



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

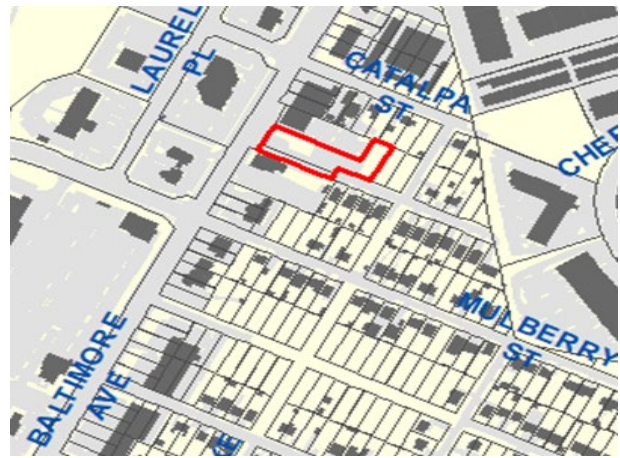
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Detailed Site Plan Remand Hearing Behnke Property 7-Eleven

DSP-20029

REQUEST	STAFF RECOMMENDATION
Remand Hearing	APPROVAL with conditions

Location: On the west side of US 1 (Baltimore Avenue) south of its intersection with Howard Avenue.	
Gross Acreage:	1.89
Zone:	C-M
Dwelling Units:	N/A
Gross Floor Area:	4,500 sq. ft.
Planning Area:	61
Council District:	01
Election District:	01
Municipality:	N/A
200-Scale Base Map:	214NE05
Applicant/Address: Root 1, LLC, ETAL 4416 East West Highway, 4th Floor Bethesda, MD 20814	
Staff Reviewer: Adam Bossi Phone Number: 301-780-8116 Email: Adam.Bossi@ppd.mncppc.org	



Planning Board Date:	07/22/2021
Planning Board Action Limit:	07/26/2021
Memorandum Date:	07/06/2021
Date Received:	05/27/2021
Persons of Record Mailing:	06/22/2021
Sign Posting:	06/22/2021

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.

July 6, 2021

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: William Capers, Supervisor, Urban Design Section, Development Review Division

FROM: Jill Kosack, Master Planner, Urban Design Section *JSK*
Adam Bossi, Planner Coordinator, Urban Design Section *AB*
Development Review Division

SUBJECT: Detailed Site Plan DSP-20029 (Remanded)
Behnke Property 7-Eleven

BACKGROUND

Detailed Site Plan DSP-20029 was approved by the Prince George's County Planning Board on February 4, 2021, and a final resolution was adopted on March 4, 2021 (PGCPB Resolution No. 2021-21). The Prince George's County District Council elected to review this application on April 7, 2021. The District Council conducted oral arguments on May 10, 2021, and remanded the DSP back to the Planning Board for further consideration on May 24, 2021. The Order of Remand was transmitted to the Planning Board on May 27, 2021. The Order of Remand, which was received on June 17, 2021, requires the Planning Board to reopen the record to take further testimony or evidence from the applicant to address issues not required for the approval of a DSP through the submission of a revised site plan addressing eight specific issues. The revised site plan and additional statements of justification were received on June 17 and June 24, 2021.

The subject DSP was originally filed by the applicant, in accordance with Section 27-282 of the Prince George's County Zoning Ordinance, to request approval of a 4,500-square-foot food and beverage store and a gas station with eight multiproduct dispensers, on 1.89 acres in the Commercial Miscellaneous (C-M) Zone.

PLANNING BOARD FINDINGS AND APPROVAL OF DSP-20029

In order to approve a DSP, the Planning Board must make four required findings in Section 27-285(b) of the Zoning Ordinance. Those findings are as follows:

- (1) 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. If it cannot make these findings, the Planning Board may disapprove the Plan.**
- (2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).**
- (3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**
- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

On February 4, 2021, the Planning Board took testimony and reviewed evidence regarding DSP-20029. In approving DSP-20029, the Planning Board determined that the application represented a reasonable alternative for satisfying the site design guidelines and that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Prince George's County Subdivision Regulations. (See Findings 6, 12 and 13, PGCPB Resolution No. 2021-21.)

In addition to the findings required for approval of a DSP, the commercial use table in Section 27-461(b) of the Zoning Ordinance also requires gas stations, which are permitted uses in the C-M Zone, to comply with certain specific criteria for approving a special exception use for a gas station, namely, Section 27-358(a)(1), (2), (4), (5), (6), (7), (8), (9), and (10) of the Zoning Ordinance, which read as follows:

- (1) The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;**
- (2) The subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, or hospital is located;**

* * *

- (4) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;**
- (5) Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Permitting, Inspections, and**

Enforcement, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot;

- (6) Access driveways shall be defined by curbing;**
- (7) A sidewalk at least five (5) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;**
- (8) Gasoline pumps and other service appliances shall be located at least twenty-five (25) feet behind the street line;**
- (9) Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.**
- (10) Details on architectural elements such as elevation depictions of each facade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.**

In approving DSP-20029, the Planning Board concluded that the application also satisfied those criteria. (See Finding 7, PGCPB Resolution No. 2021-21.)

In addition, the Planning Board also found DSP-20029 to be in conformance with the requirements of the applicable Preliminary Plan of Subdivision 4-85102, the 2010 *Prince George's County Landscape Manual*, the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, and the Prince George's County Tree Canopy Coverage Ordinance. The Planning Board also reviewed evaluations of DSP-20029 conducted by the Community Planning, Transportation Planning, Trails, Permits, Subdivision, and Historic Preservation Sections within the Planning Department, as well as any and all comments received from the Prince George's County Fire Department, the Prince George's County Department of Permitting, Inspections and Enforcement, the Prince George's County Police Department, the Prince George's County Health Department, the Maryland State Highway Association, and Washington Suburban Sanitary Commission. (See Findings 8, 9, 10, and 11, PGCPB Resolution No. 2021-21.)

As a result of the foregoing, the Planning Board’s approval of DSP-20029 complies with all requirements of law.

ORDER OF REMAND FINDINGS

Within the Order of Remand, the District Council ordered the Planning Board “to take further testimony or reconsideration of its decision” on eight specific issues. Relying on its conclusion that “the evaluation criteria of a detailed site plan include, among other things, how the development implements or is in accordance with purposes” of Subtitle 27 of the Prince George’s County Code and the “purposes” of the Commercial Zones, the District Council required the applicant to address on remand how the application “implements or is in accordance with” with those purposes, along with the 2014 Plan Prince George’s 2035 Approved General Plan (Plan 2035) and the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion I (Planning Area 60, 61, 62, and 64)* (Subregion I Master Plan). The District Council, however, did not ask the Planning Board to reconsider its findings made with respect to Section 27-285(b) or its analysis regarding the additional criteria set forth in Section 27-358(a)(1), (2), (4), (5), (6), (7), (8), (9), and (10) added by the commercial use table.

In evaluating an application for a DSP, the Planning Board may consider the “purposes” set forth in various sections of the Zoning Ordinance under certain circumstances; however, neither the Zoning Ordinance nor case law requires it to do so. *Cf. Pomeranc-Burke, LLC v. Wicomico Env’t Tr., Ltd.*, 197 Md. App. 714, 750 (2011) (“Our reading is that the Board considered the purposes of the applicable ordinances and consistency with the relevant Plan provisions in interpreting and applying the cluster development ordinances in their entirety. It had the power to do so as long as it did not violate specific legislative requirements.”). Furthermore, the Court of Appeals has consistently said that “[p]roposals for land use contained in a plan constitute a non-binding advisory recommendation, unless a relevant ordinance or regulation, or specific zoning, subdivision, or other land use approval, make compliance with the plan recommendations mandatory.” *Cty. Council of Prince George’s Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 522 (2015). Here, at this stage of development approvals—that is, a DSP—there is no law, regulation, or approval that makes compliance with either Plan 2035 or the Subregion I Master Plan mandatory.

Although the Order of Remand requires the Planning Board to reopen the record and take further testimony or evidence on matters not required for the approval of a DSP, the applicant has provided a revised site plan and additional evidence on the District Council’s eight issues as listed in **BOLD**, followed by Staff’s analysis:

1. The development implements the 15 purposes of Subtitle 27.

As previously stated, an application for a DSP is not legally required to demonstrate that it implements or is in accordance with the purposes of Subtitle 27. That notwithstanding, the proposed gas station and food and beverage store will provide modern stormwater management, upgraded landscaping, a convenient commercial use, safe vehicular entrances, reuse of an existing developed site with adequate public facilities, all of which encourage economic development, orderly growth, implementation of Plan 2035 goals, and protect the safety and welfare of inhabitants of the County. The applicant provides extensive detailed discussion of each specific purpose in their “Land Planning Analysis” dated June 24, 2021, which is incorporated herein by reference.

2. The development implements the purposes of the Commercial Zones.

As previously stated, an application for a DSP is not legally required to demonstrate that it implements or is in accordance with the purposes of the Commercial Zones. That notwithstanding, the proposed gas station and food and beverage store will provide another service commercial use within a corridor that includes a mix of retail and service uses, a landscape buffer to protect adjacent properties, full cut-off light fixtures, and a reuse of a vacant commercial site to increase the stability of the area. The applicant provides extensive detailed discussion of each specific purpose in their “Land Planning Analysis” dated June 24, 2021, which is incorporated herein by reference.

3. The development is in accordance with the principles for the orderly, planned, efficient and economical development contained in Plan 2035, and the 2010 Subregion I Master Plan, including the Vision for Focus Area 1 and relevant goals, policies and strategies for Focus Area 1.

As previously stated, an application for a DSP is not legally required to address whether the development is in accordance with the principles for the orderly, planned, efficient and economical development contained in Plan 2035, and the 2010 Subregion I Master Plan, including the Vision for Focus Area 1 and relevant goals, policies, and strategies for Focus Area 1. That notwithstanding, the applicant provides extensive detailed discussion of the relevant principles, goals, policies, and strategies in their Land Planning Analysis, dated June 24, 2021, which is incorporated herein by reference.

4. The development provides for a sidewalk along with the entire southern frontage of the subject property.

The revised site plan shows a 5-foot-wide sidewalk along the property’s southern frontage of the access easement, which will be installed at the time of future development of the access road. Staff finds the revised site plan is in conformance with this requirement.

5. The development provides for a monument sign instead of a freestanding sign. Planning Board shall evaluate the monument sign location and size.

The revised site plan indicates that a 12-foot-high, 100-square-foot monument sign is now proposed at the northeast corner of the site, adjacent to the intersection of US 1 and Howard Avenue, but outside of the public utility easement. This is in conformance with the requirement of this point of remand and with the provisions of the Zoning Ordinance, as shown on the DSP.

6. The development provides for fill-in planting areas at the northeast corner, and along the US 1 frontage, and the southeast boundary of the property. The goal of filling-in these planting areas is to screen the fuel pumps as effectively as possible. Shrubs along the US 1 frontage should be 4-6 foot-high and maintained at that height.

The revised site plan provides additional plantings (approximately 18 shrubs) at the northeast corner, along US 1, and at the southeast boundary of the site. A solid hedge of shrubs, which will be 4–6 feet high at full growth, is proposed along the US 1 and Howard Avenue frontages, in addition to the required shade trees. Staff finds the revised site plan is in conformance with this requirement.

7. **The development facilitates smart growth along US 1 with the installation of an Electrical Vehicle Charging Device (EVCD). A space containing an EVCD shall be designated as exclusively for use by electric cars and the space shall be created as one of the reserved spaces on the premises.**

The revised site plan proposes one electric vehicle charging device in a parking space, designated for electric vehicles, south of the building, in conformance with this requirement.

8. **The development relocates the trash dumpster at least 25 feet from the west property boundary.**

The revised site plan indicates that the dumpster enclosure has been relocated 25 feet away from the western boundary line, in conformance with this requirement.

RECOMMENDATION

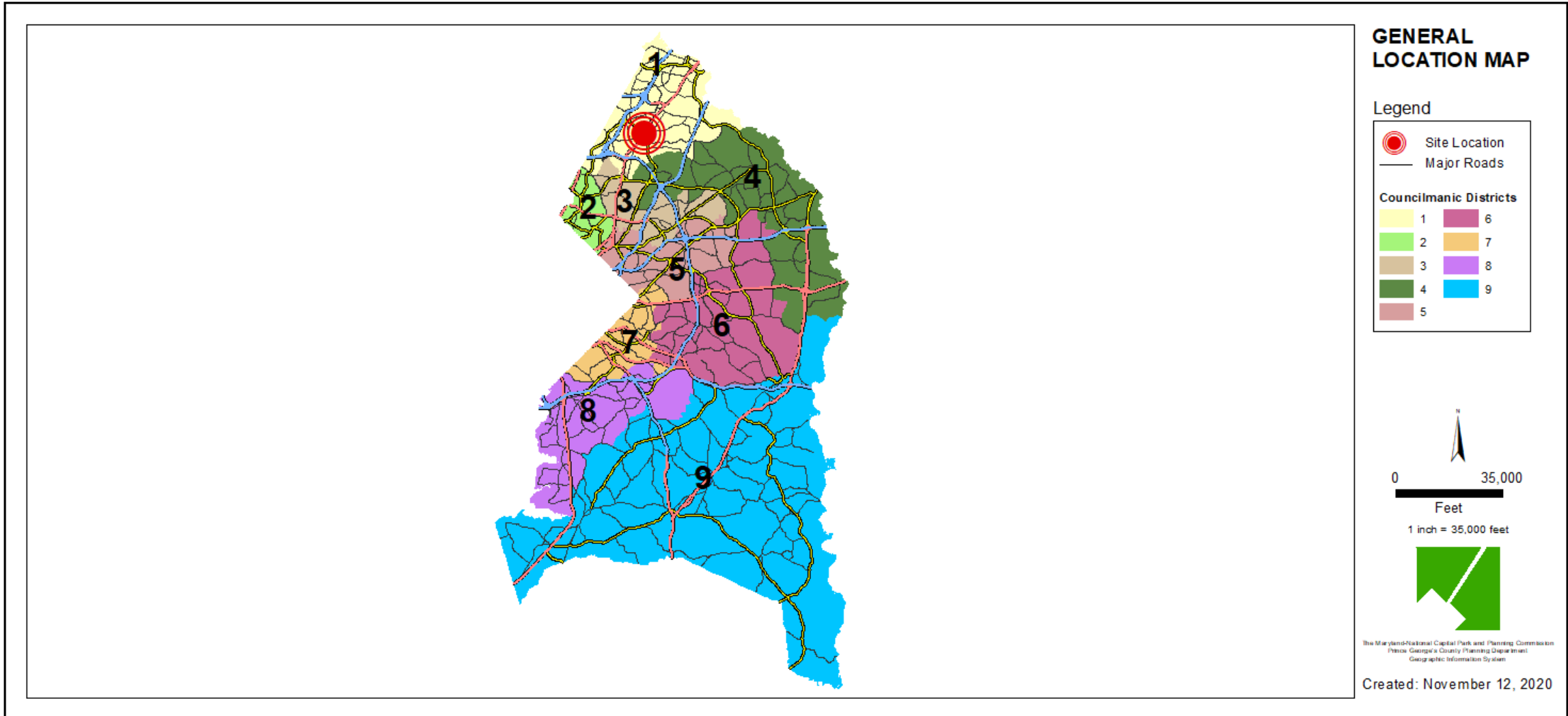
While the Planning Board's approval of Detailed Site Plan DSP-20029 by PGCPB Resolution No. 2021-21, complied with the requirements of law, based on the forgoing supplemental evaluation and analysis, the Urban Design Section finds the applicant has satisfactorily addressed the eight specific issues subject of this Order of Remand and recommends the Planning Board approve an amendment to PGCPB Resolution No. 2021-21.

ITEM: 6

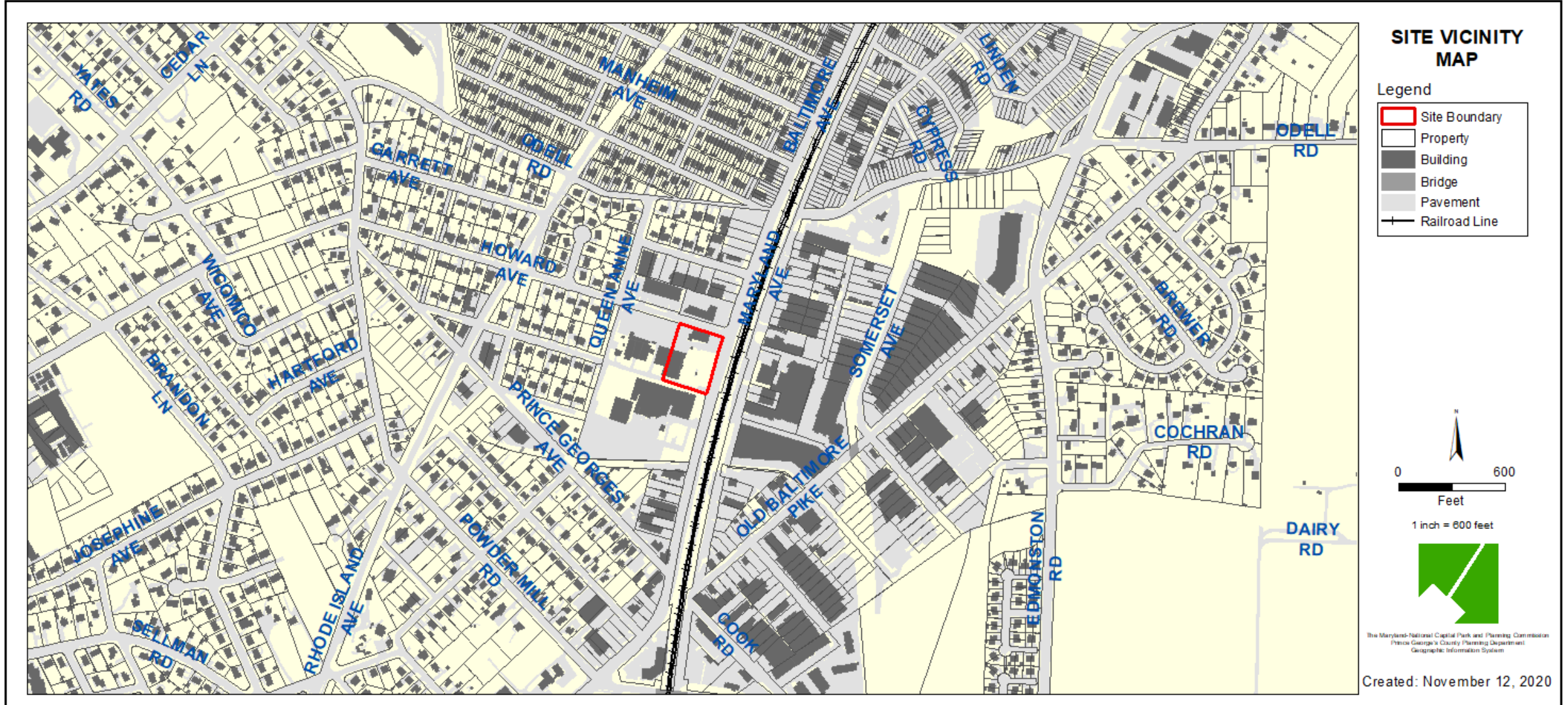
CASE: DSP-20029 REMAND

**REMAND - 7-ELEVEN
BEHNKE PROPERTY**

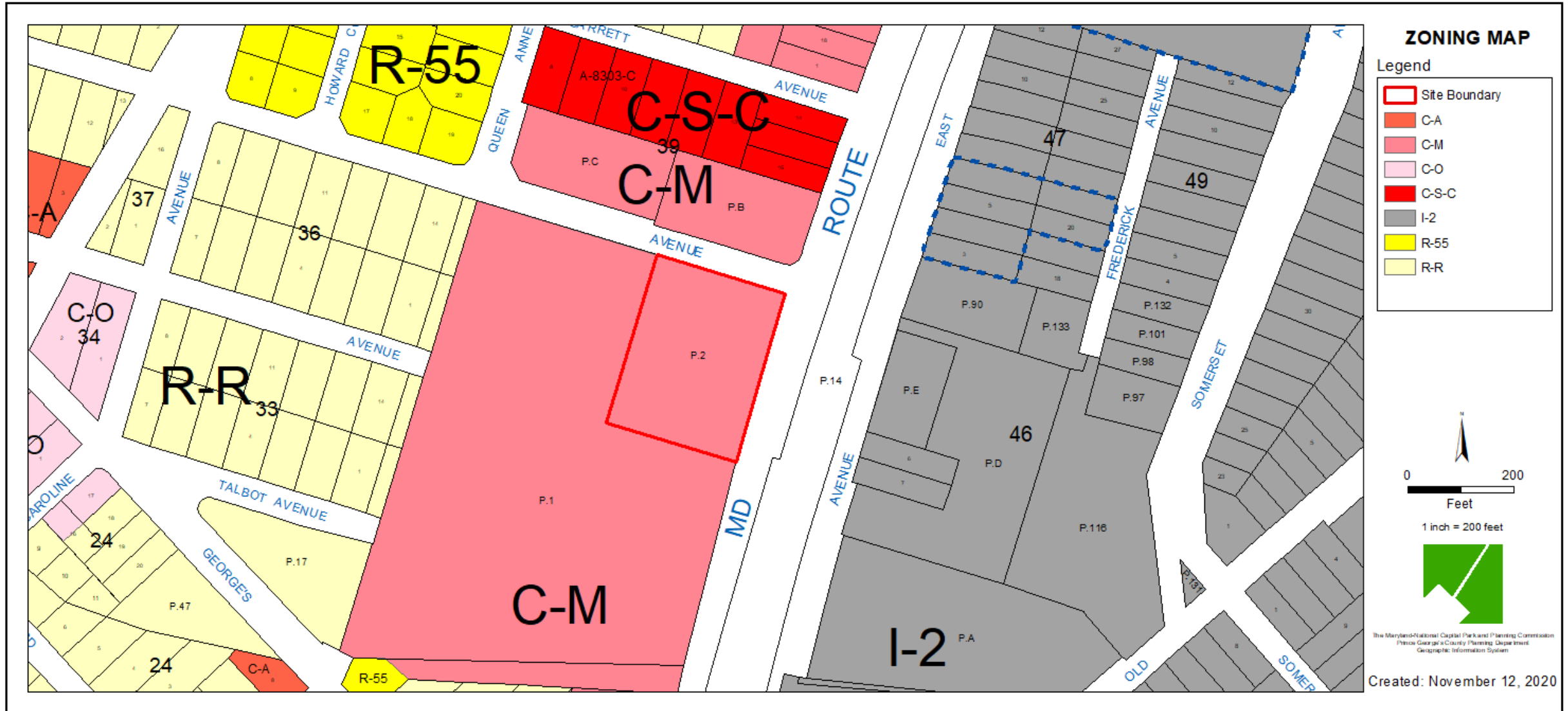
GENERAL LOCATION MAP



SITE VICINITY



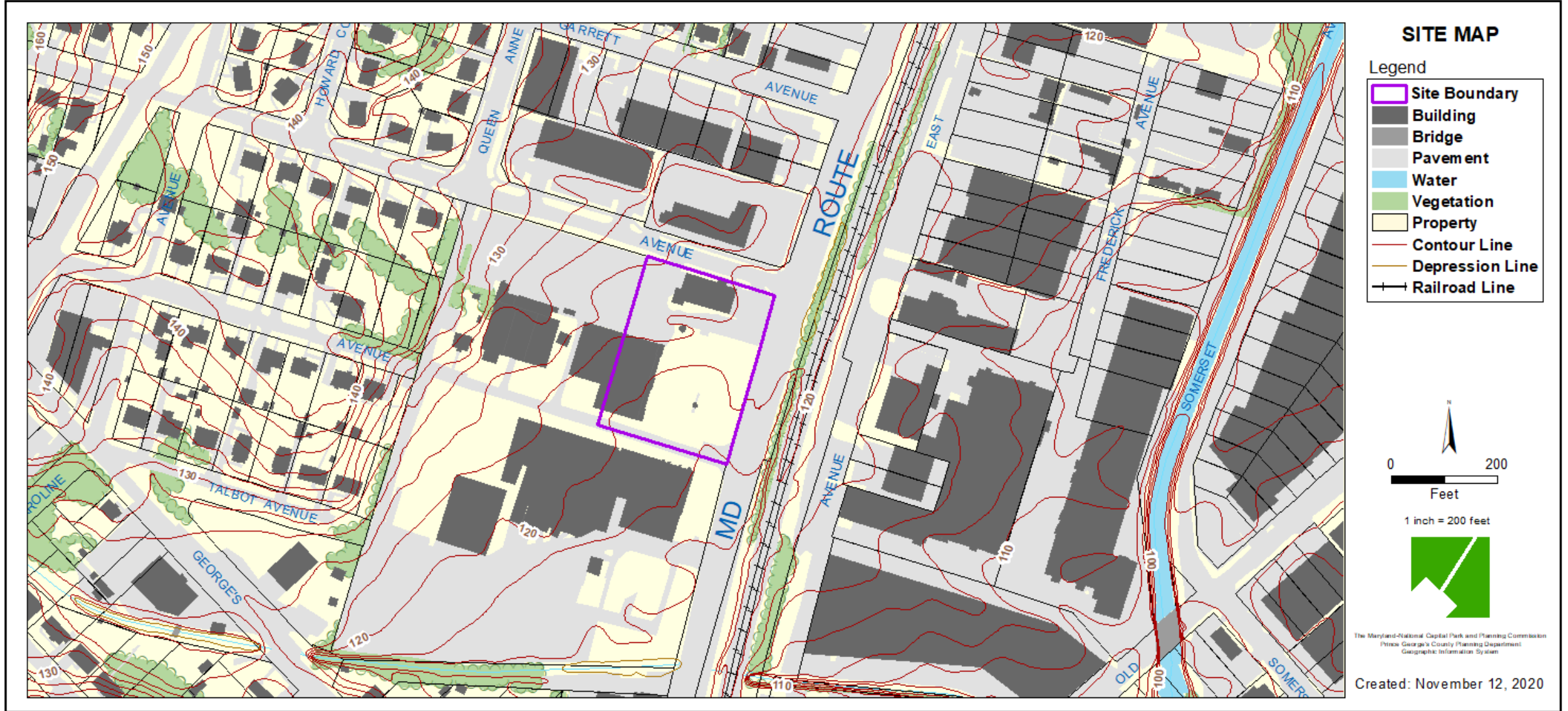
ZONING MAP



AERIAL MAP



SITE MAP



MASTER PLAN RIGHT-OF-WAY MAP



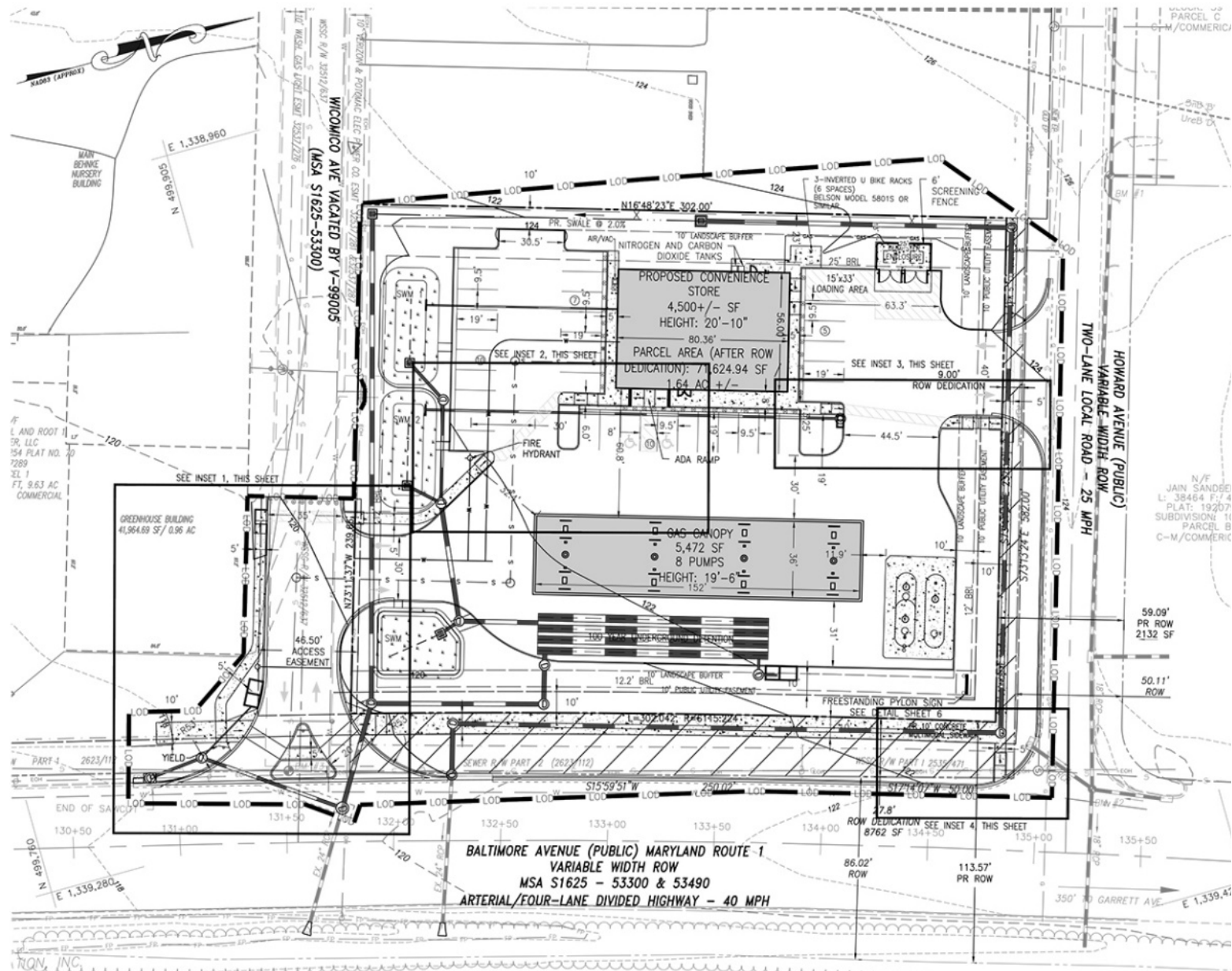
BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



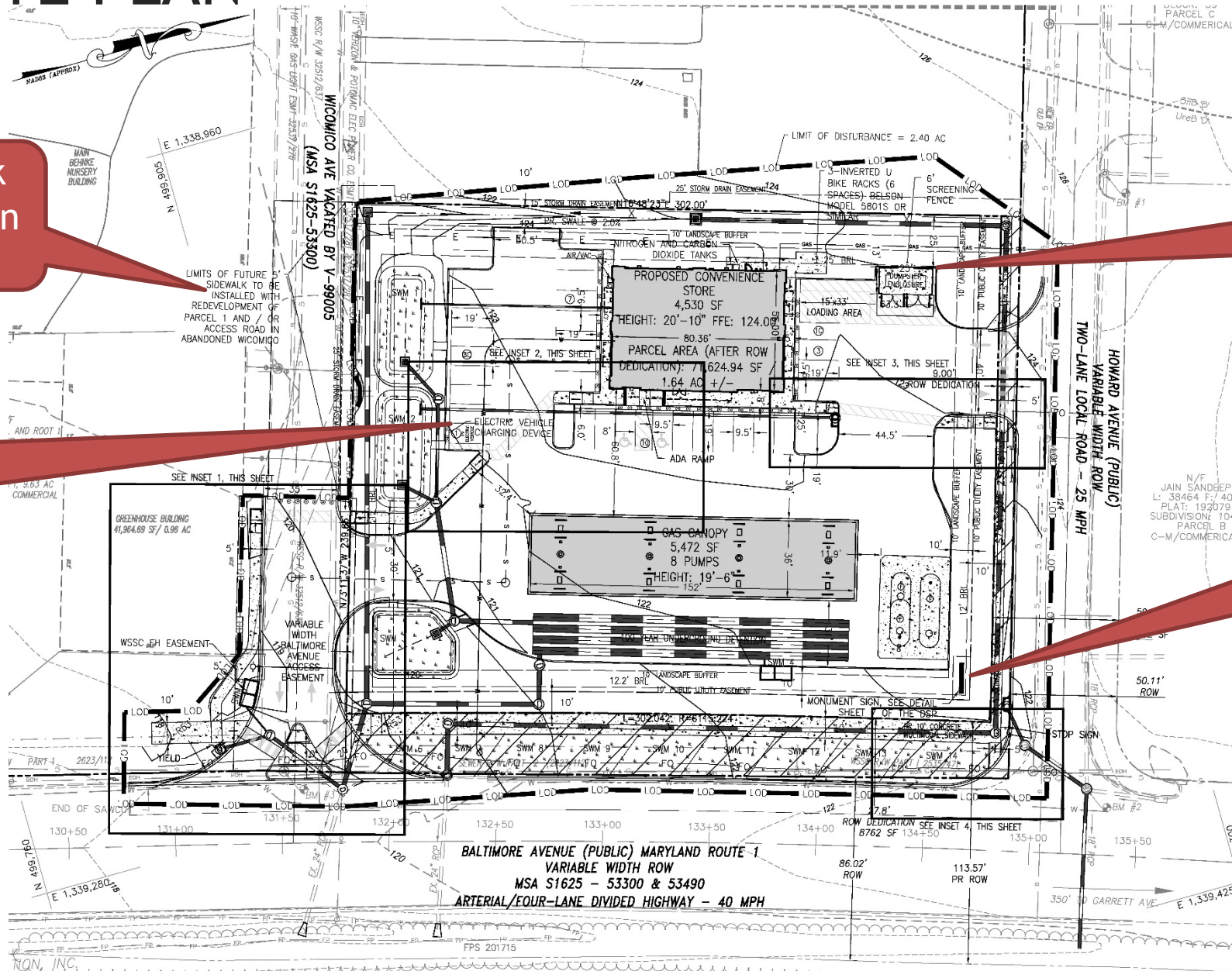
POINTS OF REMAND

- 1. The development implements the 15 purposes of Subtitle 27.**
- 2. The development implements the purposes of the Commercial Zones.**
- 3. The development is in accordance with the principles for the orderly, planned, efficient and economical development contained in Plan 2035, and the 2010 Subregion I Master Plan, including the Vision for Focus Area 1 and relevant goals, policies and strategies for Focus Area 1.**
- 4. The development provides for a sidewalk along with the entire southern frontage of the subject property.**
- 5. The development provides for a monument sign instead of a freestanding sign. Planning Board shall evaluate the monument sign location and size.**
- 6. The development provides for fill-in planting areas at the northeast corner, and along the US 1 frontage, and the southeast boundary of the property. The goal of filling-in these planting areas is to screen the fuel pumps as effectively as possible. Shrubs along the US 1 frontage should be 4-6 foot-high and maintained at that height.**
- 7. The development facilitates smart growth along US 1 with the installation of an Electrical Vehicle Charging Device (EVCD). A space containing an EVCD shall be designated as exclusively for use by electric cars and the space shall be created as one of the reserved spaces on the premises.**
- 8. The development relocates the trash dumpster at least 25 feet from the west property boundary.**

ORIGINAL SITE PLAN



REVISED SITE PLAN



#4 - sidewalk along southern frontage

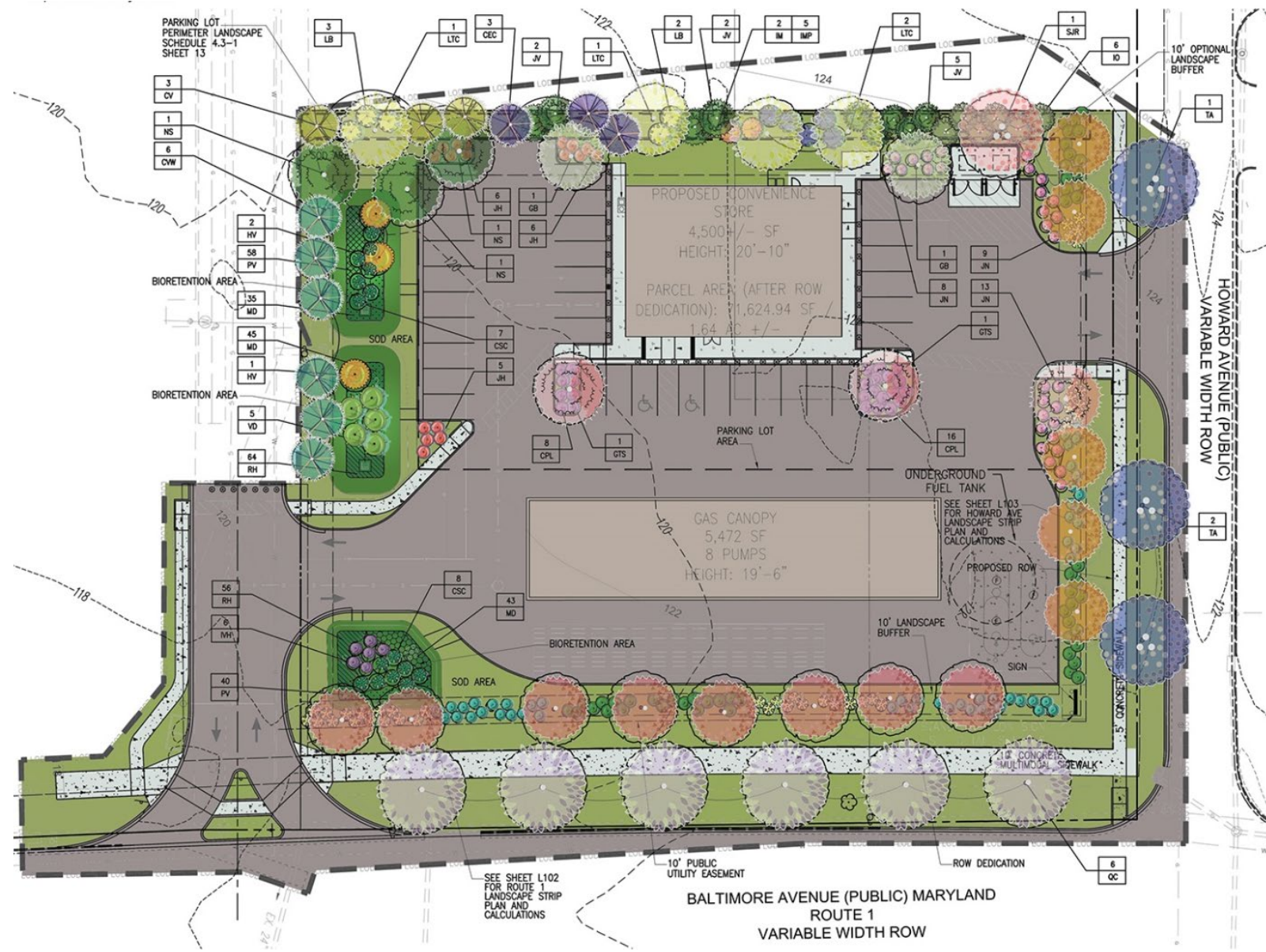
#8 - 25-foot setback to dumpster

#7 - Electric Vehicle Charging Device

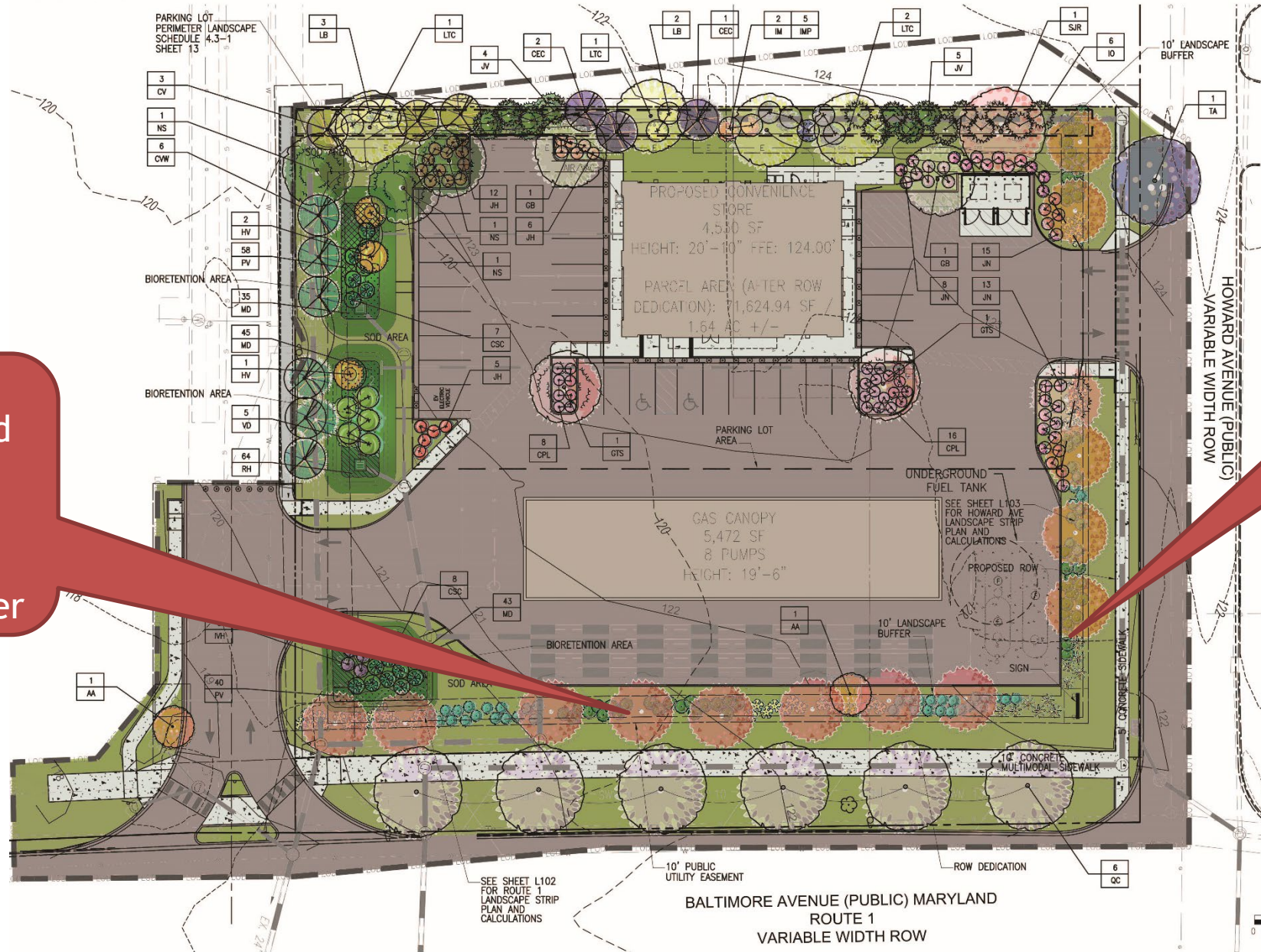
#5 - monument sign location



ORIGINAL LANDSCAPE PLAN



REVISED LANDSCAPE PLAN



#6 - six additional, and taller shrubs along US 1 frontage and southeast corner

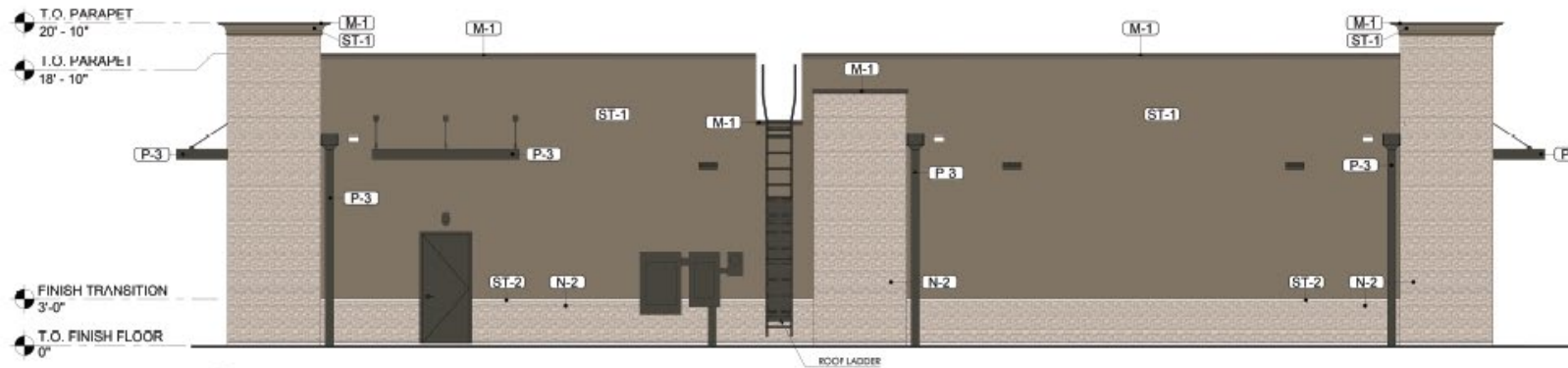
#6 - five additional, and taller shrubs at northeast corner

ELEVATION

ITEM	DESCRIPTION	PATTERN
	ACM ALUMINUM COMPOSITE MATERIAL FASCIA - WHITE	
M-1	24 GAUGE GALV. SHEET METAL COPING CAP, SLOPE 1/4" PER FOOT, PRE-FINISHED TO MATCH CANOPIES & OTHER METAL WORKS (SW 7048 "URBAN BRONZE") - OR SIMILAR	
P-3	PRE-FINISHED SHEET METAL DOWNSPOUT SYSTEM & PRE-FABRICATE AWNINGS TO MATCH CANOPIES & OTHER METAL WORKS (SW 7048 "URBAN BRONZE") - OR SIMILAR	
ST-1	DRYVIT (OR EQUAL) - EIFS - "SW7040 SMOKEHOUSE" - OR SIMILAR	
N-2	STONE VENEER - NICHHA - LEDGESTONE KURASTONE - "LEDGESTONE BLUFF" - OR SIMILAR	
S-1	KAWNEER, "DARK BRONZE" ALUMINUM STOREFRONT FRAME - 1" INSULATED CLEAR GLAZING BY OLDCASTLE OR EQUAL - OR SIMILAR	
ST-2	PRE-CAST CONCRETE SILL	



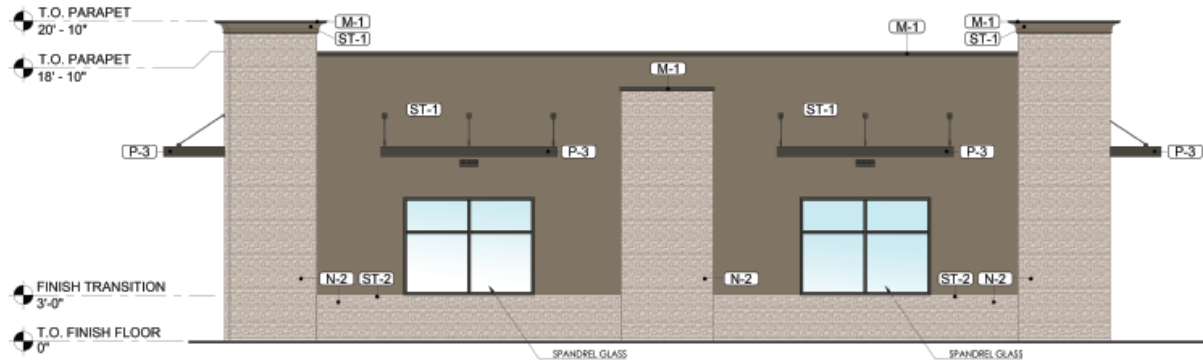
2 EAST ELEVATION
RBE-1 SCALE: 1/4" = 1'-0"



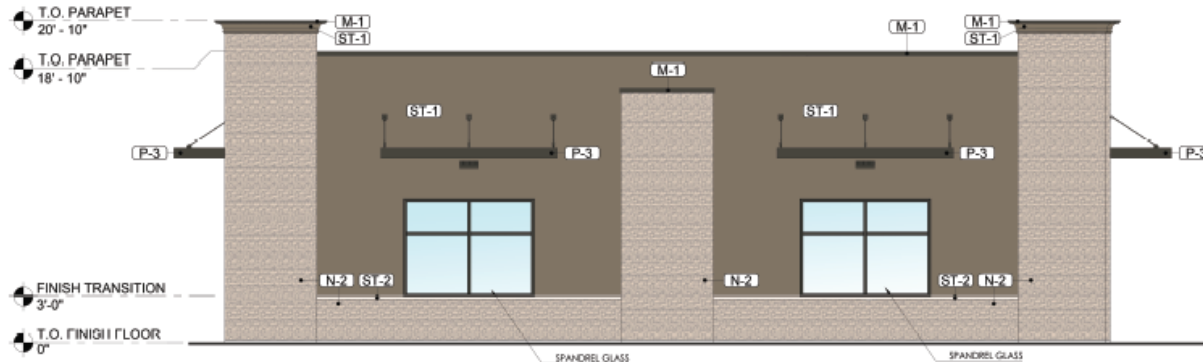
1 WEST ELEVATION
RBE-1 SCALE: 1/4" = 1'-0"



ELEVATION



2 NORTH ELEVATION
RBE-2 SCALE: 1/4" = 1'-0"



1 SOUTH ELEVATION
RBE-2 SCALE: 1/4" = 1'-0"

EXTERIOR FINISH SCHEDULE		
ITEM	DESCRIPTION	PATTERN
ACM	ALUMINUM COMPOSITE MATERIAL FASCIA - WHITE	
M-1	24 GAUGE GALV. SHEET METAL COPING CAP, SLOPE $\frac{3}{4}$ " PER FOOT, PRE-FINISHED TO MATCH CANOPIES & OTHER METAL WORKS (SW 7048 "URBAN BRONZE") - OR SIMILAR	
P-3	PRE-FINISHED SHEET METAL DOWNSPOUT SYSTEM & PRE-FABRICATE AWNINGS TO MATCH CANOPIES & OTHER METAL WORKS (SW 7048 "URBAN BRONZE") - OR SIMILAR	
ST-1	DRYVIT (OR EQUAL) - EIFS - "SW7040 SMOKEHOUSE" - OR SIMILAR	
N-2	STONE VENEER - NICHHA - LEDGESTONE KURASTONE - "LEDGESTONE BLUFF" - OR SIMILAR	
S-1	KAWNEER, "DARK BRONZE" ALUMINUM STOREFRONT FRAME - 1" INSULATED CLEAR GLAZING BY OLDCASTLE OR EQUAL - OR SIMILAR	
ST-2	PRE-CAST CONCRETE SILL	



5 FRONT DUMPSTER ENCL. ELEVATION
RBE-2 SCALE: 1/4" = 1'-0"



4 REAR DUMPSTER ENCL. ELEVATION
RBE-2 SCALE: 1/4" = 1'-0"



3 SIDE DUMPSTER ENCL. ELEVATION
RBE-2 SCALE: 1/4" = 1'-0"



ORIGINAL GAS CANOPY AND SIGNAGE

WEST (FACING STORE)

EAST

PYLON SIGN
N.T.S.

GAS CANOPY SIGN
N.T.S.

DIRECTIONAL SIGN
N.T.S.

REVISION

NO.	DATE	DESCRIPTION
1	09/25/2020	PER COUNTY COMMENTS
2	10/19/2020	PER COUNTY COMMENTS

CLIENT
Roue 1 Manager, LLC
1410 East West Highway
Baltimore, MD 21204

ATCS
1900 MEDICAL CENTER DRIVE, SUITE 370
LARGO, MARYLAND 20774
HENRIKSON, BALTIMORE, BLACKSBORO
LARGO - NEWPORT NEWS - FALLS CHURCH
WWW.ATCSFAC.COM

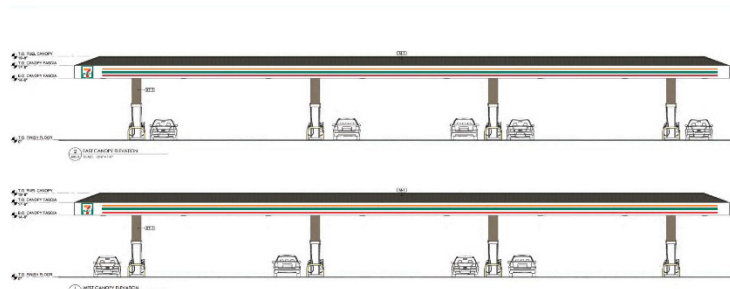
DETAILED SITE PLAN
SIGNAGE DETAILS
BEHNKE PROPERTY
TAX MAP: 19 GRD. B1 ZONE: C-M
PARCEL 2
LOCATION: BALTIMORE
11100 BALTIMORE BLVD
PRINCE GEORGES COUNTY, MARYLAND 20706

AUTHOR: ZME
CHECK: VJ
PROGRAM: 02/2005
DATE: 06/18/2020
SCALE: NOT TO SCALE

SHEET
SIGNAGE
DETAILS
SHEET: 7 OF 18



REVISED SIGNAGE

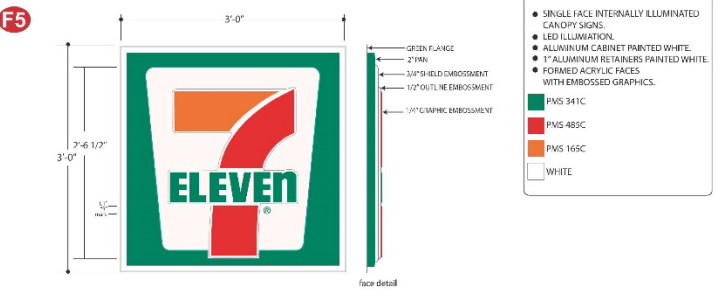


F5

- SINGLE FACE INTERNALLY ILLUMINATED CANOPY SIGNS.
- LED ILLUMINATION.
- ALUMINUM CABINET PAINTED WHITE.
- 1" ALUMINUM RETAINERS PAINTED WHITE.
- FORMED ACRYLIC FACES WITH EMBOSSED GRAPHICS.

- PMS 341C
- PMS 485C
- PMS 165C
- WHITE

Display Square Footage (Cabinets: 9)



F5

- DOUBLE FACE INTERNALLY ILLUMINATED MONUMENT SIGN.
- LED ILLUMINATION.
- 1\" data-bbox="450 510 730 850"/>

PROPOSED: 100 SQ. FT. ALLOWED: 161 SQ. FT.

BASE TO MATCH BUILDING. DONE BY OTHERS.

12' OAH

7'-1 3/8"

7'-1 3/8"

7'-6 1/2"

1'-6 1/2"

REGULAR UNLEADED

DIESEL

3.99

3.99

PROPOSED: 3 SQ. FT.

D

3'-0" OAH

1'-6"

1'-6"

6"

4.25"

2'-0"

Enter

→

PROPOSED: 3 SQ. FT.

DF NON-ILLUMINATED DIRECTIONAL SIGNS:
FACES: FLAT ACRYLIC WITH FLAT GRAPHICS
CABINET: FABRICATED ALUMINUM & RETAINERS PAINTED BRONZE

NON-ILLUMINATED

- 3M 3630-26
- WHITE
- BRONZE

M

PROPOSED: 100 SQ. FT. ALLOWED: 161 SQ. FT.

BASE TO MATCH BUILDING. DONE BY OTHERS.

12' OAH

7'-1 3/8"

7'-1 3/8"

7'-6 1/2"

1'-6 1/2"

REGULAR UNLEADED

DIESEL

3.99

3.99

PROPOSED: 3 SQ. FT.

SUBMISSION		REVISION	
NO.	DATE	NO.	DESCRIPTION
1	07/20/2021	1	PER COUNTY COMMENTS
2	07/20/2021	2	PER COUNTY COMMENTS
3	07/20/2021	3	PER COUNTY COMMENTS
4	07/20/2021	4	PER COUNTY COMMENTS

CLIENT	
NAME	ATCS
ADDRESS	1000 BELLEVILLE BLVD, SUITE 300, BELLEVILLE, IL 62209
PHONE	(618) 335-1100
EMAIL	ATCS@ATCS.COM
WEBSITE	WWW.ATCS.COM

DETAILED SITE PLAN	
SIGNAGE DETAILS	BEHNKE PROPERTY
TAX MAP	16, GRID BY ZONE, C
SCALE	AS SHOWN

#5 - 12-foot-high monument sign





Matthew M. Gordon, Esquire
mgordon@sgrwlaw.com
Direct Dial: 301-634-3150

June 17, 2021

Via Email

The Honorable Elizabeth M. Hewlett, Chair
and Planning Board Commissioners
Prince George's County Planning Board
Maryland-National Capital Park and Planning Commission
14741 Governor Oden Bowie Drive, Suite L-200
Upper Marlboro, Maryland 20772

Re: Behnke Property 7-11, DSP-20029 (the "Application" or "Project")
Responses to District Council Order of Remand

Dear Chair Hewlett and Planning Board Commissioners:

On behalf of the Applicant, Root 1 LLC, for the above-referenced Project at 11350 Baltimore Avenue in Beltsville (the "Subject Property"), please accept this letter as its formal written responses to the District Council's Order of Remand. We have provided detailed responses to each of the eight (8) issues delineated in the Order of Remand below. However, as an initial matter, we are compelled to preserve our position that Section 27-285(b) of the Prince Georges County Zoning Ordinance sets forth the exclusive legal standard applicable to evaluation of detailed site plan applications, that the Planning Board's original decision correctly found that Applicant's detailed site plan application at issue in this case fully complied with this standard, and that the Order of Remand on its face improperly failed to apply this standard.

APPLICANT'S LEGAL POSITION REGARDING THE ORDER OF REMAND

Section 27-285(b) of the Prince Georges County Zoning Ordinance Sets forth the Exclusive Legal Standard Applicable to Evaluation of a Detailed Site Plan and the Order of Remand Improperly Failed to Apply this Legal Standard.

Section 27-285(b) of the Prince Georges County Ordinance (*entitled required findings*) of the Zoning Ordinance governs the findings that must be made for approval of a detailed site plan

Selzer Gurvitch Rabin Wertheimer & Polott, P.C.

4416 East West Highway • Fourth Floor • Bethesda, MD 20814-4568 Phone:

(301) 986-9600 • Fax: (301) 986-1301 • Toll Free: (888) 986-9600

www.selzergurvitch.com

application. More specifically, Section 27-285(b) of the Zoning Ordinance provides that:

- (1) 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. If it cannot make these findings, the Planning Board may disapprove the Plan.
- (2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).
- (3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.
- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

The Planning Board's original Decision Properly and Correctly Found that the Application at Issue in this Case Fully Complied with the Requirements of Section 27-285(b) of the Prince Georges County Zoning Ordinance

The administrative record created before the Planning Board in this case contains substantial evidence to support the Planning Board's previous finding that the Application fully satisfied all relevant portions of Section 27-285(b) of the Zoning Ordinance. *See* Staff Report, p. 14. In addition to these required findings for all detailed site plan applications, the Application also satisfies the use specific standards for a Gas Station in the C-M Zone included in Section 27-358(a) of the Zoning Ordinance. There is substantial evidence in the administrative record to support the Planning Board's finding that the Application satisfied all of these development standards applicable to a Gas Station use in the C-M Zone. *See* Staff Report, p. 8-10; and Statement of Justification, p. 5-6. The Remand Order nowhere states or suggests that the Planning Board's decision in this case incorrectly applied the standard set forth in Section 27-285(b) of the Prince Georges County Zoning Ordinance or identifies any way in which the Application failed to satisfy any requirements of that standard. The Order of Remand likewise identifies no legally required findings that need to be addressed as part of the Order of Remand.

Section 27-285(b) of the Prince Georges County Zoning Ordinance Sets Forth the Exclusive Standard for Review of Detailed Site Plan Applications.

A detailed site plan is an enhanced review process relating to specific design criteria that the Prince Georges Zoning Ordinance requires for certain of right uses as referenced in Section 27-286(a) of the Zoning Ordinance (i.e., “[i]n general, the required findings and site design guidelines and criteria are intended to apply to the review of all Detailed Site Plans...”). The existence of an enhanced review process does not change that the underlying use is permitted as of right, provided that it meets the applicable relevant design criteria. In this regard, the Court of Appeals has stated:

Generally, when a use district is established, the zoning regulations prescribe that certain uses are permitted as of right (permitted use), while other uses are permitted only under certain conditions (conditional or special exception use). In determining which uses should be designated as permitted or conditional in a given use district, a legislative body considers the variety of possible uses available, examines the impact of the uses upon the various purposes of the zoning ordinance, ***determines which uses are compatible with each other and can share reciprocal benefits, and decides which uses will provide for coordinated, adjusted, and harmonious development of the district.***

Schultz v. Pritts, 291 Md. 1, 20–21 (1981) (emphasis provided). Given that the Application proposes a permitted use that satisfies all of the specific use standards in the C-M Zone, the proposed Gas Station use has already been legislatively determined to be consistent with the purposes of the Zoning Ordinance and Commercial Zones. Moreover, the Court of Appeals has held that a “permitted use in a given zone is permitted as of right within the zone, ***without regard to any potential or actual adverse effect that the use will have on neighboring properties.***” *People’s Couns. for Baltimore Cty. v. Loyola Coll.*, 406 Md. 54, 71 (2008).

As to why a detailed site plan application is not legally required to be in accordance with Plan 2035 or the applicable Master Plan, the Court of Special Appeals has held that “it is commonly understood, in Maryland and elsewhere, that ***Master Plans are guides in the zoning process,***” and that “***Master Plan guidelines are mandatory only if an ordinance so provides.***” *Floyd v. Cty. Council of Prince George’s Cty.*, 55 Md. App. 246, 259 (1983) (internal citations omitted). Significantly, there is no requirement in the Zoning Ordinance that requires a finding that a detailed site plan application be in accordance with Plan 2035 or the area-specific Master Plan. To this end, the administrative record for the Application provides substantial evidence that Master Plan conformance is not legally required. *See* Staff Report, p. 12; Back-up materials, P. 21. In summary, Plan 2035 and the Subregion I Master Plan recommendations are non-binding guidelines in the context of this Application because they have not been incorporated into required regulatory findings under the Zoning Ordinance. *See* Section 27-285(b) of the Zoning Ordinance.

The Court of Appeals has held that “[i]t is important for our analysis to note that the ***applicable Zoning Ordinance provisions must be strictly construed.***” *Purich v. Draper Properties, Inc.*, 395

Md. 694, 712 (2006) (emphasis provided). Further, the Court of Special Appeals also has held that “[i]t is an often repeated principle that a *specific statutory provision governs over a general one*. Thus where one statutory provision specifically addresses a matter, and another more general statutory provision also may arguably cover the same matter, the *specific statutory provision is held to be applicable and the general provision is deemed inapplicable*.” *Clarksville Residents Against Mortuary Def. Fund, Inc. v. Donaldson Properties*, 453 Md. 516, 538–39 (2017) (emphasis provided). In *Donaldson Properties*, the Court found that the Howard County Board of Appeals was not required to consider a general provision contained in the County’s zoning regulations that provided such regulations were “being enacted for the purpose of preserving and promoting the health, safety, and welfare of the community” because this provision related to broad concerns while the zoning regulations contained more specific standards and requirements for the proposed conditional use application in the underlying zone. *Id.* at 539. This holding is applicable to the Application being considered by the Planning Board in this matter because there are specific standards and required findings identified in the Zoning Ordinance applicable to detailed site plan applications for a Gas Station use in the C-M Zone. Moreover, Section 27-108.01(a)(1) of the Zoning Ordinance (entitled “Interpretations and rules of construction”) states that the “[t]he *particular and specific control the general*.” (Emphasis provided). The general purposes of the Zoning Ordinance are not specific findings required for approval of the Application, and therefore are inapplicable to the Planning Board’s decision in this matter.

The Order of Remand Improperly Failed to Apply Section 27-285(b) of the Prince Georges County Zoning Ordinance

The Order of Remand identified a number of provisions in the Zoning Ordinance relating to the overall purpose of the Zoning Ordinance (i.e., Section 27-102), the purpose of Commercial Zones (including the underlying C-M Zone), the general and specific purposes of a detailed site plan, and recommendations in the General Plan (“Plan 2035”) and 2010 Approved Master Plan and Sectional Map Amendment for Subregion I (the “Subregion I Master Plan”), but none of these is a legally required finding for approval of detailed site plan application. The 15 purposes of Subtitle 27 the purposes of the Commercial Zones, and the recommendations contained in Plan 2035 and the Master Plan cited in the Order of Remand are the statutorily delineated legal requirements that must be considered and determined for special exception applications¹, but they do not apply in a case involving a detailed site plan application for a use that is permitted by right.

¹ See Section 27-317(a) of the Zoning Ordinance, which includes required findings that “The proposed use and site plan are in harmony with the purpose of this Subtitle... [and] that the proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan.”

Conclusion

The above cited case law and a plain reading of the required findings for approval of a detailed site plan application establish that the exclusive legal standard for review of a detailed site plan application for an of right use is set forth in Section 27-285(b) of the Prince Georges County Zoning Ordinance. Therefore, the District Council had no legal basis to require that the Application satisfy or demonstrate compliance with anything beyond Section 27-285(b) of the Prince Georges County Zoning Ordinance – including without limitation, the 15 purposes of the Zoning Ordinance or Commercial Zones referenced in the Order of Remand.

APPLICANT’S SUBSTANTIVE RESPONSE TO THE ORDER OF REMAND

Notwithstanding Applicant’s position that the Conditions 1 through 3 in the Order of Remand are not legally required findings for this Application, the Applicant will supplement this response letter with detailed analysis from a licensed land planner (Mark Ferguson) that confirms that the Application satisfies Conditions 1 through 3 of the Order of Remand. A copy of the land planner’s report and the land planner’s resume will be filed in the record for the Application to supplement this response letter and plan revisions referenced below. The Applicant notes that Mr. Ferguson has been recognized as an expert in land planning before various administrative bodies in Prince George’s County (including the District Council, Planning Board, and the Zoning Hearing Examiner) on numerous occasions. By submitting the land planning report to be responsive the Order of Remand, Applicant does not waive its above stated position that Conditions 1 through 3 in the Order of Remand are not relevant to the Planning Board’s consideration of the Application under the required standards in the Zoning Ordinance.

1. The development implements the 15 purposes of Subtitle 27.

As noted above, a detailed site plan application is not required to demonstrate that it implements the 15 purposes of the Zoning Ordinance as a matter of law. Again, the underlying C-M Zone permits a Gas Station by right, which amounts to the legal conclusion that the proposed use has been determined to be consistent with the purposes of the Zoning Ordinance.

Notwithstanding the foregoing, the Applicant will provide a detailed land planning report that demonstrates how the Application satisfies all 15 purposes of the Zoning Ordinance. As noted above, the Applicant preserves its position that the Application is not legally required to implement the 15 purposes of the Zoning Ordinance.

2. The development implements the purposes of the Commercial Zones.

The Applicant restates and incorporates its legal position identified in response to Condition No. 1 above. Again, the underlying C-M Zone permits a Gas Station by right, which amounts to the legal conclusion that the proposed use has been determined to be consistent with the purposes of

the Commercial Zones and the C-M Zone. Additionally, the Zoning Ordinance does not require a finding that a detailed site plan application implement the purposes of the underlying zoning classification. While the Applicant asserts that this is not a legally required finding, it is providing a detailed land planning report that overwhelmingly demonstrates that the Application implements the purposes of the Commercial Zones and the C-M Zone. The Applicant preserves its position that the Application is not legally required to demonstrate that it implements the purposes of the Commercial Zones.

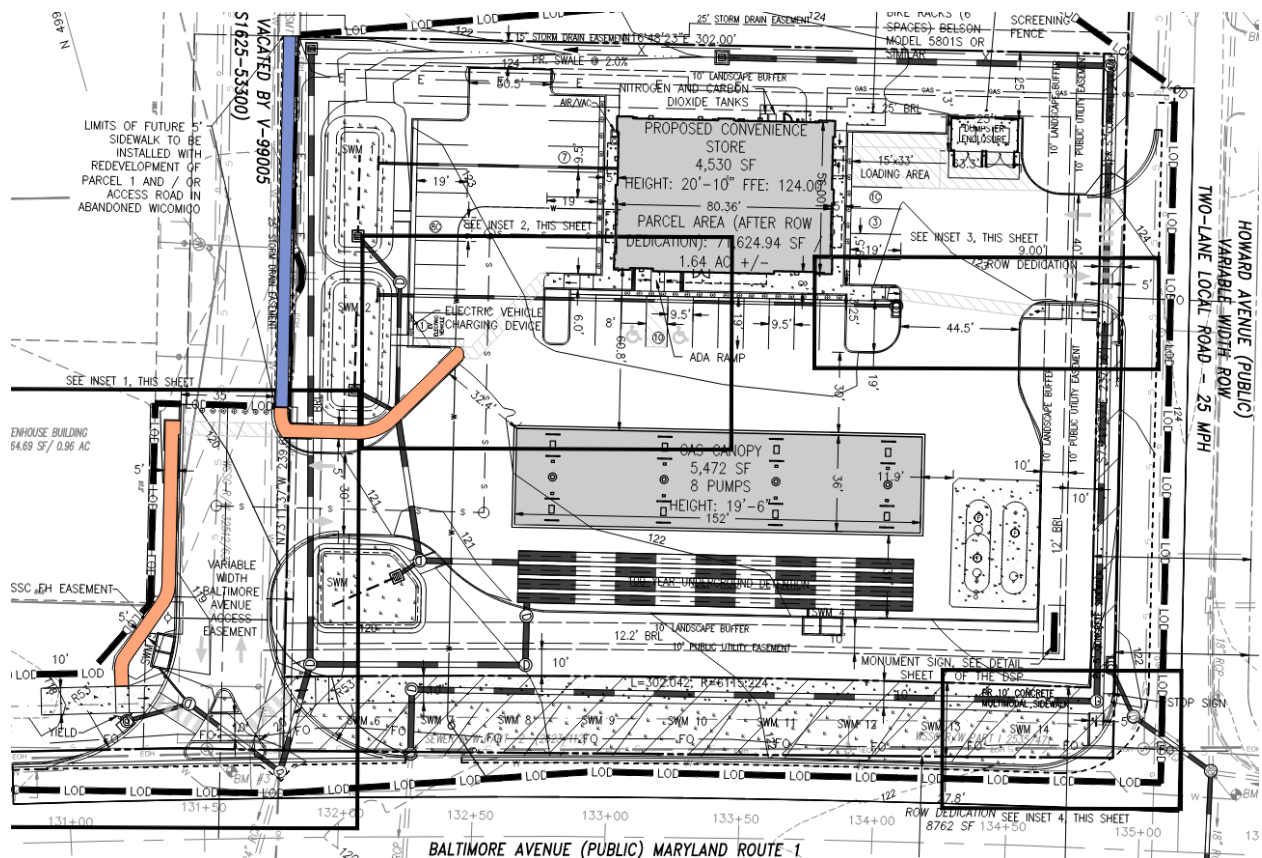
3. The development is in accordance with the principles for the orderly, planned, efficient and economical development contained in Plan 2035, and the 2010 Subregion 1 Master Plan, including the Vision for Focus Area 1 and relevant goals, policies and strategies for Focus Area 1.

As highlighted above, the required findings for approval of a detailed site plan application (Section 27-285(b)) do not include a finding that the development implements the recommendations of Plan 2035 or the relevant Master Plan. The Court of Special Appeals has held that “it is commonly understood, in Maryland and elsewhere, that Master Plans are guides in the zoning process,” and that “Master Plan *guidelines are mandatory only if an ordinance so provides.*” *Floyd* 55 Md. App. at 259 (1983) (emphasis provided). Consistent with a plain reading of the Zoning Ordinance and this established precedent, the administrative record includes a finding that Master Plan conformance is not legally required for this Application. *See* Staff Report, p. 12; Back-up materials, P. 21.

While the Order of Remand cites to the general purposes of a detailed site plan application provided in Section 27-281 of the Zoning Ordinance, these are merely purposes and do not amount to a required legal finding as part of the detailed site plan application review process. As noted above, Section 27-108.01(a)(1) of the Zoning Ordinance (entitled “Interpretations and rules of construction”) states that the “[t]he *particular and specific control the general.*” (Emphasis provided). Since Section 27-285(b) contains the specific required findings for approval of a detailed site plan application, it is controlling over these general purposes contained in Section 27-281 of the Zoning Ordinance under the rationale identified in *Donaldson*. Notwithstanding the foregoing, the Applicant is submitting a land planning report that extensively explains how the Application is in accordance with the principles for orderly, planned, and efficient and economical development contained in Plan 2035, and the 2010 Master Plan, including the Vision for Focus Area 1 and relevant goals, policies and strategies for Focus Area 1. The Applicant restates and preserves its position that this Condition is not legally required for the Planning Board to approve the Application.

4. The development provides for a sidewalk along with the entire southern frontage of the subject property.

The revised Application incorporates a sidewalk along the entirety of the southern portion of the subject property or the adjacent access easement that allows for vehicular and pedestrian ingress and egress to the Subject Property. The future sidewalk to be installed with the redevelopment of the Subject Property and/or the extension of the access road will allow for ingress and egress to the adjacent properties once developed. The Applicant is proposing to provide the initial portion of the sidewalk along the adjacent access easement to allow for safer and more efficient pedestrian movements across the proposed drive aisle. The placement of the pedestrian crossing further away from the entrance to the access easement on Baltimore Avenue allows for better visibility for vehicles and pedestrians accessing the Subject Property. Additionally, the inclusion of this initial portion of the sidewalk on the adjacent access easement creates an opportunity for the Applicant to reduce the amount of impervious cover on the Subject Property through the provision of environmentally beneficial green areas along a portion of the southern frontage. Therefore, the modified sidewalk enhances the overall site design features proposed by the Application. The revised design is illustrated below and satisfies the intent of this design condition.



5. The development provides for a monument sign instead of a freestanding sign. Planning Board shall evaluate the monument sign location and size.

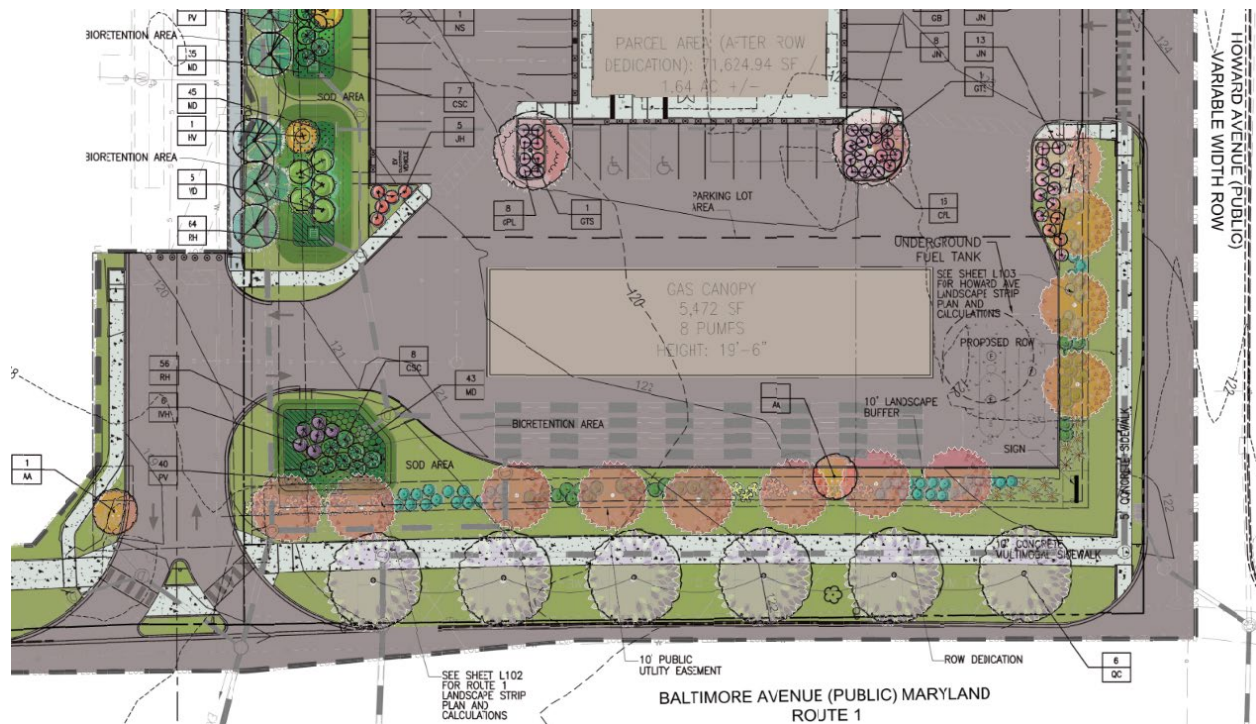
In response to this requested change, the Applicant has revised the proposed entrance sign with pricing information to be a monument sign that is a maximum of 12 feet tall. The prior freestanding sign that the Planning Board approved was 25 feet tall; thus, the revised sign has been substantially modified and reduced in height to address this condition. While one sign with pricing information is permitted at each entrance to the subject property, the Applicant has limited the amount of signage to one monument sign with pricing information at the intersection of Baltimore Avenue and Howard Avenue. In this respect, the proposed location of the entrance sign provides the best visibility for vehicles and pedestrians accessing the Subject Property while also serving to minimize the size of the sign. More specifically, the monument sign is proposed to contain 100 square feet of sign area, which is significantly less than the 161 square feet of area permitted in the C-M Zone. An illustrative of the image of the revised entrance sign is provided below.

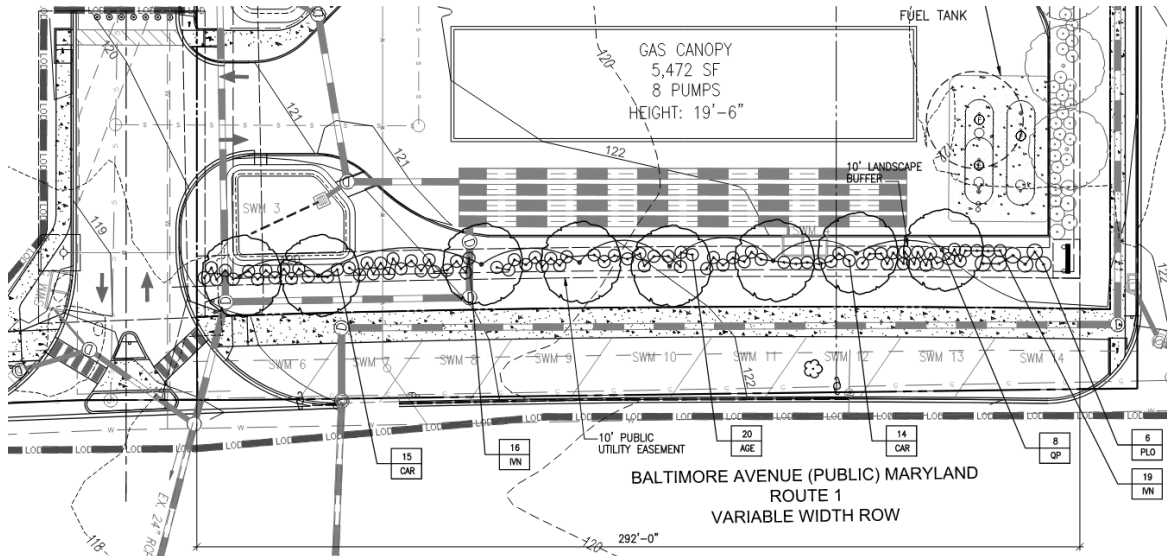


6. The development provides for fill-in planting areas at the northeast corner, and along the US 1 frontage, and the southeast boundary of the property. The goal of

filling-in these planting areas is to screen the fuel pumps as effectively as possible. Shrubs along the US 1 frontage should be 4-6 foot high and maintained at that height.

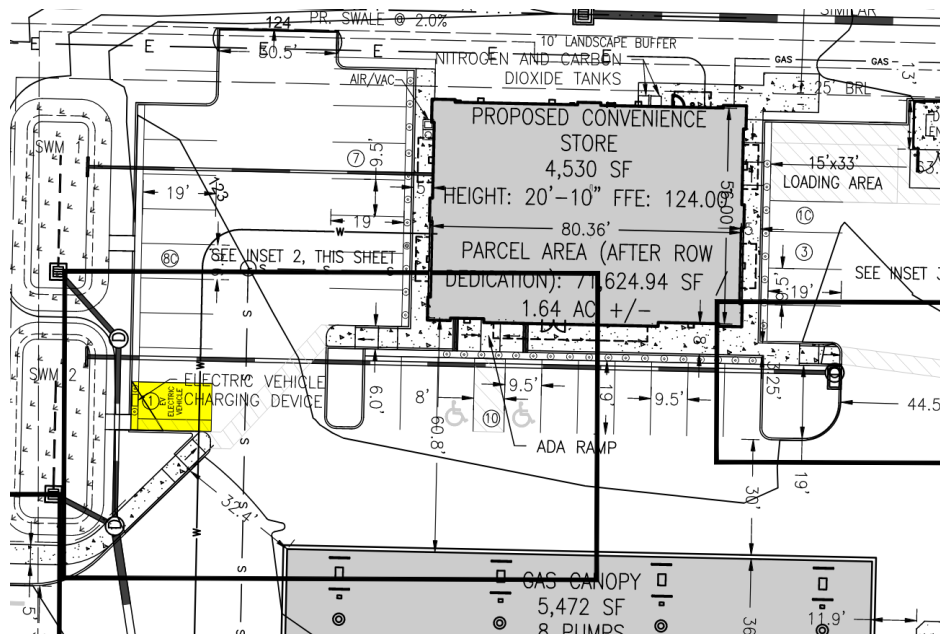
The Application includes a revised landscape plan that provides additional fill-in planting areas at the northeast corner, along the US 1 frontage, and at the southeast boundary of the property to screen the fuel pumps as effectively as possible. Additionally, the revised landscape plan incorporates shrub species that will grow to 4 to 6 feet tall. The shrubs along US 1 frontage are specified as 36" at planting and will be maintained a 4 to 6 feet height. An illustrative image showing the revised planting areas is incorporated below. Significantly, the revised planting areas include 7 shrubs over the Landscape Manual requirement in the landscape strip along Baltimore Avenue and 11 shrubs over the Landscape Manual requirement in the landscape strip along Howard Avenue. The Applicant also notes that the revised Application's incorporation of a monument sign provides for additional screening of the fuel pumps. The revisions to the landscape plan are illustrated below.





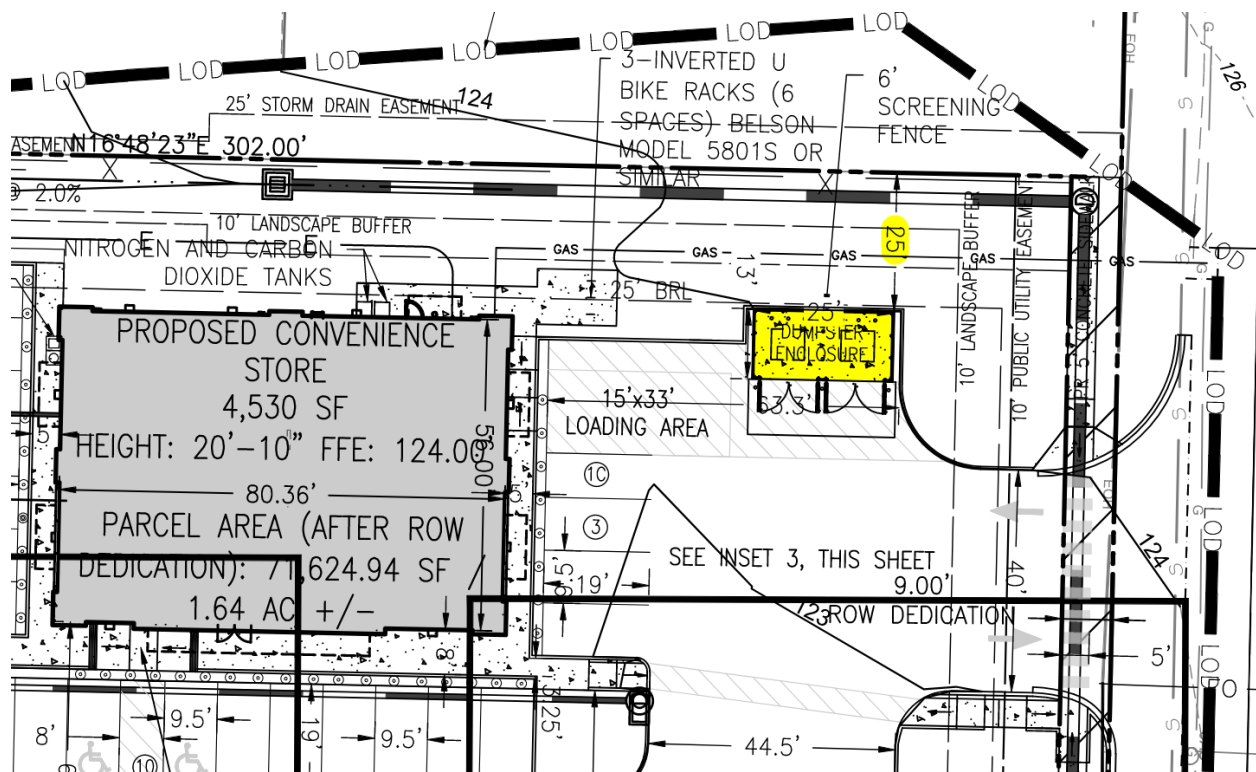
- The development facilitates smart growth along US 1 with installation of an Electrical Vehicle Charging Station (EVCD). A space containing an EVCD shall be designated as exclusively for use by electric cars and the space shall be created as one of the reserved spaces on the premises.**

The revised detailed site plan includes a space containing an EVCD which is designated for exclusive use by electric vehicles. The proposed space containing an EVCD is highlighted in yellow below.



8. The development relocates the trash dumpster at least 25 feet from the west property boundary.

As reflected on the revised detailed site plan, the trash dumpster has been relocated to allow for 25 feet of separation from the west boundary. An excerpt from the revised detailed site plan is reflected below and the new location for the dumpster is highlighted in yellow.



Thank you for your consideration of this response letter and accompanying plan submittals.

The Honorable Elizabeth M. Hewlett, Chair
June 17, 2021
Page 12

Very truly yours,

**Selzer Gurvitch Rabin Wertheimer
& Polott, P.C.**

Matthew M. Gordon

By: _____
Matthew M. Gordon

cc: James Hunt
Jill Kosack
Adam Bossi
David Warner
Peter Goldsmith

LAND PLANNING ANALYSIS
Behnke Property 7-Eleven
11350 Baltimore Avenue
Beltsville, Maryland
June 24, 2021

This report is written to provide information demonstrating how the proposed site plan which is the subject of application DSP-20029 implements or is in accordance with the purposes of Subtitle 27, the 2014 General Plan, and the 2010 Subregion 1 Master Plan, pursuant to the District Council’s Order of Remand of May 24, 2021.

THE SITE

Location -	Southwest quadrant of the intersection of Baltimore Avenue (US Route 1) and Howard Avenue.
Address -	11350 Baltimore Avenue
Municipality -	None.
Frontages -	Baltimore Avenue (US1) – 311.02’ Howard Avenue – 263.33’
Zoning -	C-M (Commercial Miscellaneous)
Acreage -	1.8944±
Rights-of-Way -	Baltimore Avenue (US1) – Variable Howard Avenue – 50’
Zoning Map -	214NE5
Tax Map -	Tax Map 19, Grid B-1
Subdivision -	Parcel 2, “Plat of Correction, Parcels 1 and 2, Beltsville, Section 2,” recorded in Plat Book ME 255 at Plat 31.
Historic Sites -	None.
Councilmanic District -	1
Master Plan & SMA -	The site is located in Planning Area 61. The applicable Master Plan is the <i>Approved Master Plan and Sectional Map Amendment for Subregion 1 (Planning Areas 60, 61, 62 and 64)</i> , approved on June 23, 2010.

The Master Plan's "Future Land Use" Map designated the site for "Mixed Use Commercial" future land use.

The Approved Sectional Map Amendment retained the site in the previously-existing C-M Zone.

The Growth Policy Map in the May, 2014 General Plan placed the property in the Employment Areas category, and the Generalized Future Land Use Map designated it for "Mixed Use" land use.

The site is not within a Priority Preservation Area.

LOCATION AND FIELD INSPECTION

The subject property is located at the southwest quadrant of the intersection of Baltimore Avenue with Howard Avenue. The property is currently occupied by a vacant building which was formerly a part of the Behnke Nursery, and surrounding paved areas. There are two existing vehicular entrances from Howard Avenue along the subject property's frontage; there is one existing vehicular entrance from Baltimore Avenue along the subject property's frontage, which is located immediately adjacent to the intersection with Howard Avenue.

Across Howard Avenue to the north is a Wonder Bakery outlet in the C-M Zone. To the west and south are other buildings and paved areas formerly occupied by the Behnke Nursery, also in the C-M Zone.

Across Baltimore Avenue to the east are the CSX tracks, with miscellaneous industrial uses in the I-2 (Heavy Industrial) Zone beyond the railroad tracks, but without immediate access from Baltimore Avenue.

The nearest residentially-zoned or residentially-used parcel is 355.78' distant to the west.

DESCRIPTION OF THE PROPOSED USE

The proposed use for Detailed Site Plan DSP-20029 is the razing of the existing building and its replacement by a new 7-Eleven convenience store and gas station. This proposed 7-Eleven is intended to replace an existing 7-Eleven convenience store located approximately one block to the north of the subject property. The proposed upgraded, modern 7-Eleven convenience store and gas station is necessary to respond to changing market conditions. The new convenience store will be located towards the rear of the property and the pump islands will be located parallel to Baltimore Avenue; eight MPDs are proposed.

The new facility will be provided with modern stormwater management using Environmental Site Design (ESD) techniques where no stormwater management now exists.

The existing vehicular entrance from Baltimore Avenue along the subject property's frontage will be closed, and access from Baltimore Avenue will instead be provided from the former Wicomico Avenue entrance point along the neighboring parcel's frontage, providing greater intersection separation, fewer access points and much greater safety. One of the two entrances along Howard Avenue along the subject property's frontage will also be closed, similarly leaving the single upgraded access point from Howard Avenue further from the Baltimore Avenue intersection.

The proposed development will also provide modern landscaping where (ironically) very little was provided by the previous nursery use.

PURPOSES ANALYSIS:

The Zoning Ordinance has a hierarchy of Purposes, for the Ordinance as a whole, for commercial zones generally, and for the C-M Zone in specific.

At the outset, it is evident that the stated purposes of the Zoning Ordinance have determined the content of the specific provisions of the Ordinance, and so, conformance with all of the actual provisions of the Ordinance is strongly indicative of the instant Detailed Site Plan's harmony with those purposes which have determined what the Ordinance is supposed to address.

The purposes of the ordinance range from the general (protecting the health, safety and welfare of the public; to implement the General and Master Plans) to the more specific (to lessen the danger and congestion of traffic on the streets; to provide open space and recreational space). A number of these purposes closely conform to the content of the instant Detailed Site Plan; others (relating, for example, to the protection of the agricultural industry) are simply not applicable.

Conformance to the Purposes of the Zoning Ordinance:

The fifteen purposes of the Zoning Ordinance are laid out in section 27-102(a). The harmony of the subject project with these purposes is as follows:

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

The proposed gas station in combination with a food and beverage store will provide substantive environmental and safety upgrades in the form of modern stormwater management (where none now exists), fewer and more-safely-located vehicular entrances, and modern landscaping. Thus, its design promotes the health and safety of the present and future inhabitants of the County by providing for a safe and convenient accommodation of the shopping public.

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

The Remand Order seeks information demonstrating not only how the proposed Detailed Site Plan implements or is in accordance with the purposes of Subtitle 27, but also how the Detailed Site Plan

implements or is in accordance with the 2014 General Plan and the 2010 Subregion 1 Master Plan. Accordingly, the discussion of this purpose of the Zoning Ordinance in implementing those plans will simultaneously address the Remand Order's directive to address all three components.

The relevant plans which apply to the subject property are the 2014 General Plan, the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1*, and a number of Functional Master Plans, including the Green Infrastructure Plan, the County Master Plan of Transportation, the Public Safety Facilities Master Plan, The Historic Sites and Districts Plan, and the Water Resources Functional Master Plan.

The principal and overarching means by which the land use guidance in the General Plan or an Area Master Plan gets implemented is through the Master Plans' associated Sectional Map Amendments, which provide for the reclassification of land in the Plans into zoning districts which allow land uses which comport with the Plans' recommendations and prohibit those uses which don't. In fact, the introductory text of the Sectional Map Amendment states, that, "this SMA is intended to implement the land use recommendations of the approved Subregion 1 Master Plan for the foreseeable future."¹ In the case of the subject property, the 2010 Sectional Map Amendment retained the C-M zoning in which the subject had previously been classified. Thus, it is reasonable to conclude that the conformance of the proposed Detailed Site Plan to the provisions of the retained C-M zoning is indicative of the conformance of the proposed Detailed Site Plan to the land use recommendations of the Master Plan.

General Plan

The County's General Plan, which was approved subsequent to the applicable Master Plan could, however, have affected the County's land use planning policy with respect to the subject property: As noted above, the General Plan classified the subject site in its Growth Policy Map² in the Employment Areas category, and the Generalized Future Land Use Map³ designated it for Mixed Use land use.

"Employment Areas" are described by the General Plan as "areas commanding the highest concentrations of economic activity in four targeted industry clusters – healthcare and life sciences; business services; information, communication and electronics; and the Federal Government,"⁴ and recommends, "continuing to support business growth in these geographic areas – in particular in the targeted industry clusters – concentrating new business development near transit where possible, improving transportation access and connectivity, and creating opportunities for synergies."⁵

The text on page 20 of the General Plan makes clear that the "Employment Areas" category is an overlay; over areas which could also be Established Communities, Local Centers or Regional Transit Districts. The subject property is thus also a part of the "Established Communities" growth policy area.

¹ M-NCP&PC, *Approved Master Plan and Sectional Map Amendment for Subregion 1 (Planning Areas 60, 61, 62 and 64)* (June, 2010), p. 157.

² M-NCP&PC, *Plan Prince George's 2035 – Approved General Plan* (May, 2014), p. 107.

³ *General Plan*, p. 101.

⁴ *Ibid.*, p. 106.

⁵ *Ibid.*, p. 19.

The General Plan classified the subject site in its Growth Policy Map⁶ in the “Established Communities” category. “Established Communities” are described by the General Plan as “the County’s heart – its established neighborhoods, municipalities and unincorporated areas outside designated centers,”⁷ and recommends that, “Established communities are most appropriate for context-sensitive infill and low- to medium-density development....”⁸

“Mixed Use” land use is described by the General Plan as, “areas of various residential, commercial, employment and institutional uses. Residential uses may include a range of unit types. Mixed-use areas may vary with respect to their dominant land uses, i.e. commercial uses may dominate in one mixed-use area, whereas residential uses may dominate in another.”⁹ The note under the Generalized Future Land Use Map, however, directs the reader that, “by definition, this map should be interpreted broadly and is intended to provide a countywide perspective of future land use patterns. To identify the future land use designation for a specific property, please refer to the property’s relevant approved sector or master plan.”¹⁰

Given that the General Plan recommends “continuing to support business growth” in the Employment Areas (regardless of whether that business growth is one of the targeted industry clusters), and that the context of the subject property along Baltimore Avenue is largely other service commercial uses, it is this planner’s opinion that the approval of the subject application would promote the intent of the General Plan by: (1) supporting business growth; (2) by enabling the Detailed Site Plan’s access safety improvements which will improve transportation connectivity for the traffic on Baltimore Avenue; (3) by providing for context-sensitive infill; (4) and by providing for low- to medium-density development; all by allowing for a new business to revitalize a vacant, previously-developed site.

Master Plan

As noted above, the applicable Master Plan is the *Approved Master Plan and Sectional Map Amendment for Subregion 1*, approved on June 23, 2010. The Future Land Use Map recommends the subject property for “Mixed Use Commercial” land use.¹¹ The text of the Master Plan further places the property within Focus Area 1 of the US1/Baltimore Avenue Corridor.

The Goals of the Master Plan for development within the US1/Baltimore Avenue Corridor include:

- “High-quality mixed-use development along US 1.
- Higher densities at specified locations, such as mixed-use neighborhoods in Beltsville along US 1 and the Vansville Village Hamlet along Old Baltimore Pike.
- Improved visual appearance of the streetscape.
- A pedestrian-friendly environment that is a safe and enjoyable place to walk.”¹²

⁶ *Ibid.*, p. 107.

⁷ *Ibid.*, p. 106.

⁸ *Ibid.*, p. 20.

⁹ *Ibid.*, p. 100.

¹⁰ *Ibid.*, p. 101.

¹¹ Subregion 1 *Master Plan*, loose insert.

¹² *Ibid.*, p. 17.

While the subject Detailed Site Plan proposes only a single use, there is no intent for each property to provide a mix of uses, or that each property develop to a particular density. Rather, it is that, "...the US 1 Corridor develop with the cohesive, *horizontal and* [emphasis added] vertical mix of uses described by the master plan as a whole."¹³ The subject Detailed Site Plan's commercial land use along the US1 frontage is therefore consonant with the Master Plan's recommendation for "Mixed Use Commercial" land use.

The proposed Detailed Site Plan will implement the Master Plan's goal of an improved visual appearance of the streetscape by the substantive new landscaping in keeping with the Master Plan's desire for a "buffered edge streetscape" in this location, and will implement the Master Plan's goal of a pedestrian-friendly environment by the addition of sidewalks and the master-planned sidepath.

More specific goals for Focus Area 1 include:

- "Quality mixed-use and residential development that protects, enhances and integrates with surrounding neighborhoods.
- Upgraded streetscape and pedestrian amenities to establish a walkable community."¹⁴

These goals simply reinforce the corridor-wide goals discussed above.

The Master Plan's Economic Development element includes goals for:

- "Redeveloped strip commercial areas to respond to changing market conditions and expectations.
- A quality business environment and value-added job growth over the long-term."¹⁵

As noted above, the proposed 7-Eleven convenience store and gas station would replace an existing 7-Eleven convenience store located approximately one block to the north of the subject property in response to changing market conditions. The goal addressing redeveloped strip commercial areas is amplified by a specific policy and its associated strategies:

"Policy 4: Transform the retail environment to compete with a changing market.

Strategies:

- Reposition retail along the US 1 Corridor's edge to take advantage of better visibility and accessibility to the existing and future customer base, and to accommodate a changing retail and service environment with the construction of the Konterra Town Center
- Encourage small-scale, neighborhood-serving, retail uses along the US 1 Corridor to meet gaps in the marketplace.
- Ensure that new and redeveloped retail uses are street-oriented and pedestrian-friendly, where possible, to create an attractive live/work/play setting and capitalize on residential market preferences.

¹³ *Ibid.*, p. 157.

¹⁴ *Ibid.*, p. 21.

¹⁵ *Ibid.*, p. 78.

- Maintain a competitive local business framework by encouraging aesthetic property enhancements and building upgrades, as well as enforcing property upkeep and compatibility with the existing building code.
- Eliminate substandard, marginal uses and properties, along the US 1 Corridor that need major structural repair and/or promote an unsafe, low-quality setting.

The proposed Detailed Site Plan illustrates a development which takes advantage of US1's better visibility and accessibility; it proposes neighborhood-serving retail; it provides for sidewalks and sidepaths and reduces the number of existing entrances to create a pedestrian-friendly environment; it provides for aesthetic property enhancements and building upgrades; and, eliminates a marginal property that contributes to a low-quality setting.

Because the proposed application is consistent with the Master Plan's land use recommendations, its Economic Development recommendations and its environmental recommendations (including the use of environmentally sensitive design for stormwater management at the subject property), the approval of the subject gas station in combination with a food and beverage store would implement the recommendations of the Master Plan.

Other Applicable Functional Master Plans

The subject property is not mapped as containing any Regulated Areas of the County's Green Infrastructure Network; as such, the development of the subject property is in harmony with the recommendations of the Green Infrastructure Plan.

With regard to the Historic Sites and Districts Plan, no historic sites or resources are located immediately proximate to subject site; as such, the approval of the subject application will not have an adverse impact on this Functional Master Plan.

The Water Resources Functional Master Plan addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the subject application.

No proposed sites for Public Safety facilities are in the area affected by the subject application.

The Countywide Master Plan of Transportation was amended by the adoption of the Subregion 1 Master Plan, and designates Baltimore Avenue as Arterial A-9, and recommends an ultimate right-of-way width of 90-120'; the subject Detailed Site Plan proposes additional dedication to meet this requirement. Planned sidewalk and bikeway improvements include the extension of the sidepath south from Quimby Avenue and in-road bicycle lanes.

The construction of the sidepath along the subject property's frontage in accordance with the Plan's recommendation is shown on the Detailed Site Plan, and the construction of the in-road bike lane is under the jurisdiction of the State Highway Administration; as such, the subject application is in conformance with this functional master plan.

Because the proposed gas station in combination with a food and beverage store is not in conflict with the General Plan, the Sector Plan or the applicable Functional Master Plans, approval of the subject application will be in harmony with the Ordinance's purpose of implementing those plans.

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

Because this application proposes the redevelopment of a former, long-existing uses, and is being redeveloped in accordance with provisions of the subdivision ordinance which assure the adequacy of local public facilities, approval of it would be in harmony with this purpose of promoting the conservation of a community which will be developed with adequate public facilities.

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

Approval of the subject application would abet the orderly growth and development of the County and recognize the needs of the County's workers by providing for the redevelopment of a vacant, former long-existing use in the midst of a developed area, and so would, making the subject application in harmony with this Purpose of the Ordinance.

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

The approval of the subject gas station in combination with a food and beverage store would be in harmony with this Purpose as it will be developed in conformance with the various regulations in the Zoning Ordinance to ensure the provision of adequate light, air and privacy, both for the occupants of the subject site and for its neighbors. These principles include the provision of sufficient setback distances, buffering between the proposed use and future neighboring uses, and conformance with height limitations in order to allow for access to light and air.

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

The approval of the subject gas station in combination with a food and beverage store would be in harmony with this Purpose as it would be developed in accordance with the various principles that have been codified in the Zoning Ordinance to promote the beneficial relationships between land and buildings, including conformance with the tables of permitted uses for the various zones as laid out in the Ordinance, and in conformance with the provisions of the Landscape Manual which provide for the screening of service functions and the buffering of incompatible adjoining uses.

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

The approval of the subject gas station in combination with a food and beverage store would be in harmony with this Purpose as it would be developed in conformance with regulations established in the body of the Zoning Ordinance, as well as other County Ordinances, which are intended to protect from fire, flood, panic and other dangers, namely: the floodplain regulations, stormwater management

regulations, the fire prevention code, the building code, and the tables of permitted uses for the various zones.

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

Because the proposed use is commercial in nature, this Purpose is not directly applicable to this Application.

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

The redevelopment of the subject property would be in harmony with this Purpose because it would augment the tax base of the County both directly from the assessable value of the modern improvements and indirectly through the income tax receipts arising out of the employment provided to its workers.

(10) To prevent the overcrowding of land;

The approval of the subject gas station in combination with a food and beverage store would be in harmony with this Purpose as it would occur on a site which will be redeveloped in accordance with various principles that have been codified in the Ordinance to ensure the prevention of overcrowding, including the provisions of the Table of Uses that provides for the compatibility of uses, height limits, and setbacks.

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

The approval of the subject gas station in combination with a food and beverage store would be in harmony with this Purpose because of several factors.

As noted above, the proposed use would be a redevelopment of an existing developed site in a developed area. The Detailed Site Plan shows the removal of the subject property's existing entrance from Baltimore Avenue, as well as closure of one of the entrances from Howard Avenue. These improvements will provide greater separation from the existing intersection and fewer entrance points, and will therefore provide materially greater safety than the existing improvements, lessening the danger or traffic on the streets.

As also noted above, its approval will be in accordance with the provisions of the subdivision ordinance which assures the adequacy of local public facilities.

Finally, the proposed gas station in combination with a food and beverage store will be developed in accordance with the regulations established in the body of the Zoning Ordinance (and other County ordinances) which are intended to lessen the danger and congestion of traffic on roads, such as the requirements for the provision of adequate off-street parking, and the separation of entrances from nearby intersections.

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

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, this planner believes that conformance with the requirements and regulations of the Zoning Ordinance will be prima facie evidence of the Application's harmony with this purpose.

Beyond that, however, the subject gas station in combination with a food and beverage store would promote the economic and social stability of the County by contributing to the tax base, and by providing a useful and convenient service to the surrounding community.

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

Because the subject gas station in combination with a food and beverage store is a redevelopment of an existing developed site with no regulated natural features, approval of the subject application will have no impact to the natural features in the County: It will not generate noise pollution beyond that expected by other commercial uses, and the use will be in compliance with the County's Woodland Conservation policies by virtue of its exemption from the requirement for approval of a Tree Conservation Plan. No steep slopes or scenic vistas will be affected. The proposed gas station in combination with a food and beverage store will be provided with modern stormwater management measures where none now exist, and will thus act to prevent water pollution and protect the stream valleys where the existing development fails to do so entirely. By conformance to these principles and regulations, the approval of this application would be in harmony with this Purpose.

The final two Purposes of the Zoning Ordinance,

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

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

are not directly applicable to the approval of this gas station in combination with a food and beverage store.

Conformance to the Purposes of Commercial Zones:

In addition to the purposes of the broader Ordinance, there are Purposes for Commercial Zones generally. The ten purposes of Commercial Zones generally are laid out in Section 27-446(a), as follows:

(1) To implement the general purposes of this Subtitle;

As noted by the foregoing discussion, this planner believes that the subject proposal will implement the general purposes of the Zoning Ordinance.

(2) To provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;

The approval of this facility at this location will allow the proposed gas station in combination with a food and beverage store to provide a useful and convenient site for the sale of needed goods.

(3) To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;

Because the proposed gas station in combination with a food and beverage store (1) involves a service commercial use in a service commercial zone, with a compatible retail component; and (2) because the subject property is located in a corridor where there is already a mix of retail and service commercial uses, including several vehicle repair service commercial uses, the approval of this application would be in harmony with this purpose of Commercial Zones generally.

(4) To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;

The redevelopment of the subject property into a gas station in combination with a food and beverage store would implement this purpose by the landscape buffer which will provide screening between it and its neighbors; by the use of cut-off lighting fixtures; and, by the conformance with the provisions of the building code and other related ordinances to protect adjacent property from fire hazards.

(5) To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;

The approval of the subject application will improve traffic efficiency by the relocation and reduction of the number of existing vehicular entrances. Furthermore, the subject property is located on Baltimore Avenue, which is not a residential area.

(6) To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;

The proposed gas station in combination with a food and beverage store, as a permitted use in its Zone, and constructed in accordance with a Detailed Site Plan which has been prepared in accordance with all of the provisions of the Zoning Ordinance (as well as other applicable ordinances) would represent an efficient and desirable use of land.

The stated purpose of the General Plan is, "to make Prince George's County a competitive force in the regional economy, a leader in sustainable growth, a community of strong neighborhoods and municipalities, and a place where residents are healthy and engaged."¹⁶ These purposes are related to the promotion of the efficient and desirable use of land in degrees which vary from somewhat to not at all. The General Plan's purpose of making the County a leader in sustainable growth is perhaps the most

¹⁶ *General Plan*, p. 5.

directly related, and the proposed Detailed Site Plan's environmental enhancements of the subject property speak directly to this purpose. The promotion of business which would be enabled by the approval of this Detailed Site Plan is also related to the General Plan's purpose of making the County a competitive force in the regional economy. The other purposes do not relate so clearly to this purpose of Commercial Zones.

The stated purpose of the *Subregion 1 Master Plan* is laid out at the very beginning of the Plan. It states:

"The master plan's overarching goal is to ensure that the subregion area becomes an inviting place to live, work, and play. It is a planning framework that guides the preservation, revitalization, and redevelopment of the subregion, providing specific recommendations to guide new development while protecting existing communities and significant environmental, historical and cultural resources.

Major goals of the master plan are:

- To enhance the quality and character of the existing communities.
- To encourage quality economic development.
- To preserve and protect environmentally sensitive and scenic land.
- To make efficient use of existing and proposed county infrastructure and investment.
- To provide a safe, affordable, and accessible multi modal transportation system.
- To provide needed public facilities in locations that efficiently serve the subregion's population."¹⁷

By providing for the redevelopment of a vacant, obsolete commercial site, the approval of this Detailed Site Plan would be in accordance with the purpose of the Master Plan of enhancing the quality and character of the existing communities.

By providing for the establishment of a viable use at a vacant site, the approval of this Detailed Site Plan would be in accordance with the purpose of the Master Plan of encouraging quality economic development.

By providing for the redevelopment of a site with no regulated natural features, the approval of this Detailed Site Plan would be in accordance with the purpose of the Master Plan of preserving and protecting environmentally sensitive and scenic land.

The purposes of the Subtitle have been discussed in the foregoing text.

(7) To increase the stability of commercial areas;

The redevelopment of the subject property with a combination of a service commercial use and a complementary retail commercial use which together are in keeping with the existing character of the surrounding commercial area will promote the stability of the surrounding commercial area by renewing the vacant site of a former commercial use with a new, viable use, developed in accordance with modern environmental, traffic safety and landscaping regulations.

¹⁷ *Subregion 1 Master Plan*, p. 3.

(8) To protect the character of desirable development in each area;

Because the subject property will: (1) be redeveloped and operated in accordance with the provisions specifically provided in the Ordinance to promote the safe and orderly layout and operation of gas stations and food and beverage stores, and (2) be compatible with the scale and character of the surrounding development, the approval of this application will fulfill this purpose.

The final two purposes,

(9) To conserve the aggregate value of land and improvements in the County; and

(10) To enhance the economic base of the County.

are fulfilled by allowing for the redevelopment of a vacant existing commercial site that will enhance the tax base and provide additional employment for residents of the County.

Conformance to the Purposes of the C-M (Commercial Miscellaneous) Zone:

Finally, there are three purposes for the C-M (Commercial Miscellaneous) Zone specifically, which are laid out in Section 27-459(a)(1), as follows:

(A) To provide locations for miscellaneous commercial uses which may be disruptive to the harmonious development, compactness, and homogeneity of retail shopping areas;

The subject application proposes a new service commercial use in a service commercial zone which is in turn located in a concentration of other service commercial uses. The new gas station – which does not propose visually disruptive auto repair services – will be in keeping with the character of commercial uses which are found along the neighboring frontage of Baltimore Avenue.

(B) To provide these locations, where possible, on nonresidential streets;

The subject property is located on a nonresidential street.

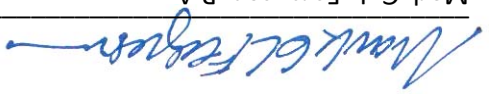
(C) To provide concentrations of these uses which are relatively far apart.

The nearest concentration of C-M zoning is approximately three miles distant.

CONCLUSION

In summary, this planner finds that the approval of application DSP-20029 would implement or be in accordance with the purposes of Subtitle 27, the purposes of Commercial Zones generally, the purposes of the C-M Zone, and, in keeping with those purposes, with the 2014 General Plan, and the 2010 Subregion 1 Master Plan.

Respectfully submitted,



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Senior Land Planner

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Architect & Planner

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Bachelor of Architecture
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Employment:

5/05 to Present:	Senior Land Planner RDA Engineering Company, Inc./Site Design, Inc. Upper Marlboro & Largo, Maryland
5/99 to 5/05:	Principal Mark G. L. Ferguson, R.A., Architect & Planner Hyattsville, Maryland
5/89 to 5/99:	Architect/Planner Robertson-Dhalwala Associates, LLC Upper Marlboro, Maryland Prince Frederick, Maryland
9/87 to 5/89	Architect AIP Architects Adelphi, Maryland
6/85 to 9/87	Intern Architect AIP Architects Adelphi, Maryland
2/84 to 6/85	Intern AIP Architects Adelphi, Maryland

Professional Experience:

Mr. Ferguson has broad experience in the fields of architecture, land planning and civil engineering, with projects ranging in scope from small residential additions to community planning. He has provided expert planning testimony before the Circuit Court for Prince George's County, the Prince George's District Council, Planning Board, Zoning Hearing Examiner and Board of Zoning Appeals for numerous planning cases, as well as testimony before similar boards in other Southern Maryland jurisdictions.

Cases on which Mr. Ferguson has provided expert testimony or litigative assistance include:

- Callicott Property
Upper Marlboro, Maryland
Expert planning testimony in application A-10054, requesting rezoning from the C-S-C commercial zone to the R-80 residential zone.
- Khan Property
Brandywine, Maryland
Expert planning testimony in application A-10049, requesting rezoning from the R-R residential zone to the C-M commercial zone.
- Saint Barnabas Mixed-Use Park
Temple Hills, Maryland
Expert planning testimony in application A-10047, requesting rezoning from the C-S-C commercial and I-1 industrial zones to the M-X-T mixed use zone.
- Locust Hill
Upper Marlboro, Maryland
Expert planning testimony in application A-9975/01, requesting approval of a new Basic Plan and revision of prior conditions for a planned community in the R-L comprehensive design zone.
- Willowbrook
Upper Marlboro, Maryland
Expert planning testimony in application A-9968/01, requesting approval of a new Basic Plan and revision of prior conditions for a planned community in the R-S comprehensive design zone.
- Renard Lakes
Brandywine, Maryland
Expert planning testimony in application A-10046, requesting rezoning from the R-S comprehensive design zone to the I-1 industrial zone.
- Moore's Corner
Brandywine, Maryland
Expert planning testimony in application A-10044, requesting rezoning from the R-R residential zone to the M-X-T mixed use zone.
- Linda Lane Commercial Park
Camp Springs, Maryland
Expert planning testimony in application A-10043, requesting rezoning from the R-80 residential and C-S-C commercial zones to the M-X-T mixed use zone.

- Brandywine-Waldorf Medical Clinic
 Brandywine, Maryland
 Expert planning testimony in application A-10042, requesting rezoning from the C-O commercial zone to the M-X-T mixed use zone.
- Glenn Dale Commons
 Glenn Dale, Maryland
 Expert planning testimony in application A-10038, requesting rezoning from the I-1 industrial zone to the M-X-T mixed use zone.
- American Rescue Workers
 Capitol Heights, Maryland
 Expert planning testimony in application A-10037, requesting rezoning from the R-R residential zone to the I-2 heavy industrial zone.
- Donnell Drive
 Forestville, Maryland
 Expert planning testimony in application A-10036, requesting rezoning from the R-T townhouse zone to the C-M commercial zone.
- Virginia Linen
 Capitol Heights, Maryland
 Expert planning testimony in application A-10033, requesting rezoning from the I-3 planned industrial zone to the I-1 light industrial zone.
- Amber Ridge
 Bowie, Maryland
 Expert planning testimony in application A-10031, requesting rezoning from the C-S-C commercial zone to the M-X-T mixed use zone.
- Oakcrest
 Laurel, Maryland
 Expert planning testimony in application A-10030, requesting rezoning from the R-55 residential zone to the C-S-C commercial zone.
- Fairview Commercial Property
 Lanham, Maryland
 Expert planning testimony in application A-10024, requesting rezoning from the R-80 residential zone to the C-S-C commercial zone.
- King Property
 Largo, Maryland
 Expert planning testimony in application A-10020, requesting rezoning from the I-3 planned industrial zone to the M-X-T mixed use zone.
- Cafritz Tract
 Riverdale Park, Maryland
 Expert planning testimony in application A-10018, requesting rezoning from the R-55 residential zone to the M-U-TC mixed use zone.

- Jemal's Post
 Forestville, Maryland
 Expert planning testimony in application A-10003, requesting rezoning from the I-1 industrial zone to the C-S-C commercial zone.
- Defiance Drive
 Fort Washington, Maryland
 Expert planning testimony in application A-10000, requesting rezoning from the R-E estate zone to the R-R residential zone.
- Sauerwein Property
 Upper Marlboro, Maryland
 Expert planning testimony in application A-9977, requesting approval of rezoning from the R-R residential zone to the R-T (townhouse) residential zone.
- Renard Lakes
 Brandywine, Maryland
 Expert planning testimony in application A-9970, requesting approval of a Basic Plan and rezoning from the I-1 industrial zone to the R-S comprehensive design zone.
- Bevard East
 Piscataway, Maryland
 Expert planning testimony in application A-9967, requesting approval of a Basic Plan and rezoning from the R-E residential zone to the R-L comprehensive design zone.
- Smith Home Farm
 Upper Marlboro, Maryland
 Expert planning testimony in application A-9965 and A-9966, requesting approval of a Basic Plan and rezoning from the R-A residential zone to the R-M and L-A-C comprehensive design zones.
- Boone Property
 Largo, Maryland
 Expert planning testimony in application A-9957, requesting rezoning from the R-E estate zone to the R-R residential zone.
- Edwards Property
 Adelphi, Maryland
 Expert planning testimony in application A-9954, requesting approval of a Basic Plan and rezoning from the R-R residential zone to the L-A-C comprehensive design zone.
- Buck Property
 Upper Marlboro, Maryland
 Expert planning testimony in application A-9952, requesting approval of a Basic Plan and rezoning from the R-A residential zone and the E-I-A comprehensive design zone to the R-S comprehensive design zone.

- Nicowski Property
Upper Marlboro, Maryland
Expert planning testimony in application A-9939, requesting rezoning from the C-O commercial zone to the C-S-C commercial zone.
- Parcel B, Largo Town Center
Largo, Maryland
Expert planning testimony in application A-9280, requesting an amendment to the Basic Plan for a site in the M-A-C comprehensive design zone.
- State Roads Commission of the State Highway Administration v. Crescent Cities Jaycees
Expert planning testimony in Case# CAL-94-20084, seeking just compensation for the State's condemnation of property for the expansion of Maryland Route 5.
- Millard Property
Camp Springs, Maryland
Expert planning testimony in State Highway Administration Project PG209A31, Item #89084, seeking just compensation for the State's condemnation of property for road improvements to Naylor Road associated with the construction of the Naylor Road Metro Station.
- Brandywine-Waldorf Medical Clinic
Brandywine, Maryland
Expert report in State Highway Administration Project PG175A31, Item #106368, seeking just compensation for the State's condemnation of property for road improvements to Branch Avenue associated with the construction of the interchange of Maryland Route 5 with various roads in the vicinity of T.B.
- University Place Center
Langley Park, Maryland
Expert report in State Highway Administration Project 10420130, Item #900576, seeking just compensation for the State's condemnation of property for construction of the Purple Line.
- *United States v. Makowsky*, Case #01-2096 D/Bre (D. Tenn)
Litigative consultation to the U.S. Department of Justice on a case seeking remedies to accessibility barriers at an apartment complex in Shelby County, Tennessee.
- *United States v. Rose, et al.*, Case #02-73518 (E.D. Mich)
Expert testimony for the U.S. Department of Justice on a case seeking remedies to accessibility barriers at apartment complexes in Van Buren Township, Michigan and in Batavia Ohio.
- *United States v. Rose, et al.*, Case #3:01cv0040AS (N.D. Ind)
Expert testimony for the U.S. Department of Justice on a case seeking remedies to accessibility barriers at apartment complexes in Elkhart City, Indiana and in Fort Wayne, Indiana.
- *Weatherburn Associates, LLC, et al. v. County Commissioners for Charles County, Maryland*, Case #08-C-16-002422
Expert report for the defendant in a proceeding seeking compensation for losses arising out of the alleged failure of the defendant to pursue environmental approvals of a certain formerly-planned road improvement in Charles County, Maryland.

- *Varsity Investment Group, LLC, et al. v. Prince George's County, Maryland*, Case #CAL-18-41277
Expert report for the plaintiff in an proceeding seeking enforcement of a County Council Resolution granting remission of impact fees for the conversion of an office building to multifamily dwellings in Oxon Hill, Maryland.
- *Jackson v. Sumbly*, Case #CAE-18-01785
Expert testimony for the plaintiff in an proceeding alleging adverse possession of a shared driveway between two houses in Capitol Heights, Maryland.
- *Scaggs v. Barrett, et al.*, AAA Case #04-C-10-000151CN
Expert testimony for the defendant in an arbitration proceeding alleging negligence in the preparation of a feasibility study in connection with a proposed subdivision in Calvert County, Maryland.
- Washington Gas Liquefied Natural Gas Storage Facility
Hyattsville, Maryland
Pro bono expert planning testimony in application SE-245/06, opposing the approval of a Special Exception to permit a regional liquefied natural gas storage facility in the O-S Zone, adjacent to a planned high-density mixed-use development around the West Hyattsville Metro station.
- 7-Eleven Marlboro Pike
Capitol Heights, Maryland
Expert planning testimony in application SE-4822, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone.
- Enterprise Rent-A-Car
Capitol Heights, Maryland
Expert planning testimony in application SE-4819, requesting approval of a Special Exception for a vehicle rental facility in the C-S-C Zone.
- Hunt Real Estate Development
Capitol Heights, Maryland
Expert planning testimony in application SE-4815, requesting approval of a Special Exception for the construction of a new gas station and food & beverage store in the C-S-C Zone.
- SMO Gas Station & Car Wash
Clinton, Maryland
Expert planning testimony in application SE-4812, requesting approval of a Special Exception for the rebuild of an existing gas station with the addition of a car wash in the C-S-C Zone.
- Uptown Suites
Lanham, Maryland
Expert planning testimony in application SE-4794, requesting approval of a Special Exception for a hotel in the I-2 Zone.
- Ernest Maier Concrete Batching Plant
Bladensburg, Maryland
Expert planning testimony in application SE-4792, requesting approval of a Special Exception for a concrete batching plant in the I-2 Zone.

- Smith Property Surface Mine
 Brandywine, Maryland
 Expert planning testimony in application SE-4517, requesting approval of a Special Exception for an extension in the validity period for an existing surface mine in the O-S Zone.

- Aggregate Industries Sand & Gravel Wet Processing Facility
 Brandywine, Maryland
 Expert planning testimony in application SE-4790, requesting approval of a Special Exception for an extension in the validity period for an existing wash plant in the R-A and R-E Zones.

- Traditions at Beechfield
 Mitchellville, Maryland
 Expert planning testimony in application SE-4785, requesting approval of a Special Exception for a planned retirement community in the R-E Zone.

- Chuck's Used Auto Parts
 Marlow Heights, Maryland
 Expert planning testimony in application SE-4783, requesting approval of a Special Exception for a vehicle salvage yard in the I-1 Zone.

- Dollar General
 Upper Marlboro, Maryland
 Expert planning testimony in application SE-4778, requesting approval of a Special Exception for a department or variety store in the I-1 Zone.

- Sunoco Gas Station and Car Wash
 Camp Springs, Maryland
 Expert planning testimony in application SE-4778, requesting approval of a Special Exception for a car wash addition to an existing gas station in the C-S-C Zone, including approval of Alternative Compliance for landscape buffers.

- Forestville Auto Service
 Upper Marlboro, Maryland
 Expert planning testimony in application SE-4768, requesting approval of a Special Exception for a gas station in the C-S-C Zone.

- Sheriff Road Seventh Day Adventist Church
 Fairmount Heights, Maryland
 Expert planning testimony in application SE-4750, requesting approval of a Special Exception for a church on a tract of land of less than one acre in the R-55 Zone.

- E&R Services, Inc.
 Lanham, Maryland
 Expert planning testimony in application ROSP-4464/02, requesting approval of an expansion to an existing Special Exception for a contractor's office with outdoor storage in the C-A Zone.

- Word Power Baptist Tabernacle
 Capitol Heights, Maryland
 Expert planning testimony in application SE-4694, requesting approval of a Special Exception for a church on a lot less than one acre in size in the R-18 Zone.
- Hotel at the Cafritz Property at Riverdale Park
 Riverdale Park, Maryland
 Expert planning testimony in application SE-4775, requesting approval of a Special Exception for a hotel in the M-U-TC Zone.
- SMO Gas Station & Car Wash
 Glenn Dale, Maryland
 Expert planning testimony in application SE-4757, requesting approval of a Special Exception for a gas station and a convenience store in the I-1 Zone.
- SMO Gas Station & Car Wash
 Beltsville, Maryland
 Expert planning testimony in application SE-4756, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Liberty Motors
 Accokeek, Maryland
 Expert planning testimony in application ROSP-4575/02, requesting modification of two conditions of a Special Exception for a gas station in the C-S-C Zone.
- Rock Hill Sand & Gravel/Anthony George Project
 Brandywine, Maryland
 Expert planning testimony in application SE-4646, requesting approval of a Special Exception for a surface mining operation in the C-S-C Zone.
- SMO Gas Station & Car Wash
 Laurel, Maryland
 Expert planning testimony in application SE-4730, requesting approval of a Special Exception for a gas station and a car wash in the C-S-C Zone.
- Model Prayer Ministries
 Bladensburg, Maryland
 Expert planning testimony in application SE-4723, requesting approval of a Special Exception for a church on a tract of less than one acre in size in the R-55 Zone, including grant of variance.
- Dash-In Food Stores
 Clinton, Maryland
 Expert planning testimony in application SE-4654, requesting approval of a Special Exception for a gas station in the C-S-C Zone, including grant of variance.
- Cabin Branch
 Clarksville, Maryland
 Expert planning testimony for the opposition in Development Plan Amendment SPA 13-02, requesting approval of an outlet mall in the MXPD Zone.

- In Loving Hands
 Friendly, Maryland
 Expert planning testimony in application SE-4704, requesting approval of a Special Exception for a congregate living facility in the R-R Zone.
- A-1 Vehicle Salvage Yard
 Bladensburg, Maryland
 Expert planning testimony in application SE-4698, requesting approval of a Special Exception for a vehicle salvage yard in the I-1 Zone.
- Kreative Kids Child Care
 Beltsville, Maryland
 Expert planning testimony in application SE-4388/01, requesting revision to a prior approval of a Special Exception for a day care center in the R-R Zone to increase occupancy.
- Little Workers of the Sacred Heart Nursery
 Riverdale Park, Maryland
 Expert planning testimony in application SE-3473/01, requesting revision to a prior approval of a Special Exception for a day care center in the R-55 Zone to increase occupancy, including grant of variance.
- Six Flags Amusement Park
 Mitchellville, Maryland
 Expert planning testimony in application SE-2635 & SE-3400, requesting approval of modified conditions to allow for extended hours of operation on limited occasions for certain events, additional firework displays, modified noise limitations, and removing a stipulated height limit to allow for approval of new rides by Detailed Site Plan review and approval.
- American Legion Beltway Post #172
 Glenn Dale, Maryland
 Expert planning testimony in application SE-4725, requesting approval of a Special Exception for alterations to an existing private club in the R-80 Zone.
- CarMax
 Brandywine, Maryland
 Expert planning testimony in application SE-4697, requesting approval of a Special Exception for a used car sales lot in the C-S-C Zone, including testimony to justify construction in a planned transit right-of-way.
- McDonald's
 Adelphi, Maryland
 Expert planning testimony in application SE-4686, requesting approval of a Special Exception for alteration of a nonconforming fast food restaurant in the C-S-C Zone.
- Tires R Us
 Riverdale Park, Maryland
 Expert planning testimony in application SE-4675, requesting approval of a Special Exception for a tire store with installation facilities in the C-S-C Zone.

- The Tire Depot
 District Heights, Maryland
 Expert planning testimony in application SE-4673, requesting approval of a Special Exception for a tire store with installation facilities in the C-S-C Zone.
- 7-11 Store
 Lanham, Maryland
 Expert planning testimony in application SE-4670, requesting approval of a Special Exception for a food or beverage store in the C-M Zone.
- Beall Funeral Home
 Bowie, Maryland
 Expert planning testimony in application SE-4662, requesting approval of a Special Exception to add a crematorium to an existing funeral home in the R-E Zone.
- Fort Foote Barber & Beauty Shop
 Fort Washington, Maryland
 Expert planning testimony in application SE-4658, requesting approval of a Special Exception for a barber and beauty shop in the R-R Zone.
- Little People's Place Day Care Center
 Upper Marlboro, Maryland
 Expert planning testimony in application SE-4639, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Young World Family Day Care Center
 Cheltenham, Maryland
 Expert planning testimony in application SE-4635, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Star Wash Car Wash
 Laurel, Maryland
 Expert planning testimony in application SE-4630, requesting approval of a Special Exception for a car wash in the C-S-C Zone.
- Jock's Liquors
 Capitol Heights, Maryland
 Expert planning testimony in application SE-4626, requesting approval of a Special Exception for the reconstruction of an existing nonconforming liquor store in the C-O Zone.
- Little People U Day Care Center
 Capitol Heights, Maryland
 Expert planning testimony in application SE-4624, requesting approval of a Special Exception for a day care center in the R-55 Zone.
- Cherry Hill Park
 College Park, Maryland
 Expert planning testimony in application SE-4619, requesting approval of a Special Exception for the expansion of an existing recreational campground in the R-R Zone.

- Safeway Fuel Station
Brandywine, Maryland
Expert planning testimony in application SE-4612, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Behr Apartments
College Park, Maryland
Expert planning testimony in application SE-4611, requesting approval of a Special Exception for an apartment building in the R-55 Zone.
- Barnabas Road Concrete Recycling Facility
Temple Hills, Maryland
Expert planning testimony in application SE-4605, requesting approval of a Special Exception for a concrete recycling facility in the I-1 Zone.
- Rose Child Development Center
Temple Hills, Maryland
Expert planning testimony in application SE-4601, requesting approval of a Special Exception for the expansion of an existing day care center in the R-80 Zone.
- Shell Oil Station
Laurel, Maryland
Expert planning testimony in application SE-4597, requesting approval of a Special Exception for a gas station in the C-S-C Zone, including revisions to a prior Special Exception under RO SP-1673/06.
- Catherine’s Christian Learning Center
Brandywine, Maryland
Expert planning testimony in application SE-4592, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Panda Restaurant
Capitol Heights, Maryland
Expert planning testimony in application SE-4574, requesting approval of a Special Exception for a fast food restaurant in the I-1 Zone.
- Manor Care of Largo
Upper Marlboro, Maryland
Expert planning testimony in application SE-4573, requesting approval of a Special Exception for the expansion of an existing nursing home in the R-R Zone.
- Bowie Assisted Living
Bowie, Maryland
Expert planning testimony in application SE-4569, requesting approval of a Special Exception to expand an existing congregate living facility in the R-R Zone.
- 7604 South Osborne Road
Upper Marlboro, Maryland
Expert planning testimony in application SE-4567, requesting approval of a Special Exception for a day care center in the R-A Zone.

- Superior Car Wash
Bowie, Maryland
Expert planning testimony in application SE-4565, requesting approval of a Special Exception for a car wash in the C-S-C Zone.
- Kinder Explorers Day Care Center
Lanham, Maryland
Expert planning testimony in application SE-4566, requesting approval of a Special Exception for a day care center in the R-R Zone, and subsequently in SE-4681 requesting approval for its expansion.
- Rita's Water Ice
Clinton, Maryland
Expert planning testimony in application SE-4535, requesting approval of a Special Exception for a fast-food restaurant in the C-S-C Zone.
- Chen's Apartments
College Park, Maryland
Expert planning testimony in application SE-4533, requesting approval of a Special Exception to alter a nonconforming apartment building in the R-55 Zone.
- Future Scholars Learning & Art Center
Upper Marlboro, Maryland
Expert planning testimony in application SE-4516, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Renee's Day Care Center
Upper Marlboro, Maryland
Expert planning testimony in application SE-4507, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Generations Early Learning Center
Fort Washington, Maryland
Expert planning testimony in application SE-4515, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Latchkey Day Care Center
Oxon Hill, Maryland
Expert planning testimony in application SE-4496, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Marvil Property
Adelphi, Maryland
Expert planning testimony in application SE-4494, requesting approval of a Special Exception for a nursery and garden center with an accessory arborist's operation in the R-R Zone.
- Jericho Senior Living
Landover, Maryland
Expert planning testimony in application SE-4483, requesting approval of a Special Exception for the adaptive use of a historic site as apartment dwellings for the elderly in the C-O Zone.

- WaWa
Beltsville, Maryland
Expert planning testimony in application SE-4477, requesting approval of a Special Exception for a convenience commercial store in the C-M Zone.
- Fun-Damentals Early Learning Center
Friendly, Maryland
Expert planning testimony in application SE-4476, requesting approval of a Special Exception for a day care center in the R-R Zone.
- Good News Day Care Center
Temple Hills, Maryland
Expert planning testimony in application SE-4473, requesting approval of a Special Exception for a day care center in the R-80 Zone.
- Wishy Washy Car Wash
Accokeek, Maryland
Expert planning testimony in application SE-4472, requesting approval of a Special Exception for a car wash in the C-S-C Zone.
- John Vitale & Sons
Lanham, Maryland
Expert planning testimony in application SE-4464, requesting approval of a Special Exception for a contractor's office in the C-A Zone.
- St. Paul Senior Living
Capitol Heights, Maryland
Expert planning testimony in application SE-4463, requesting approval of a Special Exception for apartment dwellings for the elderly in the R-R Zone.
- Safeway Gas Station
Fort Washington, Maryland
Expert planning testimony in application SE-4448, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- BP Amoco Gas Station
Temple Hills, Maryland
Expert planning testimony in application SE-4445, requesting approval of a Special Exception for a convenience commercial store in the C-M Zone.
- WaWa
Camp Springs, Maryland
Expert planning testimony in application SE-4436, requesting approval of a Special Exception for a gas station in the C-S-C Zone.
- Quarles Petroleum
Capitol Heights, Maryland
Expert planning testimony in application SE-4410, requesting approval of a Special Exception for a gas station in the I-1 Zone.

- Brown Station Early Learning Center
Upper Marlboro, Maryland
Expert planning testimony in application SE-4393, requesting approval of a Special Exception for a day care center in the R-R Zone.

As principal of his own architecture and planning firm, Mr. Ferguson was involved with the following diverse residential, commercial and institutional architectural and planning projects:

- Franklin's General Store and Delicatessen
Hyattsville, Maryland
Consulting services for the preparation of construction documents and construction contract administration for a 11,000-square foot addition to a historic commercial structure on U.S. Route One. Also, land planning services involving necessary waivers of parking and loading requirements, variances from setbacks and landscaping requirements, and permission to build in planned right-of-way of U.S. Rte One.
- King Farm Village Center
Rockville, Maryland
Inspection services for five mixed-use buildings in the village center of the 500-acre New Urbanist development in Rockville, Maryland
- Trinity Church
Upper Marlboro, Maryland
Full architectural services for the construction of a portico to the fellowship hall on the site of a National Register-listed historic site
- Publick Playhouse
Bladensburg, Maryland
Land planning services for the redevelopment and expansion of an existing community theater building.
- Transnational Law and Business University
Brandywine, Maryland
Master planning of a university campus on a 342-acre site
- Balmoral
Upper Marlboro, Maryland
Planning of a comprehensively-designed 357 lot residential subdivision immediately to the south of and connected with the 2,400-unit Beech Tree development
- Fred Lynn Middle School
Woodbridge, Virginia
Consulting services for the preparation of construction documents for a 131,000-square foot renovation
- Graham Park Middle School
Dumfries, Virginia
Consulting services for the preparation of construction documents for a 99,000-square foot renovation and four-classroom addition.

- Elizabeth Graham Elementary School
Woodbridge, Virginia
Consulting services for the preparation of construction documents for a classroom addition.
- Dale City Elementary School
Dale City, Virginia
Consulting services for the preparation of construction documents for a classroom addition.
- Occoquan Elementary School
Woodbridge, Virginia
Consulting services for the preparation of construction documents for a four-classroom addition that tied together three of the four buildings at the oldest school in Prince William County.
- 4912 St. Barnabas Road
Temple Hills, Maryland
Consulting services on the design preparation of construction documents and permits processing for a 1,500-square foot tenant fit-out for an attorney's office.
- 6100 Executive Boulevard
Bethesda, Maryland
Full architectural services from space planning through construction documents preparation for a 1,500-square foot tenant fit-out for a technology consulting firm.
- Parking Lot Rehabilitation, Bureau of Prisons
Washington, D.C.
Consulting services on construction documents preparation for rehabilitation of the parking and service area in the central courtyard of the old Federal Home Loan Bank Board building at 320 First Street, N.W.
- Covenant Creek Subdivision
Owings, Maryland
Land planning services for the subdivision of 161 acres crossing the Calvert/Anne Arundel County border into 47 clustered lots, involving the use of Transferable Development Rights and development of public road access across a wetland area into a landlocked tract.
- Welch Property
Accokeek, Maryland
Land planning services for the development of a 326-unit planned retirement community on a 41-acre tract.
- Phase II, Boyd & Margaret Shields King Memorial Park
Prince Frederick, Maryland
Land planning and engineering services for the design and construction of the second phase of development of a 7.5-acre park adjacent to the Courthouse in the heart of the Prince Frederick Town Center
- White Sands Community Center
Lusby, Maryland
Feasibility analysis for conversion of existing stable facility into a community building.

- Good Hope Hills Condemnation
Temple Hills, Maryland
Land planning services during condemnation proceedings against a one-acre commercial property.
- Additions and alterations to a private residence
Washington Grove, Maryland
Consulting services on the structural design, preparation of construction documents and construction observation for the construction of an award-winning 750-square foot, \$150,000 addition and renovation to a historic structure in a National Register district.
- Additions and alterations to a private residence
Chevy Chase, Maryland
Consulting services from schematic design through the construction phases of an award-winning 1,700-square foot, \$1.4 million dollar addition and renovation, which involved the relocation of a public sewer main from beneath the existing building.
- Additions and alterations to a private residence
Hyattsville, Maryland
Full architectural services for the construction of a large kitchen and bathroom addition to a Prince George's County listed historic site
- Additions and alterations to a private residence
Silver Spring, Maryland
Consulting schematic design services for a 2,000-square foot addition and renovation.
- Private residence
Avenue, Maryland
Architectural and planning services for the construction of a private residence on a 24-acre site on St. Clement's Bay
- Private residence
Avenue, Maryland
Full architectural services for the design of a private residence on a one-acre site on St. Clement's Bay
- Additions and alterations to a private residence
University Park, Maryland
Full architectural services for the construction of a 350-square foot addition.

At RDA his activities are concentrated in the following fields:

- Land use studies, feasibility analyses and detailed project planning for hundreds of various residential, commercial and industrial developments in Prince George's, Calvert, Montgomery, Charles, St Mary's and Anne Arundel Counties. This work requires intimate knowledge of the relevant master and/or comprehensive plans and zoning ordinances and other land development regulations in many jurisdictions.

- Hydrologic and hydraulic analyses of urban watersheds in connection with the development of drainage and stormwater management systems for various residential subdivisions and commercial and industrial projects. Tools used in these analyses included the TR-20, HEC-1 and HEC-2 hydraulic analysis programs, USDA/SCS hydrologic analysis methods, as well as the Maryland State Highway Administration's and other rational hydrologic analysis methods.
- Hydraulic and structural design of storm drainage and stormwater management systems, including wet ponds, dry detention and retention basins, underground detention systems, vegetative and structural infiltration systems, oil/grit separators, and conventional open and enclosed drainage systems. Analysis of theoretical breach events in earthen embankment structures to determine possible effects of downstream flooding caused by dam failures.

Mr. Ferguson served from 1991 to 1996 as the Town Engineer for the Town of Edmonston, Maryland. In this capacity, Mr. Ferguson advised the Town Council on the effects of legislation, assisted in the preparation of ordinances, assisted in the planning process during the development of the Master Plans for Planning Areas 68 and 69, and advised the Town on the selection of project proposals for funding under the Community Development Block Grant program.

During his tenure at AIP Architects, Mr. Ferguson was responsible for the entire scope of the project development process for numerous architectural projects, including:

- Project feasibility and financial analysis
- Project planning and schematic design
- Management and development of construction documentation
- Specifications writing
- Construction contract documents preparation and administration of bidding
- Coordination with regulatory authorities and permit processing
- Construction contract administration and project observation

Some of the projects Mr. Ferguson had intensive involvement with at AIP Architects include:

Office/Commercial Building (54,000 sf)
1815 University Boulevard, Adelphi, Maryland

Comfort Inn (202 rooms)
Ocean Highway, Ocean City, Maryland

Commercial Building (22,000 sf)
7931 Georgia Avenue, Silver Spring, Maryland

Office Commercial Building (58,000 sf)
4915 St. Elmo Avenue, Bethesda, Maryland

Office/Condominium Park (14,000 sf)
Old Largo Road, Largo, Maryland

Office Building (18,000 sf)
801 Wayne Avenue, Silver Spring, Maryland

Other Professional Activities:

Chairman, Hyattsville Community Development Corporation, 2001-2007

Treasurer, Hyattsville Community Development Corporation, 2010-present

This local development corporation was created to undertake the revitalization of commercial areas in the city of Hyattsville, to encourage the arts, and act together with the Gateway CDC in the establishment of the Gateway Arts District. Among many other works, the Hyattsville CDC has sponsored the installation of multiple works of public art, administered the creation of two generations of Hyattsville's Community Sustainability Plans, secured and disseminated market studies for development in the Route One corridor, and managed the renovation of the former Arcade Theater into the City of Hyattsville's Municipal Annex.

Vice Chairman, City of Hyattsville Planning Committee, 2000-2005

This committee advises the Mayor, City Council and City Administrator on both external planning issues which impact the City, as well as redevelopment and revitalization issues within the City.

Member, City of Hyattsville Planning Committee, 1992-2005

Member, Neighborhood Design Center Project Review Committee, 1995-1998

This committee reviews and provides guidance for the work of less-experienced design professionals on their *pro bono* projects for the Neighborhood Design Center.

Member, Prince George's County Zoning Ordinance Review Task Force, 1994-1995

This task force, chaired by former Prince George's County Council chairman William B. Amonett, was formed by order of the Prince George's County Council, and met over a period of four months to review the County's entire Zoning Ordinance and the make recommendations on streamlining the 1200-page ordinance.

Member, Prince George's County Task Force to study the creation of U-L-I and M-U-TC zones, 1993-1994

This task force, chaired by Prince George's County Council member Stephen J. Del Giudice, was formed by order of the Prince George's County Council, and met over a period of three months to revise the legislation which was proposed to create the innovative U-L-I (Urban Light Industrial) and M-U-TC (Mixed-Use Town Center) zoning district regulations, which were proposed by the American Planning Association-award winning *Adopted Master Plan for Planning Area 68 (Avondale, Brentwood, Colmar Manor, Cottage City, Edmonston, Hyattsville, Mount Rainier, North Brentwood, Riverdale, University Hills)* as a means to encourage redevelopment and revitalization of existing urbanized areas of Prince George's County. The work of this task force led directly to the passage of the legislation.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600

May 27, 2021

**RE: DSP-20029 Behnke Property 7-Eleven
Root 1, LLC, ETAL, Applicant**

NOTICE OF DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on May 24, 2021.

CERTIFICATE OF SERVICE

This is to certify that on May 27, 2021, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

**County Administration Building
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772**

Case No.: DSP-20029
Behnke Property 7 Eleven

Applicant: Root 1, LLC ETAL

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

ORDER OF REMAND

IT IS HEREBY ORDERED that Detailed Site Plan 20029, a request to develop a 4,500-square-foot food and beverage store and a gas station with eight multi-product dispensers, on 1.89 acres in the C-M Zone, located on the west side of US 1 (Baltimore Avenue) south of its intersection with Howard Avenue, Planning Area 61, Councilmanic District 1, is REMANDED, to Planning Board for further testimony or reconsideration of its decision as set forth herein. PGCC §§ 27-132(f), 27-290(d).

FINDINGS AND CONCLUSIONS

A. Introduction

On May 10, 2021, this matter was considered by the District Council on the record from Planning Board using oral argument procedures. (5/10/2021, Tr.). For reasons explained below, Planning Board shall reopen the record to take further testimony or evidence from the applicant that shall demonstrate or address how, among other things, the proposed site plan *implements* or is *in accordance with* purposes of Subtitle 27, the 2014 General Plan (or Plan 2035), and the 2010 Subregion 1 Master Plan.

B. The Subject Property

The subject site was formerly part of the Behnke Nursery. The Nursery occupied the subject site and abutting property to the south and west for approximately 90 years. The property is bounded to the north by the right-of-way of Howard Avenue, with commercial development in

the Commercial Miscellaneous (C-M) Zone beyond; to the east by the right-of-way of US 1, with the CSX railroad corridor beyond; and to the south and west by a single property in the C-M Zone, which is developed with a greenhouse and multiple buildings that supported the former Behnke nursery and garden center use. PGCPB No. 2021-21, p.2.

C. Interpretations and Rules of Construction

Where a regulation involves two (2) or more items connected by the conjunction “and,” it indicates that *all* the connected items *shall* apply, unless the context indicates to the contrary. PGCC § 27-108.01(a)(13)(A) (Emphasis added). For example, Subtitle 27 or the Zoning Ordinance has 15 purposes, which are connected by the conjunction “and.” PGCC § 27-102(a)(1)-(15). Some of those purposes are to *implement the General Plan, Area Master Plans, and Functional Master Plans, guide the orderly growth and development of the County, promote the most beneficial relationship between the uses of land and buildings to protect landowners from adverse impacts of adjoining development, and protect against undue noise, and air and water pollution.* PGCC § 27-102(a)(2)(4)(6)(13) (Emphasis added). Other purposes that are also relevant to the evaluation criteria include purposes of the commercial zones and general purposes of a detailed site plan. PGCC §§ 27-446, 27-459 and 27-281.

D. Commercial Zones

The site is in a Commercial Zone. Purposes of Commercial Zones are:

- (1) *To implement the general purposes of this Subtitle;*
- (2) To provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;
- (3) To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;

- (4) *To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;*
- (5) To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;
- (6) *To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;*
- (7) To increase the stability of commercial areas;
- (8) To protect the character of desirable development in each area;
- (9) To conserve the aggregate value of land and improvements in the County; and
- (10) To enhance the economic base of the County.

PGCC § 27-446 (Emphasis added). Specifically, the site is in the C-M Zone (Miscellaneous Commercial). Purposes of the C-M Zone are:

- (A) To provide locations for miscellaneous commercial uses which may be disruptive to the harmonious development, compactness, and homogeneity of retail shopping areas;
- (B) To provide these locations, where possible, on nonresidential streets; and
- (C) *To provide concentrations of these uses which are relatively far apart.*

PGCC § 27-459 (Emphasis added).

E. Detailed Site Plan

The site plan requests approval to develop a 4,500-square-foot food and beverage store and a gas station with eight multi-product dispensers. PGCPB No. 2021-21, p.1. A site plan is “an illustrated proposal for the *development* or *use* of a particular piece of real property [depicting] how the property will appear if the proposal is accepted.” *Cty. Council of Prince George’s Cty. v. FCW Justice, Inc.*, 238 Md. App. 641, 193 A.3d 241 (2018) (Emphasis added). General purposes of a detailed site are:

- (A) *To provide for development in accordance with the principles for the orderly planned, efficient and economical development contained in the General Plan, Master Plan, or other approved plan;*
- (B) To help fulfill the purposes of the zone in which the land is located;
- (C) To provide for development in accordance with the site design guidelines established in this Division; and

(D) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.

PGCC § 27-281 (Emphasis added). Specific purposes of a detailed site plan are:

- (A) To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;
- (B) To show specific grading, planting, sediment control, woodland conservation areas, regulated environmental features and storm water management features proposed for the site;
- (C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and
- (D) *To describe any maintenance agreements, covenants, or construction contract documents that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle.*

PGCC § 27-281 (Emphasis added). The Zoning Ordinance shall be read as a whole. PGCC § 27-108.01(a)(23). Words and phrases not specifically defined or interpreted shall be construed according to the common and generally recognized usage of the language. PGCC § 27-108.01(a)(7). To *implement* something is to *carry out* or *accomplish*, especially to give practical effect to and ensure of *actual fulfillment* (Emphasis added).¹ To do something *in accordance with* is to do it in a way that *agrees with* or *follows* (something, such as a rule or request) (Emphasis added).² The statutory scheme above is clear that the evaluation criteria of a site plan include, among other things, how the development *implements* or is *in accordance with* purposes of Subtitle 27, the General Plan, and the Master Plan. The proposed site plan is subject to the 2014 General

¹ <https://www.merriam-webster.com/dictionary/implement> (last visited May 20, 2021).

² <https://www.merriam-webster.com/dictionary/in%20accordance%20with> (last visited May 20, 2021).

Plan (or Plan 2035), and the 2010 Approved Subregion I Master Plan and Sectional Map Amendment.

F. General Plan (or Plan 2035)

Plan 2035 designates the subject site in the Established Communities and Employment Areas of the County Growth Policy Map. Plan 2035, Map 1, p. 18, p. 19, Map 11, p. 107, Memo from Community Planning Division, 12/12/2020, Statement of Justification, pp. 2-3.

Under Plan 2035, the Employment Areas were identified because of two major County plans: the 2013 Strategic Development Plan and the 2014 Southern Green Line Station Area Plan. These designated employment areas have the highest concentrations of economic activity in four targeted industry clusters – healthcare and life sciences; business services; information, communication, and electronics (ICE); and the Federal Government. Plan 2035 recommends continuing to support business growth in these geographic areas – in particular in the targeted industry clusters – concentrating new business development near transit where possible, improving transportation access and connectivity, and creating opportunities for synergies. Plan 2035, p. 19, Statement of Justification, pp. 2-3.

Established communities are existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers. Established communities are most appropriate for *context-sensitive infill and low-to-medium-density development*. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met. Infill development takes places on vacant or underutilized parcels within an area that is

already characterized by urban development and has access to urban services. Plan 2035, pp. 20, 288 (Emphasis added).

G. Master Plan

Development of the property is subject to the 2010 Approved Master Plan and Sectional Map Amendment for Subregion I (Planning Areas 60, 61, 62, and 64). The 2010 Master Plan placed the property in Focus Area 1, Map 3. 2010 Master Plan, pp. 19-20. Statement of Justification, p. 3. The vision for Focus Area 1 is:

US 1 developed as a “main street,” new mixed-use neighborhoods adjacent to the Beltsville Agricultural Research Center (BARC) and existing low- to high density housing in Beltsville. New development is integrated with older residential neighborhoods and is connected by a network of open spaces and a central focal place. Rhode Island Avenue is divided into two local streets by focal greens along US 1, with streetscape improvements and trails. The commercial core at the Costco Shopping Center is redeveloped into a high quality shopping destination. The southern portion of US 1 is lined by a heavily planted streetscape gateway from I-495 north to Sunnyside Avenue and through the BARC landscape. *A new mixed-use neighborhood from Prince George’s Avenue to Garrett Avenue is integrated with the adjacent single-family neighborhood and is buffered from US 1 and the CSX railroad line to the east.* An area of medium-density housing is included in this neighborhood adjacent to the mixed-use development, extending from Garrett Avenue to Quimby Avenue and buffered from US 1 and the CSX rail line.

2010 Master Plan, p. 19 (Emphasis added). Goals for Focus Area 1 are:

- *Quality mixed-use and residential development that protects, enhances and integrates with surrounding neighborhoods.*
- *Increased open space and improved open space connections.*
- *Upgraded streetscape and pedestrian amenities to establish a walkable community.*
- Retention and expansion of selected retail development on US 1.

2010 Master Plan, p. 19 (Emphasis added). Policies and strategies for Focus Area 1 are:

Policy 1: Establish areas of mixed-use development that are integrated with adjacent residential neighborhoods.

Strategies

- Develop a mixed-use neighborhood at the southern end of the focus area, adjacent to BARC.
- Encourage mixed-use development in the area on the west side of US 1, north of Powder Mill Road.
- *Ensure that new mixed-use development is integrated with—and protects, enhances and complements—surrounding residential neighborhoods.*
- Guide regional commercial and industrial traffic away from proposed neighborhoods.

Policy 2: Develop new mixed-use residential development to protect and enhance adjacent residential neighborhoods.

Strategies

- Support and integrate existing residential neighborhoods with new housing on US 1 and Rhode Island Avenue.
- Develop a mix of medium-density residential and office uses on the west side of US 1 (north of Garrett Avenue and the proposed mixed-use development on US 1).
- Develop a mix of medium-density housing and office uses on the west side of Rhode Island Avenue, north of the intersection with US 1.
- Improve the streetscape adjacent to the proposed medium-density housing to serve as a buffer from US 1.

Policy 3: Establish new open space areas and a central focal place to connect surrounding neighborhoods.

Strategies

- Utilize the edges of the BARC property as visual open space to create a more attractive gateway into the sector area from the south.
- Locate a central public focal place at the intersection of Rhode Island Avenue and US 1 to serve the southern mixed-use neighborhood.
- *Locate a central public focal place within the proposed mixed-use neighborhood west of US 1 between Prince George's Avenue and Garrett Avenue.*
- Provide connections to surrounding open space, including the Ammendale Normal School historic site, Indian Creek, and the proposed paths alongside the Kenilworth Avenue extension.

Policy 4: Improve pedestrian/bicycle circulation and streetscape character.

Strategies

- Construct a pedestrian bridge across US 1, from the area north of Quimby Avenue to Linden Street and the adjacent Indian Creek stream valley, thereby creating a continuous trail connection between proposed open space acquisition east of US 1 and the proposed trails alongside the Kenilworth Avenue extension.
- Establish distinct zones of unified streetscape elements along US 1:
 - Gateway streetscape north of I-495 to Sunnyside Avenue
 - Main street streetscape from Sunnyside Avenue to focal place at Rhode Island Avenue
 - Retail streetscape on US 1 between Rhode Island Avenue and Powder Mill Road
 - Buffered edge with path along US 1 to shield new housing development from US 1 traffic.
- Improve and add sidewalks and pedestrian crossings along US 1 to encourage safe pedestrian uses and better east-west connections.
- Move overhead utilities underground.
- Implement proposed in-road bicycle lanes along US 1, extending the existing lanes along the IKEA frontage.

Policy 5: Retain, expand and complement retail development at the existing Costco site and nearby sites.

Strategies

- Retain and improve the existing Costco retail site.
- Expand retail uses on this site and on the opposite side of US 1 to allow for improvements that accommodate retail with large-floor-plate needs.
- Locate a grocery store in this area.

Policy 6: Improve existing traffic circulation to protect and enhance proposed neighborhoods.

Strategies

- Eliminate the direct intersection of Rhode Island Avenue with US 1, utilizing the space created at the end of the right-of-way as the location for a public focal place.
- Create additional secondary streets that link Rhode Island Avenue with US 1 at an east-west intersection.

- Widen and improve the bridge over the CSX rail line along Powder Mill Road.
- Provide traffic calming and a neighborhood entry feature at Powder Mill Road and US 1 for westbound traffic.

2010 Master Plan, pp. 19-23 (Emphasis added).

H. Conclusion

When the Zoning Ordinance is read as a whole, the District Council concludes that the evaluation criteria of a detailed site plan include, among other things, how the development *implements* or is *in accordance with* purposes of Subtitle 27, the 2014 General Plan (or Plan 2035), and the 2010 Subregion 1 Master Plan. On remand, the applicant shall submit a revised site plan that will demonstrate or address the following:

1. The development implements the 15 purposes of Subtitle 27.
2. The development implements the purposes of the Commercial Zones.
3. The development is in accordance with the principles for the orderly, planned, efficient and economical development contained in Plan 2035, and the 2010 Subregion I Master Plan, including the Vision for Focus Area 1 and relevant goals, policies and strategies for Focus Area 1.
4. The development provides for a sidewalk along with the entire southern frontage of the subject property.
5. The development provides for a monument sign instead of a freestanding sign. Planning Board shall evaluate the monument sign location and size.
6. The development provides for fill-in planting areas at the northeast corner, and along the US 1 frontage, and the southeast boundary of the property. The goal of filling-in these planting areas is to screen the fuel pumps as effectively as possible. Shrubs along the US 1 frontage should be 4-6 foot-high and maintained at that height.
7. The development facilitates smart growth along US 1 with the installation of an Electrical Vehicle Charging Device (EVCD). A space containing an EVCD shall be designated as exclusively for use by electric cars and the space shall be created as one of the reserved spaces on the premises.

8. The development relocates the trash dumpster at least 25 feet from the west property boundary.

ORDERED this 24th day of May, 2021, by the following vote:

In Favor: Council Members, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter, Taveras, and Turner.


Opposed:

Abstained:

Absent: Council Member Anderson-Walker.

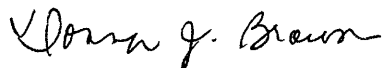
Vote: 10-0.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: 

Calvin S. Hawkins, II, Chair

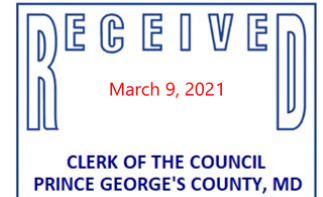
ATTEST:



Donna J. Brown
Clerk of the Council

March 9, 2021

Root 1, LLC, ETAL
4416 East West Highway, 4th Floor
Bethesda, MD 20814



Re: Notification of Planning Board Action on
Detailed Site Plan DSP-20029
Behnke Property 7 Eleven

Dear Applicant:

This is to advise you that, on **March 4, 2021**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291), the District Council decides, on its own motion, to review the action of the Planning Board.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Adam Bossi
Reviewer

Attachment: PGCPB Resolution No. **2021-21**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

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 February 4, 2021, regarding Detailed Site Plan DSP-20029 for Behnke Property 7-Eleven, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) requests approval for development of a 4,500-square-foot food and beverage store and a gas station with eight multi-product dispensers.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-M	C-M
Use(s)	Vacant – Formerly Nursery and Garden Center	Food or beverage store and gas station
Gross Acreage	1.89	1.64*
Total Gross Floor Area	7,790 sq. ft.	4,500 sq. ft.

Note: *0.25 acre in right-of-way dedication is provided with this DSP.

OTHER DEVELOPMENT DATA

Parking Spaces

	Required	Provided
Food or Beverage Store		
Normal Parking Generation Group: 1 space per 150 square feet for the first 3,000 sq. ft. of GFA, plus 1 additional space per 200 sq. ft. above the first 3,000 sq. ft.	28	28
Handicap-Accessible*	2	2
Gas Station (self service)		
1 space per employee (2 employees)	2	2
Total	30	32

Note: *Accessible spaces are included in the total number of required and provided parking spaces.

Loading Spaces

	Required	Provided
1 loading space per 2,000–10,000 sq. ft. GFA	1	1
Total	1	1

3. **Location:** The site is in Planning Area 61 and Council District 1. More specifically, it is located on the west side of US 1 (Baltimore Avenue) south of its intersection with Howard Avenue.
4. **Surrounding Uses:** The subject property is bounded to the north by the right-of-way of Howard Avenue, with commercial development in the Commercial Miscellaneous (C-M) Zone beyond; to the east by the right-of-way of US 1, with the CSX railroad corridor beyond; and to the south and west by a single property in the C-M Zone, which is developed with a greenhouse and multiple buildings that supported the former Behnke nursery and garden center use.
5. **Previous Approvals:** The subject site was formerly part of the Behnke Nursery, which occupied the subject site and abutting property to the south and west for approximately 90 years. Zoning Map Amendments A-7705, A-7706, and A-7707 were approved in 1969. Board of Appeals Number 4838 was approved in 1977 and Board of Appeals Number 9199 was approved in 1988. The 2010 *Approved Master Plan and Sectional Map Amendment for Subregion I (Planning Areas 60, 61, 62, and 64)* retained the subject property in the C-M Zone.

The site that is the subject of this DSP is known as Parcel 2 of Beltsville, Section 2, recorded on a Plat of Correction in Plat Book ME 255, page 31 in October 2020. The southern portion of the site is subject to Preliminary Plan of Subdivision (PPS) 4-85102, which was approved by the Prince George’s County Planning Board on July 25, 1985 (PGCPB Resolution No. 85-363).

The site has an approved Stormwater Management Concept Plan, 1911-2018-1, that is in conformance with the current code, which was issued on December 6, 2019.

6. **Design Features:** The subject site is rectangular in shape with an area of 1.64 acres after right-of-way dedication and has frontage on both US 1 and Howard Avenue. The existing site includes a 5,370-square-foot commercial building, several outbuildings, and structures associated with the former nursery and garden center use. The gross floor area of all existing structures is 7,790 square feet. A paved parking area with access to US 1 and Howard Avenue is in the northeast corner of the site. Most of the southern portion of the site is surfaced with gravel and served as an outdoor plant display area.

This DSP proposes to raze all existing site features and develop a 4,500 square-foot 7-Eleven brand food and beverage store and a gas station, with eight multi-product dispensers. The proposed single-story, rectangular-shaped building is located in the west-central portion of the site, with the gas station canopy located on its east-central side. A trash enclosure is located north of the building. As there are no residential properties adjoining the subject site, there is no minimum setback required, in accordance with Section 27-462 of the Prince George’s County

Zoning Ordinance. The Planning Board finds the locations of the building, gas station canopy, and site features acceptable.

Two new access points are provided to the site, one in the northwest corner to Howard Avenue, and one at the southeast corner of the site, to an access easement with a right-in and right-out connection to the southbound lanes of US 1. Pedestrian and bicycle access to the building is provided by 5-foot-wide sidewalk connections to Howard Avenue and the access easement. Five-foot-wide sidewalks are also provided along the site's frontage of Howard Avenue, and a 10-foot multimodal sidewalk is provided along US 1. Three inverted U-style bicycle racks are located at the northwest corner of the building. The Planning Board finds the facilities for pedestrian and bicycle use provided to be acceptable. A total of 32 parking spaces are provided adjacent to the building and a single loading space is provided at its northwest corner. A condition has been included for technical corrections to be made to the parking schedule. The Planning Board also encourages the applicant to explore adding charging stations for electric vehicles.

Architecture

The proposed 4,500-square-foot food and beverage store is a single-story, rectangular-shaped structure, with a roof height of approximately 19 feet with a 2-foot-high parapet on portions of the northern, southern, and eastern façades. The eastern façade of the building includes its main entrance and faces toward the gas station canopy. Appropriate fenestration is provided on the front façade, with spandrel glass shown on the northern and southern façades on the building. Canopies are provided along portions of each façade and above the building entrance. Exterior insulation finishing system and stone veneer in lighter tones of brown, typical of 7-Eleven branded buildings, will clad the building. Decorative metal coping in a complimentary color is shown capping the parapets. Vertical elements visually anchor the building's corners and add prominence to its main entrance.

The proposed gas station canopy is in the east-central portion of the site, with its length parallel to the building's front façade and US 1. The canopy is approximately 152 feet long, 36 feet wide, and approximately 19.5 feet in height. A total of eight multi-product dispensers are proposed. The top façade of the canopy will be faced with branded signage and colored striping, and remaining façade areas will be clad with materials complimentary to the proposed building.

Signage

A comprehensive signage program is provided that includes freestanding, canopy-mounted, and building-mounted signs for the proposed gas station and food and beverage store. Signage shown is typical for the 7-Eleven brand and proposed uses. There are clarifications and corrections needed to the signage program to ensure conformance with the requirements of Part 12 of the Zoning Ordinance. Area calculations for all proposed signage needs to be provided with the signage table to verify conformance with the requirements of Section 27-613(c) and Section 27-614(c) of the Zoning Ordinance. A condition has been included for sign area calculations to be provided. A single 25-foot-high freestanding advertisement and fuel pricing sign is provided, as are two freestanding directional signs. The property is only permitted one freestanding sign with commercial copy or advertising information based on the street frontage

length. Therefore, a condition has been included to revise the two freestanding directional signs to eliminate all advertising information or to remove the two freestanding directional signs altogether to conform with Section 27-614(d). The applicant has elected to revise the two freestanding directional signs to remove all advertising information and has provided an exhibit showing the revised freestanding directional signs compared to the previously proposed freestanding directional signs. In addition, Section 27-594(a)(1) requires that one gasoline price sign be located at each entrance to the station. This DSP provides a single gasoline price sign at the northwest corner of the property, adjacent to the intersection of Howard Avenue and US 1. Given that the sign will be prominently located, approximately equidistant from each site entrance and highly visible from each entrance to the site, the Planning Board finds that the single gasoline price sign will adequately serve both site entrances.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the C-M Zone of the Zoning Ordinance:
 - a. In accordance with the commercial use table in Section 27-461(b) of the Zoning Ordinance, a food and beverage store, in combination with a gas station, is a permitted use subject to DSP review unless the gas station requires a special exception. In this case, a special exception is not required, as a gas station is a permitted use in the C-M Zone, subject to DSP review, in accordance with Section 27-358(a)(1), (2), (4), (5), (6), (7), (8), (9), and (10) of the Zoning Ordinance, as follows:
 - (a) **A gas station may be permitted, subject to the following:**
 - (1) **The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;**

The subject property has approximately 300 feet of frontage on US 1, which has a variable width right-of-way. The existing right-of-way adjacent to the site has a minimum existing width of approximately 86 feet. The right-of-way width is proposed to be expanded to a minimum of approximately 113.5 feet, with the right-of-way dedication included in this DSP.
 - (2) **The subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library or hospital is located;**

The subject property is not located within 300 feet of a school, outdoor playground, library, or hospital.

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

Storage or junking of wrecked motor vehicles is not proposed on-site by this DSP.

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

Access driveways are located and sized, in conformance with these criteria. The access driveway to Howard Avenue is 40 feet wide and the driveway to the access easement and US 1 is 30 feet wide.

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

As shown on the DSP, the access driveways are defined by curbing.

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

As shown on the plan, 5-foot-wide sidewalks are provided between the proposed building and Howard Avenue on the north side of the site, as well as between the building, access easement, and US 1 at the southeast corner of the site.

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

Gasoline pumps and service appliances are located further than 25 feet behind the street lines.

- (9) **Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any**

work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.

No vehicle repair service is proposed by this DSP.

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

Architectural elevations of each façade of the proposed building and gas station canopy were provided. The images show structures that are compatible with existing development in the surrounding area.

- b. The DSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance, as cross-referenced in Section 27-283 of the Zoning Ordinance. For example, adequate illumination is provided, the parking spaces are located close to the use they serve, and the architecture proposed for the building employs a variety of architectural features and designs, such decorative coping, colors, and materials.

- 8. Preliminary Plan of Subdivision 4-85102:** The Planning Board approved PPS 4-85102 on July 25, 1985 (PGCPB Resolution No. 85-363), subject to one modification and two conditions that are relevant to the review of this DSP and discussed, as follows:

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 Preliminary Plat of Subdivision 4-85102 with the following modifications:

As revised in red on Staff Exhibit #1, to provide for a building restriction line on Baltimore Boulevard (70' centerline); a building restriction line on Wicomico Avenue to provide for a 60' right-of-way; and subject to the following:

The 70-foot building restriction line (BRL) measured from the centerline of US 1 was recorded in Plat Book NLP 125 page 58 in 1986. The BRL was subsequently shown in Plat Book SJH 248 page 43 in 2017. The 2017 plat showed it as a BRL 40 feet from the

property's US 1 frontage, which is consistent with the 30 feet between the centerline and the frontage line. The BRL was also extended at that time to cover all the Behnke Property frontage on US 1, going past the original 4-85102 approval area to include Parcel C of the 2017 plat. The 2020 Plat of Correction retained the 40-foot BRL on existing Parcels 1 and 2. With the 27.8 feet of right-of-way dedication proposed with this application, the 40-foot BRL will become a 12.2-foot BRL on Parcel 2, as measured from the new frontage line. The DSP accurately reflects the location of the 12.2-foot BRL.

Wicomico Avenue no longer passes through the site, having been vacated under Vacation Application V-99005. The BRLs previously required along either side of Wicomico Avenue are therefore no longer applicable.

1. Vacation of a portion of Queen Anne Avenue; and

This vacation was previously accomplished, and neither the previous nor current right-of-way for Queen Anne Avenue abuts the subject property (Parcel 2). This condition is therefore not applicable.

2. Showing the 30' buffer required by Zoning Amendment Petition A-7705, A-7706, and A-7707.

The 30-foot buffer required under the A-7705, A-7706, and A-7707 Zoning Map Amendments is located along the previous right-of-way of Queen Anne Avenue. It does not abut or enter the subject property, and therefore this condition is not applicable.

9. 2010 Prince George's County Landscape Manual: Development proposed by this DSP is subject to Section 4.2, Requirements for Landscape Strips Along Streets (US 1 and Howard Avenue); Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscaping Requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The Planning Board finds that conformance with the applicable requirements of the Landscape Manual has been demonstrated. In general, planting requirements have been slightly exceeded.

10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance: The site has been issued a standard letter of exemption from the Woodland and Wildlife Habitat Conservation Ordinance (S-084-2020), which expires on June 16, 2022, because the site contains less than 10,000 square feet of woodland.

11. Prince George's County Tree Canopy Coverage Ordinance: Section 25-128, Tree Canopy Coverage Requirements, requires properties in the C-M Zone to provide a minimum tree canopy coverage (TCC) of 10 percent. The 1.64-acre subject site is required to provide 0.16 acre (6,969 square feet) in TCC. Through the subject DSP, the applicant has shown that approximately 0.19 acre (8,300 square feet) of TCC will be provided, satisfying this requirement.

12. Further Planning Board Findings and Comments from Other Entities: The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:

- a. **Community Planning**—The Planning Board adopts, herein by reference, a memorandum dated December 12, 2020 (Tariq to Bossi), which notes that pursuant to Part 3, Division 9, Subdivision 3, of the Zoning Ordinance, master plan conformance is not required for this application.
- b. **Transportation Planning**—The Planning Board adopts, herein by reference, a memorandum dated January 5, 2021 (Hancock to Bossi), which notes that PPS 4-85102 included a trip cap of 53 AM and 153 PM peak-hour trips (assuming a 40 percent pass-by for the use). The proposed food and beverage store development will generate approximately 45 AM and 38 PM peak-hour trips using a pass-by trip reduction rate of 76 percent. This proposal creates no specific issues that trigger additional discussion of the general DSP requirements or the related site design guidelines. There are two access points for this development, one full movement access is on Howard Avenue and the other is on US 1 at the easement, which provides a right-in and right-out access. The Planning Board finds that the on-site circulation of this plan is acceptable.
- c. **Trails**—The Planning Board adopts, herein by reference, a memorandum dated January 4, 2021 (Ryan to Bossi), which notes that sidewalks are provided, with a 10-foot-wide sidewalk along the property’s frontage of US 1, a 5-foot-wide sidewalk along the property’s frontage of Howard Avenue, and a 5-foot-wide sidewalk along the west side of the access easement. An internal walkway between the access easement and the store is provided, as well as a sidewalk surrounding the store. A crosswalk located between the Howard Avenue entrance and the northeast portion of the building is also shown. An additional crosswalk located between the walkway originating on the access easement and the building has also been provided. Two additional crosswalks are needed, one at each driveway entrance to the site and are conditioned to be provided herein. Three bicycle racks are located adjacent to the north side of the building. This development case is subject to the 2009 *Approved Countywide Master Plan of Transportation*, and the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion I (Planning Areas 60, 61, 62, and 64)* which recommends bicycle lanes and a side path along US 1 at this location. The 10-foot-wide sidewalk, to be provided along US 1, is consistent with the side path recommendation. Bicycle lanes are not shown on the DSP, but SHA can require their construction, or install the lanes themselves as part of a future project. The Planning Board finds that the pedestrian and bicyclist circulation on the site to be safe, efficient, and convenient, pursuant to Sections 27-283 and 27-274(a). The DSP is acceptable from the standpoint of pedestrian and bicycle transportation planning, as conditioned herein.

- d. **Permits**—The Planning Board adopts, herein by reference, a memorandum dated January 5, 2021 (Bartlett to Bossi), that identifies minor technical corrections to be made to the DSP, which are conditioned herein as appropriate.
- e. **Environmental Planning**—The Planning Board adopts, herein by reference, a memorandum dated December 23, 2020 (Juba to Bossi), which notes that the site has a Natural Resources Inventory (NRI-022-2017) which was approved on October 24, 2019. The site also has a valid SWM Concept Plan, 1911-2018-01, issued on December 6, 2019. The stormwater concept design for the site is not consistent with the DSP but will be addressed by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) at the time of final stormwater plan design.
- f. **Subdivision**—The Planning Board adopts, herein by reference, a memorandum dated January 4, 2021 (Diaz-Campbell to Bossi), which notes the subject property is known as Parcel 2 of Beltsville, Section 2, recorded on a Plat of Correction in Plat Book ME 255, page 31 in October 2020. The southern portion of the property is subject to 4-85102, which was approved on July 25, 1985 (PGCPB Resolution No. 85-363). The development proposed on the southern part of the property, inclusive of approximately half of the food and beverage store ($\pm 2,271.40$ square feet of commercial floor area) will use a portion of the entitlement approved under 4-85102. The PPS approved the floor area of the then-existing garden nursery, a commercial use, which is known to have been at least 36,710 square feet. Traffic generated by the southern part of the proposed project must remain within the limit associated with the prior garden nursery use, which was established with the PPS. The remaining portion of the development proposed on the northern part of the property ($\pm 2,228.60$ square feet of commercial floor area) is exempt from filing a new PPS under Section 24-111(c)(3) of the Subdivision Regulations. Though the northern part of the property was originally platted prior to 1970 (see Plat Book JWB 5, page 495), less than 5,000 square feet of new development is proposed. Because the development on the northern part of the property is exempt, and the southern part is within the entitlement of 4-85102, no new PPS is required for this project. In addition, in order to plat the proposed public road dedication and public utility easements shown on the DSP, a new final plat will be needed prior to permitting.
- g. **Historic Preservation**—The Planning Board adopts, herein by reference, a memorandum dated December 3, 2020 (Smith and Stabler to Bossi), which states that the subject property does not contain, and is not adjacent to, any designated historic sites or resources.
- h. **Prince George’s County Fire Department**—The Fire Department did not offer comments on the subject application.
- i. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopts, herein by reference, a memorandum dated December 14, 2020 (Giles to Bossi), in which DPIE noted that the applicant should

provide separate left and right turn lanes on the eastbound approach of Howard Avenue at US 1, and that final SWM plans will be needed prior to issuance of final development permits. DPIE noted no objection to the approval of the DSP.

- j. **Prince George's County Police Department**—The Police Department did not offer comments on the subject application.
 - k. **Prince George's County Health Department**—The Health Department did not offer comments on the subject application.
 - l. **Maryland State Highway Association (SHA)**—The Planning Board adopts, herein by reference, an email dated November 20, 2020 (Woodroffe to Bossi), in which SHA noted access permit plans associated with the proposed development are under review. An accompanying letter dated October 8, 2020 (Rigby to Clement) included SHA's earlier review comments.
 - m. **Washington Suburban Sanitary Commission (WSSC)**—The Planning Board adopts, herein by reference, a memorandum and site plan comments dated December 10, 2020, in which WSSC provided standard comments on the project's conceptual water and sewer plan that will require attention through WSSC's permitting processes.
12. Based on the foregoing and as required by Section 27-285(b) of the Zoning Ordinance, the DSP, if revised as conditioned herein, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
13. Section 27-285(b)(4) provides the following required finding for approval of a DSP:
- (4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).**

No regulated environmental features such as streams, wetlands, 100-year floodplain, associated buffers, or primary management areas are located on-site. Therefore, this finding does not apply.

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 Detailed Site Plan DSP-20029 for the above described land, subject to the following conditions:

- 1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:

- a. Ensure the proposed public utility easement along Howard Avenue is not interrupted by the driveway entrance to the site from that street.
- b. Revise signage tables to include area calculations for all proposed signage to show conformance with Section 27-613(c) and Section 27-614(c) of the Prince George’s County Zoning Ordinance.
- c. Revise the two freestanding directional signs to eliminate all advertising information or remove the two freestanding directional signs with advertising information, as only one freestanding sign is allowed, per Section 27-614(d) of the Prince George’s County Zoning Ordinance.
- d. Revise the parking schedule to include parking requirement calculations. Correct the parking schedule to show 32 spaces are provided, as shown on the DSP.
- e. Provide a continental style crosswalk at the site access easement driveway along US 1 (Baltimore Avenue).
- f. Provide a continental style crosswalk at the site driveway entrance along Howard Avenue.

Consideration: With respect to electric vehicle charging stations, the applicant shall consider adding charging stations for electric vehicles.

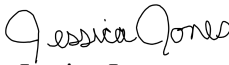
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 4, 2021, in Upper Marlboro, Maryland.

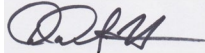
Adopted by the Prince George's County Planning Board this 4th day of March 2021.

Elizabeth M. Hewlett
Chairman


By Jessica Jones
Planning Board Administrator

EMH:JJ:AB:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: February 24, 2021

ORIGINAL BACK-UP FOR
DSP-20029
FEBRUARY 4, 2021

STATEMENT OF JUSTIFICATION
DETAILED SITE PLAN
 DSP - 20029

1. **Request:** The subject detailed site plan (DSP) request is for approval for the construction of a food and beverage store in combination with a gas station.
2. **Development Data Summary:**

	<u>EXISTING</u>	<u>PROPOSED</u>
Zone(s)	C-M	C-M
Use(s)	Behnke Nurseries Nursery and Garden Center	Food and beverage store in combination with a gas station
Acreage	1.89	1.64 (after ROW dedication)
Building Square Footage/GFA	7,790 s.f.	4,500 square feet

Development Data:

PARKING AND LOADING SCHEDULE

PARKING	DESCRIPTION	RATE	REQUIRED	PROVIDED
	4,500 sq. ft. Gross Floor Area (GFA)	Normal Parking Generation Group: 1 space per 150sq. ft. of the first 3,000 GFA 1 space per 200sq. ft. above first 3,000 GFA	28	28
	Gas Station Employee – 2 (self serve)	1 parking space/employee 2 employees	2	2
	Parking facilities for the physically handicapped	2 handicapped space per 26 – 50 total required parking spaces in lot	2	2
	Bike Spaces		6	6
Total No. of Parking Spaces:			32 (including +2 handicapped)	32 (including +2 handicapped)
Loading	4,637 sq. ft. Gross Lease Area (GLA)	One loading space for 2,000-10,000 sq.ft. gross leasable area (15x33' loading spaces)	1	1

3. **Location:** The subject property is located on the west side of Baltimore Avenue at the intersection of Howard Avenue in Beltsville, Council District 1 on a portion of the former Behnke Nurseries garden center.
4. **Surrounding Uses:** The property is surrounded to the north by a bakery on land zoned I-1. To the west and south are the former Behnke Nurseries, nursery and garden center, zoned C-M. To the east is U.S. Route 1 (Baltimore Avenue) and CSX Railroad tracks.
5. **Previous Approvals:** The subject property was the location of Behnke Nurseries for 90+/- years. A-7705, A-7706, A7707 were approved in 1969. Board of Appeals Number 4838 was approved in 1977; Board of Appeals Number 9119 was approved in 1988. The Behnke Nurseries property was resubdivided in 1985. Plats of vacation were also approved as recently as 2017.

6. **Design Features:**

Site Plan – Eight (8) pump islands covered by a canopy to serve the gas station use are set back from Baltimore Avenue. The 7-11 food and beverage store in combination with a gas station is located in the most northeastern portion of the site proximate to Baltimore Avenue and Howard Avenue. Parking for the development is located in front of and on the sides of the proposed building. The site is generously landscaped along its frontages, along the shared-property line with the commercial land use to the northwest and southwest. Pedestrian accessibility is facilitated on the site by inclusion of sidewalks. A dumpster enclosure is located just north of the building in the parking lot. Parking and loading is provided as required.

Architecture – A variety of materials with complimentary colors is proposed to provide a modern façade.

Signage – Signage will be as allowed pursuant to the regulations contained in the Prince George’s County Zoning Ordinance.

COMPLIANCE WITH EVALUATION CRITERIA

7. **GENERAL PLAN, MASTER PLAN, AND SMA**

General Plan: Plan Prince George’s 2035 Approved General Plan places this application in the Employment Area on the Prince George’s County Growth Policy Map. (p. 18) “The Employment Areas were identified because of two major County plans: the 2013 *Strategic Development Plan* and the 2014 *Southern Green Line Station Area Plan*. These designated employment areas have the highest concentrations of economic activity in four targeted industry clusters – healthcare and life sciences; business services; information, communication, and electronics (ICE); and the Federal Government. Plan 2035 recommends continuing to support business growth in these geographic areas – in particular in the targeted industry clusters – concentrating new business development

near transit where possible, improving transportation access and connectivity, and creating opportunities for synergies.” (See page 19).

Master Plan: The 2010 *Approved Subregion 1 Master Plan* recommends “Mixed Use Commercial” future land uses on the subject property and places the property in Focus Area 1. “The vision for Focus Area 1 is US 1 developed as a ‘main street,’ new mixed-use neighborhoods adjacent to the Beltsville Agricultural Research Center (BARC) and existing low – to high density housing in Beltsville. New development is integrated with older residential neighborhoods and is connected by a network of open spaces and a central focal place.” (See page 19).

Planning Area/ 61
Community: Fairland-Beltsville & Vicinity

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

SMA/Zoning: The 2010 *Approved Subregion 1 Sectional Map Amendment* retained the subject property in the C-M (Commercial Miscellaneous) Zone.

8. **Section 27-462, Regulations in Commercial Zones/C-M Zone Standards:** The site plan is in conformance with the regulations in the C-M Commercial Zone.
9. **Site Design Guidelines:** The DSP is in conformance with the applicable site design guidelines contained in Section 27-274. For example, much of the proposed surface parking is to be as near as possible to the main entrance of the building. The architecture features include, as is required, varied building form with a harmonious use of different building materials. Specifically, the DSP satisfies the applicable design guidelines in Section 27-274(a) of the Zoning Ordinance as follows:

Section 27-274(a)(2) Parking, loading, and circulation.

(A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site. As a means of achieving these objectives, the following guidelines should be observed:

The surface parking lot is located and designed to provide safe and efficient vehicular and pedestrian circulation within the site by use of clearly defined, striped and curbed access ways from Baltimore Avenue and Howard Avenue and the adjacent commercial property and travelways leading to the parking, loading and service use areas. Additionally, sidewalks are provided. These facilities make for safe, efficient and convenient circulation of the site for both pedestrians and drivers in accordance with this requirement.

(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.

Safe vehicular circulation is created on the site by use of clearly defined, striped and curbed accessways from Baltimore and Howard Avenues and the adjacent commercial property and travelways leading to the parking and service use areas. Sidewalks are provided. These facilities make for safe, efficient and convenient circulation of the site for both pedestrians and drivers in accordance with this requirement.

Section 27-274(a)(3) Lighting

(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site's design character.

A photometric plan demonstrating adequate illumination for nighttime activity with a detail of the light fixtures to be utilized for the project is provided.

Section 27-274(a)(4) Views

(A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.

The siting of the building, with its most architecturally significant façade facing Baltimore Avenue creates a scenic view to those driving or walking by in accordance with this requirement. Also, the quality of these views will be enhanced by generous landscaping along the road frontages. Lastly, the quality architectural materials and design assist in creating attractive views from the adjacent public domain.

Section 27-274(a)(5) Green Area

(A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location and design to fulfill its intended use.

Green areas on the subject property are located primarily along the road frontages. These green areas will serve to enhance the views.

Section 27-274(a)(6) Site and streetscape amenities

(A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site.

Landscaping of the site along its edges are heavily landscaped. Quality materials have been utilized in the architecture of the building and the design of the pump canopy has been coordinated therewith. All these factors create an attractive,

coordinated development that will enhance the use and enjoyment of the site in accordance with this requirement.

Section 27-274(a)(8) Service areas

(8) Service areas should be accessible, but unobtrusive.

Service areas, such as the dumpster pad on the north side of the building are accessible but unobtrusive and setback from Baltimore Avenue to the maximum extent possible in accordance with this requirement.

(e) Development District Overlay Zone Required Findings: Section 27-548(a), (b), (c) and (e) are applicable to the review of this DSP as follows:

Sec. 27-358. - Gas station.

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

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

The property exceeds 150 feet of frontage. Baltimore Avenue is classified as an arterial in excess of 70 feet.

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

None of these uses is within 300 feet of the property.

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

These uses are not proposed.

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

These uses are not proposed.

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

The site plan demonstrates compliance with these design requirements.

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

Access driveways are defined by curbing.

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

A sidewalk at least 5 feet wide is provided.

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

Gasoline pumps are setback at least 25 feet behind the street line.

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

No repair services will be provided.

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

Architectural plans are provided with the application. The proposed architecture far exceeds the appearance of the commercial uses that front Baltimore Avenue in the vicinity of the property. The architecture will set a new standard for this Section of Baltimore Avenue.

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

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

The site plan shows these required elements.

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

This is understood by the applicant.

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

- (1) Is necessary to the public in the surrounding area; and
- (2) Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.

This section is not applicable.

Section 27-548.25 Site Plan Approval

- (a) Prior to issuance of any grading permit for undeveloped property or any building permit in a Development District, a Detailed Site Plan for individual development shall be approved by the Planning Board in accordance with Part 3, Division 9. Site plan submittal requirements for the Development District shall be stated in the Development District Standards. The applicability section of the Development District Standards may exempt from site plan review or limit the review of specific types of development or areas of the Development District.**

If the subject DSP is approved by the District Council, the applicant will fulfill this requirement.

- (b) In approving the Detailed Site Plan, the Planning Board shall find that the site plan meets applicable Development District Standards.**

There are no applicable Development District standards.

- (c) If the applicant so requests, the Planning Board may apply development standards which differ from the Development District Standards, most recently approved or amended by the District Council, unless the Sectional Map Amendment text specifically provides otherwise. The Planning Board shall find that the alternate Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, master Plan Amendment, or Sector Plan.**

The applicant has not requested any amendments.

- (e) If a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards.**

There are no variances or departures requested.

- 10. 2010 Prince George's County Landscape Manual:** All applicable Landscape Manual requirements have been met.

11. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The project is exempt from the requirements of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance as it does not have a minimum of 10,000 square feet of woodlands or any prior approved Tree Conservation plans. The property is the subject of an approved Woodland Conservation Letter of Exemption.
12. **Prince George’s County Tree Canopy Coverage Ordinance:** The site is not subject to the Tree Canopy Coverage (TCC) Ordinance because it does not propose more than 5,000 square feet of disturbance.
13. **Historic Preservation and Archeological Review:** The applicant documented all the buildings that were previously utilized by Behnke Nurseries as requested by the Historic Preservation Section staff. The submission was made on May 9, 2018.
14. **Subdivision:**

Section 24-107. Jurisdiction.

(c) The following shall be exempt from the requirement of filing a preliminary plan and final plat of subdivision, except for any portion of land within the Interim Land Use Control (ILUC) Area subject to Sec. 24-120.03(b) of this Subtitle and consistent with Part 18 of the Zoning Ordinance unless otherwise noted below:

(7) Any subdivision of land by deed of a lot prior to January 1, 1982, provided:

(B) The total development proposed for the subdivision does not exceed five thousand (5,000) square feet of gross floor area;

The above preliminary plan exemption is valid as less than 5,000 square feet of gross floor area (GFA) will be developed by the proposed application.

Conclusion:

THEREFORE, the applicant requests approval of a “Food and Beverage Store in Combination with a Gas Station” as an allowed use on the subject property, pursuant to Section 27-548-26(b)(i)(B) of the Zoning Ordinance.

Respectfully submitted;

By: Michele La Rocca, Esq.
 Meyers, Rodbell & Rosenbaum, P.A.
 6801 Kenilworth Avenue,
 Suite 400

Riverdale Park, Maryland 20737
(301) 699-5800

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland, 20772

PGCPB NO. 85- 363

FILE NO. 4-85102

RESOLUTION

WHEREAS, ALBERT BEHNKE, et ux., are the owners of a 8.6-acre parcel of land, known as BELTSVILLE - Parcel A, Block 32 & Parcel A, Block 35, Section 2, said property being in the 1st Election District of Prince George's County, Maryland, and being zoned C-2 and R-R; and

WHEREAS, on June 6, 1985, Albert Behnke, et ux., filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 2 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-85102, 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 Thursday, July 25, 1985, 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 modifications; and

WHEREAS, on July 25, 1985, the Prince George's County Planning Board heard testimony and received evidence submitted in 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 Preliminary Plat of Subdivision 4-85102 with the following modifications:

As revised in red on Staff Exhibit #1, to provide for a building restriction line on Baltimore Boulevard (70' centerline); a building restriction line on Wicomico Avenue to provide for a 60' right-of-way; and subject to the following:

1. Vacation of a portion of Queen Anne Avenue; and



2. Showing the 30' buffer required by Zoning Amendment Petition A-7705, A-7706 and A-7707.

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

1. Building restriction lines along Baltimore Boulevard and Wicomico Avenue were provided to allow future road widenings.
2. The proposed subdivision includes area currently included as street dedication. Before a final plat can be approved this street dedication area must be vacated.
3. There are special conditions required by the zoning of this property.
4. The subdivision, as modified, meets the legal requirements of Subtitle 24 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

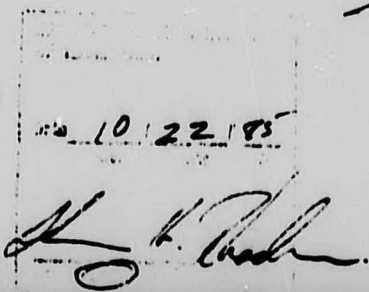
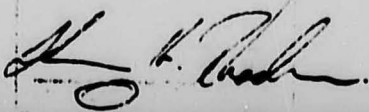
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This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Keller, seconded by Commissioner Yewell, with Commissioners Botts, Rhoads, Yewell, Dabney, and Keller, voting in favor of the motion, at its regular meeting held on Thursday, July 25, 1985, in Upper Marlboro, Maryland.

Thomas H. Countee, Jr.
Executive Director


BY: Robert D. Reed
Community Relations Officer

THC:RDR:DRA


10/22/85


January 4, 2021

MEMORANDUM

TO: Adam Bossi, Senior Planner, Urban Design Section
VIA: Mridula Gupta, Planner Coordinator, Subdivision & Zoning Section *MG*
FROM: Eddie Diaz-Campbell, Senior Planner, Subdivision & Zoning Section *EDC*
SUBJECT: DSP-20029 Behnke Property, Subdivision Referral Memo

The subject property is known as Parcel 2 of Beltsville, Section 2, recorded on a Plat of Correction in Plat Book ME 255 page 31 in October 2020. The property is in the C-M (Commercial Miscellaneous) Zone, and it is subject to the 2010 *Approved Subregion 1 Master Plan and SMA*. DSP-20029 proposes to construct a 4,500 square-foot food or beverage store and a gas canopy with eight pumps on the subject property.

The southern part of the property is subject to Preliminary Plan of Subdivision (PPS) 4-85102, which was approved on July 25, 1985. This PPS approved 2 parcels for what was then an existing garden nursery. When they existed, the two parcels were known as Parcel A of Block 35 and Parcel A of Block 32, as shown on a plat recorded in Plat Book NLP 125 p. 58 in 1986. A portion of Wicomico Avenue which separated the two parcels was later vacated under application V-99005, and the two parcels were consolidated into a parcel known as Parcel B, shown on a plat recorded in Plat Book SJH 248 p. 43 in 2017. Though the 2017 plat has been superseded by the current Plat of Correction, the current plat affirms that former Parcel B is the area subject to PPS 4-85102. Since the southern part of existing Parcel 2 overlaps the area of former Parcel B, the southern part of Parcel 2 is subject to PPS 4-85102.

The development proposed on the southern part of the property ($\pm 2,271.40$ square feet of commercial floor area) will use a portion of the entitlement approved under PPS 4-85102. PPS 4-85102 approved the floor area of the then-existing garden nursery, a commercial use, which is known to have been at least 36,710 square feet. There remain two parcels within the area of 4-85102 (Parcels 1 and 2 of Beltsville Section 2, as shown on the Plat of Correction), even though unlike the two original parcels approved with the PPS, the current ones are not coterminous with the PPS area. The remainder of the 4-85102 entitlement may be developed on Parcel 1 at a future time.

The development proposed on the northern part of the property ($\pm 2,228.60$ square feet of

commercial floor area) is exempt from filing a new PPS under Section 24-111(c)(3) of the Subdivision Regulations. Though the northern part of the property was originally platted prior to 1970 (see Plat Book JWB 5, p. 495), less than 5,000 square feet of new development is proposed. The existing 7,000 square-foot building on the northern part of the property will be razed. Because the development on the northern part of the property is exempt, and that in the southern part is within the entitlement of the existing PPS, no new preliminary plan of subdivision is required for this project.

Preliminary Plan of Subdivision 4-85102 was approved subject to a preamble and two conditions. The conditions are shown below in **bold** text. Staff analysis of the project's conformance to the conditions follows each one in plain text.

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 Preliminary Plat of Subdivision 4-85102 with the following modifications:

As revised in red on Staff Exhibit #1, to provide for a building restriction line on Baltimore Boulevard (70' centerline); a building restriction line on Wicomico Avenue to provide for a 60' right-of-way; and subject to the following:

The 70-foot building restriction line (BRL) measured from the centerline of US 1 (Baltimore Ave) was recorded in Plat Book NLP 125 p. 58 in 1986. The BRL was subsequently shown in Plat Book SJH 248 p. 43 in 2017. The 2017 plat showed it as a BRL 40 feet from the property's US 1 frontage, which is consistent with the 30 feet between the centerline and the frontage line. The BRL was also extended at that time to cover all of the Behenke Property frontage on US 1, going past the original 4-85102 approval area to include Parcel C of the 2017 plat. The 2020 Plat of Correction retained the 40-foot BRL on existing Parcels 1 and 2. With the 27.8 feet of ROW dedication proposed with this application, the 40-foot BRL will become a 12.2-foot BRL on Parcel 2, as measured from the new frontage line. The DSP accurately reflects the location of the 12.2-foot BRL.

Wicomico Avenue no longer passes through the site, having been vacated under application V-99005. The BRLs previously required along either side of Wicomico Avenue are therefore no longer applicable.

1. Vacation of a portion of Queen Anne Avenue; and

This vacation was previously accomplished, and neither the previous nor current ROWs for Queen Anne Avenue abut the subject property (Parcel 2). This condition is therefore not applicable.

2. Showing the 30' buffer required by Zoning Amendment Petition A-7705, A-7706, and A-7707.

The 30-foot buffer required under the A-7705, A-7706, and A-7707 ZMAs is located along the previous ROW of Queen Anne Avenue. It does not abut or enter the subject property, and therefore this condition is not applicable.

Additional Comments:

1. PPS 4-85102 does not contain any conditions which explicitly give a trip cap; nevertheless, the traffic generated by the southern part of the proposed project must remain within the limit associated with the prior garden nursery use, which was established with the PPS. The Transportation Planning Section should determine if the traffic generated by the project is within the existing entitlement.
2. The applicant should file an application for a new Final Plat following approval of the DSP, in order to plat the proposed public road dedication and dedicate the proposed new PUEs.

Recommended Conditions:

1. Prior to certification of the detailed site plan, ensure the proposed PUE along Howard Avenue is not interrupted by the driveway entrance to the site from that street.

Conclusion:

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



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Countywide Planning Division
 Transportation Planning Section


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301-952-3680

January 4, 2021

MEMORANDUM

TO: Adam Bossi, Development Review Division

FROM: Benjamin Ryan, Transportation Planning Section, Countywide Planning Division 

VIA: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning Division 

SUBJECT: Detailed Site Plan Review for Pedestrian and Bicycle Transportation Master Plan Compliance

The following detailed site plan (DSP) was reviewed for conformance with the Zoning Ordinance, the *Approved Countywide Master Plan of Transportation (MPOT)*, and the 2010 *Approved Subregion 1 Master Plan* and sectional map amendment and sector plan to provide the appropriate pedestrian and bicycle transportation recommendations.

Detailed Site Plan Number: DSP-20029

Development Case Name: Behnke Property 7-Eleven

Type of Master Plan Bikeway or Trail

Municipal R.O.W.	<u> </u>	Public Use Trail Easement	<u> </u>
PG Co. R.O.W.	<u> X </u>	Nature Trails	<u> </u>
SHA R.O.W.	<u> X </u>	M-NCPPC – Parks	<u> </u>
HOA	<u> </u>	Bicycle Parking	<u> X </u>
Sidewalks	<u> X </u>	Trail Access	<u> </u>

Detailed Site Plan Background	
Building Square Footage (non-residential)	4,500 Square-Feet
Number of Units (residential)	N/A
Abutting Roadways	Baltimore Avenue, Howard Avenue
Abutting or Nearby Master Plan Roadways	US-1 (Baltimore Avenue) (A-9)
Abutting or Nearby Master Plan Trails	Planned Bike Lane: Baltimore Avenue Planned Side Path: Baltimore Avenue
Proposed Use(s)	Food and Beverage Store with Gas Station
Zoning	C-M
Centers and/or Corridors	Baltimore Avenue Corridor
Prior Approvals on Subject Site	N/A

Previous Conditions of Approval

There are no binding prior conditions of approval on the subject property specific to pedestrian or bicycle improvements that are relevant to this subject application. While the subject site is within a 2002 Corridor, due to the nature of the application it is not subject to Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2."

Proposed Pedestrian and Bicycle Infrastructure

The subject application is for the construction of a food and beverage store with a gas station. The site is located on US Route 1 (Baltimore Avenue) directly south of its intersection with Howard Avenue. The submitted plans include a ten-foot-wide sidewalk along the property's frontage of US 1, a five-foot-wide sidewalk along the property's frontage of Howard Avenue, and a five-foot-wide sidewalk along the west side of the access easement. An internal walkway between the access easement and the store is provided as well as a sidewalk surrounding the store. A crosswalk located between the Howard Avenue entrance and the southeast portion of the sidewalk surrounding the building has been provided. An additional crosswalk located between the walkway originating on the access easement and the building has also been provided. Three bicycle racks are located adjacent to the north side of the building.

Review of Master Plan Compliance

This development case is subject to the 2009 *Approved Countywide Master Plan of Transportation*, and the 2010 *Approved Subregion 1 Master Plan* and sectional map amendment and sector plan which recommends the following facilities:

Side path along Baltimore Avenue
Bicycle lanes along Baltimore Avenue

Comment: No additional right-of-way is being sought with this application. The Maryland State Highway Administration (SHA) can require the construction of the master plan recommended bicycle lanes along Baltimore Avenue as appropriate, or they may be installed by SHA as part of a future roadway repaving or capital improvement project. The ten-foot-wide sidewalk along US 1 is consistent with the side path recommendation.

The subject property falls within the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*. Within this plan, the subject property falls within Focus Area 1 (Map 3, p.20). Policy 4 of Focus Area 1 makes the following recommendation:

Policy 3: Create a safer walkable environment through improvements to streets, sidewalks and building orientation

1. Improve and add sidewalks and pedestrian crossings along US 1 to encourage safe pedestrian uses and better east-west connections.

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling.

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

practical.

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

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

Comment: The applicant's submission features sidewalk facilities along all frontages of the property as well as internal walkways to provide pedestrian passage through the subject property. The pedestrian frontages of the subject property will provide marked routes for pedestrians to access the future food and beverage store. Additionally, inverted-u style racks will be located adjacent to the building.

Staff recommend the applicant update plans to display a continental style crossing the access easement along Baltimore Avenue, and a crosswalk crossing the site entrance along Howard Avenue.

Conformance to Zoning Standards

This development case is subject to Sections 27-283/27-274, which provide guidance regarding the pedestrian circulation on the subject site.

- (viii) Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;
- (ix) Pedestrian and vehicular circulation routes should generally be separated and clearly marked;
- (x) Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques; and
- (xi) Barrier-free pathways to accommodate the handicapped should be provided.

The subject site is in the Commercial Miscellaneous (C-M) zone and is subject to Sections 27-358(a)(1), (2), (4), (5), (6), (7), (8), (9), and (10) in addition to site plan design guidelines. Section 27-358(a)(7):

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

Comment: Staff find the subject application conforms to zoning standards for a detailed site plan and for this use in the Commercial Miscellaneous zone. While five-foot-wide sidewalks have not been provided through the parking and fueling areas, a combination of sidewalks and walkways have been provided for pedestrians to access the site from all directions. Internal walkways and internal crosswalks provides pedestrian movement within the site.

Recommended Conditions of Approval

The Transportation Planning Section find that the pedestrian and bicyclist circulation on the site to be safe, efficient, and convenient, pursuant to Sections 27-283 and 27-274(a)(2), the relevant design guidelines for transportation and conclude that the submitted detailed site plan is deemed acceptable from the standpoint of pedestrian and bicycle transportation if the following condition is met:

DSP-20029:
Behnke Property 7-Eleven
January 4, 2021
Page 4

1. Prior to certification of the detailed site plan, the applicant, or the applicant's heirs, successors, and/or assigns shall revise the plans to provide:
 - a. Continental style crosswalk crossing the access easement along Baltimore Avenue.
 - b. Crosswalk crossing the site entrance along Howard Avenue.

January 5, 2021

MEMORANDUM

TO: Adam Bossi, Urban Design Review Section, Development Review Division

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

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

SUBJECT: DSP-20029: Behnke Property 7-Eleven

Proposal

The applicant is requesting approval of a detailed site plan to construct a food and beverage store and gas station on the approximately 1.64-acre site.

Background

The subject site is proposed to be located between Parcels B (50.48%) and C (49.52%). Parcel B has been previously reviewed in Preliminary Plan of Subdivision (PPS) 4-85102 while Parcel C has not. The proposed development is located in the Commercial Miscellaneous (C-M) Zone at the proposed 11400 Baltimore Avenue in Beltsville.

Analysis of Traffic Impacts

This site located on the west side of US 1 (Baltimore Avenue) between Howard Avenue and an easement (formerly Wicomico Avenue). It is adjacent to and has frontage on US 1 (Baltimore Avenue), an arterial roadway and Howard Avenue is a local road. This master plan roadway requires additional rights-of-way which the applicant is dedicating.

The applicant proposes a 4,500-square-foot food and beverage store with eight fuel pumps creating 16 fueling positions. This traffic review will be based on the previously reviewed Parcel B as it has a trip cap. Parcel B was platted pursuant to Preliminary Plan of Subdivision 4-85102 and has a trip cap based on the nursery/garden center on the site at that time of 53 AM and 153 PM peak-hour trips (assuming a 40 percent pass-by for the use). Based on information provided in the *Trip Generation Manual*, 10th edition (Institute of Transportation Engineers), the proposed food and beverage store development (ITE-960) will generate approximately 45 AM and 38 PM peak hour trips using a pass-by trip reduction rate of 76 percent.

This proposal creates no specific issues that trigger additional discussion of the general detailed site plan requirements or the related site design guidelines. There are two access points for this development, one full movement access is on Howard Avenue and the other is on US 1 (Baltimore Avenue) at the easement which provides a right-in and right-out access. A truck turning template was requested of the applicant but not received, however, staff has determined that the on-site circulation of this plan is acceptable.


Conclusion


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

December 12, 2020

MEMORANDUM

TO: Adam Bossi, Planner Coordinator, Urban Design

VIA: David A. Green, Master Planner, Community Planning Division 

FROM: Maha Tariq, Senior Planner, Neighborhood Revitalization Section, Community Planning Division 

SUBJECT: DSP-20029 Behnke Property 7 Eleven

FINDINGS

Pursuant to Part 3, Division 9, Subdivision 3 of the Zoning Ordinance, Master Plan conformance is not required for this application.

BACKGROUND

Application Type: Detailed Site Plan for property outside of an overlay zone.

Location: 11300 Baltimore Avenue, Beltsville, MD 20705

Size: 1.74 acres

Existing Uses: Vacant. Former Behnke Nurseries buildings (closed)

Proposal: Food and beverage store and a gas station

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is in the Established Communities policy area. The vision for Established Communities is context-sensitive infill and low- to medium-density development.

Master Plan: The 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* recommends retaining the Mixed-Use Commercial land use.

Planning Area: 61

Community: Fairland – Beltsville and Vicinity

DSP-19056 Wawa at Old Branch Avenue

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

SMA/Zoning: The 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* retained the subject property in the Commercial Miscellaneous (C-M) zone.

c: Long-range Agenda Notebook



Countywide Planning Division
Historic Preservation Section

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

301-952-3680

December 3, 2020

MEMORANDUM

TO: Adam Bossi, Urban Design Section, Development Review Division

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

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

SUBJECT: DSP-20029 Behnke Property 7-Eleven

The subject property comprises 1.64-acres and is located on the west side of Baltimore Avenue and Howard Avenue Intersection. The subject application proposes a food and beverage store and a gas station. The subject property is Zoned C-M.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The subject property does not contain and is not adjacent to any designated Prince George's County Historic Sites or resources. Historic Preservation Section staff recommend approval of DSP-20029 Behnke Property 7-Eleven without conditions.

Prince George's County Planning Department
Countywide Planning Division

301-952-3650

December 23, 2020

MEMORANDUM

TO: Adam Bossi, Planner Coordinator, Urban Design Section, DRD

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

FROM: Marc Juba, Planner Coordinator, Environmental Planning Section, CWPD *MJ*

SUBJECT: Behnke Property; Detailed Site Plan, DSP-20029

The Environmental Planning Section (EPS) has reviewed Detailed Site Plan DSP-20029, received by the Countywide Planning Division on November 16, 2020.

The site has a Natural Resource Inventory (NRI-022-2017) which was approved on October 24, 2019. This site has been previously developed and is not associated with any Regulated Environmental Features (REF). The site has a valid Standard Letter of Exemption from the Woodland and Wildlife Habitat Conservation Ordinance (WCO) (S-084-2020) that expires on June 16, 2020.

The site has an approved Stormwater Management Concept Plan #1911-2018-1 that is in conformance with the current code, which was issued on December 6, 2019. Although the concept layout is inconsistent with the layout of the Detailed Site Plan, the area of impacts for the area of this detailed site plan are the same. These inconsistencies will be addressed by DPIE at time of review of the final stormwater plan design.

No additional environmental review issues have been identified for the subject site. The Environmental Planning Section recommends approval of the application with no conditions.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

January 5, 2021

MEMORANDUM

TO: Adam Bossi, Urban Design

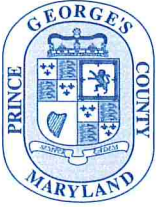
FROM: Jason Bartlett, Permit Review Section, Development Review Division

SUBJECT: Referral Comments for DSP-20029, Behenke Property 7-Eleven

1. Provide a sign table (or tables), centrally located, that clearly demonstrates what is allowed, per Part 12 of the Zoning Ordinance and what is provided, including formulas used to derive your calculations and which shows conformance.
2. Parking schedule shows 30 provided spaces, but there are actually 32. Please correct table and note that handicapped spaces are not a separate count, they are included in the total.
3. Parking schedule provided does not show the calculations that demonstrate conformance to Part 11, it just states requirements and states compliance. It is recommended that a traditional parking schedule be provided, as exemplified below, that clearly demonstrates compliance mathematically:

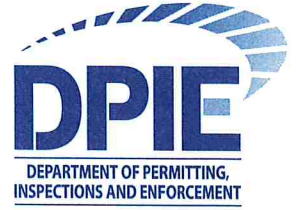
PARKING SCHEDULE				
USE	PARKING REQUIREMENT		SPACES REQUIRED	SPACES PROVIDED
Convenience Store (food or beverage) (4,500 SF)	1.0	150 SF of the first 3,000 SF GFA	20	32
	+1.0	200 SF of GFA above the first 3,000 SF	8	
Gas Station/self-serve (2 Employees)	1.0	Each Employee	2	
TOTAL PARKING, per Sec. 27-568(a)(7):			30	32
TOTAL HANDICAPPED ACCESSIBLE PARKING INCLUDED IN TOTAL (for 26-50 req'd spaces, per Sec. 27-566(b):			2 (1 Van)	2 (2 Van)
LOADING SCHEDULE				
USE	LOADING REQUIREMENT		SPACES REQUIRED	SPACES PROVIDED
Gas Station/Conv. Store (Retail sales and service)	1	2,000 to 10,000 SF of GFA	1	1
TOTAL REQUIRED/PROVIDED LOADING (Per Sec. 27-582(a):			1	1

***** End *****



Angela D. Alsobrooks
County Executive

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



MEMORANDUM

December 14, 2020

TO: Adam Bossi, Urban Design Section
Development Review Division, M-NCPPC

FROM: Mary C. Giles, P.E., Associate Director
Site/Road Plan Review Division, DPIE *Mary C. Giles* 1/11/2021

RE: DSP-20029 Behenke Property 7-Eleven

CR: Baltimore Avenue. (MDSHA)
CR: Howard Avenue. (County Maintained)

In response to the Detailed Site Plan No. DSP-20029 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The project is located at 11300 Baltimore Avenue at the south west quadrant intersection of Baltimore Avenue and Howard Avenue.
- The applicant is proposing to construct a food and beverage store, and a gas station.
- The proposed Detailed Site Plan is consistent with the approved Site Development Concept Plan No. 1911-2018-1, dated March 11, 2022.
- The applicant should provide separate left and right turn lanes on the eastbound approach of Howard Avenue at US 1 (Baltimore Avenue) as shown in the approved storm water management plan.
- This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:
 - a) Final site layout, exact impervious area locations are shown on plans.
 - b) Exact acreage of impervious areas has not been provided.
 - c) Proposed grading is shown on plans.
 - d) Stormwater volume computations have not been provided.
 - e) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth.

9400 Peppercorn Place, Suite 230, Largo, Maryland 20774
Phone: 301.636.2060 ♦ <http://dpi.e.mypgc.us> ♦ FAX: 301.925.8510

Adma Bossi
December 14, 2020
Page 2

- f) Disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
- g) A narrative in accordance with the code has not been provided.
- h) The applicant shall provide items (a-g) at the time of filing final site permits.

- DPIE has no objection to the subject Detailed Site Plan DSP-20029.

If you have any questions or need additional information, please contact Mr. Steve Snyder, P.E., the District Engineer for the area, at 301.883.5740.

MCG:SGS:ag

cc: Steve Snyder, P.E., District Engineer, S/RPRD, DPIE
Ms. Victoria Ballesterio, P.E., ATCS, LLC. 9500 Medical Center Drive, Suite 370 Largo,
MD 20774
Root 1 LLC. ETAL, 4416 East West Hwy., 4th Floor, Bethesda, MD 20814

From: [Kwesi Woodroffe](#)
To: [Bossi, Adam](#)
Cc: [PGCReferrals](#)
Subject: RE: REGARDING: EPlan ACCEPTANCE of DSP-20029, BEHENKE PROPERTY 7-ELEVEN (PB); SHA; KW
Date: Friday, November 20, 2020 9:18:48 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

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

Good morning Adam,

We are currently reviewing the Applicant's Access Permit plans. The last review was completed on 10/8/2020 and we are awaiting a resubmittal to address to our comments.

Thanks, Kwesi

Kwesi Woodroffe
Regional Engineer
District 3 Access Management
MDOT State Highway Administration
KWoodroffe@mdot.maryland.gov
301-513-7347 (Direct)
1-888-228-5003 – toll free
Office Hours
M-Thurs.: 6:30a-3:30p
Fr: 6:30a-10:30a
9300 Kenilworth Avenue,
Greenbelt, MD 20770
<http://www.roads.maryland.gov>



From: ePlan <ePlan@ppd.mncppc.org>
Sent: Wednesday, November 18, 2020 12:04 PM
To: Smith, Tyler <Tyler.Smith@ppd.mncppc.org>; Hall, Ashley <Ashley.Hall@ppd.mncppc.org>;
Stabler, Jennifer <Jennifer.Stabler@ppd.mncppc.org>; Henderson, Tamika

<Tamika.Henderson@ppd.mncppc.org>; Green, David A <davida.green@ppd.mncppc.org>; Franklin, Judith <Judith.Franklin@ppd.mncppc.org>; Masog, Tom <Tom.Masog@ppd.mncppc.org>; Barnett-Woods, Bryan <bryan.barnett-woods@ppd.mncppc.org>; Conner, Sherri <sherri.conner@ppd.mncppc.org>; Gupta, Mridula <Mridula.Gupta@ppd.mncppc.org>; Dixon, June <june.dixon@ppd.mncppc.org>; Chaconas, Sheila <Sheila.Chaconas@ppd.mncppc.org>; Larman, Brooke <Brooke.Larman@ppd.mncppc.org>; PPD-EnvDRDreferrals <ppd-envdrdreferrals@ppd.mncppc.org>; Reilly, James V <JVReilly@co.pg.md.us>; sltoth@co.pg.md.us; 'DARichards@co.pg.md.us' <DARichards@co.pg.md.us>; tgaskins@co.pg.md.us; rdeguzman@co.pg.md.us; Giles, Mary C. <mcgiles@co.pg.md.us>; mabdullah@co.pg.md.us; mtayyem@co.pg.md.us; Formukong, Nanji W. <nwformukong@co.pg.md.us>; Snyder, Steven G. <SGSnyder@co.pg.md.us>; rlattivor@co.pg.md.us; SYuen@co.pg.md.us; wmcontic@co.pg.md.us; swthweatt@co.pg.md.us; aoadepoju@co.pg.md.us; Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>; Tania Brown <TBrown13@mdot.maryland.gov>

Cc: Bossi, Adam <Adam.Bossi@ppd.mncppc.org>; Kosack, Jill <Jill.Kosack@ppd.mncppc.org>; Grigsby, Martin <Martin.Grigsby@ppd.mncppc.org>; Summerlin, Cheryl <Cheryl.Summerlin@ppd.mncppc.org>; Staton, Kenneth <Kenneth.Staton@ppd.mncppc.org>

Subject: REGARDING: EPlan ACCEPTANCE of DSP-20029, BEHENKE PROPERTY 7-ELEVEN (PB)

Importance: High

Correction:

ALL,

This is an EPlan ACCEPTANCE for **DSP-20029, BEHNKE PROPERTY 7-ELEVEN**. This case was officially accepted as of today, November 17, 2020. **Corrected SDRC is scheduled for December 11, 2020.** Please submit ALL comments to Adam Bossi(email attached).

Click on the hyperlink to view the case:

<https://www.dropbox.com/sh/qxx6nia3s752szy/AACyNQeUlrZHtgskqub8uGLia?dl=0>

October 8, 2020

Ms. Lanna Clement
ATCS
900 Medical Center Drive, Suite 370
Largo, MD, 20774

Dear Ms.Clement:

Thank you for the opportunity to review the plan review for the proposed (Behnke Property – SHA Tracking #20-AP-PG-024-xx) located on US 1 (mile point: 5.72) in Prince George’s County. The State Highway Administration (SHA) has reviewed the plans and is pleased to respond.

Based on the information provided, please address the following comments in a point-by-point response:

District 3 Traffic Comments (By: Patrice Emezie):

Maintenance of Traffic Plan:

1. Please show the sign size in the drawing directly.
2. Based on the Traffic Control Plan General Notes, the standards MD 104.03-01 and MD 104.03-05 were applied at the drawing, please specify the MOT signs in the drawing for these standards.
3. Please add the Station numbers in the drawing.

District 3 Utility Comments (By: Elshaday Asrat):

1. Show the existing sewer line on profile plans.
2. Check the existing sewer line between I-12 and 13 for conflict with the 24” RCP.
3. Please show the existing poles and overhead lines on plan.

Plats and Survey Division Comments (By: Steve Buddenbohn):

1. Vertical Datum not shown. Street name (Wicomico Avenue) not shown.
2. NAD 83 shown as approximate, is there a realization such as NAD 83, NAD 83/91, NAD 83/07, NAD 83/2011?
3. Control points or bench marks not shown.
4. On several sheets some of the text is overlaps with other text or line work, which makes it difficult to read (i.e., the text for the bearing of the westerly/302’ line of division).
5. An SHA Donation Plat must be prepared for the proposed right of way donation. If a full-sized Donation Plat is prepared, it must meet SHA Donation Plat standards - including re-establishing the SHA baseline of right of way for US 1 as shown on SHA Plats No. 53300 and 53490.

Hydraulic Review Comments (By: Nimish Desai):

1. Once obtained, provide documentation of the final approval for stormwater management and sediment and erosion control through Prince George's County Department of Permitting, Inspections & Enforcement for the proposed project and the improvements within the MDOT SHA right-of-way.
2. Although we defer to Prince George's County DPIE for stormwater management approval, we have the following comments:
 - a. Indicate the amount of existing and proposed impervious area within the MDOT SHA right-of-way within the limit of disturbance.
 - b. It is not clear how stormwater management is being provided for the proposed 10' multimodal sidewalk? According to the access management manual, impervious area within the MDOT SHA right-of-way must be directly treated in a SWM facility. Provide the supporting computations and analysis.
 - c. Provide a copy of the stormwater management report for this project.
3. The 2-year Inlet Design table on sheet 14 shows 0.50 cfs of intercepted flow out of the total 0.60 cfs for Structure 110, an 83% interception rate. Based on the MDOT SHA highway drainage manual, a minimum of 85% of the runoff needs to be intercepted by an on-grade inlet. Consider increasing the curb inlet length to ensure a minimum of 85% interception rate.
4. Provide computations to show that the 2-year flow across both entrances does not exceed 1.0 cfs.
5. It is noted that no work is proposed at the outfalls of EX-ES-3 and EX-ES-4 within the 100-year floodplain and therefore no Joint Permit would be required. Ensure that the outfalls are adequate to convey the increased drainage to these areas and that the existing outfall protection is adequate stabilization would not be required. Include photo documentation of the outfalls and the receiving swale. If flow is being increased to the swale, demonstrate that freeboard requirements are met in the swale.
6. Provide a Drainage Structure Schedule with columns for structure number, description, horizontal location, top elevation, trough length, and MDOT SHA standard detail for all structures within MDOT SHA right-of-way.
7. Provide a Pipe Schedule for all proposed storm drains within MDOT SHA right of way which specifies pipe designation and RCP wall strength (minimum strength is class IV).
8. Please label all storm drain features (structure number, material, size, and flow arrow) on all plan sheets. For example, Structure 120 is not labelled on sheet 11, and no flow arrows exist between the existing storm drain system at the intersection of Howard Ave.
9. Sheet 11 – A new storm drain system is being connected to structure 13. This will not be permitted as flows to the structure 13 are being increased in proposed conditions, unless it is demonstrated that peak flows are same in existing and proposed conditions. Revise as necessary.
10. Sheet 11 – The stability of Structure 1 will be compromised due to 3 proposed pipes connecting the same structure. Moreover, connecting the 3-pipes at the proposed angle does not appear to be constructible. Revise the proposed storm drain design to ensure that the structural integrity of structure 1 is not compromised.
11. Clearly label the MDOT SHA right-of-way on all plans.

12. Based on the MDOT SHA highway drainage manual, a minimum pipe size of 18" is required for pipes crossing roadways located within the MDOT SHA right-of-way. The pipe from structure 11 to structure 1 is shown as a 15" RCP. Revise the design as necessary.
13. A new manhole at structure 11 is being proposed on the roadway. Revise the design to move it outside the roadway limits.
14. Additional flow is being added from structures 110 and 111 to structure 1. Demonstrate that peak discharges are not increased prior to runoff discharging to structure 1. Revise as necessary.
15. Sheet 12- Based on the profile from STM 11 to STM 110, invert in and out are shown to be at the same location. There should be a minimum of 0.1' drop between invert in and out. Revise the design as necessary.
16. Sheet 12 - Include at least one section of the existing downstream storm drain pipes in the pipe profiles.
17. Once finalized, provide a copy of a signed "recordable" plat showing the proposed right-of-way dedication and proposed easements.

RECOMMENDATIONS

Please address the above comments and make a formal submission with a response letter. For clarifications of any of the drainage and SWM review comments, please contact the Consultant Hydraulic Reviewer, Mr. Nimish Desai at 443-794-9149 or ndesai@dewberry.com.

Cultural Resources Comments (By: Lisa Kraus):

1. Based on this assessment, the proposed roadway improvements to US 001 associated with the Behnke Property project do not have the potential to impact historic properties. Formal consultation with the Maryland Historical Trust is not recommended.

Office of Materials and Technology (OMT) Comments (By: Roberto Barcena):

Title Sheet:

1. References to the MDOT SHA Standard Specifications for Construction and Materials and the Book of Standards for Highways and Incidental Structures for work within the SHA right of way (ROW) have to be added.
2. Confirm if Permeable Pavement is being used (STD 580.10).
3. Is a standard for a concrete median needed?

Sheet 2:

1. Note 1. Confirm is the existing pavement on US 1 will be also "demolished and removed" (LOD line extends into the slow lane on US 1). Perhaps the language on Note 1 needs to be revised.

Sheet 5:

1. Add call outs with proposed work within the SHA ROW and appropriate MDOT SHA standard if applicable.
2. Add table with schedule of proposed work within the SHA ROW (reference proposed work to base line)
3. Is there existing pavement in the right-in/right-out? If so, what is the thickness and composition of the pavement structure? If new pavement is to be constructed it needs to be in accordance with the MDOT SHA Access Permits Manual.

Innovative Contracting Division (ICD) Comments (By: John Vranish):

Sheet PS-3

- a. Label the proposed curb ramps at the entrance to Behnke Property from Baltimore Avenue as MD 655.11. The proposed curb ramps must be the same width as the proposed sidewalk.
- b. Label the proposed cut-through at the entrance to Behnke Property from Baltimore Avenue as MD 655.21.
- c. At the proposed entrance to Behnke Property from Baltimore Avenue, provide the following note: **“Provide a 60” minimum pedestrian pathway with a 2% cross-slope across the entire entrance regardless of type of material used.”** See attachment.
- d. Provide a curb ramp at the intersection of Baltimore Avenue and Howard Avenue.
- e. The proposed sidewalk has a location that has a change of direction where the two sidewalks meet. A landing area will need to be provided at that location. The landing area will need to be the width of the two proposed sidewalks and must be 2% in both directions. Provide this note on the plan sheet: **“Landing Area 10’x 5’ and 2% in Both Directions”**. See attachment.

Engineering Systems Team Comments (By: Dorey Uong):

1. MDSHA Improvements Plan Sheet 5 of 16:
 - a) ADA ramp details are not shown for proposed 10-foot shared use sidewalk. Please callout MD SHA standard detail number or provide dimensions/details.
 - b) Is there a plan for the sidewalk termination on the south side of the property adjacent to the driveway? Are there plans to connect the sidewalk to a logical terminus?
 - c) Why does the proposed 10-foot sidewalk on the north side of the property connect to Howard Avenue beyond the proposed 5-foot sidewalk? Is this an appropriate location for an ADA ramp? What is the proposed pedestrian path connectivity?
 - d) For proposed driveways, ensure a minimum 3 foot wide pedestrian path at 2% cross slope max across driveway entrances.
 - e) Confirm with Landscape Division that the proposed street trees are appropriate for this location and do not create a site distance issue for motorists existing the property.
 - f) Curious why the LOD protrudes into US Route 1 at the proposed driveway entrance? There does not appear to be any proposed improvements within the LOD at that location.
2. Cost Estimate :
 - a) No cost estimate was provided.

District 3 Access Management Comments (By: Tania Brown):

1. Remove copies of the MDOT signs and standards from Sheet 6.
2. Label the slope of the proposed intersection.
3. Clearly show all proposed mill and overlay on the site plan.
4. Submit a cost estimate for the work proposed in the right of way.
5. Please provide a completed Access Management check list.

6. Please place the following note on the first sheet of the plan set:

The following standards (construction and temporary traffic control) are required for this project (list them out as shown below):

- a. MD-xxx.xxx – Name of standard
- b. MD-xxx.xxx – Name of standard

For all standards referred to on the plans the contractor must go to the Book of Standards which will have the most current version. The Book of Standards can be accessed at:

<http://apps.roads.maryland.gov/businesswithsha/bizStdsSpecs/desManualStdPub/publicationonline/ohd/bookstd/index.asp>

All items are to be constructed in accordance with the current version of the referenced standard at the time of construction.

Further plan submittals should reflect the above comments. Please submit all supporting documentation in PDF format, including a point-by-point response to reflect the comments noted above to our online system <https://mdotsha.force.com/accesspermit> . Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via the SHA Access Management web page at <http://www.roads.maryland.gov/pages/amd.aspx>. If you have any questions or require additional information please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7347), or via email at kwoodroffe@sha.state.md.us or shaamdpermits@sha.state.md.us.

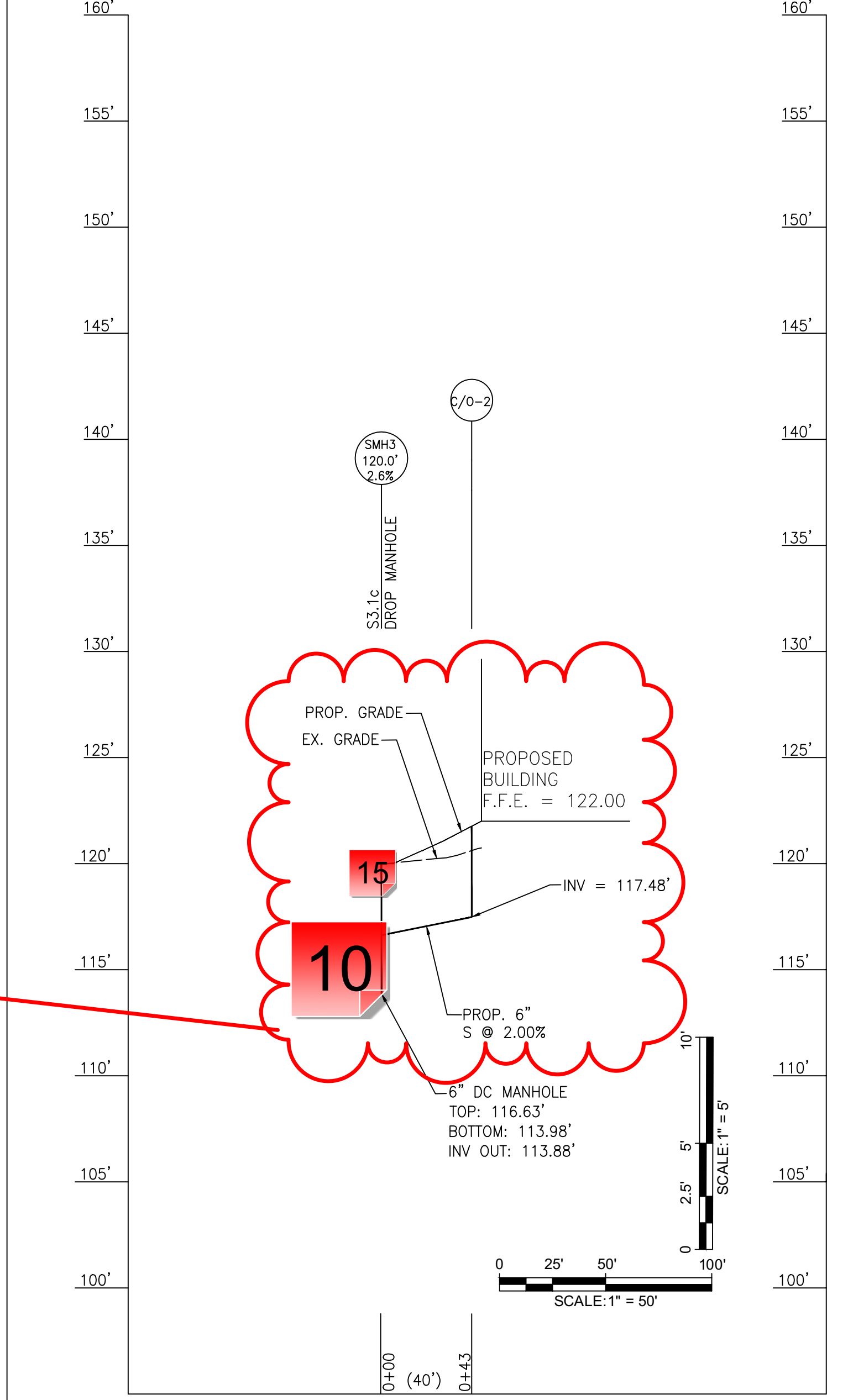
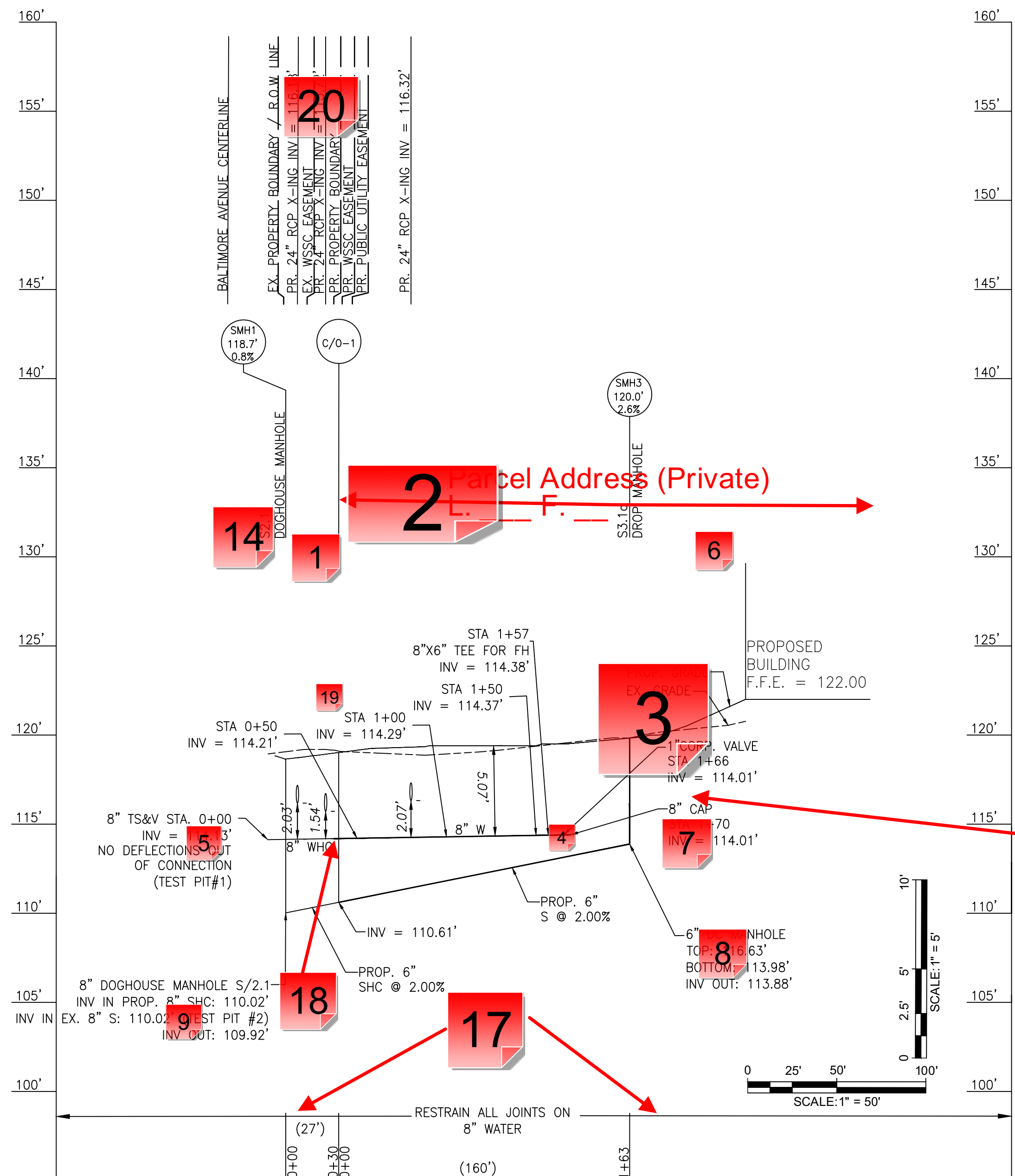
Sincerely,



for Erica Rigby
Acting District Engineer

ER/ts

cc: Elshaday Asrat, SHA – District Utilities
Roberto Barcena, SHA – OMT
Steve Buddenbohn, SHA – PSD
Nimish Desai, SHA – Hydraulic Reviewer
Patrice Emezie, SHA – District Traffic
Lisa Kraus, SHA – HCR
Dorey Uong, SHA – EST
John Vranish, SHA – ICD
Tom Masog, tom.masog@ppd.mncppc.org
Glen Burton, glen.burton@ppd.mncppc.org



6" SEWER FROM SMH3 TO BUILDING
SCALE: HORIZ. 1" = 50'
VERT. 1" = 5'

ENGINEER'S/SURVEYOR'S AS-BUILT CERTIFICATION

I HEREBY CERTIFY THAT THE AS-BUILT INFORMATION AS SHOWN IN (RED OR GREEN) HEREIN IS ACCURATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND HAS BEEN ESTABLISHED BY A FIELD RUN SURVEY USING ACCEPTABLE SURVEYING METHODS BY MYSELF AND/OR SOMEONE UNDER MY DIRECT SUPERVISION ON (EFFECTIVE DATE). ALL ASBUILT DATA IS SHOWN IN 'BOXES'.

LICENSE NO.: _____

EXPIRATION DATE: _____

12

**SU-2568-2020
SITE UTILITY
WATER AND SEWER PLAN**

7-ELEVEN BEHNKE

11300 BALTIMORE AVE
BELTSVILLE, MD 20705

DRAINAGE BASIN: ANACOSTIA RIVER / MINI BASIN 08-064

ELECTION DISTRICT: VANSVILLE, 1

PRINCE GEORGE'S COUNTY, MARYLAND

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

NAME, P.E. VICTORIA M. BALLESTERO, P.E.
LICENSE No. 53168
EXPIRATION DATE: 09/12/2020

APPROVAL	DATE	REVISIONS

NOTE: ALL NOTES BELOW ARE PROPOSED OR EXISTING SIZE PIPE EXIST.

THESE DOCUMENTS CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION WHICH SHALL NOT BE REDISTRIBUTED WITHOUT PRIOR WSSC APPROVAL

ENGINEER:

NAME: ATCS, P.L.C.
REGISTRATION #: 9500 MEDICAL CENTER DR., SUITE 370
ADDRESS: LARGO, MD 20774

PHONE: 301-870-4530
CONTACT: VICTORIA BALLESTERO, PE, MBA
CONTACT EMAIL: VBALLESTERO@ATCSPLC.COM

APPLICANT:

NAME: ROOT 1, LLC ETAL
ADDRESS: 4418 EAST WEST HWY, 4TH FLOOR
BETHESDA, MD 20814
PHONE: (301) 943-7489
CONTACT: ANDREW POLOTT
EMAIL: APOLOTT@SGRWLAW.COM

200'S 214NE05

NO 3 OF 3
SC-1

1 - Show the limits of the existing WSSC easement boundary

Created by: Hala Flores
On: 10/16/2020 02:16 PM

and label the Liber and Folio

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

2 - Show the extent of the parcel boundary and label

Created by: Hala Flores
On: 10/16/2020 02:16 PM

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

3 - See comment on plan

Created by: Hala Flores
On: 10/16/2020 02:21 PM

Provide Tee connection or reducer to extend the line to the building.

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

4 - A minimum 5 ft clearance is required between fittings

Created by: Hala Flores
On: 10/16/2020 02:22 PM

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

5 - What is the source of this invert elevation?

Created by: Hala Flores
On: 10/16/2020 02:23 PM

Indicate, plan, asbuilt, or field

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

6 - label cleanout and terminate sewer 5 ft from building

Created by: Hala Flores
On: 10/16/2020 02:45 PM

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

7 - extend water and terminate per guidance of the DSD code

Created by: Hala Flores
On: 10/16/2020 02:45 PM

See comment on plan sheet

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

8 - This is not clear

Created by: Hala Flores
On: 10/16/2020 02:46 PM

the sewer extend beyond this point. Not shown. Why showing a drop connection at this point?

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

9 - indicate the source of the sewer invert information

Created by: Hala Flores
On: 10/16/2020 02:48 PM

testpit or field survey required to verify the invert during design phase for the sewer connection.

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

10 - Add this information to the profile

Created by: Hala Flores
On: 10/16/2020 02:50 PM

No need to separate the profiles as shown

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

11 - consolidate to one profile

Created by: Hala Flores
On: 10/16/2020 02:51 PM

Consider changing the scale to 1"=10' horizontal if you can get it to fit in sheet

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

12 - add a place for email address for the PE/PLS that will sign the asbuilt

Created by: Hala Flores
On: 10/16/2020 02:52 PM

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

13 - delete (duplicate information)

Created by: Hala Flores
On: 10/16/2020 02:54 PM

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

14 - Show extent of SHA right of way and reference the Plat

Created by: Hala Flores
On: 10/16/2020 03:01 PM

Attach the SHA record Plat to the next submission

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

15 - Inverts don't indicate drop manhole, but graphics do

Created by: Hala Flores
On: 10/19/2020 09:20 AM

Drop manholes need to be specifically called out with standard detail reference on both planview and profile

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

16 - Mirror this profile

Created by: Hala Flores
On: 10/19/2020 09:21 AM

Mirror this profile so that it runs in the same direction as the plan view. Inspectors out in the field will appreciate it.

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

17 - Limits of restraint

Created by: Hala Flores
On: 10/19/2020 09:21 AM

Limits should be to the limits of water main, not extent of profile.

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

18 - limits of WHC

Created by: Hala Flores
On: 10/19/2020 09:22 AM

Provide station and invert at limit of WHC.

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

19 - Insufficient clearance

Created by: Hala Flores
On: 10/19/2020 09:23 AM

Insufficient clearance between water and storm. Minimum 1', outside of pipe/structure to outside of pipe/structure is required.

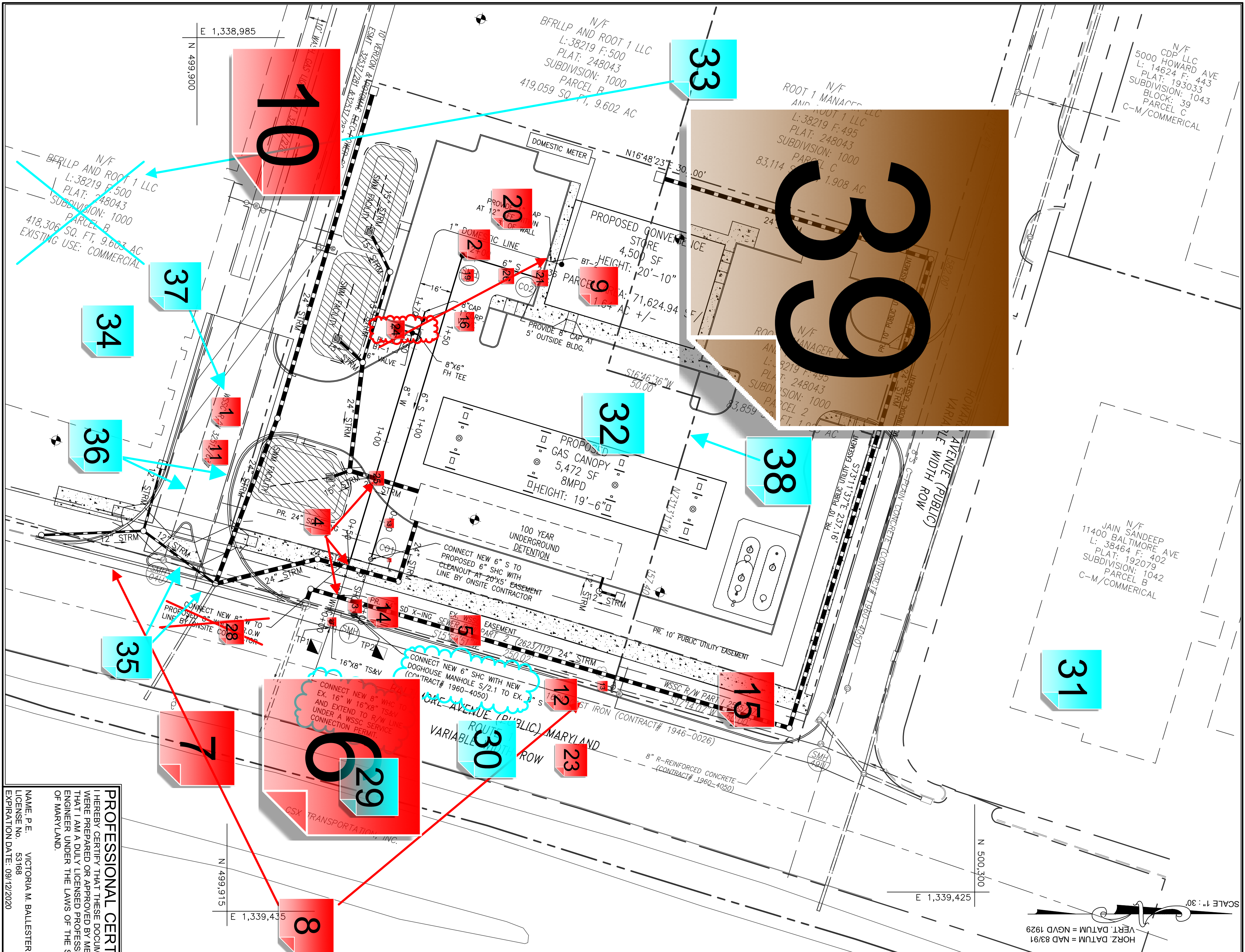
----- 0 Replies -----

20 - Storm crossing invert

Created by: Hala Flores
On: 10/19/2020 09:24 AM

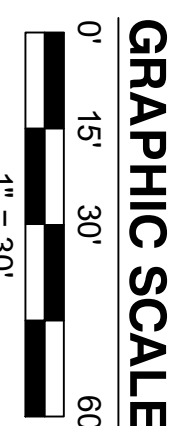
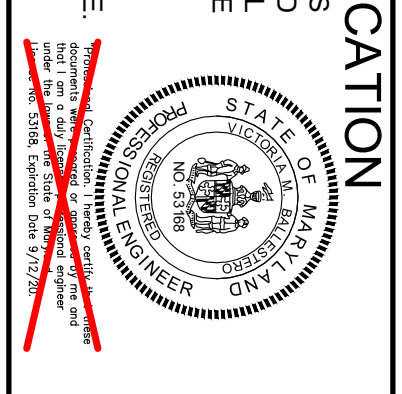
Both water AND sewer cross all 3 of these storm drains. Inverts at Water AND sewer crossing needs to be shown.

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



PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

NAME: P.E. VICTORIA M. BALLESTERO, P.E.
 LICENSE No. 53168
 EXPIRATION DATE: 09/12/2020



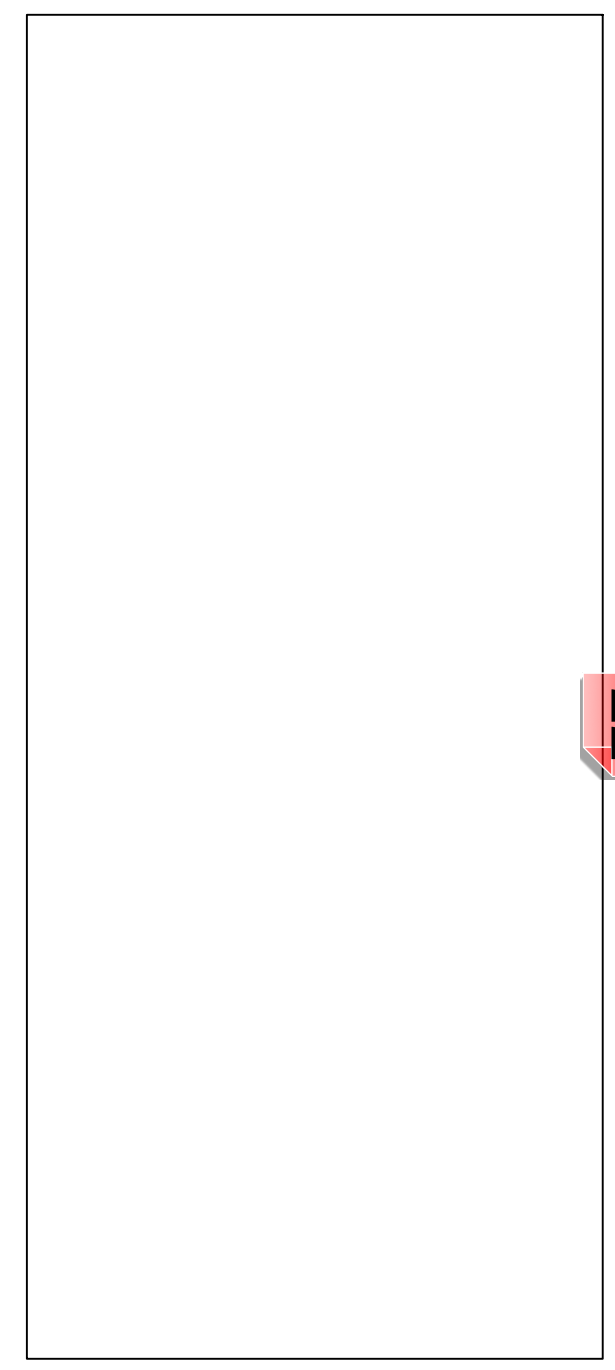
APPROVAL DATE	REVISIONS

ENGINEER:
 NAME: ATCS, P.L.C.
 REGISTRATION #: 9900 MEDICAL CENTER DR., SUITE 370
 ADDRESS: LAROCK MD 20774
 PHONE: 301-870-4830
 CONTACT: VICTORIA BALLESTERO, P.E. MBA
 CONTACT EMAIL: VBALLESTERO@ATCSPLC.COM

APPLICANT:
 NAME: ROOT 1, LLC ET AL
 ADDRESS: BETHESDA, MD 20814
 PHONE: (301) 945-7489
 CONTACT: ANDREW POLLOTT
 EMAIL: APOLLOTT@SRWV.LAW.COM

SU-2568-2020
SITE UTILITY
WATER AND SEWER PLAN

7-ELEVEN BEHNKE
 11300 BALTIMORE AVE
 BELTSVILLE, MD 20705
 DRAINAGE BASIN: ANACOSTIA RIVER / MINI BASIN 08-064
 ELECTION DISTRICT: VANSVILLE, 1
 PRINCE GEORGES COUNTY, MARYLAND



22
 LICENSE NO.: _____
 EXPIRATION DATE: _____

ENGINEERS/SURVEYORS
AS-BUILT CERTIFICATION

I HEREBY CERTIFY THAT THE AS-BUILT INFORMATION AS SHOWN IN (RED OR GREEN) HEREIN IS ACCURATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND HAS BEEN ESTABLISHED BY A FIELD RUN SURVEY USING ACCEPTABLE SURVEYING METHODS BY MYSELF AND SOMEONE UNDER MY DIRECT SUPERVISION OR (EFFECTIVE DATE) ALL AS-BUILT DATA IS SHOWN IN BOXES.

SCALE 1" = 30'
 HORIZ. DATUM = NAD 83/91
 VERT. DATUM = NGVD 1929

1 - label WSSC existing main

Created by: Hala Flores
On: 10/06/2020 09:09 AM

Show diameter, material, and contract number

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

2 - label as 1.5 " W

Created by: Hala Flores
On: 10/06/2020 12:19 PM

Is this building sprinkled? The HIS didn't request any sprinkler flow. If not, indicate the basis for exemption from sprinkler system requirement. The Plumbing code specifies 1.5 inch as the minimum diameter for new water service connections

This is part of the onsite water system upto the termination point 5' from building or within 12" from inside of the building. A profile is not required unless the line crosses other utilities or features that warrant more detail.

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

3 - 5 ft horizontal clearance required

Created by: Hala Flores
On: 10/06/2020 12:21 PM

5 ft clearance is required from edge of manhole to edge of storm

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

4 - 5 ft horizontal clearance required from storm to edge of cleanout

Created by: Hala Flores
On: 10/06/2020 12:21 PM

The cleanout needs to be placed on the parcel boundary or edge of easement, not within private property as currently shown

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

5 - Indicate if this is private or public stormdrain - label ownership on plan

Created by: Hala Flores
On: 10/06/2020 12:23 PM

Move outside of the WSSC easement - private storm system is not permitted within the WSSC easement.

Construction of public structures within WSSC existing easement requires a variance AND DRP contract approval (which will be a dependency for this plan)

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

6 - Abandonment of existing water and sewer connections and onsite systems

Created by: Hala Flores
On: 10/06/2020 12:38 PM

Please show all the existing onsite systems and connections permits for water and sewer that are to be abandoned as part of this plan

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

7 - Upload the testpit results for the connections with next submittal

Created by: Hala Flores
On: 10/06/2020 12:40 PM

The testpit must confirm the diameter and material specially for the watermain connection. The material (cast iron) as indicated in WERI maybe inaccurate and must be confirmed through a field test

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

8 - Show distance to nearest valve in both directions

Created by: Hala Flores
On: 10/06/2020 12:50 PM

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

9 - Label building

Created by: Hala Flores
On: 10/06/2020 12:51 PM

- Domestic Meter
- And add FFE

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

10 - Label Wicomico Avenue as vacated per record plat and indicate the new ownership

Created by: Hala Flores
On: 10/06/2020 01:01 PM

Show the L.F. for the WSSC main in this vacated public road.

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

11 - WSSC easement minimum width

Created by: Hala Flores
On: 10/06/2020 01:07 PM

Dimension the WSSC easement. A minimum of 20 ft width is required. Provide additional width

as needed.

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

12 - Our WERI system shows this segment to be 12" W not 16" W

Created by: Hala Flores
On: 10/06/2020 01:09 PM

A test pit is required. The alignment of the main as shown also doesn't match the alignment through WERI.
Based on our WERI system, the connection is occurring near two bends. Test pits are required.

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

13 - label the existing sewer main and show per CAD standards

Created by: Hala Flores
On: 10/16/2020 02:09 PM

The label must include the sewer size, material, and contract number. Also, label the existing manholes per WSSC standards

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

14 - clearly show the extent of the existing WSSC easement

Created by: Hala Flores
On: 10/16/2020 02:13 PM

Use dimension arrows

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

15 - Use a more pronounced line type/weight for the parcel boundary

Created by: Hala Flores
On: 10/16/2020 02:14 PM

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

16 - Provide reducer or Tee connection and valve

Created by: Hala Flores
On: 10/16/2020 02:20 PM

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

17 - What is this?

Created by: Hala Flores

On: 10/16/2020 02:26 PM

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

18 - no stationing is needed for the onsite sewer

Created by: Hala Flores
On: 10/16/2020 02:26 PM

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

19 - Drop manhole need to be reference on the plan with Standard detail

Created by: Hala Flores
On: 10/16/2020 02:27 PM

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

20 - See DSD code for termination of water (702.3.1)

Created by: Hala Flores
On: 10/16/2020 02:42 PM

Either terminate 5 feet out of the building wall/foundation or at the first flange within 1-foot inside of the building boundation or 1 ft above the lowest slab.

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

21 - Terminate sewer 5 ft from building with cleanout

Created by: Hala Flores
On: 10/16/2020 02:44 PM

Cleanout need to at least 2 ft from curb and gutter.

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

22 - Add email

Created by: Hala Flores
On: 10/16/2020 02:52 PM

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

23 - I'm not clear where the SHA right of way ends

Created by: Hala Flores
On: 10/16/2020 03:03 PM

If it overlaps WSSC easement, the right of way designation governs over the WSSC easement.
Include the plats for SHA right of way with the next submission

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

24 - label FH with EE and barrell length

Created by: Hala Flores
On: 10/19/2020 08:59 AM

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

25 - call out crossing with stormdrain

Created by: Hala Flores
On: 10/19/2020 09:00 AM

Indicate type, material , size, and station on waterline

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

26 - Move BT to end of line near the building

Created by: Hala Flores
On: 10/19/2020 09:11 AM

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

27 - Valve (Use Cad Standards)

Created by: Hala Flores
On: 10/19/2020 09:14 AM

Also, the storm drain graphics on this plan over powers the important stuff (water and sewer pipes and elements). Please tone the storm drain down. The 6" SHC label is being partially covered by these storm drains...

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

28 - Delete connection note

Created by: Hala Flores
On: 10/19/2020 09:16 AM

The only connection note should be at the main connection. Also, delete this lable leader (going through Storm system and confusing).

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

29 - 129 - Connection Note - Water

Created by: Dagoberto Beltran
On: 10/07/2020 03:47 PM

Correct note to Add contract number (1946-0026)
Correct R/W to P/L (property Line)

Apply for and add Service Connection permit number

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

30 - 134 - Connection Note - Sewer

Created by: Dagoberto Beltran
On: 10/07/2020 03:53 PM

Correct note to add "and extend SHC to property line under SHC permit number "

apply for and add Service Connection permit from epermitting.

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

31 - 78 - Adjacent Property - Ownership

Created by: Dagoberto Beltran
On: 10/08/2020 12:33 PM

Show property owner information (name and address)

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

32 - 64 - Site Property - Owner Information

Created by: Dagoberto Beltran
On: 10/08/2020 01:06 PM

Please show owner information.

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

33 - 78 - Adjacent Property - Ownership

Created by: Dagoberto Beltran
On: 10/08/2020 01:07 PM

Please show property owner information (name and address).
Please verify parcel B and C are accurate per uploaded plat.
Remove property lines as necessary. Plat shows this as parcel 1.

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

34 - 78 - Adjacent Property - Ownership

Created by: Dagoberto Beltran
On: 10/08/2020 01:09 PM

Please show property owner information (name and address)

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

35 - 44 - Sewer and Water Main Label

Created by: Dagoberto Beltran
On: 10/08/2020 01:17 PM

Please add Main Sewer and Water Label.

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

36 - 44 - Sewer and Water Main Label

Created by: Dagoberto Beltran
On: 10/08/2020 01:18 PM

Please add Sewer and Water Main Label.

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

37 - 80 - Private Easement

Created by: Dagoberto Beltran
On: 10/09/2020 11:23 AM

Wshow width size of Easement.

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

38 - 76 - Property Line

Created by: Dagoberto Beltran
On: 10/14/2020 10:09 AM

Remove old property line and label according to recorder to plat. Must match the plan. Please remove old property lines as this is Parcel 1 and Parcel 2.

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

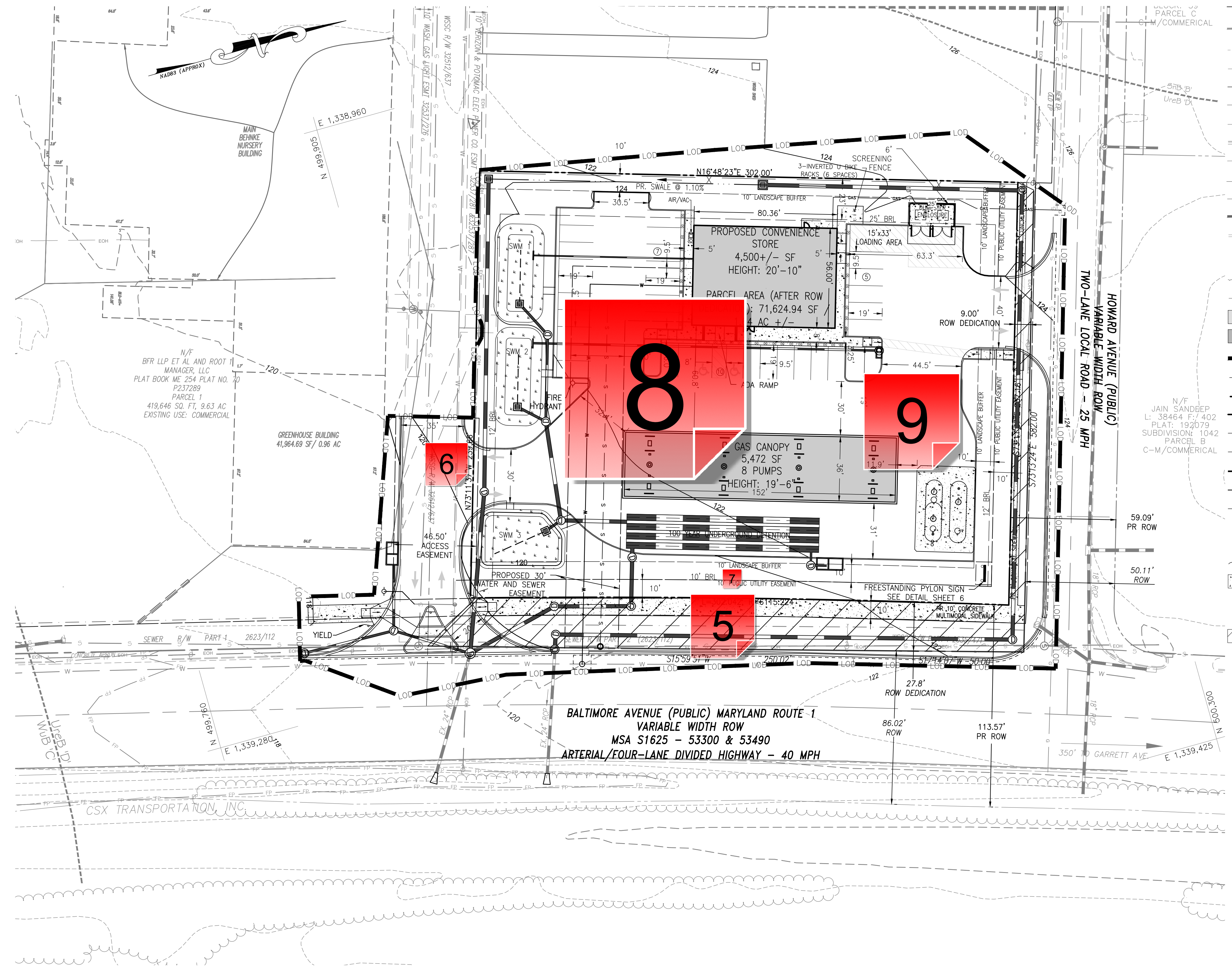
39 - Changemark #02

Created by: Maurice Fitzgerald
On: 10/08/2020 08:10 AM

Show all sediment controls from Approved SCD Plan and label as existing.

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

3 4



LEGEND

- — — — — PROPERTY BOUNDARY
- — — — — BUILDING RESTRICTION LINE
- — — — — ADJACENT PROPERTY BOUNDARY
- — — — — SOILS
- - - - - EXISTING TOPO (MINOR)
- - - - - EXISTING TOPO (MAJOR)
- - - - - EXISTING EASEMENTS
- — — — — ROADWAY CENTERLINE
- — — — — EXISTING FENCE
- — — — — EXISTING CURB AND EOPV
- — — — — EXISTING OVERHEAD WIRE
- — — — — EXISTING WATER LINE
- — — — — EXISTING SANITARY SEWER
- — — — — EXISTING STORM DRAIN
- — — — — EXISTING STORM DRAIN TO BE RELOCATED
- — — — — EXISTING TREE LINE
- — — — — EXISTING BRUSH LINE
- — — — — 100-YEAR FLOODPLAIN
- — — — — EXISTING 15%-25% SLOPE
- — — — — EXISTING >25% SLOPE
- — — — — LIMITS OF DISTURBANCE
- — — — — PROPOSED EOPV
- — — — — PROPOSED BUILDING
- — — — — PROPOSED SANITARY SEWER
- — — — — PROPOSED WATER LINE
- — — — — PROPOSED FENCE LINE
- — — — — PROPOSED STORM DRAIN
- — — — — PROPOSED CONTOUR
- — — — — PROPOSED EASEMENT
- — — — — PROPOSED PAVEMENT STRIPING
- — — — — PROPOSED HANDICAP PARKING
- — — — — PROPOSED TREE LINE
- — — — — PROPOSED CONCRETE
- — — — — PROPOSED SIGN
- — — — — PROPOSED BOLLARD
- — — — — ROW DEDICATION AREA

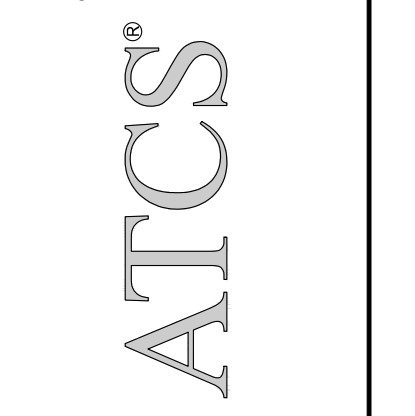
NOTE:
 THE BUILDING FOOTPRINT WILL BE 4,500 SF +/- 1% VARIANCE AND EXTERIOR DIMENSIONS ARE APPROXIMATE BOTH SUBJECT TO MINOR ADJUSTMENTS BASED ON FINAL ARCHITECTURAL DESIGN AND ARCHITECTURAL TREATMENTS.

SUBMISSION		REVISION	
NO.	DATE	NO.	DATE
1	06/25/2020	1	07/31/2020
2	10/16/2020	2	10/16/2020



CLIENT
 Route 1 Manager, LLC
 c/o JAIN SANDEEP
 4415 East-West Highway
 4th Floor
 Bethesda, MD 20814

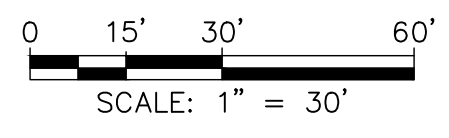
9500 MEDICAL CENTER DRIVE, SUITE 370
 ARCO MARYLAND, MD 20774
 (301) 870-4530 FAX (301) 843-1282
 HERNDON, BALTIMORE, BLACKSBURG
 LANCASTER, NEWPORT NEWS, RALEIGH
 RICHMOND - WASHINGTON, DC
 WWW.ATCSPLC.COM



DETAILED SITE PLAN
 SITE PLAN
BEHNKE PROPERTY
 TAX MAP: 19, GRID: B1, ZONE: C-M
 PARCEL 2
 LOCATION: 11300 BALTIMORE AVE., BELTSVILLE
 PRINCE GEORGE'S COUNTY, MARYLAND 20705

AUTHOR: ZME
 CHECK: VMB
 PROJ#: 002665
 DATE: 06/19/2020
 SCALE: 1" = 30'

SHEET
SITE PLAN
 SHEET: 3 OF 16



FILE PATH: S:\Projects\002665_Behnke\Site\Design\Sheet\SP002665-03.DWG PLOT DATE: 10/16/2020 12:43:10 PM BY: LAINA, CLIENT

1 - 1 - WSSC Plan Review Comments

Created by: Mary Mapes
On: 12/10/2020 09:54 AM

WSSC Plan Review Comments
DSP-20029 - Behnke Property

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

2 - 2 - WSSC Standard Comments for All Plans

Created by: Mary Mapes
On: 12/10/2020 09:55 AM

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

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

3 - 1 - WSSC Plan Review Comments

Created by: Mary Mapes
On: 12/10/2020 09:54 AM

WSSC Plan Review Comments
DSP-20029 - Behnke Property

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

4 - 2 - WSSC Standard Comments for All Plans

Created by: Mary Mapes
On: 12/10/2020 09:55 AM

1. WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.
2. Coordination with other buried utilities:
 - a. Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements.
 - b. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
 - c. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.
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 - e. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.
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----- 0 Replies -----

5 - Proposed storm infrastructure in WSSC easement

Created by: Hala Flores
On: 12/10/2020 10:51 AM

This work can't be reviewed under the Site Utility Plan and needs to be permitted under a separate DRP plan

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

6 - Check WSSC PDM for minimum easement width

Created by: Hala Flores
On: 12/10/2020 10:53 AM

Additional easement on your property maybe required

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

7 - 10' PUE must be located outside the WSSC easement

Created by: Hala Flores
On: 12/10/2020 10:55 AM

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

8 - Refer to WSSC comments on SU-2568-2020

Created by: Hala Flores
On: 12/10/2020 10:56 AM

This plan is currently at WSSC review under contract SU-2568-2020. WSSC comments so far on the plan are included as reference

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

9 - WSSC general comments

Created by: Hala Flores
On: 12/10/2020 11:17 AM

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

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

WSSC facilities/structures cannot be located with a public utility easement (PUE) however WSSC pipelines may cross over a PUE. Revise the plan to relocate any pipeline, valve, fire hydrant, meter vault and any other WSSC facilities/structures outside of the PUE.

Show and label easement limits on plan for all existing and proposed water and sewer mains.

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

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

Private Street & Alley Easement Requirements. Service mains proposed for this project are located in roadways that are or may be private. Private water and sewer mains are preferred in private streets and alleys. If the applicant desires public water and sewer mains in these private streets and alleys, then the following criteria must be met:

- All separation requirements in the WSSC 2017 Pipeline Design Manual (PDM) must be met.
- A 10 foot Public Utility Easements (PUE) shall be provided on both sides of the private street -and/or alley or space within the private street will be provided to assure PDM separations are met and limiting utility crossings of the WSSC water and sewer lines.
- Blanket easements for other utilities (gas, electric, telephone, CATV, fiber optic, etc.) within the private street and/or alley parcel will not be allowed. The HOA documents shall not provide for a blanket easement across and under a private street and/or alley parcel.
- Dry utilities are to be located in the PUE or as described above. No dry utilities are to be placed within the WSSC easement for public water and sewer except to cross perpendicular to the public water and sewer mains.
- The storm drain system located in a private street and/or alley containing public water and sewer mains shall also be public and maintained by the County.

The minimum horizontal clearance from a building to the outside diameter of a WSSC pipeline is 15-feet. The minimum spacing between adjacent buildings with both water and sewer lines between them must be 40-feet. In some cases where connections, fire hydrants, or deep water/sewer lines are involved, additional easement width is required.

Proposed pipeline needs to be realigned to avoid or minimize environmental concerns such as: tree save areas, forested areas, rural/rustic roads, blasting areas, utilities, water quality, champion trees, historic or burial properties, landfills or other soil contaminated areas.

An Environmental Site Assessment report was reviewed by WSSC and no additional requirements are needed.

Wetlands permit will be required for any construction within nontidal wetland areas. See WSSC 2017 Pipeline Design Manual Part Three, Section 23

Realign the water and sewer service connection(s) to avoid environmental, storm water management facilities, ESD Devices, other utilities, landscaping, tree boxes and structures or paving impacts for future maintenance. See WSSC 2017 Pipeline Design Manual Part Three, Section 3; Pipeline Crossings and Clearances.

Revise the plan to realign any water pipeline that conflicts with large storm drains, culverts, deep side ditches, etc. Maintain the required horizontal clearances from other utilities, retaining walls, sediment traps, street lights, paving, etc. See WSSC 2017 Pipeline Design Manual Part Three, Section 3; Pipeline Crossings and Clearances.

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

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

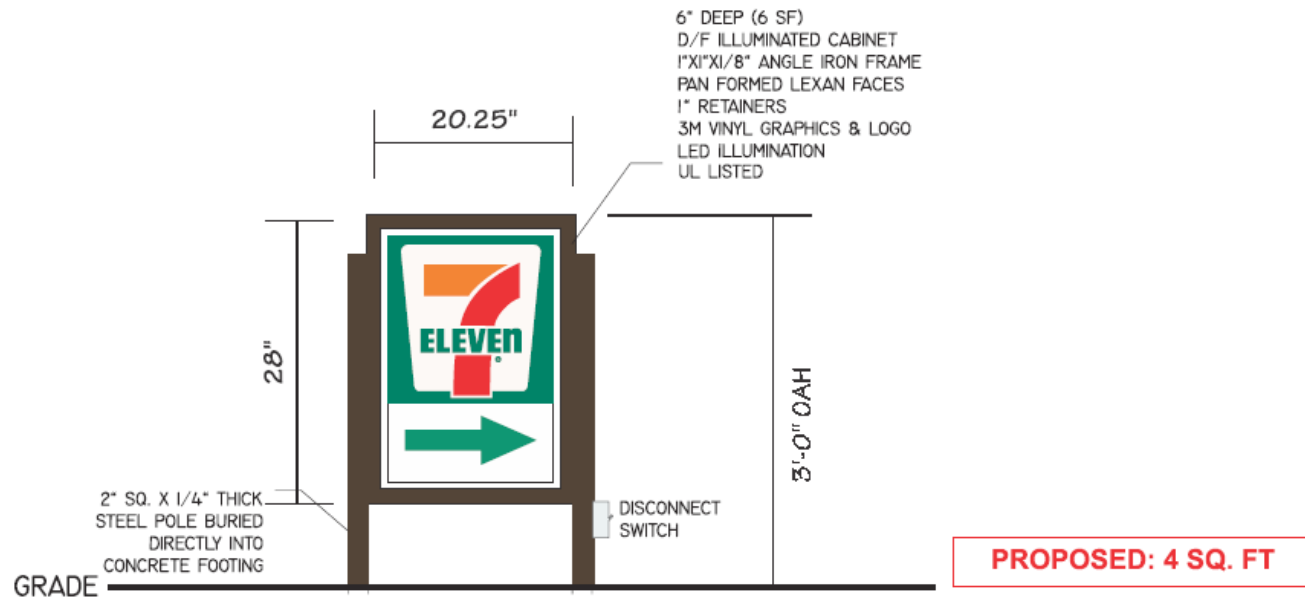
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Additional Back-up

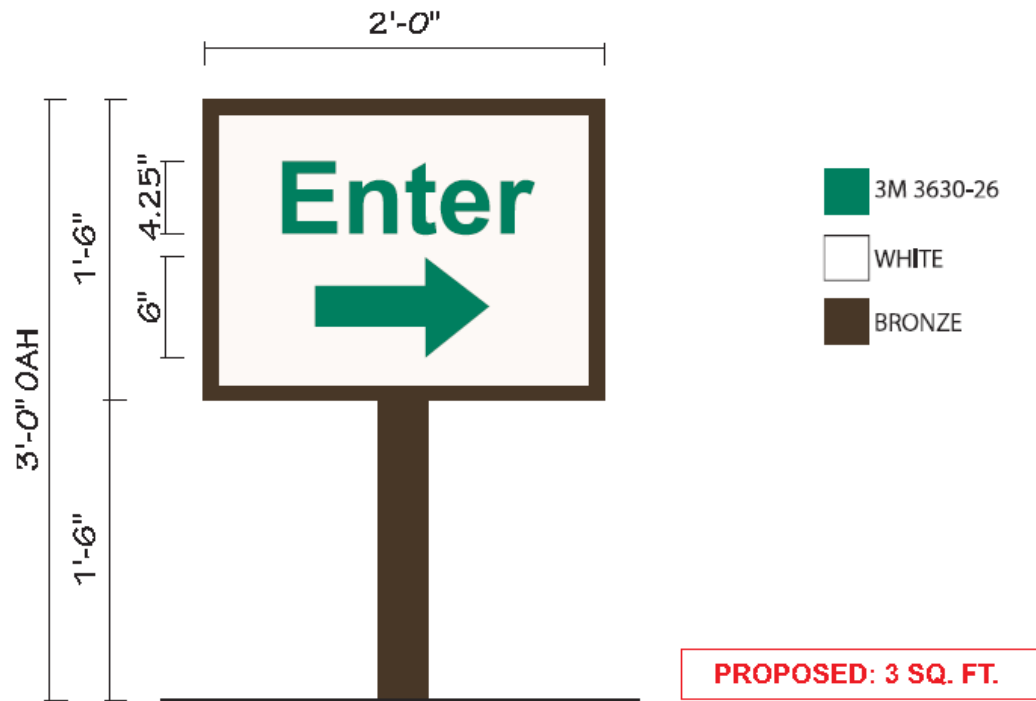
For

Detailed Site Plan DSP-20029 Behnke Property 7-Eleven

ORIGINAL DIRECTIONAL SIGN



REVISED DIRECTIONAL SIGN



Behnke Property 7-11 –DSP-20029
Requested Revisions to Staff Report & Conditions of Approval

In connection with the exhibit showing the proposed revisions to the two (2) directional signs proposed at each driveway entrance to the 7-11, the following revisions are requested to Finding 6 and Recommendation 1.c contained in the Staff Report.

Page 7 of the Staff Report, Finding 6

Signage

A comprehensive signage program is provided that includes freestanding, canopy-mounted, and building-mounted signs for the proposed gas station and food and beverage store. Signage shown is typical for the 7-Eleven brand and proposed uses. There are clarifications and corrections needed to the signage program to ensure conformance with the requirements of Part 12 of the Zoning Ordinance. Area calculations for all proposed signage needs to be provided with the signage table to verify conformance with the requirements of Section 27-613(c) and Section 27-614(c) of the Zoning Ordinance. A condition has been included in the Recommendation section for sign area calculations to be provided. A single 25-foot-high freestanding advertisement and fuel pricing sign is provided, as are two freestanding directional signs. The property is only permitted one freestanding sign with commercial copy or advertising information based on the street frontage length. Therefore, a condition has been included in the Recommendation section to either: (a) revise the two (2) freestanding directional signs to eliminate all advertising information, or (b) remove the two freestanding directional signs altogether to conform with Section 27-614(d). The Applicant has elected to revise the two (2) freestanding directional signs to remove all advertising information and has provided an exhibit showing the revised freestanding directional signs compared to the previously proposed freestanding directional signs. In addition, Section 27-594(a)(1) requires that one gasoline price sign be located at each entrance to the station. This DSP provides a single gasoline price sign at the northwest corner of the property, adjacent to the intersection of Howard Avenue and US 1. Given that the sign will be prominently located, approximately equidistant from each site entrance and highly visible from each entrance to the site, staff finds that the single gasoline price sign will adequately serve both site entrances.

Page 15 of the Staff Report, Recommendation 1.c

C. Revise the two (2) freestanding directional signs to eliminate all advertising information or remove the two freestanding directional signs, as only one freestanding sign with advertising information is allowed, per Section 27-614(d) of the Prince George's County Zoning Ordinance.