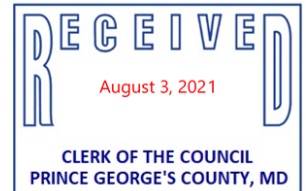


August 3, 2021



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

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

Dear Applicant:

This is to advise you that, on **July 29, 2021**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

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

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

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

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

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Adam Bossi
Reviewer

Attachment: PGCPB Resolution No. **2021-21(A)**

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

PGCPB No. 2021-21(A)

File No. DSP-20029

A M E N D E D R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on February 4, 2021, regarding Detailed Site Plan DSP-20029 for Behnke Property 7-Eleven, the Planning Board ~~finds~~ approved DSP-20029 and thereafter adopted PGCPB Resolution No. 2021-21 on March 4, 2021, formalizing the approval; and

*WHEREAS, on April 7, 2021, the District Council elected to review the Planning Board’s approval of DSP-20029 and thereafter held oral arguments on the case on May 10, 2021 and voted to remand it to the Planning Board on May 24, 2021 to reopen the record and take further testimony or evidence on eight specific issues; and

*WHEREAS, in consideration of the written evidence and testimony presented by the applicant at a public hearing on July 22, 2021, regarding the remand of Detailed Site Plan DSP-20029 Behnke Property 7-Eleven, the Planning Board finds:

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

2. **Development Data Summary:**

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

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

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

OTHER DEVELOPMENT DATA

Parking Spaces

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

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

Loading Spaces

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

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

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

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

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

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

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

Architecture

The proposed 4,500-square-foot food and beverage store is a single-story, rectangular-shaped structure, with a roof height of approximately 19 feet with a 2-foot-high parapet on portions of the northern, southern, and eastern façades. The eastern façade of the building includes its main entrance and faces toward the gas station canopy. Appropriate fenestration is provided on the front façade, with spandrel glass shown on the northern and southern façades on the building. Canopies are provided along portions of each façade and above the building entrance.

Exterior insulation finishing system and stone veneer in lighter tones of brown, typical of 7-Eleven branded buildings, will clad the building. Decorative metal coping in a complimentary color is shown capping the parapets. Vertical elements visually anchor the building's corners and add prominence to its main entrance.

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

Signage

A comprehensive signage program is provided that includes freestanding, canopy-mounted, and building-mounted signs for the proposed gas station and food and beverage store. Signage shown is typical for the 7-Eleven brand and proposed uses. There are clarifications and corrections needed to the signage program to ensure conformance with the requirements of Part 12 of the Zoning Ordinance. Area calculations for all proposed signage needs to be provided with the signage table to verify conformance with the requirements of Section 27-613(c) and Section 27-614(c) of the Zoning Ordinance. A condition has been included for sign area calculations to be provided. A single 25-foot-high freestanding advertisement and fuel pricing sign is provided, as are two freestanding directional signs. The property is only permitted one freestanding sign with commercial copy or advertising information based on the street frontage length. Therefore, a condition has been included to revise the two freestanding directional signs to eliminate all advertising information or to remove the two freestanding directional signs altogether to conform with Section 27-614(d). The applicant has elected to revise the two freestanding directional signs to remove all advertising information and has provided an exhibit showing the revised freestanding directional signs compared to the previously proposed freestanding directional signs. In addition, Section 27-594(a)(1) requires that one gasoline price sign be located at each entrance to the station. This DSP provides a single gasoline price sign at the northwest corner of the property, adjacent to the intersection of Howard Avenue and US 1. Given that the sign will be prominently located, approximately equidistant from each site entrance and highly visible from each entrance to the site, the Planning Board finds that the single gasoline price sign will adequately serve both site entrances.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the C-M Zone of the Zoning Ordinance:
 - a. In accordance with the commercial use table in Section 27-461(b) of the Zoning Ordinance, a food and beverage store, in combination with a gas station, is a permitted use subject to DSP review unless the gas station requires a special exception. In this case, a special exception is not required, as a gas station is a permitted use in the C-M Zone,

subject to DSP review, in accordance with Section 27-358(a)(1), (2), (4), (5), (6), (7), (8), (9), and (10) of the Zoning Ordinance, as follows:

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

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

The subject property has approximately 300 feet of frontage on US 1, which has a variable width right-of-way. The existing right-of-way adjacent to the site has a minimum existing width of approximately 86 feet. The right-of-way width is proposed to be expanded to a minimum of approximately 113.5 feet, with the right-of-way dedication included in this DSP.

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

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

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

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

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

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

(6) Access driveways shall be defined by curbing;

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

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

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

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

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

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

No vehicle repair service is proposed by this DSP.

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

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

- b. The DSP is in conformance with the applicable site design guidelines contained in Section 27-274 of the Zoning Ordinance, as cross-referenced in Section 27-283 of the Zoning Ordinance. For example, adequate illumination is provided, the parking spaces are located close to the use they serve, and the architecture proposed for the building employs a variety of architectural features and designs, such decorative coping, colors, and materials.
8. **Preliminary Plan of Subdivision 4-85102:** The Planning Board approved PPS 4-85102 on July 25, 1985 (PGCPB Resolution No. 85-363), subject to one modification and two conditions that are relevant to the review of this DSP and discussed, as follows:

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plat of Subdivision 4-85102 with the following modifications:

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

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

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

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

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

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

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

- 9. 2010 Prince George's County Landscape Manual:** Development proposed by this DSP is subject to Section 4.2, Requirements for Landscape Strips Along Streets (US 1 and Howard Avenue); Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscaping Requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The Planning Board finds that conformance with the applicable requirements of the Landscape Manual has been demonstrated. In general, planting requirements have been slightly exceeded.
- 10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site has been issued a standard letter of exemption from the Woodland and Wildlife Habitat Conservation Ordinance (S-084-2020), which expires on June 16, 2022, because the site contains less than 10,000 square feet of woodland.
- 11. Prince George's County Tree Canopy Coverage Ordinance:** Section 25-128, Tree Canopy Coverage Requirements, requires properties in the C-M Zone to provide a minimum tree canopy coverage (TCC) of 10 percent. The 1.64-acre subject site is required to provide 0.16 acre (6,969 square feet) in TCC. Through the subject DSP, the applicant has shown that approximately 0.19 acre (8,300 square feet) of TCC will be provided, satisfying this requirement.
- 12. Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows, and are incorporated herein by reference:
- a. **Community Planning**—The Planning Board adopts, herein by reference, a memorandum dated December 12, 2020 (Tariq to Bossi), which notes that pursuant to Part 3, Division 9, Subdivision 3, of the Zoning Ordinance, master plan conformance is not required for this application.
 - b. **Transportation Planning**—The Planning Board adopts, herein by reference, a memorandum dated January 5, 2021 (Hancock to Bossi), which notes that PPS 4-85102 included a trip cap of 53 AM and 153 PM peak-hour trips (assuming a 40 percent pass-by for the use). The proposed food and beverage store development will generate approximately 45 AM and 38 PM peak-hour trips using a pass-by trip reduction rate of 76 percent. This proposal creates no specific issues that trigger additional discussion of the general DSP requirements or the related site design guidelines. There are two access points for this development, one full movement access is on Howard Avenue and the other is on US 1 at the easement, which provides a right-in and right-out access. The Planning Board finds that the on-site circulation of this plan is acceptable.

- c. **Trails**—The Planning Board adopts, herein by reference, a memorandum dated January 4, 2021 (Ryan to Bossi), which notes that sidewalks are provided, with a 10-foot-wide sidewalk along the property’s frontage of US 1, a 5-foot-wide sidewalk along the property’s frontage of Howard Avenue, and a 5-foot-wide sidewalk along the west side of the access easement. An internal walkway between the access easement and the store is provided, as well as a sidewalk surrounding the store. A crosswalk located between the Howard Avenue entrance and the northeast portion of the building is also shown. An additional crosswalk located between the walkway originating on the access easement and the building has also been provided. Two additional crosswalks are needed, one at each driveway entrance to the site and are conditioned to be provided herein. Three bicycle racks are located adjacent to the north side of the building. This development case is subject to the 2009 *Approved Countywide Master Plan of Transportation*, and the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion I (Planning Areas 60, 61, 62, and 64)* which recommends bicycle lanes and a side path along US 1 at this location. The 10-foot-wide sidewalk, to be provided along US 1, is consistent with the side path recommendation. Bicycle lanes are not shown on the DSP, but SHA can require their construction, or install the lanes themselves as part of a future project. The Planning Board finds that the pedestrian and bicyclist circulation on the site to be safe, efficient, and convenient, pursuant to Sections 27-283 and 27-274(a). The DSP is acceptable from the standpoint of pedestrian and bicycle transportation planning, as conditioned herein.
- d. **Permits**—The Planning Board adopts, herein by reference, a memorandum dated January 5, 2021 (Bartlett to Bossi), that identifies minor technical corrections to be made to the DSP, which are conditioned herein as appropriate.
- e. **Environmental Planning**—The Planning Board adopts, herein by reference, a memorandum dated December 23, 2020 (Juba to Bossi), which notes that the site has a Natural Resources Inventory (NRI-022-2017) which was approved on October 24, 2019. The site also has a valid SWM Concept Plan, 1911-2018-01, issued on December 6, 2019. The stormwater concept design for the site is not consistent with the DSP but will be addressed by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) at the time of final stormwater plan design.
- f. **Subdivision**—The Planning Board adopts, herein by reference, a memorandum dated January 4, 2021 (Diaz-Campbell to Bossi), which notes the subject property is known as Parcel 2 of Beltsville, Section 2, recorded on a Plat of Correction in Plat Book ME 255, page 31 in October 2020. The southern portion of the property is subject to 4-85102, which was approved on July 25, 1985 (PGCPB Resolution No. 85-363). The development proposed on the southern part of the property, inclusive of approximately half of the food and beverage store (±2,271.40 square feet of commercial floor area) will use a portion of the entitlement approved under 4-85102. The PPS approved the floor area of the then-existing garden nursery, a commercial use, which is known to have been at least 36,710 square feet. Traffic generated by the southern part of the proposed project

must remain within the limit associated with the prior garden nursery use, which was established with the PPS. The remaining portion of the development proposed on the northern part of the property ($\pm 2,228.60$ square feet of commercial floor area) is exempt from filing a new PPS under Section 24-111(c)(3) of the Subdivision Regulations. Though the northern part of the property was originally platted prior to 1970 (see Plat Book JWB 5, page 495), less than 5,000 square feet of new development is proposed. Because the development on the northern part of the property is exempt, and the southern part is within the entitlement of 4-85102, no new PPS is required for this project. In addition, in order to plat the proposed public road dedication and public utility easements shown on the DSP, a new final plat will be needed prior to permitting.

- g. **Historic Preservation**—The Planning Board adopts, herein by reference, a memorandum dated December 3, 2020 (Smith and Stabler to Bossi), which states that the subject property does not contain, and is not adjacent to, any designated historic sites or resources.
- h. **Prince George’s County Fire Department**—The Fire Department did not offer comments on the subject application.
- i. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopts, herein by reference, a memorandum dated December 14, 2020 (Giles to Bossi), in which DPIE noted that the applicant should provide separate left and right turn lanes on the eastbound approach of Howard Avenue at US 1, and that final SWM plans will be needed prior to issuance of final development permits. DPIE noted no objection to the approval of the DSP.
- j. **Prince George’s County Police Department**—The Police Department did not offer comments on the subject application.
- k. **Prince George’s County Health Department**—The Health Department did not offer comments on the subject application.
- l. **Maryland State Highway Association (SHA)**—The Planning Board adopts, herein by reference, an email dated November 20, 2020 (Woodroffe to Bossi), in which SHA noted access permit plans associated with the proposed development are under review. An accompanying letter dated October 8, 2020 (Rigby to Clement) included SHA’s earlier review comments.
- m. **Washington Suburban Sanitary Commission (WSSC)**—The Planning Board adopts, herein by reference, a memorandum and site plan comments dated December 10, 2020, in which WSSC provided standard comments on the project’s conceptual water and sewer plan that will require attention through WSSC’s permitting processes.

12. Based on the foregoing and as required by Section 27-285(b) of the Zoning Ordinance, the DSP, if revised as conditioned herein, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code, without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

13. Section 27-285(b)(4) provides the following required finding for approval of a DSP:

(4) The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

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

*14. **Remand Findings:** The Order of Remand was mailed out to all parties of record on May 27, 2021. Within the Order of Remand, the District Council ordered the Planning Board to reopen the record and take further testimony or evidence on eight specific issues. Upon consideration of all testimony and evidence presented at the remand hearing, the Planning Board finds that its approval of DSP-20029 on February 4, 2021, as formalized in PGCPB Resolution No. 2021-21 adopted on March 4, 2021, met all requirements of law.

The Planning Board also makes the following additional findings and conclusions with respect to the eight issues that were the subject of the remand:

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

In evaluating an application for a DSP, the Planning Board may consider the “purposes” set forth in various sections of the Zoning Ordinance under certain circumstances; however, neither the Zoning Ordinance nor case law requires it to do so.

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

Instead, proposals for land use contained in a plan constitute a non-binding advisory recommendation, unless a relevant ordinance or regulation, or specific zoning, subdivision, or other land use approval, make compliance with the plan recommendations mandatory Here, at this stage of development approvals—that is, a DSP—there is no law, regulation, or approval that makes compliance with either Plan 2035 or the Subregion I Master Plan mandatory.

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

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

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

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

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

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

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

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

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

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

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

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

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

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

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

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Detailed Site Plan DSP-20029 for the above described land, subject to the following conditions:

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

*Denotes Amendment

Underlining indicates new language

[Brackets] and ~~strikethrough~~ indicate deleted language

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

* * * * *

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

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

*This is to certify that the foregoing is a true and correct copy of the remand 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, Bailey, Geraldo and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 22, 2021, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the remand action taken does not extend the validity period.

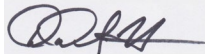
Adopted by the Prince George's County Planning Board this 29th day of July 2021.

Elizabeth M. Hewlett
Chairman

Jessica Jones
By Jessica Jones
Planning Board Administrator

EMH:JJ:AB:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: July 28, 2021

*Denotes Amendment
Underlining indicates new language
[Brackets] and ~~strikethrough~~ indicate deleted language