



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

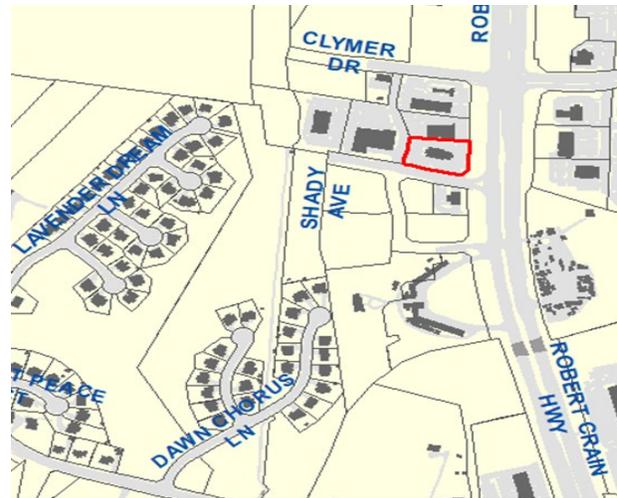
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Departure from Design Standards Chick-Fil-A Brandywine

DDS-661

REQUEST	STAFF RECOMMENDATION
Departure from Section 4.2 of the Landscape Manual to permit a low wall and no shade trees within the required landscape strip.	APPROVAL with conditions

Location: On the west side of US 301 (Crain Highway) at its intersection with Albert Road.	
Gross Acreage:	1.04
Zone:	C-S-C
Gross Floor Area:	N/A
Lots:	0
Parcels:	1
Planning Area:	85A
Council District:	09
Election District:	11
Municipality:	N/A
200-Scale Base Map:	220SE07
Applicant/Address: CHICK-FIL-A 5200 Buffington Road Atlanta, GA 30349	
Staff Reviewer: Thomas Sievers Phone Number: 301-952-3994 Email: Thomas.Sievers@ppd.mncppc.org	



Planning Board Date:	04/02/2020
Planning Board Action Limit:	N/A
Staff Report Date:	03/17/2020
Date Accepted:	01/28/2020
Informational Mailing:	10/31/2019
Acceptance Mailing:	01/23/2020
Sign Posting Deadline:	03/03/2020

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

EVALUATION.....	3
FINDINGS.....	3
1. Request.....	3
2. Development Data Summary	4
3. Location.....	4
4. Surrounding Uses.....	4
5. Previous Approvals	4
6. 2010 Prince George’s County Landscape Manual.....	4
7. Prince George’s County Zoning Ordinance Requirements.....	5
8. Tree Canopy Coverage Ordinance.....	6
9. Referrals.....	6
RECOMMENDATION	6

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Departure from Design Standards DDS-661
Chick-Fil-A Brandywine

The Subdivision and Zoning staff has reviewed the departure from design standards for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL, as described in the Recommendation section of this report.

EVALUATION

This departure from design standards was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of prior approvals;
- b. The requirements of the Prince George's County Zoning Ordinance;
- c. The requirements of the 2010 Prince George's County Landscape Manual;
- d. The requirements of the Tree Canopy Coverage Ordinance;
- e. Referral comments

FINDINGS

1. **Request:** The applicant is proposing to add a second drive-through to an existing eating or drinking establishment as a response to patron demand, and to prevent vehicles from stacking onto abutting roads and drive isles. Due to limited space on the site, a reduction in the 2010 *Prince George's County Landscape Manual* (Landscape Manual) Section 4.2 landscape strip along Albert Road, along the southern boundary of the site, is necessary to accommodate the additional drive-through lane.

Pursuant to Section 4.2(c)(3)(iv) of the Landscape Manual, a four-foot-wide landscape strip with a three- to four-foot-high masonry wall adjacent to, but entirely outside the landscape strip, and the planting of one shade tree per 35 linear feet of frontage is normally required. The applicant is proposing a three-foot-high masonry wall within a four-foot-wide landscape strip, without any plantings. Accordingly, the applicant is seeking a departure from the Section 4.2 landscape requirements.

2. **Development Data Summary:** The following chart summarizes the approved development for the subject property.

	EXISTING
Zone	C-S-C
Use(s)	Commercial
Total Acreage	1.04
Number of Parcels	1
Gross Floor Area	4,617

3. **Location:** The subject site, known as Parcel J, is in the Commercial Shopping Center (C-S-C) Zone, located in the northwest quadrant of the intersection of US 301 (Crain Highway) and Albert Road, and is part of an integrated shopping center known as the 301 Commercial Center. The site is accessed by a private ingress/egress drive extending from Albert Road to Clymer Drive through the 301 Commercial Center.
4. **Surrounding Uses:** The subject site is bounded on the north and west by other uses in the C-S-C Zone; to the south by Albert Road, with a carwash in the Commercial Miscellaneous Zone beyond; and to the east by US 301, with Brandywine Crossing Shopping Center in the C-S-C Zone beyond.
5. **Previous Approvals:** Preliminary Plan of Subdivision 4-06142 was approved by the Prince George’s County Planning Board for seven parcels on 9.15 acres, including the subject parcel, on May 10, 2007 (PGCPB Resolution No. 07-105), subject to 18 conditions. Final Plat 5-08240 (301 Commercial Center) was approved by the Planning Board on December 15, 2008 and recorded in the Prince George’s County Land Records in Plat Book PM 228-99 for Parcel J. Detailed Site Plan DSP-08045 was approved by the Planning Board on April 23, 2009 (PGCPB Resolution No. 09-54), for the construction of a restaurant eating or drinking establishment with drive-through service on Parcel J, with no conditions. It is noted that a DSP is no longer required, pursuant to CB-56-2011, which amended the Prince George’s County Zoning Ordinance to exempt eating and drinking establishments with drive-through service, within an integrated shopping center having 50,000 square feet or more of gross floor area, from DSP review.
6. **2010 Prince George’s County Landscape Manual:** The proposed development is subject to the requirements of the Landscape Manual. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; and Section 4.9, Sustainable Landscaping Requirements are applicable to the proposal, to expand the impervious area of the site for an added drive-through lane.

The requirements of Sections 4.3 and 4.9 are met by the applicant’s proposal; however, minor corrections are needed to the plans to clarify the requirements. The applicant submitted a request for Alternative Compliance, AC-19022, from the requirements of Section 4.2, which was denied by the Planning Director on January 14, 2020, with the finding that an equally effective landscape proposal could not be achieved. Accordingly, the applicant has submitted this departure from design standards application from Section 4.2 of the Landscape Manual.

7. **Prince George's County Zoning Ordinance Requirements:** The criteria for approval of a departure from design standards is set forth in Section 27-239.01(7) of the Zoning Ordinance, which states:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

The applicant is proposing to add a second drive-through lane to the existing eating and drinking establishment as a response to patron demand, and to prevent vehicles from stacking onto Albert Road and into drive isles within the shopping center. However, due to limited space on the site, a modification to the required design of the Section 4.2 Landscape Strip along Albert Road is necessary. The granting of the departure will allow the site to function more efficiently without compromising the drive isle widths. Staff finds that the purposes of the subtitle will be equally well, or better served by this proposal.

(ii) The departure is the minimum necessary, given the specific circumstances of the request.

The applicant explored other options to accommodate the dual drive-through and has included the provision of additional compact parking spaces along the entire length of the southern property line. This will preserve the number of on-site parking spaces while allowing the installation of a low brick wall within the Section 4.2 landscape strip. There are no changes to the building. The departure is minimum necessary.

(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

The site is located within an existing commercial shopping center and, more specifically, at the corner of intersecting public roadways and major drive isle to the shopping center. There is not additional space on any property surrounding this development in which full compliance with Section 4.2 of the Landscape Manual can be achieved. The departure is necessary in order to alleviate drive-through traffic from stacking and impeding upon the abutting road and drive isle.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

This departure will increase the functional efficiency of the site by providing faster drive-through service and reducing the likelihood of the stacking of vehicles onto Albert Road and into the shopping center drive isle. The addition of a decorative brick wall will enhance the visual appearance of the site by screening the parking and drive-through without any impacts to the

environmental quality. The departure will not impair the visual, functional, or environmental quality or integrity of the site.

8. **Tree Canopy Coverage Ordinance:** This application is exempt from the requirements of the Tree Canopy Coverage Ordinance. Section 25-128 of the Prince George's County Code requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance. This application proposes less than 5,000 square feet of disturbance.
9. **Referrals:** The relevant comments submitted for this application were included in this technical staff report. The following referral memorandums were received, and are incorporated by reference herein:
 - Permits Section dated March 2, 2020 (Linkins to Sievers)
 - Urban Design Section dated February 26, 2020 (Burke to Sievers)

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Subdivision and Zoning staff recommends that the Planning Board adopt the findings of this report and APPROVE Departure from Design Standards DDS-661 for Chick-Fil-A Brandywine, subject to the following condition:

1. Prior to certification of the departure site and landscape plans, the plans shall be revised to:
 - a. Demonstrate conformance with the size requirements for the handicap spaces.
 - b. Indicate the Section 4.3 interior planting requirement is five percent and revise the calculations accordingly.
 - c. Indicate Option 4 in the Section 4.2 Landscape Schedule and that a departure is requested.
 - d. Provide that one shade tree is proposed in the Section 4.9 Landscape Schedule.
 - e. Remove the Tree Canopy Coverage Schedule.

ITEM: 6

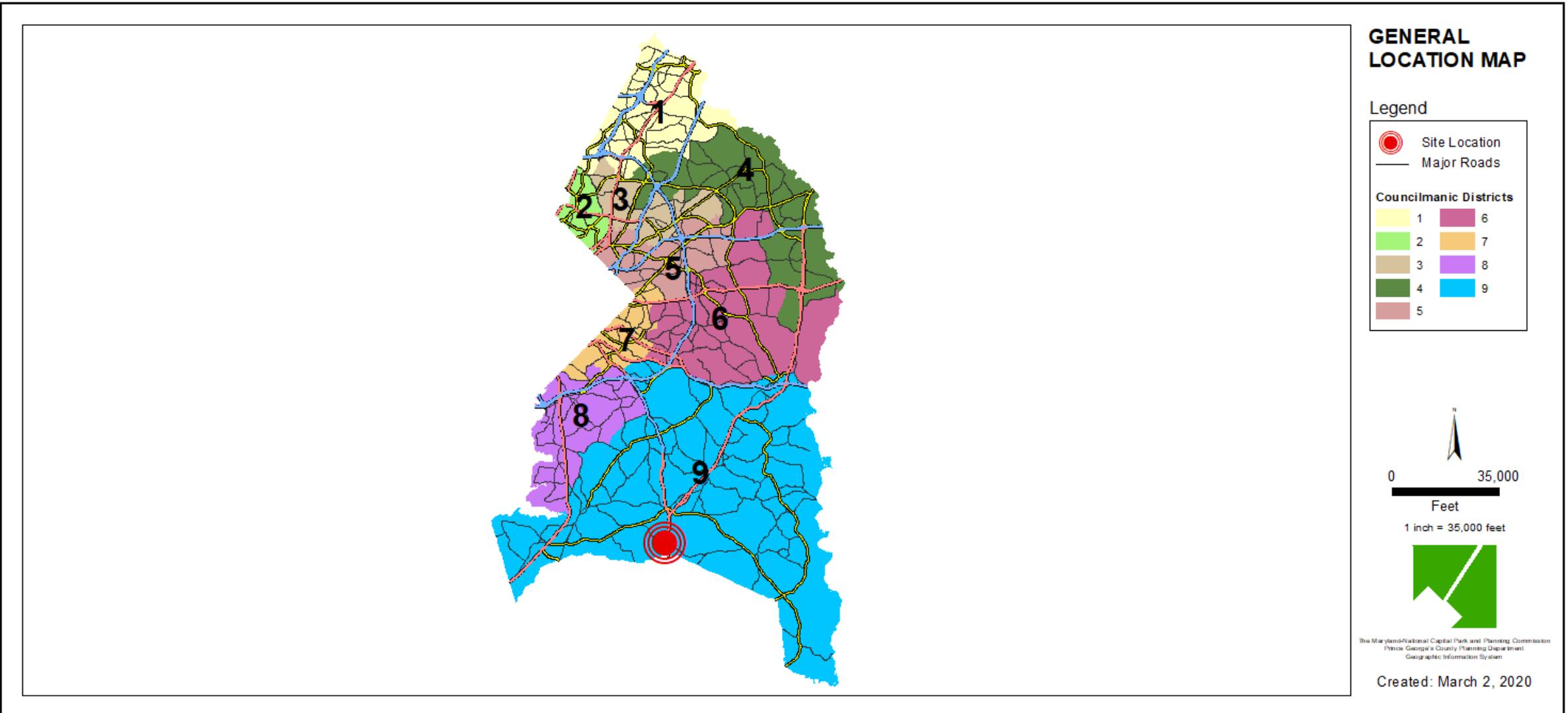
CASE: DDS-661

CHICK-FIL-A BRANDWYINE

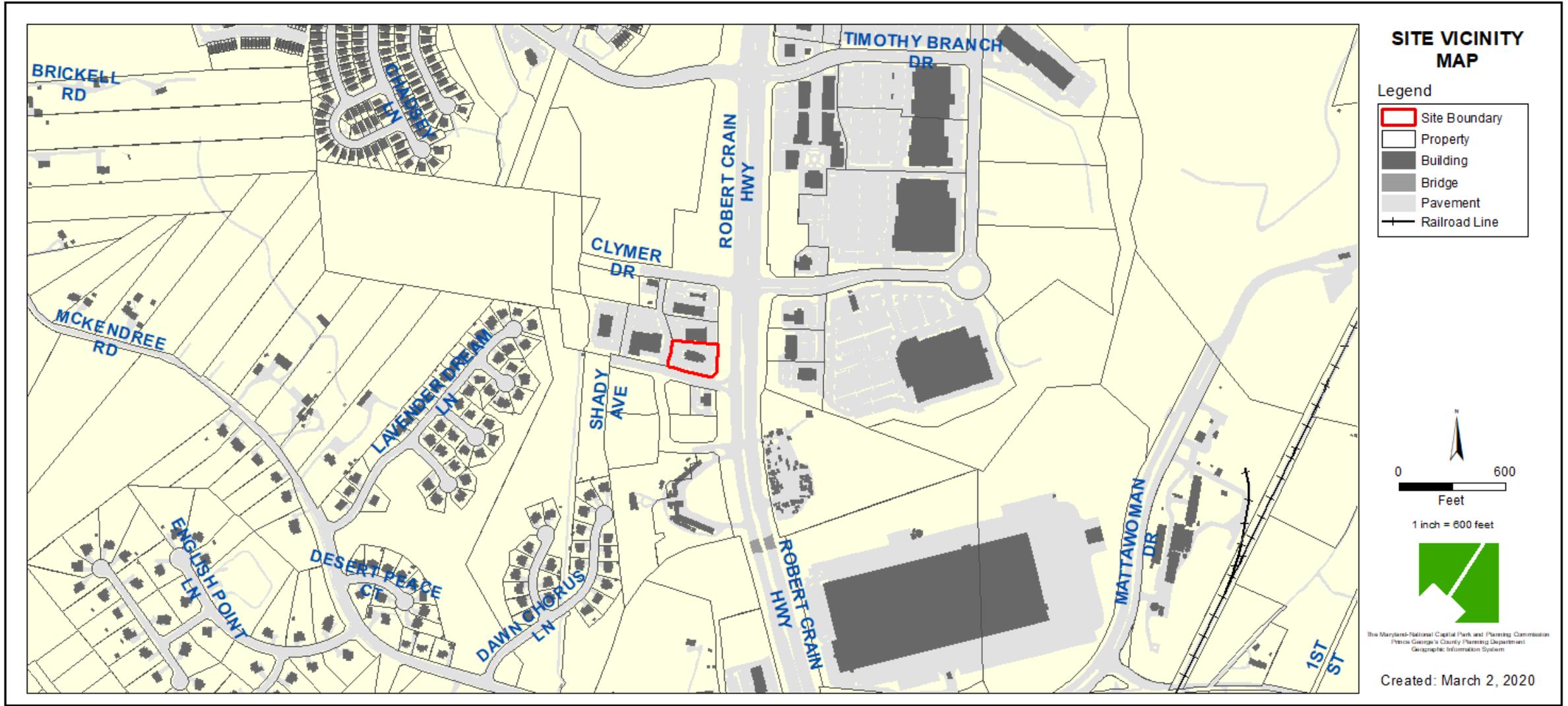
THE PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT



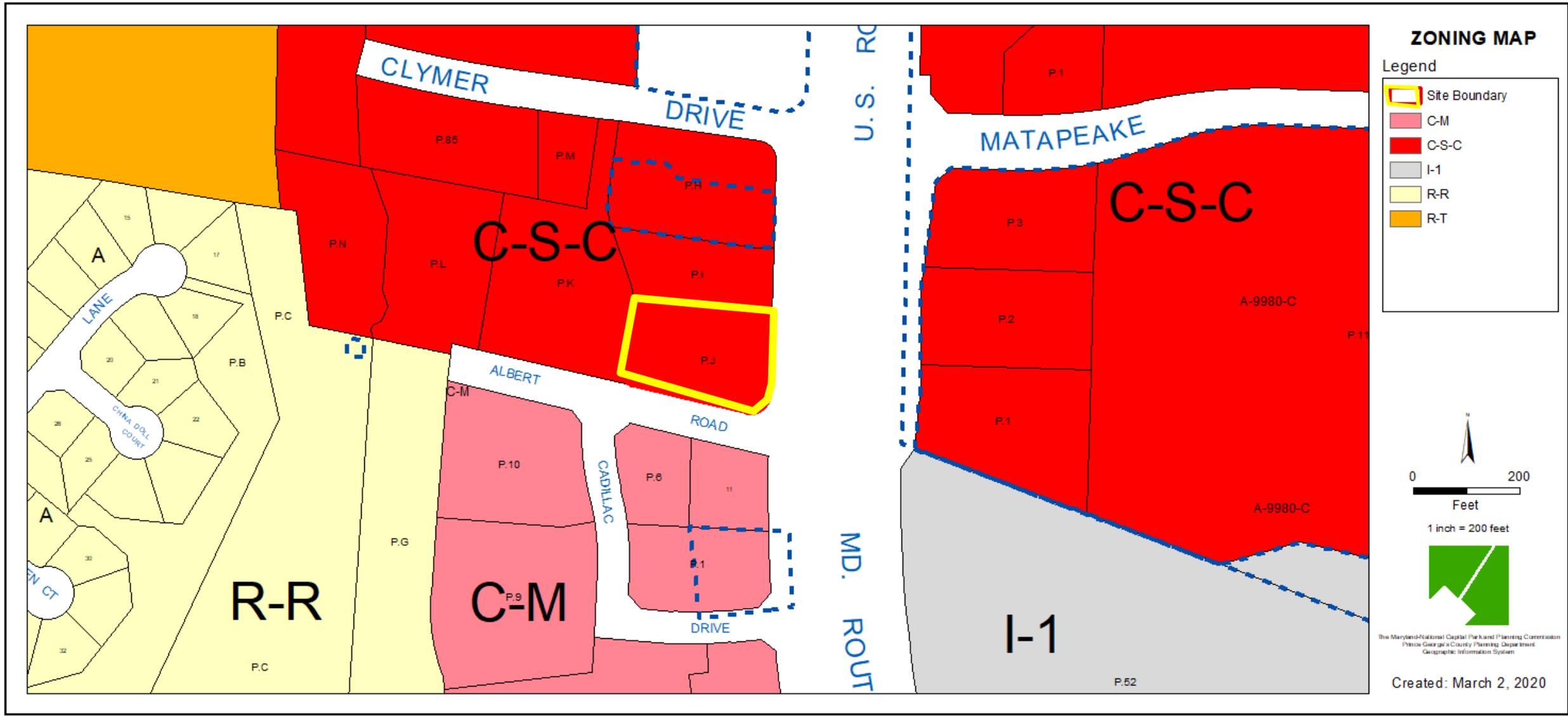
GENERAL LOCATION MAP



SITE VICINITY



ZONING MAP



ZONING MAP

Legend

- Site Boundary
- C-M
- C-S-C
- I-1
- R-R
- R-T

0 200
Feet
1 inch = 200 feet

The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Geographic Information System

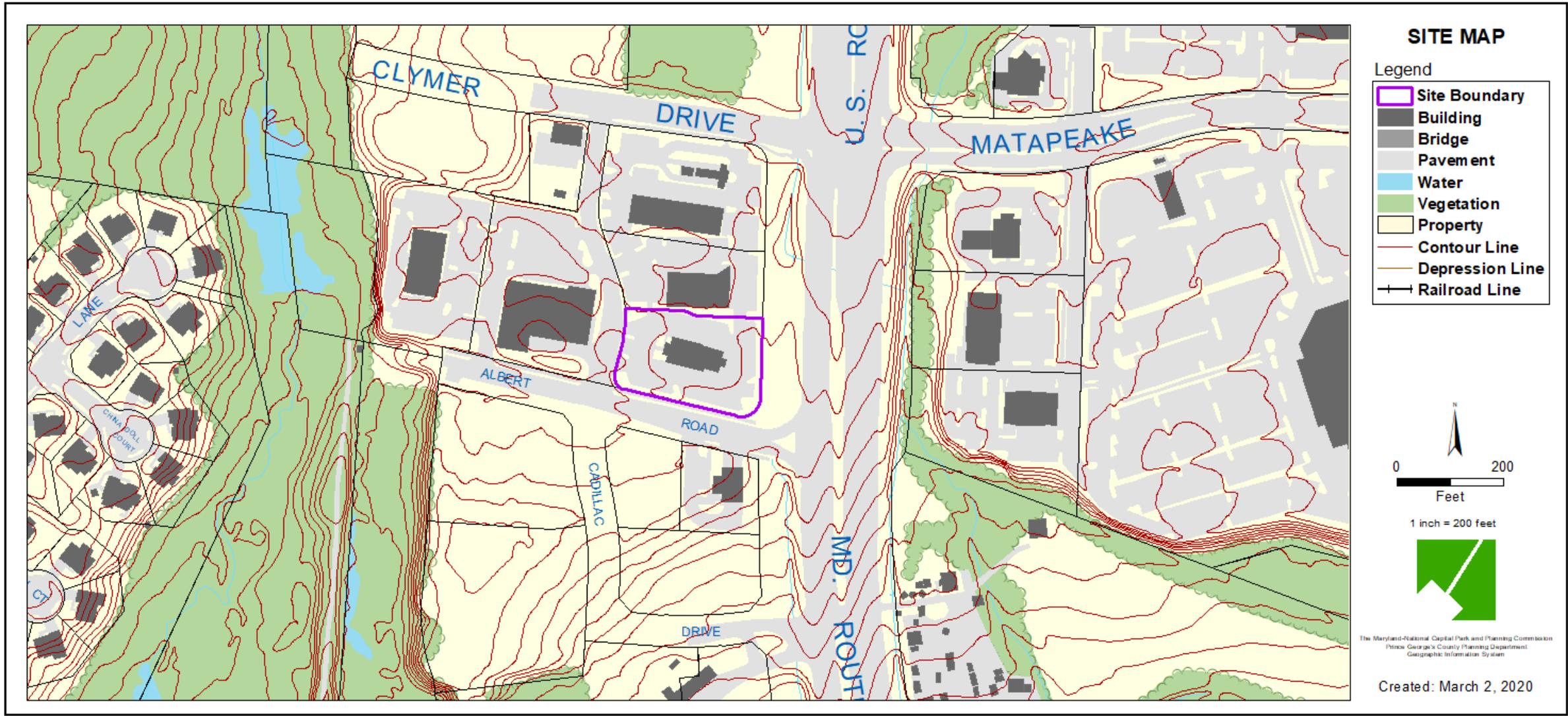
Created: March 2, 2020



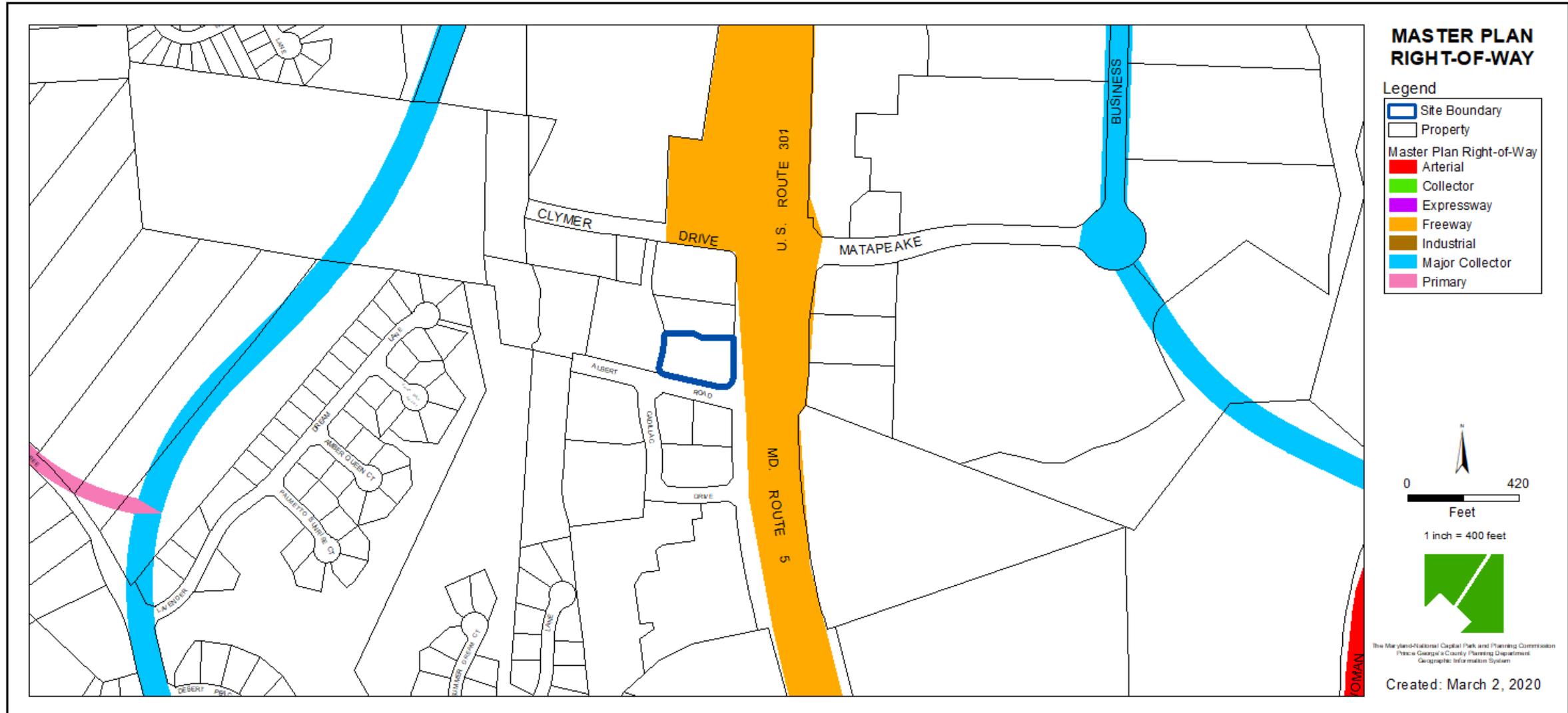
AERIAL MAP



SITE MAP



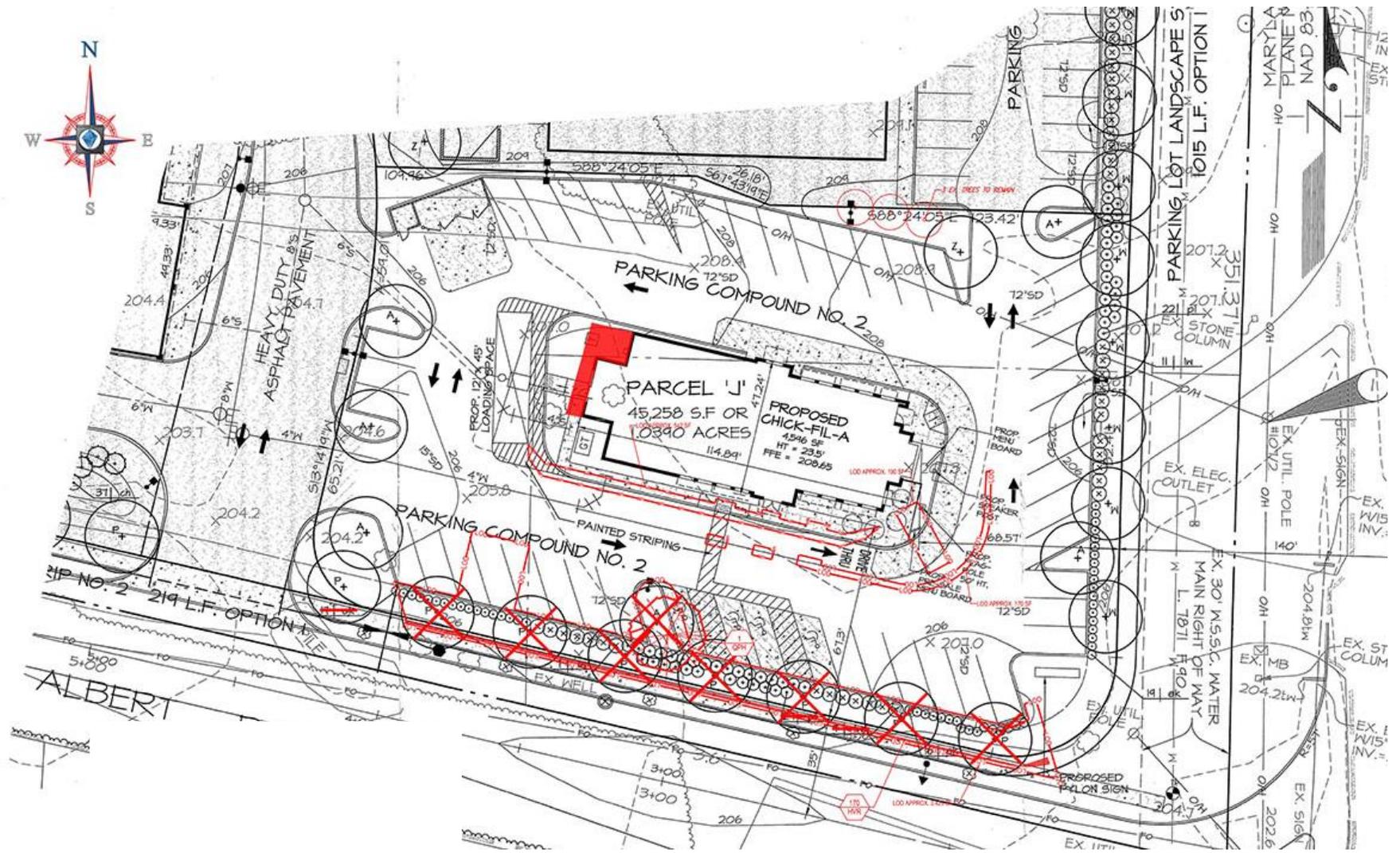
MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED

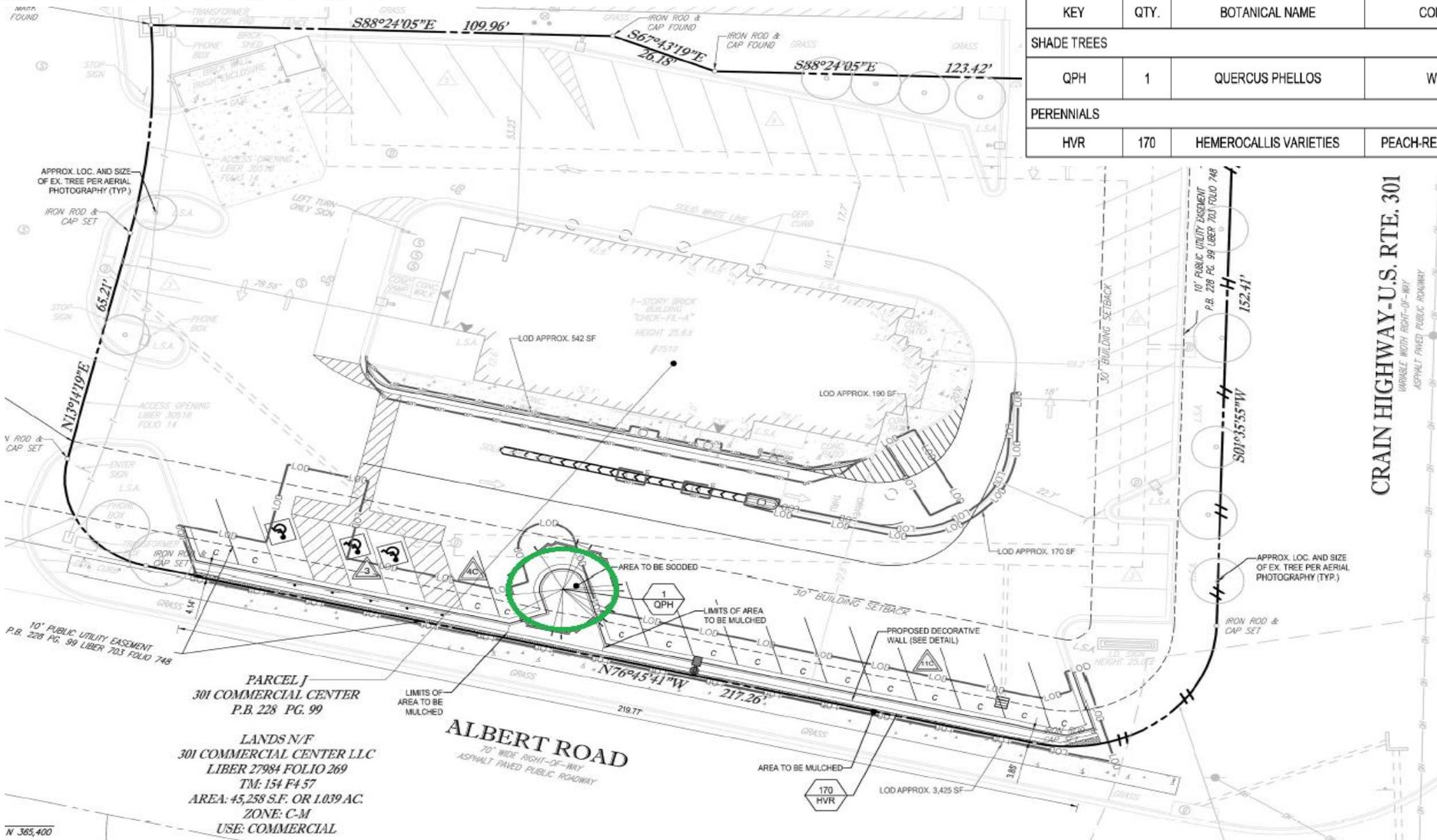


PROPOSED LANDSCAPE/SITE PLAN MODIFICATIONS



LANDSCAPE PLAN

LANDSCAPE SCHEDULE					
KEY	QTY.	BOTANICAL NAME	COMMON NAME	CAL. / HT.	CONT.
SHADE TREES					
QPH	1	QUERCUS PHELLOS	WILLOW OAK	3" - 3 1/2" CAL. / 12-14'	B+B
PERENNIALS					
HVR	170	HEMEROCALLIS VARIETIES	PEACH-RED-YELLOW DAYLILY	1 GAL.	CONTAINER



PARCEL J
301 COMMERCIAL CENTER
 P.B. 228 PG. 99

LANDS N/F
301 COMMERCIAL CENTER LLC
 LIBER 27984 FOLIO 269
 TM: 154 F4 57
 AREA: 45,258 S.F. OR 1.039 AC.
 ZONE: C-M
 USE: COMMERCIAL

CRAIN HIGHWAY-U.S. RTE. 301
 VEHICLE WIDTH RIGHT-OF-WAY
 ASPHALT PAVED PUBLIC ROADWAY



**STATEMENT OF JUSTIFICATION
CHICK-FIL-A; BRANDYWINE
DDS-661**

APPLICANT: Chick-fil-a
4700 Buffington Boulevard
Atlanta, Georgia

CORRESPONDENT: Daniel F. Lynch, Esq
McNamee Hosea
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770
(301) 441-2420 Voice
(301) 982-9450 Fax
dlynch@mhlawyers.com

REQUEST: Departure from Design Standards from Section 4.2 of the Landscape Manual.

I. DESCRIPTION OF PROPERTY

1. Address – 7510 Albert Road, Brandywine, MD 20613
2. Use – Eating and drinking establishment with drive-through service
3. Incorporated Area - N/A
4. Council District – 9th
5. Parcels – J
6. Total Area – 1.0390 Acres
7. Tax Map – 154/F4
8. Location – Located on the west side of US 301 at its intersection with Albert Road
9. Zoned: C-M (Commercial Miscellaneous) Zone

10. Owner – 301 Commercial Center LLC

11. Zoning Map – 220SE07

II. APPLICANT’S PROPOSAL

The applicant operates an existing eating and drinking establishment from the subject property and because of the popularity of the drive-through component of the restaurant, the applicant is proposing to increase the capacity of the drive-through by modifying the layout of the site to provide a dual ordering points. This modification will require additional drive-aisle space on the south side of the building. There is limited space on the south side of the building and the applicant has explored a number of alternatives. However, by reducing the width of the 4.2 landscape strip, the applicant can accommodate the dual ordering points. That being said, the applicant requested Alternative Compliance from the Landscape Manual. The request was denied by the Planning Director and the applicant is now requesting the approval of a Departure from Design Standards relative to the 4.2 landscape strip.

III. DEPARTURE FROM DESIGN STANDARDS

As noted above, the applicant is requesting a Departure from Design Standards to allow a reduction in the width of the 4.2 landscape strip along Albert Road. The criteria for the approval of a Departure from Design Standards is set forth in Section 27-239.01(7) of the Zoning Ordinance, which states:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

COMMENT: This is an existing eating and drinking establishment located on a relatively small parcel. The applicant is attempting to accommodate the demand for its drive-through service and in turn prevent vehicles from queuing onto Albert Road. The applicant is proposing to install a dual drive-through but given the fact there is limited space on the subject property, it believes that the increase in the number of compact spaces will allow it to accommodate that dual drive-through without reducing the width of the 4.2 landscape strip along Albert Road. In lieu of compliance with 4.2 of the Landscape Manual, the applicant is proposing to construct a low wall along this street frontage. The granting of this departure will allow the site to function more efficiently without compromising the drive aisle widths and will therefore allow vehicles to safely travel through the site. In addition, the installation of the low wall will screen the parking area from Albert Road and in an aesthetically pleasing manner. Finally, the site is already developed with an eating and drinking establishment and the granting of this departure

will allow that use to be maintained at this location as opposed to it being relocated to a larger property.

(ii) The departure is the minimum necessary, given the specific circumstances of the request.

COMMENT: The applicant has explored other options to accommodate the dual ordering points but from an overall design standpoint, including the provision of additional compact spaces along the entire length of the southern property line that will allow for the installation of a low wall in the 4.2 landscape strip. However, given the size of the property, the applicant can't provide the dual drive through and maintain the 4.2 landscape strip.

(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

COMMENT: The property is currently developed with an eating and drinking establishment with drive-through service and is located at the corner of Albert Road and US 301. The property located to the north contains an existing business. The applicant does not have the ability to expand its operation onto any adjoining properties. Vehicles associated with the drive-through are queuing onto Albert Road and order to alleviate this condition, the applicant is proposing to add a dual ordering points to the drive-through operation, but given the size of the property, the provision of the dual ordering points cannot be accommodated without the grant of a departure from the parking requirements and the Landscape Manual. The applicant has explored a number of options, but the option proposed herein will preserve the number of on-site parking spaces and also allow the applicant to propose a low wall along the southern property line as an alternative to normal compliance with Section 4.2 of the Landscape Manual.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

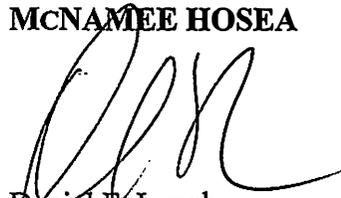
COMMENT: Again, this departure will allow the applicant to provide a low wall along the southern property line as an alternative to normal compliance with Section 4.2 of the Landscape Manual and maintain the required number of on-site parking spaces. The applicant believes that this low wall will provide adequate screening to the parking lot and drive-through component of the use and will improve the functional integrity of the site.

V. CONCLUSION

The applicant respectfully submits that all of the criteria for granting the proposed Departure from Design Standards have been met and on behalf of Chick-fil-a requests the approval of this application.

Respectfully submitted,

MCNAMEE HOSEA

A handwritten signature in black ink, appearing to be 'D. Lynch', written over the printed name 'Daniel F. Lynch'.

Daniel F. Lynch



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

March 02, 2020

MEMORANDUM

TO: Thomas Sievers, Urban Design Section

FROM: John Linkins, Permit Review Section

SUBJECT: DDS-661; Chick-Fil-A Brandywine

1. The Departure request should note the Landscape strip reduction of six feet leaving a remainder of four feet.
2. The change of parking spaces to compact reduces the handicap accessible spaces by one space and gains one standard compact space. The parking schedule should be revised to demonstrate the new ratios.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

February 26, 2020

MEMORANDUM

TO: Thomas Sievers, Subdivision and Zoning Section

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

FROM: Thomas Burke, Planner Coordinator, Urban Design Section *TB*

**SUBJECT: Departure from Design Standards DDS-661
Chick-Fil-A Brandywine**

The Urban Design Section has reviewed the package accepted on January 28, 2020, in support of Departure from Design Standards, DDS-661, Chick-Fil-A Brandywine. The application proposes a departure from the requirements of Section 4.2 of the Landscape Manual to permit a landscape strip less than five feet in width. No changes to building are proposed. The 1.04-acre property is zoned Commercial Shopping Center (C-S-C) and is located on the west side of US 301 (Crain Highway), in the northwest quadrant of the intersection of Albert Road and southbound US 301, in Brandywine, Maryland. The site is currently developed with a 4,512-square-foot Chick-Fil-A restaurant in accordance with a previously approved Detailed Site Plan DSP-08045. The property is bounded on the north and west by other uses in the C-S-C Zone, to the south by Albert Road, with a carwash in the C-M (Commercial Miscellaneous) Zone beyond, and to the east by US 301, with Brandywine Crossing Shopping Center in the C-S-C Zone beyond.

Based on the Urban Design Section's review of the Departure from Design Standards DDS-661, we offer the following comments:

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

1. The criteria for approval of a Departure from Design Standards is set forth in Section 27-239.01(7) of the Zoning Ordinance, which states:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;

The applicant is proposing to add a second drive-through to the existing eating and drinking facility, as a response to demand and to prevent vehicles

from queuing onto Albert Road. However, due to limited space on the site, a reduction in the Section 4.2, Landscape Strip Along Streets is necessary. A request for alternative compliance, AC-19022, was denied by the Planning Director on January 14, 2020.

(ii) The departure is the minimum necessary, given the specific circumstances of the request.

The applicant has explored other options to accommodate the dual drive-through, including the provision of additional compact spaces along the entire length of the southern property line. This allows the installation of a low brick wall along the Section 4.2 landscape strip. There are no changes to the building. The departure is minimum.

(iii) The departure is necessary in order to alleviate circumstances, which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;

This requirement is not applicable to this site because the existing Chick-Fil-A restaurant was built in accordance with DSP-08045 that was approved in 2009.

(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

This departure will increase the functional efficiency of the site by providing faster drive-through service and reducing the likelihood of queuing onto Albert Road. The addition of a decorative brick wall will enhance the visual appearance of the site without any impacts to the environmental quality. The departure will not impair the visual, functional, or environmental quality or integrity of the site.

Conformance with the Requirements of Previous Approvals

2. **Preliminary Plan of Subdivision 4-06142** was approved for seven parcels of 9.15 acres, including the subject parcel, on June 7, 2007 (PGCPB Resolution No. 07-105), subject to 18 conditions, all of which have been addressed through previous DSP approval.
3. **Detailed Site Plan DSP-08045** was approved by the Planning Board on April 23, 2009 (PGCPB Resolution No. 09-54) for the construction of a Chick-Fil-A restaurant, with no conditions.

Conformance with the Requirements of the 2010 Prince George's County Landscape Manual

4. The proposed development is subject to the requirements of the *2010 Prince George's County Landscape Manual*. Specifically, Section 4.2, Requirements for Landscape Strips Along Streets, Section 4.3, Parking Lot Requirements; and Section 4.4, Screening Requirements are applicable to this development. Conformance with Sections 4.3 and 4.4 was found at time of DSP-08045. After the site has been developed, the applicant submitted

a request for alternative compliance, AC-19022, from the requirements of Section 4.2 that was denied by the Planning Director, on January 14, 2020.

Conformance with the Requirements of Tree Canopy Coverage Ordinance

5. This application is exempt from the requirements of the Tree Canopy Coverage Ordinance. Section 25-128 of the County Code requires a minimum percentage of tree canopy coverage on projects that propose more than 5,000 square feet of disturbance. This applicant proposes less than 5,000 square feet of disturbance.

Urban Design Section Recommendation

Based on the foregoing analysis, the Urban Design Section has no objections to the approval of Departure from Design Standards, DDS-661, for Chick-Fil-A Brandywine.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772

DATE: January 15, 2020
TO: Andree Green Checkley, Esq., Planning Director
VIA: Henry Zhang, Co-Chair, Alternative Compliance Committee
 Jill Kosack, Co-Chair, Alternative Compliance Committee
FROM: Thomas Burke, Alternative Compliance Committee Member
PROJECT NAME: Chick-Fil-A Brandywine
PROJECT NUMBER: Alternative Compliance AC-19022

ALTERNATIVE COMPLIANCE

Recommendation: Approval Denial

Justification: SEE ATTACHED

Thomas Burke

 Reviewer's Signature

PLANNING DIRECTOR'S REVIEW

Final Decision Approval Denial

Recommendation Approval Denial

To Planning Board

To Zoning Hearing Examiner

Planning Director's Signature Andree Green Checkley 1/15/2020
 Date

APPEAL OF PLANNING DIRECTOR'S DECISION

Appeal Filed:

Planning Board Hearing Date:

Planning Board Decision: Approval Denial

Resolution Number:

Alternative Compliance: AC-19022
 Name of Project: Chick-Fil-A Brandywine
 Date: January 15, 2020

The applicant proposes double drive-through lanes and an increase in the number of compact parking spaces for an existing eating and drinking establishment, known as Chick-Fil-A, in the Commercial Shopping Center (C-S-C) Zone that results in failure of providing the required Section 4.2 landscape strip along the site's Albert Road frontage. Alternative compliance is requested from the requirements of Section 4.2, Requirements for Landscape Strips Along Streets, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

Location

The subject 1.03-acre property is located on the west side of US 301 (Robert Crain Highway), in Brandywine, and is currently developed with a 4,512-square-foot Chick-Fil-A. The property is bounded on the north and west by other uses in the C-S-C Zone, to the south by Albert Road, with a carwash in the Commercial Miscellaneous Zone beyond, and to the east by US 301, with commercial uses in the C-S-C Zone beyond.

The property is located within the geography previously designated as the Developing Tier and reflected on Attachment II(5) of the *Plan Prince George's 2035 Approved General Plan*, as found in Prince George's County Planning Board Resolution No. 14-1C (see County Council Resolution CR-26-2014).

Background

The applicant intends to add a second drive-through lane to the existing Chick-Fil-A and convert standard parking spaces to compact spaces. The existing freestanding Chick Fil-A restaurant was constructed pursuant to previously approved Detailed Site Plan DSP-08045. Currently, the establishment has a single drive-through lane that splits to two order boards, then merges back to a single lane for payment and pickup. The objective of this application is to provide an additional drive-through lane prior to the order boards, to accommodate more vehicles and reduce stacking at the entrance to the site.

The application is subject to Section 4.2, Requirements for Landscape Strips Along Streets, of the Landscape Manual because the addition of the second lane will result in shifting the parking spaces into the southern Section 4.2 landscape strip, along Albert Road that was previously approved with DSP-08045, in order to maintain a sufficient drive aisle on the site.

REQUIRED: Section 4.2, Requirements for Landscape Strips Along Streets, along Albert Road

Length of Landscape Strip	220 feet
Width of Landscape Strip (Option 4)	4 feet*
Shade Trees (1 per 35 linear feet)	7

Note: *With a 3- to 4-foot-high brick, stone, or finished stamped concrete masonry wall located adjacent to, but entirely outside of, the landscape strip.

PROVIDED: Section 4.2. Requirements for Landscape Strips Along Streets, along Albert Road

Length of Landscape Strip	220 feet
Width of Landscape Strip	Varied from 3.85 to 4.14 feet**
Shade Trees	0

Note: **A 3-foot-high brick wall is proposed with this application.

Justification of Recommendation

The applicant is proposing to increase the capacity of the drive-through by modifying the layout of the previously approved site to provide dual lanes for the two existing ordering points. This modification will require additional drive-aisle space on the south side of the building. There is limited space on the south side; however, by reducing the size of the standard parking spaces to compact spaces and reducing the width of the Section 4.2 landscape strip, the applicant can accommodate the dual lanes. Specifically, the applicant is proposing to reduce the existing 10-foot-wide Section 4.2 landscape strip to approximately 4 feet wide, to remove all of the existing trees and shrubs, and to install a 3-foot-high brick wall along the 220-foot-long strip.

The applicant is requesting alternative compliance from the requirements of Section 4.2(c)(3)(A)(iv) by providing the required landscape strip on the subject property. Section 4.2, Option 4, requires a 4-foot-wide landscape strip with a 3- to 4-foot-high brick, stone, or finished stamped concrete masonry wall located adjacent to, but entirely outside of, the landscape strip, and a minimum of one shade tree per 35 linear feet of frontage, excluding driveway openings. The applicant is proposing to install a 3-foot-high brick wall along the southern boundary of the property, within the landscape strip, and not provide any plantings.

While the Alternative Compliance Committee understands the space limitations of this site and the need to increase the on-site capacity of the drive through to reduce stacking off-site, it is unconvinced that provision of a brick wall within the required landscape strip and no plantings could be considered equally effective in its ability to fulfill the design purposes of Section 4.2. Therefore, the Committee concludes that the proposed alternative solution in this case cannot meet the approval criteria.

Recommendation

The Alternative Compliance Committee recommends DISAPPROVAL of alternative compliance from the 2010 *Prince George's County Landscape Manual* for Section 4.2, Requirements for Landscape Strips Along Streets, along the southern property line abutting Albert Road.



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

PGCPB No. 09-54

File No. DSP-08045

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on April 23, 2009, regarding Detailed Site Plan DSP-08045 for 301 Commercial Center/Chick Fil-A, the Planning Board finds:

1. **Request:** The subject application is for approval of a 4,956-square-foot freestanding Chick Fil-A restaurant in the Miscellaneous Commercial (C-M) Zone.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-M	C-M
Use(s)	Vacant	Restaurant
Acreage	1.039	1.039
Lots	2	2
Building square footage/GFA	0	4,956

Other Development Data:

	REQUIRED	APPROVED
Total Parking Spaces	19	48
Handicapped Spaces (van accessible)	2	4
Loading spaces	1 space @ 12' x 45'	1

3. **Location:** The subject property is known as Parcel J of the 301 Commercial Center, located southbound on US 301 (Crain Highway) between Clymer Drive and Albert Road in Planning Area 85A in the Brandywine Community, Council District 9. The proposed Chick Fil-A restaurant is located northwest of the intersection of Albert Road and southbound US 301, across from the Brandywine Crossing Shopping Center.

4. **Surrounding Uses:** The surrounding properties are zoned C-M, Commercial Shopping Center (C-S-C), and Rural Residential (R-R). Directly across on US 301 (northbound) from the proposed Chick Fil-A restaurant is the Brandywine Crossing Shopping Center. Across from Albert Road is the Cadillac Hotel which is located on the left-side entrance of the restaurant.

PGCPB No. 09-54
File No. DSP-08045
Page 2

5. **Previous Approvals:** Preliminary Plan of Subdivision 4-06142 was approved for seven parcels on 9.1525 acres and the resolution (PGCPB Resolution No. 07-105) was adopted on June 7, 2007. Final Plat 5-08240 (301 Commercial Center) was approved by the Planning Board on December 11, 2008. The Planning Board approved Type I Tree Conservation Plan TCPI/001/07 concurrently with Preliminary Plan 4-06142. A Type II Tree Conservation Plan, TCPII/017/08, was approved by staff on April 10, 2008 for the larger 301 Commercial Center of which Parcel J is a part.
6. **Design Features:** The applicant proposes to develop a 4,956-square-foot standard prototype Chick Fil-A restaurant on Parcel J, consisting of approximately 1.039 acres. The proposed Chick Fil-A restaurant entrance will be located on a private ingress/egress drive extending from Albert Road to Clymer Drive through the 301 Commercial Center.

The proposed Chick Fil-A restaurant is a typical franchise prototype design of a one-story building with a flat roof and small gables located on the front and above the pedestrian entrance on the side. The gross floor area of the restaurant is 4,956 square feet. The exterior is completely brick on all four sides. Two color tones of brick are used for the façade of the building. Seventy-five percent of the building has red brick from the base up and the upper twenty-five percent of the building has beige brick. The front elevation of the building facing US 301 features the front pedestrian entrance (single-glass door with metal canopy), a large window located in the center, and a smaller window with awning on the right side. On the front elevation above the center window is the building signage stating "Chick Fil-A, The Original Chicken Sandwich," which has backlighting. The main entrance is located on the left elevation of the building facing the parking lot and Albert Road. There are continuous windows along the left elevation of the building with a double glass door entrance and metal canopy. Above the double glass doors is the building signage "Chick Fil-A," with backlighting. The rear elevation of the building will be used for loading and unloading. In the rear, there is a single loading door made of steel with signage above that says "Chick Fil-A," with backlighting. On the right elevation of the building is the proposed drive-through window with a metal canopy above and signage that says "Chick Fil-A" with backlighting. There are also five windows with awnings on the eastern half of the building. Accessible from the left elevation of the Chick Fil-A building is the parking lot with four handicap parking spaces.

A free-standing pylon sign is shown on the detailed site plan. Details of its design were provided at the Planning Board meeting. The Board found the sign to be acceptable and approved it as part of this application.

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the C-M Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. In accordance with Section 27-459(c), C-M (Commercial Miscellaneous) Zone, of the Zoning Ordinance which governs development in a commercial zone, the proposed Chick Fil-A restaurant is a permitted use in the C-M Zone.

PGCPB No. 09-54
File No. DSP-08045
Page 3

8. **Prince George's County Landscape Manual:** The proposed Chick Fil-A restaurant is subject to Section 4.2, Commercial and Industrial Landscaped Strip Requirements; Section 4.3, Parking Lot Requirements; and Section 4.4, Screening Requirements, of the *Prince George's County Landscape Manual*.

a. The landscape plan provides all required information regarding Sections 4.2 and 4.3. The detailed site plan conforms to the requirements of Sections 4.2 and 4.3.

9. **Prince George's County Woodland Conservation and Tree Preservation Ordinance:** The property is subject to the provisions of the Woodland Conservation and Tree Preservation Ordinance. A tree conservation plan is required. A Type II tree conservation plan was completed April 10, 2008 for the complete 301 Commercial Center (Parcels H-N). This site is subject to the provisions of the Woodland Conservation Ordinance because the property is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. The site plan proposes clearing 3.48 acres of the existing 3.60 acres of upland woodland, clearing 0.15 acre of the existing 1.33 acres of woodland within the 100-year floodplain, and clearing 0.54 acre off-site. The woodland conservation threshold is 1.17 acres. The worksheet correctly calculates the woodland conservation requirement for this proposal as 3.52 acres. The plan proposes to meet this requirement by providing 0.09 acre of on-site preservation and 3.43 acres of off-site mitigation for a total of 3.52 acres. The proposed on-site woodland preservation area is within the evaluation area and contiguous with the regulated area depicted on the *Approved Countywide Green Infrastructure Plan*. A note shall be placed on the final plat of subdivision citing the tree conservation restrictions, as called for in Condition No. 3 of PGCPB Resolution No. 07-105, for Preliminary Plan No. 4-06142.

10. **Planning Board Analysis:**

Archeology—A Phase I archeological survey is not required for the site. 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. An examination of aerial photographs indicates that most of the property has been graded and disturbed by modern construction. An archeological survey just to the north of the subject property exhibited many areas of modern disturbance and no archeological sites were identified. However, the applicant should be aware that there are four archeological sites, 18PR416, 18PR542, 18PR543, and 18PR601, within a one-mile radius of the subject property. Site 18PR416 is the location of Pheasant's Thicket, a late 18th or early 19th century plantation belonging to the Robinson family and is situated about 780 feet north of the subject property. The Robinson Family owned a number of slaves. Part of the subject property was at one time part of the Pheasant's Thicket plantation. Also, a tributary of Timothy Branch, which is a tributary to Mattawoman Creek, runs along the western edge of the subject property.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take

PGCPB No. 09-54
File No. DSP-08045
Page 4

into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.

Community Planning—This application is not inconsistent with the 2002 General Plan Development Pattern Policies for a possible future Center in the Developing Tier, however, it is not entirely consistent with the stated vision for this area in that it lacks pedestrian or transit-oriented design features. Also, this application does not completely conform to the land use recommendations for Office/Light Manufacturing/Business Park in the Brandywine Special Study Area.

This application is located in a possible future Center in the Developing Tier. As stated above, the vision for centers is to promote development of mixed-residential and nonresidential uses moderate-to high-densities and intensities in context with surrounding neighborhoods and with a strong emphasis on transit-oriented design. Correspondingly, pedestrian-oriented development is recommended at this location. The proposed commercial land use, however, is inconsistent with this recommendation in that it is an auto-oriented (drive-through) fast-food restaurant. Pedestrian traffic will presumably be minor as compared to vehicular traffic. It is difficult to discern just how the proposed site plan will encourage pedestrian patronage, and therefore, how it will implement the vision for the future Brandywine Center.

The 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B* recommends Office/Light Manufacturing/Business Park land use for this area as part of the Brandywine Special Study Area. The master plan describes this area as follows: “The functions of a ‘village’ level commercial activity center (anchored by a major grocery store/supermarket and including a variety of small retail and commercial service, business, public and residential uses), should be included in the business area located south of the Waldorf Bypass. This area should be a primary location for convenience and retail commercial services for both residents and employees throughout the Brandywine area. The retail center should be designed with a park-like ambiance including trees, fountains, benches, a shaded court area, sidewalk cafes, and the like.” (Page 87).

Urban Design: Although the master plan articulated a vision for the subject property based on possible future designation as a center in the Developing Tier, the property is zoned C-M which is not a zone customarily associated with a park-like ambiance. The purpose of the C-M Zone is “to provide locations for miscellaneous commercial uses which may be disruptive to the harmonious development, compactness, and homogeneity of retail shopping areas.” It is important to note that a detailed site plan is required for this use solely because it is an eating and drinking establishment in the C-M Zone, for which detailed site plan is required by CB-49-2005. None of the other five uses in the larger 301 Commercial Center will be subject to detailed site plan, so the Planning Board will have no ability to influence the design of the other parcels or move them in the direction of the park-like vision in the master plan. For these reasons, the Planning Board concludes that it is not reasonable to request changes to the subject site in pursuit of a vision for a possible future center when the proposed development is consistent with the zone in which it is located, and any changes possible on this site are unlikely to be noticeable in the context of the

PGCPB No. 09-54
File No. DSP-08045
Page 5

very auto-dominated cluster of commercial uses likely to be built in the larger 301 Commercial Center.

Transportation—Access and circulation are acceptable and consistent with past plans, and with Condition 8 of the preliminary plan approval. The uses proposed by this plan and other planned development on this site are within the trip cap established by Condition 13 of the preliminary plan approval.

Trails—There are no trail requirements for the site. There are no master plan trails issues identified in the Adopted and Approved Subregion V Master Plan that impact the subject site. The Stream Valley Trail is planned along the tributary of Timothy Branch that is to the west of the proposed Chick Fil-A. The approved Preliminary Plan of Subdivision 4-06142 included stream valley dedication to accommodate this master plan trail. Condition 6 of Res. No. 07-105 for the approved Preliminary Plan 4-06142 required the construction of a standard sidewalk along Clymer Drive, which will provide access from surrounding residential properties.

Historic Preservation—The proposed subdivision for a fast food restaurant at 301 Commercial Center will have no effect on historic resources.

Subdivision—The Detailed site plan is only for Parcel J. The preliminary plan has received signature approval. Parcel J overlaps most of the Maryland Motor Court site, including portions where the sewage disposal system is shown on the approved preliminary plan. Grading for this site may impact areas of the abandoned well and septic tanks. We have not received confirmation that any of these structures have been removed, backfilled or abandoned. The health department should be consulted for guidance with these conditions.

The detailed site plan is in substantial conformance with the approved preliminary plan.

Environmental Planning—The Type II Tree Conservation Plan TCPII/017/08 was approved by staff on April 10, 2008. The TCP includes the entire development. The proposed Chick Fil-A has no impact on the TCP because it is located in an area where all woodland is to be removed.

The Environmental Planning Section also stated that US 301 is an adjacent source of traffic-generated noise. The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA noise contour is 507 feet from the centerline of US 301. Because the property is zoned C-M, traffic-generated noise from US 301, based upon a predicted average daily traffic of 81,687 vehicles, will not exceed state noise standards.

Department of Public Works and Transportation (DPW&T)—In a memorandum dated January 5, 2009, The Department of Public Works and Transportation offered the following comments. Clymer Drive and Albert Road are considered commercial and industrial roadways. These roads are to be improved in accordance with the County's Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act (ADA).

PGCPB No. 09-54
File No. DSP-08045
Page 6

Compliance with DPW&T's utility policy is required. Proper temporary and final patching and the related mill and overlay in accordance with the established "DPW&T Policy and Specification for Utility Installation and Maintenance Permits" are required. Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.

The proposed site development is consistent with the approved DPW&T Stormwater Management Concept Plan 50400-2006-00 dated January 17, 2007. The site must be in conformance with DPW&T's street tree and street lighting specifications and standards. A soil survey investigation report which will include subsurface exploration, geotechnical engineering, and evaluation for public streets and structures is also required.

- 11. As required by Section 27-285(b)(1) of the Zoning Ordinance, the Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-08045, 301 Commercial Center/Chick Fil-A.

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

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, April 23, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of April 2009.

Oscar S. Rodriguez
Executive Director

Frances J. Guertin
By Frances J. Guertin
Planning Board Administrator

OSR:FJG:JM:bjs

APPROVED AS TO LEGAL SUFFICIENCY.

[Signature]
M-NCPPC Legal Department

Date 4/23/09



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
 Upper Marlboro, Maryland 20772
 TTY: (301) 952-3796

PGCPB No. 07-105

File No. 4-06142

RESOLUTION

WHEREAS, MAA LCC is the owner of a 9.15-acre parcel of land known as 301 Commercial Center, Tax Map 154 in Grid F-4, known as Parcel B, Parcel 57 and Parcel 58, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned C-S-C & C-M; and

WHEREAS, on December 26, 2006, 301 Commercial Center filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 7 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06142 for 301 Commercial Center was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on May 10, 2007, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on May 10, 2007, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCP I/00107), and further APPROVED Preliminary Plan of Subdivision 4-06142, 301 Commercial, including a Variation from Section 24-130 for Parcels H through N with the following conditions:

1. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

2. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the US, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

PGCPB No. 07-105
File No. 4-06142
Page 2

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

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

4. Any residential development of the subject property, other than one single-family dwelling, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
5. At the time of final plat the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC 1.4+ acres of open space (floodplain) as shown on the Department of Parks and Recreation (DPR) Exhibit A. Land to be conveyed shall be subject the following:
- a. An original, special warranty deed for the property to be conveyed, (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the Final Plat.
 - b. The M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to Final Plat.
 - c. The boundaries and acreage of land to be conveyed to the M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, the DPR shall require that a performance bond be posted to warrant restoration, repair or improvements made necessary or required by The M-NCPPC development approval process. The bond, or other suitable financial guarantee (suitability to be judged by the General Counsel’s Office, The M-NCPPC), shall be submitted to the DPR within two weeks prior to applying for grading permits.
 - e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by The M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by The M-NCPPC, the DPR shall review and approve

PGCPB No. 07-105
File No. 4-06142
Page 3

the location and design of these facilities. The DPR may require a performance bond and easement agreement prior to issuance of grading permits.

- f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. The DPR shall inspect the site and verify that land is in acceptable condition for conveyance, prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of the DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to the Commission.
 - i. No stormwater management facilities, or tree conservation or utility easements shall be proposed on land owned by or to be conveyed to The M-NCPPC without the prior written consent of the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond, maintenance and easement agreements shall be required prior to the issuance of grading permits.
6. The applicant shall provide a standard sidewalk along the subject site's entire road frontage of Clymer Drive, unless modified by DPW&T.
 7. Development shall be in conformance with the approved Stormwater Management Concept Plan, 50400-2006-00 and any subsequent revisions. Prior to signature approval of the preliminary plan, the concept number and approval date shall be added to the plan.
 8. Direct vehicular access to US 301/MD 5 shall be prohibited from all lots.
 9. The applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V master plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

PGCPB No. 07-105
File No. 4-06142
Page 4

- A fee calculated as $\$1.24$ per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Make minor widening/stripping improvements to the US 301/MD 5 interchange ramps.
- d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstruct the traffic signal at US 301/MD 381.
- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Provide a grade separation at the point the spine road crosses US 301 northeast of T.B.
- h. Reconstruct the traffic signal at MD 5/Brandywine Road.
- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.

PGCPB No. 07-105
File No. 4-06142
Page 5

- k. Construction of A-63 as a six-lane arterial roadway (where off site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.
 - l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
 - m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
10. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA:
 - a. Along US 301/MD 5 at Clymer Drive, provide dual northbound left-turn lanes.
 - b. Along the Clymer Drive approach (eastbound) to US 301/MD 5, widen to provide a three-lane approach, including a right-turn lane, a shared through/left-turn lane, and an exclusive left-turn lane. The westbound roadway shall be widened to receive two left-turn lanes.
 - c. Along the Chadds Ford Drive approach (eastbound) to US 301/MD 5, widen to provide a four-lane approach, including a right-turn lane, a through lane, and dual exclusive left-turn lanes.
11. Access at the US 301/MD 5 and Albert Drive intersection shall be limited to right-in right-out movements.
12. At the time of final plat approval, the applicant shall indicate dedication of right-of-way of 140 feet from the existing baseline of US 301/MD 5.
13. Total development of the subject property shall be limited to uses that would generate no more than 61 AM and 436 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
14. An automatic fire suppression system shall be provided in all proposed buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
15. Prior to signature approval of the preliminary plan, the septic system serving the existing motel, Maryland Motor Court, at 16001 Crain Highway South must be pumped out by a licensed scavenger on an interim basis. The disposal system shall be abandoned and either removed or backfilled in place at a later date.

PGCPB No. 07-105
File No. 4-06142
Page 6

- 16. Prior to signature approval, the location of the septic system shall be located on the preliminary plan. Once the structures are razed, the abandoned shallow well (behind 301 Liquors) and deep well (behind the vacant two-story stone house) shall be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department at a later date.
- 17. Any abandoned septic tanks associated with 301 Liquors (once vacated) or the vacant two-story stone house must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic systems shall be located on the preliminary plan prior to signature approval.
- 18. A raze permit is required prior to the removal of any existing structures and any hazardous materials located in any of the structures must be properly removed, stored or discarded prior to the structures being razed. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

- 1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
- 2. The subject property is situated on the west side of southbound US 301 (MD 5) and south of its intersection with Clymer Drive.
- 3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone	EXISTING C-M / C-S-C 7.15 / 2.0	PROPOSED C-M/C-S-C 7.15/2.0
Use(s)	Commercial	Commercial / Retail 91,000 square feet
Acreage	9.15	9.15
Lots	0	0
Outparcel	0	0
Parcels	3	7
Public Safety Mitigation Fee		No

PGCPB No. 07-105
File No. 4-06142
Page 7

4. **Subdivision**—The subject property is zoned C-M and C-S-C. The subject application is not proposing any residential development; however, because it is adjacent to residentially zoned property and because different adequate public facility tests exist, and there are considerations for recreational components for residential subdivision, any future consideration for residential development beyond one single-family dwelling should require the approval of a new preliminary plan of subdivision.

5. **Environmental**—The current air photo indicates that approximately 50 percent of the site is wooded. This site contains a stream and 100-year floodplain. The site is located in the Mattawoman Creek watershed in the Potomac River Basin. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. US 301 is an adjacent source of traffic-generated noise. The proposal is not expected to be a noise generator. According to the Prince George's County Soil Survey the principal soils on the site are in the Beltsville, Bibb, Croom and Sassafras series. No Marlboro clay has been identified on this site. The site is in the Developing Tier according to the General Plan. The site contains Regulated Area and Evaluation Area within the network of the Countywide Green Infrastructure Plan.

Master Plan Conformance

The property is located in Planning Area 85A within the Brandywine Community, and is within the limits of the 1993 "Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B". The Master Plan indicates that the western portion of this property should become part of a stream valley park.

Countywide Green Infrastructure Plan

The site contains Regulated Area and Evaluation Area within the network of the Countywide Green Infrastructure Plan. The Regulated Area and contiguous Evaluation Area should be preserved to complete the preservation of the stream valley as accomplished during the review of projects upstream and downstream of the subject property.

A signed Natural Resources Inventory (NRI), NRI/159/06, has been submitted with the application. This site contains a stream and 100-year floodplain. The expanded stream buffers are correctly shown on the NRI, Preliminary Plan and Type I Tree Conservation Plan. The NRI contains a Forest Stand Delineation. The FSD indicates that the woodland on the subject property is of very low quality. The only woodlands on-site that are a priority for preservation are located within the 100-year floodplain.

The plan proposes impacts to the expanded stream buffers. Impacts to these buffers are prohibited by Section 24-130 of the Subdivision Regulations unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113.

PGCPB No. 07-105
File No. 4-06142
Page 8

The design should avoid any impacts to streams, wetlands or their associated buffers unless the impacts are essential for the development as a whole. Staff will not generally support impacts to sensitive environmental features that are not associated with essential development activities. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], street crossings, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare.

A variation request, dated January 9, 2007, was submitted for impacts to significant environmental features to construct a stormwater outfall and connect the proposed development to an existing sanitary sewer. These impacts are the minimum necessary and sufficient to develop the proposed subdivision. Section 24-113 of the Subdivision Regulations contains four required findings [text in bold] to be made before a variation can be granted.

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) **The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormwater management outfall and sanitary sewer connection are required by Prince George's County to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) **The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The specific topography of the site requires the use of the stormwater management outfall shown on the plans to adequately serve the proposed development. The only available existing sanitary sewer that can be utilized to serve this property is wholly within the expanded stream buffer.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of the stormwater management and connection of the sanitary sewer are required by other regulations. Because the applicant will have to obtain permits from

PGCPB No. 07-105
File No. 4-06142
Page 9

other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

- (4) **Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

The topography provides no alternative for the location of the stormwater outfall and connection to sanitary sewer that are required to serve the development. Without the required stormwater management facilities and sanitary sewer connection, the property could not be properly developed in accordance with the C-S-C and C-M zones.

The Environmental Planning Section supports the variation requests for the reasons stated above. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffers, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. A note describing the conservation easements should be placed on the plat. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the US, the applicant should submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

This site is subject to the provisions of the Woodland Conservation Ordinance because the property is more than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A Type I Tree Conservation Plan is required, TCPI/001/07, and has been reviewed. The plan proposes clearing 3.48 acres of the existing 3.60 acres of upland woodland; clearing 0.15 acres of the existing 1.33 acres of woodland within the 100-year floodplain and clearing 0.54 acres offsite. The woodland conservation threshold is 1.17 acres. The worksheet correctly calculates the woodland conservation requirement for this proposal as 3.52 acres. The plan proposes to meet this requirement by providing 0.09 acres of on-site preservation and 3.43 acres of off-site mitigation for a total of 3.52 acres. The proposed on-site woodland preservation area is within the Evaluation Area and contiguous with the Regulated Area depicted on the Countywide Green Infrastructure Plan. A note should be placed on the Final Plat of Subdivision citing the Tree Conservation restrictions.

US 301 is an adjacent source of traffic-generated noise. The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA noise contour is 507 feet from the centerline of US 301. Because the property is zoned C-S-C and C-M, traffic-generated noise from US 301, based upon a predicted average daily traffic of 81,687 vehicles, will not exceed state noise standards.

According to the Prince George's County Soil Survey the principal soils on the site are in the Beltsville, Bibb, Croom and Sassafras series. Bibb soils are in hydrologic group D and have

PGCPB No. 07-105
File No. 4-06142
Page 10

limitations of flood hazard, high water table and poor drainage. Croom soils may present an erosion problem on steep slopes. Sassafras soils pose no special problems for development.

Copies of the Stormwater Management Concept Plan approval letter and plan were not included in the review package. The TCPI shows a proposed underground facility in the southwestern portion of the proposed development area. Prior to signature of the preliminary plan, copies of the Stormwater Management Concept Approval Letter and associated plan should be submitted.

SUMMARY

The Environmental Planning Section supports the variation requests for the impact to sensitive environmental features for the reasons stated in this report and recommends approval of both the Preliminary Plan and TCPI/001/07.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources, dated June 2003, and the property will, therefore, be served by public systems

6. **Community Planning**—This application is not inconsistent with the 2002 General Plan Development Pattern policies for a possible future Center in the Developing Tier. Commercial land use is recommended on the north part of the property; employment-office/light manufacturing/business park land uses are recommended on the south part. The applicant is proposing seven parcels for commercial development. This application conforms to the recommendations of the 1993 *Approved Subregion V Master Plan* for commercial and employment-office/light manufacturing/business park land use.

This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is also in the area identified as a possible future center for Brandywine. The policy for centers is to promote development of mixed-residential and nonresidential uses a moderate-to high-densities and intensities in context with surrounding neighborhoods and with a strong emphasis on transit-oriented design.

7. **Parks**—The staff of the Department of Parks and Recreation has reviewed the above referenced application for conformance with the requirements of the approved Master Plan and Sectional Map Amendment for Planning Area 85A, the Land Preservation and Recreation Program for Prince George's County and current subdivision regulations as they pertain to public parks and recreation. Proposed Parcel L contains 1.4 acres of floodplain as well as an AT&T right-of-way that bisects the western portion of the subject property. This AT&T right-of-way is serving as a master planned trail that currently begins at McKendree Road to the south and terminates at the southern

PGCPB No. 07-105
File No. 4-06142
Page 11

end of the subject property. Future plans call for this trail alignment to extend from the Mattawoman Creek (at the Charles County line) north to the Chaddsford subdivision and beyond. Acquisition of the floodplain in the subject subdivision is integral towards completing this trail alignment. While there are no mandatory dedication requirements for parkland that pertain to commercial property, staff discussed the conveyance of the floodplain to M-NCPPC with the applicant and he is amenable to proffering this land to the commission.

8. **Trails**—The Adopted and Approved Subregion V Master Plan recommends a stream valley trail along the tributary of Timothy Branch that runs through the subject site. This trail has been approved immediately to the south of the subject site within the Rose Creek development. It is approved within the existing AT&T right-of-way. In keeping with this alignment, staff supports the Department of Parks and Recreation recommendation that the floodplain be conveyed to M-NCPPC so that the trail can be extended across the subject site. The AT&T right-of-way is within the floodplain. The subject site links directly to the trail approved in Rose Creek. The Department of Parks and Recreation will construct the trail across the site at a future date when funding is available.
9. **Transportation**—The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated February 2007. The study has been referred to the County Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA), and the comments from both agencies are included in the analysis. Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals”.

Growth Policy—Service Level Standards

The subject property is located within the developing tier, as defined in the General Plan for Prince George’s County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

PGCPB No. 07-105
File No. 4-06142
Page 12

Staff Analysis of Traffic Impacts

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

- US 301/MD 5 and Chadds Ford Drive (signalized)
- US 301/MD 5 and Clymer Drive/Matapeake Business Drive (signalized)

Existing traffic conditions were based on traffic counts taken in September 2006. Existing conditions within the study area are summarized as follows:

EXISTING TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)
US 301/MD 5 and Chadds Ford Drive	1,427	1,603	D F
US 301/MD 5 and Clymer Drive/Matapeake Business Drive	1,419	1,593	D E

The submitted traffic study provides an analysis for assessing the background traffic situation. This study considered the following:

- A 3.0 percent annual growth factor for through traffic along US 301/MD 5. This is slightly higher than has been used by past studies in the area. However, it is consistent with historical data.
- Background development in the area. It should be noted that approximately 6.5 million square feet of approved industrial development within Employment Area C, as defined in the *Subregion V Master Plan*, has expired without recordation, and is not included. It is also noted that the study includes about 2,350 residences in background, while approximately 900 is more appropriate given the size of the study area and the pace of construction that has occurred in recent years. The recently-approved Brandywine Crossing proposal is included as a part of background development for this study.

Background conditions are summarized as follows:

BACKGROUND TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)
US 301/MD 5 and Chadds Ford Drive	2,152	2,108	F F
US 301/MD 5 and Clymer Drive/Matapeake Business Drive	2,051	2,683	F F

PGCPB No. 07-105
 File No. 4-06142
 Page 13

The site is proposed for a retail center of 91,000 square feet. It is important to note that the Guidelines allow 60 percent of site trips to be considered pass-by – or already on the adjacent roadway – for a shopping center of this size. Due to the location, the use of this factor appears to be reasonable. Site trip generation, with consideration of the pass-by factor, is summarized below:

	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
General Retail	91,000 Square feet					
Total Trips	92	59	151	546	546	1,092
Pass-By (60%)	-55	-35	-90	-328	-328	-656
New Trips	37	24	61	218	218	436
TOTAL SITE	37	24	61	218	218	436

Total traffic is summarized below:

TOTAL TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)
US 301/MD 5 and Chadds Ford Drive	2,156	2,157	F F
US 301/MD 5 and Clymer Drive/Matapeake Business Drive	2,090	3,129	F F

In response to the inadequacies at both intersections within the study area, improvements are planned at both intersections and the applicant proposes participation in the Brandywine Road Club. Each of these items is discussed in a little more depth below:

- a. The improvements at both intersections would involve double-left-turn lanes both northbound and southbound, along with the widening of Matapeake Business Drive approaching US 301/MD 5 to provide four westbound lanes (to be implemented coincident with the Brandywine Crossing development) and the widening of Clymer Drive approaching US 301/MD 5 to provide three eastbound lanes (to be made a condition of the subject property. With these improvements in place, the following service levels are obtained:

PGCPB No. 07-105
File No. 4-06142
Page 14

Intersection	Critical Lane Volume/CLV (AM & PM)	
US 301/MD 5 and Chadds Ford Drive	2,064/F	2,108/F
US 301/MD 5 and Clymer Drive/Matapeake Business Drive	1,717/F	2,702/F

- b. The Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:
- (1) The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Ordinance (the section that governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Many properties have been approved with a condition to pay funds toward a Brandywine Road Club, beginning in 1990. But since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county Capital Improvement Program or the state's Consolidated Transportation Program that suggests that needed improvements are funded for construction.
 - (2) Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for the *Subregion V Master Plan*. As a part of that resolution, zoning map amendment A-9878 for Brandywine Village was approved with conditions that allow that particular property to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by "any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek." This has been carefully considered, and it has been determined by staff that the subject property is along the identified section of US 301/MD 5. Therefore, the use of the Brandywine Road Club for this site would appear to be consistent with the intent of the Council Resolution.
 - (3) As noted earlier, the improvements needed to address the adequacy issues noted above would include interchanges north and south of the subject site. There is recognition that the scope and cost of improvements needed would far exceed the ability of an applicant of this size to fund them.

It is noted that the adjacent Brandywine Village retail developments (Preliminary Plans 4-04112 and 4-05130), which are both immediately north of the subject property between Clymer Drive and Chadds Ford Drive, were approved with a condition to pay \$1.24 per square foot (to be inflated) toward the Brandywine Road Club improvements. It is fair that retail space to be

PGCPB No. 07-105
File No. 4-06142
Page 15

constructed within the subject property pay toward the Brandywine Road Club just as the retail development on the adjacent parcels immediately north have been required to do.

For these reasons, it is determined that adequate transportation facilities can only be found if the improvements at the intersections within the study area as proffered and described under (1) above are constructed and there is participation in the Brandywine Road Club.

Comments from DWP&T only indicated that both critical intersections are under SHA jurisdiction. The SHA memorandum includes several comments:

- a. The memorandum questions the use of a 60 percent pass-by rate for this development. The 60 percent rate is suggested in the Planning Board's Guidelines for a retail site of this size, and it should be noted that the fairly high PM peak-hour trip rates for retail space were also used. The pass-by rate has been measured locally; furthermore, it has been suggested that the 60 percent rate is justifiable given the location of this site.
- b. SHA indicates that they concur with the applicant's proposed improvements at US 301/MD 5 and Clymer Drive/Matapeake Business Drive.
- c. SHA does not agree that this applicant should do no improvements at the US 301/MD 5 and Chadds Ford Drive intersection. Specifically, SHA recommends that this applicant provide widening on the eastbound Chadds Ford Drive approach to the intersection to provide two left-turn lanes, a through lane, and a right-turn lane. This would mirror the configuration of the approach roadway on the east side of US 301/MD 5 (being built to serve Brandywine Crossing) and would improve safety by providing a balanced intersection design. Aside from that, it would offset any impact by the subject property on this intersection.

Plan Comments

US 301/MD 5 is a master plan freeway facility. The Subregion V Master Plan indicates a transition of MD 5 onto a relocated section across the subject site. The right-of-way for this proposal would have consumed virtually all of the three parcels proposed across the front of the site. The submitted plan did not recognize the right-of-way in the least and suggests no action regarding it. As a matter of course, letters to the implementing agencies regarding potential reservation were prepared and sent. In response, SHA indicated that ultimate plans for the adjacent section of US 301/MD 5 involve full future access controls and widening of the existing roadway. SHA identified a line for the ultimate right-of-way at 170 feet from the existing baseline for US 301/MD 5. Therefore, the plan must be modified to show this right-of-way as dedication. This area is approximately 15 percent of the area of dedication proposed by the master plan; this reduced dedication is appropriate given the State's ultimate plans for the US 301 corridor.

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

PGCPB No. 07-105
File No. 4-06142
Page 16

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

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

10. **Fire and Rescue**—The Historic Preservation & Public Facilities Planning Section has reviewed this commercial subdivision plan application for 9.15 acres in the C-M and C-S-C Zones for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01 (e)(1)(B)-(E) of the Subdivision Ordinance. The existing engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 4.25 minutes, which is beyond the 3.25-minute travel time guideline. The existing paramedic service at Brandywine Road Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 4.25 minutes, which is within the 7.25-minute travel time guideline. The existing ladder truck service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road has a service travel time of 9.90 minutes, which is beyond the 4.25-minute travel time guideline. However, if a ladder truck was assigned to Brandywine, Company 40 located at 14201 Brandywine Road, which is 4.25 minutes from the development then the project would be within the recommended travel time for ladder truck service. (An operational decision to locate this service at that facility would need to be made by the county fire department).

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system should be provided in all new buildings proposed in this preliminary plan unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The above findings are in conformance with the *Approved Public Safety Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

11. **Police Facilities**—The proposed development is within the service area for Police District V, Clinton. The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The plan includes planning guidelines for police and they are:

Station space per capita: 141 square feet per 1,000 residents

PGCPB No. 07-105
 File No. 4-06142
 Page 17

The police facilities test is performed on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the guideline of 141 square feet per 1,000 residents, 116,398 square feet of space for police is needed. The current amount of space, 267,660 square feet, is above the guideline.

12. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations, CB-30-2003, and CR-23-2003 and concluded the above subdivision is exempt from a schools review because it is a commercial use.
13. **Health Department**—The Health Department reviewed the subject application. The septic system serving the exiting motel, Maryland Motor Court, at 16001 Crain Highway South is overflowing, creating a nuisance and a health hazard, and must be pumped out by a licensed scavenger on an interim basis until the disposal system is abandoned and either removed or backfilled in place. The location of the septic system should be located on the preliminary plan. Once the structures are razed, the abandoned shallow well (behind 301 Liquors) and deep well (behind the vacant two-story stone house) backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department. Any abandoned septic tanks associated with 301 Liquors (once vacated) or the vacant two-story stone house must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic systems should be located on the preliminary plan. A raze permit is required prior to the removal of any existing structures and any hazardous materials located in any of the structures must be properly removed, stored or discarded prior to the structures being razed. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits.
14. **Stormwater Management**—Stormwater Management Concept Plan 50400-2006-00 was approved with conditions. Development of the site must be in accordance with this approved plan.
15. **Public Utilities Easement** —The applicant has shown the ten-foot public utilities easement on the preliminary plan as requested.
16. **Archeology**— A Phase I archeological survey is not recommended on the subject 9.15-acre property. 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. An examination of aerial photographs indicates that most of the property has been graded and disturbed by modern construction. An archeological survey on the property just to the north of the subject property exhibited many areas of modern disturbance and no archeological sites were identified. However, the applicant should be aware that there are four archeological sites, 18PR416, 18PR542, 18PR543, and 18PR601, within a one-mile radius of the subject property. Site 18PR416 is the location of Pheasant's Thicket, a late eighteenth or early nineteenth century plantation belonging to the Robinson family and is situated about 780 feet north of the subject property. The Robinson family owned a number of slaves. Part of the subject

PGCPB No. 07-105
File No. 4-06142
Page 18

property was at one time part of the Pheasant's Thicket plantation. Also, a tributary of Timothy Branch, which is a tributary to Mattawoman Creek, runs along the western edge of the subject property.

Moreover, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies or federal permits are required for a project.

- 17. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Eley and Parker voting in favor of the motion at its regular meeting held on Thursday, May 10, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of June 2007.

R. Bruce Crawford
Executive Director

Frances J. Guertin
By Frances J. Guertin
Planning Board Administrator

RBC:FJG:IT:bjs

APPROVED AS TO LEGAL SUFFICIENCY.
[Signature]
M-NCPPO Legal Department
Date 5/30/07

EXHIBIT'S LIST

Regular Planning Board Meeting

APRIL 2, 2020

Exhibits Transmitted to Development Review Division

AGENDA ITEM #6 – DEPARTURE FROM DESIGN STANDARDS

DDS-661 CHIC-FIL-A BRANDYWINE

The following exhibits were accepted and entered into the record:

NO exhibits

MARIE PROCTOR

SIGN AND DATE

APRIL 2, 2020