

RESOLUTION

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

WHEREAS, in consideration of evidence presented at a public hearing on October 25, 2018, regarding Detailed Site Plan DSP-16032-01 for SMO, Incorporated, the Planning Board finds:

1. **Request:** Modification to site improvements for a one-story, 23-foot-high, 3,400-square-foot food and beverage store, a gas station with eight multi-product dispensers, and a 2,926-square-foot car wash.

A companion Departure from Design Standards DDS-643 for a loading space to be located within 50 feet of residentially-zoned land was approved by the Planning Board on October 25, 2018.

Alternative Compliance AC-17006-01 from Section 4.6, Buffering Development from Special Roadways, of the 2010 *Prince George’s County Landscape Manual*.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zones	C-M/ M-I-O	C-M/M-I-O
Uses	Food and Beverage Store/ Service Station/Car Wash	Food and Beverage Store/ Gas Station/ Car Wash
Acreage	1.43	1.43
Parcel	2	2
Total Gross Floor Area (GFA) (Square Feet)	6,326	6,326

OTHER DEVELOPMENT DATA

Total Parking Spaces Required	30 spaces (2 ADA)
Food and Beverage Store	
3,000 GFA @ 1 space per 150 GFA	20 spaces
400 + GFA @ 1 space per 200 GFA	2 spaces
Gas Station	
2 Employees @ 1 space per Employee	2 spaces

Car Wash	
2,926 GFA @ 1 space per 500 GFA	6 spaces
Total Parking Spaces Provided	32 Spaces (3 ADA)
Regular Spaces (9.5 ft. x 19 ft.)	27 spaces
Compact Spaces (8 ft. x 16.5 ft.)	2 spaces
ADA Spaces (8 ft. x 19 ft.)	3 spaces
Loading Spaces Required	1 space
Loading Spaces Provided	1 space

- Location:** The subject site is located on the west side of Old Branch Avenue between Kirby Road and Arbutus Lane, in Planning Area 81A and Council District 9. More specifically, the property is located at 7505 and 7509 Old Branch Avenue in Clinton, Maryland.
- Surrounding Uses:** The property is currently developed with a food and beverage store, vehicle service facility, and dry cleaner and is bounded on the east side by the public right-of-way of Old Branch Avenue, a designated historic road, and beyond by a vacant building in the Commercial Miscellaneous (C-M) Zone. To the west is a vacant One-Family Detached Residential (R-80) zoned property. The site is bounded to the north by the public right-of-way of Kirby Road, with a bank in the C-M Zone beyond, and to the south by the public right-of-way of Arbutus Lane, with a food and beverage store in the C-M Zone beyond.
- Previous Approvals:** The subject property is a part of the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (Central Branch Avenue Corridor Sector Plan), which retained the site in the C-M Zone. The site was developed with a gas station and retail uses in the 1960s. The site also has a Stormwater Management (SWM) Concept Plan (37816-2016-00), which was approved on March 1, 2017 and is valid through March 1, 2020.

Detailed Site Plan DSP-16032 (PGCPB Resolution No. 17-95), in conjunction with Alternative Compliance AC-17006, was approved by the Planning Board on June 29, 2017 with two conditions. The conditions imposed with the original DSP have been satisfied with this revision to the previously approved DSP.

Departure from Sign Design Standards DSDS-691 (PGCPB Resolution No. 17-96) was approved by the Planning Board on June 29, 2017 with no conditions attached. The DSDS for the car wash freestanding signage, where the main building is located less than 40 feet behind the front street line, remains valid with this application.

- Design Features:** The subject application does not propose any major changes to the design features, such as architecture, signage, and lighting, approved with the original DSP. More specifically, the subject modifications include the following:

- (1) The previously approved island abutting the entrance of the proposed car wash has been reduced from a three-foot-wide radius to a one-foot-wide radius, allowing for a wider access point to the car wash's entrance.
- (2) The previously approved car wash exit lane was increased from 15 feet to 20 feet, allowing for a wider exit from the proposed car wash.
- (3) A reduction in the provided landscape buffer width along Old Branch Avenue, resulting from the widening of the car wash exit lane, necessitating an amendment to AC-17006.
- (4) A relocation of the proposed loading space closer to the residentially-zoned property adjacent to the west, resulting in the need for DDS-643.

The subject site is roughly rectangular in shape, with the west side adjacent to vacant residentially-zoned property. The site fronts on Kirby Road to the north with one proposed vehicular access point, Old Branch Avenue to the east with a second vehicular access point, and Arbutus Lane to the south with a third vehicular access point, which will be 'exit-only.'

The DSP, as previously approved, proposes a one-story, 23-foot-high, 3,400-square-foot food and beverage store, located along the northwestern edge of the property and facing east. Two surface parking areas are located along the east and north sides of the building, with a loading space and trash enclosure along the south side. The applicant also proposes a gas station with eight multi-product dispensers under an 18-foot-high canopy located to the east of the food and beverage store. Finally, the DSP, as previously approved proposes a 2,926-square-foot, approximately 26-foot-high car wash along the southern edge of the property. Parking is provided along the north side of the car wash with self-serve vacuum cleaners. Adequate handicapped parking has been provided for the project. Stormwater management is being accommodated by on-site underground storage and treatment.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application was previously fully reviewed for compliance with the requirements of the C-M Zone, Military Installation Overlay Zone (M-I-O) and the site plan design guidelines of the Zoning Ordinance in the original approved Detailed Site Plan (DSP-16032) (PGCPB Resolution No. 17-95), incorporated herein by reference. The specific modifications in this DSP amendment do not modify the previous findings.
8. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This project is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site contains less than 10,000 acres of woodland and does not have a previously approved tree conservation plan. A Natural Resources Inventory (NRI) Equivalence Letter, NRI-088-2016, approved on April 14, 2016 was submitted with the review package. The NRI shows no regulated environmental features or woodlands on the

subject property. The subject site was issued a Woodland Conservation Exemption Letter (S-057-2018) on April 11, 2018 which has an expiration date of April 11, 2020.

9. **2010 Prince George’s County Landscape Manual Requirements:** The site plan is subject to the following sections of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual): Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.6(c)(2), Buffering Development from Special Roadways; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements. Conformance with these sections was found in the approval of DSP-16032 and is not being modified with this amendment, except relative to Section 4.6(c)(2) for which the applicant has requested an amendment to the previously approved Alternative Compliance, AC-17006.

Alternative Compliance AC-17006 was previously approved by the Planning Board on June 29, 2017, in conjunction with Detailed Site Plan DSP-16032. That application granted approval of alternative compliance from Section 4.2, Landscape Strips along Streets, along Arbutus Lane; Section 4.6(c)(2), Buffering Residential Development from Special Roadways, along Old Branch Avenue; and Section 4.7, Buffering Incompatible Uses, along the western property line. The applicant has filed this request for a revision to the Alternative Compliance from Section 4.6(c)(2), Buffering Development from Special Roadways along Old Branch Avenue, a designated historic roadway, for a further reduction in the required buffer width.

Section 4.6, Buffering Development from Special Roadways

REQUIRED: Section 4.6 (c)(2) Buffering Development from Special Roadways, along Old Branch Avenue, a designated historic roadway

Length of buffer:	308 feet
Minimum buffer width:	20 feet
Plant Units (80 per 100 linear feet):	247

PROVIDED: Section 4.6(c) Buffering Development from Special Roadways, along Ritchie Marlboro Road, a designated historic roadway

Length of buffer:	308 feet
Buffer width:	Varied from 5–28 feet
Plant Units:	165

The applicant does not meet the requirements of Section 4.6(c)(2), Buffering Development from Special Roadways, along a 175.9-foot portion (57.1 percent) of the 308-foot frontage on the historic Old Branch Avenue because the full required buffer width has not been provided and a reduced number of plant units are provided. Section 4.6(c)(2)(A)(ii) of the Landscape Manual for development along historic roads in the Developing Tier requires the applicant to provide a minimum twenty-foot-wide buffer to be planted with a minimum of 80 plant units per 100

linear feet, which equals a total of 247 plant units for the subject property. The applicant is proposing a buffer with a varied width from 5 to 28 feet for a 175.9-foot portion of the buffer and only 165 plant units. In addition, the applicant also provides a three-foot-high brick wall along the frontage.

The original AC-17006, in relation to the Section 4.6 requirements, was approved for a varied buffer of 13–28 feet and 158 plant units, with a three-foot-high brick wall along the frontage. However, now the applicant has requested a reduction of the buffer to a varied width of 5–28 feet and 165 plant units, with a three-foot-high wall along the frontage. The additional reduction is necessary due to the need to reconfigure the curve of the car wash exit driveway to ensure safe vehicular circulation. This modified proposal promotes better visibility and improves overall safety for drivers as they exit the car wash in relation to the previously approved request.

One of the purposes of Section 4.6 is to “Provide an attractive view of development from streets and special roadways by buffering those developments with appropriate landscaping.” The Planning Director finds that the provision of the decorative brick wall, in addition to the additional plant materials proposed, will be equally effective as normal compliance with Section 4.6 of the Landscape Manual.

In conclusion, the Planning Director finds the request for approval of Alternative Compliance is justified for this redevelopment proposal in an older community due to the space limitation of the site in accordance with Section 1.3(a)(2) of the Landscape Manual.

The Planning Board concurs with the Planning Director’s conclusions and approves Alternative Compliance, AC-17006-01, SMO, Incorporated, 7509 Old Branch Avenue, from Section 4.6(c)(2), Buffering Residential Development from Special Roadways, of the 2010 *Prince George’s County Landscape Manual*, along Old Branch Avenue.

10. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a building and/or grading permit for more than 5,000 square feet of disturbance. Properties that are zoned C-M are required to provide a minimum of ten percent of the gross tract area covered in tree canopy. The subject property is approximately 1.56 acres in size, resulting in a TCC requirement of 0.156 acre, or 6,795.36 square feet. The provided tree canopy schedule indicates that this requirement is being met through the proposed landscaping on-site.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**—The Planning Board incorporated herein by reference a memorandum dated July 19, 2018 (Lester to Cannady II) that included comments relative to the General Plan and Master Plan that are adopted herein by reference. However, Master Plan conformance is not required for this application.
- b. **Transportation Planning**— The Planning Board incorporated herein by reference a memorandum dated July 30, 2018 (Masog to Cannady II), which provided the following comments on the DSP:

The property is located in an area where the development policies are governed by the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan*, as well as the 2009 *Approved Countywide Master Plan of Transportation* (MPOT). The plan recommends Old Branch Avenue and Kirby Road to be upgraded to collector roads. Old Branch Avenue (four lanes) is currently at its planned cross section and no further widening is likely. Kirby Road is currently two lanes and no permanent structures are being proposed within the master planned 80-foot right-of-way. The applicant has provided a turning radius diagram for trucks circulating within the site. Based on this diagram, the Planning Board found that trucks can safely maneuver within the site. There are no previous transportation conditions associated with the site.

Overall, from the standpoint of transportation, the Planning Board found that this plan is acceptable and meets the finding required for a detailed site plan as described in the Zoning Ordinance.

- c. **Subdivision Review**—The Planning Board incorporated herein by reference a memorandum dated August 9, 2018 (Onyebuchi to Cannady II), which stated that the site is exempt from the requirement of filing a resubdivision pursuant to Section 24-111(c)(4). A building permit for the approved structures was issued on January 12, 2018 (CGU-52716-2017) and two raze permits were issued subsequently on April 24, 2018 (RZW-19231-2018 & 19652-2018). Because the building permit was filed and issued prior to the raze permits, the site remains exempt from the requirement of filing a resubdivision.
- d. **Trails**—The Planning Board incorporated herein by reference a memorandum dated August 1, 2018 (Shaffer to Cannady II), which provided an analysis regarding the site plan's conformance with the with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements.

The submitted site plan reflects sidewalk construction along the site's frontages of both Old Branch Avenue and Kirby Road. Per earlier discussions with the applicant, a standard sidewalk along Arbutus Lane and bicycle parking have been added to the revised plan. A sidewalk connection is provided from the public right-of-way along Kirby Road to the

entrance to the food and beverage store. Other than the provision of bicycle signage along Kirby Road per the master plan recommendation, no additional bicycle and pedestrian recommendations are necessary. This issue was addressed through a condition of the previous approval, which remains valid with this subject project.

- e. **Permit Review**—There are no permit-related comments for the proposed amendment.
 - f. **Environmental Planning**—The Planning Board incorporated herein by reference a memorandum dated August 28, 2018 (Schneider to Cannady II), which reviewed the subject application and found it to be in conformance with applicable requirements.
 - g. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**— DPIE did not provide comments on the subject application.
 - h. **Historic Preservation Section**—The Planning Board incorporated herein by reference a memorandum dated July 17, 2018 (Stabler to Cannady II), which provided an analysis of the application and indicated that there are no issues.
 - i. **Prince George’s County Police Department**—The Police Department did not provide comments on the subject application.
 - j. **Prince George’s County Health Department**—The Health Department did not provide comments on the subject application.
 - k. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not provide comments on the subject application.
 - l. **Maryland State Highway Administration (SHA)**—SHA did not provide comments on the subject application.
12. Based on the foregoing, and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP as approved with conditions, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
13. As required by Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a DSP is as follows:
- The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The approved NRI equivalency letter indicates that there are no regulated environmental features or woodlands on the subject property. Therefore, this requirement is not applicable to the subject property.

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 Alternative Compliance AC-17006-01, and further APPROVED Detailed Site Plan DSP-16032-01 for the above described land, subject to the following conditions:

1. Prior to certificate of approval of the detailed site plan (DSP), the following revisions shall be made, or information shall be provided:
 - a. Replace the four-foot-high chain-link fence, which is to be removed, with a six-foot-high, sight-tight, composite fence.
 - b. Revise the plans to indicate the square footage/area and dedication of land for public use along Kirby Road and Old Branch Avenue.
 - c. Remove the proposed trees out of the ultimate right-of-way along all frontages.
 - d. Remove the "Loading Zone Parking" from the proposed parking summary, recalculating the total number of proposed parking spaces.

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.

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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 Doerner, with Commissioners Washington, Doerner, Geraldo, and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, October 25, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of November 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:RC:gh