reserved for a specific use and not accessible at any part of the day, and parking which, although shared, is so remote as to not be reasonably presumed to serve a use. In this case, no parking within the use is restricted or inaccessible during any portion of the day, and the parking is spread evenly throughout the site to be easily accessible to the proposed buildings. Thus, there is no basis to reduce the base parking requirement due to these considerations.

“In conclusion, with a base parking requirement of 39 spaces and a parking supply of 60 spaces, there are projected to be a surplus of 21 parking spaces using the parking calculation procedures as outlined in Section 27-574 of the Zoning Ordinance. Based upon this information, it is our opinion that the site will be adequately parked with 60 parking spaces.”

The Planning Board concurs with this analysis and approves the parking as shown on the DSP. A condition of this approval will require minor adjustments including modifying a number of standard spaces to compact spaces to accommodate additional planting space west of the loading space. These minor adjustments will have no effect on the analysis provided above.

3. **Location:** The subject property is located in the northwest quadrant of the intersection of Ritchie Marlboro Road and MD 725 (Old Marlboro Pike), in Planning Area 78, Councilmanic District 6. The project is also located at one of the nine gateways into Westphalia, per the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* (Westphalia Sector Plan and SMA) and is at a location of a mixed-use neighborhood center.
4. **Surrounding Uses:** The subject property is surrounded to the northwest by vacant property in the Rural Residential (R-R) Zone; to the northeast by Ritchie Marlboro Road; and to the south by Old Marlboro Pike.
5. **Previous Approvals:** The subject property was rezoned from the Residential-Agricultural (R-A) Zone to the M-X-T Zone in the Westphalia Sector Plan and SMA. Conceptual Site Plan CSP-12001 was approved by the Planning Board on April 11, 2013 and its approval formalized by the adoption of PGCPB Resolution No. 13-37 on May 2, 2013. The Prince George's County District Council then elected to review the case, heard it in oral argument, then approved the case by a District Council Order dated July 24, 2013. Preliminary Plan of Subdivision (PPS) 4-12010 was approved by the Planning Board for the subject property on April 11, 2013. On May 2, 2013, the Planning Board adopted PGCPB Resolution No 13-38, formalizing that approval. Detailed Site Plan DSP-15011 was approved for infrastructure by the Planning Board on March 3, 2016. PGCPB Resolution No. 16-34 was subsequently adopted by the Planning Board on March 24, 2016, formalizing that approval.

Stormwater Management (SWM) Concept Plan 6544-1008-01 was approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on August 21, 2015 and is valid through August 21, 2018.
6. **Design Features:** The Royal Farms use is a food and beverage store with a gas station component on proposed Lot 1 within the larger DSP, which is made up of four lots. The four lots are limited to three points of vehicular access pursuant to the approval of the PPS; two along its frontage on Ritchie Marlboro Road, and one on its frontage of Old Marlboro Pike. A shared vehicular-access easement was authorized pursuant to Section 24-128(b)(9) of the Subdivision regulations to serve the four lots, as required by PPS 4-12010. All other frontage is denied access. The primary internal roadway should be identifiable for pedestrian and motorists and include treatment such as "street" trees, sidewalks where appropriate and lighting. With conditions of this approval, the driveway extension shown on the DSP herein approved is consistent with that recommendation.

The site design herein approved places the gas station canopy with eight pump islands setback 75 feet from Ritchie Marlboro Road and the food and beverage store behind and east of the pump island, with both structures proposed to be parallel with Ritchie Marlboro Road, fronting on Old Marlboro Pike. Surface parking is herein approved immediately around the food and beverage store building with additional parking along the eastern and southern property lines, with on-site vehicular and pedestrian circulation provided. While this layout differs from the conceptual sign plan approval (CSP-12001), the site design includes a three-foot-tall stone wall to buffer the parking located on the eastern side of the parking lot along Ritchie Marlboro Road. The original version of the CSP was to pull the buildings toward Ritchie Marlboro Road and locate the parking on the western side of the buildings on Parcels 1–4. While the Planning Board supports the building location on Parcel 1, with conditions, future phases shall be in conformance with the approved CSP.

The architectural building design incorporates a band of composite siding at the top portion of the building, brick veneer in the middle, and stone veneer at the base of the building. The main entrance projects from the rest of the building and provides two side-entry points. The front elevation is accented with a shed-style roof over the main entrance supported by stone veneer and painted steel columns and topped with a cupola, and over-sized windows that help break up the horizontal mass. The rear elevation presents long bands of the composite siding, red brick and stone veneer, with the addition of a double entry doorway. The Planning Board is approving one twenty-five-foot-tall pylon sign south of the proposed access on Ritchie Marlboro Road with a base consisting of a stone sill and veneer to match the building, and one Westphalia Gateway Sign at the intersection of Ritchie Marlboro Road and Old Marlboro Pike.

The architectural materials, which include stone, brick, and composite siding, are of notable quality and durability. The pumps and canopy are reflective of the architecture and materials of the main building. Due to the visibility of the pumps, canopy, and retail building, the design of these features is important and are of high quality.

The applicant has incorporated a number of energy and water-efficient “green” building features, modeled on the leadership in energy and environmental design (LEED) program, though the applicant does not intend to pursue certification. As examples of these efforts, all of the vegetable oil used to prepare Royal Farms’ famous chicken will be converted into biofuel, the majority of the building materials are purchased locally, and over 85 percent of all waste from construction is recycled or repurposed.

COMPLIANCE WITH EVALUATION CRITERIA:

7. **Prince George’s County Zoning Ordinance:** The subject approval has been found in compliance with the requirements in the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance as follows:

a. **Section 27-546(d)**

(1) The proposed development is in conformance with the purposes and other provisions of this Division;

The purposes of the M-X-T Zone are provided for in Section 27-542 of the Zoning Ordinance. The subject DSP is hereby found to be in conformance with the purposes and other provisions of the M-X-T Zone. Specifically, in accordance with Section 27-542(a)(2), this development will facilitate the development envisioned in the approval of Conceptual Site Plan CSP-12001 for this site with conditions and implement the recommendation of the Westphalia Sector Plan and SMA by contributing to the creation of a mixed-use community. The subject site will form part of the larger village center area, which as a whole, will constitute a mixed-use walkable community with residential and nonresidential uses in close proximity to each other. The applicant estimates that the residential communities envisioned in the vicinity will create a large demand for commercial/retail uses that are service oriented on the subject property, like a Royal Farms.

(2) For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

The previous CSP, PPS, and DSP, which was for infrastructure, were found to be in conformance with this requirement. The applicant is herein approved for a revision in the development envisioned in CSP-12001. Primarily, the applicant has not providing a building along the property frontage at the intersection of Ritchie Marlboro Road and Old Marlboro Pike. The intent to have buildings moved up to the right-of-way (ROW) line along Ritchie Marlboro Road, was to create a main street design. Although the applicant is unable to fully achieve the original vision of the sector plan for a main street design character, the applicant is herein approved for a well-designed development that will benefit the southern Westphalia community. In addition, the approval incorporates a Westphalia Gateway feature into the site, which consists of the five-foot-tall gateway sign located at the intersection of Ritchie Marlboro Road and Old Marlboro Pike. This Gateway feature includes landscaping to frame and complement the gateway sign. The gateway signage design, coupled with the landscaping herein approved, can be found to be in conformance with the land use recommendations and design policies/principles intended to implement the development concepts recommended by the Westphalia Sector Plan and SMA. This same treatment was deemed acceptable at the northern gateway with Detailed Site Plan DSP-08043-01.

The Planning Board notes that as building development occurs on Parcels 2-4, a more consistent adherence to the conceptual layout submitted by the applicant and certified for illustrative purposes (CSP-12001) will be expected. This includes recommendations regarding the location of parking areas in front of buildings along Ritchie Marlboro Road. While the grade change makes some parking supportable between the buildings and the ROW, because it allows the buildings to be shifted back and be visible from the ROW, how much will depend on the grade elevation, the use types, and parking analysis, which will be evaluated with successive DSP applications.

(3) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;

Although the commercial retail building will not front on Ritchie Marlboro Road, the development still possesses an outward orientation that will be visually integrated with future adjacent development. The food/beverage store is designed to be located towards the back of the site near the southern edge with the gas canopy located closer to Ritchie Marlboro Road. This structure will provide outward orientation to the street while also providing needed visibility to the traveling public. While it is true that the site layout is a traditional arrangement, it has proven extremely successful for this particular business at numerous locations. The layout approved herein provides for much better on-site circulation and visibility that adheres to crime prevention through environmental design standards.

As discussed above, it will be critical that the development on Parcels 2-4 be integrated to create the synergy that will represent the entire site (8.98 acres) as a single site and not independent pad sites unrelated. This will require careful site planning including consistent lighting, sidewalks, "street" trees internal to the site, and building placement so that individual buildings do not turn their "backs" on each other. To ensure this the guidance provided in the CSP approval must be foundational in the planning and approval of the development on Parcels 2-4.

The development approved herein, in addition to the anticipated development on Lots 2 through 4, will help to catalyze adjacent community improvement and will rejuvenate the greater Westphalia community area by providing convenience retail services. Further, given the existing topography of this site along Ritchie Marlboro Road, the Planning Board hereby finds, similar to the design at the northern gateway that was approved with DSP-08043-01, that the design herein approved is commercially viable and superior to what was originally envisioned with the CSP.

(4) The proposed development is compatible with existing and proposed development in the vicinity;

The approved CSP anticipated a use of this type within the Forks of the Road development and establishes standards, to ensure that the development is compatible with the surrounding development. Adherence to the principles and guidance provided in the CSP will maintain compatibility for future development. A food and beverage store and gas station at this location, within the M-X-T Zone, is a permitted use.

(5) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;

As envisioned in the sector plan, the subject property (Parcels 1–4) is intended to represent a mix of uses that will make up the retail area and will reflect a cohesive development. The development herein approved on the subject property will be a key component to the retail center and will include the Westphalia Gateway feature.

(6) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;

The Royal Farms on Parcel 1 is the first of a possible four phases under the CSP and PPS approvals. While the development on Parcel 1 is designed to be self-sufficient, it is dependent on a shared access easement through the site connecting Parcels 1–4. This main vehicular access should be designed as the primary option for circulations of both vehicles and pedestrians, and should incorporate “street” trees, sidewalks and lighting to provide for the effective integration of anticipated future development on the balance of the site.

(7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;

The applicant is herein approved to install sidewalks along both road frontages to create a convenient pedestrian system however, the internal pedestrian system must be addressed through each successive DSP to ensure that the site will be integrated. Internal circulation, including sidewalks, and cross walks will contribute to a pedestrian-friendly system within the Royal Farms development and provide connectivity to future development on the balance of the site. To ensure internal connectivity, the Planning Board requires that the primary internal-access driveway, which is required to connect the four parcels, is

developed as a focal point on which the pedestrian and vehicular circulation will depend, including the location of a future public plaza area. The Planning Board requires that “street” trees be provided along the western edge of the entrance driveway from Old Marlboro Pike and that the grading be adjusted to accommodate the planting. This treatment will ensure that the entrance drive is identifiable through the entire site connecting to the northern entrance along Ritchie Marlboro Road. A sidewalk is provided along the eastern edge of the driveway and lighting is provided on both sides, which should continue as the driveway extends through the site. The driveway is located within an easement (Section 24-128(b)(9)), which must be reflected on the DSP and connects Parcels 1–4 to Ritchie Marlboro Road through to Old Marlboro Pike, in a layout consistent with the approved CSP.

An oversized sidewalk along the front of the commercial building will accommodate outdoor seating for up to six tables, which will encourage pedestrian activity at this location. In addition to this pedestrian area and consistent with the concept of the CSP, additional cross walks internal to the parking lots shall by condition of this approval be provided throughout the parking lot at strategic locations prior to certification.

- (8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

The DSP herein approved and architectural elevations present site and building designs that provide appropriate human-scale and high-quality design. A variety of building materials and architectural elements are proposed to create visual interest. In conjunction with the landscaping and outdoor seating herein approved, this will help create an environment that will facilitate a gathering place for patrons.

The certified CSP locates three potential locations for village green areas to the north on Parcels 2–4, which should be reflected on the coversheet of each DSP, to ensure that the concept is integrated and that the site planning for vehicular and pedestrian connection will accommodate the introduction of this site element as a focal point.

- (9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation**

Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club), or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending its finding during its review of subdivision plats.

The subject property was rezoned to the M-X-T Zone as part of the Westphalia Sector Plan and SMA approval process (Amendment 2 CR-66-2006). Consequently, a traffic study was approved with the original Conceptual Site Plan (CSP-12001) and PPS 4-12010, and in both instances, a finding of adequate transportation facilities was made. The trip generation associated with the proposed Royal Farms use will meet the trip caps imposed by the CSP and PPS. Road frontage improvements on Ritchie Marlboro Road and Old Marlboro Pike include the following:

- (1) All utility relocations.
- (2) A new left-turn lane along northbound Ritchie Marlboro Road at Old Marlboro Pike.
- (3) A new right-turn lane along southbound Ritchie Marlboro Road at Old Marlboro Pike plus a free right turn and acceleration lane along westbound Old Marlboro Pike.
- (4) Frontage improvements and widening along Ritchie Marlboro Road and Old Marlboro Pike.

In addition, the applicant is herein approved to reconstruct the traffic signal to accommodate the capacity increase at Ritchie Marlboro Road and Old Marlboro Pike intersection.

Based on the findings contained in this approval and the applicant's SOJ which is herein incorporated, the DSP conforms to additional findings and conditions for approval in the M-X-T Zone.

- b. **Site Design Guidelines:** The Planning Board herein approves a site plan in accordance with Section 27-283, Site design guidelines, of the Zoning Ordinance that further cross-references the same guidelines as stated in Section 27-274 of the Zoning Ordinance, specifically in regard to parking, loading, and circulation; service areas; and lighting. Landscaping has been provided in accordance with the 2010 *Prince George's County Landscape Manual* (Landscape Manual) requirements.

- c. **Signage:** The subject approval includes building-mounted signs, freestanding signs, a Westphalia Gateway sign and directional signs. The signs have been reviewed for conformance with the applicable sign regulations, as follows:
- (1) **Freestanding Signage**—The Planning Board herein approves one 25-foot-high freestanding pylon sign located along Ritchie Marlboro Road. Section 27-614(e) of the Zoning Ordinance states “In Mixed-Use Zones, the design standards for all freestanding signs shall be determined by the Planning Board for each individual development at the time of DSP review.” In this case, the Planning Board finds that the single-freestanding sign is appropriate in size, type, and design given the proposed location and the type of use and is in keeping with the M-X-T Zone. The sign detail shall by condition of this approval, more specifically, indicate the material of the product display sign face area.
 - (2) **Building-Mounted Signs**—The Planning Board herein approves two building-mounted signs, and canopy signs which feature the business logo. The signs are approved to be illuminated by neon. Section 27-613(f)(1) of the Zoning Ordinance states that in Mixed-Use Zones the design standards for all signs attached to a building shall be determined by the Planning Board for each individual development at the time of DSP review. In this case, the Planning Board finds that the building signs and canopy signs are an appropriate in size, type, and design, given the proposed location and the type of use herein approved and are in keeping with the M-X-T Zone.
 - (3) **Freestanding Gateway Monument Sign**—The DSP herein approved includes a seven-foot-high gateway monument sign located in the north west quadrant of the intersection of Old Marlboro Pike and Ritchie Marlboro Road, setback 10 feet from the ROW. As stated above the freestanding signs are subject to Section 27-614(e) of the Zoning Ordinance, which states that in Mixed-Use Zones, the design standards for all freestanding signs shall be determined by the Planning Board for each individual development at the time of DSP review. In this case, the Planning Board finds that the monument freestanding sign is an appropriate in size, type, and design, given the location and the type of use herein approved and is in keeping with the M-X-T Zone and the Westphalia sector plan. However, the sign should be better integrated into the overall development through either an extension of the proposed wall along the parking lot or additional landscaping to provide a visual connection to the feature from the site.
8. **Conceptual Site Plan CSP-12001:** The site is subject to CSP-12001, approved by the District Council on July 24, 2013 in an order affirming the Planning Board decision with conditions. Condition 1 and 2 relate to certification of the CSP and the PPS. The following conditions in **boldface** type warrant discussion.

3. **Prior to acceptance of any detailed site plan for the subject property, the applicant shall submit a geotechnical report for the entire site. The report shall be prepared following, at a minimum, the “Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments” prepared by the Prince George’s County Unstable Soils Taskforce for the review and approval of the Prince George’s County Department of Public Works and Transportation (DPW&T) to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 4-131 of the Water Quality Resources and Grading Code in accordance with the guidelines established by the Department of Environmental Resources (DER) for Marlboro clays to confirm the elevation of the Marlboro clay and determine the slope stability factor. Where appropriate, the “rational method” shall be used to determine the slope stability safety factor.**

A geotechnical report as specified in this condition was submitted for the case file. The Planning Board has found that the report meets the criteria of this condition. The Prince George’s Soil Conservation District and DPIE reviewed the geotechnical report with the Detailed Site Plan (DSP-15011) for infrastructure. The 1.5 safety factor line is located west of Lot 1, as shown on DSP Sheets 3 and 4 and TCPII Sheet 23.

4. **At the time of detailed site plan (except for a DSP for infrastructure), the following issues shall be addressed, or information shall be provided:**
 - a. **Design of a gateway and a village green, or other public space, shall be provided. The design of public spaces shall incorporate high-quality design details and be connected with other amenities throughout the site by a well-designed pedestrian system. An attractive mix of design features including focal points, such as public art, sculpture or fountains; seating areas; specialty landscaping; and specialty paving materials shall be demonstrated.**

This DSP for development on Parcel 1 does not propose a public space. The certified CSP reflects the potential locations on Parcels 2, 3, and 4, which shall be, by condition of this approval, indicated on the coversheet of the DSP in a similar manner as the CSP to ensure a sign post to future development on these parcels.

As discussed throughout this approval, integration of pedestrians and general circulation depends on amenities like consistent lighting, sidewalks and “street” trees along the main access easement which connects the entire site. As this site is built out, the applicants should recognize that the CSP is controlling and these parcels are considered a single integrated site for purposes of the Sector Plan and CSP including connectivity for public space. Pedestrian connections including sidewalks and cross walks internal to the site will be necessary to integrate the development.

- b. The design of loading areas shall be visually unobtrusive as viewed from public spaces and the public right-of-way.**

The applicant has worked to locate the loading on Parcel 1 at a location that is as unobtrusive as possible. The Planning Board herein approves the parking spaces abutting the loading be changed to compact spaces to ensure sufficient planting space for landscaping.

- c. Details of light fixtures, benches, trash receptacles, bicycle racks and other street furniture shall be provided.**

No such details are herein approved because there are no public places that would necessitate benches and trash receptacles. Lighting details are provided and will need to be consistent along the main access driveway through the development. Trash receptacles and bike racks need to be provided, with details, prior to certification by condition of this approval.

- d. The detailed site plan shall show the proposed pond designed as a submerged gravel wetland with various types of hydrophytic plantings to help remove pollutants; and provide a planting plan showing the location, species and spacing of these pond plantings, subject to modification by the Department of Public Works and Transportation (DPW&T).**

This condition was brought forward with the PPS and further refined as is addressed in the analysis of Condition 14 of PPS 4-12010 below.

- e. The final landscape and signage treatments for the frontage of historic Old Marlboro Pike (MD 725) and Ritchie-Marlboro Road shall be determined. The landscape treatment shall provide an equivalent or better streetscape appearance than would be achieved under strict application of Section 4.6, Buffering Development from Special Roadways.**

The DSP conforms to the requirement of Section 4.6, Buffering Development from Special Roadways, with a condition of this approval requiring the applicant to extend the plant material to the west side of the entrance drive from Old Marlboro Pike within the 20-foot-wide landscape buffer area.

- f. Access to existing or future bus routes shall be evaluated at time of detailed site plan, and facilities for a bus stop shall be shown if deemed appropriate by the Department of Public Works and Transportation (DPW&T).**

The applicant stated in their SOJ that “A search of Bing Maps website shows two bus stops located on Old Marlboro Pike abutting the property.” Prior to certification those locations shall by condition of this approval be reflected on the plans.

5. **At the time of Detailed Site Plan review for the first commercial/retail building for the subject property, the site will be evaluated for conformance to the gateway design guidelines for the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment. Review shall include items such as gateway entrance features, architectural design, materials, pedestrian connectivity, design details for the “commons” area shown on the conceptual site plan, colors, landscape palate, and streetscape features and amenities.**

The DSP was evaluated for conformance to the gateway design guidelines for the Westphalia Sector Plan and SMA (page 32) and found to generally meet the requirements. While the design principles recommend a placemaking with “resting and recreational facilities, information kiosks, or other amenities as appropriate”, the approved CSP does locate potential public spaces on Lot 1 but locates potential sites on Parcels 2–4, which will be addressed with future phases.

The freestanding entrance monument, required by the Westphalia Sector Plan and SMA is somewhat isolated at the intersection of Ritchie Marlboro Road and Old Marlboro Road and should be better integrated visually. Prior to certification a better integration of the signage is required, which may be accomplished through improved landscaping.

6. **The following standards shall apply to and be reflected on all detailed site plans for commercial/retail buildings on the property. At the time of Detailed Site Plan review, the Planning Board may make modifications to the Development Standards without the need to amend the Conceptual Site Plan if the Planning Board finds such modification is appropriate and consistent with the character and quality of the development envisioned by the Conceptual Site Plan and the 2007 Approved Westphalia Sector Plan and Sectional Map Amendment.**

- a. **Any building located on the eastern portion of the site shall be visually parallel to Ritchie-Marlboro Road.**

The approved site plan has been designed to conform with this condition.

- b. **Provision of parking between buildings on the eastern portion of the site and Ritchie-Marlboro Road shall be minimized, but may be allowed in limited amounts if it will be completely or substantially out of the view from the road because of topographic changes, or if the parking will be buffered with appropriate screening and/or landscape features such as decorative fencing,**

masonry walls, and plantings along Ritchie Marlboro Road that also serve to visually connect the site to the overall gateway center features.

The development of Lot 1 has been herein approved with a significant amount of the required parking between the building and Ritchie Marlboro Road, contrary to the recommendation of this condition and the illustrative plan certified with the CSP.

The condition allows parking between the building and Ritchie Marlboro Road “in limited amounts” in certain circumstances. In this case, the Planning Board approved the location of the building and parking on-site, with conditions of this approval requiring additional landscaping and a masonry wall, on the east side of the easternmost parking bay. This was primarily based on the building and road elevations and the land use, which create these “certain circumstances”.

The development of Lots 2–4 will be analyzed for conformance to this condition and should expect that, as development moves north on Ritchie Marlboro Road, the buildings will be pulled closer as the elevation changes.

c. Buildings shall be multi-story or provide a visual appearance of being at least two stories in height.

Although, technically, one-story in height, the height of the gable is 32 feet, with the midpoint of the gable being approximately 25 feet tall. The flat roof portion of the building is approximately 22 feet. Consequently, these dimensions create a human scale to the project, while meeting the intent of the sector plan to have buildings that are more than 10–12 feet in height (or one-story).

d. On the southernmost lot, off-street parking shall not be permitted between any building and Ritchie-Marlboro Road. Parking shall only be permitted between any building and Old Marlboro Pike if said parking is completely or substantially out of view from the road because of screening and/or landscape features such as decorative fencing, masonry walls, and plantings along Ritchie Marlboro Road that also serve to visually connect the site to the overall gateway center features.

This condition specifically relates to the subject site, Lot 1. As described above, the Planning Board finds that additional features to visually connect the entrance monument to the overall site, the addition of a masonry fence on the east side, and additional fencing wrap along the frontage on Old Marlboro Pike complete the gateway location. The Planning Board finds that, with conditions, this modification is appropriate and consistent with the character and quality of the development envisioned by the CSP and the Westphalia Sector Plan and SMA.

- e. Buildings shall be designed with interesting and attractive architectural features to promote a “sense of place.”**

The architectural elevations are hereby found in conformance with this condition.

- f. Buildings shall be attractive on all sides while utilizing materials and finishes that reinforce a sense of quality and permanence. The applicant’s selection of materials and finishes will be carefully reviewed at time of submission of the first Detailed Site Plan for any commercial/retail building.**

The Planning Board, as set forth in this approval, finds the architectural elevations in conformance with this condition.

- g. Buildings shall provide ample and numerous windows on the front ground level elevation.**

The Planning Board, as set forth in this approval, finds the architectural elevations in conformance with this condition.

- h. Commercial development shall, to the maximum extent practicable, front on a park, plaza, or courtyard.**

In this case, for the development of Lot 1, the applicant has provided an attractive monument feature, which will be further integrated into the overall site with conditions of this approval. Additional open space and plaza areas will be evaluated in future phases of the development.

- i. The proposal shall show increased connectivity between buildings through shared plazas, shared open space, and/or architectural features that link building forms.**

This is the first of the four parcels to be developed and will set the tone for development on Lots 2–4, including light features, landscaping and sidewalk connections. The Planning Board requires, by conditions of this approval, that additional details be provided, prior to certification, to ensure linkages between the building envelopes and the built environment.

- j. Future uses shall be interconnected between parcels to the fullest extent practical with the sharing of curb cuts, parking, and stormwater management.**

This is the first of the four parcels to be developed and will set the tone for development on Lots 2–4, including light features, landscaping and sidewalk connections. The Planning Board requires, by conditions of this approval, that

additional details be provided prior to certification, to ensure linkages between the building envelopes and the built environment.

- k. To the maximum extent practicable, restrict drive-in commercial services to rear areas behind main structures.**

Drive-in commercial services are not included in the subject approval.

- l. Provide high levels of pedestrian accommodation, safety and amenity.**

Additional connections, including sidewalks and crosswalks, are required by conditions of this approval internally to the site, which will connect all the pad sites. The property owners will be responsible for designing the sites to ensure these connections. The Planning Board is requiring that the primary vehicular-access easement be treated with lighting, sidewalks and additional “street” trees at appropriate locations to provide an identifiable clear route through the site for vehicles and pedestrians to promote and ensure safe travel for all users.

- m. Design internal sidewalks no less than six feet in width.**

The Planning Board herein approves six and eight-foot-wide sidewalks with the exception of a five-foot-wide sidewalk proposed on the north side of the building. At this location, the five-foot-wide sidewalk is acceptable. Other locations where primary connection through the site (Lots 1-4) are located will be required at six feet wide.

- n. Design internal streets/site circulation as low-speed streets/site circulation to employ appropriate traffic calming measures to reduce internal vehicular speeds.**

The primary circulation “street” is via an easement authorized by the Planning Board with the approval of the PPS (Section 24-128(b)(9)). All other frontages of the lots on Ritchie Marlboro Road and Old Marlboro Pike are denied. The easement connects Lots 1–4 with two vehicular connection to Ritchie Marlboro Road and to Old Marlboro Pike. This primary circulation must be identifiable and treated with “street” trees, lighting and sidewalks, where appropriate, to ensure that the parcel connection are not circuitous routes through parking lots. A clear path between the lots must be provided and is expected and required to ensure the safety of all users.

- o. If a gas station is proposed at the southernmost lot, the main gas station building shall be designed utilizing the above stated principles, and any gas station canopy shall be placed on the western portion of the lot to substantially screen views of the canopy from the Ritchie Marlboro**

Road/Old Marlboro Pike intersection. The materials and design of any gas station canopy shall utilize materials and architectural features reflected in the main building to promote an attractive and unified theme. Architecture for any gas station shall not be a standard franchise prototype; shall incorporate the materials and details of the other buildings on the site; and shall be multi-story or provide a visual appearance of being at least two stories in height.

The DSP is hereby found to meet this requirement with conditions. The applicant's SOJ made the following statement regarding conformance to this condition for the gas station on Parcel 1:

“The building design incorporates a band of composite siding at the top portion of the building, brick veneer in the middle, and stone veneer at the base of the building. The main entrance projects from the rest of the building and features two side entry points. The front elevation is accented with a shed-style roof over the main entrance supported by stone veneer and painted steel columns and topped with a cupola, and oversized windows that help break up the horizontal mass. The rear elevation presents long bands of the composite siding, red brick and stone veneer, with the addition of a double entry doorway. There is no question that the proposed exterior building materials, which include stone, brick, and composite siding, are of notable quality and durability. The pumps and canopy are reflective of the architecture and materials of the main building. Due to the visibility of the pumps, canopy, and retail building, the design of these features are important and are of high quality. The height of the gable is 32 feet, with the midpoint of the gable being approximately 25 feet tall. The flat roof portion of the building is approximately 22 feet. Consequently, these dimensions create a human scale to the project, while meeting the intent of the sector plan to have buildings that are more than 10 – 12 feet in height (or one story).”

7. **The following improvements shall be provided and indicated on all plans of development.**
 - a. **Provide an eight-foot-wide sidepath or wide sidewalk along the subject site's frontage of Richie-Marlboro Road, unless modified by the Department of Public Works and Transportation DPW&T.**

The eight-foot-wide sidewalk is reflected within the public ROW along Ritchie Marlboro Road. Construction of that sidewalk will be determined by the operating agency at the time of street construction permit.

- b. Provide a standard sidewalk along the subject site's entire frontage of Old Marlboro Pike (MD 725), unless modified by DPW&T.**

The five-foot-wide sidewalk is reflected within the public ROW along Old Marlboro Pike. Construction of that sidewalk will be determined by the operating agency at the time of street construction permit.

- c. Provide a marked crosswalk along Ritchie-Marlboro Road at the site's ingress/egress points, unless modified by DPW&T.**

This crosswalk is not reflected, so the site plan shall by condition of this approval be revised as such. The location could be shifted into the site, to allow site planning on the abutting Lot 2 for future development.

- d. Provide a marked crosswalk along Old Marlboro Pike (MD 725) at the site's ingress/egress point, unless modified by DPW&T.**

This crosswalk is not reflected, and the Planning Board is not recommending this crossing at this time because there is not a sidewalk off-site to the west to connect to. As new development occurs to the west, this cross walk may be appropriate.

- e. Provide at least one sidewalk/crosswalk connection from the wide sidewalk along Ritchie-Marlboro Road to the internal buildings/pad sites.**

A number of internal sidewalks are provided at appropriate locations that will be required to connect off-site in the future via cross walks. This site plan will reflect additional cross walks prior to certification by conditions of this approval including connecting the sidewalks along the south side of the driveway from Ritchie Marlboro Road, and to stub to the southern lot line of Lot 2.

- 8. Total development within the subject property shall be limited to uses that would generate no more than 229 AM and 276 PM peak-hour vehicle trips. Any development generating an impact greater than that identified hereinabove shall require a revision to the Conceptual Site Plan with a new determination of the adequacy of transportation facilities.**

The DSP herein approved represents a 4,637-square-foot convenience store with gas pumps. Pursuant to the *Trip Generation Manual, 10th Edition* (Institute of Transportation Engineers), this type of use (Code 851) will generate 113 AM and 91 PM peak trips. Consequently, this phase of development will not exceed the overall trip cap. However, the remaining phases of additional future development on the property will be limited to no more than $229-113 = 116$ AM and $276-91=185$ PM trips.

9. **Preliminary Plan of Subdivision 4-12010:** Preliminary Plan of Subdivision 4-12010 was approved by the Planning Board on April 11, 2013 (PGCPB Resolution No. 13-38), which was adopted by the Planning Board on May 2, 2018, for a mix of office and retail. The following conditions included in **boldface** type below warrant discussion:

5. **Total development within the subject property shall be limited to uses that would generate no more than 229 AM and 276 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 DSP herein approved represents a 4,637-square-foot convenience store with gas pumps. Pursuant to the Trip Generation Manual, this type of use (Code 851) will generate 113 AM and 91 PM peak trips. Consequently, this phase of development will not exceed the overall trip cap.

6. **Development of this site shall be in conformance with Stormwater Management Concept Plan 65544-2008-01 and any subsequent revisions.**

Conformance with the SWM concept plan and any subsequent revisions will be determined by DPIE.

8. **Prior to approval of building permits, in conformance with the 2009 Approved Countywide Master Plan of Transportation and the 2007 *Approved Westphalia Sector Plan and Section Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following, unless modified by the Department of Public Works and Transportation (DPW&T):**

- a. **An eight-foot-wide sidepath or wide sidewalk along the subject site's frontage of Ritchie-Marlboro Road**
- b. **A standard sidewalk along the subject site's entire frontage of Old Marlboro Pike (MD 725).**
- c. **A marked crosswalk along Ritchie-Marlboro Road at the site's ingress/egress locations.**
- d. **A marked crosswalk along Old Marlboro Pike (MD 725) at the site's ingress/egress location.**

This condition is addressed in the CSP discussion above.

- 14. Prior to approval of the Detail Site Plan, all plans shall show the proposed pond designed as a submerged gravel wetland with various types of hydrophytic plantings to help remove pollutants, subject to modification by the Department of Public Works and Transportation (DPW&T).**

The approved Stormwater Concept Plan and Letter (6544-2008-02), provided with the DSP, describes the use of bioretention and extended detention, with a submerged gravel wetland and 100-year stormwater management retention; however, the DSP and Type II tree conservation plan (TCPII) do not identify a submerged gravel wetland on the plans. The applicant submitted a separate exhibit on June 13, 2018, showing the stormwater management facility in the floodplain as a submerged gravel wetland and provided a planting list with various hydrophytic plantings. A condition of this approval requires that, prior to certification of the DSP, the applicant label the stormwater management facility as a submerged gravel wetland and provide a planting list with hydrophytic plantings.

- 16. Prior to approval of the Detailed Site Plan, the DSP shall be reviewed for design conformance to the 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment*, which could result in the modification of the parcel configuration. Access locations shall be in conformance with the approved Preliminary Plan of Subdivision.**

The DSP has been reviewed for design conformance with the Westphalia Sector Plan and SMA, in accordance with this requirement. No modifications of the parcel configuration were necessary. The DSP was also evaluated for conformance with the relevant PPS 4-12010 and found to be in substantial conformance.

- 18. Prior to acceptance of the Detail Site Plan (DSP) for this site, the applicant shall submit a geotechnical report prepared following, at a minimum, the “Criteria for Soil Investigations and Reports on the Presence and Affect of Marlboro Clay upon Proposed Developments” prepared by the Prince George’s County Unstable Soils Taskforce for the review and approval of the Prince George’s County Department of Public Works and Transportation to satisfy the requirements of Section 24-131 of the Subdivision Regulations and Section 4-131 of the Water Quality Resources and Grading Code in accordance with the guidelines established by the Department of Environmental Resources for Marlboro clays to confirm the elevation of the Marlboro clay and determine the slope stability factor. Where appropriate, the “rational method” shall be used to determine the slope stability safety factor.**

A geotechnical report prepared as specified above was submitted prior to acceptance of the subject DSP in accordance with this requirement prior to acceptance of the DSP. This condition was also previously addressed with a prior DSP. The Prince George’s Soil Conservation District (SCD) and DPIE reviewed the revised required geotechnical report dated January 18, 2016 titled “Subsurface Investigation and Studies and slope Stability Analysis for Forks of the Road- Upper Marlboro, MD.” Soil borings were conducted

throughout the area identified as Marlboro Clay. The soil investigation and profiles identified that the area of most concern, located in and down gradient of the southern stormwater management facility herein approved, has a low factor of safety of 1.63. Based on the location of the building herein approved, slope stability is not a concern.

The matter of Marlboro clay and a 1.5 safety factor limit located on-site has been addressed and no further information is required for this approval. Additional information may be required by DPIE at the time of permit review.

- 19. Prior to approval of the detailed site plan (DSP), the DSP and Type 2 tree conservation plan (TCP2) shall indicate the unmitigated 1.5 safety factor line. No structures shall be placed within the 1.5 safety factor line unless proper mitigation has been provided.**

The DSP and TCPII show the location of the unmitigated 1.5 safety factor line and no structures are herein approved within the limits of the safety factor line in accordance with this requirement.

- 21. Prior to approval of the DSP, it shall be reviewed by the Prince George's Department of Environmental Resources (DER) and/or the Department of Public Works and Transportation (DPW&T) as appropriate to ensure that the location of the unmitigated or mitigated 1.5 safety factor lines are correctly delineated.**

SCD and DPIE have reviewed the recently submitted geotechnical report dated (revised) January 18, 2016 titled "Subsurface Investigation and Studies and Slope Stability Analysis for Forks of the Road – Upper Marlboro, MD."

10. **Detailed Site Plan DSP-15011:** Detailed Site Plan DSP-15011 was for infrastructure only and there were no conditions of approval relevant to this DSP application.
11. **2010 Prince George's County Landscape Manual:** The site plan is subject to the following sections of the 2010 *Prince George's County Landscape Manual* (Landscape Manual): Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6(c)(2), Buffering Development from Special Roadways; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements.
- a. **Section 4.3, Parking Lot Requirements**—The site plan originally shows conformance with the interior planting requirements for parking lots over 7,000 square feet. Within Parking Lot Area A, some ornamental trees are being counted as shade trees. Therefore, a condition of this approval requires this to be changed.
- b. **Section 4.4, Screening Requirements**—The site plan shows a screened dumpster and a loading space at the western portion of the site, which is acceptable.

- c. **Section 4.6(c)(2), Buffering Development from Special Roadways**—Ritchie Marlboro Road and Old Marlboro Pike are historic roadways and subject to the buffering requirement for Special Roadways in the Developing Tier (2002 General Plan).

Section 4.6, Buffering Development from Special Roadways:

Ritchie Marlboro Road

Section 4.6(c)(2) Buffering Development from Special Roadways

	Required	Approved
Length of bufferyard:	*227 feet	227
Minimum bufferyard width:	20 feet	20 feet
Plant Units Required (80 per 100 linear feet):	182	186

Note: *The landscape plan, Sheet 7 of 9, indicates 229 feet, and the schedule on Sheet 8 of 9 indicates 227.

Old Marlboro Pike

Section 4.6(c)(2) Buffering Development from Special Roadways

	Required	Approved
Length of bufferyard:	*337 feet	227
Minimum bufferyard width:	20 feet	20 feet
Plant Units Required (80 per 100 linear feet):	276	**276

Notes: *The landscape plan, Sheet 7 of 9, shall by condition of this approval, clarify that the buffer is in two sections which total 337, and the #1 schedule on Sheet 8 of 9 incorrectly states that it is in the Developed Tier.

**The landscape plan shall by condition of this approval, distribute the plant material equally so that plant material for this buffer are provided within the buffer on the west side of the entrance drive from Old Marlboro Pike.

- d. **Section 4.7, Buffering Incompatible Uses**—This section is not applicable, as Lot 1 borders only vacant M-X-T-zoned property that is part of this development.
- e. **Section 4.9, Sustainable Landscape Requirements**—The submitted plans demonstrate conformance with Section 4.9. The applicant has provided the required number of native species and provided the appropriate plant schedule.

12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance**—The project is subject to the requirements of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the subject DSP has previously approved TCPs. The Planning Board has reviewed the subject project and approved the TCPII with conditions.
13. **Prince George's County Tree Canopy Coverage Ordinance**—Due to the project's location in the M-X-T Zone, 10 percent of the site must be included in tree canopy. As the site measures 8.98 acres, approximately 0.90 acre (or 39,117 square feet) of tree canopy must be provided. The site plan proposes 0.54 acre (or 23,522.4 square feet) in existing trees, 0.67 acre (or 29,185.2 square feet) in reforestation, and 4,730 square feet is provided in landscape trees. Therefore, total tree canopy coverage on the site, 57,438 square feet, exceeds the 39,117 square feet of tree canopy required. The applicant has provided the correct tree canopy coverage schedule, demonstrating conformance to the requirements of the Tree Canopy Coverage Ordinance for the subject project.
14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Historic Preservation Planning and Archeological Review**—The Planning Board reviewed the following regarding the project:
 - (1) A Phase I archeological survey was conducted on the 220-acre Clagett/Addison property (that includes the subject property) in March 2004. The Clagett/Addison property was the location of a nineteenth century dwelling called Navaho (78-022) built for William B. Clagett, which burned in 1996. One archeological site, 18PR710, was identified on the 220-acre Clagett Addison property at the former site of the Navaho residence. This archeological site is not located within the 8.98 acres included in the subject approval. The area of archeological site 18PR710 will be monitored by an archeologist when construction proceeds in that area. No archeological sites were identified within the 8.98 acres of the subject property and no further work was recommended in this area.
 - (2) There are no historic sites, historic resources, or documented properties within the subject property. The development will not affect any significant archeological resources. No further archeological investigations are required in this area, and the development herein approved will not affect any historic sites, historic resources, or documented properties.
 - b. **Community Planning**—The Planning Board reviewed the following:

The approval is in the Established Communities Growth Policy area of the *Plan Prince George's 2035 Approved General Plan*. The Westphalia Sector Plan and SMA recommends residential-low land uses on the subject property. The sector plan also

identifies the Old Marlboro Pike/Ritchie Marlboro Road intersection as one of ten gateways into Westphalia area. The sector plan has no conformance issues. The sector plan and SMA revised the zoning of the subject area (8.98 acres) from the R-R Zone to the M-X-T zoning category.

c. **Transportation**—The Planning Board reviewed the following:

There are two vehicular accesses herein approved, consistent with the approved PPS, both of which can be used by larger trucks including oil tankers. Both access points will provide adequate circulation to the development approved on Parcel 1. Overall, on-site access and circulation is adequate. The extension of the (Section 24-128(b)(9)) access is critical to the overall circulation and shall by condition of this approval be reflected in a conceptual way on the coversheet of the DSP, reflecting the two approved points of access to Ritchie Marlboro Road extending south to Old Marlboro Pike. The easement should be delineated on Parcel 1.

Pursuant to provisions in Subtitle 27-546 of the Zoning Ordinance, this development was the subject of a PPS (4-12010), where a test for transportation adequacy was undertaken. That approval was less than six years from the scheduled hearing on this case and therefore, the adequacy finding is made. No further traffic evaluation is necessary

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

d. **Subdivision**—The subject property is known as Parcel P, Block E, recorded in Plat Book REP 208-20, approved on September 8, 2005. The site is approximately 8.99 acres, is located in the M-X-T Zone, on Tax Map 101 in Grid B-1, and is currently undeveloped. Further, the property is subject to (PPS) 4-12010 which was approved by the Planning Board (PGPCB Resolution No.13-38) for four parcels on April 11, 2013 for a mixed-use development consisting of retail and office uses, subject to 22 conditions. Those conditions as applicable to this DSP approval are discussed in the findings above.

The PPS approved two private vehicular access easements that extend into the site from Ritchie Marlboro Road. The first access easement extends west from an entrance herein approved along Ritchie Marlboro Road along the common boundary line for Lots 1 and 2. The second access easement extends southwest from an entrance herein approved along Ritchie Marlboro Road into Lot 4. The two easements were approved pursuant to Section 24-128(b)(9) of the Subdivision Regulations and shall by conditions of this approval, be reflected on the plan and provide a connection to Old Marlboro Pike within an easement to be reflected on the DSP. The easement location can be reflected on site with an indication for the location of the connections based in concept on the PPS to ensure that the main access for both pedestrians and vehicles is not a circuitous route through the site.

As conditioned with the PPS, prior to approval of the final plat, an executed private access easement agreement shall be submitted and approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC). The access easement, authorized pursuant to Section 24-128(b)(9) of the Subdivision Regulations, shall set forth the rights, responsibilities, and liabilities of the parcel owners. The easement document shall be recorded in the land records of Prince George's County, and the Liber/folio reflected on the record plat. The shared access easement serving Lots 1, 2, 3, and 4 shall be delineated on the plat.

The Planning Board's plan comments and their concern regarding having a private access agreement in place prior to the approval of a final plat have been included as conditions of this approval.

The Planning Board hereby determines conformance with any underlying subdivision approvals on the subject property and Subtitle 24. The PPS has obtained signature approval and the DSP has been found to be in substantial conformance with the applicable conditions set forth by the PPS subject to the subdivision-related conditions for this DSP. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected.

e. **Trails**—The Planning Board reviewed the following:

Two master plan trail issues impact the subject property with a shared use sidepath (or wide sidewalk) herein approved along Ritchie Marlboro Road and continuous sidewalks and designated bike lanes herein approved along Old Marlboro Pike. The 2009 *Approved Countywide Master Plan of Transportation* (MPOT)(page 36) includes the following recommendation for Ritchie Marlboro Road:

Ritchie Marlboro Road (A-39) Side path: The existing wide sidewalk along the Marlboro Ridge portion of Ritchie Marlboro Road should be extended along the entire length of the road. This trail will link adjacent residential communities and connect two stream valley trails. On-road bicycle facilities may also be appropriate.

The MPOT also contains a section on Complete Streets which provides guidance on accommodating all modes of transportation as new roads are constructed or frontage improvements are made. It also includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

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

Prior approvals for the site (and surrounding development) included conditions of approval to implement these master plan improvements. See Finding 8 for a discussion of trails-related Condition 7 of CSP-12001. A condition of this approval requires additional crosswalks and a bike rack to complement the other bicycle and pedestrian improvements to be provided for the development.

- f. **Environmental Planning** —The project is subject to the environmental regulations that came into effect on September 1, 2010. The project is subject to the WCO, effective September 1, 2010, because this site has a PPS that was subject and not grandfathered.

Site Description

The subject 8.98-acre Fork of the Road site is located on the northwest corner of Ritchie Marlboro Road and Old Marlboro Pike. A review of the available information indicates that streams and 100-year floodplain are found to occur on the site. According to PGAtlas.com, Marlboro clay occurs on this site. The Sensitive Species Project Review Area (SSSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program shows there are no rare, threatened, or endangered species found to occur on or near this property. The on-site stream system is part of Federal Spring Branch, which drains to the Western Branch, a stronghold watershed of the Patuxent River basin. The Approved Countywide Green Infrastructure Plan shows Regulated and Evaluation network areas, associated with the stream and floodplain. The site has frontage on Ritchie Marlboro Road, a master-planned arterial road, and frontage on Old Marlboro Pike, a master-planned collector roadway. Ritchie Marlboro Road is regulated for traffic-generated noise when residential uses are proposed. Old Marlboro Pike and Ritchie Marlboro Road are designated historic roads. The property is in Environmental Strategy Area 2.

Natural Resources Inventory/ Existing Conditions:

An approved Natural Resource Inventory, NRI-071-11, in conformance with the environmental regulations that became effective September 1, 2010, was submitted for the subject approval. The NRI shows a revised floodplain area. The subject DSP approval is in conformance with the NRI.

Preservation of Regulated Environmental Features/Primary Management Area

The site contains regulated environmental features inclusive of the primary management area (PMA), which must be preserved and/or restored to the fullest extent possible. A SOJ and exhibits for three proposed impacts were approved with PPS 4-12010. The applicant submitted an exhibit for the current approvals showing the elimination of one of the three

impacts and changes to the other two impacts, resulting in an overall reduction in disturbance to the PMA from 0.54 acre to 0.48 acre.

The impacts herein approved to the PMA as shown on the TCPII and DSP are in general conformance with the impacts approved with the PPS, and no new impacts are approved herein.

Based on the level of design information currently available, the limits of disturbance shown on the TCPII and the impact exhibits provided, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible.

Woodland Conservation:

This property is subject to the provisions of the WCO because the site has previously approved TCPs. A revised Type II Tree Conservation Plan (TCPII-105-04-05) was submitted for the subject DSP approval.

The TCPII has been revised to adjust the reforestation area from 4.75 acres to 4.78 acres. The TCPII includes the Marlboro Riding residential subdivision (223.50 acres) and the Forks on the Road mixed-use subdivision (8.98 acres). Because no change to the residential portion is proposed, only the plan sheets of the TCPII that cover this approval were reviewed, however; the entire sheet set shall by condition of this approval be submitted for certification. It should also be noted that these parcels are subject to the current WCO, however; the TCP number shall by condition of this approval be reflected as a "TCPII" because the remaining 223.50-acre residential property is still grandfathered from the current WCO.

The overall existing woodlands is 63.83 acres, with 9.34 acres located within the 100-year floodplain. The site has a woodland conservation threshold of 43.89 acres with a woodland conservation requirement of 48.67 acres. The woodland conservation requirement is being met with 45.28 acres of on-site retention and 4.78 acres of on-site reforestation plantings.

Soils

The soils information included in the review package submitted for the approval indicated that the principal soils on the site are in the Marr-Dodon Complex, Marr-Dodon-Urban land Complex, Widewater and Issue soils, and Westphalia and Dodon soils series.

As previously noted, a portion of the site contains Marlboro clay, which is known to be an unstable, problematic geologic formation. A geotechnical study, reviewed by SCD, confirmed the location of the 1.5 safety factor line. No structures are herein approved within the limits of the safety factor line.

- g. **Prince George's County Fire/EMS Department**—In an e-mail dated July 16, 2018, the Fire Department offered the following:
- (1) No Fire Department Connections (FDC) are shown on the drawing. Without these appliances shown, we are unable to determine if there will be fire access to any proposed hydrant or any proposed arrangement might create a situation where hose lines supplying the FDC will cross drive aisles.
 - (2) Fire hydrants shall be provided so no FDC is more than 200 feet from a hydrant as hose is laid by the fire department. Any proposed hydrant shall flow 1000gpm at 20 psi residual.
 - (3) No fire hydrants are shown on the DSP. Hydrants shall be provided so that no exterior portion of the building is more than 500 feet as hose is laid by the fire department. A hydrant must be provided within 200 feet of any FDC which must be located on the front, address side of the building and be visible from the fire hydrant. Hydrants should be 40 feet from structures served. The applicant's System Extension Plan and/or Site Utility Plan submittals to WSSC shall demonstrate that any proposed private hydrants on the site will provide 1000 gpm at a residual pressure of 20psi.
- The applicant has been provided with a copy of the Fire Department comments which will be addressed through the DPIE permit process.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not offer comments on the subject application.
- i. **Prince George's County Police Department**—The Police Department did not offer comments on the subject approval.
- j. **Prince George's County Health Department**—The Health Department submitted a referral dated July 17, 2018, requesting additional information be provided on the site plan, which was relayed to the applicant, but the additional information was not received.
- k. **Maryland State Highway Administration (SHA)**—In an e-mail dated May 14, 2018, SHA stated that off-site improvements associated with the development are required on Ritchie Marlboro Road, which will require an access permit, information provided for the applicants benefit. They also stated that the applicant had already submitted a Design Request (DR) for roadway striping and signal modifications, which is currently under review. In conclusion, they stated that once the DR has been approved, plans for the off-site improvements will be submitted for review.

- l. **Washington Suburban Sanitary Commission (WSSC)**—In e-mailed comments dated May 25, 2018, WSSC offered numerous comments that will be addressed in their separate permitting process.
- m. **Verizon**—Verizon did not offer comments on the subject approval.
- n. **Potomac Electric Power Company (PEPCO)**—PEPCO did not offer comments on the subject approval.
- o. **Westphalia Sector Development Review Advisory Council (WSDRAC)**—In an e-mail dated July 11, 2018, the WSDRAC stated that they did not oppose the project, but suggested that the applicant consider the following:

“Relocation of the Island/Crosswalk area near the main entrance driveway off Ritchie Marlboro Road. Location is in the way of drivers trying to navigate from the main drive to circle the lot to get to the next available pump and travel to and from the retail store. Move parking away from wall adjacent to Ritchie Marlboro Road. During heavy peak hour times traffic at gas pumps can queue 2-3 deep and parking would be in the way. Move Air Pump station away from Gas Pump area to avoid being in main vehicle circulation path. Have separate right and left turn lanes (similar to main driveway) at secondary entrance along Old Marlboro Pike. Currently the right and left turns are combined into one lane.”

A response from the applicant’s representatives to the WSDRAC’s suggestion regarding the subject project was not received.

15. As required by Section 27-285(b)(1) of the Zoning Ordinance, this DSP approval satisfies the site design guidelines as contained in Section 27-274, prevents off-site property damage, and prevents environmental degradation to safeguard the public’s health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.
16. As required by Section 27-285(b)(2) of the Zoning Ordinance, this DSP approval is also in general conformance with the approved CSP.
17. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for approval of a DSP:

The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

Based on the level of design information currently available, the limits of disturbance shown on the TCPII, and the impact exhibits provided, the regulated environmental features on the subject property have been preserved and/or restored, to the fullest extent possible.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type II Tree Conservation Plan TCPII-105-04-05 and further APPROVED Detailed Site Plan DSP-17057 for the above described land, subject to the following conditions:

1. Prior to certification of the detailed site plan (DSP), the following information shall be provided, or revisions shown:
 - a. Trash receptacles and a bicycle rack shall be provided, accommodating a minimum of three bicycles, at a location convenient to the building entrance. Details for both shall be included. Final approval of the designs and locations shall be by staff as designee of the Planning Board.
 - b. Provide striped crosswalks at the site's ingress/egress points, either within or outside the right-of-way (subject to operating agency approval) and for the sidewalks along the south side of the driveway from Ritchie Marlboro Road, and at least one to stub to the southern lot line of Lot 2.
 - c. The applicant shall have a valid stormwater management concept plan approval.
 - d. The applicant shall label the stormwater management facility as a submerged gravel wetland and provide the associated plant schedule on the detailed site plan and the Type II tree conservation plan.
 - e. Show bearings and distances for all lots on all plan sheets.
 - f. Provide a decorative fence along the frontage of Old Marlboro Pike and a decorative wall along the frontage of Ritchie Marlboro Road with details.
 - g. Provide general notes and locate by asterisk "potential locations of a village green" as reflected on the approved conceptual site plan.
 - h. Correct the landscape plan, Sheet 7 of 9, to clarify that the buffer along Old Marlboro Pike is in two sections, which total 337 linear feet. Also correct schedule on Sheet 8 of 9 for Ritchie Marlboro Road, to state that it is in the Developing Tier.
 - i. Correct the landscape plan, Sheets 7 of 9 and 8 of 9, to correct the linear frontage of the Section 4.6 buffer along Ritchie Marlboro Road.

- j. Dimension the canopy setback from Ritchie Marlboro Road.
 - k. Label the property line.
 - l. Dimension and label all structures with height.
 - m. Provide bottom of the wall and top of the wall spot elevations on all plan sheets.
 - n. Provide “street trees” along the western edge of the vehicular access easement (Section 24-128(b)(9)) to the property line with Parcel 2.
 - o. Distribute the plant materials required for the Section 4.6 buffer equally so that plant materials are provided within the buffer on the west side of the entrance drive from Old Marlboro Pike.
 - p. Delineate the extension of the vehicular access easement from Ritchie Marlboro Road connecting and extending to Old Marlboro Pike.
 - q. Extend the landscaping to visually connect the Westphalia Monument feature with the site improvements.
 - r. Adjust the general notes to reflect that the DSP includes building development on Parcel 1 and infrastructure on Parcels 2 and 3, and revise the floor area ratio relative to the entire property.
 - s. Add the following note: “During the construction phases, this project will conform to construction activity noise control requirements as specified in the Code of Maryland Regulations (COMAR).”
 - t. Label the location of the two bus stops located on Old Marlboro Pike abutting the property.
 - u. The gas freestanding sign detail shall indicate, more specifically, the material of the product display sign face area.
 - v. Provide the full number of required shade trees within the interior parking lot landscape area, in accordance with Section 4.3 of the 2010 *Prince George’s County Landscape Manual*.
2. Prior to certification of the detailed site plan, the Type II tree conservation plan (TCPII) shall be revised, as follows:
- a. Revise the approval block on each sheet to include a column “Reason for Revision.”

- b. Include the '-04' revision information in the approval block (Kim Finch/8-16-2016/DSP-15011/reason for -04 revision) on each sheet.
 - c. Provide an Owner Awareness Certification.
 - d. Provide a comprehensive legend, identifying all symbols represented on the plan.
 - e. Provide the current TCPII notes on the plan.
 - f. Revise the project name and number in the M-NCPPC approval block.
 - g. Have the revised plan signed and dated by the qualified professional who prepared it.
3. Prior to certification, the following notes shall be added to the site plan:
- a. "The subject property is located within the Imaginary Surfaces area of Interim Land Use Control (ILUC). This property is within the area establishing a limit on the height of structures. The property is within Imaginary Surface E, approximately 22,500 feet to the east of the runways. The location and distance establish a height limit of 500 feet above the elevation of the runways, which are 250 feet above sea level. Therefore, the maximum elevation of the building may not exceed 750 feet above sea level. At the location of the present application, the elevation is 100 feet above sea level at its highest point. The buildings may not exceed 650 feet in height."
 - b. "A cross vehicular access easement is required pursuant to Section 24-128(b)(9) of the Subdivision Regulations of the Prince George's County Code to serve Lots 1-4."

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 26, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of September 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:RG:gh