



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

December 13, 2021

Maurene Epps-McNeil
Zoning Hearing Examiner
County Administration Building
Upper Marlboro, MD 20772

**RE: SE-4845 - Hyattsville Brightseat
Road Property**

Dear Ms. Epps-McNeil:

On December 9, 2021, after review of the technical staff report, the Prince George's County Planning Board approved the transmittal of the recommendation. Therefore, the application is hereby transmitted directly to the District Council/Zoning Hearing Examiner, and the technical staff's recommendation constitutes the Planning Board's recommendation.

Very truly yours,

James R. Hunt, Chief
Development Review

Enclosure

cc: Persons of Record



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

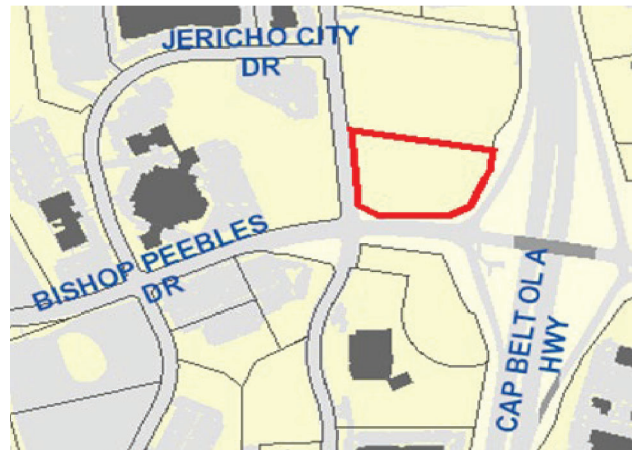
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Special Exception Hyattsville Brightseat 7-Eleven

SE-4845

REQUEST	STAFF RECOMMENDATION
Construction of a food and beverage store and fueling canopy.	APPROVAL with conditions
Variance to Section 27-358(a)(1)	APPROVAL

Location: At the northeast quadrant of the intersection of Arena Drive and Brightseat Road.	
Gross Acreage:	5.30
Zone:	I-3
Dwelling Units:	N/A
Gross Floor Area:	4,050 sq. ft.
Parcels:	1
Outparcels:	0
Planning Area:	72
Council District:	05
Election District:	13
Municipality:	N/A
200-Scale Base Map:	202NE08
Applicant/Address: Hyattsville Brightseat Road, RE, LLC 5850 Waterloo Road Columbia, MD	
Staff Reviewer: Thomas Sievers Phone Number: 301-952-3994 Email: Thomas.Sievers@ppd.mncppc.org	



Planning Board Date:	12/09/2021
Planning Board Action Limit:	N/A
Staff Report Date:	11/23/2021
Date Accepted:	08/03/2021
Informational Mailing:	03/24/2021
Acceptance Mailing:	08/03/2021
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.

Table of Contents

FINDINGS	3
1. Location and Site Description.....	4
2. History and Previous Approvals.....	4
3. Neighborhood and Surrounding Uses.....	5
4. Request	6
5. Development Data Summary	6
6. Required Findings	6
7. Variance Request – Section 27-358(a)(1)	16
8. Parking Regulations.....	17
9. 2010 Prince George’s County Landscape Manual Requirements	17
10. Tree Canopy Coverage.....	17
11. Signage	17
12. Referral Comments	17
RECOMMENDATION	18

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

FROM: Thomas Sievers, Senior Planner, Zoning Section
Development Review Division

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

SUBJECT: Special Exception SE-4845
Hyattsville Brightseat 7-Eleven

REQUEST: Construction of a food and beverage store and fueling canopy.

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 December 9, 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 considered in this special exception (SE) is located on Tax Map 67 in Grids C1 and D1, and includes Parcel 1 of the Sandpiper Property Subdivision, recorded in Prince George's County Land Records in Plat Book SJH 245 page 22, on July 13, 2016. Parcel 1 is 5.30 acres and is located in the Planned Industrial/Employment Park (I-3) Zone. SE-4845 proposes to construct a 4,050-square-foot food and beverage store with a gas station on a 2.00-acre vacant portion of the 5.30-acre subject property. The subject property currently contains a four-story, 124-room hotel on the eastern portion of the property.
- 2. History and Previous Approvals:** The property was the subject of Preliminary Plan of Subdivision 12-3266, approved by the Prince George's County Planning Board on December 17, 1969, for the construction of an elementary school, and Parcel A was subsequently recorded in Plat Book 76 page 16. It does not appear that the approved development was ever constructed. Subsequently, various conveyances of public road rights-of-way were made via deed from the original acreage of Parcel A, which were exempt from requirements of Subtitle 24, in accordance with Section 24-107(c)(4) of the Prince George's County Subdivision Regulations. Parcel A was resubdivided in 2016 (Final Plat No. 5-15059) to create Parcel 1, in accordance with the provisions of Section 24-111(c) of the Subdivision Regulations, as the subject property had a final plat of subdivision approved prior to October 27, 1970. At the time of resubdivision, the subject property was evaluated for adequate public facilities for commercial use under two development scenarios: the construction of two hotels, or the construction of one hotel and a convenience store with a fueling station. The resubdivision of the subject property was approved by the Planning Board on July 7, 2016 (PGCPB Resolution No. 16-26). Detailed Site Plan DSP-05021 was approved by the Prince George's County District Council on June 13, 2016, for the construction of two 124-room hotels. To date, only one hotel has been constructed and the applicant's statement of justification (SOJ) indicates that the market is no longer conducive to construct the second hotel.

PGCPB Resolution No. 16-26 contains three conditions of approval, and those relevant to the subject application are shown below in **bold** text. Staff analysis of the project's conformance to the conditions follows each one in plain text:

- 1. Total development shall be limited to uses that generate no more than 233 AM and 279 PM peak-hour vehicle trips. Any new development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

At the time of the resubdivision of the subject property, adequate transportation facilities were evaluated for the subject property based on two separate development scenarios: the construction of two hotels, or the construction of one hotel and a convenience store with a fueling station. The trip cap established in Condition 1 is not exceeded with the development scenario proposed in this application, as the proposal falls within the second scenario evaluated at the time of resubdivision. A traffic impact study was included in the applicant's submission. The traffic impact study is not a requirement of this application, as a test of transportation adequacy is not required. Its purpose was to address the impact of

the proposed food and beverage store with a gas station with 16 fuel stations as well as an existing hotel. It identified a trip generation of 77 AM and 70 PM trips for the proposed food and beverage store with a gas station and 71 AM and 90 PM trips for the existing hotel. A previously approved Final Plat of Resubdivision, 5-15059, has a trip cap on-site of 233 AM and 279 PM peak hour trips. Both of these developments are within the identified trip cap.

2. Direct vehicular access to Arena Drive and the Capital Beltway (I-95/495) is denied.

Access is denied along both I-495/Capital Beltway, a freeway and Medical Center Drive, an arterial road. One existing point of site access is provided to the proposed site in the northeastern portion of the property along Brightseat Road, a collector. It also serves as a shared access with the existing hotel.

SE-4845 reflects that direct vehicular access to Arena Drive is denied. However, since the area of the subject property adjacent to I-95/I-495 (Capital Beltway) is not reflected on the submitted plans, the denial of direct vehicular access to the Capital Beltway is partially depicted. The entire boundary of Parcel 1 should be shown on the special exception site plan, and all property boundaries should be shown from which direct access to the Capital Beltway is denied.

3. The 2008 *Water and Sewer Plan* designates this property in water and sewer Category 3, Community System, within Tier I under the Sustainable Growth Act and will therefore be served by public systems.

General notes 15 and 16 on sheet 4 of SE-4845 indicate that the development is to be served by public water and sewer systems and that these systems are available to the development.

3. Neighborhood and Surrounding Uses: The general neighborhood is bounded on the north by Sheriff Road/Brightseat Road/MD 202 (Landover Road), on the west by Hill Road, on the south by MD 214 (Central Avenue), and on the east by the Capital Beltway. The neighborhood contains a variety of uses. The northern and eastern portions of the neighborhood contain a multifamily development, as well as commercial, industrial, and institutional uses including hotels, office park, and a church. The southern and western portions of the neighborhood contain a mix of residential uses, a sports stadium, and further commercial, industrial, and institutional uses. The immediate uses surrounding the subject property are as follows:

- North—** Vacant property in the I-3 Zone.
- East—** Capital Beltway (I-495), with hotels in the Commercial Office Zone beyond.
- South—** Medical Center Drive, with a stormwater pond in the I-3 Zone beyond.
- West—** Wooded land containing a church in the I-3 Zone.

4. **Request:** The applicant requests approval of a special exception to construct a food and beverage store and fueling canopy in the I-3 Zone. The applicant proposes to develop the subject site with a 4,050-square-foot food and beverage store and a gas station canopy with eight multi-product gas dispensers. The special exception has been filed for a 2-acre leased site of the overall 5.30-acre property and will be subdivided under a subsequent application.

5. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-3	I-3
Use(s)	Hotel	Food and Beverage Store Gas Station
Acreage	5.30	2.00
Parcels	1	1
Outparcels	0	0
Gross Floor Area	47,624 sq. ft.	4,050 sq. ft.

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, Division 3, of the Zoning Ordinance also includes additional required findings for specific uses. A gas station is subject to the additional findings of Section 27-358 of the Zoning Ordinance. A food and beverage store is subject to the additional findings of Section 27-355 of the Zoning Ordinance. The analysis of all the required findings for approval is provided below.

In support of the application, the applicant filed a Needs Analysis dated February 23, 2021 and a SOJ dated April 8, 2021. This case was heard at the Subdivision and Development Review Committee (SDRC) meeting on August 20, 2021. Following this meeting, the applicant submitted a revised SOJ dated October 28, 2021 as requested by staff at the SDRC meeting. This technical staff report is based on a review of these materials and site plans dated January 26, 2021.

The proposed development is in the I-3 Zone and in accordance with Section 27-471(d) of the Zoning Ordinance, all uses, and improvements are subject to both conceptual site plan (CSP) and DSP approvals. The approval of this special exception does not exempt the proposed development from the site plan requirements otherwise applicable in the I-3 Zone. Both CSP and DSP will be required for the proposed development prior to issuance of any permits, after the approval of this SE. The purposes of the zone and regulations are provided here since they give context and raise issues that will be address at time of CSP and DSP, but are not requirements to approve the use.

Section 27-471 - I-3 Zone (Planned Industrial/Employment Park)

(a) Purposes.

(1) The purposes of the I-3 Zone are:

- (A) To provide increased and enhanced employment opportunities for the residents of the County and areas for industries, research facilities, and offices which have common characteristics with respect to site requirements, desired amenities, compatibility of operations, general functional classifications, and access;**
- (B) To provide for a mixture of industrial, research, office, and in certain instances specific retail commercial uses (along with compatible institutional, recreational, and service uses) in a manner which will retain the dominant industrial/employment character of the area, while also providing for the enhanced viability of the zone by providing for the location of certain retail commercial uses on the periphery of the area, specifically when the periphery fronts on, and is adjacent to, arterial roadways;**
- (C) To permit uses which, when compared to the uses permitted in other Industrial Zones, will minimize detrimental effects on uses of adjacent land, especially where adjacent land is being used commercially; and**
- (D) To provide development standards which assure the compatibility of proposed land uses with surrounding land uses, maximize open space so as to create a park-like setting, and improve the overall quality of industrial/employment areas in Prince George's County.**

The proposed use is consistent with the purposes of the zone and will not take away but help support the industrial and commercial uses in the zone. This section is not required at the time of special exception review, but will be required to be met at the time of DSP.

(f) Regulations.

- (1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the I-3 Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

These additional regulations will be addressed at the time of DSP.

- (2) Not more than 25 percent (25%) of any parking lot and no loading space shall be located in the yard to which the building's main entrance is oriented, except that the Planning Board may approve up to an additional 15 percent (15%) in its discretion if increased parking better serves the efficiency of the particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building. This section is not required at the time of special exception review but will be required to be met at the time of DSP.**

The site plan reflects that 32 parking spaces are provided on the subject property to serve the proposed use. A total of 10 parking spaces are located in the yard to which the building's main entrance is located, or 31 percent. It should be noted that in DSP-05021 the Planning Board approved an additional 15 percent of the parking to be located within the yard to which the proposed building's main entrances were located. The applicant is requesting that an additional six percent be permitted as proposed in this instance.

- (3) No loading docks shall be permitted on any side of a building facing a street except where the lot is bounded by three (3) or more streets.**

There is one loading space on the south side of the property. This location is adjacent to Arena Drive, but is set back a great distance from the right-of-way and should be screened. This will be addressed at time of DSP.

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.**

The purposes of Subtitle 27 of the Prince George's County Code, as set forth in Section 27-102(a)(1) through (15) of the Zoning Ordinance, are generally to protect the health, safety, and welfare of the public; to promote compatible relationships between various land uses; to guide orderly development; and to ensure adequate public facilities and services. Specific to the I-3 Zone, as set forth in Section 27-471(a) of the Zoning Ordinance, the purposes relate to providing locations for predominately industrial, research, office, and specific retail/commercial uses (along with compatible institutional, recreational, and service uses). Staff finds that the use and the site plan, as proposed, will be in harmony with the purposes of this Subtitle, given the analysis and recommended conditions contained herein.

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

As outlined within this technical staff report (pages 8–15), this application has demonstrated conformance with the requirements and regulations 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.

This application is designated in the *2010 Approved Subregion 4 Master Plan and Sectional Map Amendment* (Subregion 4 Master Plan and SMA) as being located in the Established Communities. “Established Communities is most appropriate for context-sensitive infill and low-to medium-density development...” (page 20). The Subregion 4 Master Plan recommends industrial land uses on the subject property.

Staff finds that the proposed use does not substantially impair the integrity of any master plan, functional plan, or the *2014 Plan Prince George's 2035 Approved General Plan*.

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

The site provides for acceptable internal circulation of vehicles and pedestrians, as well as safe ingress and egress of vehicles from Brightseat Road. The use will serve the needs of the community by providing convenient food, beverage, and gas for the area. The use meets the required finding for a special exception.

(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 development will not detrimentally impact the use or development of adjacent properties. The proposed uses will complement the other uses in the immediate area, by providing a convenient service to patrons of nearby properties.

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

This property is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has a previously approved tree conservation plan. A Type 2 Tree Conservation Plan (TCP2-026-2015-01) was submitted with the special exception application.

This overall 5.30-acre property previously contained a total of 5.20 acres of woodland outside the floodplain according to the natural resources inventory (NRI). The woodland conservation threshold is 0.80 acre. The subject site has cleared 4.60 acres of the existing 5.20 acres subsequent to the approval of DSP-15021. The cumulative woodland conservation requirement is 2.09 acres. The TCP2 proposes to meet the subject site's portion of the overall requirement with 2.09 acres of off-site woodland conservation. Through other permitting activities at the subject site, the overall site has complied with purchasing off-site woodland credits. No additional clearing is proposed as part of this submission.

- (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).**

This special exception site plan does not contain any regulated environmental features and, therefore, conforms to this requirement.

- (b) **In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:**

- (1) **Where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or**
- (2) **Where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.**

The subject site is not located within the Chesapeake Bay Critical Area Overlay Zone. Therefore, the required findings outlined in subsection (b) above do not apply.

Specific Special Exception Requirements—In addition to the requirements of Section 27-317(a), Part 4, Division 3, of the Zoning Ordinance provides the following requirements for the specific uses proposed:

Section 27-358. – Gas Station.

- (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 site provides approximately 295 feet of frontage on Brightseat Road, which is an 80-foot-wide collector roadway. The proposed use will access Brightseat Road via shared use of the driveway that serves the existing hotel. Therefore, while the site meets the frontage requirement, it does not meet the direct access requirement. A variance request was

submitted with the revised SOJ and is detailed in Part 7 of this technical staff report.

The existing site access shows an approximate 30-foot right-of-way on an existing private driveway. While this proposed development does not show this requirement, the property lines on PGAtlas indicate the availability of the needed right-of-way.

A preliminary truck-turning template was included in the traffic impact analysis and a more refined one was submitted in the application package. Review of the documentation indicate that the front wheels of the truck will extend beyond the curb of the driveway. The extent of the wheels protruding beyond the curb appears to be marginal and will not have a significant effect on the movement of those trucks.

- (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;**

This criterion is met. There are no schools, outdoor playgrounds, libraries, or hospitals within 300 feet of the subject property.

- (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 criterion is met. The application does not propose the display or rental of cargo trailers, trucks, or similar uses, which is also noted on the plans.

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

This criterion is met. The applicant will not store motor vehicles at the subject property, which is also noted on the plans.

- (5) Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Permitting, Inspections, and Enforcement, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or 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 twenty (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 twelve (12) feet from the side or rear lot line of any adjoining lot;**

The proposal provides for one access driveway that meets this criterion. The private driveway serving the hotel is 30-feet-wide and has access onto Brightseat Road. The subject site provides two access points onto the private driveway to allow for sufficient vehicle circulation. A variance has been submitted with this application requesting direct access to the private driveway.

(6) Access driveways shall be defined by curbing;

This criterion is met. 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 the curb in those areas serving pedestrian traffic;

This criterion is met. The site plans include a five-foot-wide sidewalk along the existing vehicular driveway to the subject site, and continental style crosswalks and Americans with Disabilities Act curb ramps at all vehicular access points. In addition, a direct pedestrian connection from the access driveway to the building entrance is provided at the eastern portion of the proposed development. The sidewalks are adequately positioned to serve pedestrian traffic.

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

This criterion is met. The proposed gasoline pumps are approximately 60 feet from the street line of Brightseat Road and 126 feet from the street line of Arena Drive.

(9) Repair service shall be completed within forty-eight (48) hours after the vehicle is left 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 building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.

The application does not propose vehicle repair service.

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

Architectural elevations for the new food and beverage store and gas station show a coordinated design theme. Tower elements have been used to anchor corners of the building and accent the main elevations facing Brightseat Road. Panelized exterior wall systems simulating red brick and gray stone are provided on store façades and on fueling island vertical columns. The trash enclosure is proposed to be of the same material and color schemes. Appropriate fenestration is provided strategically on the main elevations. The building design and finish demonstrate compatibility with surrounding development.

- (b) In addition to what is required by Section 27-296(c), the site plan shall show the following:**

- (1) The topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet);**
- (2) The location and type of trash enclosures; and**
- (3) The location of exterior vending machines or vending area.**

The site plan accurately shows items (1) and (2) above; the design of the trash enclosure is acceptable. No exterior vending machines or areas are proposed.

- (c) Upon the abandonment of a gas station, the Special Exception shall terminate, and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term "abandonment" shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease.**

The applicant will comply with this provision, as stated in the applicant's SOJ. A corresponding note should be included in the general notes on the site plan.

- (d) When approving a Special Exception for a gas station, the District Council shall find that the proposed use:**

- (1) Is necessary to the public in the surrounding area; and**

The applicant submitted a market study dated March 25, 2021, in order to support a finding that the food and beverage store (convenience store) was needed in the neighborhood. The submitted needs analysis considers "an automobile filling station and convenience store complex to be accommodating to the public need when it meets the demand of the public living and working within a reasonably defined trade area for retail

convenience and fuel service, as analyzed according to standard market research methodologies” (page 4). In addition, the needs analysis states “the proposed convenience store with gas will be convenient and therefore necessary to the residential households and employees of the trade area” by providing, in a single location, fuel and a wide variety of fresh food and convenience options for purchase (page 3). Based on the needs analysis, this site would fulfill the currently unmet demand of 2.3 million gallons of fuel per year within the trade area.

The proposed convenience store with gas will be located in close proximity to several residential communities and commercial development, such as the mixed-use Largo Town Center. The proposed project will serve commuters on Medical Center Drive (Arena Drive) and Brightseat Road as well as the users of the neighboring Woodspring Suites hotel. The site is also located adjacent to the Capital Beltway off-ramp at exit 16 and roughly half a mile from FedEx Field, a major events destination. The University Maryland Capital Regional Medical Center and the Prince George’s Sports and Learning Complex also represent nearby destinations. Staff agrees with the applicant’s finding that the proposed convenience store with gas is reasonably convenient, useful to the public, and will serve the needs of the community.

(2) Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.

The new gas station is being developed on a leased site associated with the hotel on Parcel 1. The applicant’s needs analysis shows there is demand for the gas station and paired services, which will be useful to the public. The proposal to develop the site with a gas station and food and beverage store will complement the surrounding area. Therefore, the use does not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.

Section 27-355 – Food or beverage store.

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

(1) The applicant shall show a reasonable need for the use in the neighborhood;

The applicant submitted a market study dated March 25, 2021, in order to support a finding that the food and beverage store was needed in the neighborhood. According to the study, there is a reasonable need in the area for convenience stores, which are specifically combined with gas stations. The combined services offered by this pairing are not found at most of the gas stations in the area. Since the proposed food and beverage store will help meet unmet demand for this pairing of services, it will be found convenient and useful by the public. Under Maryland law, in this context, a service is needed if it can be determined to be convenient and useful to the

public. Staff finds that the convenience store meets this criterion and therefore, can be considered needed.

(2) The size and location of, and access to, the establishment shall be oriented toward meeting the needs of the neighborhood;

The food and beverage store's location, access points, and size orient it to meeting the needs of the neighborhood. The site is in between a hotel and a place of worship, where it is well placed to serve both. Its access point onto Brightseat Road will provide easy access to patrons coming from these areas. The size of the establishment is appropriate to the size of the land area available on the site.

(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 uses will not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses. The new food and beverage store is being developed on a leased site associated with the hotel. The site's development should not pose an obstacle for other potential uses which might want to move into the area.

(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 within the I-3 Zone. Therefore, this criterion does not apply.

(5) The retail sale of alcoholic beverages from a food or 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 it is located.

According to the applicant's SOJ, alcoholic beverages will not be sold within the proposed food and beverage store. A corresponding note should be included in the general notes on the site plan.

Based on the project meeting, and the approval criteria contained in Sections 27-317(a), 27-358, and 27-355, staff finds that a special exception may be approved for use of a food and beverage store in combination with a gas station on the property.

7. **Variance Request – Section 27-358(a)(1):** The applicant submitted a revised SOJ dated October 28, 2021, which included a variance request to allow access to a private driveway. The proposed use will access to Brightseat Road via shared use of the driveway that serves the existing hotel. Therefore, the site does not provide direct access to Brightseat Road and requires a variance for access via a private driveway.

Section 27-230 of the Zoning Ordinance contains required findings (text in **BOLD**) to be made before a variance can be granted. The plain text is staff’s analysis of the applicant’s revised variance request.

(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;

This criterion is met. The subject site has frontage on three sides, two of which are arterial or higher classification, and access has been denied to those roadways through previous approvals of DSP-15021 and Final Plat of Resubdivision 5-15059, pursuant to Section 24-111(c)(4) of the Subdivision Regulations. Therefore, access for Parcel 1 has been restricted to Brightseat Road for the existing hotel access driveway. Furthermore, the topography of Brightseat Road and the limited distance to the intersection of Arena Drive from the existing driveway was found to be the only appropriate access for Parcel 1. The variance, if granted, would allow the food and beverage store/gas station use to access the private driveway serving the hotel.

(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

According to the applicant’s SOJ, an area variance is being pursued to access the existing driveway serving the hotel on part of Parcel 1. The SOJ states that “...when requesting an area variance pursuant to an ordinance such as that contained in the Prince George’s County Zoning Ordinance, in Section 27-358(a)(1), an applicant is only required to show the existence of practical difficulty” (page 29). The most appropriate access was previously determined during the DSP phase and was restricted to Brightseat Road. Due to the proximity to the intersection of Arena Drive and the topography of Brightseat Road, safe access is not possible and presents a practical difficulty to further development of the site.

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

The subject site is within the boundaries of the Subregion 4 Master Plan and the proposed use conforms to the recommendations of the master plan. Therefore, the variance request will not impair the intent, purpose, or integrity of the master plan.

Staff recommends approval of the requested variance to allow vehicular access via a private driveway serving the existing hotel use, with approval from the Prince George's County Department of Permitting, Inspections and Enforcement.

8. **Parking Regulations:** The proposed development is required to provide parking, in conformance with Part 11, Off Street Parking and Loading, of the Zoning Ordinance. In accordance with the parking schedule, a total of 25 spaces are required for general retail. According to the special exception site plan, 32 spaces have been provided. The application is found to be in conformance with the parking requirements of the Zoning Ordinance.
9. **2010 Prince George's County Landscape Manual Requirements:** The proposed development will be subject to the requirements of the 2010 *Prince George's County Landscape Manual*, including Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4 Screening Requirements, and Section 4.9, Sustainable Landscaping Requirements. Conformance with the applicable landscaping requirements will be reviewed at time of DSP.
10. **Tree Canopy Coverage:** This property is subject to the provisions of the WCO because it has a previously approved tree conservation plan. Type 2 Tree Conservation Plan TCP2-026-2015-01 was submitted with the special exception application. The cumulative woodland conservation requirement is 2.09 acres. The TCP2 proposes to meet the subject site's portion of the overall requirement with 2.09 acres of off-site woodland conservation. Through other permitting activities at the subject site, the overall site has complied with purchasing off-site woodland credits. No additional clearing is proposed as part of this submission.
11. **Signage:** The development includes a 36-foot-tall pylon sign adjacent to the corner of Arena Drive and Brightseat Road, an 8-foot-tall monument sign located at the entryway to the site on Brightseat Road, one fuel island canopy-mounted identity sign and decorative striping, and two building-mounted identity signs are provided for the 7-Eleven logo and 'Raise the Roost' food service, as well as decorative striping. The signage package conforms to the sign face area requirements of Part 12 of the Zoning Ordinance for signs in the I-3 Zone, with the exception of the pylon sign, which should be reduced to not be above the lowest point of the building. Full cut-off light emitting diode lighting fixtures are proposed and are acceptable.
12. **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. Subdivision Review Section, dated November 3, 2021 (DiCristina to Sievers)
 - b. Community Planning Division, dated November 10, 2020 (Byrd to Sievers)
 - c. Transportation Planning Section (traffic), dated November 10, 2020 (Hancock to Sievers)
 - d. Transportation Planning Section (ped/bike), dated November 9, 2021 (Smith to Sievers)

- e. Environmental Planning Section, dated November 4, 2021 (Rea to Sievers)
- f. Special Projects Section, dated August 9, 2021 (Perry to Sievers)
- g. Urban Design Section, dated November 12, 2020 (Guinn to Sievers)
- h. Historic Preservation Section, dated September 27, 2021 (Stabler to Sievers)
- i. Permit Review Section, dated October 4, 2021 (Jacobs to Sievers)
- j. Prince George's County Department of Permitting, Inspections and Enforcement, dated August 4, 2021 (Branch to Sievers)
- k. Prince George's County Fire Department, dated November 2, 2021 (Reilly to Sievers)

RECOMMENDATION

A special exception use is considered compatible with uses permitted by-right within the Planned Industrial/Employment Park (I-3) Zone, as long as specific special exception criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, at this particular location, would not have adverse impacts above and beyond those inherently associated with the special exception use, regardless of its location within the I-3 Zone.

Based on the applicant's revised 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 the Prince George's County Zoning Ordinance. These findings include those in Section 27-317 (in general), Section 27-355 for a food or beverage store, and Section 27-358 for a gas station. It should be noted that the findings for Section 27-471 for I-3 Zone purposes and regulations will be addressed at the time of future conceptual site plan and detailed site plan applications. Therefore, staff recommends approval of Special Exception SE-4845, Hyattsville Brightseat 7-Eleven, subject to the following conditions:

1. Prior to signature approval of the special exception, the site plan shall be revised, as follows:
 - a. Depict the entire Parcel 1 with property boundary bearings and distances and 10-foot-wide public utility easements, in accordance with Plat Book 245 page 22.
 - b. No proposed or existing fire hydrants are shown on the site plan. Please provide information showing a fire hydrant will be provided within 500-feet of the most remote portion of the building as hose is laid by the fire department (around obstacles, corners, etc.).
 - c. Show all property boundaries from which direct access to I-95/I-495 (Capital Beltway) is denied.

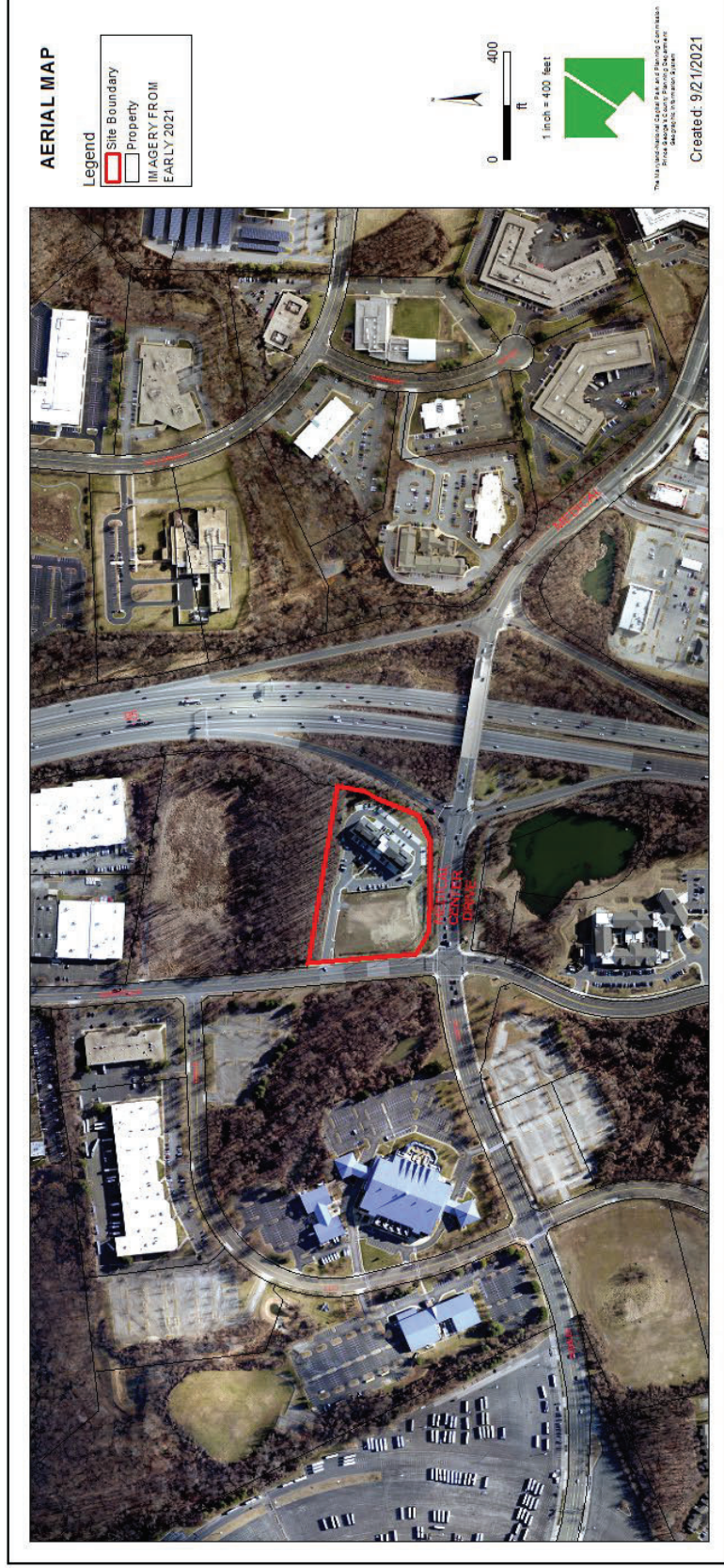
- d. Add the following notes to the General Notes on page 3 of the site plan:
 - i. "Upon the abandonment of a gas station, the Special Exception shall terminate, and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term "abandonment" shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease."
 - ii. "The retail sale of alcoholic beverages from a food or beverage store approved in accordance with this Section is prohibited."
 - e. Reduce the height of the pylon sign so that it is not taller than the lowest point of the roof of the building.
2. Prior to certification of the special exception, the Type 2 tree conservation plan (TCP2) shall be revised as follows:
- a. Add the TCP2 number to the worksheet.
 - b. Complete the note on the plan stating that the off-site woodland conservation mitigation credits have been obtained; list the Liber/Folio that the certificate was recorded under.

HYATTSVILLE BRIGHTSEAT ROAD PROPERTY; PROPOSED 7-ELEVEN

SPECIAL EXCEPTION

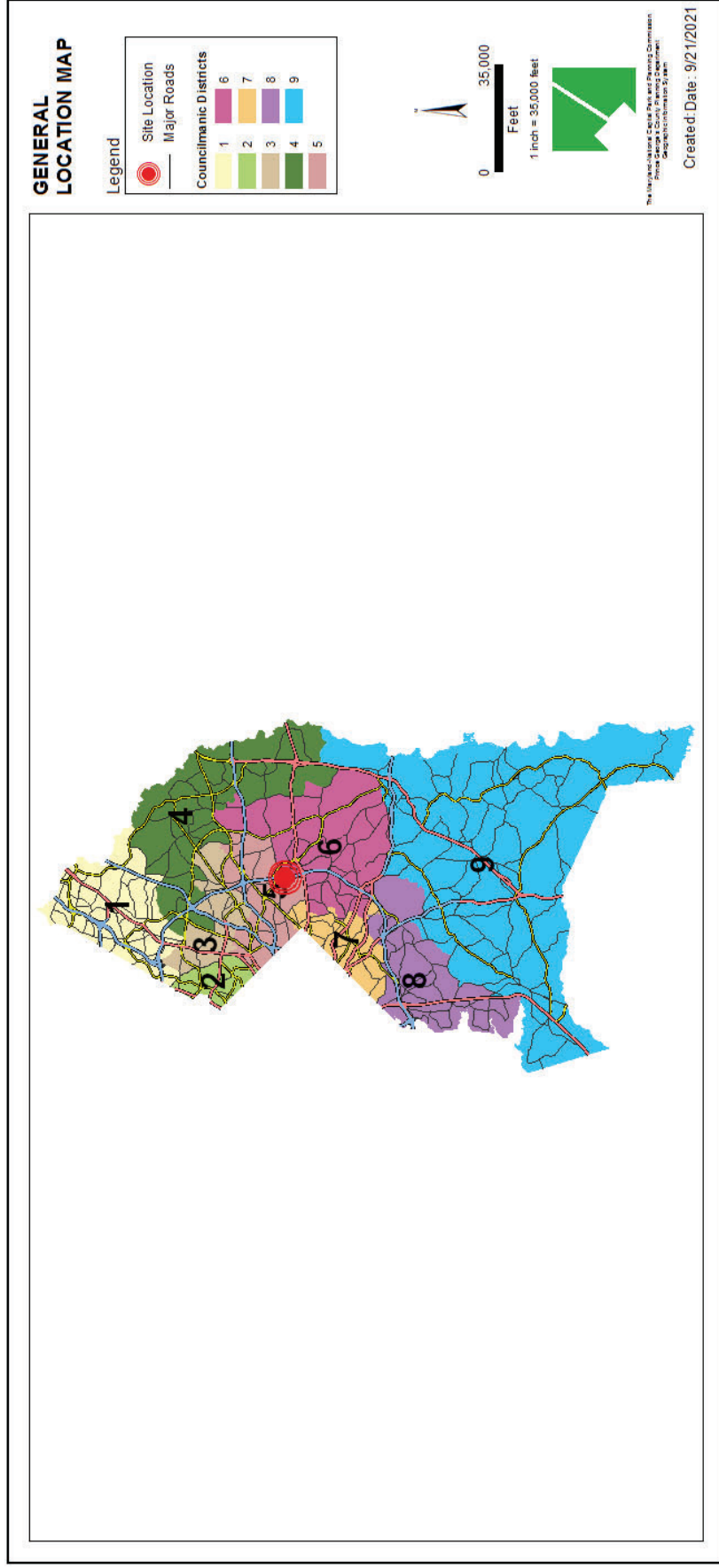
DSP-05021/5-15059

Staff Recommendation: APPROVAL with conditions

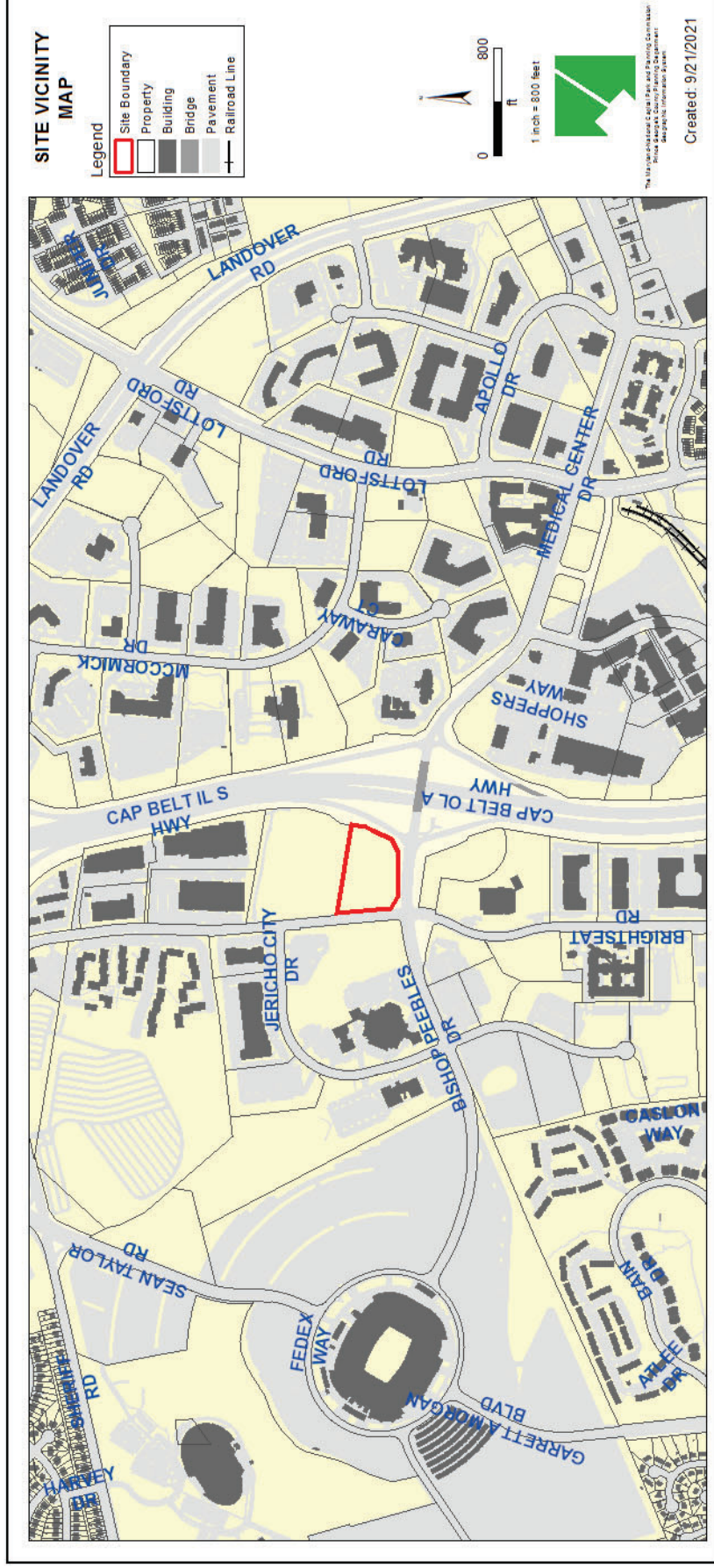


GENERAL LOCATION MAP

Council District: 05
Planning Area: 72

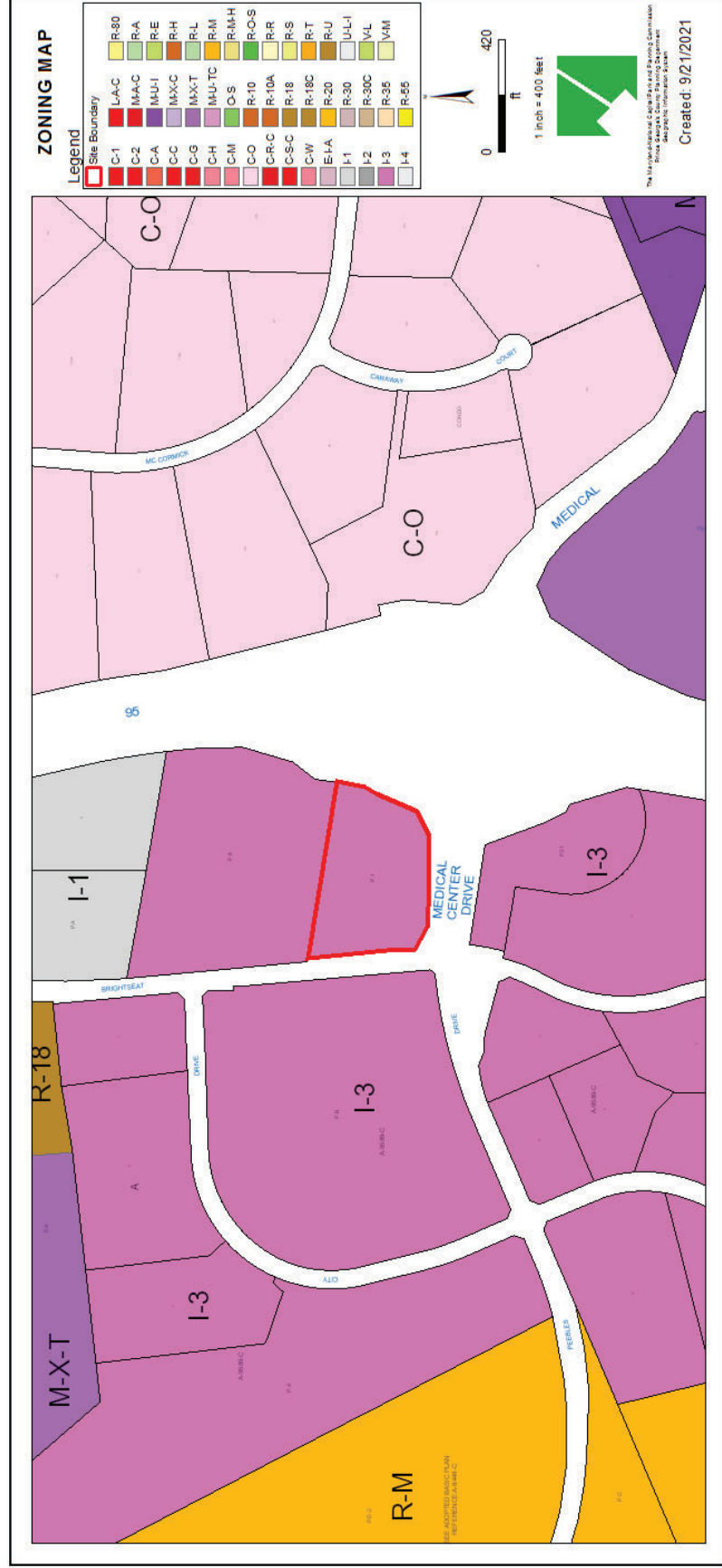


SITE VICINITY MAP

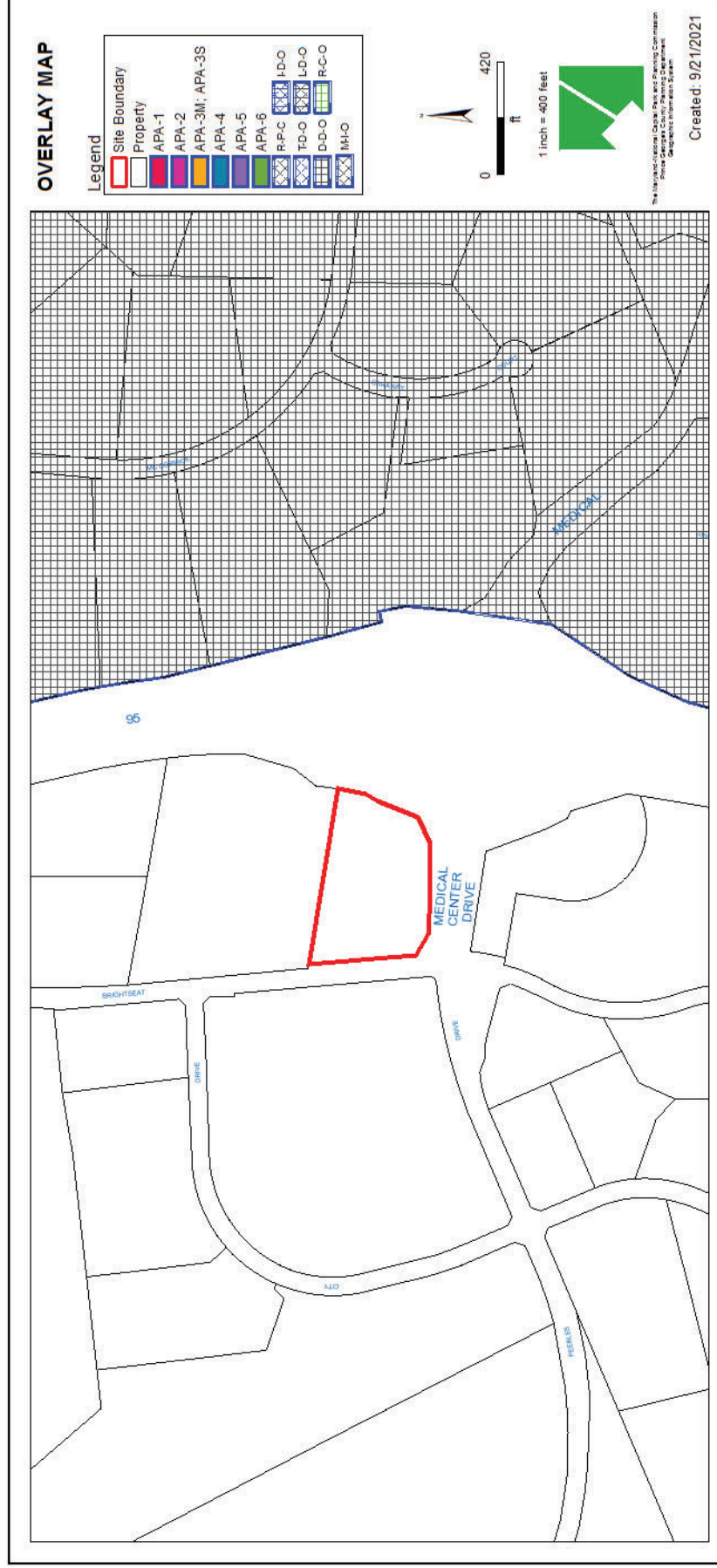


ZONING MAP

Property Zone: I-3



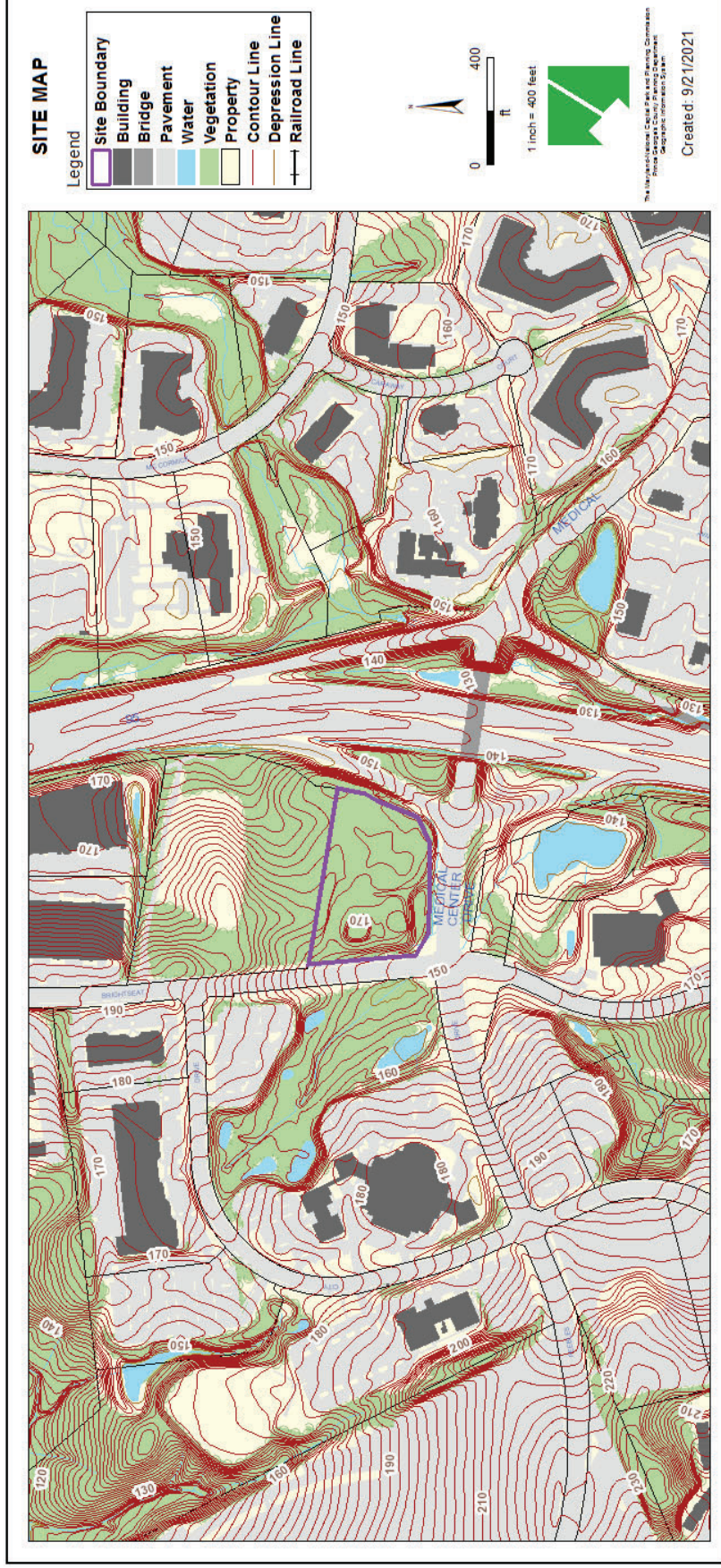
OVERLAY MAP



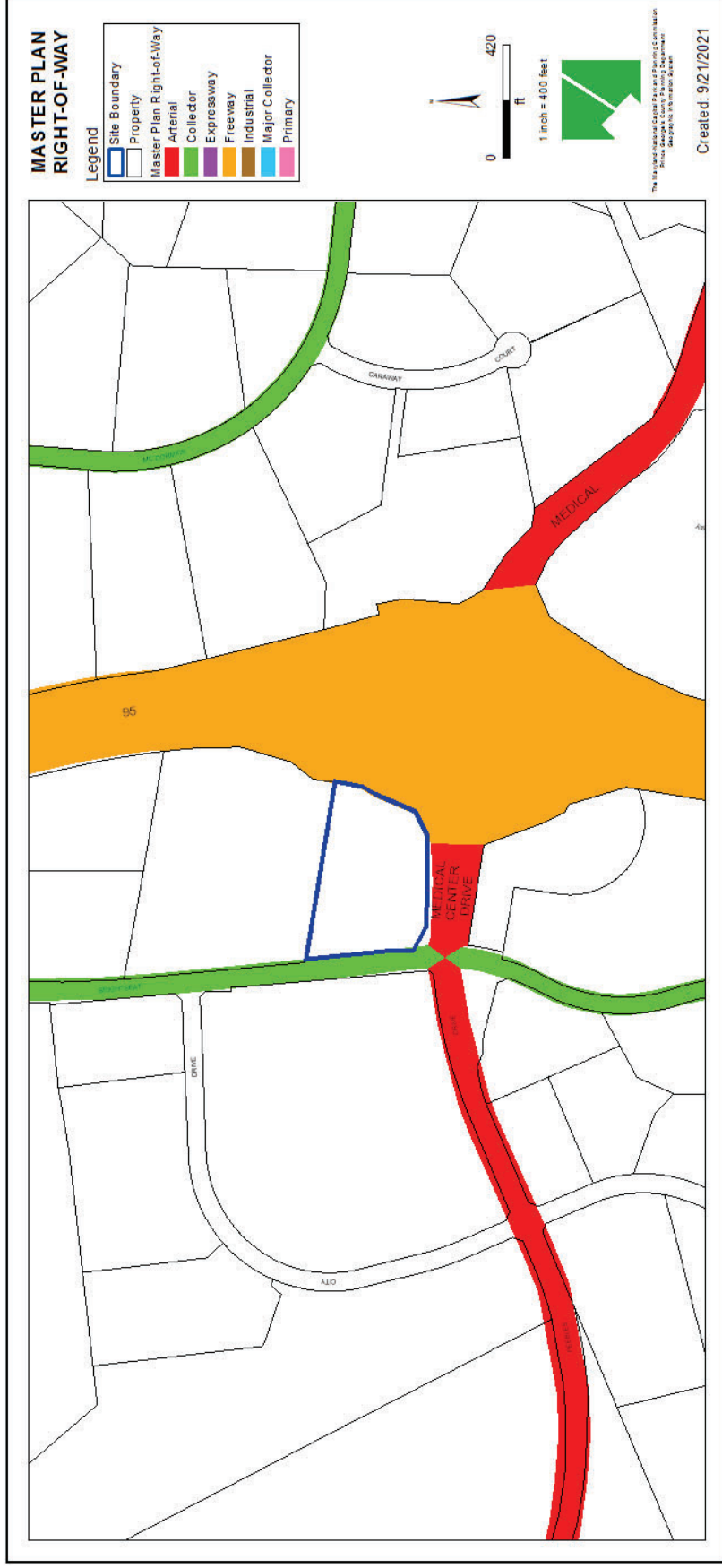
AERIAL MAP



SITE MAP



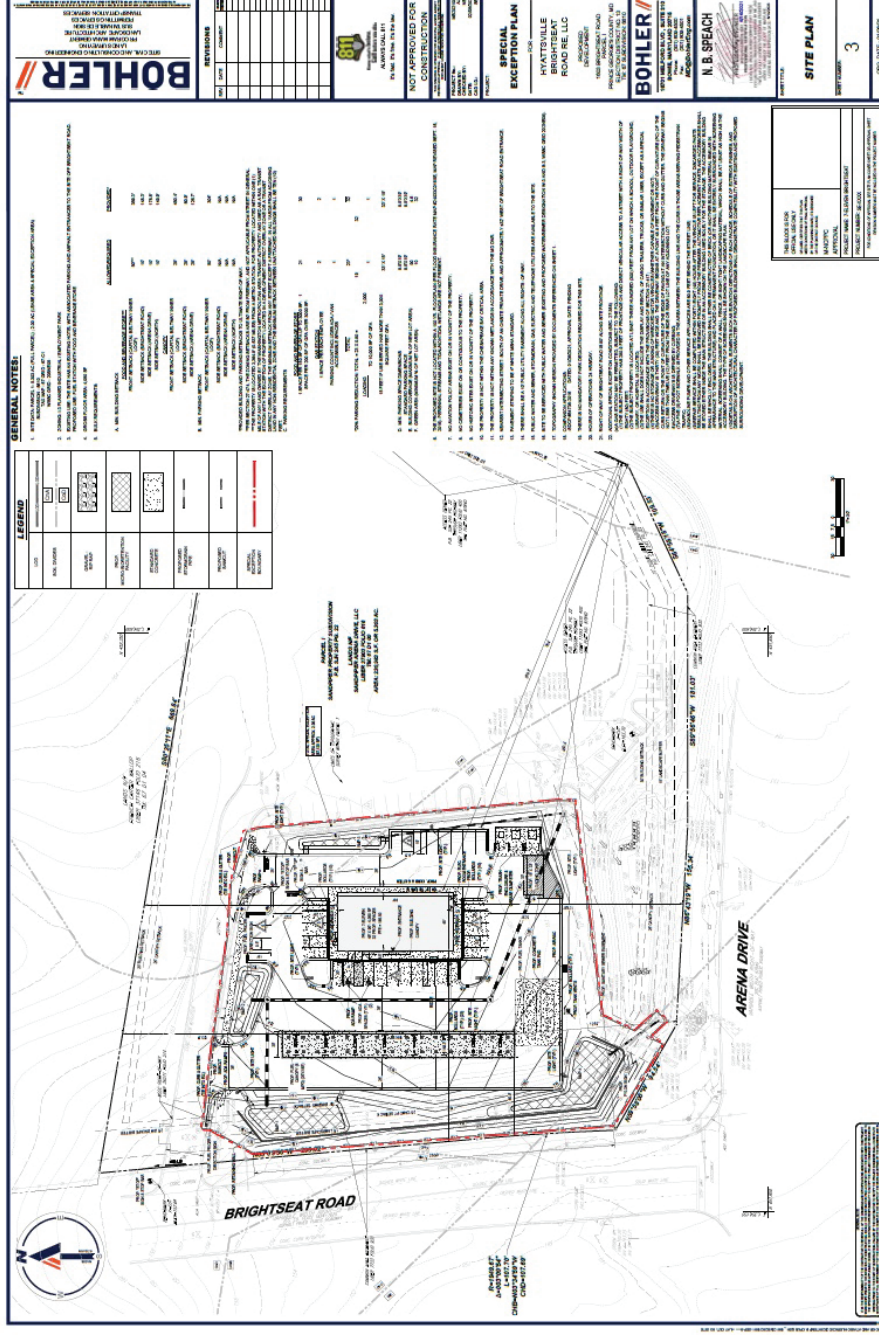
MASTER PLAN RIGHT-OF-WAY MAP



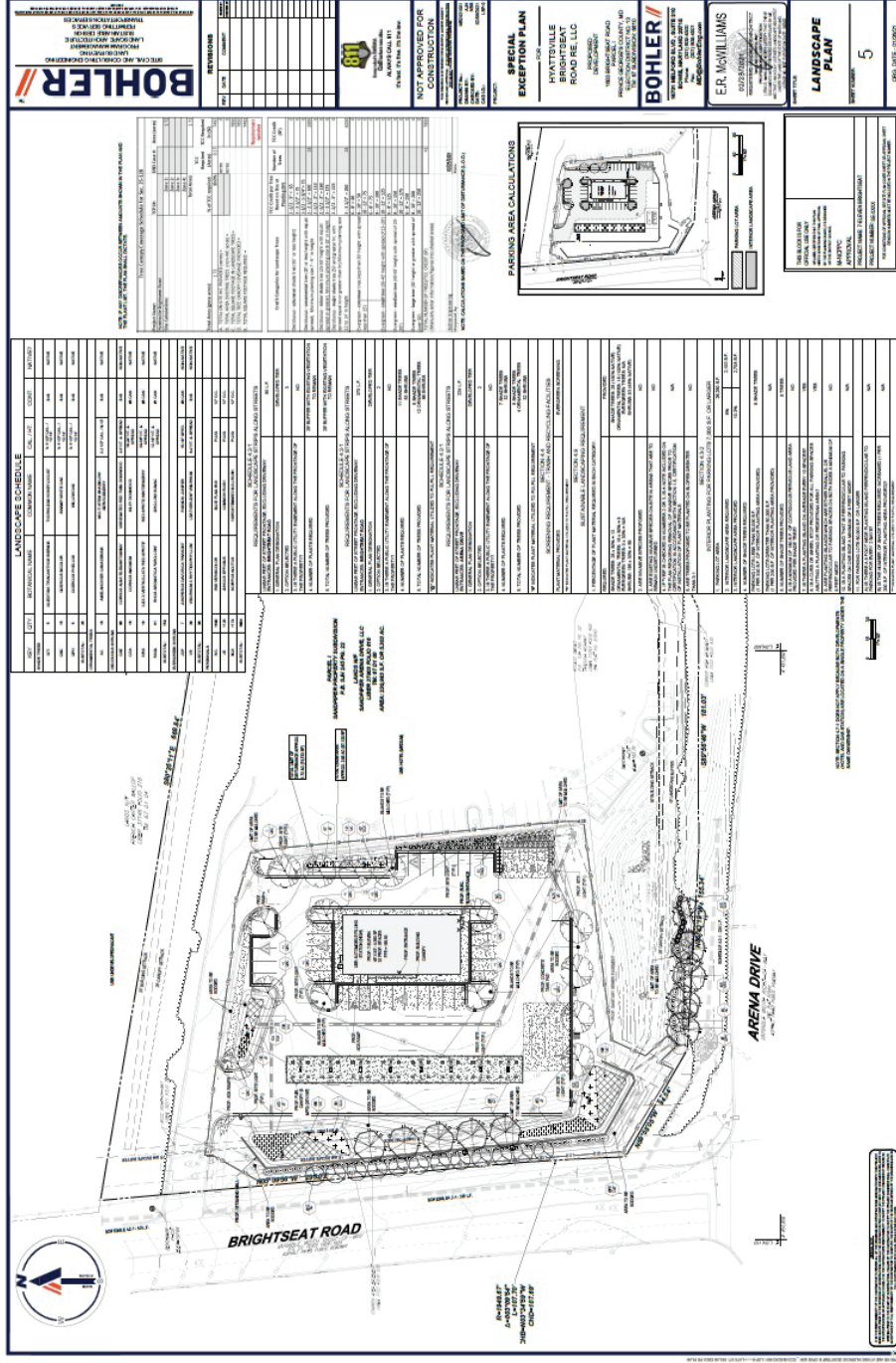
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



SITE PLAN



LANDSCAPE PLAN





ELEVATIONS

1603 BRIGHTSEAT RD. MD 20785
 PRINCE GEORGE'S COUNTY

BOHLER
 ARCHITECTURAL ELEVATIONS
 SHEET 12 OF 8
 APRIL 2020

BOHLER
 ARCHITECTURAL ELEVATIONS
 SHEET 12 OF 8
 APRIL 2020

NOT APPROVED FOR CONSTRUCTION

SPECIAL EXCEPTION PLAN
 HYATTSVILLE
 1603 BRIGHTSEAT ROAD
 BLD 1000
 UNDEVELOPED
 PRINCE GEORGE'S COUNTY, MD
 PROJECT NO. 1603BRT
 DATE: 04/14/20

BOHLER
 ARCHITECTURAL ELEVATIONS
 SHEET 12 OF 8
 APRIL 2020

N. B. SPEACH
 ARCHITECT
 11000 BRIGHTSEAT RD. #200
 HYATTSVILLE, MD 20785
 (301) 441-1100

ARCHITECTURAL ELEVATIONS
 SHEET 12 OF 8
 APRIL 2020

PC DIMENSION
 11111 17TH AVE SE
 ALBUQUERQUE, NM 87123
 (505) 833-3333



SIGN DETAILS

SITE PLAN
 SCALE: 3/32" = 1'-0"

PROPOSED USE

1	STATIONARY SIGNAGE
2	STATIONARY SIGNAGE
3	STATIONARY SIGNAGE
4	STATIONARY SIGNAGE
5	STATIONARY SIGNAGE
6	STATIONARY SIGNAGE
7	STATIONARY SIGNAGE
8	STATIONARY SIGNAGE
9	STATIONARY SIGNAGE
10	STATIONARY SIGNAGE
11	STATIONARY SIGNAGE
12	STATIONARY SIGNAGE
13	STATIONARY SIGNAGE
14	STATIONARY SIGNAGE
15	STATIONARY SIGNAGE
16	STATIONARY SIGNAGE
17	STATIONARY SIGNAGE
18	STATIONARY SIGNAGE
19	STATIONARY SIGNAGE
20	STATIONARY SIGNAGE
21	STATIONARY SIGNAGE
22	STATIONARY SIGNAGE
23	STATIONARY SIGNAGE
24	STATIONARY SIGNAGE
25	STATIONARY SIGNAGE
26	STATIONARY SIGNAGE
27	STATIONARY SIGNAGE
28	STATIONARY SIGNAGE
29	STATIONARY SIGNAGE
30	STATIONARY SIGNAGE
31	STATIONARY SIGNAGE
32	STATIONARY SIGNAGE
33	STATIONARY SIGNAGE
34	STATIONARY SIGNAGE
35	STATIONARY SIGNAGE
36	STATIONARY SIGNAGE
37	STATIONARY SIGNAGE
38	STATIONARY SIGNAGE
39	STATIONARY SIGNAGE
40	STATIONARY SIGNAGE
41	STATIONARY SIGNAGE
42	STATIONARY SIGNAGE
43	STATIONARY SIGNAGE
44	STATIONARY SIGNAGE
45	STATIONARY SIGNAGE
46	STATIONARY SIGNAGE
47	STATIONARY SIGNAGE
48	STATIONARY SIGNAGE
49	STATIONARY SIGNAGE
50	STATIONARY SIGNAGE

PROPOSED USE

1	STATIONARY SIGNAGE
2	STATIONARY SIGNAGE
3	STATIONARY SIGNAGE
4	STATIONARY SIGNAGE
5	STATIONARY SIGNAGE
6	STATIONARY SIGNAGE
7	STATIONARY SIGNAGE
8	STATIONARY SIGNAGE
9	STATIONARY SIGNAGE
10	STATIONARY SIGNAGE
11	STATIONARY SIGNAGE
12	STATIONARY SIGNAGE
13	STATIONARY SIGNAGE
14	STATIONARY SIGNAGE
15	STATIONARY SIGNAGE
16	STATIONARY SIGNAGE
17	STATIONARY SIGNAGE
18	STATIONARY SIGNAGE
19	STATIONARY SIGNAGE
20	STATIONARY SIGNAGE
21	STATIONARY SIGNAGE
22	STATIONARY SIGNAGE
23	STATIONARY SIGNAGE
24	STATIONARY SIGNAGE
25	STATIONARY SIGNAGE
26	STATIONARY SIGNAGE
27	STATIONARY SIGNAGE
28	STATIONARY SIGNAGE
29	STATIONARY SIGNAGE
30	STATIONARY SIGNAGE
31	STATIONARY SIGNAGE
32	STATIONARY SIGNAGE
33	STATIONARY SIGNAGE
34	STATIONARY SIGNAGE
35	STATIONARY SIGNAGE
36	STATIONARY SIGNAGE
37	STATIONARY SIGNAGE
38	STATIONARY SIGNAGE
39	STATIONARY SIGNAGE
40	STATIONARY SIGNAGE
41	STATIONARY SIGNAGE
42	STATIONARY SIGNAGE
43	STATIONARY SIGNAGE
44	STATIONARY SIGNAGE
45	STATIONARY SIGNAGE
46	STATIONARY SIGNAGE
47	STATIONARY SIGNAGE
48	STATIONARY SIGNAGE
49	STATIONARY SIGNAGE
50	STATIONARY SIGNAGE

ELEVATION - WALL SIGNAGE
 SCALE: 3/32" = 1'-0"

WEST (FRONT ENTRANCE)
 PROPOSED: 81.1 SQ. FT.
 ALLOWED: 81.50 FT.

EAST (REAR)
 PROPOSED: 48.1 SQ. FT.
 ALLOWED: 81.50 FT.

SOUTH (RIGHT SIDE)
 PROPOSED: 27.7 SQ. FT.
 ALLOWED: 45.50 FT.

NORTH (LEFT SIDE)
 PROPOSED: 27.7 SQ. FT.
 ALLOWED: 45.50 FT.

8 SF KEYSTONE WALL SIGN

CUMMINGS
 Job Location: 144213
 1403 Engineers Rd.,
 Prince Georges, MD 20775
 Date: November 4, 2020
 Page: 11 of 11

CUMMINGS
 Job Location: 144213
 1403 Engineers Rd.,
 Prince Georges, MD 20775
 Date: November 4, 2020
 Page: 11 of 11

CUMMINGS
 Job Location: 144213
 1403 Engineers Rd.,
 Prince Georges, MD 20775
 Date: November 4, 2020
 Page: 11 of 11

CUMMINGS
 Job Location: 144213
 1403 Engineers Rd.,
 Prince Georges, MD 20775
 Date: November 4, 2020
 Page: 11 of 11

BOHLER
 BOHLER ENGINEERING
 10000 WOODBURN RD
 WOODBURN, MD 21797
 TEL: 410-326-1100
 FAX: 410-326-1101
 WWW.BOHLER-ENG.COM

BOHLER
 BOHLER ENGINEERING
 10000 WOODBURN RD
 WOODBURN, MD 21797
 TEL: 410-326-1100
 FAX: 410-326-1101
 WWW.BOHLER-ENG.COM

BOHLER
 BOHLER ENGINEERING
 10000 WOODBURN RD
 WOODBURN, MD 21797
 TEL: 410-326-1100
 FAX: 410-326-1101
 WWW.BOHLER-ENG.COM

BOHLER
 BOHLER ENGINEERING
 10000 WOODBURN RD
 WOODBURN, MD 21797
 TEL: 410-326-1100
 FAX: 410-326-1101
 WWW.BOHLER-ENG.COM



SIGN DETAILS

SITE PLAN

NO.	DESCRIPTION	DATE	BY	CHKD.
1	PROJECT START			
2	PROJECT START			
3	PROJECT START			
4	PROJECT START			
5	PROJECT START			
6	PROJECT START			
7	PROJECT START			
8	PROJECT START			
9	PROJECT START			
10	PROJECT START			

8 WALL CHANNEL LOGO (FACE & REAR VIEW)

8 WALL CHANNEL LOGO (FACE & REAR VIEW)

DATE: November 8, 2020

9 WALL CHANNEL LOGO (FACE & REAR VIEW)

9 WALL CHANNEL LOGO (FACE & REAR VIEW)

DATE: November 8, 2020

ROUTES OFF ROAD TRUCK STOP - LAMPPOST SIGN

ROUTES OFF ROAD TRUCK STOP - LAMPPOST SIGN

DATE: November 8, 2020

ROUTES OFF ROAD TRUCK STOP - SIGNPOST SIGN

ROUTES OFF ROAD TRUCK STOP - SIGNPOST SIGN

DATE: November 8, 2020

ROUTES OFF ROAD TRUCK STOP - SIGNPOST SIGN

ROUTES OFF ROAD TRUCK STOP - SIGNPOST SIGN

DATE: November 8, 2020

ROUTES OFF ROAD TRUCK STOP - SIGNPOST SIGN

ROUTES OFF ROAD TRUCK STOP - SIGNPOST SIGN

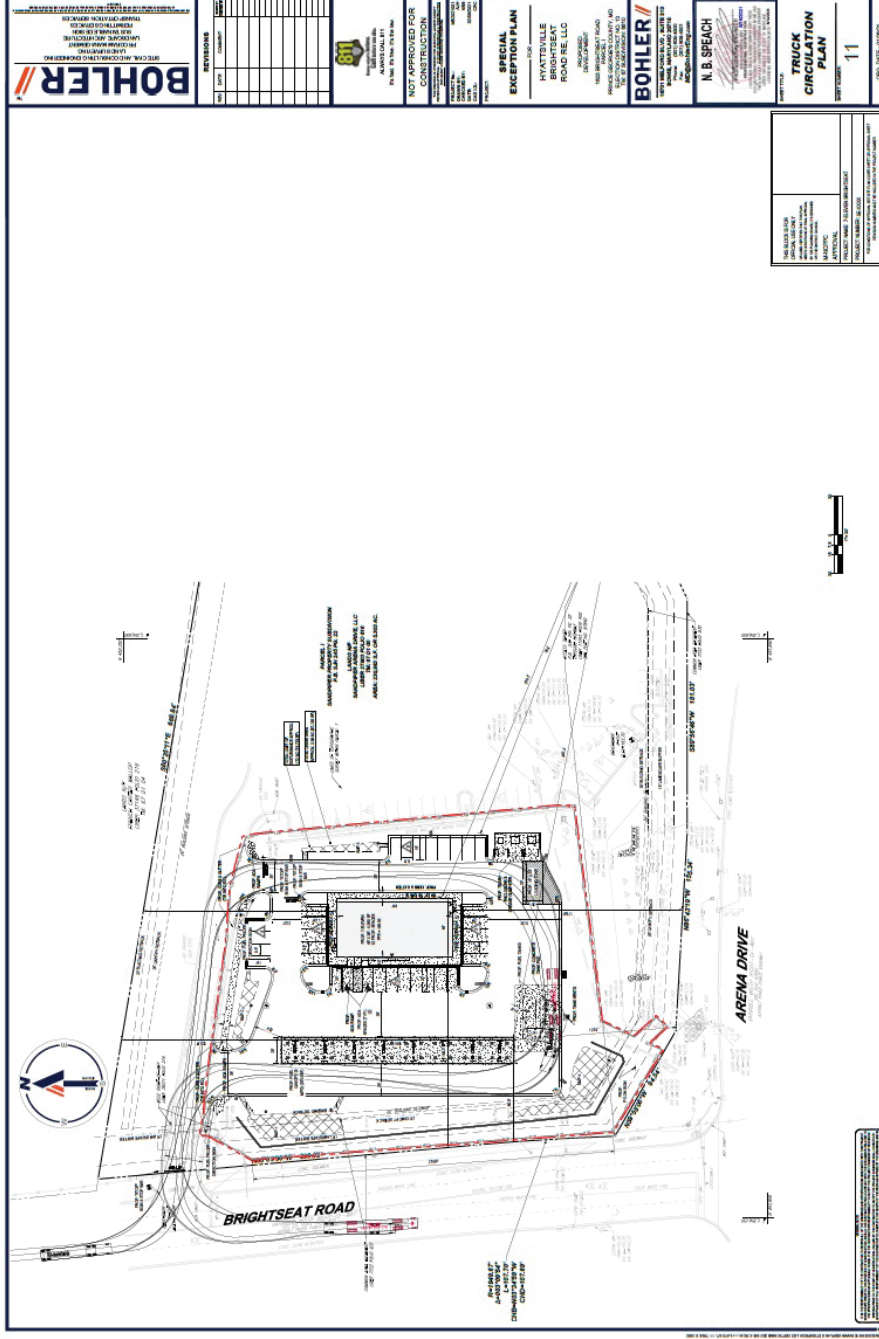
DATE: November 8, 2020

Item: 4D

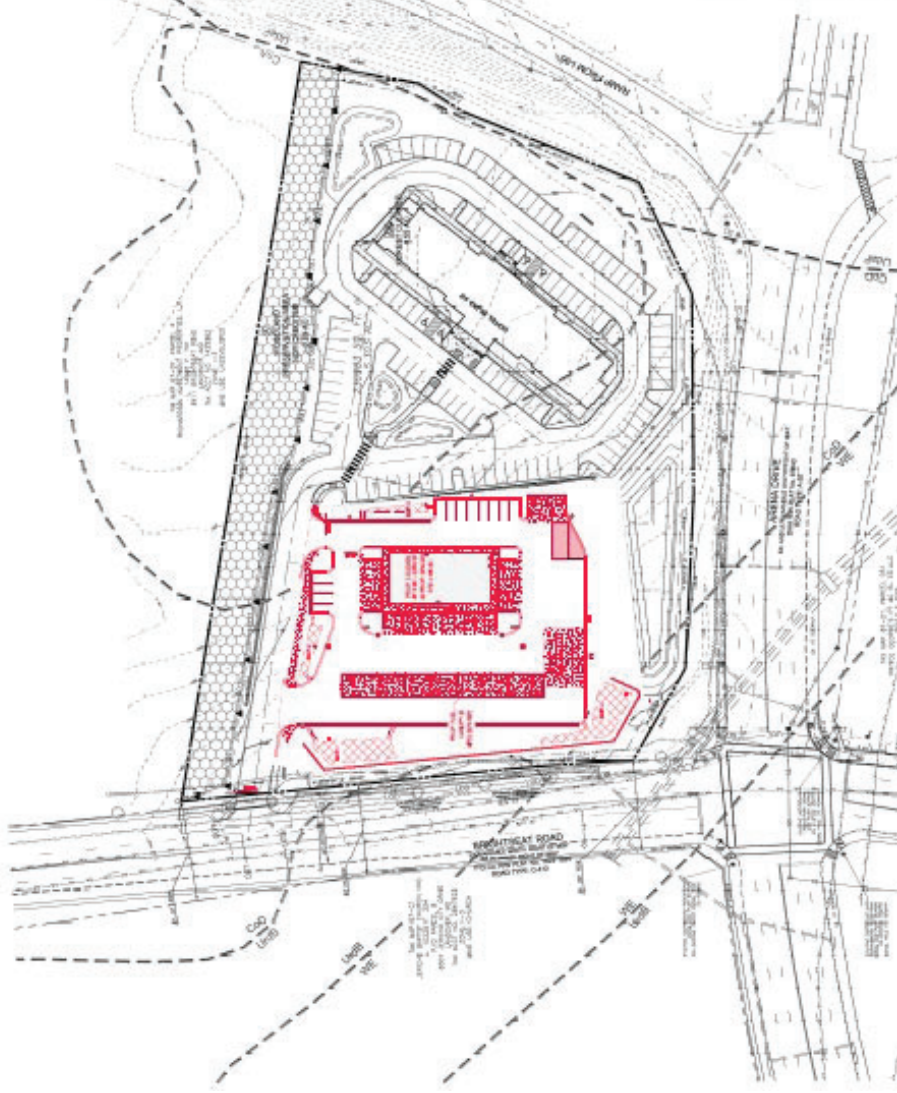
12/9/2021

Slide 14 of 18

TRUCK CIRCULATION PLAN



TYPE II TREE CONSERVATION PLAN



STAFF RECOMMENDATION

APPROVAL with conditions

- SITE PLAN and GENERAL NOTE REVISIONS
- TCP2 REVISIONS

[Major/Minor] Issues:

- NONE

Applicant Community Engagement:

- Informational Mailing: 03/24/2021
- Acceptance Mailing: 08/03/2021

STATEMENT OF JUSTIFICATION

1603 BRIGHTSEAT ROAD

7-ELEVEN

SE-4845

APRIL 8, 2021

REVISED OCTOBER 28, 2021

Applicants

Hyattsville Brightseat Road RE LLC
C/O Manekin
5850 Waterloo Road
Columbia, MD 21045
Contact: Richard Alter

Attorney

Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
Contact: Thomas Haller
301-306-0033

Engineer

Bohler
16701 Melford Boulevard, Suite 310
Bowie, Maryland 20715
Contact: Nicholas Speech, PE
301-794-7555

TABLE OF CONTENTS

1.0	INTRODUCTION/OVERVIEW/ORIENTATION	1
2.0	DEVELOPMENT HISTORY AND SUMMARY OF DEVELOPMENT PROPOSAL	2
3.0	NEIGHBORHOOD	4
4.0	CONFORMANCE WITH CONDITIONS OF PGCPB 16-26 AND DETAILED SITE PLAN DSP-05021	8
5.0	CONFORMANCE WITH SPECIFIC AND GENERAL REQUIREMENTS FOR SPECIAL EXCEPTIONS	11
6.0	VARIANCE FROM SECTION 27-358(a)(1)	25
7.0	CONFORMANCE WITH PURPOSES AND REGULATIONS OF THE I-3 ZONE	32
8.0	CONCLUSION	37

STATEMENT OF JUSTIFICATION
1603 BRIGHTSEAT ROAD 7-ELEVEN
SPECIAL EXCEPTION SE-4845

1.0 INTRODUCTION/OVERVIEW/ORIENTATION

Hyattsville Brightseat Road RE LLC (the "Applicant") files this special exception application for 2.0 acres of land located in the northeast quadrant of the intersection of Arena Drive and Brightseat Road (the "Subject Property"). The property which is the subject of this application consists of 87,120 square feet and is now part of a larger recorded lot of record which is more particularly described Parcel 1 on a plat entitled "Parcel 1, Sandpiper Property Subdivision", which plat is recorded among the Land Records of Prince George's County Maryland at Plat Book SJH 245 Plat 22 ("Parcel 1"). Parcel 1 is owned by Sandpiper Arena Drive, LLC and contains a total of 5.303 acres. It is intended that Parcel 1 will be subdivided into two parcels, one containing the existing hotel and one containing the proposed use. The two parcels will share the use of the existing driveway which was previously approved to serve as access to Parcel 1.

The Applicant proposes to construct on the Subject Property a 7-Eleven food and beverage store with gas station. The Subject Property is zoned I-3. Parcel 1 was the subject of a Detailed Site Plan, referenced as DSP-15021. This DSP approved

the construction of two identical four-story, 124 room 47,624 square foot hotels. One of the hotels, a Woodspring Suites, located on the eastern portion of Parcel 1 has been constructed. However, there was no market for construction of the second hotel. As a result, this special exception is filed to construct a 4,050 square foot food and beverage store with a gas station containing 8 pump islands (16 fueling stations).

Parcel 1 is bounded to the north by undeveloped land in the I-3 zone, to the east by the Capital Beltway, to the south by Arena Drive and to the west by Brightseat Road. Across the Beltway from the Parcel 1 are two additional hotels in the C-0/DDO Zone. Across Arena Drive is a parcel of land utilized as a stormwater management pond and an elderly care facility in the I-3 Zone. Across Brightseat Road from Parcel 1 is Jericho Baptist Church on the north side of Arena Drive and a large surface parking lot on the south side of Arena Drive, both in the I-3 Zone. To the west, further along Arena Drive is FedEx Field.

2.0 DEVELOPMENT HISTORY AND SUMMARY OF DEVELOPMENT PROPOSAL

As noted above, Parcel 1 is zoned I-3. Previously the site of a proposed elementary school, the property was conveyed to private ownership in 1986 and included as part of the Spectrum 95 industrial park land holdings. The property was first

subdivided as Parcel A, Brightseat Road Elementary School, recorded on or about December 17, 1969 at Plat Book WWW 73 at Plat 16. A copy of this plat is attached hereto as Exhibit "A". Originally 9.78 acres, right-of-way takings associated with the construction of Arena Drive (now Medical Center Drive) reduced the size of the property to the current 5.3 acres. The property was conveyed to the State Highway Administration ("SHA") on February 26, 1997 by a deed recorded among the Land Records of Prince George's County at Liber 11293 Folio 400. A copy of the deed conveying the right of way to SHA is attached hereto as Exhibit "B". In 2016, a record plat was approved pursuant to the provisions of Section 24-111(c) to evaluate the property for adequate public facilities, since the property had been subdivided prior to October 27, 1970. This approval, reflected in Resolution PGCPB No. 16-26 resulted in the current subdivision plat for the Parcel 1 being recorded. A copy of Resolution PGCPB No. 16-26 is attached hereto as Exhibit "C". Three conditions were imposed, which will be addressed in greater detail below. The final plat is recorded at Plat Book SJH 245 Plat No. 22, a copy of which is attached hereto as Exhibit "D".

On June 16, 2016, the District Council approved DSP-15021 to allow the construction of two hotels on Parcel 1, subject to three conditions. A copy of the Final Decision of the District

Council is attached hereto as Exhibit "E". These conditions will be addressed below. It should be noted that the I-3 zone typically requires approval of a conceptual site plan in addition to a detailed site plan. In this case, no conceptual site plan was required. In the I-3 Zone, Section 27-273, Footnote 59 provides that a conceptual site plan is not required for hotels that are developed on properties zoned I-3 if they are located inside the Beltway on property zoned I-3 pursuant to a Sectional Map Amendment approved prior to January 1, 1978. A copy of the relevant provisions of Section 27-473 are attached hereto as Exhibit "F". Since Parcel 1 conformed with these criteria, only a DSP was required.

As noted above, the development proposed in this application is a gas station and food or beverage store. Specifically, the proposed use is a 7-Eleven. In the I-3 Zone, Section 27-473 permits a gas station subject to approval of a special exception. This application is filed to address the requirements for approval of a special exception. A food or beverage store is permitted, subject to Footnote 42, which limits food or beverage stores to those in conjunction with "a gas station located within an industrial park, provided the uses are located within the same building". In this case, the food or beverage store and the gas station will operate out of the same building. Thus, the special exception application includes both

uses. A copy of the relevant provisions of Section 27-473 are attached hereto as Exhibit "F".

It is further noted that the approval of the special exception does not exempt the Subject Property from the site plan requirements otherwise applicable in the I-3 Zone. Since no conceptual site plan was previously approved for Parcel 1, and the exemption from approval of a CSP does not extend to gas stations or food or beverage stores, a CSP will also be required. In addition, a revision to the approved detailed site plan will also be required. These applications will be filed as the special exception application is processed.

At the time this application was initially filed, it was intended that the area which is the subject of the special exception would be leased, such that the proposed use would be located on a portion of Parcel 1. However, the applicant and the owner have now agreed that the land that is the subject of this application will be subdivided as a separate parcel and sold to the applicant. The area of the special exception remains at 87,120 square feet, which is the minimum lot size in the I-3 Zone. However, the boundaries of the special exception have been slightly modified. The initial boundaries included portions of the main drive aisle and parking lot now serving the existing improvements, as these areas were proposed to be within the limits of disturbance. The boundaries have been adjusted to

ensure that none of the existing improvements now serving the constructed hotel will be within the boundaries of the special exception.

3.0 NEIGHBORHOOD

In order to review the criteria for approval of a special exception a neighborhood must be established for the proposed development. See Entzian v. Prince George's County, 32 Md. App. 256, 269, 360 A.2d 6, 14 (1976). The neighborhood typically includes those uses adjoining the subject property and extends out to the next natural barrier, significant roadway, or other boundary. In this case, the neighborhood for the Property should be delineated as follows:

- (1) To the west: Capital Beltway (MD 495)
- (2) To the south: Central Avenue MD (214)
- (3) To the east: Brightseat Road; and,
- (4) To the north: Sheriff Road/Brightseat Road/Landover Road (MD 202)

The linear nature of the neighborhood is a product of the land uses which surround it. The western boundary, the Capital Beltway, is self-explanatory. From a planning perspective, the Capital Beltway creates a substantial barrier and the proposed use will have little or no impact on uses east of the Beltway. Brightseat Road is a north/south collector roadway (C-412) which extends between Central Avenue and Landover Road. Beyond Brightseat Road to the west, there is little east/west traffic as Arena Drive extends to the west into the parking lots

surrounding FedEx Field, which forms a barrier to cross traffic from the west. The Applicant acknowledges that the properties which front on Brightseat Road along the corridor are also within the neighborhood.

The Applicant's definition of the neighborhood is consistent with Maryland case law. For instance, in Sedney v. Lloyd, the Court of Special Appeals of Maryland stated:

[i]n Maryland it is now axiomatic that the area constituting the neighborhood of a subject property for the purpose of evaluating change will depend upon the facts and circumstances of each case. The neighborhood must be limited to the 'immediate environs of the subject property' and cannot extend for miles in all directions.

Sedney v. Lloyd, 44 Md. App. 633, 639, 410 A.2d 616, 620 (1980) (citations omitted). The Court also made the point to note, however, that, "[t]he concept of 'immediate environs of the subject property' implies an area larger than the property itself." Id. What constitutes a "neighborhood" under Maryland law, therefore, is not precisely and rigidly defined. See Montgomery v. Bd. of County Comm'rs of Prince George's County. 263 Md. 1, 5, 280 A.2d 901, 903 (1971); Woodlawn Area Citizens Assoc. v. Bd. of County Comm'rs of Prince George's County. 241 Md. 187, 199, 216 A.2d 149, 157 (1966).

The neighborhood, as defined above, is industrial in nature. All of the land within the boundaries of the neighborhood is zoned either I-3 or I-1, with the exception of

approximately 20 acres of R-T zoned land developed in the mid to late 1970's. The I-3 zoning has been in effect since the adoption of the Model Neighborhood Area Sectional Map Amendment in November, 1977. The majority of the land within the neighborhood has been developed with light industrial uses permitted in the I-3 zone. One exception is the property immediately abutting the northern boundary of the Subject Property, which remains vacant. The properties abutting the west side of Brightseat Road constitute a mix of industrial and residential zoning. On the southern end of the corridor are single family detached homes and the Thomas G. Pullen Elementary School in the R-55 zone. The predominant use along the west side of Brightseat Road is the Jericho Baptist Church located at the intersection of Arena Drive and Brighteat Road. This complex contains approximately 120 acres and includes the main sanctuary in the northwest quadrant and a large parking lot in the southwest quadrant of the intersection of Arena Drive and Brightseat Road. Further to the south along Brightseat Road are the Jericho Residences, an age restricted apartment building and assisted living facility in the C-0 zone.

4.0 CONFORMANCE WITH CONDITIONS OF PGCPB 16-26 AND DETAILED SITE PLAN DSP-05021

As noted above, Parcel 1 was initially subdivided in 1969 and was therefore required to obtain approval of new final plat

accompanied by a review of adequate public facilities. The plat was designated among the records of the Maryland-National Capital Park and Planning Commission as application 5-15059. The final determination of adequate public facilities is contained in Prince George's County Planning Board Resolution PGCPB No. 16-26, adopted by the Planning Board on July 7, 2016. This analysis was approved subject to three conditions, as listed and addressed below:

1. Total development shall be limited to uses that generate no more than 233 AM and 279 PM peak-hour vehicle trips. Any new development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

COMMENT: To address this condition, the Applicant has commissioned a Traffic Impact Analysis ("TIS") from The Traffic Group dated February 4, 2021 and attached hereto as Exhibit "G". The TIS evaluated the proposed development for conformance with this trip cap. It should be noted that, for purposes of the adequacy analysis, the property was evaluated based upon the proposed traffic that would be generated by a 150 room hotel and convenience store with 12 fueling stations. Detailed Site Plan DSP-15021 approved the development of two 124 room hotel rooms. The proposed convenience store with 16 fueling stations will replace the second hotel. As noted in the TIS, the total number of trips that will be generated by the proposed development is

99 AM and 91 PM peak hour trips, which represents 134 fewer AM peak hour trips and 188 PM peak hour trips than are currently approved. Therefore, the TIS concludes that the proposed development conforms to the approved trip cap.

2. Direct vehicular access to Arena Drive and the Capital Beltway (I-95/495) is denied.

COMMENT: The subdivision plat that was recorded pursuant to the approval of the plat shows a denial of access along both Arena Drive and the Capital Beltway. The applicant is not proposing to access either Arena Drive or the Capital Beltway as part of this special exception request.

3. The 2008 Water and Sewer Plan designates this property in water and sewer Category 3, Community System, within Tier 1 under the Sustainable Growth Act and will therefore be served by public systems.

COMMENT: A note placed on the record plat reflects that the property will be served by public water and sewer.

Based upon the above analysis, the proposed development conforms to the subdivision conditions applicable to the Subject Property.

DSP-15021 was approved by the Planning Board on February 18, 2016, which decision was affirmed by the District Council in its Final Decision approved on June 19, 2016. The DSP was also approved subject to three conditions. The first condition was to reflect certain technical changes on the DSP prior to certification. These modifications were made when the DSP was

certified. As stated above, the detailed site plan will need to be modified to reflect the revised development proposal and additional modifications will be addressed at that time.

The second condition required that, prior to issuance of building permits, a plat of resubdivision shall be approved. The plat referenced above was approved on July 7, 2016 in conformance with this condition and has been recorded.

The third condition required that the applicant provide a financial contribution of \$210 to the Prince George's County Department of Public Works and Transportation for the placement of on "Share the Road with a Bike". This condition would have been satisfied prior to the issuance of the building permit for the hotel.

5.0 CONFORMANCE WITH SPECIFIC AND GENERAL REQUIREMENTS FOR SPECIAL EXCEPTIONS

Section 27-473 of the Zoning Ordinance provides that a gas station is permitted by Special Exception in the I-3 Zone, subject to the applicable criteria. In addition to the general criteria applicable to all Special Exceptions set forth in Section 27-317 (addressed below), a gas station is also subject to the provisions of Section 27-358. Section 27-358 establishes the following criteria:

- (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;**

COMMENT: The Subject Property, which is the 87,120 square foot area which is included within the boundaries of the special exception application, has 295.02 feet of frontage on Brightseat Road, an 80 foot wide collector right of way. The Subject Property will access this right of way through shared use of the existing driveway which serves the existing hotel. As a result, the Subject Property will not have "direct" vehicular access to Brightseat Road. A variance from the requirement to have "direct" access is requested, and justification for that variance requests is set forth in Section 6.0 below.

- (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;**

COMMENT: The Property is not located within 300' of a school, playground, library or hospital.

- (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;**

COMMENT: The Applicant's proposed use is limited to the sale of gasoline and operation of a food and beverage store accessory thereto. The Applicant does not intend to display and rent

cargo trailers and trucks, or any similar uses. The Property meets this criterion.

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

COMMENT: The use will include no vehicle repair or storage.

- (5) **Access driveways shall be not less than thirty (30) feet wide unless a lesser 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 compliance with the minimum standards required by the County Road Ordinance or 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 twenty (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 twelve (12) feet from the side or rear lot line of any adjoining lot;**

COMMENT: The existing driveway providing direct access from Parcel 1 to Brightseat Road is 30 feet in width and the access driveway from the Subject Property is 35 feet in width. Parcel 1 is a corner lot, but the driveway 48.9 feet from the point of curvature of the curb return or the point of curvature of the edge of paving at the intersection. Further, the driveway is more than 12 feet from the adjoining lot.

- (6) **Access driveways shall be defined by curbing;**

COMMENT: The existing access driveway is defined by curbing in satisfaction of this requirement.

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

COMMENT: A five (5) foot wide sidewalk is provided along Brightseat Road between the building line and the curb. Access to Parcel 1 and the Subject Property is denied from Arena Drive and the Capital Beltway and no sidewalk exists along these roads as they do not serve pedestrian traffic.

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

COMMENT: The site plan depicts the proposed gasoline pumps are 60.9 feet from the street line of Brightseat Road and 126.7 feet behind the street line of Arena Drive.

- (9) Repair service shall be completed within forty-eight (48) hours after the vehicle is left 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 building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.**

COMMENT: The Applicant's proposal does not include repair service on the Property.

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

COMMENT: The application meets this requirement as shown on the site plan.

- (b) In addition to what is required by Section 27-296(c), the site plan shall show the following:

- (1) The topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet);
- (2) The location and type of trash enclosures; and
- (3) The location of exterior vending machines or vending area.

COMMENTS: The site plan shows the above as required.

- (c) Upon the abandonment of a gas station, the Special Exception shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term "abandonment" shall mean nonoperation as a gas station for a period of fourteen (14) months after the retail services cease.

COMMENT: The Applicant agrees to comply with this requirement should the use be abandoned.

- (d) When approving a Special Exception for a gas station, the District Council shall find that the proposed use:
 - (1) Is necessary to the public in the surrounding area; and

COMMENT: Attached to this Special Exception is a "Need Analysis" prepared by Valbridge Property Advisors. This report, attached hereto as Exhibit "H", addresses the above criterion and shows a need for the proposed gasoline services in the surrounding area.

(2) Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.

COMMENT: The Applicant submits that the proposed use will not restrict the availability of land or upset the balance of land uses in the area for other trades or commercial uses. As noted above, the Subject Property is part of a larger property partially developed. The Subject Property was reserved for future development permitted in the underlying zone. Most of the surrounding property is developed and the remaining undeveloped properties will not be impacted by the proposed use. The 2.0 acres of land utilized in conjunction with the proposed use is but a fraction of the total land area zoned I-3 and developed with light industrial uses consistent with the zone.

In addition to the above specific requirements, the applicant must also meet the general requirements for the grant of all special exceptions, as set forth in Section 27-317 of the Zoning Ordinance. That section provides as follows:

(a) A Special Exception may be approved if:

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

The applicant submits that the proposed use and site plan are in harmony with the purpose of the Zoning Ordinance.

Section 102(a) of the Zoning Ordinance lists the purposes of the Zoning Ordinance as follows:

- (1) To protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County;**

COMMENT: Conveniently located amenities benefit present and future inhabitants in the County. The proposed uses are located convenient to main transportation routes and near a designated center which attracts substantial residents and workers.

- (2) To implement the General Plan, Area Master Plans, and Functional Master Plans;**

COMMENT: The Subject Property is located within the boundaries of the Subregion 4 Master Plan and Sectional Map Amendment adopted in 2010. The Subject Property was first zoned industrial in 1977 and has remained in the I-3 zone since that time. The Subregion 4 Master Plan continued to recommend industrial uses for the Subject Property and the SMA retained the I-3 Zone. The Master Plan identifies an extensive industrial land use area along the western side of the Beltway (the eastern edge of the

Subregion 4 Planning Area). Several specific industrial areas are identified. The Subject Property is located in the Landover Metro Center industrial area, identified as being bounded by "Landover Road on the north and Central Avenue on the South. The western edge is about one mile inside the Capital Beltway. The area contains FedEx Field, along with Landover Centre 2, the 95 Office Park, the Landover Metro Station, and Centre Point." (Master Plan, p. 121). The Landover Metro Center is categorized as Type 4, competitive land use succession. The Master Plan notes that this area has lower vacancy rates for industrial and flex than the county and subregion averages. One concern noted is that "[t]he industrial areas are healthy but there is some pressure from encroaching office and retail." (Master Plan, p. 121). Locating the proposed uses, which complement and provide additional services to the existing industrial area, on a partially developed commercial property, will ensure no additional encroachment into the industrial area occurs. The utilization of the property for a more commercial use is also appropriate as the construction of the Arena Drive overpass to provide access to FedEx Field reduced the size of Parcel 1 as originally configured. The remaining Parcel 1 is a corner lot with convenient access to Brightseat Road, Arena Drive and the Beltway. The proposed use, which is permitted in the I-3 zone, will implement the recommendations of the Master Plan.

- (3) **To promote the conservation, creation and expansion of communities that will be developed with adequate public facilities and services;**

COMMENT: The Subject Property is the residue of a larger property which is well situated to provide uses which will be convenient to and provide needed services to the industrial area and member of the community who access the Capital Beltway. As discussed above, the Subject Property was recently evaluated for adequate public facilities and the proposed use will not create additional burdens which have not been evaluated. In addition, the TIS indicates that the intersection of Brightseat Road and Arena Drive will operate at Level of Service A under total development conditions.

- (4) **To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry and business;**

COMMENT: This proposal will provide a service which does not exist within the immediate neighborhood and will be utilized by residents and businesses in the area at an appropriate location.

- (5) **To provide for adequate light, air, and privacy;**

COMMENT: The proposed special exception will complete the development of a partially developed site. It will utilize an existing entrance established for the larger property and will not overcrowd the land.

- (6) **To promote the most beneficial relationship between the uses of land and buildings and protect landowners from the adverse impacts of adjoining development;**

COMMENT: As noted above, the proposed development will complete a partially developed project. The existing hotel provides a service to residents and businesses in the area. The proposed food or beverage store and gas station will be a complementary use conveniently located near large volumes of traffic. The new development will be seamlessly incorporated within the existing infrastructure and will have no impact on adjoining development, which will also benefit from the services these uses will provide.

- (7) **To protect the County from fire, flood, panic and other dangers;**

COMMENT: The proposed development will be constructed in accordance with all applicable regulations relating to fire protection and flood management.

- (8) **To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;**

COMMENT: This criterion is inapplicable as the proposed development is a non-residential development.

- (9) **To encourage economic development activities that provide desirable employment and a broad, protected tax base;**

COMMENT: The proposed development will expand the commercial

tax base and provide employment, as well as providing services to the surrounding employment park and nearby Largo Town Center development.

(10) To prevent overcrowding of the land;

COMMENT: This proposal will not overcrowd the land. There is adequate room on site to accommodate the proposed development.

(11) To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;

COMMENT: As demonstrated by the traffic study, the granting of the proposed special exception will not increase the danger or congestion of traffic on the streets due to the number of trips which will be generated.

(12) To insure the social and economic stability of all parts of the County;

COMMENT: The proposed development will increase the tax base on a property within the former Developed Tier, where development is encouraged by the Plan Prince George's 2035.

(13) To protect against undue noise, and air and water pollution, and to encourage the preservation of valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas and other similar features;

(14) To provide open space to protect scenic beauty and natural features of the County, as well as provide recreational space; and

COMMENT: The development of the property will be conducted in

accordance with environmental regulations intended to protect and preserve natural features. Parcel 1 was previously reviewed as part of Detailed Site Plan DSP-15021 and found to preserve regulated natural features.

(15) To protect and conserve the agricultural industry and natural resources.

COMMENT: The proposed use will not impact agricultural resources.

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

COMMENT: The proposed development conforms to all of the dimensional requirements for gas stations as set forth in Section 27-358 and also conforms to the applicable regulations of the I-3 Zone.

(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 plan or functional master plan, the general plan.

COMMENT: As noted above, the proposal is consistent with the Master Plan and Plan 2035 and will not substantially impair its integrity. The Subject Property is in the Established Community area as designed on Plan 2035 and the former Developed Tier of the 2002 General Plan. It is located within a narrow strip of predominantly industrially zoned and developed properties at the intersection of three roads. The proposed uses will complete the development of a partially developed property, will add to

the tax base and will provide a complementary service to residents and workers who live in the area or drive through this area.

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

The proposed use at this location will not adversely affect the health, safety or welfare of area residents and workers. The Subject Property has already been approved with a commercial use complementary to the surrounding industrial development. The proposed uses will provide additional complementary services at a locate that is convenient to the industrial properties and others seeking to access the Capital Beltway. The Subject Property does not abut any residential properties and it will utilize previously approved ingress and egress driveways.

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

The use of the Subject Property as proposed not be detrimental to the use or development of adjacent properties or the general neighborhood. As noted above, the neighborhood is largely developed with industrial uses. Parcel 1 is uniquely situated within the neighborhood, being located at an interchange on the Capital Beltway. The development of the Subject Property will complete the development of Parcel 1 and provide uses complementary to the larger industrial area.

Parcel 1 abuts roadways on three sides. The only property which Parcel 1 abuts is a vacant I-3 Zoned tract containing 12 acres, suitable for additional industrial development. There is no other location for the uses proposed in this application which can better serve the neighborhood. The property across Arena Drive to the south is a stormwater management facility and cannot be developed. Thus, the development of the Subject Property 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;

The Subject Property was the subject of an approved Type 2 Tree Conservation Plan (TCP2-026-2015), which was approved with DSP-15021. Parcel 1 was developed in accordance with this TCP and the proposed special exception will not impact or alter that approval.

(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 requirements of Subtitle 24-130 (b) (5).

COMMENT: Parcel 1, which includes the Subject Property, was the subject of DSP-15021. As part of the approval of the detailed site plan, the Planning Board was required to find that the property preserved and/or restored the regulated environmental features in a natural state to the fullest extent possible in

accordance with the requirements of Section 24-130(b)(5). This finding was made by the Planning Board and the District Council affirmed this finding in its approval. The proposed development will not alter this finding.

6.0 VARIANCE FROM THE PROVISIONS OF SECTION 27-358 (a) (1) .

As noted above, the Subject Property is currently part of a larger parcel, Parcel 1. In 2016, when DSP-15021 was approved, it was anticipated that two hotels would be constructed on Parcel 1. One hotel was proposed adjacent to the Capital Beltway and the other at the corner of Brightseat Road and Arena Drive (now Medical Parkway). Through the review of the Detailed Site Plan, the most appropriate location of access points to Parcel 1 was addressed. As referenced above, access was denied from the Capital Beltway and from Arena Drive. Only access to Brightseat Road was permitted and this access was ultimately constructed. The location of the access to Brightseat road was established at northern end of Parcel 1, or the furthest distance from the intersection as possible, to promote traffic safety. The proposed use intends to locate within the developable area created by the approval for the hotel and to utilize the same point of access as was created to serve Parcel 1. No other access is proposed to Brightseat Road. The

proposed development site, the existing hotel and the existing access to Brightseat Road can be seen on the aerial photograph:



Also visible from the aerial is that two driveway aprons were constructed to provide future access to the Subject Property. Those driveway aprons are being used for access to the proposed use.

Since Section 27-358(a)(1) requires that the "subject property" proposed as a gas station have frontage on and direct vehicular access to a street with a right of way width of 70 feet or greater, the proposed access to the property which is the subject of the special exception does not technically conform to this requirement because the subject property will be

accessed from the driveway which directly accesses Brighseat Road. Thus, a variance is required.

Decisions regarding variances must conform to the criteria set forth in Section 27-230 of the Zoning Ordinance. The Applicant submits the variance in this case conforms to all legislative requirements. Section 27-230 provides as follows:

(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, exception topographic conditions, or other extraordinary situations or conditions;**

COMMENT: The Subject Property meets this criterion. There are two circumstances which relate to this requirement. The first is the history of how the most appropriate location for access to Parcel 1 occurred. Through prior development approval processes, a full analysis was performed that determined where safe ingress and egress to the public road network should be located. Parcel 1 front on three roadways, one of which is designated as a freeway, one of which is designated as an arterial and one of which is designated as a collector. Access to freeways and arterial roadways is discouraged when access can be obtained from roadways with a lower classification. As a result, through the approval of DSP-15021 and the new plat of subdivision pursuant to Section 24-111(c)(4), access to Parcel 1

from both the Capital Beltway and Arena Drive was denied. The purpose of DSP-15021 was to create development sites for two uses. It was determined that the most appropriate point of access is to Brightseat Road in the location depicted on the Detailed Site Plan. This is the same point of access as shown on the Special Exception Site Plan. The area of the special exception (i.e.) the "subject property" fronts on Brightseat Road but will share access to the existing driveway that also serves the hotel.

It should also be noted that the need for the variance is not created by the desire to subdivide the Subject Property as a separate parcel. The boundaries of the special exception was always intended to not include the driveway. However, it was discovered after the application was filed that the access proposed may not technically conform with the strict application of the requirement, and therefore a variance is necessary.

The second circumstances which is unique to the Subject Property is the topography along Brightseat Road. When the site plan was initially prepared, there was a desire to provide a right-in/right-out driveway into the site, which would have provided direct vehicular access to the Subject Property. However, the topography of the existing roadway combined with the proximity to the intersection made such an access not possible. Thus, the topography along Brightseat Road, the

limited distance between the intersection and the existing driveway and the prior determination that the existing driveway is the only access appropriate to serve Parcel 1 all constitute an extraordinary condition or situation that supports the granting of the variance in this instance

- (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**

COMMENT: It is important to note that the Maryland Court of Special Appeals has held a distinction exists between use variances and area variances. The variance application being considered in this case is in fact an area variance as it deals with development regulations concerning setbacks. A lower burden of proof is required of an applicant seeking an area variance. *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28, 322 A.2d. 220 (1974). Further, the Court in *Anderson* also held that where an area variance is being requested, an applicant is not required to prove the existence of both practical difficulty and undue hardship. Instead, when requesting an area variance pursuant to an ordinance such as that contained in the Prince George's County Zoning Ordinance, in Section 27-358(a)(1), an applicant is only required to show the existence of practical difficulty. In *Anderson*, the Court of Special Appeals opined that in proving practical difficulty, an

applicant need only show that requiring strict conformance with the terms of the restriction in question (1) "would unreasonably prevent an owner from using the property from a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;" (2) whether grant of the variance applied for would do substantial justice to all involved; and (3) whether relief can be granted so that the spirit of the ordinance in question can be observed (See *Anderson*, page 39). The variance requested in this case far exceeds the practical difficulty standard. If the variances are not approved, then conformity with the restrictions would be not just unnecessarily burdensome, but prohibitively burdensome. The Applicant would be prohibited from constructing the proposed use, even though the most appropriate access to the Subject Property was determined in prior applications to be through the shared use of an on-site driveway. The Applicant would be willing to construct an access from Arena Drive, but such access is prohibited by prior condition. The Applicant would construct another direct vehicular access to Brightseat Road, but the proximity of another access to the intersection, plus the topography of the Subject Property along Brightseat Road, prevent such an entrance. Thus, strict application of the regulation would prevent the use of the Subject Property as proposed.

Conversely, granting the variance would do substantial justice for all and the requested relief can be granted so that the spirit of the ordinance can be observed. There is no detriment to the public or any other private property owner if the Subject Property is accessed from the existing private driveway. To the contrary, the private driveway was established specifically for the purpose of providing access to a second use on Parcel 1. The spirit of the Ordinance is also observed. The Ordinance requires gas stations to front on and access roadways meeting a certain standard. It is unquestioned that Brightseat Road satisfies the standard, and the existing driveway to be used has direct access to that road. Providing a second access does not advance the goals of the regulation and impacts traffic safety. For these reasons, the granting of the variance is appropriate.

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

COMMENT: As discussed in detail above, the Subject Property is within the boundaries of the Subregion 4 Master Plan and the proposed use conforms to the recommendations of the Master Plan. Therefore, the approval of this variance, to allow a use permitted within the existing zoning category, will not impair the intent, purpose or integrity of the Master Plan.

7.0 CONFORMANCE WITH PURPOSES AND REGULATIONS OF THE I-3 ZONE.

The purposes of the I-3 Zone are set forth in Section 27-471 of the Zoning Ordinance, as set forth below.

- (1) The purposes of the I-3 Zone are:
 - (A) To provide increased and enhanced employment opportunities for the residents of the County and areas for industries, research facilities, and offices which have common characteristics with respect to site requirements, desired amenities, compatibility of operations, general functional classifications, and access;
 - (B) To provide for a mixture of industrial, research, office, and in certain instances specific retail commercial uses (along with compatible institutional, recreational, and service uses) in a manner which will retain the dominant industrial/employment character of the area, while also providing for the enhanced viability of the zone by providing for the location of certain retail commercial uses on the periphery of the area, specifically when the periphery fronts on, and is adjacent to, arterial roadways;
 - (C) To permit uses which, when compared to the uses permitted in other Industrial Zones, will minimize detrimental effects on uses of adjacent land, especially where adjacent land is being used commercially; and
 - (D) To provide development standards which assure the compatibility of proposed land uses with surrounding land uses, maximize open space so as to create a park-like setting, and improve the overall quality of industrial/employment areas in Prince George's County.

Comment: The proposed uses are consistent with the purposes as set forth above. The use will increase and enhance employment opportunities in the County. The proposed uses will provide for retail commercial use in a manner which will retain the dominant

industrial character of the area. The bulk of the land within the neighborhood, approximately 100 acres, is industrially zoned. The two acres comprising the Subject Property consists of only 2% of the industrially zoned area. These uses area located at a Beltway interchange and the intersection of two other roadways at an entrance into this industrial area which is also at the periphery of the industrial area. Due to the isolated location of the use on a property already containing a complementary commercial use to the industrial area, the development will minimize detrimental effects of the use on adjacent land. Finally, the uses are being added to a property already subject to an approved detailed site plan which created a development area suitable for the proposed development

The regulations of the I-3 zone are contained in Section 27-471(f) and 27-274 of the Zoning Ordinance. Several are applicable to the Subject Property.

(f) Regulations.

- (1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the I-3 Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

COMMENT: Noted. The applicable regulations are address on the Site Plan.

(2) Not more than twenty-five (25%) of any parking lot and no loading space shall be located in the yard to which the building's main entrance is oriented, except that the Planning Board may approve up to an additional fifteen percent (15%) in its discretion if increased parking better serves the efficiency of the particular use; improves views from major arteries or interstate highways; and makes better use of existing topography or complements the architectural design of the building.

COMMENT: The site plan reflects that 32 parking spaces are provided on the Subject Property to serve the proposed use. A total of 10 parking spaces area located in the yard to which the building's main entrance is located, or 31%. It should be noted that in DSP-05021 the Planning Board approved an additional 15% of the parking to be located within the yard to which the proposed building's main entrances were located. The applicant is requesting that an additional 6% be permitted as proposed in this instance. The proposed food or beverage store provides parking on all four sides of the building. Parking around the building better serves the efficiency of the use as it allows customers to be closer to the entrance and avoids conflicts with the gas patrons. With the canopy located between the building's main entrance and Brightseat Road the concern that the parking area will exhibit a large parking lot is addressed. Thus, providing a small increase in the percentage of parking in the yard to which the building's main entrance is located is justified in this instance.

- (3) No loading docks shall be permitted on any side of a building facing a street except where the lot is bounded by three (3) or more streets.**

COMMENT: One loading area is identified in the yard abutting Arena Drive. However, Parcel 1 which includes the Subject Property is bounded by three streets, therefore rendering this requirement inapplicable.

The majority of regulations applicable in the I-3 Zone are contained in Section 27-474(b)-(e). Section 27-474(b) addresses setbacks. Typically, the building setback from a freeway is 50 feet, the setback from all streets except freeways is 30' and the setback from any adjoining land in a nonresidential zone is 20'. The setback from the existing hotel to the Beltway, a freeway, was addressed in DSP-05021. The setbacks provided for the proposed uses are depicted on the site plan. The proposed uses are closest to Brightseat Road and Arena Drive. As noted on the site plan, the buildings on the Subject Property are set back 60.9 feet (canopy) and 148.3 feet (building) from Brightseat Road and 126.7 feet (canopy) and 178.8 feet (building) from Arena Drive. The setback from the only adjoining property, which is also zoned I-3, is 123.9 feet. However, it should be noted that Footnote 11 states that for property located within one (1) mile of a metro station, the minimum setback from a street (other than a freeway) and the minimum setback from land in a nonresidential zone is only 10

feet. As noted on the site plan, Parcel 1 is located 3,364.9 feet from the Largo Town Center Metro Station. The site plan demonstrates compliance with all of these setback requirements.

Section 27-474(c) addresses net lot area. The minimum required in the I-3 zone is 87,120 square feet. As noted on the site plan, the area of Parcel 1 (of which the Subject Property is a part) is 5.5 acres and the area of the Subject Property is 2 acres (87,120 square feet). Thus, the minimum lot area requirements are satisfied.

Section 27-474(d) requires that each lot have a minimum frontage of 150 feet on a street other than a cul-de-sac. As noted on the site plan, both Parcel 1 and the Subject Property have a minimum of 150 feet of frontage on Brightseat Road. The minimum lot coverage requirements are therefore satisfied in this case.

Section 27-474(e) addresses green area and building coverage. In most instances, the maximum building coverage is 45% and the minimum green area is 25%. However, footnote 2 provides that where a property is located within one (1) mile of a metro station and is not located in an Overlay Zone, the minimum green area is 10% and the maximum lot coverage is 90%. As noted above, the Subject Property is located 3,364.9 feet (0.637 mile) from the Largo Metro Station. The site plan reflects that the lot coverage is 46% of the Subject Property

area and the green area is 32% of the Subject Property area.

Based upon the above, and as demonstrated by the notes and dimensions set forth on the site plan, the proposed development conforms to the regulations applicable in the I-3 Zone.

8.0 CONCLUSION

In conclusion, the Applicants submit that the special exception complies with all of the applicable statutory requirements and that all findings required for approval can be made. For these reasons, the Applicants respectfully request approval of the special exception.

Respectfully submitted



Thomas H. Haller
Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033

Harrison, LaTasha

From: Tom Haller <thaller@gibbshaller.com>
Sent: Tuesday, November 16, 2021 3:04 PM
To: McNeil, Maurene E.; PGCPB; Hurlbutt, Jeremy; Sievers, Thomas
Subject: SE-4845
Attachments: McNeil-Hewlett.doc

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

The referenced application, SE-4845, is currently scheduled for review by the Planning Board on December 9, 2021. The application was accepted on August 3, 2021. Pursuant to Section 27-302(a) of the Zoning Ordinance, the hearing before the ZHE is to take place within 150 days of the date of acceptance. Section 27-303 allows for a delay in the hearing upon request of the Planning Board. The attached letter waives the 150 hearing requirement on behalf of the Applicant and requests that the Planning Board include a request for delay in its transmittal. Please let me know if there are any questions.

Tom



GIBBS AND HALLER

Thomas H. Haller
1300 Caraway Court, Suite 102
Largo, MD 20774
(301)306-0033

PRINCE GEORGE'S COUNTY PLANNING BOARD

OFFICE OF THE CHAIRMAN

RECEIVED 11-16-2021 LOG NO. C2021-111604

DISTRIBUTION EMH-FJE

To: Planning - AA

CC: DJAC

GIBBS and HALLER
ATTORNEYS AT LAW
1300 CARAWAY COURT, SUITE 102
LARGO, MARYLAND 20774
(301)306-0033
FAX (301) 306-0037
www.gibbshaller.com

EDWARD C. GIBBS, JR.
THOMAS H. HALLER

JUSTIN S. KORENBLATT

November 15, 2021

The Honorable Elizabeth M. Hewlett
Chairwoman, Prince George's County Planning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

Maurene Epps McNeil
Zoning Hearing Examiner
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

Re: Special Exception SE-4845

Dear Chair Hewlett and Ms. McNeil:

I represent the applicant in the referenced special exception application. This application was accepted for processing by the Planning Board on August 3, 2021. On behalf of the applicant, I hereby support a delay in the hearing before the Zoning Hearing Examiner pursuant to Section 27-303 of the Prince George's County Code.

Pursuant to Section 27-302(a) of the Prince George's County Code, the Zoning Hearing Examiner is required to "establish the date of the public hearing to be held in accordance with Part 3 of this Subtitle. Subject to Section 27-303, the public hearing shall be held within one hundred and fifty (150) days of acceptance of the application." Given the date of acceptance, the outside hearing date before the Zoning Hearing Examiner would be January 3, 2022. The application is scheduled for review by the Planning Board on December 9, 2021. However, given the holidays, the hearing before the Zoning Hearing Examiner will likely not be scheduled prior to January 3, 2022. Section 27-303 authorizes the Planning Board to request a delay in the hearing before the Zoning Hearing Examiner.

In this case, the applicant required additional time to file revised plans following the Subdivision Review Committee. This time was needed to confirm the boundaries of the special exception, since the area of the special exception includes part of a larger parcel. This delay, coupled with the holidays, justifies the request for a delay in the scheduling of the hearing. We are requesting that the Planning Board include in its recommendation that the hearing before the Zoning Hearing Examiner be delayed and the applicant waives the 150 day hearing requirement.

Thank you for your consideration of this request.

Very truly yours,

Gibbs and Haller

A handwritten signature in blue ink, appearing to read 'T. Haller', with a long horizontal flourish extending to the right.

Thomas H. Haller

cc: Jeremy Hurlbutt
Thomas Sievers

November 3, 2021

MEMORANDUM

TO: Thomas Sievers, Senior Planner, Zoning Section
VIA: Mridula Gupta, Planner Coordinator, Subdivision Section *MG*
FROM: Kayla DiCristina, Senior Planner, Subdivision Section *KD*
SUBJECT: SE-4845; Hyattsville Brightseat Road Property

The subject property considered in this special exception (SE) is located on Tax Map 67 in Grids C1 and D1, and includes Parcel 1 of the Sandpiper Property Subdivision, recorded in Prince George's County Land Records in Plat Book SJH 245 at page 22 on July 13, 2016. Parcel 1 is 5.30 acres and is located in the Planned Industrial/Employment Park (I-3) Zone. SE-4845 proposes to construct a 4,050 square foot food or beverage store with a gas station on a 2.00-acre vacant portion of the 5.30-acre subject property. The subject property currently contains a four-story, 124-room hotel on the eastern portion of the property.

The property was the subject of preliminary plan of subdivision (PPS) 12-3266, approved by the Prince George's County Planning Board on December 17, 1969 for the construction of an elementary school, and Parcel A was subsequently recorded in Plat Book 76 page 16. It does not appear that the approved development was ever constructed. Subsequently, various conveyances of public road rights-of-way were made via deed from the original acreage of Parcel A which were exempt from requirements of Subtitle 24 in accordance with Section 24-107(c)(4) of the Subdivision Regulations. Parcel A was resubdivided in 2016 (Final Plat no. 5-15059) to create Parcel 1 in accordance with the provisions of Section 24-111(c) of the Subdivision Regulations, as the subject property had a final plat of subdivision approved prior to October 27, 1970. At the time of resubdivision, the subject property was evaluated for adequate public facilities for commercial use under two development scenarios: the construction of two hotels, or the construction of one hotel and a convenience store with fueling station. The resubdivision of the subject property was approved by the Prince George's County Planning Board on July 7, 2016 (PGCPB Resolution No. 16-26). A detailed site plan (DSP), DSP-05021, was approved by the Prince George's County District Council on June 13, 2016 for the construction of two 124-room hotels. To date, only one hotel has been constructed and the applicant's statement of justification indicates that the market is no longer conducive to construct the second hotel.

PGCPB Resolution No. 16-26 contains three conditions of approval, and those relevant to the subject application are shown below in **bold** text. Staff analysis of the project's conformance to the conditions follows each one in plain text.

- 1. Total development shall be limited to uses that generate no more than 233 AM and 279 PM peak-hour vehicle trips. Any new development generating an impact greater than that identified herein shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

At the time of the resubdivision of the subject property, adequate transportation facilities were evaluated for the subject property based on two separate development scenarios: the construction of two hotels or the construction of one hotel and a convenience store with fueling station. The trip cap established in Condition 1 is not exceeded with the development scenario proposed in this application, as the proposal falls within the second scenario evaluated at the time of resubdivision. Furthermore, the applicant included a Traffic Impact Analysis in their submission to demonstrate that the proposed food or beverage store with a gas station together with the existing hotel will generate 99 AM and 91 PM peak-hour vehicle trips, which is below the trip cap established at the time of resubdivision. Conformance to this condition should, however, be further evaluated by the Transportation Planning Section.

- 2. Direct vehicular access to Arena Drive and the Capital Beltway (I-95/495) is denied.**

SE-4845 reflects that direct vehicular access to Arena Drive is denied. However, since the area of the subject property adjacent to the Capital Beltway is not reflected on the submitted plans, the denial of direct vehicular access to the Capital Beltway is partially depicted. The entire boundary of Parcel 1 should be shown on the SE site plan, and all property boundaries should be shown from which direct access to the Capital Beltway is denied.

- 3. The 2008 *Water and Sewer Plan* designates this property in water and sewer Category 3, Community System, within Tier I under the Sustainable Growth Act and will therefore be served by public systems.**

General Notes 15 and 16 on Sheet 4 of SE-4845 indicate that the development is to be served by public water and sewer systems and that these systems are available to the development.

Plan Comments

1. The site plan depicts only the western 2-acre portion of the site which will be subject to the special exception. The entire boundary of Parcel 1 should be shown on the site plan, and all property boundaries should be shown with bearings and distances. All existing 10-foot-wide public utility easements should be shown in accordance with Plat Book 245 page 22.

Recommended Conditions

1. Prior to signature approval of the special exception, the site plan shall be revised as follows:
 - a. Depict the entire Parcel 1 with property boundary bearings and distances and 10-foot-wide public utility easements in accordance with Plat Book 245 page 22.

This referral is provided for the purposes of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. The SE has been found to be in substantial conformance with the record plat. All bearings and distances must be clearly shown on the SE site plan and must be consistent with the record plats or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.

November 10, 2021

MEMORANDUM

TO: Thomas Sievers, Senior Planner, Development Review Division

VIA: Scott Rowe, AICP, CNU-A, Supervisor, Community Planning Division
David A. Green, Master Planner, Community Planning Division

FROM: Brian Byrd, Planner Coordinator, Long Range Planning Section, Community Planning Division *Brian Byrd*

SUBJECT: **SE-4845; Hyattsville Brightseat 7-11**

FINDINGS

The Community Planning Division finds that, pursuant to Section 27-317(a)(3), this application will not substantially impair the integrity of the Subregion 4 Master/Sector Plan.

BACKGROUND

Application Type: Special Exception for a food and beverage store with a gas station in the I-3 zone.

Location: Located at the Northeast quadrant of the intersection of Arena Drive and Brightseat Road

Size: 5.30 acres

Existing Uses: Vacant

Proposal: Proposing to construct a 7-Eleven convenience store and fueling canopy

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is in the Subregion 4 Master Plan Established Communities. The vision for "Established Communities is most appropriate for context sensitive infill and low-to-medium density development," (p. 20).

SE-4845; Hyattsville Brightseat 7-11

Master Plan: The Subregion 4 Master Plan recommends industrial land uses on the subject property.

Planning Area: 72

Community: Hyattsville, MD

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning: N/A

MASTER PLAN SUBSTANTIAL IMPAIRMENT ISSUES

The Community Planning Division finds that, pursuant to Section 27-317(a)(3), this application will not substantially impair the integrity of the Subregion 4 Master/Sector Plan.

cc: Long-range Agenda Notebook
Scott Rowe, AICP CNU-A, Supervisor Long Range Section, Community Planning Division



Countywide Planning Division
Historic Preservation Section

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

301-952-3680

September 27, 2021

MEMORANDUM

TO: Thomas Sievers Subdivision Section, Development Review Division

VIA: Howard Berger, Historic Preservation Section, Countywide Planning Division **HSB**

FROM: Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**
Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**

SUBJECT: SE-4845 Hyattsville Brightseat Road 7-11

The subject property comprises 5.3-acre, and is located in the northeast quadrant of the intersection of Arena Drive and Brightseat Road. The subject application proposes the construction of a 7-Eleven convenience store and fueling canopy. The subject property is Zoned I-3.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any Prince George's County Historic Sites or resources. This proposal will not impact any historic sites, historic resources or known archeological sites. A Phase I archeology survey is not recommended. Historic Preservation staff recommend approval of SE-4845 Hyattsville Brightseat Road Property with no conditions.

Countywide Planning Division
Prince George’s County Planning Department 301-952-3650

November 4, 2021

MEMORANDUM

TO: Thomas Sievers, Senior Planner, Zoning Section, DRD

VIA: Megan Reiser, Supervisor, Environmental Planning Section, CWPD *MR*

FROM: Mary Rea, Senior Planner, Environmental Planning Section, CWPD, *MAR*

SUBJECT: Hyattsville Brightseat Road Property; SE-4845 and TCP2-026-2015-01

The Environmental Planning Section has reviewed the above referenced Special Exception Plan and Type II Tee Conservation Plan accepted by the Environmental Planning Section on August 16, 2021. Comments were provided in a Subdivision Development Review Committee meeting on August 20, 2021. Revised information was received on November 2, 2021. The Environmental Planning Section recommends approval of SE-4845 and TCP2-026-2015-01 subject to the conditions listed at the end of this memorandum.

Background

Review Case #	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
NRI-090-2015	N/A	Staff	Approved	7/7/2015	N/A
DSP-15021	TCP2-026-2015	Planning Board	Approved	2/18/2016	16-21
SE-4845	TCP2-026-2015-01	Planning Board	Pending	Pending	Pending

Proposed Activity

This Special Exception Site Plan proposes the construction of a 7-Eleven food and beverage store with a gas station.

Grandfathering

The project is subject to the environmental regulations of Subtitle 25 and 27 that came into effect on September 1, 2010, and February 1, 2012, because this is a new special exception request.

Site Description

The subject property is located in the northeast quadrant of the intersection of Medical Center Drive and Brightseat Road. An access ramp to the Capital Beltway (I-495) lies to the west. This site has been graded as part of the grading permit associated with DSP-15021. There are no woodlands or Regulated Environmental Features (REF) located on-site. Medical Center Drive is identified as a master planned arterial roadway and Brightseat Road is identified as a collector roadway. The predominant soils found to occur, per the United States Department of Agriculture Natural Resources Conservation Services (USDA NRCS) Web Soil Survey (WSS), are Collington-Wist,

Collington-Wist-Urban land, Udorthents highway, Urban land-Collington-Wist and Widewater and Issue soils. According to available information, Marlboro clay and Christiana complex are not identified on the property. The site is located within the Southwest Branch, a portion of the Western Branch watershed of the Patuxent River basin. According to the Sensitive Species Project Review Area (SSSPRA) map prepared by the Maryland Department of Natural Resources Natural Heritage Program (DNR NHP), there are no Rare, Threatened, or Endangered (RTE) species found to occur on or in the vicinity of this property. The approved 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* shows that the parcel is entirely within an Evaluation Area. The site is located within Environmental Strategy Area 1 (ESA-1) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*.

Master Plan Conformance

The Master Plan for this area is the *Subregion 4 Master Plan and Sectional Map Amendment (June 2010)*. In the *Approved Master Plan and Sectional Map Amendment*, the Environmental Infrastructure section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in BOLD is the text from the master plan and the plain text provides comments on plan conformance.

Policy 1: Protect, preserve, and enhance the green infrastructure network in Subregion 4.

The Countywide Green Infrastructure Plan identifies the entire site as being in the Evaluation area, however, there are no Regulated Environmental Features (REF) on-site and the parcel has been cleared in response to previously approved development.

Policy 2: Minimize the impacts of development on the green infrastructure network and SCA's.

No regulated green infrastructure areas or Special Conservation Areas have been identified on-site.

Policy 3: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

An approved stormwater management (SWM) concept plan (concept # 3656-2021) for the area in this SE has been submitted which shows the use of four micro-bioretenion facilities and oil grit separators to manage the stormwater for the development.

Policy 4: Improve the base information needed for the county to undertake and support stream restoration and mitigation projects.

The site has an approved NRI that details existing conditions of the site. No streams were identified on-site.

Policy 5: Require on-site management of stormwater through the use of environmentally sensitive stormwater management techniques (i.e., fully implement the requirements of ESD) for all development and redevelopment projects.

An approved stormwater management (SWM) concept plan (concept # 3656-2021) for the area in this SE has been submitted which shows the use of four micro-bioretenement facilities and oil grit separators to manage the stormwater for the development.

Policy 6: Assure that adequate stream buffers are maintained and enhanced and utilized design measures to protect water quality.

The site has an approved NRI that details existing conditions of the site. No streams were identified on-site.

Policy 7: Reduce air pollution to support public health and wellness by placing a high priority on transit-oriented development and transportation demand management (TDM) projects and programs.

Air quality is a regional issue that is currently being addressed by the Metropolitan Washington Council of Governments.

Policy 8: Reduce adverse noise impacts so that the State of Maryland's noise standards are met.

No residential uses are proposed. Noise will be evaluated with future development applications.

Policy 9: Implement environmental sensitive building techniques that reduce overall energy consumption.

The development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged and implemented to the greatest extent possible.

Policy 10: Implement land use policies that encourage infill and support TOD and walkable neighborhoods.

This site is zoned I-3 and is not within a TOD.

Policy 12: Ensure that the Chesapeake Bay Critical Area is protected to the maximum extent possible through the implementation of water quality and other related measures.

The subject property is not located in the Chesapeake Bay Critical Area.

Policy 13: Preserve, restore, and enhance the exiting tree canopy.

Compliance with the Tree Canopy Cover Ordinance must be addressed at time of Detailed Site Plan review and shown on the Landscape Plan reviewed by the Urban Design Section.

Policy 14: Improve the county's capacity to support increases in the tree canopy.

Compliance with the Tree Canopy Cover Ordinance must be addressed at time of Detailed Site Plan review and shown on the Landscape Plan reviewed by the Urban Design Section.

Conformance with the *Countywide Green Infrastructure Plan*

The 2017 *Countywide Green Infrastructure Plan* was approved with the adoption of the *Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017) on March 7, 2017. According to the *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan* (May 2017), the entire property is within the designated evaluation area. While the Green Infrastructure elements mapped on the subject site will be impacted, portions of the overall site have been graded under previous approvals and the design of the site meets the zoning requirements and the intent of the growth pattern established in the *Plan Prince George's 2035 Approved General Plan* (May 2014).

COMPLIANCE WITH PREVIOUSLY APPROVED CONDITIONS

Conditions of Previous Approvals: DSP-15021

On March 10, 2016, the Planning Board approved the Detailed Site Plan for Arena Drive North Sandpiper Property subject to three conditions, none which were determined to be environmental in nature and applicable to the proposed development.

Environmental Review

Natural Resources Inventory/Existing Conditions

Natural Resources Inventory, NRI-090-15, was provided with this application. This NRI was approved on July 7, 2015, and revalidated on June 6, 2021, for one year. The site does not contain regulated environmental features such as wetlands, streams, associated buffers, steep slopes, and 100-year floodplain.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance (WCO) because it has a previously approved Tree Conservation Plans. A Type 2 Tree Conservation Plan (TCP2-026-2015-01) was submitted with the Special Exception application.

This overall 5.30-acre property previously contained a total of 5.20 acres of woodland outside the floodplain according to the NRI. The woodland conservation threshold is 0.80 acres. The subject site has cleared 4.60 acres of the existing 5.20 acres subsequent to the approval of DSP-15021. The cumulative woodland conservation requirement is 2.09 acres. The TCP2 proposes to meet the subject site's portion of the overall requirement with 2.09 acres of off-site woodland conservation. Through other permitting activities at the subject site, the overall site has complied with purchasing off-site woodland credits. No additional clearing is proposed as part of this submission.

Stormwater Management

An approved Stormwater Management Concept plan and approval letter was submitted with the subject application (Concept approval #3656-2021-00). The approval was issued on June 7, 2021, by Prince George County Department of Permitting, Inspections and Enforcement (DPIE). The applicant proposes four micro-bioretenion facilities and oil grit separators to treat stormwater for the entire project. No further information pertaining to stormwater management is required.

Soils

The predominant soils found to occur per the United States Department of Agriculture Natural Resources Conservation Services (USDA NRCS) Web Soil Survey (WSS) are Collington-Wist, Collington-Wist-Urban land, Udorthents highway, Urban land-Collington-Wist and Widewater and Issue soils. According to available information, Marlboro clay and Christiana complex are not identified on the property. No further action is needed as it relates to this application. The County may require a soils report in conformance with CB-94-2004 during permit review process.

Summary of Recommended Findings and Conditions

The Environmental Planning Section has completed the review of Special Exception (SE-4845) and Type 2 Tree Conservation Plan (TCP2-026-2015-01) and recommends approval subject to the following conditions:

Recommended Findings:

1. 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). There are no regulated environmental features on the site.

Recommended Conditions:

1. Prior to certification of the Special Exception, the TCP2 shall be revised as follows:
 - a. Add the TCP2 number to the worksheet.
 - b. Complete the note on the plan stating that the off-site woodland conservation mitigation credits have been obtained and list the Liber Folio numbers that the certificate was recorded under.

If you have any questions concerning these comments, please contact me at 301-952-3661 or by e-mail at mary.rea@ppd.mncppc.org.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
Transportation Planning Section


14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org


301-952-3680

November 10, 2021

MEMORANDUM

TO: Thomas Sievers, Zoning Division, Development Review Division

FROM:  Tom Masog, Transportation Planning Section, Countywide Planning Division

FROM:  Crystal Saunders Hancock, Transportation Planning Section, Countywide Planning Division

SUBJECT: SE-4845: Brightseat Road 7-Eleven

The Transportation Planning Section has reviewed the Special Exception (SE) application referenced above. The proposal is located on 2.0-acres of land in the I-3 Zone. The applicant is proposing to construct a food and beverage store with gas station. The site is currently unimproved.

Background

The proposed development is part of a larger previously reviewed application on Parcel 1. Parcel 1 is 5.303-acres and was previously approved via Detailed Site Plan (DSP)-15021 for the construction of two identical four-story, 124 room (47,624 square-foot) hotels. Only one of the hotels was constructed and is located on the eastern portion and the applicant determined that there was no market for construction of the second hotel. Currently, the applicant is proposing to construct a 4,050 square-foot food and beverage store with a gas station containing 16 fueling positions.

The property is located in the northeast quadrant of the intersection of Medical Center Drive and Brightseat Road. This SE is being reviewed for compliance with general special exception requirements, including the determination that the use will not be detrimental to the health, safety, and welfare of residents and workers in the area. Section 27-358 refers to the use specifically but contains no special requirements for approval. There are no transportation-related findings required beyond the general special exception finding.

Review Comments

The subject property is located within an area whose development policies are governed by the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment, Planning Area 72* as well as the *Approved Countywide Master Plan of Transportation*. These plans recommend that Brightseat Road, C-412 should be four lanes with a roadway width of 80-feet and Medical Center Drive (A-30), formerly Arena Drive should be approximately four to six lanes with a roadway width between

120-150 feet. These improvements have already been completed. No future dedication will be required for this site.

Status of Traffic Impact

A traffic impact study (TIS) was included in the applicant's submission. The TIS is not a requirement of this application as a test of transportation adequacy is not required. Its purpose was to address the impact of the proposed food and beverage store with gas station with 16 fuel stations as well as an existing hotel. It identified a trip generation of 77 AM and 70 PM trips for the proposed food and beverage store with gas station and 71 AM and 90 PM trips for the existing hotel. A previously approved Final Plat of Resubdivision, 5-15059 has a trip cap on the site of 233 AM and 279 PM peak hour trips. Both of these developments are within the identified trip cap.

Site Access Evaluation

Access is denied along both I-495/Capital Beltway, a freeway and Medical Center Drive, an arterial road. One existing point of site access is provided to the proposed site in the northeastern portion of the property along Brightseat Road, a collector. It also serves as a shared access with the existing hotel.

Based on Section 27-358, a gas station may be permitted and the subject property shall have direct vehicular access to a street with a right-of-way width of at least seventy (70) feet. The existing site access shows an approximate thirty-foot right-of-way on an existing private driveway. While this proposed development does not show this requirement, the property lines on PGAtlas indicate the availability of the needed right-of-way.

A preliminary truck-turning template was included in the TIA and a more refined one was submitted in the application package. Review of the documentation indicate that the front wheels of the truck will extend beyond the curb of the driveway. The extent of the wheels protruding beyond the curb appears to be marginal and will not have a significant effect on the movement of those trucks.

Conclusion

The Transportation Planning Section finds that the Special Exception application requesting the construction of a food and beverage store with sixteen fueling positions be approved.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 TTY: (301) 952-4366
 www.mncppc.org/pgco

Countywide Planning Division
 Transportation Planning Section

301-952-3680

November 9, 2021

MEMORANDUM

TO: Tom Sievers, Development Review Division

VIA:  Tom Masog, Transportation Planning Section, Countywide Planning Division

FROM: Noelle Smith, Transportation Planning Section, Countywide Planning Division 

SUBJECT: Special Exception Review for Pedestrian and Bicycle Transportation Master Plan Compliance

The following special exception application (SE) was reviewed for conformance with the zoning ordinance, the *Approved Countywide Master Plan of Transportation (MPOT)*, and the *2004 Approved Subregion 4 Master Plan* to provide the appropriate pedestrian and bicycle transportation recommendations.

Site Plan Number: SE-4845

Development Case Name: Brightseat Road 7-Eleven

		<u>Type of Master Plan Bikeway or Trail</u>	
Private R.O.W.	<u> </u>	Public Use Trail Easement	<u> </u>
County R.O.W.	<u> </u>	Nature Trails	<u> </u>
SHA R.O.W.	<u> </u>	M-NCPPC – Parks	<u> </u>
HOA	<u> </u>	Bicycle Parking	<u> X </u>
Sidewalks	<u> X </u>	Trail Access	<u> </u>
Add'l Connections	<u> X </u>	Bikeway Signage	<u> </u>

Development Case Background	
Lot Size	2 acres
Number of Units (residential)	n/a
Abutting Roadways	Brightseat Road, Arena Drive
Abutting or Nearby Master Plan Roadways	Brightseat Road, Arena Drive
Abutting or Nearby Master Plan Trails	Bicycle lane along Brightseat Road (planned) Bicycle lane along Arena Drive (planned)
Proposed Use(s)	Convenience store w/gas
Zoning	I-3
Centers and/or Corridors	n/a
Prior Approvals on Subject Site	DSP-15021, 5-15059

Subject to 24-124.01:	n/a
Bicycle and Pedestrian Impact Statement Scope Meeting Date	n/a

Development Proposal

The subject application proposes a 4,050 square-foot food and beverage store with 16 fueling stations.

Prior Conditions of Approval

The subject site has the following prior approvals that include conditions related to pedestrian and bicycle transportation:

DSP-15021

3. In conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2004 *Approved Sector Plan and Sectional Map Amendment for Morgan Boulevard and Largo Town Center Metro Areas*, the applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Prince George's County Department of Public Works and Transportation (DPW&T) for the placement of one "Share the Road with a Bike" sign along Brightseat Road. A note shall be placed on the final record plat for payment to be received prior to issuance of the first building permit.

Comment: This condition was evaluated at the time of building permit.

Review of On-Site Facilities

The submitted plans include a proposed four-foot-wide bicycle lane and a five-foot-wide sidewalk along the property frontage of Brightseat Road. A four-foot-wide bicycle lane is also proposed along the property frontage of Arena Drive. The site plans include a five-foot-wide sidewalk along the existing vehicular driveway to the subject site, and continental style crosswalks and ADA curb ramps at all vehicular access points. Additionally, a direct pedestrian connection from the access driveway to the building entrance is provided at the eastern portion of the proposed development. Lastly, bicycle parking is also depicted near the building entrance.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is located adjacent to an operating hotel. The existing sidewalk along Brightseat Road and along the access driveway provide direct connections to adjacent properties. The proposed bicycle lane also provides a new multimodal connection to adjacent properties.

Review of Master Plan of Transportation (MPOT) Compliance

The site is located near two master plan facilities, planned bicycle lanes along the property frontage of Brightseat Road and Arena Drive. The Complete Streets element of the MPOT reinforces these recommendations and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, p. 9-10):

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

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Comment: The submitted application includes both recommended master plan facilities along Brightseat Road and Arena Drive. Staff recommend that these bicycle facilities are constructed as part of development and consistent with the 2012 *AASHTO Guide for the Development of Bicycle Facilities*, unless modified by the Department of Permitting, Inspections and Enforcement (DPIE) with written correspondence. Two designated spaces for bicycle parking are also included on site, which are an important component of a bicycle friendly roadway. Staff find that the proposed facilities are in compliance with the master plan pursuant to Sec. 27-317(a)(2).

Review of Area Master Plan Compliance

This development is also subject to 2004 *Approved Subregion 4 Master Plan* which includes the following recommendations for pedestrian and bicyclist facilities (pg. 252):

- Provide sidewalks and neighborhood trail connections within existing communities to improve pedestrian safety, allow for safe routes to Metro stations and schools, and provide for increased nonmotorized connectivity between neighborhoods.

Comment: The proposed pedestrian and bicycle facilities provide direct connections to the adjacent properties and the surrounding neighborhood. Staff find that the proposed facilities meet the intent of the area master plan policies.

Zoning Ordinance Compliance

Section 27-317 outlines the required findings for special exception application.

(a) A Special Exception may be approved if:

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

(4) 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.

The development application is subject to Section 27-358, which provides additional standards for gas station special exceptions.

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

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

Comment: Staff find that the proposed development does comply with the findings depicted within Section 27-317.

Recommended Conditions of Approval

Based on the findings presented above, staff conclude that the pedestrian and bicycle transportation facilities of this plan are acceptable, consistent with the required findings of 27-317, and conform to the 2009 *Approved Countywide Master Plan of Transportation*, and the 2004 *Approved Subregion 4 Master Plan*, if the following conditions are met:

1. Prior to building permit, the applicant and the applicant's heirs, successors, and/or assignees shall provide the striped bicycle lanes along the property frontage of Brightseat Road and Arena Drive, which shall be constructed in general conformance to the Special Exception, unless modified by the approval agency, with written correspondence.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org
301-952-3530

November 12, 2021

MEMORANDUM

TO: Thomas Sievers, Senior Planner, Subdivision and Zoning Section

VIA: Henry Zhang, Master Planner, Urban Design Section *HZ*

FROM: Rachel Guinn, Planner Coordinator, Urban Design Section *RG*

**SUBJECT: Special Exception SE-4845
Hyattsville Brightseat 7-Eleven**

The Urban Design Section has reviewed the package accepted on July 30, 2021, revised on November 2, 2021, in support of Special Exception SE-4845, which proposes the development of a new food and beverage store (7-Eleven) in combination with a gas station. The existing property consists of one parcel totaling 5.3 acres and is currently developed with a hotel. This site is located in the northeast quadrant of the intersection of Arena Drive and Brightseat Road, in the Planned Industrial/Employment Park (I-3) Zone. The site is bound to the north by undeveloped land in the I-3 Zone, to the east by Capital Beltway, to the South by Arena Drive with a stormwater management area and elder care facility beyond, and to the west by Brightseat Road and a church beyond.

Development proposed by this SE includes the construction of a new 4,050 square-foot food and beverage store with a gas station of eight pumps (16 fuel dispensers). Based on the Urban Design Section's review of SE-4845, we offer the following comments:

Conformance with the Requirements of the Prince George's County Zoning Ordinance

1. The proposed food and beverage store in combination with a gas station is a permitted use in the I-3 Zone, subject to the approval of a special exception, in accordance with Section 27-473(b), Table of Uses, of the Zoning Ordinance. The applicant's Statement of Justification explains how the proposal conforms with the required findings for approval of a special exception in Section 27-317. A food or beverage store is permitted, subject to Footnote 42, which limits food or beverage stores to those in conjunction with a gas station located within an industrial park, provide those uses are located within the same building.
2. In accordance with Section 27-471 (d), all uses, and improvements are subject to both conceptual site plan (CSP) and detailed site plan (DSP) approvals. The approval of this special exception does not exempt the proposed development from the site plan requirements otherwise applicable in the I-3 Zone. Both CSP and DSP will be required for the proposed development prior to issuance of any permits, after the approval of this SE.

Conformance with Previous Approvals

3. The subject site has a previously approved Detailed Site Plan DSP-15021 for construction of two hotels. One hotel has been constructed in accordance with DSP-15021, which is still valid through December 31, 2022. The applicant must revise the governing DSP after the approval of this SE and a new CSP.

Conformance with the Requirements of the Prince George's County Landscape Manual

4. The proposed development will be subject to the requirements of the Landscape Manual, including Sections 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4 Screening Requirements and Section 4.9, Sustainable Landscaping Requirements. Conformance with the applicable landscaping requirements will be reviewed at time of DSP.

Conformance with the Prince George's County Tree Canopy Coverage Ordinance

5. This application is also subject to the requirements of the Tree Canopy Coverage Ordinance. The subject site is located within the I-3 Zone and required to provide 10 percent of the site area in tree canopy coverage. The subject site is 1.72 acres in size and a total of 0.172 acres or 7,492 square feet of tree canopy coverage is required. Conformance with the TCC requirements will be evaluated at time of DSP.

Urban Design Section Recommendation

In accordance with the above analysis, the Urban Design Section has no objections to the approval of SE-4845, Hyattsville Brightseat 7-Eleven, for the development of a food and beverage store in combination with a gas station.

October 4, 2021

MEMORANDUM

TO: Thomas Sievers, Senior Planner, Zoning Review Section

FROM: Alice Jacobs, Principal Planning Technician, Permit Review Section 

SUBJECT: SE-4845 – Hyattsville Brightseat 7-11

1. The special exception plan set should contain a sheet that shows the entire property, not only the portion covered under the special exception approval. Sheet 2B, Existing Conditions Plan, contains the outline of the entire property, however, the bearings and distances are illegible. Also, the existing conditions plan does not reflect latest aerial photos of the area.
2. The Permit Review Section offers no further comments on this application.

1 - WSSC STANDARD COMMENTS FOR ALL PLANS

Created by: Adan Rivera
On: 08/16/2021 08:32 AM

WSSC STANDARD COMMENTS FOR ALL PLANS

1. WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.
2. Coordination with other buried utilities:
 - a. Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements.
 - b. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
 - c. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.
 - d. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSCs pipeline crossing and clearance standards will be rejected at design plan review. Refer to WSSC Pipeline Design Manual Part Three, Section 3.
 - e. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.
 - f. The applicant must provide a separate Utility Plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.
 - g. Upon completion of the site construction, utilities that are found to be located within WSSCs rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicants expense.
3. Forest Conservation Easements are not permitted to overlap WSSC existing or proposed easements. Potential impacts to existing Forest Conservation Easements (due to proposed water and/or sewer systems) must be reviewed and approved by County staff.
4. Unless otherwise noted: ALL extensions of WSSCs system require a request for Hydraulic Planning Analysis and need to follow the System Extension Permit (SEP) process. Contact WSSCs Development Services Center at (301-206-8650) or visit our website at [www.wsscwater.com/Development Services](http://www.wsscwater.com/Development%20Services) for requirements. For information regarding connections or Site Utility (on-site) reviews, you may visit or contact WSSCs Permit Services at (301) 206-4003.

----- 0 Replies -----

2 - Design Comments

Created by: Shanta Katwal
On: 08/19/2021 09:12 PM

Water/Sewer:

Existing and/or proposed water/sewer mains and service connections are not shown on the plan. Water and sewer lines as well as proposed connections need to be included on the plan in order for WSSC to be able to comment.

This site is currently being served by existing and active water/sewer connections.

Existing water/sewer mains shown on plan should be labeled with correct pipe size, material and

WSSC contract number.

There are 60- inch and 42-inch diameter water mains located on or near this property. WSSC records indicate that the pipe material is Prestressed Concrete Cylinder Pipe (PCCP). It is the applicant's responsibility to test pit the lines and determine its exact horizontal and vertical location as well as to verify the type of pipe material. The applicant's engineer is responsible for coordinating with WSSC for monitoring and inspecting test pits for this project.

Water/sewer pipelines 12-inch and smaller must have the greater of: a minimum of 15 feet horizontal separation from any building or dwelling or a 1:1 slope from the bottom of the foundation of the existing or proposed building to the bottom edge of the pipeline trench.

Water pipelines larger than 12-inch, including PCCP mains, must have a minimum of 25 feet horizontal separation from any building or dwelling. The building must also be outside the WSSC existing or proposed easement.

Notes for Special Construction Requirements within the Vicinity of Existing PCCP water mains shall be added to all design plans, including the Erosion and Sediment Control Plans.

For 36-inch and larger PCCP or Cast Iron (CI) water lines, engineering considerations of the possible short-term and long-term loading impacts on these water mains and loading concerns related to construction activity over and around these lines must be addressed prior to approval of the design.

Some construction activities may require the shutdown of these larger diameter PCCP water Mains. The shutdown schedule will be determined solely by WSSC and is dependent on the time of year and the coordination of the shutdown with other repairs and maintenance. The Applicant is encouraged to coordinate the timing of the shutdown with WSSC as early as possible and plan accordingly.

Notes for Special Construction Requirements shall be added to all design plans. See WSSC 2017 Pipeline Design Manual, Part Three, Section 3.i. - Working in the Vicinity of Existing PCCP 30-inch and Larger Water Mains. (add note for all PCCP mains not just 30" and larger)

----- 0 Replies -----

3 - Site Utility

Created by: Shanta Katwal
On: 08/19/2021 09:43 PM

OUTSIDE METERS - 3-inch and larger meter settings shall be furnished and installed by the utility contractor in an outside meter vault. Show and label vault and required WSSC easement. WSSC prefers an outside meter in a vault, however and indoor meter may be allowed under certain conditions. See WSSC 2019 Plumbing & Fuel Gas Code 111.5.7 & 603.4.1

A single water/sewer service connection for two or more buildings in a single lot/parcel requires a covenant. Should the property be subdivided or sold in the future, individual water/sewer connections for each building will be required.

----- 0 Replies -----

4 - Easements

Created by: Shanta Katwal
On: 08/19/2021 09:46 PM

WSSC easements must be free and clear of other utilities, including storm drain systems, ESD devices, gas, electric, telephone, CATV, etc., with the exception of allowed crossings designed in accordance with the WSSC 2017 Pipeline Design Manual. Landscaping and Hardscaping are also not allowed without approval. Under certain conditions (and by special request) the items listed above may be permitted within the WSSC easement. However, this will be evaluated on a case by case basis and if allowed, will require execution of a special agreement and/or Hold Harmless Agreement between WSSC and the developer.

Balconies or other building appurtenances must not encroach within WSSC easements. Water/Sewer pipeline alignment should maintain a minimum 5-foot horizontal clearance from storm-drain pipeline/structures and other utilities.

----- 0 Replies -----

5 - General

Created by: Shanta Katwal
On: 08/19/2021 09:52 PM

Submit an Excavation Support System Plan (ESS) to WSSC for review if your project involves subsurface features such as an underground parking garage or a deep excavation which will require tiebacks in the area of existing or proposed WSSC mains. This ESS Plan submission should be made at the time of Design Plan Submission. If, however, the excavation support work will be done before the Design Plan Submission, it will be necessary to submit the plan as a Non-DR Plan to WSSC. No work should be done in the vicinity of WSSC mains until the ESS Plans have been reviewed by WSSC. If no ESS Plans are required for the project, the engineer should provide a letter from the Project Structural Engineer certifying that the building does not require it.

Any grading change in pipe loading (including but not limited to proposed fill or excavation), adjustment to manhole rims, fire hydrant relocations, placement of access roads or temporary haul roads, temporary sediment control devices, paving construction or construction related activity of any kind over an existing WSSC water or sewer main or within an existing WSSC right-of-way requires advance approval by WSSC. Any proposed public street grade establishment plan (GEP) with an existing WSSC water or sewer main of any size located within the existing or proposed public street right-of-way requires WSSC approval directly on the original GEP prior to approval of the GEP by the County Department of Public Works and Transportation. Any work (design, inspection, repair, adjustment, relocation or abandonment of existing WSSC facilities) is done at the sole expense of the applicant/builder/developer. Contact WSSC Relocations Unit at (301) 206-8672 for review procedures and fee requirements. See WSSC 2017 Pipeline Design Manual, Part Three, Section 5 & Section 11.

Show and label all existing nearby water and/or sewer service connections that may be impacted by the proposed development.

----- 0 Replies -----

6 - Hydraulics Comments

Created by: Shanta Katwal
On: 08/19/2021 09:58 PM

Site Utility System reviews are required for projects with proposed water connections greater than 2-inch or sewer connections greater than 4-inch. Contact the WSSC Permit Services Unit on (301) 206-8650 for submittal requirements or view our website.

Water:

A 12-inch water main in Brightseat Road is available to serve the proposed site. Contact the Permit Services Unit at (301) 206-8650 for details regarding applying for service connections or visit our website.

Sewer:

An 8-inch gravity sewer main is available at the Southwest corner of the property to serve the proposed site. Contact the Permit Services Unit at (301) 206-8650 for details regarding applying for service connections or visit our website.

----- 0 Replies -----



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

August 4, 2021

TO: Thomas Sievers, Subdivision Review Section
Maryland-National Capital Park & Planning Commission

FROM: Shirley Anthony Branch, Water and Sewer Plan Coordinator *SAB*
Site/Road Plan Review Division, DPIE

RE: SDRC Comments – Hyattsville Brightseat 7-11 #SE-4845

Below are my comments on a special exception that is scheduled for review at the **August 20, 2021** SDRC meeting. This is a first response for this project. Should you have any questions regarding the attached information, please feel free to call me at 301.636.2060.

SE-4845 Hyattsville Brightseat 7-11
Tax ID: 1391309
Tax map: 67 D-1; Parcel 1
Acres: 5.30; I-3 Zoned
WSSC Grid: 202NE08

1. The 2018 Water and Sewer Plan designates platted Parcel 1 in Water and Sewer Category 3, inside the Sewer Envelope, in the Growth Tier, and within Tier 1 under the Sustainable Growth Act, to be developed on the public sewer system. Aerial views reflect that the parcel is developed with what appears to be a commercial building. The address is 1601 Brightseat Road.
2. Water and sewer lines abut and traverse the property. Records indicate the property is currently served via the public water and sewer lines.

*The Department of Permitting, Inspections and Enforcement (DPIE) determines the validity in category designations of the Prince George's County Water and Sewer Category Maps. Information reflects the category designated by the 2018 Water and Sewer Plan and its amendments deemed accurate as of **May 5, 2021**. Any dispute of the designated category or comments herein may be addressed to the Site/Road Plan Review Division, Water and Sewer Plan Coordinator, at 301.636.2060.*

cc: Mary C. Giles, P.E., Associate Director, S/RPRD, DPIE

From: [Reilly, James V](#)
To: [Sievers, Thomas](#)
Cc: [PGCReferrals](#); [Reilly, James V](#)
Subject: FW: Acceptance Referral SE-4845; Hyattsville Brightseat 7-11
Date: Tuesday, November 2, 2021 2:36:37 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[\(Updated\) SE-4845; Hyattsville Brightseat 7-11.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Good Afternoon Mr. Sievers,

The Office of the Fire Marshal has reviewed the 11/2/21 SDRC Comments Submission documents for SE-4845 Hyattsville Brightseat 7-11. Fire access appears adequate and acceptable but we have the following comment:

1. No proposed or existing fire hydrants are shown on the site plan. Please provide information showing a fire hydrant will be provided within 500' of the most remote portion of the building as hose is laid by the fire department (around obstacles, corners etc.).

Regards. Jim

James V. Reilly
Contract Project Coordinator III



Office of the Fire Marshal
Division of Fire Prevention and Life Safety
Prince George's County Fire and EMS Department
6820 Webster Street, Landover Hills, MD 20784
Office: 301-583-1830
Direct: 301-583-1838
Cell: 240-508-4931
Fax: 301-583-1945
Email: jvreilly@co.pg.md.us

From: Staton, Kenneth <Kenneth.Staton@ppd.mncppc.org>

Sent: Tuesday, November 2, 2021 2:06 PM

To: Reilly, James V <JVReilly@co.pg.md.us>; SLToth@co.pd.md.us; ljdillon@co.pg.md.us; Gullickson, Amanda M <AMGullickson@co.pg.md.us>; tgaskins@co.pg.md.us; De Guzman, Reynaldo S.

<rsdeguzman@co.pg.md.us>; Giles, Mary C. <mcgiles@co.pg.md.us>; Lord-Attivor, Rene <rlattivor@co.pg.md.us>; Snyder, Steven G. <SGSnyder@co.pg.md.us>; Abdullah, Mariwan <MAbdullah@co.pg.md.us>; PPD-DRD_Referral_Distribution <ppd-drd_referral_distribution@ppd.mncppc.org>; Formukong, Nanji W. <nwformukong@co.pg.md.us>; Tayyem, Mahmoud <mtayyem@co.pg.md.us>; Salles, Cicero D. <CDSalles@co.pg.md.us>; Branch, Shirley A. <sabbranch@co.pg.md.us>; Tarr, John <jtarr@co.pg.md.us>; 'Kwesi Woodroffe' <kwoodroffe@sha.state.md.us>; 'Tania Brown - SHA' <TBrown13@mdot.maryland.gov>; shayla.taylor@pgcps.org; rhianna.mccarter@pgcps.org; Aheart, Charlotte D. <CDAheart@co.pg.md.us>; #dsgintake@wsscwater.com; kenneth.l.barnhart@verizon.com; mark.g.larsen@verizon.com; jkoroma@pepco.com; wkynard@pepcoholdings.com; Charles.curry@bge.com; Herb.Reigel@smeco.coop; jeff.lagana@smeco.coop; 'Ulrich,Keith' <Keith.Ulrich@SMECO.coop>; kencrouse@comcast.net; 'WIGFIELD, GARY S' <gw1349@att.com>; bm2692@att.com; 'AZZAM, ABDULKADER' <aa9168@att.com>; 'IBRAHIM, WALID' <wi340d@att.com>; 'sh3700@att.com' <sh3700@att.com>; pmartinez@washgas.com; eestes@cityofglenarden.org; etobias@cityofglenarden.org; j.schomisch@landoverhills.us; 'Lndvrhlls@aol.com' <Lndvrhlls@aol.com>

Cc: Windsor, Theresa <Theresa.Windsor@ppd.mncppc.org>; Summerlin, Cheryl <Cheryl.Summerlin@ppd.mncppc.org>; Townsend, Donald <Donald.Townsend@ppd.mncppc.org>; Grigsby, Martin <Martin.Grigsby@ppd.mncppc.org>; Davis, Lisa <Lisa.Davis@ppd.mncppc.org>; Graham, Audrey <Audrey.Graham@ppd.mncppc.org>; Nicholas Speach <nspeach@bohlereng.com>; Lani Barbitta <lbarbitta@bohlereng.com>; Dozier, Kimberly <Kimberly.Dozier@ppd.mncppc.org>; Lohman, Regina <Regina.Lohman@ppd.mncppc.org>; Lee, Randar <Randar.Lee@ppd.mncppc.org>; Hurlbutt, Jeremy <Jeremy.Hurlbutt@ppd.mncppc.org>; Sievers, Thomas <Thomas.Sievers@ppd.mncppc.org>; John Lawall <jlawall@bohlereng.com>

Subject: RE: Acceptance Referral SE-4845; Hyattsville Brightseat 7-11

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Good Afternoon,


A re-referral of the subject case has been requested by the reviewer. Case is linked in the Dropbox below. I have also reattached the updated case report, included in this email.

<https://www.dropbox.com/sh/8053v2uceoq1n2w/AAAs6NriNxZBQCOJW5ltNqIUa?dl=0> Newest folder dated for 11-2-21

Best regards,
Kenneth

Kenneth (KJ) Staton

Principal Planning Technician | Development Review Division

 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department

14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-952-5402 | kenneth.staton@ppd.mncppc.org



Good Afternoon,

Please be aware there is a typo in the referral distribution. The correct Major Issue Deadline is August 18th, 2021.

Best regards,

Kenneth (KJ) Staton

Principal Planning Technician | Development Review Division

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department

14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-952-5402 | kenneth.staton@ppd.mncppc.org



From: ePlan

Sent: Wednesday, August 4, 2021 10:04 AM

To: 'Reilly, James V' <JVReilly@co.pg.md.us>; SLToth@co.pd.md.us; ljdillon@co.pg.md.us; AMGullickson@co.pg.md.us; tgaskins@co.pg.md.us; De Guzman, Reynaldo S. <rsdeguzman@co.pg.md.us>; Giles, Mary C. <mcgiles@co.pg.md.us>; rlattivor@co.pg.md.us; Snyder, Steven G. <SGSnyder@co.pg.md.us>; 'Abdullah, Mariwan' <MAbdullah@co.pg.md.us>; PPD-DRD_Referral_Distribution <ppd-drd_referral_distribution@ppd.mncppc.org>; Formukong, Nanji W. <nwformukong@co.pg.md.us>; mtayyem@co.pg.md.us; Salles, Cicero D. <cdsalles@co.pg.md.us>; sabbranch@co.pg.md.us; jtarr@co.pg.md.us; 'Kwesi Woodroffe' <kwoodroffe@sha.state.md.us>; 'Tania Brown - SHA' <TBrown13@mdot.maryland.gov>; shayla.taylor@pgcps.org; rhianna.mccarter@pgcps.org; 'Aheart, Charlotte D.' <CDAheart@co.pg.md.us>; #dsgintake@wsscwater.com; kenneth.l.barnhart@verizon.com; mark.g.larsen@verizon.com; jkoroma@pepco.com; wkynard@pepcoholdings.com; Charles.curry@bge.com; Herb.Reigel@smeco.coop; jeff.lagana@smeco.coop; 'Ulrich,Keith' <Keith.Ulrich@SMECO.coop>; kencrouse@comcast.net; 'WIGFIELD, GARY S' <gw1349@att.com>; bm2692@att.com; 'AZZAM, ABDULKADER' <aa9168@att.com>; 'IBRAHIM, WALID' <wi340d@att.com>; 'sh3700@att.com' <sh3700@att.com>; pmartinez@washgas.com; eestes@cityofglenarden.org; etobias@cityofglenarden.org; j.schomisch@landoverhills.us; 'Lndvrhlls@aol.com' <Lndvrhlls@aol.com>

Cc: Windsor, Theresa <Theresa.Windsor@ppd.mncppc.org>; Summerlin, Cheryl <Cheryl.Summerlin@ppd.mncppc.org>; Townsend, Donald <Donald.Townsend@ppd.mncppc.org>; Grigsby, Martin <Martin.Grigsby@ppd.mncppc.org>; Davis, Lisa <Lisa.Davis@ppd.mncppc.org>; Graham, Audrey <Audrey.Graham@ppd.mncppc.org>; Nicholas Speach <nspeach@bohlereng.com>; Lani Barbitta <lbarbitta@bohlereng.com>; Dozier, Kimberly <Kimberly.Dozier@ppd.mncppc.org>;

Lohman, Regina <Regina.Lohman@ppd.mncppc.org>; Lee, Randar <Randar.Lee@ppd.mncppc.org>; Hurlbutt, Jeremy <Jeremy.Hurlbutt@ppd.mncppc.org>; Hunt, James <James.Hunt@ppd.mncppc.org>; Checkley, Andree <andree.checkley@ppd.mncppc.org>; Sievers, Thomas <Thomas.Sievers@ppd.mncppc.org>; John Lawall <jlwall@bohlereng.com>

Subject: Acceptance Referral SE-4845; Hyattsville Brightseat 7-11

Greetings,

This is an EPlan ACCEPTANCE of **SE-4845 Hyattsville Brightseat 7-11** to be reviewed at the **PLANNING BOARD Review** level.

This case was officially accepted as of August 3rd, 2021.

SDRC is scheduled for **August 20th, 2021**

Major Issue Referral Deadline: September 30th, 2021

Referral Due Date (as shown on TSR Due Date matrix) October 4th, 2021

- All responses must be emailed to the assigned reviewer and to PGCReferrals@ppd.mncppc.org ;
- attach signed memo's on official letterhead
- attach a signed PDF and Word version of the document.
- The email subject must include: Case number + Case name + Dept + Reviewer initials.
- Please indicate in the body of your email if the attached response is the 1st, 2nd or 3rd

Please submit ALL comments to assigned reviewer **Thomas Sievers**

Thomas.Sievers@ppd.mncppc.org and PGCReferrals@ppd.mncppc.org

Acceptance documents:

<https://www.dropbox.com/sh/8053v2uceoq1n2w/AAAs6NriNxZBQCOJW5ltNqIUa?dl=0>

If you need assistance please contact Cheryl.summerlin@ppd.mncppc.org.

Best regards,

Kenneth (KJ) Staton

Principal Planning Technician | Development Review Division

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department

14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-952-5402 | kenneth.staton@ppd.mncppc.org



This E-mail and any of its attachments may contain Prince George's County Government or Prince George's County 7th Judicial Circuit Court proprietary information or Protected Health Information, which is privileged and confidential. This E-mail is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this E-mail, you are hereby notified that any dissemination, distribution, copying, or action taken in relation to the contents of and attachments to this E-mail is strictly prohibited by federal law and may expose you to civil and/or criminal penalties. If you have received this E-mail in error, please notify the sender immediately and permanently delete the original and any copy of this E-mail and any printout.