

RESOLUTION 2020-131
IN THE MATTER OF:
Specific Design Plan (SDP) 1803
7-Eleven at Brandywine Village

*** IN THE COUNTY COUNCIL FOR**
*** PRINCE GEORGE’S COUNTY**
*** SITTING AS THE**
*** DISTRICT COUNCIL**



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APPEAL AND REQUEST FOR ORAL ARGUMENT

In accordance with § 27-528.01 of the Prince George’s County Code, persons of record Ms. Valerie Davis, Ms. Jennifer Jackson, Ms. Jamila Balamani,¹ and the Brandywine Healthy Neighborhoods Alliance² (“Alliance”) (collectively “Appellants”) appeal the decision of the Prince George’s County Planning Board (“Planning Board”) to approve Specific Design Plan 1803 (“SDP-1803”), a 7-Eleven gas station and convenience store (“proposed gas station”), as arbitrary and capricious, and unsupported by substantial evidence.

Through SDP-1803, 7-Eleven (“Applicant”) requested approval to develop a 3,062 square-foot gas station and convenience store at the northwest corner of the intersection of Chadds Ford Drive and U.S. Route 301 (Robert Crain Highway).³ The Planning Board held a hearing on SDP-1803 on July 30, 2020 and voted 4-0 to approve the development with revised findings and conditions.⁴ The Planning Board passed and adopted Resolution No. 2020-131 (“Resolution”) approving SDP-1803 on September 10, 2020.⁵ The Planning Board provided written notice of the Resolution on September 15, 2020.⁶ On October 7, 2020, the District

¹ All three individual Appellants are members of the Brandywine Healthy Neighborhoods Alliance.
² The Brandywine Healthy Neighborhood Alliance has submitted a request to Prince George’s County to register as an association with the Maryland-National Capital Park and Planning Commission (M-NCPPC). Appendix A, M-NCPPC Registration Document, page 3. This application is pending.
³ See *infra* Appendix B, Resolution No. 2020-131 (Approving SDP-1803), page 6.
⁴ See *infra* Appendix B, Resolution No. 2020-131 (Approving SDP-1803), page 6.
⁵ See *infra* Appendix B, Resolution No. 2020-131 (Approving SDP-1803), page 21.
⁶ See *infra* Appendix B, Resolution No. 2020-131 (Approving SDP-1803), page 5.

Council elected to review the matter and set a hearing date for November 9, 2020.⁷ Appellants respectfully request the District Council vacate and remand the Planning Board’s approval of SDP-1803. In particular, Appellants request that the District Council remand this matter for further consideration of the public health concerns related to allowing another gasoline station and convenience store in close proximity to the Chadds Ford neighborhood of Brandywine, Maryland.

The Planning Board’s decision to approve SDP-1803 was arbitrary and capricious for two reasons: (1) § 27-528(b) of the Code requires the Planning Board to find that a plan “prevents environmental degradation to safeguard the public's health, safety, welfare ... [due to] pollution discharge,” which it did not; and (2) under § 27-494 of the Code, development in a Local Activity Center must be compatible with existing uses, in this case a residential neighborhood with a number of playgrounds.⁸ The Planning Board erred in approving SDP-1803 because the Planning Board failed to consider the concerns raised by community members on the hazards of gas station air emissions and failed to consider the surrounding use and compatibility of a gas station in close proximity to a playground and residential neighborhood. As approved, SDP-1803 is not compatible with the Chadds Ford’s neighborhood because it puts the health, safety and welfare of residents at risk without mitigating or addressing the concerns of the community.

While Appellants provided the Planning Board with significant evidence showing that gas stations and a high density of junk food establishments pose risks to public health and safety, the Resolution did not address any of these concerns.⁹ These concerns are particularly acute for children and the African American community more broadly.¹⁰ For the reasons to follow,

⁷ THE PRINCE GEORGE’S COUNTY GOVERNMENT, DISTRICT COUNCIL, ORAL ARGUMENT HEARING COUNCIL ELECTED TO REVIEW (Oct. 7, 2020).

⁸ See *infra* Appendix C, Google Maps Image Playground 1 on Chadds Ford Drive, pages 22-24.

⁹ See *infra* Appendix B, Resolution No. 2020-131 (Approving SDP-1803), page 6.

¹⁰ See *infra* Section I.b.

Appellants respectfully requests the District Court to remand approval of SDP-1803 for consideration consistent with the terms of the Code.

APPELLANT STANDING

Pursuant to Prince George’s County Code § 27-528.01 and Maryland Land Use § 25-212, a person may make a request to the District Council for the review of a decision of the county Planning Board if the person is an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing. In Maryland, “[a]n adjoining, confronting or nearby property owner is deemed, *prima facie*, to be specially damaged and, therefore, a person aggrieved.”¹¹

If not *prima facie* aggrieved, a property owner who is farther away from the subject property but can show additional evidence of harm, distinguished from an injury suffered by the general public, is specially aggrieved.¹² There is no bright line rule for delineating boundaries for aggrievement in these cases.¹³ Instead, the standard “is based on a fact-intensive, case-by-case analysis.”¹⁴

All three Appellants satisfy standing requirements in Maryland.¹⁵ Appellants are residents of Brandywine’s Chadds Ford neighborhood adjacent to the proposed gas station.¹⁶ Ms. Jackson resides at 15604 Lady Lauren Lane, Brandywine, MD 20613, less than 500 feet from the proposed gas station.¹⁷ Because Ms. Jackson lives in close proximity to the proposed gas station as an “adjoining, confronting or nearby property owner,” she is *prima facie* aggrieved.

¹¹ Ray v. Mayor and City Council of Baltimore, 430 Md. 74, 81 (2013).

¹² Ray, 430 Md. at 91.

¹³ Anne Arundel County v. Bell, 442 Md. 539, 559 (2015).

¹⁴ Ray, 430 Md. at 81.

¹⁵ Appellants are also members of the Brandywine Health Neighborhood Alliance. The Alliance in the process of registering as an association with the Maryland-National Capital Park and Planning Commission (M-NCPPC). Appendix A, M-NCPPC Registration Document, page 3.

¹⁶ See *infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 38.

¹⁷ See *infra* Appendix D, Jackson Residence, page 26.

Ms. Davis resides at 15126 Lady Lauren Lane, Brandywine, MD 20613, which is 1,884 feet from the proposed gas station,¹⁸ and Ms. Balamani resides at 15316 Paoli Ct., Brandywine, MD 20613, which is 2,935 feet from the proposed gas station.¹⁹ As residents of the Chadds Ford neighborhood, both Ms. Davis and Ms. Balamani will be exposed to toxic gasoline fumes, increased traffic and unhealthy junk food more acutely than members of the general public. Absent a bright line rule, the facts show that the proposed gas station will be located directly within the Appellants' neighborhood.²⁰ Because the proposed gas station will affect them uniquely as local residents, Ms. Davis and Ms. Balamani are specially aggrieved and therefore satisfy the standing requirements to bring this action.²¹

Appellants are also persons of record in the matter of SDP-1803 and appeared before the Planning Board. At the hearing on July 30, 2020, Appellants objected to the proximity of the proposed gas station to their homes and a nearby playground located 140 feet away.²² Appellants also objected to the proliferation of fast-food restaurants and convenience stores in their community.²³

APPELLANTS' COMMUNITY

The addition of the proposed gas station only stands to harm nearby residents and children who live, play and recreate in the Chadds Ford neighborhood. The Chadds Ford neighborhood is largely residential and pedestrian walkways surround the area and connect to a nearby lake located 0.3 miles from the subject property.²⁴ The neighborhood also features two

¹⁸ See *infra* Appendix E, Davis Residence, page 28.

¹⁹ See *infra* Appendix F, Balamani Residence, page 30.

²⁰ See *infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 38.

²¹ PG COUNTY CODE, MD., CODE § 27-528.01; MD. CODE ANN., Land Use § 25-212; *Bell*, 442 Md. at 559; *Ray*, 430 Md. at 81.

²² See *infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 35.

²³ See *infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 33.

²⁴ The lake and nearby walkways are approximately 0.3 miles from the proposed gas station. See *infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 38.

playgrounds, one of which is located 140 feet from the subject property.²⁵ Given the proximity of the gas station to the nearby playground and homes of the Chadds Ford neighborhood, the proposed gas station is an inappropriate addition to an area already saddled with disproportionate harms to public health and safety.

The Chadds Ford neighborhood is located in Brandywine, Maryland, an unincorporated community with over 9,000 residents (74% African American) in Southern Prince George's County.²⁶ These residents are forced to endure numerous polluting and industrial facilities. Described as a "sacrifice zone" for the larger Washington Metropolitan Area, Brandywine is home to a surface mining facility, a Superfund site, a sludge lagoon, a concrete batching facility, and a 217-acre coal ash landfill.²⁷ There are three power plants currently operating within a 13-mile radius of Brandywine.²⁸ Two additional gas-fired power plants are in the process of being built within a 3-mile radius.²⁹ Due to the cumulative impact of polluting facilities in this predominantly African American community, residents filed a Title VI Complaint with the U.S. Environmental Protection Agency (EPA) and the Department of Transportation (DOT) in 2016 challenging the fifth power plant in the area.³⁰ The Complaint alleged that allowing the construction of an additional natural gas-fired power plant in Brandywine discriminated on the basis of race in violation of Title VI of the Civil Rights Act of 1964.³¹

²⁵ See *infra* Appendix C, Google Maps Image Playground 1 on Chadds Ford Drive, 22-24.

²⁶ CENSUS REPORTER, *Brandywine, MD*, <https://censusreporter.org/profiles/16000US2409325-brandywine-md/>.

²⁷ *Brandywine, MD as a "Sacrifice Zone" for the DMV*, COMMUNITY ENGAGEMENT, ENVIRONMENTAL JUSTICE, & HEALTH (CEEJH) LABORATORY (Feb. 1, 2019), <https://www.ceejhlab.org/mid-atlantic/projects/2019/2/1/brandywine-md-as-a-sacrifice-zone-for-the-dmv>; ENVIRONMENTAL INTEGRITY PROJECT, *Brandywine Coal Ash Landfill*, <https://ashtracker.org/facility/64/brandywine-coal-ash-landfill>.

²⁸ *Id.*

²⁹ *Id.*

³⁰ ENVIRONMENTAL PROTECTION AGENCY, *Final Resolution Letter and Agreement to MD Recipients and MDNR Monitoring Closure Letter for Complaint*, (Jan. 30, 2019), <https://www.epa.gov/ogc/final-resolution-letter-and-agreement-md-recipients-and-mdnr-monitoring-closure-letter-complaint>.

³¹ *Programs and Projects of the Office of General Counsel: Final Resolution Letter and Agreement to MD Recipients and MDNR Monitoring Closure Letter for Complaint*, ENVIRONMENTAL PROTECTION AGENCY, <https://www.epa.gov/ogc/final-resolution-letter-and-agreement-md-recipients-and-mdnr-monitoring-closure-letter-complaint> (last updated Mar. 18, 2020).

Further highlighting the significance of cumulative impacts in Brandywine, a 2019 Health Impact Assessment conducted by the Prince George's County Health Department illustrated the adverse effects of fine particulate air pollution caused by traffic on U.S. Route 301.³² Residents of the Chadds Ford neighborhood who live within 1000 feet of the highway are more greatly exposed to this pollution.³³ This traffic pollution has been shown to be associated with childhood asthma, is considered a chronic environmental stressor, and could impair cognitive development in children, such as reading comprehension, speech intelligibility, memory, motivation, attention, problem-solving, and performance on standardized tests.³⁴ The effects of air pollution arising from nearby traffic, which is especially hazardous to the children in the Chadds Ford neighborhood, is yet another burden placed on this community.

Because of the concentration of polluting facilities, Brandywine has a record of unacceptable air quality and the EPA declared it a non-attainment zone for ground level ozone pollution,³⁵ a harmful air pollutant that is particularly dangerous to children, the elderly, and other vulnerable populations.³⁶ In addition to unhealthy air pollution, the Chadds Ford neighborhood also faces increased exposure to unhealthy foods high in calories, fat and

³² See *infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 41 (citing 2019 Health Department Health Impact Assessment Memo).

³³ *Id.*

³⁴ *Id.*

³⁵ *Green Book: Maryland Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants*, ENVIRONMENTAL PROTECTION AGENCY, https://www3.epa.gov/airquality/greenbook/anayo_md.html (last updated Sept. 30, 2020).

³⁶ Ozone is created when pollutants emitted by cars, power plants, refineries and other industrial facilities chemically react in the presence of sunlight. ENVIRONMENTAL PROTECTION AGENCY, *Ground-level Ozone Basics*, <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics#effects> (last visited Oct. 13, 2020).

sodium,³⁷ also known as a “food swamp.”³⁸ There are six fast food establishments within a mile of the Chadds Ford community.³⁹

STANDARD OF REVIEW

The Prince George’s County District Council exercises appellate jurisdiction when considering the Planning Board’s approval of a Specific Design Plan.⁴⁰ The District Council may reverse an approval by the Planning Board “if the decision was one the Planning Board was not legally authorized to make, is not supported by substantial evidence of record, is arbitrary or capricious, or otherwise illegal.”⁴¹

EXCEPTIONS

The District Court should vacate and remand the Planning Board’s approval of SDP-1803 for two reasons. First, the Planning Board violated § 27-528(b) because it did not ensure that SDP-1803 would adequately safeguard the public’s health, safety and welfare.⁴² Second, the Planning Board violated § 27-494 because it failed to ensure that SDP-1803 was compatible with surrounding uses, specifically, a neighboring playground and residences located adjacent to the approved site.⁴³ By disregarding the effect of the proposed gas station and convenience store on the health and welfare of the community, the Planning Board’s decision to approve SDP-1803 was not supported by substantial evidence and is therefore arbitrary and capricious.

³⁷ Food swamp options located near Chadds Ford are McDonald’s, Panda Express, Pizza Hut, Chick-fil-a, Costco Food Court, and Checkers. *See infra* Appendix H, Google Maps Fast Food Filter, page 68.

³⁸ A food swamp is defined as an area where fast food and junk food options inundate healthy alternatives, contributing to obesity and diet-related diseases. D. Rose et al., *Deserts in New Orleans? Illustrations of Urban Food access and Implications for Policy*, Univ. of Michigan National Poverty Center, USDA Economic Research Service Research (2009).

³⁹ *See infra* Appendix H, Google Maps Fast Food Filter, page 65.

⁴⁰ *Cnty. Council of Prince George’s Cnty. v. Zimmer Development Co.*, 444 Md. 490, 583 (2015).

⁴¹ *Id.*

⁴² *See infra* Appendix B, Resolution No. 2020-131 (Approving SDP-1803); *see also* PRINCE GEORGE’S COUNTY CODE, MD., CODE § 27-528(b).

⁴³ *See infra* Appendix B, Resolution No. 2020-131 (Approving SDP-1803); *see also* PRINCE GEORGE’S COUNTY CODE, MD., CODE § 27-494(a)(3) (“Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety and welfare of the present and future inhabitants of the Regional District.”)

I. The Planning Board Failed to Ensure the Proposed Gas Station Would Safeguard Public Health, Safety and Welfare in Violation Of § 27-528(b) by Neglecting the Risks Associated with Gas Stations and Their Impacts on Nearby Residents and Children.

Prior to approving a Specific Design Plan, PGCC § 27-528(b) requires the Planning Board to find that the plan must “safeguard the public's health, safety, welfare ... [due to] pollution discharge.”⁴⁴ The Planning Board failed to address public health concerns raised by the community members⁴⁵ and existing environmental burdens on the Brandywine community, and therefore could not make the necessary determination that SDP-1803 would safeguard the public’s health, safety and welfare.⁴⁶

A. The Planning Board failed to consider health and safety issues raised by Appellants and other local residents which showed that the proposed gas station would not safeguard the interest of the community.

In order to safeguard the public health, safety, and welfare of the Chadds Ford neighborhood, the Planning Board should have taken into account the Alliance’s testimony to assess whether the addition of a gas station, in close proximity to the neighborhood and a playground, would safeguard this community’s health. The Planning Board failed to make such consideration, thus violating its duty under PGCC § 27-528(b).⁴⁷ As detailed below, the evidence presented at the Planning Board Hearing established (1) scientific evidence shows that gas vapors are associated with health risks caused by exposure to benzene, a known carcinogen;⁴⁸ (2) scientific evidence has demonstrated gas stations emissions from storage tanks are great enough to constitute a health concern at a distance of up to 518-feet;⁴⁹ and (3) neighboring jurisdictions

⁴⁴ PRINCE GEORGE’S COUNTY CODE, MD., CODE § 27-528(b).

⁴⁵ 590 residents of the Chadds Ford community have signed a petition in opposition to the development of the 7 Eleven Gas Station (SDP-1803) and Taco Bell (SDP-1802). *Save Chaddsford – Stop Development*, <https://www.ipetitions.com/petition/save-chaddsford-stop-development-2> (last visited Oct. 14, 2020).

⁴⁶ See *infra* Appendix B, Resolution No. 2020-131 (Approving SDP-1803), ¶ 4, pages 6-7.

⁴⁷ PRINCE GEORGE’S COUNTY CODE, MD., CODE § 27-528(b).

⁴⁸ See *infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 47.

⁴⁹ See *infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 49.

have increased gas station setback requirements in relation to schools, playgrounds, and parks in recognition of the known hazards of gas stations.⁵⁰

In the Brandywine Healthy Neighborhood Alliance’s testimony, the Alliance presented the growing body of evidence which shows adverse public health threats for communities located near gas stations. The testimony includes studies which identify the release of benzene from gas station pumps as being associated with a range of adverse effects including “cancer, anemia, increased susceptibility to infections, and low birth weight.”⁵¹ Further, the testimony identifies a 2019 study which found that benzene from gas storage tanks constitutes a health concern at a distance of up to 518-feet.⁵² This research established the basis for Montgomery County to increase their setback requirements for large gas stations from 300-feet to 500-feet for protected land uses, including playgrounds.⁵³ The EPA echoed these concerns in their school siting guidelines which recommend screening for gas stations within 1000 feet of a prospective school.⁵⁴ In California, a jurisdiction with strict air pollution control requirements, the California Air Resource Board recommends a minimum 300-foot safety zone between large gas stations and “sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities.”⁵⁵ The potential impact to residences is of

⁵⁰ See *infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 37.

⁵¹ See *infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 47; Roy Harrison et al., WHO Guidelines for Indoor Air Quality: Selected Pollutants, WORLD HEALTH ORGANIZATION (2010), <https://www.ncbi.nlm.nih.gov/books/NBK138708/>.

⁵² See *infra* Appendix G, Brandywine Healthy Neighborhood Alliance Written Testimony, page 50; Markus Hilpert et al., *Vent pipe emissions from storage tanks at gas stations: Implications for setback distances*, SCI. OF THE TOTAL ENV’T, Feb. 2019, at 1.

⁵³ MONTGOMERY, CTY., MD., ORDINANCE No. 18-07, ZONING TEXT AMENDMENT No. 15-07 (Dec. 1, 2015).

⁵⁴ ENVIRONMENTAL PROTECTION AGENCY, *School Siting Guidelines* (2011), https://www.epa.gov/sites/production/files/2015-06/documents/school_siting_guidelines-2.pdf.

⁵⁵ See *infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 49; CAL. AIR RES. BD., *Air Quality and Land Use Handbook: A Community Health Perspective* (April 2005), <https://ww3.arb.ca.gov/ch/handbook.pdf>.

particular note as many people are spending a large amount of time at home due to the COVID-19 pandemic.⁵⁶

The Planning Board failed to take into consideration the Alliance’s testimony on the adverse health effects of gas stations in approving SDP-1803. Based on the Resolution, the Planning Board solely focused on whether the proposed gas station satisfied the technical requirements of the L-A-C Zone, but did not address the concerns related to the “residential section of the Brandywine Village development” or recognize the proximity of a playground to SDP-1803.⁵⁷ The Planning Board’s failure to consider the Alliance’s testimony despite review and consideration of other requirements related to SDP-1803 does not adequately “safeguard the public's health, safety, [and] welfare” of the neighborhood abutting the proposed gas station.⁵⁸

B. Brandywine and the Chadds Ford Neighborhood are overburdened by industrial pollution.

Residents of Brandywine already endure an excessive number of polluting facilities, more than 9 out of 10 communities in the region. According to EJSCREEN, an environmental justice mapping and screening tool developed by the EPA, there are a number of polluting entities in close proximity to the Chadds Ford neighborhood, including a coal-ash landfill, a contaminated Superfund site, toxic waste treatment facilities, fossil fuel-fired power plants, and multiple sand and gravel mines.⁵⁹ The combined effects of these polluting activities and

⁵⁶ See *infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 47; Roy Harrison et al., WHO Guidelines for Indoor Air Quality: Selected Pollutants, WORLD HEALTH ORGANIZATION (2010), <https://www.ncbi.nlm.nih.gov/books/NBK138708/>. The World Health Organization states there is no safe level of benzene within indoor environments.

⁵⁷ See *infra* Appendix B, Resolution No. 2020-131 (Approving SDP-1803), page 6.

⁵⁸ PRINCE GEORGE’S COUNTY CODE, MD. CODE § 27-528(b). When determining if a proposed use “adversely affect[s] the health, safety, or welfare of residents” in granting a special exception, such use cannot be developed if facts and circumstances show the proposed use at the proposed location would have any adverse effect “above and beyond” those inherently associated with such use. *Schultz v. Pritts*, 291 Md. 1, 22-23 (1981).

⁵⁹ ENVIRONMENTAL PROTECTION AGENCY, *Environmental Justice Screening and Mapping Tool (Version 2019)*, <https://ejscreen.epa.gov/mapper/> (last visited Oct. 13, 2020). See *infra* Appendix I, EJSCREEN Report, Brandywine, MD, pages 66-69.

industries, referred to as cumulative impacts, pose a serious threat to the health and well-being of nearby communities.

Regional EJSCREEN data shows that Brandywine is in the 89th percentile for ozone pollution, 88th percentile for particulate matter (PM 2.5) pollution, 87th percentile for lifetime cancer risk from the inhalation of air toxics and respiratory hazards, and the 95th percentile for proximity to a Superfund site.⁶⁰ Ozone is linked to the increased risk of premature death, increased risk of respiratory infections, and increased hospital admissions for individuals suffering from asthma or chronic respiratory disease. Particulate matter is linked to premature death in people with heart or lung disease, heart attacks and decreased lung function.

Developing a new gas station near the Chadds Ford neighborhood will only contribute to poor air quality in an area already oversaturated with gas stations. According to U.S. Census Bureau data, the Brandywine area has twice as many gas stations per capita compared to the countywide average.⁶¹ There are also five existing gas stations within a one-mile radius of the proposed gas station.⁶² There is no indication that the Planning Board decision considered the scientific evidence of gas vapor harm, the risk of such vapors to children playing at the nearby playground or residents living nearby.⁶³ In a community like Brandywine, development decisions matter. While one additional gas station may be inconsequential elsewhere, the cumulative impacts of numerous gas stations, existing industrial hazards, and poor air quality

⁶⁰ ENVIRONMENTAL PROTECTION AGENCY, *Environmental Justice Screening and Mapping Tool (Version 2019)*, <https://ejscreen.epa.gov/mapper/> (last visited Oct. 13, 2020). *See infra* Appendix I, EJSCREEN Report, Brandywine, MD, pages 66-69.

⁶¹ Cedscm, *How the Effects of Food Swamps & Gas Stations Combine to Harm Public Health*, COMMUNITY & ENVIRONMENTAL DEFENSE SERVICES (Aug. 10, 2020), <https://ceds.org/2020/08/10/food-swamps-gas-stations-public-health/>; *see infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 49.

⁶² A BP gas station is located three-quarter miles from the subject property. An existing 7-Eleven gas station and Wawa gas station are located less than one mile from the subject property. A Costco filling station is located one-half mile from the subject property. A Safeway gas station is located directly across the road. *See infra* Appendix J, Google Maps Image, Gas Stations in 1-mile Radius, page 71.

⁶³ *Id.*

demand careful consideration when county officials are asked to approve more of the same.⁶⁴

However, the Planning Board did not even consider let alone safeguard public health, safety and welfare as required under Section 27-528(b) of the Zoning Ordinance. Therefore, the Planning Board's approval of SDP-1803 was not supported by substantial evidence and was arbitrary and capricious.

II. The Planning Board Failed to Assure the Proposed Gas Station Would be Compatible with the Surrounding Neighborhood in Violation of PGCC § 27-494.

The Chadds Ford neighborhood is located in a Local Activity Center (L-A-C) Zone.

Pursuant to PGCC § 27-494, the purpose of the L-A-C Zone is to “assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety and welfare of the present and future inhabitants [of the area].”

Contrary to the purpose of the L-A-C Zone as provided in the Code, the proposed gas station as approved is not compatible with the Chadds Ford neighborhood. While the Code restricts the siting of gas stations in other areas either by imposing setback requirements or by prohibiting them altogether,⁶⁵ the Planning Board failed to grasp that the proposed gas station is no better suited to the Chadds Ford neighborhood despite acknowledging that it abuts a residential neighborhood. By disregarding the effect of the proposed gas station and convenience store on the health and welfare of the community, the Planning Board's decision to approve SDP-1803 was not supported by substantial evidence and was arbitrary and capricious.

⁶⁴ In *Moseman v. County Council of Prince George's County*, the Court of Special Appeals of Maryland affirmed the District Council's decision to deny a special exception for operation of a rubble fill due to negative cumulative impacts on surrounding properties. 99 Md. App. 258, 266 (1994). "The District Council recognized the unique problem the cumulative impact of two adjacent rubble fills would have on a single community by concluding that “given the existence of the adjoining rubble fill currently in operation, granting the proposed rubble fill would adversely impact the surrounding properties in a manner unique and different from the adverse impact which would otherwise result if a rubble fill were located elsewhere within the O-S Zone.” *Id.*

⁶⁵ See, e.g., PRINCE GEORGE'S COUNTY CODE, MD. CODE § 27-358(a)(2).

A. The Planning Board failed to adequately consider surrounding uses near the proposed gas station, which include an outdoor playground and numerous existing gas stations within a one-mile radius.

The proposed gas station is incompatible with the surrounding area. It is unreasonably close to a nearby playground where young children play and unnecessary due to the abundance of gas stations in the area.⁶⁶ The Brandywine Healthy Neighborhoods Alliance raised significant incompatibilities associated with the approved gas station, yet the Planning Board did not consider or address these concerns and made no mention of them in the Resolution.⁶⁷

The Brandywine Healthy Neighborhoods Alliance provided an aerial view of the property, illustrating the proximity of the gas station to both a playground and nearby residential properties.⁶⁸ The Alliance also emphasized that a playground is located within 200 feet of the subject property along with numerous residential homes.⁶⁹

The Brandywine Healthy Neighborhoods Alliance's written testimony further provides scientific studies showing that emissions threaten public health from a distance 500-feet or more.⁷⁰ The Environmental Defense Services submitted written testimony which referenced a 2015 study emphasizing the incompatibility of placing a gas station near playgrounds or areas where children play.⁷¹ The study states, "[of] particular concern are children, who for example, live nearby, play, or nearby schools, because children are most vulnerable to hydrocarbon exposure."⁷² Though the Alliance and other interested parties submitted substantial evidence

⁶⁶ See *infra* Appendix G, Brandywine Healthy Neighborhood Alliance Written Testimony, pages 36-37.

⁶⁷ See *generally* Appendix B, Resolution No. 2020-131 (Approving SDP-1803).

⁶⁸ See *infra* Appendix G, Brandywine Healthy Neighborhood Alliance Written Testimony, pages 36-37.

⁶⁹ *Id.*

⁷⁰ *Id.* at 55.

⁷¹ Markus Hilpert et al., *Hydrocarbon Release During Fuel Storage and Transfer at Gas Stations: Environmental and Health Effects*, 2 CURRENT ENVIRONMENTAL HEALTH REPORTS 412 (2015), <https://pubmed.ncbi.nlm.nih.gov/26435043/>; see *infra* Appendix G, Brandywine Healthy Neighborhood Alliance Written Testimony, page 49.

⁷² *Id.*

supporting their significant concerns regarding the proposed gas station and its location,⁷³ the Planning Board failed to mention or consider the gas station’s proximity to a playground.⁷⁴

The Prince George’s County Code recognizes the incompatibility of gas stations in residential neighborhoods. Gas stations are prohibited in all but one type of residential zone.⁷⁵ If an Applicant wants to build a gas station in an otherwise prohibited zone, the Applicant must seek a Special Exception.⁷⁶ Pursuant to PGCC § 27-358(a)(2), a gas station permitted by Special Exception must be located “at least three hundred (300) feet from any lot on which a school, outdoor playground, library, or hospital is located.”⁷⁷ The courts have also recognized that gas stations must be subject to greater scrutiny with respect to their impact on surrounding uses when seeking a Special Exception. In *Costco Wholesale Corp v. Montgomery County*, the Maryland Court of Special Appeals upheld the denial of a Special Exception for a large gas station because the applicant failed to adequately show the project would not adversely affect public health and welfare.⁷⁸ The court cited evidence of adverse health effects caused by emissions from gas station pumps and as well as increased motor vehicle emissions from idling cars in proximity to those living and working in the area.⁷⁹

In addition to the mandatory setback for Special Exceptions, § 27A-803(j)(3) of the Code formerly required the same 300-foot setback for gas stations located in Urban Centers and Corridor Nodes.⁸⁰ Though these protections were stripped away under General Plan 2035, Urban

⁷³ *Id.*

⁷⁴ See *infra* Appendix B, Resolution No. 2020-131 (Approving SDP-1803), ¶ 4, pages 6-7.

⁷⁵ Of all residential zones, gas stations are only permitted in Residential-Agricultural (R-A) Zones which provide for large-lot residential uses while encouraging the retention of agriculture as the primary land use. PRINCE GEORGE’S COUNTY CODE, MD., CODE § 27-441(b).

⁷⁶ PRINCE GEORGE’S COUNTY CODE, MD., CODE § 27-358(a)(2).

⁷⁷ When approving a Special Exception for a gas station, the District Council must find that the proposed use is “necessary to the public in the surrounding area.” PRINCE GEORGE’S COUNTY CODE, MD., CODE § 27-358. While no such finding is required for gas stations in Urban Centers, this suggests that at least in some places, gas stations may not always be necessary to the public and should not be rubber stamped for approval.

⁷⁸ *Costco Wholesale Corp. v. Montgomery Cnty.*, No. 2450 (Md. Ct. Spec. App. April 11, 2018).

⁷⁹ *Id.*

⁸⁰ PRINCE GEORGE’S COUNTY CODE, MD., CODE § 27A-803(j)(3).

Centers and Corridor Nodes were subject to additional requirements to ensure compatibility with surrounding neighborhoods, ensure equitable access to parks and recreation, and minimize adverse impacts including air pollution, thus requiring a 300-foot setback for gas stations.⁸¹

Despite existing restrictions in the Code which demonstrate the need for caution when siting gas stations, the Planning Board failed to consider whether a setback would be appropriate when approving the proposed gas station.⁸² While the proposed gas station is located in a Local Activity Center (L-A-C) that does not impose specific setback requirements on gas stations, Chadds Ford residents and children should be given the same protection embodied in the setback requirements for playgrounds in other Prince George's County communities.⁸³

The Prince George's County Code imposes setback requirements and prohibitions on gas stations for good reason. There is a significant body of evidence showing adverse health effects of gas stations.⁸⁴ Benzene, a key component of gasoline, is a known carcinogen.⁸⁵ The release of benzene from gas station pumps has been linked to long-term harm including leukemia, anemia, and damage to the immune system.⁸⁶ Studies have shown that benzene exposure is particularly dangerous to children.⁸⁷ For this reason, as mentioned, the EPA recommends that local school districts screen for gas stations within 1000 feet of a prospective school and the California Air

⁸¹ PRINCE GEORGE'S COUNTY CODE, MD., CODE § 27A-103. There are widespread community objections to the adoption of General Plan 2035 for failing to address community needs for walkable urban development and facilitating sprawl far from transit. *Bradley Heard*, Prince George's County adopts "Sprawl Plan 2035" over community objections, GREATER GREATER WASHINGTON (May 20, 2014), <https://ggwash.org/view/34758/prince-georges-adopts-sprawl-plan-2035-over-community-objections>.

⁸² See *infra* Appendix B, Resolution No. 2020-131 (Approving SDP-1803), pages 10-12.

⁸³ See *infra* Appendix G, Resolution No. 2020-131 (Approving SDP-1803), page 7 (stating the area was rezoned from Employment and Institutional Area (E-I-A) to L-A-C on January 12, 2009).

⁸⁴ P. Brosselin et al., *Acute childhood leukemia and residence next to petrol station and automotive repair garages: the ESCALE study (SFCE)*, OCCUPATIONAL AND ENVIRONMENTAL MED. (Feb. 2009); see Spyros P. Karakitsios et al., *Contribution to ambient benzene concentrations in the vicinity of petrol stations: Estimation of the associated health risk*, ATMOSPHERIC ENV'T Atmospheric Env't (Mar. 2007) (finding exposure to benzene for populations located near a gas station increased risk of leukemia from 3% to 21%).

⁸⁵ CENTERS FOR DISEASE CONTROL AND PREVENTION, *Facts About Benzene*, <https://emergency.cdc.gov/agent/benzene/basics/facts.asp>.

⁸⁶ See Spyros P. Karakitsios et al., *supra* note 85, at 1900.

⁸⁷ Mark A. D'Andrea & G. Kesava Reddy, *Health Risks Associated With Benzene Exposure in Children: A Systematic Review*, GLOBAL PEDIATRIC HEALTH (Aug. 17, 2018).

Resource Board recommends a 300-foot safety zone between gas stations and sensitive land uses.⁸⁸ In addition to emissions from gas stations, EPA has also identified soil contamination, groundwater contamination and heavy vehicular traffic as related risks.⁸⁹

Given these harmful effects, neighboring counties are taking precautions to adequately account for public health and welfare when siting gas stations. In 2015, the County Council for Montgomery County, sitting as the District Council, amended their zoning ordinance requiring large filling stations to be located at least 500 feet away from schools, homes, parks, and playgrounds.⁹⁰ Support for the Montgomery County District Council's decision included scientific research showing that long-term exposure of adults to gas station pollutants could result in decreased lung function and other respiratory effects.⁹¹ The Montgomery County District Council's decision also cited findings of the Howard County Task Force, which in 2014 recommended that large fueling stations should not be located within 500 feet from sensitive land uses such as a school, park, playground, daycare, assisted living facility, or outdoor use.⁹² Despite significant evidence that gas stations pose a hazard to sensitive land uses such as residential areas, schools and playgrounds, the Planning Board here approved the proposed gas station with no setback requirements at all.

By failing to assure the compatibility of the proposed gas station with the surrounding community, the Planning Board neglected to promote the health, safety and welfare of the present inhabitants in violation of the mandate of § 27-494. Therefore, the Planning Board's

⁸⁸ *School Siting Guidelines*, *supra* note 55; CAL. AIR RES. BD., *Air Quality and Land Use Handbook: A Community Health Perspective* (April 2005), <https://ww3.arb.ca.gov/ch/handbook.pdf>.

⁸⁹ *Id.*

⁹⁰ MONTGOMERY, CTY., MD., ORDINANCE No. 18-07, ZONING TEXT AMENDMENT No. 15-07 (Dec. 1, 2015).

⁹¹ Memorandum from Jeff Zyontz to the MONTGOMERY CTY. PLAN., HOUS., and ECON. DEV. COMM. https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2015/151116/20151116_PHED1.pdf (Nov. 16, 2015).

⁹² *Id.*

decision to approve the proposed gas station was not supported by substantial evidence and was arbitrary and capricious.

B. The 7-Eleven convenience store is not compatible with the residential neighborhood as the residents live in a “food swamp” and another unhealthy food store does not promote the communities’ health, safety or welfare.

In addition to bearing a disproportionate burden of industrial hazards, Brandywine is afflicted by the proliferation of food swamp establishments which pose yet another threat to public health. According to data of the U.S. Census Bureau, Brandywine has twice as many convenience stores compared to the Prince George’s countywide average.⁹³ Convenience stores like 7-Eleven and fast-food eateries are linked to greater obesity rates, which in turn increase the risk of serious health conditions including Type 2 diabetes and heart disease.⁹⁴ More than two thirds of the adult population in Prince George’s County is overweight or obese.⁹⁵

The Prince George’s County Health Department 2019 Health Impact Assessment Memorandum, used as evidence in the Planning Board Hearing, further details the abundance of fast-food restaurants in Brandywine.⁹⁶ The assessment indicates that there are currently five carry-out or convenience store food facilities within a half-mile radius of Brandywine Village.⁹⁷ It also notes the health risks, indicated above, associated with individuals who live near an

⁹³ Cedscom, *How the Effects of Food Swamps & Gas Stations Combine to Harm Public Health*, COMMUNITY & ENVIRONMENTAL DEFENSE SERVICES (Aug. 10, 2020), <https://ceds.org/2020/08/10/food-swamps-gas-stations-public-health>; *See infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 31; *see infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 33.

⁹⁴ *See generally* J. Nicholas Bodor et al., *The Association Between Obesity and Urban Food Environments*, 87 J. URBAN HEALTH 771 (2010); Kimberly B. Morland and Kelly R. Evenson, *Obesity Prevalence and the Local Food Environment*, 15 Health & Place 491 (2009) <https://link.springer.com/article/10.1007/s11524-010-9460-6>; Kimberly B. Morland and Kelly R. Evenson, *Obesity Prevalence and the Local Food Environment*, 15 HEALTH & PLACE 491 (2009) <https://www.sciencedirect.com/science/article/abs/pii/S1353829208000981>; Kristen Cooksey-Stowers et al., *Food Swamps Predict Obesity Rates Better than Food Deserts in the United States*, INT’L J. ENV’L RSCH. & PUB. HEALTH, Nov. 14, 2017, at 1 <https://www.mdpi.com/1660-4601/14/11/1366/htm>; *see infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, pages 31-32.

⁹⁵ *Prince George’s County 2017 Health Report*, HEALTH DEP’T PRINCE GEORGE’S COUNTY (2017), <https://www.princegeorgescountymd.gov/DocumentCenter/View/21710/2017-Health-Report-PDF>; *see infra* Appendix G, Brandywine Healthy Neighborhoods Alliance, Written Testimony, page 32.

⁹⁶ *See infra* Appendix G, Brandywine Healthy Neighborhood Alliance Written Testimony, page 39.

⁹⁷ *Id.* at 45.

abundance of fast-food restaurants.⁹⁸ In spite of this evidence, the Planning Board did not include this assessment or important information in the Resolution. They, instead, note that the Prince George’s County Health Department “did not provide any comments.”⁹⁹

Ignoring facts concerning the public health impacts of fast food and convenience stores and concluding that the Public Health Department provided “no comment” when, in fact, the Public Health Department *commented negatively on the addition of fast-food establishments in the area* is inconsistent with the record and grounds for remand. In addition, the failure to address any of the evidence showing adverse public health consequences associated with a proliferation of fast and junk food stores is arbitrary and capricious and inconsistent with PGCC § 27-494.

CONCLUSION

Appellants and their fellow residents and children hold the right to enjoy their homes and recreate in their neighborhood without risking exposure to toxic fumes, increased traffic, and an unhealthy convenience store in their backyard. The Planning Board’s approval of SDP-1803 failed to consider the evidence of identified hazards that put local residents and their children at risk. To forgo these considerations and fail to mitigate these risks violates § 27-528 and § 27-494 of the Prince George’s County Code. For these reasons, Appellants respectfully request the District Council to vacate the Planning Board’s approval of SDP-1803 and remand the matter for consideration of the safety and welfare of the Chadds Ford community.

Respectfully submitted,

⁹⁸ *Id.*

⁹⁹ See *infra* Appendix B, Resolution No. 2020-131 (Approving SDP-1803), ¶ 15(l), page 19.

District Council to vacate the Planning Board's approval of SDP-1803 and remand the matter for consideration of the safety and welfare of the Chadds Ford community.

Respectfully submitted,

Handwritten signature of William Piermattei in blue ink, with the initials "/snc/" written at the end.

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Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15 day of October, 2020, a copy of the foregoing Notice of Appeal and Request for Oral Argument was mailed electronically to District Council and mailed to parties of record electronically or by first-class, postage pre-paid to:

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William Piermattei /snc/

William Piermattei

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AIS No. 1912170071

Appeal of SDP-1803

Appendix

Appendix A

M-NCPPC Registration Document

REGISTERING YOUR ASSOCIATION

STAY INFORMED ABOUT DEVELOPMENT PROPOSALS IN YOUR COMMUNITY

Notification of new applications will provide your community an opportunity to participate early in the development review process. To receive informational mailings about new development projects in your community, your organization must register with The Maryland-National Capital Park and Planning Commission. In an effort to maintain an accurate database, all associations are required to update annually.

Please visit our website at <http://www.pgplanning.org/1547/Planning-Information-Services>

ASSOCIATION
 Name: Brandywine Healthy Neighborhoods Alliance Phone: 202-704-4454 E-mail: brandywine.hna@gmail.com Number of Members: 200+
 Address: 15621 Gilpin Mews Lane, Brandywine, MD 20613

MANAGEMENT COMPANY
 Name: _____ Phone: _____ E-mail: _____
 Address: _____

TYPE OF ASSOCIATION
 Homeowners Civic/Citizen Other

PRESIDENT
 Name: Tashara Burgess
 Address: 15615 Chadsey Lane
Brandywine 20613
 E-mail: tashara.burgess@yahoo.com

VICE PRESIDENT
 Name: Janila Hunter Balamani
 Address: 15316 Paolo Court
Brandywine 20613
 E-mail: mila322@yahoo.com

SECRETARY
 Name: Angela Simmons
 Address: 15621 Gilpin Mews Lane
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 E-mail: _____

OTHER
 Name: Jennifer Jackson
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PERSON TO RECEIVE MAILING
 Name: Angela Simmons
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Brandywine MD
 Phone: 202 704 4454
 E-mail: iangela.simmons1@gmail.com

Identify your association's area of interest by choosing one or more (must be adjoining) Council Districts below.

- Council District 1 Council District 2 Council District 3
- Council District 4 Council District 5 Council District 6
- Council District 7 Council District 8 Council District 9

NOTE: You can include the entire district(s) or part of a district(s). Please use one or two of the attached maps to highlight the boundaries if your area of interest is only part of a Council District(s).

For questions call 301-952-3195 or 301-952-3208

Complete this form in its entirety and mail to:
 The Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division, Planning Information Services Section
 14741 Governor Oden Bowie Drive, Room L2 Upper Marlboro, MD 20777

The form can also be emailed to:
PPD-InfoCounter@ppd.mnccppc.org

Appendix B

Resolution No. 2020-131 (Approving SDP-1803)



September 15, 2020

7-Eleven, Inc.
3320 Hackberry Court
Irving, TX 75063

Re: Notification of Planning Board Action on
Specific Design Plan SDP-1803
7-Eleven At Brandywine Village

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board on **September 10, 2020** in accordance with the attached Resolution.

Pursuant to Section 27-528.01, 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, Acting 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. **2020-131**

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

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 16, 2020, regarding Specific Design Plan SDP-1803 for 7-Eleven at Brandywine Village, the Planning Board finds:

1. **Request:** The application is for approval of a 3,062-square-foot food and beverage store and a gas station in the Local Activity Center (L-A-C) Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	L-A-C	L-A-C
Use	Vacant	Commercial
Acreage	1.14	1.14
Parcels/Lots	1	1
Gross Floor Area (square feet)	0	3,062

OTHER DEVELOPMENT DATA:

PARKING and LOADING

	Required	Provided
Food and Beverage Store: 1 space per 150 sq. ft. of GFA up to 3,000 sq. ft. and 1 space per 200 sq. ft. of GFA above 3,000 sq. ft.	21	23
Gas Station: 2 employees @ 1 space each	2	2
Total	23	25 (including 1 handicapped-accessible space)

3. **Location:** The subject property is located at the northwest corner of the intersection of Chadds Ford Drive and US 301 (Robert Crain Highway). The property is also in Planning Area 85A and Council District 9.
4. **Surrounding Uses:** The site is bounded to the north by vacant land in the L-A-C Zone that is also part of the Brandywine Village development. The area north of the site is the subject of Specific Design Plan SDP-1802, which is under concurrent review by the Prince George’s County Planning Board. To the west, the site is bounded by the residential section of the

Brandywine Village development in the L-A-C Zone. The right-of-way of US 301 bounds the site to the east, with the Brandywine Shopping Center in the Commercial Shopping Center Zone beyond, and the right-of-way of Chadds Ford Drive bounds the site to the south, with vacant land in the L-A-C Zone beyond.

5. **Previous Approvals:** The subject property was originally part of a larger development known as Mattawoman, which consisted of a total land area of 277 acres. On November 29, 1977, the Prince George's County District Council adopted Prince George's County Council Resolution CR-108-1977, for the entire 277-acre Mattawoman property, placing 212 acres in the Major Activity Center (M-A-C) Zone and 65 acres in the Residential Medium Development (R-M) Zone (Zoning Map Amendment Basic Plan A-8865). In 1987, a zoning map amendment was filed to rezone the 212-acre M-A-C-zoned portion, but it was unsuccessful. In 1992, another application (A-9878) was filed to rezone the 212 acres of M-A-C-zoned land. The property, now referred to as Brandywine Village, was rezoned on September 14, 1993 by the *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, and 85B*. Of the 212 acres, 46 acres were zoned Employment and Institutional Area (E-I-A), 16.4 acres were zoned L-A-C, and 149 acres were zoned R-M (via CR-60-1993). The property covered by the subject application was in the E-I-A Zone, although portions were placed in the R-M and L-A-C Zones based upon proposed road networks that were later revised. A comprehensive design plan (CDP) was approved in January 1993, for 65 acres in the R-M Zone for 316 dwelling units. This section was located on McKendree Road and retained the name of Brandywine Village, and is not adjacent to the subject property.

On February 20, 1997, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-96083, to dedicate Chadds Ford Drive and General Lafayette Boulevard (adjacent to the property) to public use. CDP-0102 was approved by the Planning Board for the entire 212-acre parcel on October 11, 2001 (PGCPB Resolution No. 01-186). This CDP predominantly focused on the residential development in the R-M Zone, and the remaining acreage, including the property included in this application, was intended for future development.

On January 12, 2009, the District Council approved A-9996-C and A-9997-C, to rezone the property, consisting of two distinct parts, from the E-I-A, R-M, and L-A-C Zones to the L-A-C Zone, subject to the conditions and considerations contained therein. With the approval of these two zoning map amendments in 2009, covering the two parts of the subject site, the previously approved zoning map amendments and CDPs became invalid.

On May 30, 2013, CDP-1201 was approved by the Planning Board (PGCPB Resolution No. 13-58) for the entire 44.33-acre Brandywine Village L-A-C-zoned property. The CDP approved development of 191 single-family attached dwellings (townhouses) in the western portion of the site, and approved up to 218,500 square feet of commercial and retail uses in the eastern half of the property. On November 14, 2019, the Planning Board approved an amendment, CDP-1201-01, to allow for an increase of 2,000 square feet of commercial gross floor area to be permitted, up from the previously approved 218,500 square feet to 220,500 square feet, and to add a location for an additional commercial building. CDP-1201-01 was heard by the

District Council on March 9, 2020, and a final decision affirming the Planning Board's decision was issued on July 27, 2020.

On May 30, 2013, the Planning Board approved PPS 4-12007 (PGCPB Resolution No. 13-59) concurrently with CDP-1201. The PPS approved 191 lots and 24 parcels to support the residential and commercial development of the site. The PPS also approved variations from Section 24-128(b)(7)(A) and Section 24-121(a)(3) of the Prince George's County Subdivision Regulations.

On March 6, 2014, the Planning Board approved SDP-1303 (PGCPB Resolution No. 14-14) for development of 188 single-family attached (townhouse) units, General Lafayette Boulevard, and associated infrastructure in the western 20.27-acre portion of the Brandywine Village site. Minor amendments were approved in SDP-1303-01 by the Planning Director, on March 2, 2016.

On February 16, 2017, the Planning Board approved SDP-1604 (PGCPB Resolution No. 17-25), for grading and installation of one stormwater management (SWM) pond for the commercial portion of Brandywine Village.

The site also has a valid SWM Concept Plan, 63545-2016-01, which was approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on May 25, 2018.

6. **Design Features:** The SDP proposes the development of a food and beverage store and a gas station on proposed Parcel 1, which is being created by SDP-1802. Parcel 1 is sited in the southeast corner of existing Outlot 6 and fronts on US 301 to the east. The right-of-way of Chadds Ford Drive bounds the site to the south. An access road to service the entire Brandywine Village Commercial development is proposed by SDP-1802, and bounds the subject parcel to the west. Parcel 2 of the larger Brandywine Village Commercial development bounds the subject site to the north. Parcel 2 is presently vacant but also subject of SDP-1802, which proposes an eating and drinking establishment with drive-through service and the development of a shared driveway in the northeast quadrant of Parcel 1. SDP-1802 is currently scheduled to be heard by the Planning Board on July 23, 2020.

Vehicular and pedestrian access to Parcel 1 is provided through northern and southern driveways and sidewalk connections to the access road to the west. The northern driveway is shared with the proposed eating and drinking establishment on Parcel 2. The southern driveway is located within close proximity to the intersection of Chadds Ford Drive and the access road. Development proposed on Parcel 1 includes a single 3,062-square-foot building for a food and beverage store located in the west-central portion of the site, and gas station canopy with eight fuel dispensers on the east side of the site. The building and canopy are oriented with their lengths aligned parallel to US 301. A fenced trash enclosure and loading space are proposed to the north of the building. Parking is provided directly south and east of the building, and two bicycle racks are adjacent to the northeast corner of the building. Sidewalks are included around the building connecting to the sidewalk proposed on the east side of the Brandywine Village Commercial access road. The proposed single-story building is to be faced on all sides with a combination of exterior

installation finish system (EIFS) panels and stone veneer, in complimentary brown and tan colors. The main entrance to the building is on its east side, with a secondary entrance on its west side. Fenestration is limited and provided primarily on the eastern façade. A smaller area of windows is provided on the western façade with the secondary entrance to the building. The gas station canopy is to be clad with the same EIFS and stone veneer as the food and beverage store.

A photometric plan provided with the SDP demonstrates that adequate exterior lighting of the site will be provided. Lighting at the northern boundary of Parcel 1 shows two pole-mounted lights on Parcel 2 to the north. One of these lights, shown adjacent to the southwest corner of the building, is not included as part of SDP-1802 for Parcel 2. The subject SDP is limited to Parcel 1 and cannot propose offsite impacts. A condition has been included to remove this light from the plan. A comprehensive signage package is provided that includes building and canopy mounted signs, free standing directional and identity signage, and monument signage for site identity and display of fuel prices. As provided, two key modifications and minor corrections are required for the signage package to conform with the sign guidelines of CDP-1201-01. The necessary modifications include the removal of a large multi-business pylon sign, which is provided by SDP-1802, and removal of one of two monument signs shown on the site's frontage with US 301.

7. **Zoning Map Amendment (Basic Plan) A-9997-C:** The District Council approved Basic Plan A-9997-C, which rezoned approximately 24.05 acres of land in the E-I-A and L-A-C Zones, located in the northwest quadrant of the intersection of US 301 and Chadds Ford Drive, to the L-A-C Zone, with seven conditions and two considerations. The conditions that are relevant to the review of this SDP are discussed, as follows:

1. **Land Use Types and Quantities:**

189,000 square feet of office space
 14,657 square feet of retail commercial
 Open Space
 Homeowner Recreation Facilities
 Trails

GROSS TRACT:	24.05 acres
FLOODPLAIN:	10.91 acre
NET TRACT AREA:	13.14 acres
Base intensity of zone 24.05 acres at 0.16 FAR:	167,619 square feet
Maximum intensity 24.05 acres at 0.31 FAR:	324,761 square feet

This SDP includes a total of 3,062 square feet of commercial retail space on 1.14 acres. CDP-1201-01 provided for a maximum commercial gross floor area of 220,500 square feet. Development provided in this SDP is within these established land use types and quantities.

2. **All commercial structures should be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standard 13.**

Standard Note 22 on sheet C-301 notes that all buildings shall be equipped with fire suppression systems.

8. **Prince George's County Zoning Ordinance:** As one of the comprehensive design zones, the L-A-C Zone allows the applicant to establish its own design standards and to earn additional density if certain criteria have been met in the development review process, subject to Planning Board approval. The development standards and density bonus have been established and awarded at the time of CDP-1201 approval (see Finding 9 below). The SDP's conformance with the requirements of the L-A-C Zone is discussed, as follows:

- a. The subject application is in conformance with the requirements of Section 27-494, Purposes; Section 27-495, Uses; and Section 27-496, Regulations, of the Zoning Ordinance, governing development in the L-A-C Zone. The proposed food and beverage store and a gas station are permitted uses. However, the food and beverage store use is subject to Section 27-515(b) Footnote 4 of the Table of Uses, which provides that goods prepared on the premises shall be offered for retail sales only on the premises. A condition has been included herein, for a note to be added to the SDP to reflect the food and beverage store use is subject to this requirement.
- b. Section 27-528(a) of the Zoning Ordinance contains the following required findings for the Planning Board to grant approval of an SDP:
 - (1) **The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);**

The plan conforms to the requirements of CDP-1201 and its amendment, as discussed in Finding 9 and the 2010 *Prince George's County Landscape Manual* (Landscape Manual) requirements, as detailed in Finding 12. This SDP proposes only commercial development.

- (1.1) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;**

The SDP does not contain property designated as a regional urban community.

- (2) **The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24 124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;**

The subject property of Brandywine Village is governed by an approved and valid PPS 4-12007, that meets the adequacy test for the required transportation facilities serving this development. In addition, in a memorandum dated May 28, 2020, an analysis of police, fire and rescue, and water and sewer facilities was provided and determined that adequacy has been met for all of these.

- (3) **Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;**

The application included an approved SWM concept plan, and the subject SDP is in conformance with it. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

- (4) **The plan is in conformance with an approved Type 2 Tree Conservation Plan; and**

The Planning Board finds that the proposed development is in conformance with the Type 2 tree conservation plan (TCP2), subject to several technical corrections.

- (5) **The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The Planning Board finds that the SDP demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible, as the impacts shown are consistent with the approved CDP and PPS.

9. **Comprehensive Design Plan CDP-1201, as amended:** The Planning Board approved CDP-1201 on May 30, 2013, and an amendment, CDP-1201-01, on November 14, 2019. The conditions from CDP-1201 that are relevant to the review of this SDP are discussed, as follows:

2. **The development of the property covered by this CDP is subject to the following standards:**

COMMERCIAL USES	
Minimum Lot Coverage	60%
Minimum front Building setback from R.O.W.	10 feet
Minimum front Building setback from US 301 R.O.W.	30 feet
Minimum side setback between buildings	100 feet
Minimum rear setback	10 feet
Minimum corner setback to side street R.O.W.	10 feet
Maximum building height:	7 stories
Minimum FAR	0.16
Maximum FAR	0.31

Other Commercial Section Requirements including standards for architecture design, and roadway govern the development of the commercial section.

OVERALL DEVELOPMENT

Applicable to both Residential and Commercial Sections are standards for pedestrian circulation, signage, lighting fixtures and green building techniques govern the development of the entire project.

This SDP is for commercial development of Parcel 1 within Brandywine Village’s commercial section. The development proposed is in conformance with the standards established for commercial uses and overall development.

4. **At the time of specific design plan, the applicant shall:**

b. **Provide a photometric study for the commercial site.**

A photometric plan was provided with this SDP and displays that adequate lighting is provided for development of Parcel 1. As noted in Finding 6, minor technical corrections to the photometric plan are conditioned herein.

- d. **Ensure that all HVAC units meet Energy Star[®] performance levels.**

A condition has been included herein to address this requirement.

- e. **Provide sidewalks or designated walkways where there are large expanses of surface parking within the commercial area.**

Sidewalks and crosswalks are provided where appropriate.

- g. **Provide a minimum of four green building techniques in design and development of each building in the commercial section.**

The applicant's statement of justification notes the following six green building techniques are proposed to be incorporated into the building: LED lighting, White Roofs, Energy Management Systems, High Efficiency Mechanical Systems, Low Flow Plumbing Fixtures, and Structural Insulated Panels. A condition has been included herein to note that at least four green building techniques are to be incorporated into the building's design.

- i. **Submit details of all lighting fixtures for review, along with certification that the proposed fixtures are full cut-off optics, and a photometric plan showing proposed light levels. The following note shall be placed on all future specific design plans:**

"All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."

Lighting details have been provided and a condition has been included herein for the referenced note to be added to the SDP plans.

7. **Total development of the overall site shall be limited to uses that would generate no more than 659 AM and 892 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require an amendment to the CDP with a new review of the finding associated with Section 27-521(a)(7) of the Zoning Ordinance.**

This SDP includes the development of a food and beverage store in combination with a gas station. Trip generation calculations show the subject proposed development generating 118 AM and 140 PM peak-hour trips. The below referenced chart shows that the combined trip generation figures associated with existing and proposed development is under the established trip cap:

		AM Peak	PM Peak
Previously built SDP-1303	191 Townhouse units	134	153
Proposed SDP-1802	18,500 combined retail – net new trips	22	44
Proposed SDP-1803	Food and beverage store with gas station- net new trips	118	140
Total trips to-date		274	337
Trip Cap		659	892

In approving CDP-1201-01, the District Council included a single condition relevant to this SDP, as follows:

1. Prior to certificate approval of this comprehensive design plan, the applicant shall:

a. Provide a plan note, as follows:

“All drive-through facilities serving commercial buildings shall be located to the rear of the buildings or located to the side of the buildings if the drive-through facility is part of a strip center and is located at least 150 feet away from the US 301 frontage.”

Drive-through facilities are not proposed by this SDP.

10. Preliminary Plan of Subdivision 4-12007: The Planning Board approved PPS 4-12007 on May 20, 2013. Conditions that are relevant to the review of this SDP are discussed, as follows:

3. Development of this site shall be in conformance with Stormwater Management Concept Plan 15822-2008-01 and any subsequent revisions.

The most current SWM Concept Approval is 63545-2016-01 and was submitted with the current application.

12. All specific design plans (SDPs) for the subject property shall demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally sensitive areas is minimized. At the time of SDP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future SDPs:

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”

Lighting details show cutoff lighting utilized for pole and building-mounted fixtures. Canopy lighting fixture details show they direct light downward. A condition has been included herein to require the note above be added to the SDP plan sheets.

19. **Total development of the overall site shall be limited to uses that would generate no more than 659 AM and 892 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The SDP is in conformance with this requirement, as discussed in Finding 9 above.

22. **Prior to approval of the specific design plan for Parcels 1–6, the typical section of the commercial roadway shall be re-reviewed to consider a center left-turn lane at key driveway locations along its length. The typical section should be modified to provide two lanes approaching Chadds Ford Drive to lessen the opportunity for excessive queuing at the intersection. These changes may require an increase in the proposed 26-foot-wide pavement section of the internal access easement (Section 24-128(b)(9)).**

This condition is being addressed through a separate application, SDP-1802, which provides for the development of the access road to service the commercial section of the Brandywine Village development.

24. **The applicant and the applicant’s heirs, successors, and/or assigns shall provide the following:**
 - b. **Provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T.**

This condition is being addressed through a separate application, SDP-1802, which includes development of the access road and associated sidewalks. The subject SDP provides appropriate sidewalks internal to Parcel 1.

25. **Prior to approval of the specific design plan, the following additional specific site issues shall be evaluated:**
 - b. **The need for additional crosswalk or walkway striping through the commercial area parking lots shall be evaluated and determined. However, it appears that adequate sidewalk access is provided from the trail connection to the proposed L-A-C building frontages.**

The Planning Board finds that internal crosswalks are adequate, but that plans should be updated to reflect pedestrian and bicycle access roadway markings as provided in SDP-1802.

11. **Specific Design Plan SDP-1604:** In 2017, the Planning Board approved SDP-1604 for grading and stormwater facility construction on the subject property, and included conditions that are relevant to the review the subject SDP, as follows:

5. **Prior to approval of permits for buildings or structures on Outlots 6, 7, and 8, specific design plans shall be approved, and new final plats required to remove the outlot designations.**

The subject SDP includes Parcel 1, which is created from a portion of Outlot 6. A new final plat will be required to remove the outlot designation prior to the approval of building permits in accordance with this condition. Outlot 8 remains in the northern portion of the commercial area and will require a future SDP.

12. **2010 Prince George's County Landscape Manual:** This SDP is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3-2, Parking Lot Interior Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual.

The submitted plans provide schedules and demonstrate conformance with the applicable requirements, with the following discussion. Regarding Section 4.3-2, the schedule provided requires correction to show that standards for minimum tree planting area are met.

13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area is more than 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A revised Type 2 Tree Conservation Plan, TCP2-002-2014-06, was accepted for review with the current application.

The previously approved and proposed revised TCP2 both use a phased woodland conservation worksheet separating Phase 1 and Phase 2. The original approval was limited to Phase 1; the current application includes separate columns for Phase 2a and Phase 2b, although current development is limited to Phase 2a.

The L-A-C Zone has a woodland conservation threshold of 15 percent, or 5.10 acres for the total 44.33-acre site, which is correctly reflected in the TCP2 worksheet. Phase 2a is 24.06 acres in size and contains 9.63 acres of floodplain, for a net tract area of 14.43 acres. The TCP2 for Phase 2a proposes to clear 6.91 acres of on-site net tract woodland and 0.46 acre of floodplain woodland, resulting in a total woodland conservation requirement of 12.70 acres.

The woodland conservation requirement for Phase 2a is proposed to be met with 0.07 acre of on-site preservation, which results in an off-site woodland conservation requirement of 2.93 acres with Phase 2a. The TCP2 plan requires technical revisions to be in conformance with the requirements of the Environmental Technical Manual, which are conditioned herein.

14. **Prince George's Country Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned L-A-C are required to provide a minimum of 10 percent of the gross tract area covered by tree canopy. Parcel 1 is 1.14 acres and is required to provide 0.11 acre (4,967 square feet) of TCC. The schedule provided indicates a total of 5,850 square feet of TCC is provided. However, the TCC schedule provided utilizes an incorrect parcel size of 1.28 acres and counts off-site trees on the adjacent access road parcel. A condition has been included herein for the schedule to be corrected.

15. **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 adopted, herein by reference, a memorandum dated June 15, 2020 (Greene to Bossi), which noted that the applicable master plan recommended office and service uses for the subject site. Master plan conformance is not required for this SDP.

 - b. **Transportation Planning**—The Planning Board adopted, herein by reference, a memorandum dated June 15, 2020 (Burton to Bossi), in which an analysis of previous conditions of approval were incorporated into findings above. In addition, the site will be accessible at two ingress/egress points along the planned commercial access road, which forms a “T” intersection with Chadds Ford Drive. This commercial road may require left turn lanes at driveways along its length, pursuant to Condition 22 of PPS 4-12007. The centerline of the southern access point is approximately 70 feet from the intersection of the commercial access road with Chadds Ford Drive. Concerns regarding potential operational challenges for vehicles exiting the site from this access point were noted. The applicant subsequently provided additional exhibits and information to demonstrate that this access point will function safely for ingress and egress to Parcel 1 and the Planning Boards finds the access points are acceptable as shown.

 - c. **Subdivision**—Input received during the review process indicated that the SDP was in general conformance with PPS 4-12007, as discussed in findings above.

 - d. **Trails**—The Planning Board adopted, herein by reference, a memorandum dated June 15, 2020 (Ryan to Bossi), which noted that SDP-1802 and the subject application, SDP-1803, are closely tied together in terms of overlapping design features. SDP-1803 plans should be updated to display and label pedestrian and bicycle improvements associated with SDP-1802, specifically sidewalks fronting the subject property, the crosswalks, and sharrows along the commercial access road. In addition, the applicant has provided two bicycle parking spaces. However, the bicycle rack style shown in the submitted plans does not provide two points of contact for supporting and securing a parked bicycle. Two points of contact is important because it better prevents a parked

bicycle from falling over and both wheels and the frame can be locked to the rack using U-style locks, which better deter theft than chains or cables. The Planning Board finds that the applicant shall provide bicycle racks that provide two points of contact, such as the inverted-U style, or similar.

- e. **Permits**—The Planning Board adopted, herein by reference, a memorandum dated June 15, 2020 (Jacobs to Bossi), which provided a series of six comments regarding signage. The signage plan requires minor adjustments and corrections prior to certification.
- f. **Environmental Planning**—The Planning Board adopted, herein by reference, a memorandum dated June 16, 2020 (Finch to Bossi), which provided a comprehensive history of the site's environmental review and conformance with prior approvals was presented. Concerns with invasive species were noted and the applicant needs to provide an invasive species management plan. No specimen trees are proposed for removal with SDP-1803. A valid SWM concept approval has been provided. The Planning Board found the SDP and TCP2 in general conformance with prior approvals, subject to a series of technical revisions as conditioned herein.
- g. **Special Projects**—The Planning Board adopted, herein by reference, a memorandum dated May 28, 2020 (Thompson to Bossi), which provided an analysis of the required adequacy findings relative to the proposed commercial project. Adequate public services are available.
- h. **Historic**—The Planning Board adopted, herein by reference, a memorandum dated May 14, 2020 (Stabler to Bossi), it was noted that the Phase I archeological survey was completed in 2013. The proposed project will not affect any archeological, or historic resources.
- i. **State Highway Administration (SHA)**—The Planning Board adopted, herein by reference, the content of an email dated May 13, 2020 (Woodroffe to Bossi), in which SHA noted that as no work was proposed in a state right-of-way and no access was proposed to a state road, an access permit is not required.
- j. **Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopted, herein by reference, a memorandum dated May 22, 2020 (Giles to Bossi), in which DPIE provided a series of comments and recommendations. Several focus on concerns with the proposed project relative to its proximity to the intersection of the access road and Chadds Ford Drive. DPIE's conditions will be addressed at the time of permitting.
- k. **Prince George's County Police Department**—The Planning Board adopted, herein by reference, a memorandum dated May 28, 2020 (Contic to Planner Coordinator), in which the Police Department noted that they have no comments on the subject application.

- l. **Prince George's County Health Department**—The Health Department did not provide any comments.
- m. **Prince George's County Fire/EMS Department**—The Planning Board adopted, herein by reference, the content of an email dated May 27, 2020 (Reilly to Bossi), in which the Fire/EMS Department noted having no comment on the subject SDP.
- n. **Washington Suburban Sanitary Commission (WSSC)**—The Planning Board adopted, herein by reference, a memorandum dated June 4, 2020, in which WSSC provided standard comments on issues such as pipe and easement requirements to be enforced by WSSC at the time of permit issuance.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 2 Tree Conservation Plan TCP2-002-2014-06, and further APPROVED Specific Design Plan SDP-1803 for the above-described land, subject to the following conditions:

- 1. Prior to certificate approval of the specific design plan (SDP), the applicant shall:
 - a. Update the photometric plan to remove a pole-mounted light shown adjacent to the southeast corner of the building on Parcel 2, subject of SDP-1802.
 - b. Revise the SDP and signage plan as follows:
 - (1) Remove the detail of the large multi-tenant pylon sign, labeled as Monument Sign Detail, from sheet C-906.
 - (2) Remove the northern monument sign for site identity and fuel pricing from the signage site plan on sheet C-904.
 - (3) Include all proposed sign types and details in the Product List on sheet C-904.
 - (4) Correct the Elevation-Wall Signage, Left-Side elevation label to show the proposed signage area is 25 square feet.
 - c. Add the following note to the SDP: "All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."
 - d. Add a note to the SDP indicating that all HVAC units must meet Energy Star[®] performance levels.
 - e. Correct the notes on the plan to remove the shared parking reduction and specify the area of this SDP to Parcel 1 only.

- f. Add a note to the SDP indicating the food and beverage store use is subject to Section 27-515(b) Footnote 4 of the Table of Uses, which notes "Provided goods prepared on the premises shall be offered for retail sales only on the premises."
 - g. Revise plans to include labels for the sidewalks, crosswalk crossing the commercial access road at Chadds Ford Drive, and sharrows along the commercial spine road, as proposed with SDP-1802.
 - h. Correct the Section 4.3-2 landscape schedule to show that standards for minimum tree planting area are met.
 - i. Correct the Tree Canopy Coverage Schedule to show the accurate parcel acreage, and to only count on-site trees toward conformance with the requirement.
 - j. Replace the existing proposed bicycle racks with inverted-U style bicycle racks, or a bicycle rack style that provides two points of contact to support and secure a parked bicycle.
 - k. Provide a note on the SDP listing a minimum of four green building techniques proposed to be used for the building.
2. Prior to certification of the specific design plan (SDP), the Type 2 tree conservation plan (TCP2) shall be revised, as follows:
- a. Provide a non-native invasive species management plan on the TCP2, following the Environmental Technical Manual, to address the removal of non-native invasive species identified on-site (Japanese honeysuckle and multi-flora rose) to no more than 20 percent on-site.
 - b. Submit a recorded woodland and wildlife habitat conservation easement for Phase 2a development and the liber and folio shall be added as a note on the plan.
 - c. Submit all sheets of TCP2-002-2014 for signature.
 - d. Make any other revisions necessary to make the TCP2 consistent with the SDP, landscape plan, stormwater management concept plan approval, or erosion and sediment control plan.
 - e. Revise and/or recalculate any tables or worksheet affected by required revisions.
 - f. Make any technical revisions necessary to make the TCP2 plan consistent with the requirements of the Woodland and Wildlife Habitat Conservation Ordinance and Environmental Technical Manual.
 - g. Have the revised plan signed and dated by the qualified professional who prepared it.

- h. Have the Owner's Awareness Certification signed by the property owner, or their designated agent.
- 3. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval of conditions have been complied with, and associated mitigation plans.
- 4. Prior to issuance of a grading permit, a copy of the erosion and sediment control plan for Phase 2A, at the appropriate technical level, shall be submitted as part of the permit package to confirm consistency between plans.

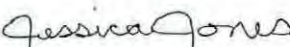
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, July 30, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of September, 2020.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:AB:nz

Appendix C

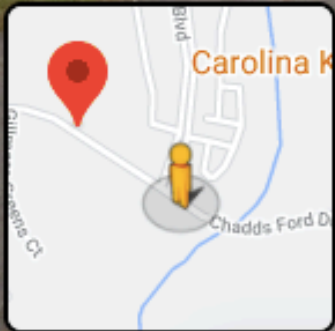
Google Maps Image Playground 1 on Chadds Ford Drive

Chadds Ford Dr
Brandywine, Maryland



Google

Street View

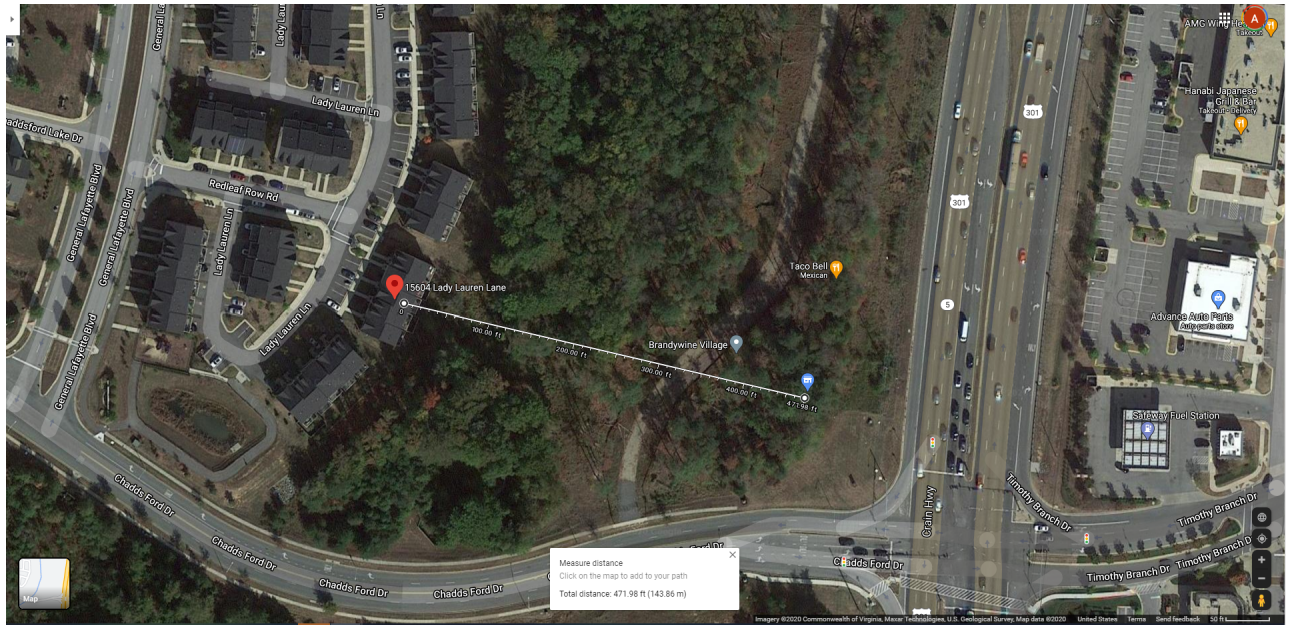


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Appendix D

Jackson Residence

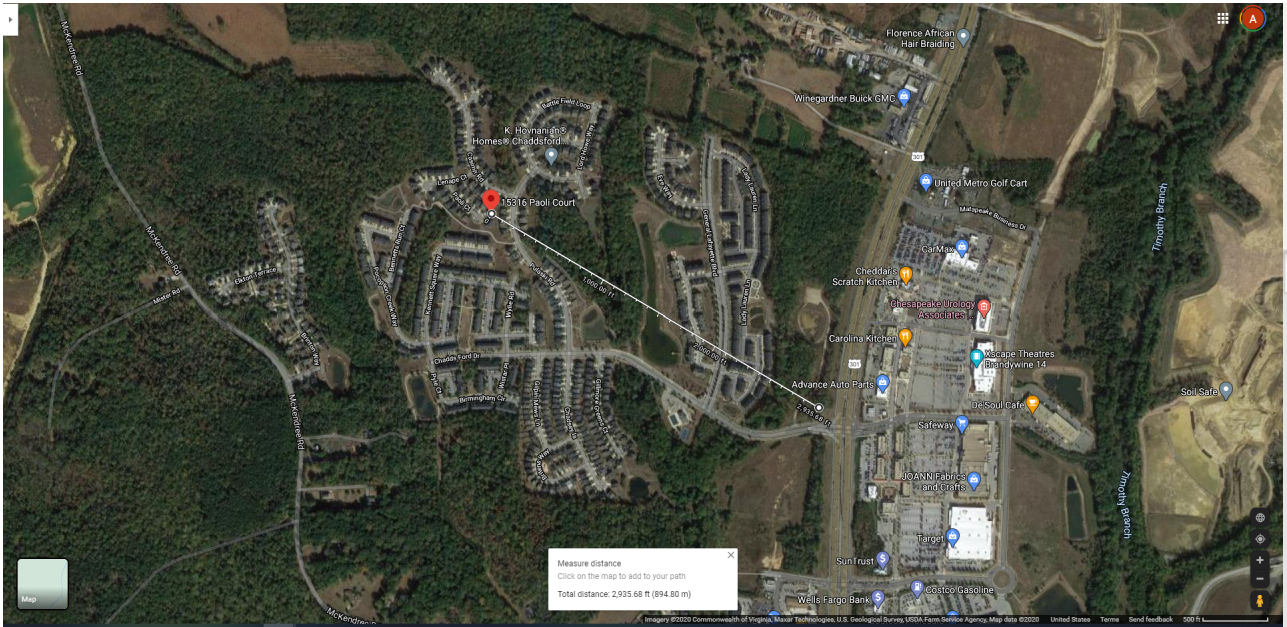


Appendix E

Davis Residence

Appendix F

Balamani Residence



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Appendix G

Brandywine Healthy Neighborhoods Alliance, Written Testimony

**BRANDYWINE HEALTHY NEIGHBORHOODS ALLIANCE
PLANNING BOARD TESTIMONY - JULY 16, 2020
BRANDYWINE COMMERCIAL VILLAGE SDP-1803**

INTRODUCTION

Good morning members of the Prince George's County Planning Board.

I'm testifying on behalf of the Brandywine Healthy Neighborhoods Alliance. You should have a copy of our written testimony before you, which includes the maps and other figures I'll be referencing.

We are more than 600 area residents deeply concerned by the increasing number of Brandywine area establishments that can be characterized as Food Swamps. These establishments serve food dense in calories, high in sodium and sugar. Food Swamps have contributed to an epidemic of obesity and other adverse health effects.

Food Swamp establishments include fast-food, carry-out and other restaurants as well as convenience stores. Brandywine Commercial Village, as proposed, will increase the threat to the nutritional health of our families by adding three more Food Swamp establishments:

- the 7-Eleven before you today along with the
- Taco Bell and Tropical Smoothie Café coming before you on July 23rd.

The 7-Eleven gas station is also a health concern. There's a large and growing body of scientific research showing that those living 500-feet or more from a gas station are more likely to develop adverse health effects ranging from nausea to low birth weight to cancer. These illnesses are caused by benzene and other compounds released to the air at gas pumps and from underground storage tank vents. These dangerous compounds then drift into nearby homes.

Our Alliance will not be asking you to deny Specific Design Plan approval. Instead, we wish to see if you can get the applicant to seek establishments that will begin to drain the Brandywine area Food Swamp by offering healthier food choices. We will also ask that you condition 7-Eleven approval on no gas pumps.

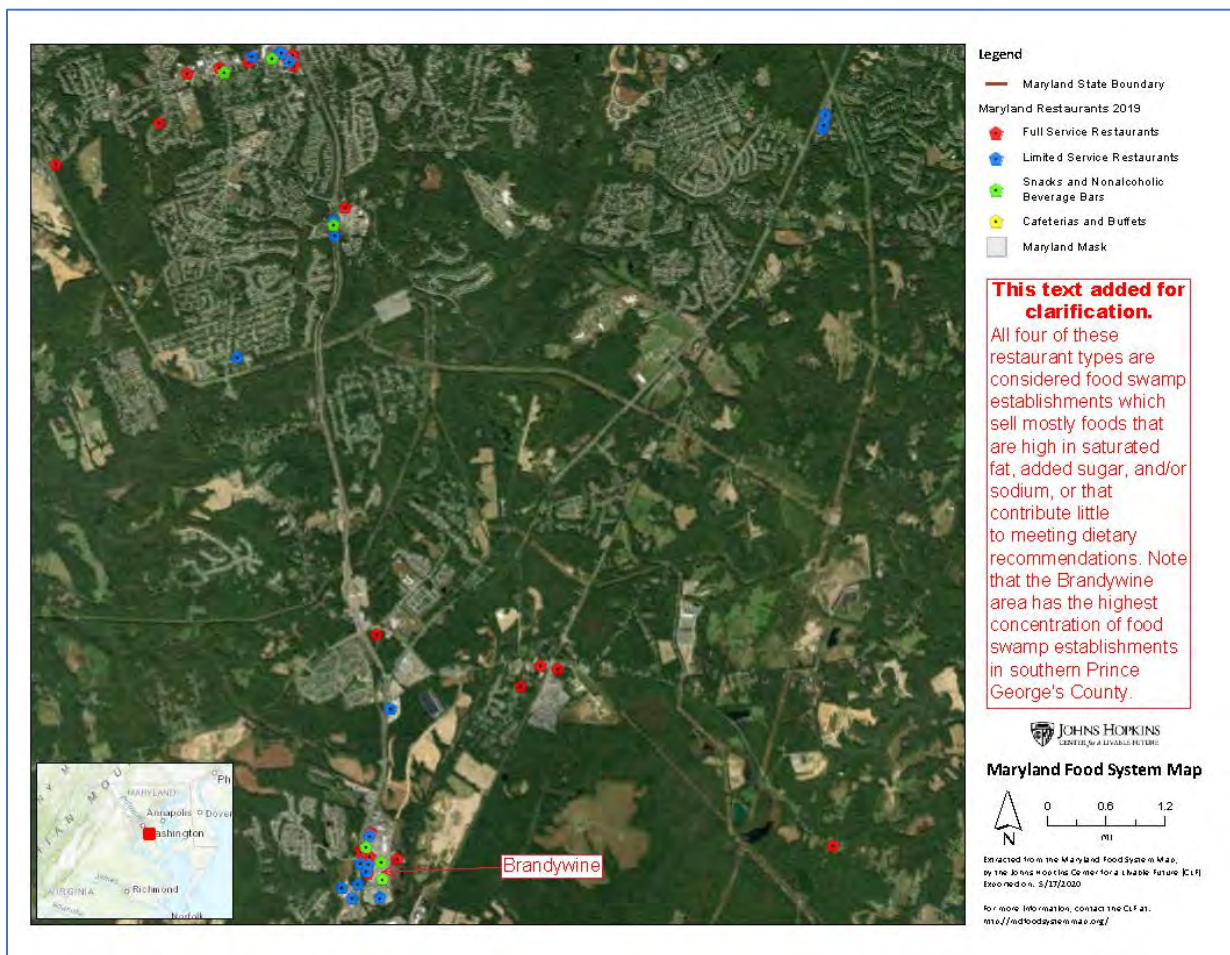
BRANDYWINE HIGH NUMBER OF FOOD SWAMPS

In your 2015 report [Healthy Food for All Prince Georgians](#) the Planning Board noted:

- Prince George's County has higher than average rates in diet-related chronic diseases in Maryland, and
- More than two thirds of the adult population in the County is overweight or obese. The obesity rate is on the rise; in the last 20 years it increased from 19 percent to 35 percent.

The [2020 Robert Wood Johnson Health Rankings](#) showed that Prince George's County was rated the 16th worst out of Maryland's 23 counties and Baltimore City.

In my written testimony you'll find a map from the [Johns Hopkins Center for a Livable Future](#).



The map shows that compared to the rest of rural, southern Prince George's County, Brandywine has a far greater concentration of fast-food and sit-down restaurants.

According to U.S. Census Bureau data, the Brandywine area also has twice as many convenience stores per capita when compared to the countywide average. Convenience stores are another Food Swamp category.

The combined impact of an unusually large number of food swamp restaurants and food swamp convenience stores poses a uniquely severe threat to the health of Brandywine residents. The project before you today will make a bad situation worse.

Fortunately, the Brandywine area does benefit from two somewhat healthful supermarkets – Aldi and Safeway. So, while we are not in a Food Desert, the health of our families is under threat from the growing number of Food Swamp establishments.

FOOD SWAMP ISSUE ACKNOWLEDGED BUT NOT RESOLVED

The Brandywine Commercial Village Specific Design Plans would deepen the Food Swamp by allowing three more Food Swamp establishments to be added to our area: the 7-Eleven convenience store along with Taco Bell and Tropical Smoothie Café.

While the Staff Report noted this issue, it did not recommend any solutions.

The Staff Report included a 2019 Prince George’s Health Department memo which you’ll find at the end of our written comments. The first health impact assessment issue noted in the memo was, and I quote:

“There are more than five existing carry-out/convenience store food facilities and four grocery stores/markets within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.”

We discussed our concerns with both Health Department and Development Review Division staff.

As reflected in their 2019 memo, Health Department officials were very concerned about the Brandywine Food Swamp issue.

Development Review staff forwarded the Health Department concern to the applicant. We asked Development Review staff what response was received from the applicant.

In a June 2nd message, Development Review staff (Adam Bossi) wrote and I quote:

“The Health Department’s comments on zoning applications are advisory, so no formal response was required by the Board nor provided by the applicant.”

The members of the Brandywine Healthy Neighborhoods Alliance are deeply troubled by this County policy.

PLANNING BOARD ACTION TO HALT FOOD SWAMP EXPANSION

We believe that the Planning Board has the authority to stem the public health threat posed by a proliferation of Food Swamp establishments in the Brandywine area.

Prince George’s County Zoning Ordinance Section 27.527, required referral of the Specific Design Plan before you to the Health Department for a health impact assessment.

The 2019 Health Department memo was the result of that assessment. The first health impact issue listed in the Health Department assessment was the abundance of Food Swamp establishments in the Brandywine area.

Section 27-528(b) requires that the Planning Board make a finding that the Specific Design Plan will safeguard public health. Because Brandywine Commercial Village will add three more food swamp establishments to the Brandywine area, I do not believe you can make this required finding.

REQUIRE APPLICANT TO SEEK HEALTHIER ESTABLISHMENTS

We are not asking you to deny Specific Design Plan approval; *at least not at this time*.

Instead, we ask you to continue this hearing and direct the applicant to use the intervening period to make a concerted effort to attract restaurants to Brandywine Commercial Village that will provide healthier foods.

Here are a few examples of a large number of retail chains offering more nutritional menu choices:

- [Sweetgreen](#) (there’s one in College Park, MD)
- [Lyfe Kitchen](#) (In 6 states but not MD),
- [The Veggie Grill](#) (In 3 states but not MD),
- [Protein Bar](#) (Two in DC), and

- [Panera Bread](#) (*Existing Waldorf store 4 miles south*)

We can provide many other examples if you wish.

We also ask that you join with us in urging the County Executive and the County Council to follow the lead of [Los Angeles](#) and other U.S. jurisdictions¹ in enacting a moratorium of new fast-food restaurants and other Food Swamp establishments in Brandywine and other afflicted areas of the County.

GAS STATION & ADVERSE HEALTH EFFECTS

Now I'll explain why Alliance members are deeply troubled by the proposed 7-Eleven gas station.

Over the last decade a number of scientific studies have shown that the public health impact of gas station is far greater than previously thought. These impacts result from benzene and other harmful compounds released to the air from storage tank vents and when we fill our cars at the pump.

Our written comments included a letter from our consultant - CEDS. The CEDS letter presents the scientific studies documenting the public health effects which have prompted Prince George's County and many other jurisdictions to adopt minimum public health safety zones for new gas stations.

In fact, one of these health safety zone laws appears in Section 27-358(a)(2), of the Prince George's County Zoning regulations, which requires:

"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. [emphasis added]"

¹ See page 32 in the Northwest Center for Livable Communities publication Food Access Policy & Planning Guide, available online at: <http://www.nyc.gov/html/ddc/downloads/pdf/ActiveDesignWebinar/King%20County%20Food%20Access%20Guide.pdf>

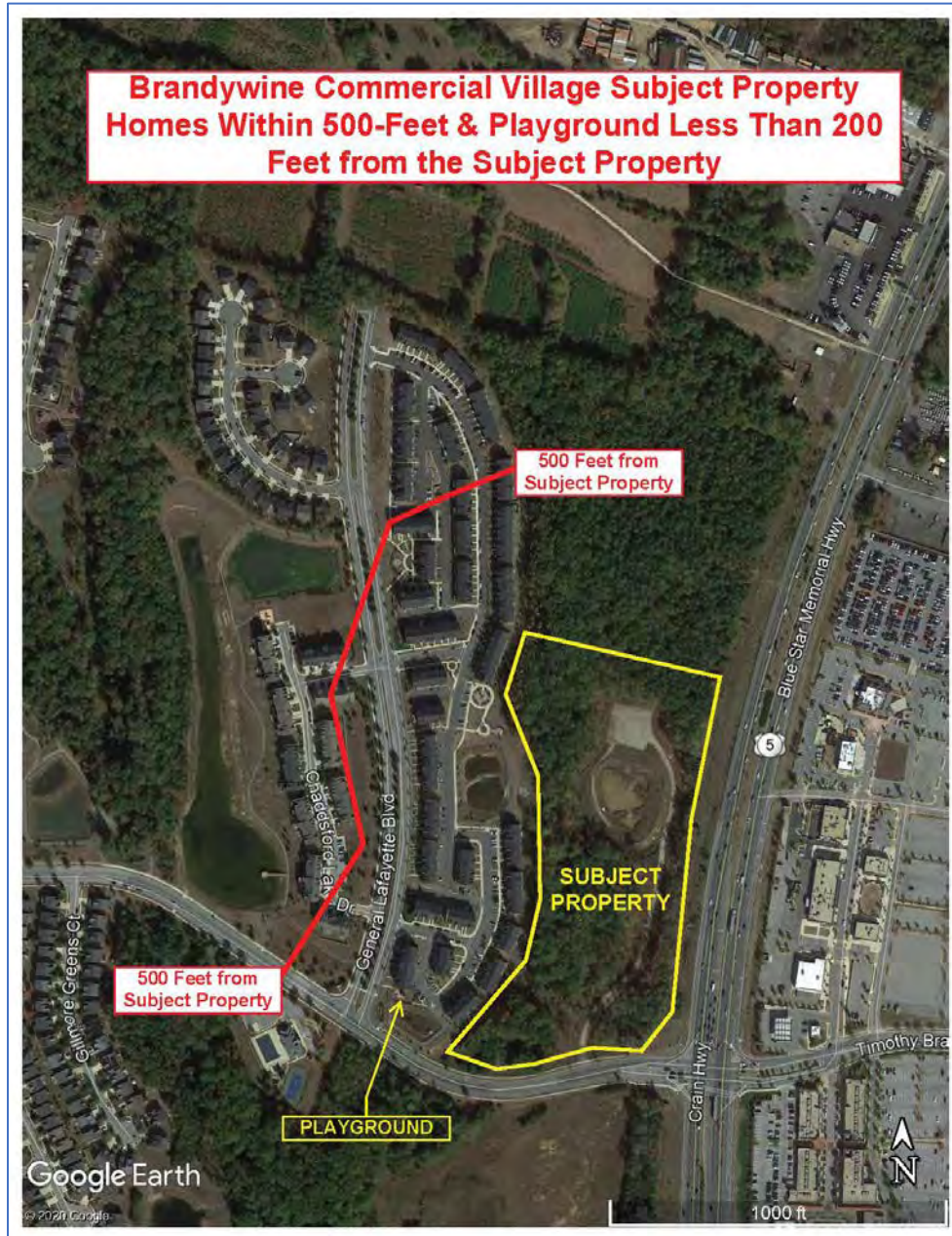
In my written comments you'll find an aerial from the staff Power Point presented at the April 23, 2020 Planning Board hearing. In this aerial the subject property is outlined in red. Of course, the subject property contains the proposed 7-Eleven gas station. Note that an outdoor playground is located *less than 200 feet* from the subject property along with numerous homes. Therefore, the gas station would not meet the *minimum 300-foot setback required from outdoor playgrounds*.



As explained in the CEDS letter, the most recent scientific studies have shown that adverse health effects of gas station emissions threaten public health at a distance of 500-feet or more. Unfortunately, measures are not required for new gas stations that can reliably resolve the public health threat. If you wish we can arrange for you to speak with the scientist who is arguably the leading authority on this topic in the U.S. The scientist can confirm the inadequacy of current control measures.

The studies presented in the CEDS letter were part of the reason why, in 2015, Montgomery County increased their gas station public health safety zone from 300- to 500-feet and included homes among the list of protected land uses. The Montgomery County Ordinance enacting the safety zone increase is also attached to our written comments.

The aerial photo in my written comments shows that numerous Chadds Ford homes are located within 500 feet of the proposed gas station subject property. These Chadds Ford residents are deeply troubled by the health threat posed by the proposed 7-Eleven gas pumps.



The Brandywine area is not lacking for gas stations. According to U.S. Census Bureau data, the Brandywine area has twice as many gas stations per capita when compared to the countywide average. And another gas station is proposed for the commercial area south of the 7-Eleven site.

It is for these many reasons that we urge the Planning Board to condition 7-Eleven Specific Design Plan approval on elimination of the proposed gas pumps.

CLOSING

Lastly, at the end of our written testimony, you'll find numerous comments from Brandywine residents regarding their desire for the Planning Board to use your authority to guide economic growth in a direction that makes Brandywine an even better place to live.

As a veteran, I once swore to protect this nation against foreign and domestic enemies at all cost even if it meant my life. To some it may seem a bit much but not to a service member for it's our sole duty. Now I'm asking the council and planning board to protect the residents of Brandywine and Prince George County. It's time to end social disparity that plagues Prince George County by its lack of healthy food options and exposing residents to gas station pollution emissions. Prince George County almost doubles the size of Anne Arundel county (according to 2020 census, PG County 908,801 and Anne Arundel 571,592), yet healthy food stores and other chains continue to build around this county. Montgomery County protects its residents with a 500-foot public health safety zone for new gas stations. The residents of this county are worthy and deserve better. Change starts with you all our county officials and planning board. Your decision today is very important as it will convey your stance on health and concern for the residents of Brandywine and Prince George County.

Thank you.

**2019 HEALTH DEPARTMENT
HEALTH IMPACT ASSESSMENT MEMO**



Division of Environmental Health/Disease Control

Date: September 12, 2019

To: Adam Bossi, Urban Design, M-NCPPC

From: Adebola Adepaju, Environmental Health Specialist, Environmental Engineering/Policy Program

Re: CDP-1201-01, Brandywine Village

The Environmental Engineering/Policy Program of the Prince George's County Health Department has completed a desktop health impact assessment review of the comprehensive design plan submission for Brandywine Village and has the following comments/recommendations:

1. There are more than five existing carry-out/convenience store food facilities and four grocery stores/markets within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.
2. The proposed site is located within 1000 feet of US 301. There is an emerging body of scientific evidence indicating that fine particulate air pollution from traffic is associated with childhood asthma. Published scientific reports have found that road traffic, considered a chronic environmental stressor, could impair cognitive development in children, such as reading comprehension, speech intelligibility, memory, motivation, attention, problem-solving, and performance on standardized tests
3. Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community.
4. During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
5. During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.



Environmental Engineering/Policy Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health

Angela Aboderoko
County Executive

6. Creation of additional impervious surfaces could have long term impacts on the sustainability of the groundwater resource.. Demonstrate that the site is in compliance with the County's Watershed Implementation Plan (WIP).

If you have any questions or need additional information, please contact me at 301-883-7677 or aoadepoju@co.pg.md.us.

**JUNE 2ND DEVELOPMENT REVIEW STAFF POSITION ON
HEALTH IMPACT ASSESSMENT MEMO**

From: [Bossi, Adam](#)
To: [RICHARD KLEIN](#)
Cc: "[Tashara Burgess](#)"; "[Jennifer Jackson](#)"; "[Jamila Hunter](#)"; "[Angela Simmons](#)"; granderson50@hotmail.com; [Kosack, Jill](#)
Subject: RE: MD Brandywine 7-Eleven - Health Memo & Applicant Response
Date: Tuesday, June 2, 2020 8:04:34 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Good evening Mr. Klein,

The items you reference are from the staff report and backup material associated with Comprehensive Design Plan CDP-1201-01 – the recent amendment to the CDP that is pending the issuance of a final order from the District Council. The comments noted are from the County Health Department and were provided based on their review of CDP-1201-01. The Health Department's comments on zoning applications are advisory, so no formal response was required by the Board nor provided by the applicant.

Please let me know if you have any additional questions.

Adam

Adam Bossi

Planner Coordinator | Urban Design Section | Development Review Division



14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772

301-780-8116 | adam.bossi@ppd.mncppc.org



From: Rklein@ceds.org <Rklein@ceds.org>
Sent: Monday, June 1, 2020 11:04 AM
To: Bossi, Adam <Adam.Bossi@ppd.mncppc.org>
Cc: 'Tashara Burgess' <tasharaburgess@yahoo.com>; 'Jennifer Jackson' <brownie548@aol.com>; 'Jamila Hunter' <mila322@yahoo.com>; 'Angela Simmons' <iangelasimmons1@gmail.com>; granderson50@hotmail.com
Subject: MD Brandywine 7-Eleven - Health Memo & Applicant Response

Mr. Bossi

The following appears as Item 11, I, in the attached excerpt from the December 5, 2019 Planning Board resolution:

Prince George's County Health Department—In a memorandum dated September 12, 2019 (Adepoju to Bossi), the Health Department provided six comments regarding location of grocery and food stores within the vicinity of the site, air pollution related to traffic, pedestrian access to the site, impervious surface and mitigation of possible noise, and dust pollution during construction. Those comments have been transmitted to the applicant. Two comments regarding noise and dust mitigation will be noted on the SDP.

The attached September 12, 2019 memo also raised concerns about the abundance of carry-out/convenience stores in the area...

There are more than five existing carry-out/convenience store food facilities and four grocery stores/markets within a ½ mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery, stores and fresh produce vendors, have a significantly higher prevalence of obesity and diabetes.

Has the applicant responded to these comments?

Brandywine area residents are particularly interested in the response to the carry-out/convenience store concerns.

Richard Klein
[Community & Environmental Defense Services](#)
24 Greenshire Lane
Owings Mills, MD 21117
410-654-3021

CEDS LETTER - GAS STATION HEALTH EFFECTS

COMMUNITY & ENVIRONMENTAL DEFENSE SERVICES

Richard D. Klein, President
24 Greenshire Lane
Owings Mills, Maryland 21117

(410) 654-3021
E-Mail Rklein@ceds.org
Web Page: www.ceds.org

July 11, 2020

Elizabeth M. Hewlett, Chair
Prince George's County Planning Board
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

RE: Public Health & Safety Effects SDP-1803 Brandywine Commercial 7-Eleven

Dear Chair Hewlett:

We are assisting the Brandywine Healthy Neighborhoods Alliance with concerns regarding the public health threat posed by the SDP-1803 Brandywine Commercial 7-Eleven gas station.

Over the last decade a number of scientific studies have shown that the public health impact of gas station emissions are far greater than previously thought. These impacts result from benzene and other harmful compounds released to the air from storage tank vents and fueling at the pump. The compounds drift into nearby homes and can cause adverse health effects ranging from nausea to low birth weight to cancer.

Section 27-358(a)(2), of the Prince George's County Zoning regulations, states:

"A gas station may be permitted, subject to the following:

(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. [emphasis added]"

In the aerial photo on the next page, the subject property is outlined in red. The subject property includes the site of the proposed 7-Eleven gas station. Note that an outdoor playground is located 140 feet from the subject property along with numerous homes. Therefore the gas station would not meet the minimum 300-foot setback required from outdoor playgrounds.

As explained later in this letter, recent scientific studies have shown that adverse health effects of gas station emissions threaten public health at a distance of 500-feet or greater. Unfortunately, measures are not required for new gas stations that can resolve the public health threat. These studies were part of the reason why Montgomery County increased their gas station public health safety zone from 300- to 500-feet and included homes among the list of protected land uses in 2015.

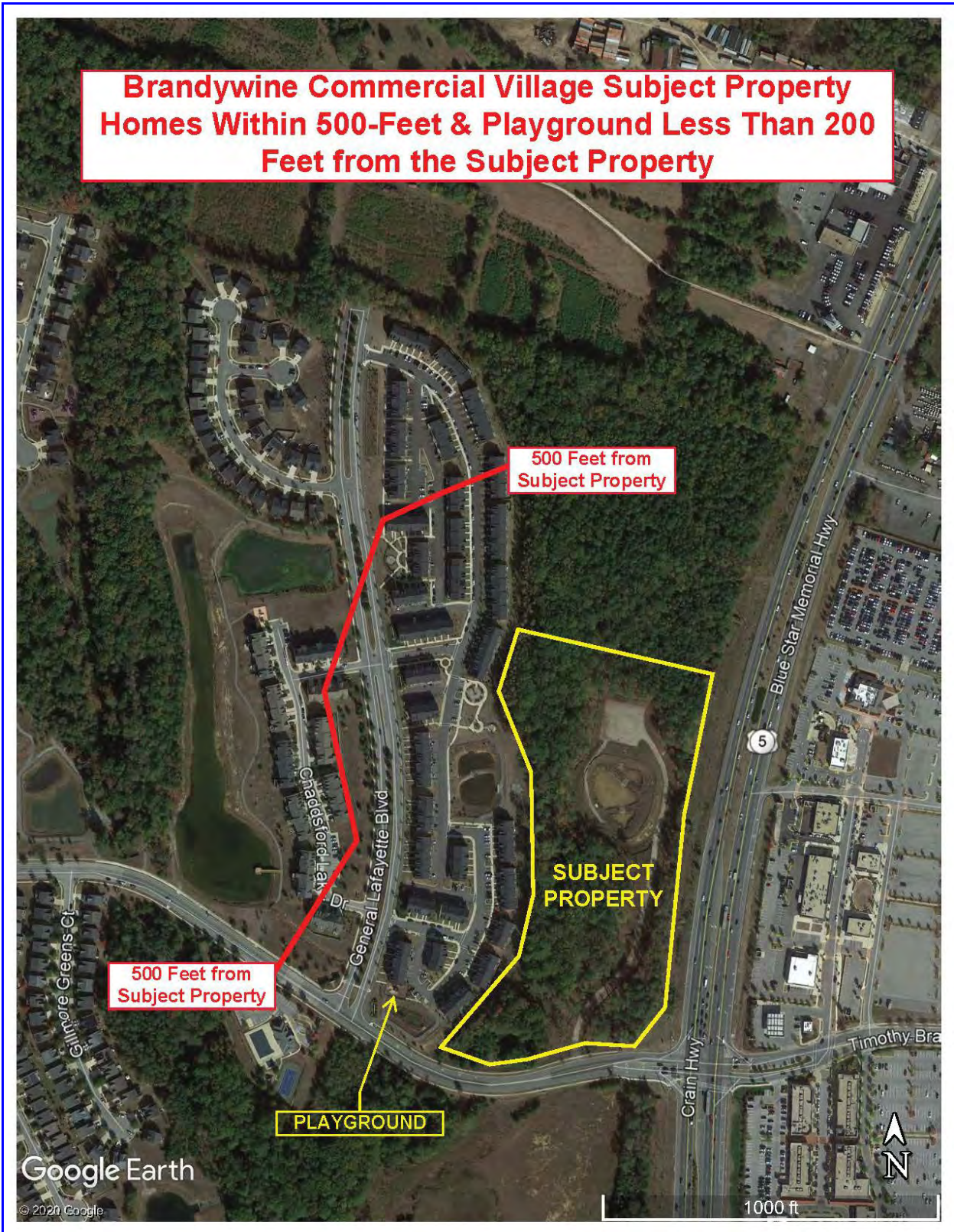


This aerial map is from the staff [Power Point](#) presented at the April 23, 2020 Planning Board hearing

A second aerial photo will be found on the next page of this letter. This second aerial shows that numerous homes on Lady Lauren Lane are located within 500 feet of the subject property. A large number of Chadds Ford residents are deeply troubled by the health threat posed by the proposed 7-Eleven gas station. In fact, nearly 600 have signed a [petition](#) urging the Planning Board not to approve the Brandywine Commercial Village Specific Design Plans as proposed. Chadds Ford and other area residents formed the Brandywine Healthy Neighborhoods Alliance. The Alliance urges the Planning Board to condition approval of the Specific Design Plan on elimination of the proposed gas pumps. The remainder of this letter presents the science supporting this request.

SCIENTIFIC RESEARCH REGARDING GAS STATION HEALTH EFFECTS

A number of compounds injurious to human health are released from gas stations during vehicle fueling and from underground storage tank vents: [benzene](#), [toluene](#), [ethyl benzene](#), and [xylene](#) (BTEX). Of these, benzene is the gasoline constituent most harmful to human health. Adverse health effects of benzene include cancer, anemia, increased susceptibility to infections, and low birth weight. According to the [World Health Organization Guidelines for Indoor Air Quality](#), ***there is no safe level for benzene***. As explained later in this letter, measures to reliably resolve these adverse health effects are not employed at new gas stations.



In 2005, the California Air Resources Board recommended a minimum 300-foot public health safety zone between new gas stations and "sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities." The recommendation appeared in [Air Quality and Land Use Handbook: A Community Health Perspective](#). The State of California is widely recognized as having some of the most effective air pollution control requirements in the nation. Yet even with California controls a minimum separation is still required to protect public health.

The U.S. Environmental Protection Agency echoed concerns about the health risk associated with gas station emissions in their [School Siting Guidelines](#). The USEPA recommended screening - but not excluding - school sites for potential health risk when located within 1,000 feet of a gas station.

The safety zone distances were prompted by the growing body of research showing that adverse health effects extend further and further from gas stations.

A seminal [2015 study](#) contained the following summary regarding the health implications of living, working or learning near a gas station:

"Health effects of living near gas stations are not well understood. Adverse health impacts may be expected to be higher in metropolitan areas that are densely populated. Particularly affected are residents nearby gas stations who spend significant amounts of time at home as compared to those who leave their home for work because of the longer period of exposure. Similarly affected are individuals who spend time close to a gas station, e.g., in close by businesses or in the gas station itself. Of particular concern are children who, for example, live nearby, play nearby, or attend nearby schools, because children are more vulnerable to hydrocarbon exposure."

A [2019 study](#) of U.S. gas stations found that benzene emissions from underground gasoline storage tank vents were sufficiently high to constitute a health concern at a distance of up to 518-feet. Also, the researchers noted:

"emissions were 10 times higher than estimates used in setback regulations [like that in the California handbook] used to determine how close schools, playgrounds, and parks can be situated to the facilities [gas stations]."

Prior to the 2019 study it was thought that most of the benzene was released at the pump during fueling.

If you wish we can arrange for you to speak with the lead scientist who performed the 2015 and 2019 studies.

CONTROL MEASURES WILL NOT RESOLVE HEALTH THREAT

The two most common control measures are Stage II Vapor Recovery and Onboard Refueling Vapor Recovery (ORVR).

A decade ago most gas pump nozzles were designed to capture vapors released during refueling. The vapors were then sent to the 10,000- to 20,000-gallon underground tanks where gasoline is stored. These Stage II vapor recovery systems were phased out beginning in 2012 as a result of the widespread use of Onboard Refueling Vapor Recovery (ORVR) systems.

As the name implies, Onboard Refueling Vapor Recovery systems are built into new cars. The system captures vapors during refueling which are then stored in canisters within the vehicle.

A [study published in February, 2020](#), examined the effectiveness of Onboard Refueling Vapor Recovery systems. The researchers found that 88% of vehicles monitored released vapors during refueling despite the presence of Onboard Refueling Vapor Recovery systems.

The 2019 study cited previously in this letter addressed the release of benzene from underground gasoline storage tank vents. The 2019 study documented that the amount of benzene released was substantial and could be detected at a distance of up to 518 feet.

The unfortunate conclusion from these studies is that we cannot rely upon controls required for new gas stations to resolve the health and safety threat to those who live, learn, or work in the vicinity. At this point physical distancing of 500 feet or more is the only measure that appears to resolve the public health and safety impact.

PRINCE GEORGE'S ZONING ORDINANCE & EXPANDED HEALTH SAFETY ZONE

Section 27-358(a)(2), of the Prince George's County Zoning regulations, states:

"A gas station may be permitted, subject to the following:

(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. [emphasis added]"

The aerial photo on page 2, shows that the subject property is within 300 feet of a playground. The subject property includes the site of the proposed 7-Eleven gas station. Therefore, the Specific Design Plan does not comply with this regulation.

Section 27-358(a)(2) states that the gas station shall be **at least** 300 feet from sensitive land uses. The studies presented in this letter show that current research has established that benzene released from gas stations can be detected to a distance of at least 518 feet. The Montgomery County, MD Zoning Regulations once required the same 300-foot safety zone as the current Prince George's regulation. As research showed the 300-foot separation was insufficient, Montgomery County increased their gas station public health safety zone from 300-

to 500-feet and included homes among the list of protected land uses. Section 27-358(a)(2) allows the Planning Board to protect those located more than 300 feet from the subject property.

Section 27-528(b) is also relevant to the public health threat. This regulation reads:

*"Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, 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.** [emphasis added]"*

Gas station tanks and dispensers are certainly a part of "infrastructure."

CONDITION APPROVAL ON GAS PUMP ELIMINATION

In closing, the preceding research shows why Lady Lauren Lane and other Chadds Ford residents have ample reason to be deeply troubled by the threat posed to their health and that of their children by the proposed gas station.

It is for this reason that the Brandywine Healthy Neighborhoods Alliance urges the Planning Board to condition approval of the 7-Eleven Specific Design Plan on elimination of the proposed gas pumps.

Sincerely,



Richard Klein

cc: Tashara Burgess, Brandywine Healthy Neighborhoods Alliance
Jennifer Jackson, Brandywine Healthy Neighborhoods Alliance
Jamila Hunter, Brandywine Healthy Neighborhoods Alliance
Angela Simmons, Brandywine Healthy Neighborhoods Alliance
Valerie Davis, Brandywine Healthy Neighborhoods Alliance
590 Signers of the [Save Chaddsford Petition](#)

**MONTGOMERY COUNTY ORDINANCE INCREASING
GAS STATION PUBLIC HEALTH SAFETY ZONE FROM
300- TO 500- FEET & ADDING HOMES**

Ordinance No.: 18-07
Zoning Text Amendment No.: 15-07
Concerning: Filling Station – Use
Standards
Draft No. & Date: 1 – 3/18/15
Introduced: March 24, 2015
Public Hearing: May 12, 2015
Adopted: December 1, 2015
Effective: December 21, 2015

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Elrich
Co-sponsors: Councilmembers Riemer, Navarro, Katz, Rice, Huckler, and Berliner

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Revise the use standards for large filling stations

By amending the following sections of the Montgomery County Zoning Ordinance,
Chapter 59 of the Montgomery County Code:

DIVISION 59.3.5. “Commercial Uses”
Section 59.3.5.13. “Vehicle Service”

EXPLANATION: *Boldface indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 15-07 was introduced on March 24, 2015 to increase the distance between large filling stations and sensitive land uses.

In its report to the Council, the Montgomery County Planning Board recommended that the text amendment not be approved. Planning Staff recommended the same. In their opinion, the existing conditional use process was adequate to avoid nuisances to neighbors and threats to the environment.

On May 12, 2015, the Council conducted a public hearing on ZTA 15-07. Twenty speakers were heard. The Planning Board recommended against the Council's approval of ZTA 15-07. In the Board's opinion, the conditional use process provides ample opportunity to address concerns unique to a particular site that might warrant increasing the setback beyond 300 feet. The Board did not believe that the increased setback was warranted based on potential adverse health effects. Planning Staff also recommended a setback requirement from residential properties (300 feet). Planning Staff did not recommend a setback from environmentally sensitive areas because the areas are protected from spills by State-required safety equipment and stormwater management.

All of the representatives from Costco opposed the ZTA. In particular, Costco representatives see the ZTA as prohibited special legislation with no basis for a 500 foot setback. Individuals who sought inexpensive gasoline also opposed the ZTA. Many of these individuals submitted identically worded emails.

The opposition to the Costco filling station supported the ZTA. Owners of existing filling stations supported ZTA 15-07, but wanted existing stations to be exempt from setback requirements triggered by the expansion of existing stations.

The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

On November 16, 2015, the Committee recommended approval of ZTA 15-07 as introduced. In the opinion of the Committee, the current buffer requirement creates an unreasonable burden on nearby residents. Large gas stations generate both numerous tanker trucks unloading fuel and idling cars waiting to fill up. The volume and proximity of these vehicles can be a nuisance to nearby residents and an environmental threat.

The District Council reviewed Zoning Text Amendment No. 15-07 at a worksession held on December 1, 2015. The Council agreed with the Committee recommendations.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 15-07 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance

:

1 **Sec. 1. DIVISION 59.3 is amended as follows:**

2 **DIVISION 59.3.5. Commercial Uses**

3 * * *

4 **Section 3.5.13. Vehicle Service**

5 * * *

6 **C. Filling Station**

7 * * *

8 **2. Use Standards**

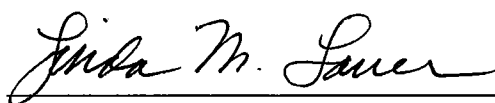
9 Where Filling Station is allowed as a conditional use, it may be
10 permitted by the Hearing Examiner under Section 7.3.1, Conditional
11 Use, and the following standards:

12 * * *

13 c. Any Filling Station facility designed to dispense a minimum of
14 3.6 million gallons per year must be located at least [300] **500**
15 **feet** from the lot line of any **land with a dwelling unit**; public or
16 private school[, or any]; park[,]; **playground[,];** day care
17 center[,]; [or] any outdoor use categorized as a [civic and
18 institutional] Civic and Institutional use or a Recreation and
19 Entertainment use; or any wetland, stream, river, flood plain, or
20 environmentally sensitive area.

21
22 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
23 date of Council adoption.

24
25 This is a correct copy of Council action.

26
27 

28 Linda M. Lauer, Clerk of the Council

**CHADDS FORD PUBLIC OPINION SURVEY
FOOD SWAMP COMMENTS**

Explanations Noted by Those Who Signed the *Brandywine Food Swamp is about to become worse* Petition

A healthy diet prevents malnutrition and protects from diseases like obesity, heart disease, diabetes, cancer and stroke. Today, many people's diets consist of more saturated fat, trans fats, sugars, and more sodium than fruits, vegetables and dietary fiber. Your body's health reflects what you put into it. I have young kids and would like to have healthier choices near my house.

Adding these businesses in my neighborhood would create more traffic in an already limited traffic area. There is only one way out of this neighborhood. Additionally, we would have more people not associated with this property parking and throwing trash everywhere. Our whole level of peace and tranquility will be disrupted and crime would most definitely increase. There is a shopping area across the street going in both directions that could accommodate these businesses. Why here?

As a mother of two, one actually a diabetic, it is extremely important for me to vote against unhealthy food choices in Brandywine. It is necessary to have healthy grocery stores such as Wegman; why can't Brandywine have a Wegman? Or Harris Teeters? We pay a lot of money in taxes to this county to continue to have unhealthy choices, we deserve better. Are these healthier options not for Southern PG county residents? Why?

As parents of two children we try very hard to lead a healthy lifestyle and teach them about making healthy food choices. I cook as much as possible at home but when we do want to go out it would be nice to have healthy options and not have to constantly travel outside of Brandywine to find them. We are against bringing MORE fast food and convenient stores to our area.

Brandywine does not need anymore unhealthy restaurants or traffic.

Bring us eatery's that you would find in a white neighborhood. More salad place would be a good start.

Covid 19 has revealed the health issues that have effected our community disproportionately! The community must stand together and advocate for healthy choices and foods that add to life expectancy! Intentionally creating a food swamp says we do not care about our community and indeed ourselves! We have an opportunity to save ourselves and increase our life span! Stop the MADNESS NOW!!!!

COVID-19 has shown us that Prince George's County needs to evolve and shift to establishments that addresses not only individual health, but expands to consider population and economic health in a community. This community wants to live in area where healthy options are convenient and the amenities are located nearby. There are too many options in this area where I can receive a quick on the run meal. I'm pleading with you to vote NO against this development.

Diabetes, high blood pressure and hypertension are massive issues for the population that will and does reside here. This will contribute to health issues for generations.

Fast food is not something that my family frequents. Won't be getting any of my family's money.

Fast food is not something that my family frequents. Won't be getting any of my family's money.

From South Jersey and I've been living in Md Prince Georges area for 10 years. And I am very unhappy about what is brought to our communities. I dine on sushi, vegan, salads, and we don't have that here. I love bikram yoga and I have to go to DC or Virginia for that. We have allowed a stereotype to define what types of food that African American people prefer and that could be far from the truth. I don't want this in my neighborhood. I am very saddened that you do. Please look at this initiative and DON'T do it. Bring healthier alternatives like chops, bus boys and poets who has a variety of things for everyone. I would also like to speak to the council concerning this.

Explanations Noted by Those Who Signed the *Brandywine Food Swamp is about to become worse* Petition

Healthier fast food establishments is needed to help bring down the obesity rate in this country. Leading this effort and our community chills out strength and our common sense. We do not need another 7-Eleven or Taco Bell. When will the line be drawn to better our community and not the greed of Politicians and Stakeholders? Draw the line and stand on it if the agenda is to really make this a better community. Think of this as your own community would you want a Taco Bell and 7-Eleven in close approximately of your home when there is one right down the street. Shame on you all for making GREED a priority! Thank you.

Healthier food options now, avoid declining health concerns later.

Healthy eating is directly related to a healthier life.

I am practicing healthy eating and exercising and would like see more healthier choices in food In the new development rather thn fast food..

I believe in healthy food choice. These fast food convenience stores bring blight and unnecessary congestion to the community. There are more than enough food choices in Brandywine area. This is over=development. Stop it Prince George's County.

I moved here in Brandywine eleven years ago because it was spacious, beautiful and quiet. Now I know things change but didn't expect it to become a Food Swamp There is plenty spaces in Brandywine Village that can accommodate these business. Why put them on this side of 301 and make it more difficult for the approximately 700 family to maneuver traffic

I moved to this area of town approximately six years ago because I saw its potential to offer a healthier environment as I move closer to retirement. However, since moving here, I have witnessed the opposite-- from watching beautiful wooded areas being replaced with townhomes to shops that have the same fastfood chain stores within a few miles apart. As you are aware, people of color have higher rates of diabetes and high blood pressure, so offering healthier choices in our neighborhoods is imperative to our survival.

I would like to live in a neighborhood with healthy food options. There are enough unhealthy options currently available.

I would like to see more healthier food establishments in my community.

I would not like for any establishment or stores to build there as it will bring too much attraction to my neighborhood. I like to live in peace and quiet. There are already lots of traffic during all times of the day and adding these food establishments here will drive our crime rate very high and there is literally a 7-11 less than a mile away, there is also a Taco Bell and other fast food places in close vicinity. Please do not allow anything to disrupt the peace that we have thus far.

If you feel we must have stores here despite their being a shopping center right across the street, then we deserve healthy options like a Wegman, Whool Foods, Panera Bread, Chop't or Noodle & Co. There are more than enough fast food places in the area and we do not want nor need more.

It is important because fast food leads to lots of health problems, especially in the minority communities. Why fast foods do offer alternatives, having kids its very likely they will want the healthy choice. Bottom line, if there are no other choices around most will buy fast food.

Explanations Noted by Those Who Signed the *Brandywine Food Swamp is about to become worse* Petition

It is vital to have healthier options in our community as we are raising young children and many older residents that have moved here after retirement. Our county is one of the largest in the state of Maryland yet we have the least when it comes to our healthier grocery stores, restaurants, and fast foods. I work in VA and frequently shop at their Wegmans, Harris Teeters, and Trader Joes. Why should I continue to spend my money in a neighboring state? I pay lots of money in taxes here in MD, PG county, and would rather reinvest in my community. I have a diabetic child whom we've raised on healthy foods, home-cooked meals and would rather continue to do so. However, if and when we'd like to eat out, why should our options only be nasty McDonalds, Burger King, Taco Bells? I urge you to take into consideration our (residents, homeowners in 20613 Chaddsford) our concerns.

It's bad enough that there will be any type of commercial development in this area because it's already an area where there are plenty of restaurants and fast food places. There's too much traffic and congestion as it is in this area. On top of all that, your plan to put a 7-Eleven and Taco Bell is not helping our community at all nor our health. There is a Taco Bell within 5 miles of Chadds Ford and there is a 7-Eleven within 2 miles, not to mention at least 2 or 3 more within 5 or 6 miles. It doesn't make much sense. There are plenty of leased spaces available in the shopping center across the street that are empty and just sitting. Why can't the development be done there with healthier options? Why does this have to be done in our residential community?

It's inconsiderate to place a fast food and convenient store at the FRONT OF OUR NEIGHBORHOOD. These establishments will bring loitering and unwanted noises, disturbances, and traffic coming throughout our neighborhood. Put it somewhere else!

It's important to give our community healthy food options not always fast food there is already enough fast food restaurants on 301 within 5 miles why killing our people and our future generation? The majority is seeking for better healthy living and why we don't better ourselves? Why not?

let's keep Brandywine clean and green for our families and future generations. No more overcrowded food swamps!!

Look around you, look at the number of fast food places stacked on top of each other and convenience stores. The two main reasons our youth cannot voluntarily join the Military is obesity or poor fitness and low ASVAB scores. Yet the priority is ALWAYS money and profit, forget trying to make a change. There are many reasons I support better and healthier establishments, I only listed one because it is significant one.

Obesity is a problem in America. Made a bigger problem when easy cheap unhealthy fast food is rampant. There are plenty of places already in the area that serve such food. We don't need any more. We deserve to have healthier restaurant options in our community.

Obesity, high blood pressure and diabetes run rapid in our community and we need healthy food options as opposed to unhealthy food options. Please take the lives of Brandywine serious and reconsider better healthy food options for us.

Our community is plagued with diabetes, high cholesterol and other conditions that stem from a long history of discrimination. We need higher end restaurants that have healthy eating options. The wealth/income in this county and neighboring Charles county can support these types of restaurants.

The area is already too congested. Living in the community where the development is planned will not only decrease property value but it will cause congestion when try to get to an already overpopulated community. Cause loitering, rodents, crime, trashing of the neighborhood and greatly cause a negative impact on a quiet and secluded community.

Explanations Noted by Those Who Signed the *Brandywine Food Swamp is about to become worse* Petition

The community I choose to reside in is important to me and my family. Bringing establishments such as Taco Bell and 711 will increase the traffic and air pollution, the wooded areas will become overrun with trash, rodents, and crime. Please keep it out!!

The pandemic has highlighted racial disparities in healthcare, employment, and other areas. Our county, Prince George's County, has a large African American population and has been impacted more than any other area. We need to take action to improve the lives, health, and outcomes for our residents. Access to healthy food options is critical to this effort. Fast food establishments and convenience stores are already throughout Brandywine and these places sell fried foods and foods high in sugar, fat, and calories. We want businesses that contribute to the health of our residents, not to the development of diabetes, high blood pressure, and other conditions. Black lives matter when it comes to access to healthy food too. We deserve better in Brandywine! Cava, Panera, Sweetgreen, and other healthier places don't exist in Brandywine and should.

There are a million other options other healthy we should consider and the traffic is another issue entirely. PG County residents have been getting the short end of the stick for some time. We have to go to other counties or states for places like whole foods, Trader Joes, CAVA and other healthier option foods and groceries yet we pay the highest taxes in the state at 1.33% and we get the bottom of the barrel. It makes no sense there are enough Royale Farms and Sheets and various other forms of what 7-11 or Taco Bell offer. Bring something that actually show that the county cares about peoples health over just money and get some more road to accommodate the population.

There are space across the street. Preserve the trees and prevent trash and rodents

There is a prevalent health despairity in our community. As evidenced by COVID 19, cases in our county was high. We have to seriously show our concerns and block developers from putting unhealthy food options in our neighborhood.

There is already too much congestion in the area. We don't need additional congestion and unhealthy establishments.

There is no need for this shopping center.. We have a nice center across the st. Those stores can go over there in the open space. It will also cause more traffic. I brought my property facing the woods for the reason of having a place to relax and look out in the woods. If the center is built i will not have that luxury.

There is plenty of commercial space directly across from the community...its not necessary nor is it desired at the entrance....that intersection is dangerous enough and there is an increased safety issue where it is being proposed....across from community is the safer option

This is a disaster waiting to happen. There are so many unhealthy food options within a 15 mile radius. There's a huge disparity in our city compared to the healthier choices in other cities. There's no Trader Joe's or Whole Foods. The government always talks about healthier eating and living but they are steadily pushing these unhealthy options on us! Just say you want to kill us slowly with hypertension, diabetes etc. There are dozens of medical centers nearby just waiting for our population to slowly die! You all need to stop this madness!!!

This issue is important because all human beings regardless of economic background deserve health y food options which is lacking. There is an abundance of fast food chains that continues to be developed in our community as as a resident of this community I should not have to travel outside of my county to eat healthy. Bottom line Pg County lacks the amenities of Montgomery, Anne Arundel too name a few and our residents deserve better access than traveling out of our community.

Explanations Noted by Those Who Signed the *Brandywine Food Swamp is about to become worse* Petition

This issue is important to me because I live in the Chaddsford community and I am not happy with bringing businesses to our community that is detrimental to our health and well-being. We desire businesses that is all around good for our community.

This issue is of the utmost importance because of the well documented response to COVID-19. The health care of the community cannot improve without healthier options that can be offered and available to the younger community. Don't fill the community with junk food that may impact the future generations with foods filled with salt and sugar we have enough of that. Be the change!

Too congested! Healthy food sites are minimal. Space needs to remain green with trees. The area is too congested.

We deserve healthier food choices. Our community is affluent — with working professionals who have families. We deserve better than low-grade food.

We desperately need healthier food choices in our community. We have food chain restaurants within miles of each other: Chick-fil-A, Checkers, Sonic, KFC(which was recently remodeled) and McDonald's. Also, we have gas stations in the surrounding area as well. What is the purpose of building a Taco Bell in this community? What is the purpose of building a 7 Eleven in this community when there is one down the road? Doesn't make sense. Please think twice about this project. We will definitely welcome healthier establishments to this community.

We need a healthier option, why killing our community with fast food restaurants. There is already within 4 miles all fast food including in Brandywine crossing. Why we don't keep the those store in Brandywine crossing? Why next to all this beautiful and peaceful community? Our house values will decrease if we have stores like 7/11 or Taco Bell! Let's do better and keep our next generation a healthier and smarter. So I oppose having more fast food restaurants in our community or stores like 7/11. .

We need food that will be healthy especially with majority of the residents are african american. We are hearing constantly in the news during this pandemic and pre-existing conditions from having horrible food establishments in our neighborhoods like what's being proposed.

We need healthy food choices and organic grocery choices not fast food chains like Taco Bell. There is a Taco Bell less than 2 miles from the newly proposed location.

We the residents of Brandywine, MD deserve to have healthier food establishments, such as fresh juice bars, salad bars, Wegman's, Whole Foods, organic options, farmer's markets, etc. We are not the dumping ground for these unhealthy options that are being forced upon us!! We deserve far better in our community!!

when i purchased my new home in Chaddsford, i was only in agreement of the shopping center that opened across Rt 301. I do not wish to add further establishments to my forever home.

With the advent of COVID-19 it has been shown that the AA community suffers disproportionately mainly because of diets high in salt, sugar and fats. We need businesses that provide healthier alternatives not the status quo.

Appendix H

Google Maps Fast Food Filter



1

McDonald's
Iconic fast-food
burger & fries chain

2

Panda Express
Simple Chinese
fast-food chain

3

Pizza Hut Express
Casual pizza chain
with wide selection

4

Checkers
Fast-food chain for
burgers & shakes

5

Chick-fil-A
Fast-food chain for
chicken sandwiches

6

Costco Food Court

CarMax
Used car dealer

**Cheddar's
Scratch Kitchen**
American comfort...

Carolina Kitchen

**Xscape Theatres
Brandywine 14**

**Hanabi Japanese
Grill & Bar**

Advance Auto Parts
7-Eleven

De'Soul Cafe
Contemporary option
for Southern food

Bento Sushi

Bonefish Grill
Modern chain for
seafood & steak

Target

SunTrust

Costco Gasoline

ALDI

Chipotle Mexican Grill
Chain for
build-your-own...

Google

65

Appendix I

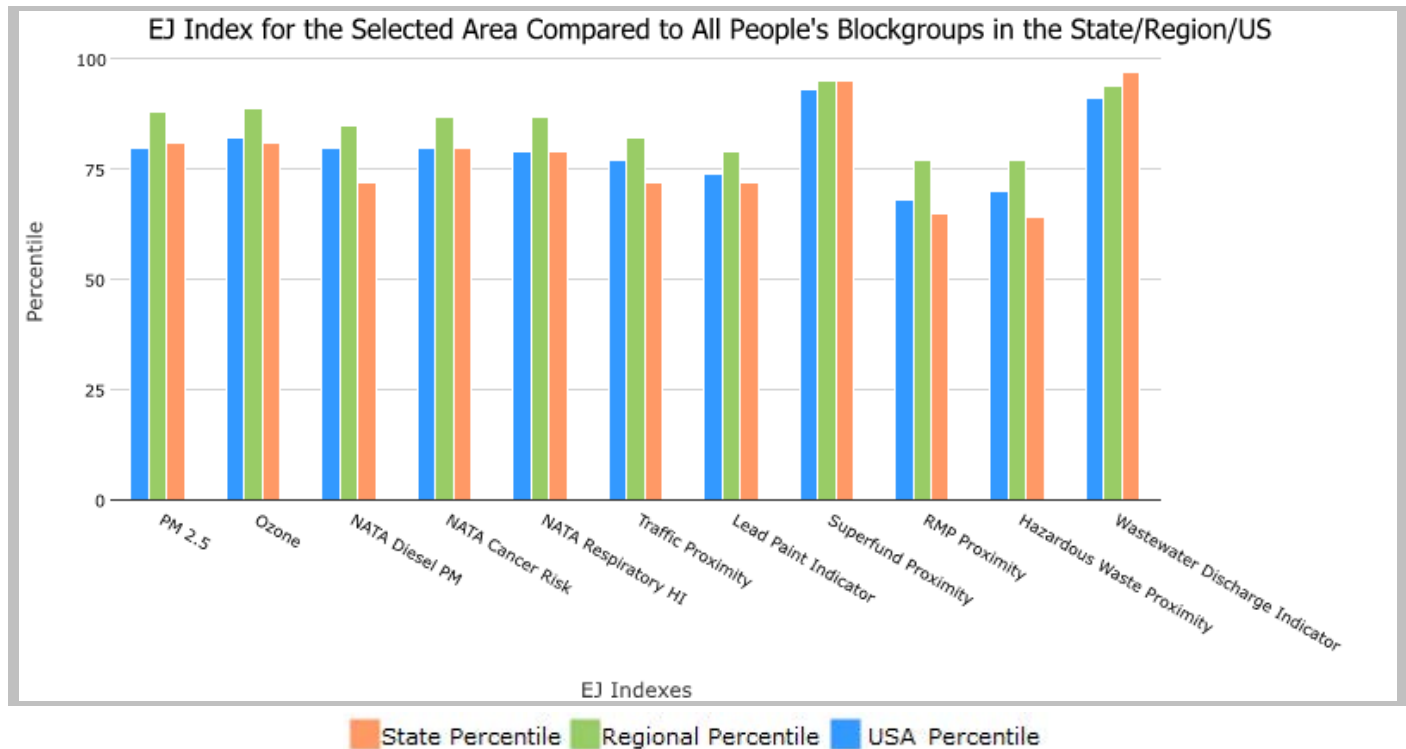
EJSCREEN Report, Brandywine, MD

City: Brandywine CDP, MARYLAND, EPA Region 3

Approximate Population: 9,347

Input Area (sq. miles): 21.11

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	81	88	80
EJ Index for Ozone	81	89	82
EJ Index for NATA* Diesel PM	72	85	80
EJ Index for NATA* Air Toxics Cancer Risk	80	87	80
EJ Index for NATA* Respiratory Hazard Index	79	87	79
EJ Index for Traffic Proximity and Volume	72	82	77
EJ Index for Lead Paint Indicator	72	79	74
EJ Index for Superfund Proximity	95	95	93
EJ Index for RMP Proximity	65	77	68
EJ Index for Hazardous Waste Proximity	64	77	70
EJ Index for Wastewater Discharge Indicator	97	94	91

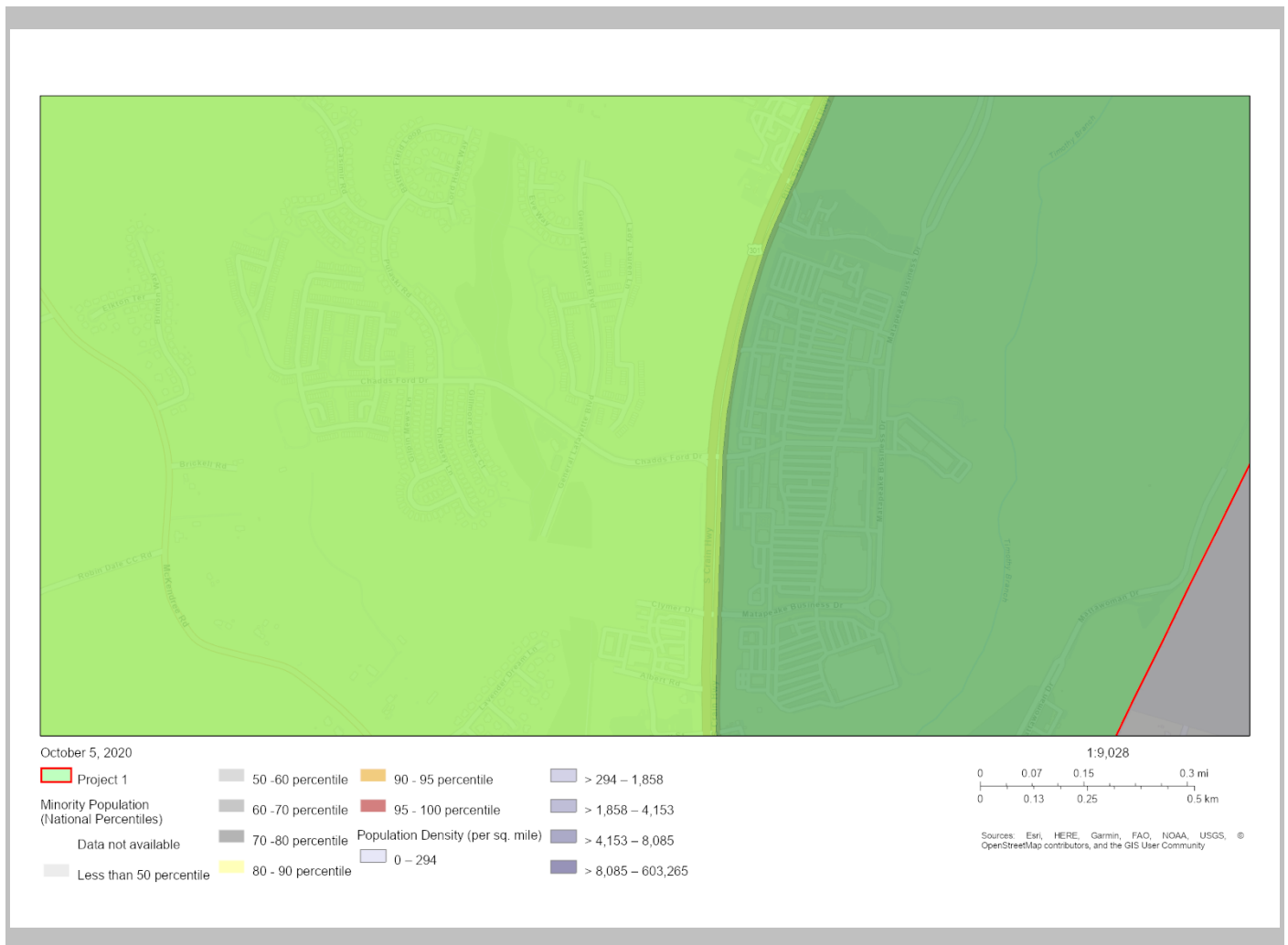


This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

City: Brandywine CDP, MARYLAND, EPA Region 3

Approximate Population: 9,347

Input Area (sq. miles): 21.11



Sites reporting to EPA	
Superfund NPL	1
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	0

EJSCREEN Report (Version 2019)



City: Brandywine CDP, MARYLAND, EPA Region 3

Approximate Population: 9,347

Input Area (sq. miles): 21.11

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	8.11	8.33	17	8.64	31	8.3	42
Ozone (ppb)	45.8	47.2	16	44.9	54	43	71
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	0.439	0.633	25	0.477	50-60th	0.479	50-60th
NATA* Cancer Risk (lifetime risk per million)	31	32	42	31	50-60th	32	<50th
NATA* Respiratory Hazard Index	0.42	0.44	38	0.4	60-70th	0.44	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	240	730	43	640	50	750	52
Lead Paint Indicator (% Pre-1960 Housing)	0.1	0.29	38	0.36	26	0.28	38
Superfund Proximity (site count/km distance)	0.35	0.13	94	0.15	91	0.13	92
RMP Proximity (facility count/km distance)	0.098	0.66	17	0.62	17	0.74	15
Hazardous Waste Proximity (facility count/km distance)	0.2	1.7	24	1.3	32	4	35
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.062	0.22	95	30	86	14	88
Demographic Indicators							
Demographic Index	47%	35%	67	30%	79	36%	70
Minority Population	82%	48%	77	32%	89	39%	85
Low Income Population	11%	23%	29	28%	20	33%	14
Linguistically Isolated Population	1%	3%	49	3%	56	4%	46
Population With Less Than High School Education	5%	10%	32	11%	28	13%	26
Population Under 5 years of age	6%	6%	58	6%	61	6%	57
Population over 64 years of age	10%	14%	35	16%	27	15%	32

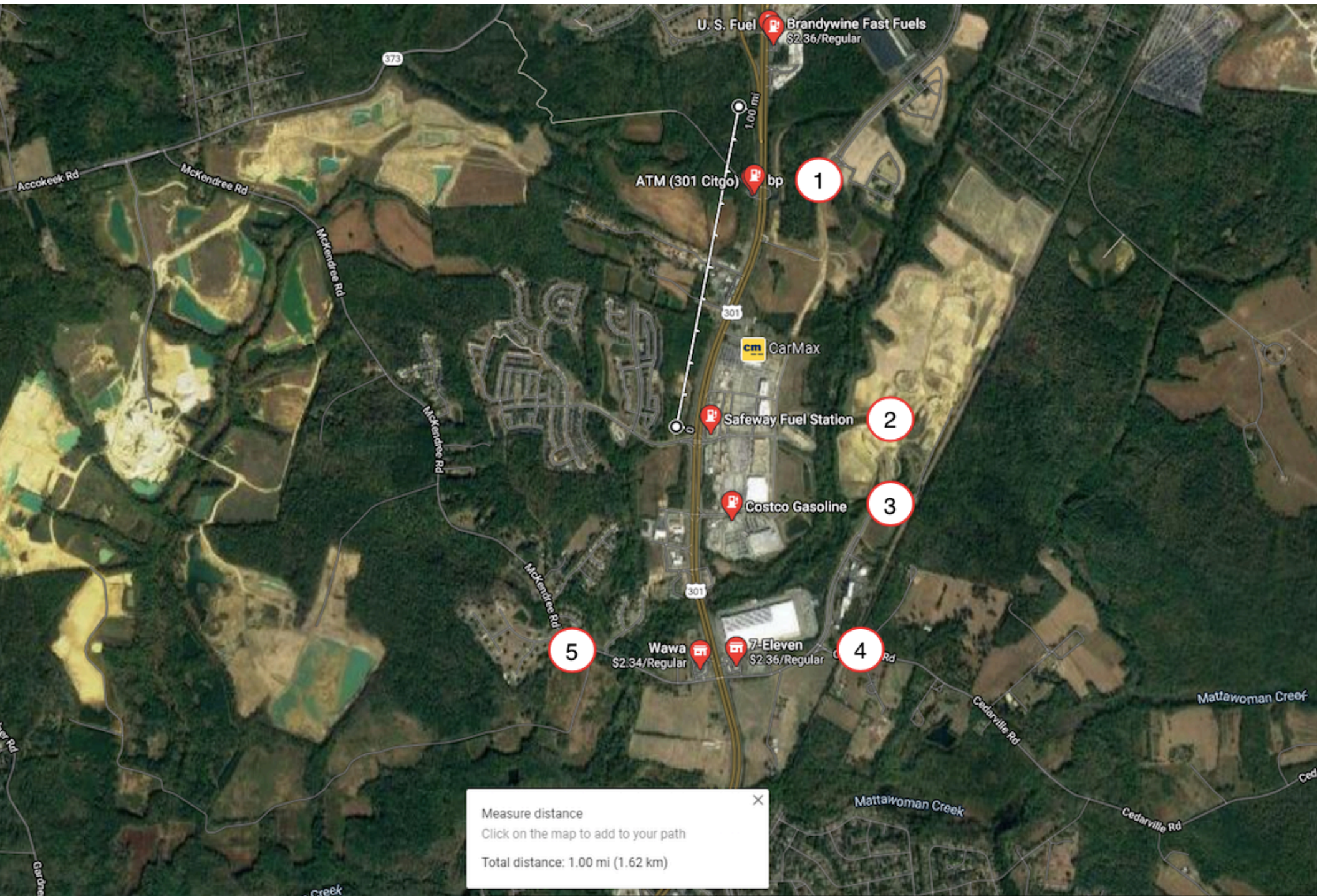
* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

Appendix J

Google Maps Image Gas Stations in 1-mile Radius



U. S. Fuel Brandywine Fast Fuels
\$2.36/Regular

ATM (301 Citgo) bp

CarMax

Safeway Fuel Station

Costco Gasoline

Wawa 7-Eleven
\$2.34/Regular \$2.36/Regular

Measure distance
Click on the map to add to your path
Total distance: 1.00 mi (1.62 km)