



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

September 16, 2024

## **INTRA-OFFICE MEMORANDUM**

TO: Sherri K. Conner, Acting Division Chief  
Development Review Division  
Maryland-National Capital Park and Planning Commission  
*[Signature]*

FROM: Donna J. Brown  
Clerk of the Council

RE: **DSP-19031-02 Popeyes**  
**Three Roads Corner, LLC, Applicant**

The District Council voted to remand the above referenced case to the Planning Board on September 9, 2024 for review of specific issues stated in the Order of Remand.

Attached is a copy of the Order of Remand along with a link to the entire case file. If you have any questions, please contact me. Thank you.

Attachments

cc: Abdullah H. Hijazi, Esq., Attorney for the Applicant  
Raj Kumar, Principal Counsel to the District Council  
Karen T. Zavakos, Acting Associate Council Administrator  
Stan Brown, People's Zoning Counsel  
David Warner, Principal Counsel, M-NCPPC  
Cheryl Summerlin, Supervisor, M-NCPPC

**Wayne K. Curry Administration Building  
11301 McCormick Drive Largo, MD 20774**



## NOTICE OF PUBLIC HEARING

Application Number: **DSP-19031-02 (TCP-026-2018-02)(AC-24001)**

Application Name: **Three Roads Corner Popeyes Restaurant**

Date and time of Planning Board hearing: **Thursday, November 7, 2024 @ 10:00 a.m.**

Description of Request: **CONSTRUCTION OF A 3,400 SQUARE FOOT EATING AND DRINKING ESTABLISHMENT WITH A DRIVE THROUGH.**

Address or Location: **13709 Old Brandywine Road**

This Notice of Public Hearing is sent to you, a registered **person of record (or a register civic association or municipality) for the subject application.**

This Notice also provides information about Planning Board procedures. A technical staff report (TSR), with a recommendation to the Planning Board (Board), will be prepared by the assigned reviewer and published to the Planning Department's website within one to two weeks prior to the scheduled hearing date (noted above). Technical staff reports may be viewed online and printed. Within three weeks of the Board's hearing and decision, a formal resolution will be adopted by the Board and published on the website for viewing and printing. If you have any questions about the process, please contact the Development Review Division at 301-952-3530.

All Planning Board hearings are scheduled to begin at 10:00 a.m. The hearings are held on the first floor in the Council Hearing Room at the County Administration Building located at 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20774.

The order of the agenda items is for the convenience of the Planning Board and is subject to change without notice. Items for which speakers are signed up will generally be heard first. The Planning Board encourages the participation of all individuals to include those with special needs; advanced notice is encouraged. For special needs assistance, please call 301-952-3560, TTY 301-952-3796. If you wish to receive the Planning Board Agenda and other published reports by e-mail, please sign up at [http://www.pgplanning.org/Planning\\_Board/Agenda\\_Subscribe.htm](http://www.pgplanning.org/Planning_Board/Agenda_Subscribe.htm) and be sure to visit [www.pgplanning.org](http://www.pgplanning.org) for the latest information on all Department projects.

**Attention:** Due to COVID 19, Planning Board meetings are held virtually and may be viewed <http://mncppc.iqm2.com/Citizens/Default.aspx> . IF you wish to speak at the public hearing, registration must be received by 10:00 a.m. on Wednesday before the meeting; please register <http://pgplanningboard.org/883/Watch-Meetings> .



## SIGN POSTING INFORMATION

Application Number: **DSP-19031-02 (TCP2-026-2018-02) (AC-24001)**

Application Name: **Three Roads Corner Popeyes Restaurant**

Date sign(s) were transmitted to applicant or applicant’s agent: 10/8/2024

Number of signs transmitted: **1 single-sided sign and 2 double-sided signs (5 total)**

Person to whom signs were transmitted: LANI BARBITTA (Print)  
**Understands the sign posting affidavit must be emailed to [PGCReferrals@ppd.mncppc.org](mailto:PGCReferrals@ppd.mncppc.org) with subject: Case Number-Name “Posting Affidavit”**

LANI BARBITTA (Signature)

Capacity in which that person was acting: AGENT  
(owner, applicant, agent)

Date & Time of scheduled PB HEARING: **Thursday, November 7, 2024 @ 10:00 a.m.**

Last date sign(s) can be posted: **BY MIDNIGHT ON TUESDAY OCTOBER 8, 2024**

## SIGN POSTING AFFIDAVIT

I, LANI BARBITTA, hereby certify that the subject property was posted with  
(print or type name)

5 sign(s) on 10/8/2024.  
(specify number) (date)

It came to our attention that signs posted 10/8/24 had the wrong language on it. Signs were reordered 10/23/24 and reposted 10/26/2024.

☒ I further certify that the signs were inspected on 10/18/2024 (7 to 15 days after site was posted) and were maintained in a reasonable manner.

Signature: LANI BARBITTA

**DO NOT SUBMIT THIS AFFIDAVIT UNTIL THE SITE HAS BEEN INSPECTED.**

Application Number: DSP-19031-02 (TCP2-026-2018-02) (AC-24001)

Application Name: Three Roads Corner Popeyes Restaurant

JOHN LAWALL / 301-809-4500

Contact Person & Telephone: \_\_\_\_\_

BOHLER

Company Name & Address: 16701 MELFORD BLVD STE 430; BOWIE MD 20715

Capacity in which you are acting: AGENT  
(owner, applicant, agent)

**Note:** Attach legible, close up photograph(s) showing sign(s) in place and at least one additional photograph from a distance sufficient to show physical improvements or natural characteristics to identify the subject property.

**Return this affidavit and photographs saved as one PDF and emailed to PGCReferrals@ppd.mncppc.org Subject: CaseNo-CaseName and "Posting Affidavit" not later than 14 days prior to the Planning Board hearing date.**

\*

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\*

\*



Planning Board case: DSP-19031-02, TCP-026-2018-02 (AC-24001)

Reviewer: David Myerholtz      Date: 11/7/2024      Time: 10:00 AM

*1 single-sided sign (Yellow) and 2 double-sided signs (Blue) =5 signs total*

CB-15-2024

Any posted notice signs shall have a minimum ground clearance of three feet from the bottom of the sign. There shall be one sign posted for each [1,000] 500 feet, or fraction thereof.



Address: 13709 Old Brandywine Road; Brandywine MD 20613



DSP-19031-02 (TCP-026-201802) (AC-24001)  
THREE ROADS CORNER POPEYES RESTAURANT  
POSTED 10/8/2024

PHOTO 1 – SIGN 1





DSP-19031-02 (TCP-026-201802) (AC-24001)  
THREE ROADS CORNER POPEYES RESTAURANT  
POSTED 10/8/2024

PHOTO 2 – SIGN 1





DSP-19031-02 (TCP-026-201802) (AC-24001)  
THREE ROADS CORNER POPEYES RESTAURANT  
POSTED 10/8/2024

PHOTO 1 – SIGN 2





DSP-19031-02 (TCP-026-201802) (AC-24001)  
THREE ROADS CORNER POPEYES RESTAURANT  
POSTED 10/8/2024

PHOTO 2 – SIGN 2





DSP-19031-02 (TCP-026-201802) (AC-24001)  
THREE ROADS CORNER POPEYES RESTAURANT  
POSTED 10/8/2024

PHOTO 1 – SIGN 3







M-NCPPC  
Prince George's County  
**Planning Department**

**PLANNING BOARD**

# HEARING

**Zone:**

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**Acres:**

---

**Application No:**

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## Proposed Development

**Property Description:**

**Applicant Contact**

Name:

Phone:

Email:

## REMAND

### Planning Board Hearing Information

(Date)

(Time)

(Location)

#### Become a Party of Record

To become a party of record submit your request online at  
<https://pplan.org/record> or by mail to:

Prince George's County Planning Department  
Development Review Division  
1616 McCormick Drive  
Upper Marlboro, MD 20774

Any member of the public is welcome to attend the public hearing  
and speak either in support or opposition to the public hearing.

**For more information about this project  
or to share comments:**

# 240-545-8976

**or email PGCPB@mncppc.org**

#### For more information:

**Case Information:** <https://www.mncppcapps.org/planning/damsweb/default.cfm>

**Planning Department:** [www.pgplanning.org](http://www.pgplanning.org)

**County Council/District Council:** [www.pgccouncil.us](http://www.pgccouncil.us)

**To view the meeting, please visit:** <https://www.pgplanningboard.org/participate>



DSP-19031-02 (TCP-026-201802) (AC-24001)  
THREE ROADS CORNER POPEYES RESTAURANT  
REPOSTED 10/26/2024

PHOTO 1 - SIGN 1



PHOTO 1 - SIGN 2





DSP-19031-02 (TCP-026-201802) (AC-24001)  
THREE ROADS CORNER POPEYES RESTAURANT  
REPOSTED 10/26/2024

PHOTO 2 - SIGN 1



PHOTO 2 - SIGN 2





DSP-19031-02 (TCP-026-201802) (AC-24001)  
THREE ROADS CORNER POPEYES RESTAURANT  
REPOSTED 10/26/2024

PHOTO 3





The Maryland-National Capital Park and Planning Commission

**PRINCE GEORGE'S COUNTY**  
**Planning Department**

1616 McCormick Drive, Largo, MD 20774 • [pgplanning.org](http://pgplanning.org) • Maryland Relay 7-1-1

## NOTICE OF PUBLIC HEARING

**Application Number:** DSP-19031-02 & TCP2-026-2018-02

**Application Name:** THREE ROADS CORNER - POPEYES RESTAURANT

**Date and time of Planning Board hearing:** Thursday, November 7, 2024 @ 10:00 a.m. EST

**Description of Request:** (REMAND) AMEND DSP-19031 TO DEVELOP A 2,923 SQUARE FOOT EATING AND DRINKING ESTABLISHMENT WITH A DRIVE THROUGH SERVICE ON PARCEL 3.

**Address or Location:** 13709 OLD BRANDYWINE ROAD, BRANDYWINE

This Notice of Public Hearing is sent to you, a registered **person of record (or a register civic association or municipality) for the subject application.**

This Notice also provides information about Planning Board procedures. A technical staff report (TSR), with a recommendation to the Planning Board (Board), will be prepared by the assigned reviewer and published on the Planning Department's website within one to two weeks prior to the scheduled hearing date (noted above). Technical staff reports may be viewed online and printed. Within three weeks of the Board's hearing and decision, a formal resolution will be adopted by the Board and published on the website for viewing and printing. If you have any questions about the process, please contact the Development Review Division at 301-952-3530.

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The Planning Board encourages the participation of all individuals to include those with special needs; advanced notice is encouraged. For special needs assistance, please call 301-952-4584. If you wish to receive the Planning Board Agenda and other published reports by email, please sign up at <https://www.pgplanningboard.org/participate/attend-contribute-to-a-planning-board-meeting> and be sure to visit [www.pgplanning.org](http://www.pgplanning.org) for the latest information on all Department projects.

Planning Board meetings are held virtually and may be viewed at <https://www.pgplanningboard.org/participate/attend-contribute-to-a-planning-board-meeting#Agenda>. If you wish to speak at the public hearing, registration must be received by 12 noon on Tuesday before the meeting; please register at <https://www.pgplanningboard.org/participate/attend-contribute-to-a-planning-board-meeting>. Submit comments and supporting documentation into the record by emailing [PGCPB@mnccppc.org](mailto:PGCPB@mnccppc.org), also by 12 noon on Tuesday before the meeting.



CASE NO: DSP-19031-02  
CASE NAME: THREE ROADS CORNER -  
POPEYES RESTAURANT  
PARTY OF RECORD: 10  
PB DATE: 04-25-2024

SYDNEY J. HARRISON  
PRINCE GEORGE'S COUNTY COUNCIL  
1301 MCCORMICK DRIVE WAYNE K. CURRY  
ADMINISTRATION BUILDING, 2ND FLOOR  
LARGO MD 20774  
(CASE NUMBER: DSP-19031-02)

THREE ROADS CORNER  
5620 LINDA LANE  
TEMPLE HILLS MD 20748  
(CASE NUMBER: DSP-19031-02)

HIJAZI LAW GROUP  
3231 SUPERIOR LANE SUITE A-26  
BOWIE MD 20715  
(CASE NUMBER: DSP-19031-02)

MEL FRANKLIN  
AT-LARGE MEMBER  
1301 MCCORMICK DRIVE WAYNE K. CURRY  
ADMINISTRATION BUILDING, 2ND FLOOR  
LARGO MD 20774  
(CASE NUMBER: DSP-19031-02)

CALVIN S. HAWKINS II  
AT-LARGE MEMBER  
1301 MCCORMICK DRIVE WAYNE K. CURRY  
ADMINISTRATION BUILDING, 2ND FLOOR  
LARGO MD 20774  
(CASE NUMBER: DSP-19031-02)

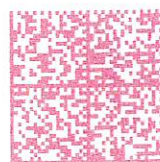
NICHOLAS SPEACH  
BOHLER ENGINEERING  
16701 MELFORD BOULEVARD SUITE 310  
BOWIE MD 20715  
(CASE NUMBER: DSP-19031-02)

MS. JENNIFER D. MORPHEW  
9040 SOLDIERWOOD COURT/S  
BEL ALTON MD 20611  
(CASE NUMBER: DSP-19031-02)

MR. EZEKIEL DENNISON JR.  
MARLTON HOMEOWNERS ASSOCIATION  
10213 LILY GREEN COURT/S  
UPPER MARLBORO MD 20772  
(CASE NUMBER: DSP-19031-02)

ABDULLAH HIJAZI  
HIJAZI & CARROLL, P.A.  
3231 SUPERIOR LANE SUITE A26  
BOWIE MD 20715  
(CASE NUMBER: DSP-19031-02)

MR. MATTHEW TEDESCO  
MCNAMEE HOSEA, P.A.  
6404 IVY LANE SUITE 820  
GREENBELT MD 20770  
(CASE NUMBER: DSP-19031-02)



US POSTAGE<sup>SM</sup> PITNEY BOWES  
ZIP 20774 \$ 000.00<sup>0</sup>  
02 1W  
0001403597 OCT 08 2024

**Case Number: DSP-19031-02**

REGISTERED ASSOCIATIONS (33)/MUNI 1 MILE (0): 33

LAUREENA SHAH  
TANTALLON SQUARE HOA  
12100 FORTH WASHING ROAD  
FORT WASHINGTON MD 20744

BELMONT CREST HOMEOWNERS ASSOCIATION  
10416 MARLBORO PIKE  
UPPER MARLBORO MD 20772

SANDRA MOTZ  
MARLBOROUGH SINGLE FAMILY ASSOCIATION, INC  
4703 COLONEL DARNELL PLACE  
UPPER MARLBORO MD 20772

CITIZENS ENCOURAGING COMMUNITY REVITALIZATION  
4612 CEDELL PLACE  
TEMPLE HILLS MD 20748

BRANDYWINE/TB, SOUTHERN REGION NEIGHBORHOOD  
COALITION  
8787 BRANCH AVENUE SUITE 17  
CLINTON MD 20735

CAMBRIDGE ESTATES HOMEOWNERS ASSOCIATION  
5811 PLATA STREET  
CLINTON MD 20735

PRESERVE AT PISCATAWAY  
2800 ST MARY'S VIEW ROAD  
ACCOKEEK MD 20607

BARRY SCHLOSSBURG  
BROOKWOOD-HOLLAWAY CIVIC ASSOCIATION, INC.  
10714 BROOKWOOD AVENUE  
UPPER MARLBORO MD 20772

FRIENDS OF CROOM  
8100 CROOM ROAD  
UPPER MARLBORO MD 20772

ZENO W. ST. CYR, II  
RIVERBEND CITIZENS HOMEOWNERS ASSOCIATION  
601 RIVER BEND RD  
FORT WASHINGTON MD 20744

ADAM PENNY  
PENNYTON ESTATES CIVIC ASSOCIATION  
5605 GARDEN DRIVE  
CLINTON MD 20735

ACCOKEEK, MATTAWOMAN, PISCATAWAY CREEKS  
COMMUNITY COUNCIL  
P.O. BOX 477  
ACCOKEEK MD 20607

OAK ORCHARD COMMUNITY ASSN  
9306 PINE VIEW LANE  
CLINTON MD 20735

STEVEN GERSHMAN  
SHERWOOD FOREST CITIZENS ASSOCIATION  
9416 VICTORIA DRIVE  
UPPER MARLBORO MD 20772

CHADDSFORD COMMUNITY ASSOCIATION, INC., C/O  
MEINC HOA MGMT  
7700 OLD BRANCH AVENUE #E203  
CLINTON MD 20735

KEITH E. WISE  
SURRETT'S VILLAGE HOMEOWNERS ASSOCIATION  
5935 SURRETT'S VILLAGE DRIVE  
CLINTON MD 20735

CROOM CITIZENS ASSOCIATION  
9905 CROOM ROAD  
UPPER MARLBORO MD 20772

HAZEL ROBINSON  
TANTALLON SQUARE AREA CIVIC ASSOCIATION  
12025 BION DRIVE  
FORT WASHINGTON MD 20744

GREATER SOUTH COUNTY COALITION FOR ABSOLUTE  
PROGRESS  
212 ARAGONA DRIVE  
FORT WASHINGTON MD 20744

MICHAEL LEVENTHAL  
CONSERVANCY OF BROAD CREEK  
ACCOKEEK MD 20607

EZEKIEL DENNISON, JR  
MARLTON HOME OWNERS ASSOCIATION  
10213 LILY GREEN COURT  
UPPER MARLBORO MD 20772

EDNA KWETI  
WESTPHALIA ROW HOA  
3414 MORNINGWOOD DRIVE  
OLNEY MD 20832

CELEIN GERALD  
VILLAGE OF MELWOOD HOMEOWNERS ASSOCIATION  
7202 TWINFLOWER PLACE  
UPPER MARLBORO MD 20772

BIRDLAWN HOMEOWNERS ASSOCIATION  
8806 8806 NANCY LANE C/O CHAMBERS MANAGEMENT,  
INC.  
FORT WASHINGTON MD 20744

GBACA  
GREATER BADEN-AQUASCO CITIZENS ASSOCIATION  
(GBACA)  
BRANDYWINE MD 20613

ALICE FERGUSON FOUNDATION  
2001 BRYAN POINT ROAD  
ACCOKEEK MD 20607

JOSEPHINE THOMAS  
CLINTON HILLS CIVIC ASSOCIATION  
12910 GLYNIS RD  
CLINTON MD 20735

BLAKELEY COMMUNITY COMMITTEE (BCC)  
9001 HARDESTY DRIVE  
CLINTON MD 20735

ROSARYVILLE CITIZENS ASSOCIATION  
8501 JAMES STREET  
UPPER MARLBORO MD 20772

BRANDYWINE HEALTHY NEIGHBORHOODS ALLIANCE  
15621 GILPIN MEWS LANE  
BRANDYWINE MD 20613

ACCOKEEK DEVELOPMENT REVIEW DISTRICT  
COMMISSION  
2101 DEBRA LYNN WAY  
ACCOKEEK MD 20607

PRINCE GEORGE'S COUNTY CIVIC FEDERATION, INC.  
P.O. BOX 212  
CHELTENHAM MD 20623

MICHAEL LEVENTHAL  
MOYAONE ASSOCIATION, THE  
ACCOKEEK MD 20607

**Case Number: DSP-19031-02**

**ADJOINING PROPERTY PREMIS OWNER ADDRESS: 48**

HURTT SELDON ETAL  
2427 NICOL CIR  
BOWIE MD 20721

HOWELL MARY ELIZABETH ETAL  
14517 OWINGS AVE  
BRANDYWINE MD 20613

JOHNSON JOE L JR  
14513 OWINGS AVE  
BRANDYWINE MD 20613

HERMAN LEROY III ETAL  
14509 OWINGS AVE  
BRANDYWINE MD 20613

THREE ROADS CORNER LLC  
5620 LINDA LN  
TEMPLE HILLS MD 20748

THREE ROADS CORNER LLC  
5620 LINDA LN  
TEMPLE HILLS MD 20748

KKM LLC  
11201 CRAINVHIGHWAY  
CHELTENHAM MD 20623

KKM LLC  
11201 CRAIN HWY  
CHELTENHAM MD 20623

MORPHEW JENNIFER D REVOCABLE  
9040 SOLDIERWOOD CT  
BEL ALTON MD 20611

HARLEY VALARIE N & DEVIN  
14525 OWINGS AVE  
BRANDYWINE MD 20613

THREE ROADS CORNER LLC  
5620 LINDA LN  
TEMPLE HILLS MD 20748

EVANS MICHAEL W  
14507 OWINGS AVE  
BRANDYWINE MD 20613

HEID ALAN J ETAL  
14503 OWINGS AVE  
BRANDYWINE MD 20613



LEWIS BRIAN  
7708 DYSON RD  
BRANDYWINE MD 20613

THREE ROADS CORNER LLC  
5620 LINDA LN  
TEMPLE HILLS MD 20748

C & P TEL CO OF MD  
ASST MGR STATE & LOCAL TAXES  
1 E PRATT ST RM 8N20  
BALTIMORE MD 21202

LUCKY CLOVER LLC  
13704 BRANDYWINE RD  
BRANDYWINE MD 20613

RUSSO JOHN A ETAL  
29 ELDWICK CT  
POTOMAC MD 20854

PRINCE GEORGES COUNTY  
14741 GOVERNOR ODEN BOWIE DR  
UPPER MARLBORO MD 20772

LASSITER MAX MAURICE ETAL  
14505 OWINGS AVE  
BRANDYWINE MD 20613

LAKEVIEW BRDYWNE HMOWNRS ASSN INC  
3414 MORNINGWOOD DR  
OLNEY MD 20832

COURTNEY DEAN M & VICTORIA Y  
14523 OWINGS AVE  
BRANDYWINE MD 20613

GADDY SHAWN A  
14511 OWINGS AVE  
BRANDYWINE MD 20613

LAKEVIEW BRDYWNE HMOWNRS ASSN INC  
3414 MORINGWOOD DR  
OLNEY MD 20832

KKM LLC  
11201 CRAIN HIGHWAY  
CHELTENHAM MD 20623

STATE OF MARYLAND STATE  
707 N CALVERT ST  
BALTIMORE MD 21200

RUSSO JOHN A  
29 ELDWICK CT  
POTOMAC MD 20854

GREENBRIAR LLC  
5620 LINDA LN  
TEMPLE HILLS MD 20748

BOARD OF EDUCATION  
14201 SCHOOL LN  
UPPER MARLBORO MD 20772

GREENBRIAR LLC  
5620 LINDA LN  
TEMPLE HILLS MD 20748

RUSTIN MARIE  
7710 DYSON RD  
BRANDYWINE MD 20613

LASSITER MAX MAURICE ETAL  
14505 OWINGS AVE  
BRANDYWINE MD 20613

SALMOND DESHAWN M & TRAVINA R  
14519 OWINGS AVE  
BRANDYWINE MD 20613

JOHNSON JOE L JR  
14513 OWINGS AVE  
BRANDYWINE MD 20613

LAKEVIEW BRDYWNE HMOWNRS ASSN INC  
3414 MORNINGWOOD DR  
OLNEY MD 20832

ANIS MICHAEL NABIL  
5301 MONTGOMERY RD  
ELLCOTT CITY MD 21043

ANIS MICHAEL  
13901 OLD BRANDYWINE RD  
BRANDYWINE MD 20613

HUTCHING CHARLES D ETAL  
14515 OWINGS AVE  
BRANDYWINE MD 20613

HERMAN LEROY III ETAL  
14509 OWINGS AVE  
BRANDYWINE MD 20613

RAFAELANOPLATA NELSON ORLANDO  
3227 GLEN AVENUE  
GLENN DALE MD 20769

ALBERTO JOSE L SOSA  
13704 OLD BRANDYWINE RD  
BRANDYWINE MD 20613

RUSSELL DENNIS A  
13805 BRANDYWINE RD  
BRANDYWINE MD 20613

RAFAELANOPLATA NELSON ORLOANDO  
3227 GLEN AVE  
GLENN DALE MD 20769

GREENBRIAR LLC  
5620 LINDA LN  
TEMPLE HILLS MD 20748

JEFFERSON LEMAR A ETAL  
14521 OWINGS AVE  
BRANDYWINE MD 20613

GADDY SHAWN A  
14511 OWINGS AVE  
BRANDYWINE MD 20613

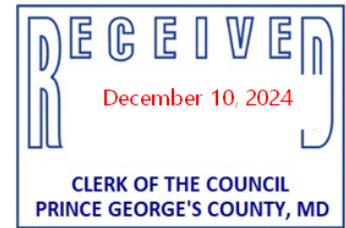
PRICE EDWARD  
13809 OLD BRANDYWINE RD  
BRANDYWINE MD 20613

ALLEY DENISE L & GREGORY M  
13811 OLD BRANDYWINE RD  
BRANDYWINE MD 20613





December 10, 2024



Three Roads Corner, LLC  
5620 Linda Lane  
Camp Springs, MD 20748

Re: Notification of Planning Board Action on  
**Detailed Site Plan DSP-19031-02**  
**Popeyes**

Dear Applicant:

This is to advise you that, on **December 5, 2024**, 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 the Prince George's County Planning Board's Rules of Procedure, the Planning Board's decision will become effective 30 calendar days after the date of this notice (**December 10, 2024**) 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, 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,  
Sherri Conner, Acting Chief  
Development Review Division

By: *Te-Sheng Huang*  
Reviewer

Attachment: PGCPB Resolution No. **2024-029(A)**

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

PGCPB No. 2024-029(A)

File No. DSP-19031-02

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

WHEREAS, the current Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the applicant, Three Roads Corner, LLC, submitted an application for approval of a Detailed Site Plan amendment, DSP-19031-02 (entitled Popeyes), for development of 2,923-square-foot building to serve as a eating and drinking establishment with drive-through service located on the west side of MD 631 (Old Brandywine Road), in the southeast quadrant of its intersection with the confluence of MD 381 (Brandywine Road) and MD 373 (Accokeek Road) (subject property); and

WHEREAS, the subject property is within the Commercial, General and Office (CGO) and Commercial, Service (CS) Zones, but was within the prior Commercial Shopping Center (C-S-C) and Commercial Miscellaneous (C-M) Zones prior to April 1, 2022; and

WHEREAS, pursuant to Section 27-1900 of the Zoning Ordinance, *et seq.*, for a period of four years, until April 1, 2026, the applicant can submit a Detailed Site Plan for property in the CGO and CSC Zones for review under the requirements of the Zoning Ordinance in effect prior to April 1, 2022 (prior Zoning Ordinance); and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the prior Zoning Ordinance and the subject property's prior C-S-C and C-M zoning; and

WHEREAS, in consideration of evidence presented at a public hearing on April 25, 2024, regarding Detailed Site Plan DSP-19031-02 for Popeyes, the Planning Board ~~†[finds:]~~ approved DSP-19031-02, and adopted PGCPB Resolution No. 2024-029 on May 16, 2024, memorializing its approval; and

†WHEREAS, the District Council elected to review the Planning Board's approval on June 10, 2024, heard oral arguments on the case on July 15, 2024, and voted to remand the case to the Planning Board on September 16, 2024, to reopen the record for the applicant to address four specific issues; and

†WHEREAS, the applicant submitted revised plans for DSP-19031-02 Popeyes, to address these issues, within 60 days of the transmittal date of the notice of remand as required by the provisions of Sections 27-285(c) and 27-290 of the prior Zoning Ordinance; and

†WHEREAS, in consideration of evidence presented at a public hearing on November 14, 2024, regarding Detailed Site Plan DSP-19031-02 for Popeyes, the Planning Board finds:

1. **Request:** Detailed Site Plan DSP-19031 was approved to develop Parcels 1 and 4 with a 3,484-square-foot food and beverage store, a gas station, and a 982-square-foot car wash. This resolution approves the addition of Parcels 2 and 3 to DSP-19031 and amends that DSP for development of a 2,923-square-foot building to serve as an eating and drinking establishment with drive-through service on Parcel 3. This resolution does not ~~†[approve]~~ make any changes to the development approved for Parcels 1 and 4, pursuant to DSP-19031.

†Denotes Amendment

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2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED (DSP-19031)</b>	<b>EVALUATED (DSP-19031-02)</b>
Zone (s)	CGO (prior C-S-C) and CS (prior C-M)	C-S-C and C-M	C-S-C and C-M
Use(s)	Vacant	Approved food and beverage store, a gas station, and a car wash	Approved food and beverage store, a gas station, and a car wash (Parcels 1 and 4)  Proposed eating and drinking establishment with drive-through service (Parcel 3)
Gross tract acreage	4.427 (Parcel 1: 1.542; Parcel 2: 1.03; Parcel 3: 1.393; and Parcel 4: 0.461)	2.003 (Parcel 1: 1.542 and Parcel 4: 0.461)	4.427 (Parcel 1: 1.542; Parcel 2: 1.03; Parcel 3: 1.393; and Parcel 4: 0.461)
Parcels	4 (Parcels 1, 2, 3 and 4)	2 (Parcels 1 and 4)	4 (Parcels 1, 2, 3 and 4)
Gross floor area (sq. ft.)	0†[*]	4,466 (Food and beverage store: 3,484 and Car wash: 982)	7,389 (Parcels 1 and 4: 4,466 and Parcel 3: 2,923)

†[~~Note: \*The aerial image from PGAtlas.com shows that the building, which previously existed on the subject property, no longer remains on site. A condition is included herein requiring the applicant to clarify the existence of the building on site and revise the existing condition/demolition plan. If the on-site building has been razed, a condition is included herein requiring the applicant to revise the existing building gross floor area for Parcels 1 and 4 in General Note 6.~~]

**Zoning Regulations** (Per Section 27-462 (a) of the prior Zoning Ordinance)

	<b>REQUIRED</b>	<b>EVALUATED</b>
Street setback – MD 5 (Branch Avenue)	10 feet	± 143 feet
Street setback – MD 631 (Old Brandywine Road)	10 feet	± 50 feet
Side setback – North	N/A†[*]	± 50 feet
Side setback – South	50 feet	± 89 feet†[**]

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Building height	N/A	19 feet
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**†**~~[Notes: Regarding the parking setback requirements shown on the submitted plan, a condition is included herein requiring the applicant to clarify which zoning ordinance is being referred to and, if not, remove this information from the plan. Another condition is also included requiring the applicant to correct “front setback” to “street setback.”~~

~~\*The northern property line of Parcel 3 adjoins Parcel 2. Since the four parcels are treated as one development site, setback requirements among the parcels are not applicable.~~

~~\*\*A condition is included herein requiring the applicant to revise the dimension of the provided southern setback, to be consistent with what is shown on the plan.]~~

**Parking Requirements** (Per Section 27-568(a) of the prior Zoning Ordinance)

	<b>Requirement</b>	<b>Evaluated</b>
Parcels 1 and 4 (DSP-19031)		
Gas station	2	4
Food and beverage store	23	25
Car wash	2	2
<b>Total</b>	27	31
Standard car spaces (9.5 feet x 19 feet)		29
Handicap van-accessible		2
Parcel 3 (DSP-19031-02)		
Eating and drinking establishment with drive-through service	36	-
<b>Total</b>	36*	<b>36</b>
<b>Standard car spaces</b>	-	-
90-degree nonparallel (9.5 feet x 19 feet)	-	5
60-degree nonparallel (9.5 feet x 19 feet)	-	17 <b>†</b> <del>[**]</del>
<b>Compact car spaces</b>	Max. 12	-
90-degree nonparallel (8 feet x 16.5 feet)	-	10
Parallel (7 feet x 19feet)	-	2 <b>†</b> <del>[***]</del>
Handicap van-accessible	At least 2	2

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**Notes:** \*Of which at least two shall be handicap-accessible, in accordance with Section 27-566(b) of the prior Zoning Ordinance. In addition, up to 12 (one third of the requirement) may be compact, in accordance with Section 27-559(a) of the prior Zoning Ordinance.

†~~\*\*\*A condition is included herein requiring the applicant to properly label the dimensions of 60 degree nonparallel parking spaces.~~

~~\*\*\*There are two parallel parking spaces shown on the plan. A condition is included herein requiring the applicant to revise the parking schedule.]~~

**Loading Spaces** (Per Section 27-582(a) of the prior Zoning Ordinance)

	<b>Required</b>	<b>Provided</b>
Loading spaces (12 feet x 33 feet)	1	1

**Bicycle Spaces**

This DSP includes two U-shaped bicycle racks, which are located at the building entrance, to support a multimodal system of service.

3. **Location:** The subject site is in Planning Area 85A and Council District 9. Geographically, it is located on the west side of MD 631 (Old Brandywine Road), in the southeast quadrant of its intersection with the confluence of MD 381 (Brandywine Road) and MD 373 (Accokeek Road).
4. **Surrounding Uses:** The site is bounded to the north by the intersection of MD 5 (Branch Avenue) and MD 381, and, beyond, commercial uses in the Commercial, General and Office (CGO) Zone, formerly the Commercial Shopping Center (C-S-C) Zone. To the east is MD 631 and, beyond, commercial uses in the Commercial, Service (CS) Zone, formerly the Commercial Miscellaneous (C-M) Zone. To the south are single-family detached houses in the Residential, Rural (RR) Zone, formerly the Rural Residential (R-R) Zone. To the west is MD 5 (Branch Avenue) and, beyond, are single-family detached houses in the RR Zone, formerly the R-R Zone.
5. **Previous Approvals:** Zoning Map Amendment (ZMA) A-9920 was approved by the Prince George's County District Council on February 5, 1996 (Zoning Ordinance 1-1996) and rezoned a portion of the subject property from the R-R Zone to the C-S-C Zone.

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan) was approved by the District Council on July 24, 2013 (Resolution CR-81-2013) and rezoned a portion of the subject site (Parcel 167) from the R-R Zone to the C-M Zone (pages 169 and 184 of the master plan).

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Preliminary Plan of Subdivision (PPS) 4-18009 was approved by the Planning Board on May 2, 2019 (PGCPB Resolution No. 19-58), for the development of four parcels with 12,062 square feet of commercial space. The PPS had an associated approved Stormwater Management (SWM) Concept Plan and Letter, 32000-2018-00.

Detailed Site Plan DSP-19031 was approved by the Planning Board on September 10, 2020 (PGCPB Resolution No. 2020-132) for the development of Parcels 1 and 4 with a 3,484-square-foot food and beverage store, a gas station, and a 982-square-foot car wash. On November 16, 2020, the District Council reviewed DSP-19031 and affirmed the conditions contained in PGCPB Resolution No. 2020-132.

6. **Design Features:** The site contains four parcels, which share a vehicular entry/exit point located on MD 631, specifically on Parcel 1. Parcels 1 and 4, approved with DSP-19031, will be developed with a 7-Eleven convenience store, a gas station, and a car wash. Through the subject DSP, Parcel 3 will be developed with a 2,923-square-foot eating and drinking establishment with drive-through service. Parcel 2 is currently vacant.

The subject development is oriented towards MD 5 and has pedestrian access from MD 631. The building is one-story and is approximately 19 feet in height. Two drive-through lanes are located to the south of the building with two separate menu display boards. The two lanes merge into one lane before the pick-up window. †~~[A condition is included herein requiring the applicant to organize all information and details related to the drive-through service in one package, such as directional signs, clearance bars, and menu display boards.]~~

#### **Architecture**

The architectural design of the approved building is contemporary with a flat roof. The building is finished with a mix of materials, including brick veneer, stucco finished exterior insulation and finish systems, glass, aluminum tubes, and pre-finished metal cap. The materials are arranged in a geometric pattern. †~~[Conditions are included herein requiring the applicant to label the elevations based on cardinal directions, and separate and organize details associated with the elevations from the signage package such as the drive-through canopy, decorative shutters, and aluminum tubes.]~~

#### **Signage**

The subject DSP includes †~~[six]~~ five building-mounted signs, per Section 27-107.01 of the prior Zoning Ordinance, which defines signs as, “Any letter, word, numeral, figure, design, projected image, picture, illustration, emblem, symbol, trademark, banner, pennant, or other device, which is used to announce, direct attention to, identify, advertise, or otherwise make anything known. Signs do not include the flag or emblem of any nation; county; state; city; religious, fraternal, or civic organization; decorations or works of art which in no way identify a product or business.”

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~~†[Among the six signs, two are letter signs, two are logo signs and two are graphic signs. These signs are mounted on the west, north and south elevations. Each of the elevations has two signs. No signs are mounted on the east elevation. Some details of the signs are missing. Conditions are included herein requiring the applicant to re-organize the signage package, provide details for each sign (including dimensions, materials, and illumination), revise the signage schedule to demonstrate conformance with the requirements (location, height, and area). The submitted plans also include a free-standing sign; however, its location is not specified on the plans. A condition is included herein requiring the applicant to clarify if the subject DSP includes such a sign and, if not, remove it from the signage package and, if provided, indicate its location on the plan. Signage information contained in Standard Note 7 appears to be incorrect; therefore, a condition is included herein for correction.]~~

†Among the five signs, two are letter signs, two are logo signs, and one is a graphic sign. These signs are mounted on the west, north, and south elevations. Each of the elevations has two signs, except the north elevation which has one. No signs are mounted on the east elevation. The submitted plans also include the details of the signs. No freestanding signs are included in this DSP.

### **Lighting**

The subject DSP includes both building-mounted and pole-mounted lighting throughout the site, with details. The Planning Board finds that the submitted photometric plan shows adequate lighting for users on-site and is sufficient for illuminating drive aisles, building entryways, and walking paths. ~~†[A condition is included herein requiring the applicant to add a note indicating that all]~~ All light fixtures included in this DSP are fully cut-off and directed downward to reduce glare and light spill-over. For people to access the approved development on Parcel 3, they need to use the shared vehicular entry/exit point located on Parcel 1 and cross Parcel 2, via a drive aisle. †[Conditions are included herein requiring the applicant to revise the photometric plan, submitted for this DSP, to cover the entire access route from MD 631 and add additional pole-mounted light fixtures along the route on Parcel 2, to ensure sufficient illumination.] The submitted photometric plan also shows additional pole-mounted light fixtures installed along the route on Parcel 2, to ensure sufficient illumination.

### **Loading and Trashing Facilities**

~~†[The subject DSP includes one loading space, located internally to the subject property. With the planting along the MD 631 frontage, public view to the loading space is screened. A condition is included herein requiring the applicant to revise the landscape plan to accommodate the provision of the one loading space. The submitted plans also show the location of a dumpster. Details of the dumpster enclosure are included in this DSP but are blurred. Conditions are included herein requiring the applicant to provide legible dumpster details and revise the large-scale plan for the dumpster, to be consistent with the design shown on other plans].~~

†The subject DSP includes one loading space, located internally to the subject property. With the planting along the MD 631 frontage, public view to the loading space is screened. The submitted plans also show the location of a dumpster, with the details of the dumpster enclosure.

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## COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9920:** On February 5, 1996, Zoning Map Amendment A-9920 was enacted by the District Council with two conditions, as follows:

1. **Before any building permit is issued, a site plan showing the footprint of any proposed building, parking, and landscaping (along with corresponding elevations) shall be reviewed and approved by the Planning Board or its designee. Such plans shall show the building's siting, setback, orientation, scale, roof shape, and proportions to be compatible with the character of the Historic Resource and Historic Site. Parking and landscaping shall be subject to the requirements of the Landscape Manual as to setbacks and buffers regarding development adjacent to Historic Sites.**

A DSP application (DSP-19031, 7-Eleven Branch Avenue), for development on intermediate Parcels 1 and 4, was reviewed and recommended for approval with no conditions by the Historic Preservation Commission at its July 21, 2020, meeting.

The subject property is located on the west side of MD 631, and the Marlow-Huntt Store historic site is located on the east side of MD 631. The subject DSP includes an exhibit showing a plan view and a cross section of the approved development in relation to the Marlow-Huntt Store historic site. The Planning Board finds that the orientation, mass, height, materials, and design of the approved development will have minimal impact on the historic site. The historic site is oriented in a northwest-southeast direction, facing MD 381, and does not directly face the development on Parcel 3. The development on Parcel 3 is located approximately 450 feet from the historic site and will be visually separated from the historic site by a landscape strip along the length of MD 631.

2. **The adjoining Historic Resource and Historic Site shall be noted on all subsequent plans.**

~~†[Such a note is not included in the submitted plans. A condition is included herein requiring the applicant to add a note to the plans, indicating that the Historic Marlow-Huntt Store and Casket Shop (85A-033-14) is located across MD 631.]~~

†The submitted plans include such a note, indicating that the historic Marlow-Huntt Store and Casket Shop (85A-033-14) is located across MD 631. Therefore, this condition was addressed.

8. **Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the C-M Zone and the site design guidelines of the prior Zoning Ordinance:

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- a. This application is subject to the requirements of Section 27-459, C-M Zone, of the prior Zoning Ordinance as follows:

**(b) Landscaping and screening.**

**(1) Landscaping and screening shall be provided in accordance with Section 27-450.**

In accordance with Section 27-450 of the Zoning Ordinance, “Landscaping, screening, and buffering of all development in the Commercial Zones shall be in accordance with the provisions of the Landscape Manual.” Evaluation of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) has been addressed in Finding 11 below.

**(c) Uses**

**(1) The uses allowed in the C-M Zone are as provided for in Table of Uses I (Division 3 of this Part).**

The subject DSP approves an eating and drinking establishment, with drive-through service. Per Section 27-461(b), this use is permitted in the C-M Zone, subject to Footnote 24. That footnote requires that a DSP, in accordance with Part 3, Division 9, be approved. This DSP is filed in accordance with this requirement.

**(d) Regulations.**

**(1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the C-M Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Table (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The subject DSP is in conformance with these regulations. Specific details have been discussed in Findings 2 and 6 above and Finding 11 below.

- b. Section 27-274(a) of the prior Zoning Ordinance provides site design guidelines for a DSP. The applicable design guidelines are described as the following:

**(2) Parking, loading, and circulation.**

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- (A) **Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site...**

The submitted plans include a sidewalk along the frontage of MD 631 and sidewalk and crosswalk connections within the subject site. Parking spaces are arranged along drive aisles to the sides of the approved building for easy access and to avoid conflicts with pedestrian connectivity.

- (B) **Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians...**

One loading space is included in this DSP, which has been discussed in Finding 6 above. The loading space is located internal to the subject site and to the east of the approved building. The loading space is also away from the on-site vehicular and pedestrian circulation. Accordingly, it is visually unobtrusive and has minimal conflicts with vehicles and pedestrians.

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

The site is accessed via the shared vehicular entry/exit point located on MD 631, approved with DSP-19031, and the driveway across Parcel 2. A crosswalk is shown crossing this driveway, connecting the MD 631 frontage to the subject development and adjacent property. The submitted plans show both vehicular and pedestrian circulation to be safe, efficient, and convenient for both pedestrians and drivers, because vehicular and pedestrian routes are separated. Where pedestrians must cross the vehicular route, crosswalks are provided.

(3) **Lighting.**

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

Lighting for this DSP has been discussed in Finding 6 above, demonstrating adequate illumination for users and for the site in the evening.

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**(4) Views.**

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

Parcel 3, that is the subject site for this DSP, is far away from the Marlow-Huntt Store historic site and does not have vast scenic views. The mixture of the improved landscapes and existing vegetation in the perimeter of the subject site provides buffering and screening from public areas.

**(5) Green Area.**

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

The submitted plan shows 52 percent of green area to be provided on-site. The size, shape, location, and design of green area is appropriate to enhance landscape screening from residential houses located to the south of the subject site, as well as to improve the street frontage of MD 631 and MD 5. †~~[A condition is included herein to correct “open space” to “green area.”]~~

**(6) Site and streetscape amenities.**

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

The business model of the approved development is to serve food quickly, whether clients intend to dine in, order at the counter to go, or drive through. The submitted plans show the provision of bike racks at the building entrance. To enhance improvement of the MD 631 frontage and create a more attractive coordinated development, †~~[a condition is included herein requiring the applicant to provide trash receptacles within this frontage.]~~ the applicant also provides two trash receptacles, with details, within this frontage.

**(7) Grading.**

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts...**

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The submitted existing conditions/demolition plan shows steep slopes greater than 15 degrees are located in the perimeter of Parcels 1, 2, 3 and 4. The approved building will be located in the center of Parcel 3, which is relatively flat. This will minimize the need for grading and additional disruption to the existing topography. In addition, retaining walls are included in the eastern, southern, and western perimeter of Parcel 3 to enhance stability.

**(8) Service Areas.**

**(A) Service areas should be accessible, but unobtrusive.**

The submitted plans show the location of the dumpster and one loading space are accessible, but unobtrusive. Both are screened with landscaping and the dumpster is also enclosed.

**(9) Public Spaces.**

**(A) A public space system should be provided to enhance a large-scale commercial, mixed-use, or multifamily development.**

This requirement is not applicable to the subject DSP because it is not considered to be a large-scale commercial, mixed-use, or multifamily development.

**(10) Architecture.**

**(A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.**

**(B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**

**(C) These guidelines may be modified in accordance with Section 27--277.**

A detailed discussion regarding architecture has been addressed in Finding 6 above.

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**(11) Townhouses and three-family dwellings.**

This requirement is not applicable to this DSP because it does not include any townhouse or three-story units.

9. **Preliminary Plan of Subdivision (PPS) 4-18009:** PPS 4-18009 was approved by the Planning Board on May 2, 2019 (PGCPB Resolution No. 19-58), subject to 10 conditions. The conditions relevant to the revision of this DSP are listed below, in **bold** text. The Planning Board's analysis of the preliminary plan's conditions follows each one, in plain text:

5. **Total development within the subject property shall be limited to uses which generate no more than 161 AM peak-hour trips and 109 PM peak-hour trips, in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.**

~~†[The applicant submitted a trip generation memo dated September 17, 2021, with this DSP, stating that the approved development on Parcels 1 and 4 (approved under DSP-19031) and the proposed development on Parcels 2 and 3 under the subject DSP, would generate 74 a.m. and 66 p.m. trips. These trips are well within the trip cap established with PPS 4-18009. However, the Planning Board recommends the trip generation calculation be consistent with the prior approvals, using the square footage of the approved eating and drinking establishment with drive through. A condition is included herein for a revised trip generation memorandum.]~~

†The applicant submitted a trip generation memorandum, dated October 19, 2024, with this DSP stating that the approved development on Parcels 1 and 4 (approved under DSP-19031) and the proposed development on Parcels 2 and 3 under the subject DSP would generate 133 AM and 105 PM trips. These trips are well within the trip cap established with PPS 4-18009.

6. **A substantial change to the uses or site layout on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval any building permits.**

No substantial change to the uses, which affect Subtitle 24 adequacy findings for the subject property, is approved with this DSP.

7. **Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 32000-2018-00, and any subsequent revisions.**

SWM Concept Plan 32000-2018-00 expired and is replaced by SWM Concept Plan 52526-2020-00. The subject DSP is in conformance with the approved SWM Concept Plan 52526-2020-00 and approval letter.

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**8. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:**

**a. Dedicate 25 feet of right-of-way from the center line of MD 631 (Old Brandywine Road).**

The right-of-way (ROW) for MD 631 was dedicated by recordation of final plat at Plat Book ME 258 Plat 54. The DSP shows the ROW consistent with the PPS and the final plat.

**b. Grant a 10-foot-wide public utility easement along all public rights-of-way.**

The public utility easements (PUEs) along all public ROWs were dedicated by recordation of the final plat at Plat Book ME 258 Plat 54. The DSP shows the PUEs consistent with the PPS and the record plat.

**10. Prior to the approval of any building permit on Parcels 1 through 4, the applicant shall obtain approval of a detailed site plan in accordance with Part 3, Division 9, of Subtitle 27 (the Zoning Ordinance) for the purpose of evaluating the effect of the orientation, mass, height, materials, and design of the proposed development on the environmental setting of the Marlow-Huntt Store Historic Site, 85A-033-14.**

DSP-19031 was reviewed and recommended for approval with no conditions by the Historic Preservation Commission at its July 21, 2020, meeting.

The subject DSP includes an exhibit showing a plan view and a cross section of the approved development in relation to the Marlow-Huntt Store historic site (85A-033-14). The historic site is oriented in a northwest-southeast direction facing MD 381 and does not directly face the development on Parcel 3. The approved development on Parcel 3 is located approximately 450 feet from the historic site and will be visually separated from the historic site by a landscape strip along the length of MD 631, existing structures on the east side of MD 631, and the development on Parcels 1 and 4, approved with DSP-19031. The Planning Board finds that the orientation, mass, height, materials, and design of the approved development will have minimal impact on the historic site.

**10. Detailed Site Plan DSP-19031:** DSP-19031 was approved by the Planning Board on September 10, 2020 (PGCPB Resolution No. 2020-132), subject to three conditions. The conditions relevant to the revision of this DSP are listed below in **bold** text. The Planning Board's analysis of the preliminary plan's conditions follows each one, in plain text:

**2. Prior to the approval of the first grading permit, the TCP2 Standard Type 2 Tree Conservation Plan Note 11 must be revised with the liber and folio information for the woodland conservation easement once it is recorded.**

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This condition was met, but the easement was recorded incorrectly without the metes and bounds or the woodland preservation exhibit. Prior to certification of DSP-19031-02, the woodland conservation easement will need to be amended and restated and recorded in the Prince George's County Land Records to include the metes and bounds, the woodland preservation exhibit, and the woodland conservation easement document.

3. **Prior to the approval of the first building permit, the applicant, applicant's heirs. Successors and/or assignees shall provide a financial contribution of \$420.00 to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) for the placement of a bikeway sign along Accokeek Road, unless modified by DPIE, with written correspondence.**

This condition is carried forward with this DSP.

11. **2010 Prince George's County Landscape Manual:** The application is subject to the requirements of Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and, Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. †The submitted landscape plan demonstrates conformance to these requirements.

†[a. ~~**Section 4.2, Requirements for Landscape Strips Along Streets (MD 631)**~~—Along MD 631, the applicant is using Option 1 to fulfill the requirements. Option 1 requires a minimum 10 foot wide landscape strip to be planted with a minimum of 1 shade tree and 10 shrubs per 35 linear feet of frontage, excluding driveway openings. However, most of the plants and shrubs are located outside of the 10 foot wide landscape strip. A condition is included herein requiring the applicant to revise this schedule with Option 2, which requires a minimum width of 10 feet, and has an average width of at least 15 feet. The required planting will be at the rate of 1 shade tree and 5 shrubs per 35 linear feet of frontage.]

†[b. ~~**Section 4.2, Requirements for Landscape Strips Along Streets (MD 5)**~~—The submitted landscape plan shows the analysis for the requirements of Section 4.6 2 for the MD 5 frontage. However, the correct section for this frontage is Section 4.2. A condition is included herein requiring the applicant to add a correct schedule to the plan and provide necessary information to demonstrate conformance to the requirements.]

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- †[e. **Section 4.3, Parking Lot Requirements**—Section 4.3 requires a percentage of the parking lot, determined by the size, to be used as planting area. In this DSP, the parking lot area is approximately 29,125 square feet. Table 4.3-1, Parking Lot Interior Planting Requirements, requires eight percent of the interior planting area, which is approximately 2,330 square feet. The submitted landscape plans show the provision of 2,858 square feet of the interior planting area (approximately 9.8 percent). For parking lots less than 50,000 square feet, 1 shade tree shall be provided for each 300 square feet of the provided interior landscape area. Therefore, 10 shade trees are required for this DSP, and this requirement is met with the provision of 12 shade trees. Conditions are included herein requiring the applicant to label the width of the landscape islands parallel to the parking spaces, and to update the information for Items 6 and 9 to conform with the requirements.]
- †[d. **Section 4.4, Screening Requirements**—The site is subject to Section 4.4, which requires screening of loading spaces and trash facilities. The submitted DSP shows that the approved loading space and trash dumpster are located internally to the site. The public view from MD 631 will be screened. Since the dumpster is located close to MD 631, the dumpster enclosure and evergreen trees enhance the screening from public view.]
- †[e. **Section 4.7, Buffering Incompatible Uses (Bufferyard 1)**—Alternative Compliance (AC-24001) from the requirements of Section 4.7, Buffering Incompatible Uses, of the Landscape Manual, for Bufferyard 1 along the southern property line that abuts a single-family detached house on the RR Zone (formerly the R-R Zone), has been filed with this DSP. Specifically, the applicant seeks relief, as follows:]

†In addition, Alternative Compliance (AC-24001) from the requirements of Section 4.7, Buffering Incompatible Uses, of the Landscape Manual, for Bufferyard 1 along the southern property line that abuts a single-family detached house on the RR Zone (formerly the R-R Zone), has been filed with this DSP. Specifically, the applicant seeks relief, as follows:

**REQUIRED: Section 4.7, Buffering Incompatible Uses, Bufferyard 1, adjacent to a single-family detached residential use**

Length of bufferyard	212 linear feet
Minimum building setback	50 feet
Minimum landscape yard	40 feet
Existing trees	0 percent
Fence or wall	Yes, for 212 linear feet
Plant units (80 per 100 linear feet)*	170

**Note:** \*The requirement is 160 plant units per 100 linear feet; however, per Section 4.7(c)(4)(E) of the Landscape Manual, this requirement may be reduced by 50 percent with the 6-foot-high, board-on-board fence.

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**PROVIDED: Section 4.7, Buffering Incompatible Uses, Bufferyard 1, adjacent to a single-family detached residential use**

Length of bufferyard	212 linear feet
Minimum building setback	±89 feet
Minimum landscape yard	±20 feet
Existing trees	0 percent
Fence or wall	Yes, for 212 linear feet
Plant units	338

**Justification of Recommendation**

The DSP shows an approximately 89-foot building setback, an approximately 20-foot landscape yard, and 338 plant units, including a mix of evergreen trees and shrubs. The applicant has exceeded the minimum plant unit requirement by almost 100 percent, and the provided landscape plan conforms to all other requirements within Section 4.7. In addition, the applicant plans to install a 6-foot-high, board-on-board fence on the retaining wall within Bufferyard 1. The restaurant sits elevated above the adjacent residential property, with an approximately 3-foot-high slope and then an approximately 4-foot-high retaining wall located within the landscape bufferyard. The 6-foot-high fence will be located at the top of the retaining wall and will be elevated so as to enhance its screening ability. †~~[Conditions are included herein requiring technical revisions to the plan to verify these heights and relationships.]~~

The Planning Director finds that, given the provision of the fence, wall and slope, and almost 100 percent additional plant units, the applicant's proposal is equally effective as normal compliance, with respect to Section 4.7 of the Landscape Manual.

†~~[f. **Section 4.7, Buffering Incompatible Uses (Bufferyard 2)**—Section 4.7 requires buffering for the southern property line that is adjacent to single family detached houses in the RR Zone (formerly the R-R Zone). Table 4.7-2, Minimum Bufferyard Requirements, requires a Type D bufferyard for a drive-in or fast food restaurant, which is high impact, adjoining single family detached dwellings. Table 4.7-3, Bufferyard Types, requires a minimum building setback of 50 feet, a minimum landscape yard width of 40 feet, and 160 plant units per 100 linear feet of property line for a Type D bufferyard. Bufferyard 2 in the subject DSP complies with these requirements through the existing on-site vegetation. A condition is included herein requiring the applicant to correct the requirements for the building setback and the width of landscape yard.]~~

†~~[g. **Section 4.9, Sustainable Landscaping**—Section 4.9 requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) be native species (or the cultivars of native species). The minimum percentage of plants of each plant type, required to be native species and/or cultivars, is 50 percent for shade trees and ornamental trees, and 30 percent for evergreen trees and shrubs. Conditions are included herein requiring the applicant to revise Schedule 4.9-1~~

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~~and the landscape schedule, to be consistent with the information contained in other required schedules and demonstrate conformance to the requirements of Section 4.9.]~~

12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan (TCP2-026-2018-02) has been submitted.

According to the worksheet, the site is 4.55 acres with 4.08 acres located within the C-M Zone and 0.47 acre in the C-S-C Zone. The development approved with this application is entirely within the C-M Zone. A total of 2.28 acres of existing woodlands are on the net tract. The site has a woodland conservation threshold (WCT) of 0.68 acre, or 15 percent of the net tract area. The TCP2 shows a total woodland conservation requirement of 1.99 acres. This requirement was met by providing 0.23 acre of woodland preservation on-site and through acquiring 1.76 acres of off-site conservation credits (Liber 42921/folio 542 and Liber 42921/folio 544).

~~†[As part of the conditions of approval for DSP-19031, the on-site woodland preservation area (0.23 acre) was required to be recorded within a woodland and wildlife habitat conservation easement. The recorded document was reviewed as part of this application; however, it was found that the metes and bounds description (Exhibit A), as well as the woodland preservation exhibit, were not included in the recordation. Prior to the certification of DSP-19031-02, the woodland and wildlife habitat conservation easement shall be amended and restated and recorded in the Prince George's County Land Records, and include the metes and bounds description, the woodland preservation exhibit, and the woodland conservation easement document.]~~

†As part of the approval for DSP-19031, the on-site woodland preservation area (0.23 acre) was required to be recorded within a woodland and wildlife habitat conservation easement. The recorded document was reviewed as part of this application, which includes the metes and bounds description (Exhibit A), as well as the woodland preservation exhibit.

The TCP2 requires minor technical revisions that are included as conditions herein.

- ~~†[13. **Prince George's County Tree Canopy Coverage Ordinance:** The subject site is located in the CS Zone (prior C M Zone), and a 10 percent tree canopy coverage (TCC) requirement applies, per Section 25-128(b) of the Prince George's County Code. This amounts to approximately 0.1393 acres, or 6,068 square feet, to be provided in TCC. Conditions are included herein requiring the applicant to correct the total required TCC in square footage on the plan, as well as to revise the number of trees included in this DSP, to be consistent with the landscape schedule.]~~

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- †13. The subject site is located in the CS Zone, and a 15 percent tree canopy coverage (TCC) requirement applies, per Section 25-128(b) of the prior Prince George's County Code, in accordance with Price George's County Council Bill CB-021-2024. This amounts to approximately 0.21 acre, or 9,082 square feet, to be provided in TCC. This requirement is met through the combination of on-site woodland conservation, on-site woodland retained, and landscaping provided with this DSP.
14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The Planning Board has reviewed and adopts referral comments that are incorporated herein by reference and are summarized, as follows:
- a. **Historic Preservation and Archeological Review**—In a memorandum dated March 21, 2024 (Stabler, Smith, and Chisholm to Huang), the following comments were offered:
- The subject property is adjacent to the Marlow-Huntt Store and Casket Shop historic site (85A-033-14). Constructed in 1867 and 1878 as a general store in the village of T. B., it was operated by T.B.'s most prominent citizen, J. Eli Huntt, for the remainder of the 19th century. It is a one- and one-half-story frame front-gabled building with cornices embellished with large jig-sawn brackets above a central round arch window. A small two-story frame building sits next to the store, which was constructed in 1878 and used as a casket shop and meeting place for a local temperance society. These two buildings are the last remnants of the nineteenth-century village of T. B.
- The master plan contains goals and policies related to Historic Preservation (pages 155 through 159) that are relevant to the subject property. Several interpretive clusters have been identified in the master plan based on the presence of archeological resources and their interpretive potential, including the T.B./Brandywine Cluster (page 157), in which this subject property is located:
- 6. T.B./Brandywine Cluster: The core of this cluster centers on the historic communities of T.B. and Brandywine. Many dwellings, businesses, and farms were developed in the two communities during the 19th century. There is a potential for identifying archeological resources associated with the two communities.**
- The subject property is reflective of the heritage themes of the Eighteenth Century and the Antebellum Period—Early Crossroads Communities (page 19) and Transportation—Early Roads (page 20) identified in the 2010 *Approved Historic Sites and Districts Plan*.
- A Phase I archeological survey was conducted in September 2018. A surface reconnaissance was conducted on the property and several building ruins were documented. The site was extensively grabbed when the buildings were demolished, and standing water was present over a portion of the property. The reconnaissance survey identified four ruined buildings and one derelict garage, all of which were photographed.

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A total of 28 shovel test pits (STPs) were excavated along six transects laid out at 50-foot intervals. Only three STPs contained cultural material. A probable late nineteenth century flowerpot rim was found above remains of the soft mud-brick foundation of the Marlow-MacPherson House (PG: 85A-16) in STP A3; three wire nails and a piece of coal were found in STP A4; a sherd of colorless glass, and a piece of rusted iron were identified in STP D4. A draft Phase I archeology report was submitted for PPS 4-18009, which was reviewed by the Historic Preservation Commission at its April 16, 2018, meeting.

- b. **Community Planning**—In a memorandum dated February 20, 2024 (Calomese to Huang), an evaluation was provided of the application stating that, while master plan conformance is not a required finding for this DSP, the subject DSP does conform with the master plan’s recommended land use for the subject property.
- c. **Transportation Planning**—In a memorandum dated February 26, 2024 (Daniels to Huang), the following comments were offered:

**Master Plan Right of Way**

The site is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the master plan. The property fronts MD 5 (F-9) and MD 631; however, the property can only be accessed via MD 631, which has no master plan designation.

**Master Plan Pedestrian and Bicycle Facilities**

There are no master plan bicycle and pedestrian recommendations that impact the subject property. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

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

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

The master plan includes the following policies and goals that can be applied to the subject site:

- **Implement land use strategies that will reduce vehicle trips and miles traveled by encouraging mixed-use developments and increasing employment in targeted areas.**

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The site plan includes a 5-foot-wide sidewalk along the property frontage, to provide a continuous and new connection to the site. There are no bicycle facilities recommended that impact the subject site. However, bicycle parking is shown on-site. The Planning Board finds that the facilities meet the intent of the master plan and MPOT.

- d. **Subdivision**—In a memorandum dated March 21, 2024 (Vatandoost to Huang), the following comments were offered:

1. The eating and drinking establishment on Parcel [3] has direct access to a public ROW via a driveway located on Parcel 1. Parcels 1, 2, 3, and 4 are considered one building site for the development per Section 27-107.01(a)(129) of the prior Zoning Ordinance.
2. The property received an automatic certificate of adequacy associated with PPS 4-18009, pursuant to Section 24-4503(a)(1) of the Subdivision Regulations, which became effective April 1, 2022, and is valid for 12 years from that date, subject to the expiration provisions of Section 24-4503(c).
- †[3. ~~The property's western boundary line on the DSP is missing the bearings and distances. A condition is included herein requiring that this information be added.~~]
- †[4. ~~All parcels included in this subject DSP exist and were recorded in the Prince George's County Land Records in Plat Book ME 258 Plat 54. All the parcel labels on all DSP plans shall be revised to remove the suffix 'Proposed,' which is conditioned herein.~~]

†Additional comments provided by the Subdivision Section have been addressed on the submitted DSP.

- e. **Environmental Planning**—In a memorandum dated March 20, 2024 (Schneider to Huang), the following comments were offered:

#### **Natural Resources Inventory**

The subject TCP2 is in conformance with the approved NRI (NRI-187-2017). This site contains no specimen, historic, champion trees, or regulated environmental features (REF) such as streams, wetlands, 100-year floodplain, associated buffers, or primary management area (PMA). The NRI has expired, and a one-year revalidation is required. This NRI revalidation has been approved by the Environment Planning Section on March 21, 2024.

#### **Soils**

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Aquasco-Urban Land complex, Beltsville Silt Loam, and Beltsville-Urban Land complex. Neither Marlboro

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clay nor soils containing Christiana complexes are known to occur on or within the vicinity of this property.

**Stormwater Management**

The site has an approved Stormwater Management Concept Plan (52526-2020-00) and approval letter, which is valid until June 11, 2024, that is in conformance with the current code.

- f. **Permit Review Section**—At the time of the writing of this resolution, no comments were offered on this application.
- g. **Prince George’s County Department of Parks and Recreation (DPR)**—In an email dated January 18, 2024 (Holley to Huang), no comments were offered on this application.
- h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated January 29, 2024 (Giles to Huang), it was noted that the subject DSP is consistent with the approved site development concept plan and provided comments pertaining to the approval of SWM.
- i. **Price George’s County Police Department**—At the time of the writing of this resolution, no comments were offered on this application.
- j. **Prince George’s County Fire/EMS Department**—In an email dated February 4, 2024 (Reilly to Huang), the following comments were offered:
  - “1. Provide the location of the proposed Fire Department Connection (FDC) for the building.
  - “2. Show any existing or proposed fire hydrants. There must be a fire hydrant within 200 feet of the FDC. This distance must be measured as hose is laid by the fire department, along drive aisles and around obstacles.
  - “3. There must be a hydrant within 500 feet of the most remote portion of the structure. Distance measured as above.”
- k. **Prince George’s County Health Department**—In a memorandum dated January 19, 2024 (Adepoju to Huang), comments were offered addressing construction activity impacts (noise and dust) extending onto adjacent properties during construction, and indicated that the applicant must apply for plan review to the Maryland Department of Health, Environmental Health Bureau, Food Protection and Food Licensing program, located at 6 St. Paul Street, Suite 1301, Baltimore, Maryland. 21202

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- l. **Washington Suburban Sanitary Commission (WSSC)**—Utility-related comments were offered, dated February 27, 2024, that have been provided to the applicant and will have to be addressed before sewer and water connection. Specifically, WSSC noted that existing and/or proposed water/sewer mains and service connections should clearly be shown on the plan and that there is a 30-inch diameter water main located in the vicinity of this property (on MD 5) and that is being relocated.
  - m. **Public Utilities**—The subject DSP application was referred to Verizon, Comcast, the Southern Maryland Electric Cooperative (SMECO), and Washington Gas for review and comments on February 22, 2024. At the time of the writing of this resolution, no correspondence has been received from these public utility companies.
15. **Community Feedback:** The Planning Board did not receive any inquiries from the community regarding the subject DSP.
  16. Based on the foregoing analysis, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, if approved with the conditions below, represents a most 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 costs and without detracting substantially from the utility of the approved development for its intended use.
  17. Section 27-285(b)(2) of the prior Zoning Ordinance is not applicable because there is no conceptual site plan.
  18. Section 27-285(b)(3) of the prior Zoning Ordinance does not apply to this DSP because it is not a DSP for infrastructure.
  19. As required by Section 27-285(b)(4) of the prior Zoning Ordinance, the Planning Board may approve a DSP 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). There are no regulated environmental features (REF) on 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 Type 2 Tree Conservation Plan TCP2-026-2018-02 and APPROVED Alternative Compliance AC-24001, and further APPROVED Detailed Site Plan DSP-19031-02 for the above-described land, subject to the following conditions:

- †[1. ~~Prior to certificate approval of the detailed site plan (DSP), the following revisions shall be made, or information shall be provided:~~
  - a. ~~Revise the DSP case number on the cover sheet to DSP-19031-02.~~

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- b. ~~Revise Standard Note 3 on Sheet C 302 to indicate the total number of parcels as four parcels (Parcels 1 to 4) and correct the acreage of the property.~~
- e. ~~Revise Standard Note 4 on Sheet C 302 to add the recording plat reference for Parcels 3 and 4 as Plat Book ME 258 Plat 54 instead of the deed reference.~~
- d. ~~Revise parcel information noted on the site plans across various sheets to be consistent with the parcel information contained in Standard Note 4 on Sheet C 302.~~
- e. ~~Revise the existing and prior zones for each parcel in Standard Note 4 on Sheet C 302, and similar information on the cover sheet.~~
- f. ~~Regarding Standard Note 5 on Sheet C 302:~~
  - (1) ~~Revise the proposed use to the approved use for Parcels 1 and 4.~~
  - (2) ~~Revise the existing use of Parcels 1 and 4 to be vacant, if any on-site structures have been razed.~~
- g. ~~Revise the existing condition/demolition plan on Sheet C 201 if any on-site structures have been razed.~~
- h. ~~Revise Standard Note 6 on Sheet C 302 to indicate if the existing building gross floor area on Parcels 1 and 4 will remain or be razed.~~
- i. ~~Revise all the existing parcels labeling on all the plans to remove the suffix “Proposed.”~~
- j. ~~Revise Sheet C 301 to show clearly all the property’s boundary bearings and distances, in conformance with the record plat, and not overlapping with other features.~~
- k. ~~On Sheet C 301, label the area of the proposed building on Parcel 1 that was approved under DSP 19031.~~
- l. ~~Clarify which Zoning Ordinance contains the parking setback requirements and, if not required, remove this information from the plans.~~
- m. ~~Revise the dimension of the provided southern setback to be consistent with what is shown on the plan~~
- n. ~~Accurately label the dimensions of 60-degree nonparallel parking spaces.~~
- o. ~~Revise the parking schedule to include two parallel parking spaces provided.~~
- p. ~~Organize information and details related to the drive-through service in one package.~~

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- q. ~~Regarding architectural elevations:~~
- (1) ~~Label the elevations based on cardinal directions.~~
  - (2) ~~Separate and organize details associated with the elevations from the signage package.~~
  - (3) ~~Provide large-scale, colored architectural elevations.~~
- r. ~~Regarding signage:~~
- (1) ~~Organize the signage package with the provision of details for each sign (including dimensions, materials, and illumination).~~
  - (2) ~~Revise the signage schedule to demonstrate conformance with the requirements.~~
  - (3) ~~Clarify if the subject DSP includes a free-standing sign and, if not, remove it from the signage package and, if provided, indicate its location on the plan.~~
  - (4) ~~Revise signage information contained in Standard Note 7 to be consistent with the submitted plans.~~
- s. ~~Regarding lighting:~~
- (1) ~~Add a note indicating that all light fixtures included in this DSP are full cut-off and directed downward to reduce glare and light spill over.~~
  - (2) ~~Revise the photometric plan, submitted for this DSP, to cover the entire access route from MD 631 (Old Brandywine Road).~~
  - (3) ~~Add additional pole-mounted light fixture along the route on Parcel 2 to ensure sufficient illumination.~~
- t. ~~Regarding the dumpster:~~
- (1) ~~Provide legible dumpster details.~~
  - (2) ~~Revise the large-scale plan for the dumpster to be consistent with the design shown on other plans~~
- u. ~~Add a note to the plans, indicating that the Historic Marlow Hunt Store and Casket Shop (85A-033-14) is located across MD 631 (Old Brandywine Road).~~
- v. ~~Correct “open space” to “green space” on Sheet C-907.~~

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- w. Provide at least two trash receptacles along the MD 631 (Old Brandywine Road) frontage.
  - x. Provide a revised trip generation memo that details the trips generated by the proposed and approved uses in comparison to the trip cap established by Preliminary Plan of Subdivision 4-18009.
  - y. Correct “front setback” to “street setback.”]
- †[2. Prior to certification, the applicant shall revise the landscape plans, as follows:
- a. Revise Schedule 4.2-1 with Option 2 for MD 631 (Old Brandywine Road) and demonstrate conformance to the requirements.
  - b. Revise Schedule 4.2-1 for MD 5 (Branch Avenue) and demonstrate conformance to the requirements.
  - c. Regarding Schedule 4.3-2:
    - (1) Label the width of the landscape islands parallel to the parking spaces.
    - (2) Revise the information for Items 6 and 9 to conform with the requirements.
  - d. Correct the requirements for the building setback and the width of landscape yard in Schedule 4.7-1 for Bufferyard 2.
  - e. Revise Schedule 4.9-1 and the landscape schedule to be consistent with the information contained in other required schedules.
  - f. Revised Schedule 4.9-1 to demonstrate conformance to the requirements.
  - g. Regarding the tree canopy coverage (TCC) requirement:
    - (1) Correct the total required TCC in square footage.
    - (2) Revise the number of trees included in this detailed site plan to be consistent with the landscape schedule.
  - h. Revise the landscape plan in accordance with the provision of the one loading space.
  - i. Provide details of the 6-foot high, board-on-board fence and show its location at the top of the retaining wall.
  - j. Revise the site plan to show the locations of major improvements that are within 50 feet of the property line on all sides.

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- ~~k. Provide spot elevations across the entire grading area.~~
  - ~~l. Label the linear feet of Bufferyard 1 on the plan.~~
  - ~~m. Revise Schedule 4.7.1 for Bufferyard 1 to be consistent with information shown on the plan.]~~
- †[3. Prior to certification, the applicant shall revise the Type 2 Tree Conservation Plan (TCP2), as follows:
- ~~a. Revise the TCP2 approval block to show the previous approvals.~~
  - ~~b. Add the recordation Liber and folio of the amended and restated woodland and wildlife conservation easement to Note 11 of the Standard Type 2 Tree Conservation Notes.]~~
- †[4] 1. Prior to †[the] certification of this detailed site plan, the woodland and wildlife habitat conservation easement shall be amended and restated and recorded in the Prince George's County Land Records office and include the metes and bounds, the woodland preservation exhibit, and the woodland conservation easement document.
- †[5] 2. Prior to †[the] approval of the first building permit, the applicant, applicant's heirs, successors and/or assignees shall provide a financial contribution of \$420.00 to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) for the placement of a bikeway sign along MD 373 (Accokeek Road), unless modified by DPIE, with written correspondence.

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.

\* \* \* \* \*

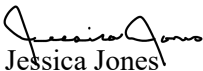
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, April 25, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of May 2024.

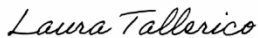
†This is to certify that the foregoing is a true and correct copy of the remand action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, November 14, 2024, in Largo, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

†Adopted by the Prince George's County Planning Board this 5th day of December 2024.

Peter A. Shapiro  
Chairman


By   
Jessica Jones  
Planning Board Administrator

PAS:JJ:TH:tr



Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: November 27, 2024

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CASE NO: DSP-19031-02  
CASE NAME: THREE ROADS CORNER -  
POPEYES RESTAURANT  
PARTY OF RECORD: 11  
PB DATE: 12-5-2024

204



MICHAEL LENHART  
LENHART TRAFFIC CONSULTING, INC.  
645 B&A BOULEVARD, SUITE 214  
SEVERNA PARK MD 21146  
(CASE NUMBER: DSP-19031-02)

SYDNEY J HARRISON  
PRINCE GEORGE'S COUNTY COUNCIL  
1301 MCCORMICK DRIVE WAYNE K. CURRY  
ADMINISTRATION BUILDING, 2ND FLOOR  
LARGO MD 20774  
(CASE NUMBER: DSP-19031-02)

THREE ROADS CORNER  
5620 LINDA LANE  
TEMPLE HILLS MD 20748  
(CASE NUMBER: DSP-19031-02)

HIJAZI LAW GROUP  
3231 SUPERIOR LANE SUITE A-26  
BOWIE MD 20715  
(CASE NUMBER: DSP-19031-02)

MEL FRANKLIN  
AT-LARGE MEMBER  
1301 MCCORMICK DRIVE WAYNE K. CURRY  
ADMINISTRATION BUILDING, 2ND FLOOR  
LARGO MD 20774  
(CASE NUMBER: DSP-19031-02)

CALVIN S HAWKINSII  
AT-LARGE MEMBER  
1301 MCCORMICK DRIVE WAYNE K. CURRY  
ADMINISTRATION BUILDING, 2ND FLOOR  
LARGO MD 20774  
(CASE NUMBER: DSP-19031-02)

NICHOLAS SPEACH  
BOHLER ENGINEERING  
16701 MELFORD BOULEVARD SUITE 310  
BOWIE MD 20715  
(CASE NUMBER: DSP-19031-02)

MS.JENNIFER D MORPHEW  
9040 SOLDIERWOOD COURT/S  
BEL ALTON MD 20611  
(CASE NUMBER: DSP-19031-02)

MR.EZEKIEL DENNISON JR.  
MARLTON HOMEOWNERS ASSOCIATION  
10213 LILY GREEN COURT, UPPER MARLBORO M  
COURT/S  
UPPER MARLBORO MD 20772  
(CASE NUMBER: DSP-19031-02)

ABDULLAH HIJAZI  
HIJAZI & CARROLL, P.A.  
3231 SUPERIOR LANE SUITE A26  
BOWIE MD 20715  
(CASE NUMBER: DSP-19031-02)

MR.MATTHEW TEDESCO  
MCNAMEE HOSEA, P.A.  
6404 IVY LANE SUITE SUITE SUITE 820  
GREENBELT MD 20770  
(CASE NUMBER: DSP-19031-02)





The Maryland-National Capital Park and Planning Commission



PRINCE GEORGE'S COUNTY  
Planning Department

1616 McCormick Drive, Largo, MD 20774 • pgplanning.org • Maryland Relay 7-1-1

October 23, 2024

## MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Hyojung Garland, Supervisor, Urban Design Section *J K for HG*  
Development Review Division

FROM: Te-Sheng (Emery) Huang, Planner IV, Urban Design Section *TH*  
Development Review Division

SUBJECT: **Detailed Site Plan DSP-19031-02 (Remanded)**  
**Popeyes**

## BACKGROUND

Detailed Site Plan DSP-19031-02, Popeyes, for the development of a 2,923-square-foot eating and drinking establishment with drive-through service on Parcel 3, in the Commercial Miscellaneous and Commercial Shopping Center Zones, was approved by the Prince George's County Planning Board on April 25, 2024, and a final resolution (PGCPB Resolution No. 2024-029) was adopted on May 16, 2024. The Prince George's County District Council elected to review this application on June 10, 2024, and conducted oral arguments on July 15, 2024. The Order of Remand was issued by the District Council on September 16, 2024.

At oral argument on July 15, 2024, People's Zoning Counsel agreed with the Planning Board's approval of the DSP but advised the Council that the Planning Board's Resolution contained significantly more conditions than normal and suggested the Council could remand the case to the Planning Board, to have some of these conditions addressed, so that the DSP would be more complete. The Council elected to have an Order of Remand prepared. The Order of Remand found that the application should not have been accepted and directed the applicant to either withdraw its application and abandon the project or submit a "revised" application, schedule another evidentiary hearing, and transmit a revised or amended decision.

## ORDER OF REMAND FINDINGS

The Order of Remand was mailed to all parties of record on September 16, 2024. Within the Order of Remand, the District Council ordered the applicant to complete four actions in **bold**, followed by staff analysis, in plain text:

1. **The applicant may *withdraw* the wholly deficient DSP application or abandon the project altogether if it cannot comply with the requirements of the prior Zoning Ordinance, or in the alternative, shall submit a revised DSP application that *complies* with all revisions articulated by the Board in its Resolution at pages 21 through 24. PGCPB No. 2024-029 at 21-24.**

The applicant has elected not to withdraw DSP-19031-02 and instead submitted a revised DSP. The revised plans submitted by the applicant were received on October 3, 2024, addressing Conditions 1, 2 and 3 on pages 21 through 24 of Prince George's County Planning Board (PGCPB) Resolution No. 2024-029.

2. **To the extent that the applicant submits a revised DSP application that complies with all revisions articulated by the Board in its Resolution at pages 21 through 24, Technical Staff shall issue an amended Report on the revised DSP.**

Staff have reviewed the revised plans and found that the revised plans, received on October 3, 2024, comply with revisions articulated by the Planning Board in its Resolution on pages 21 through 24, specifically for Conditions 1, 2 and 3. This memorandum and an amended technical staff report, published on October 24, 2024, responds to this remand instruction.

The application form initially submitted by the applicant was sufficient, and the contents of the application included all attendant plans required, in order to review the application. During the site plan review process, a full review of the design shown on said plans was conducted by staff where technical corrections were identified, and requested to be corrected as necessary, to clarify the improvements shown on the plans. Such revisions were nonsubstantive, technical in nature, and of the kind typically found when proofing a site plan, and did not prevent approval by the Planning Board, with modifications, as allowed under Section 27-285 of the prior Zoning Ordinance.

In the instance of this application, the Planning Board adopted two conditions (4 and 5 of PGCPB Resolution No. 2024-029), which have been retained in the amended technical staff report, as they require the recording of documents and requirements that may only be applied subsequent to the approval of a DSP.

3. **After appropriate notice of Technical Staff's amended Report, in accordance with law, the Board shall schedule, after appropriate notice, in accordance with law, another evidentiary hearing to consider the DSP application.**

The applicant posted signs on-site on October 8, 2024, notifying the public that the Planning Board evidentiary hearing was scheduled for November 7, 2024, pursuant to this remand. Two weeks prior to the hearing, on October 24, 2024, the memorandum was published on the Planning Board's webpage.

4. **After an evidentiary hearing on Technical Staff's amended Report analyzing applicants' revised DSP application, the Board shall transmit a revised or amended decision to the District Council in a Resolution, amended or otherwise, in accordance with the provisions on remand under the prior Zoning Ordinance.**

Following the evidentiary hearing, staff recommend that the Planning Board transmits an amended decision to the District Council, in a Resolution, in accordance with this remand instruction, and pursuant to the amended technical staff report.

## **RECOMMENDATION**

Based on the forgoing discussion, the Urban Design Section recommends that the Planning Board adopt the findings of this memorandum to address the four specific issues subject to this Order of Remand and, based on the amended technical staff report, issue a new resolution to supersede PGCPB Resolution No. 2024-029.



# Detailed Site Plan Remand Hearing Popeyes

## DSP-19031-02

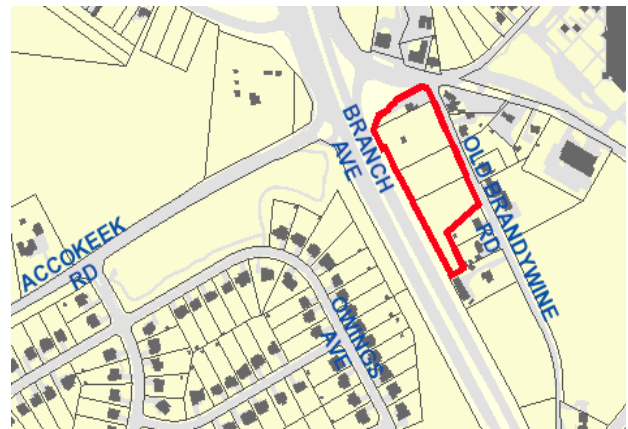
REQUEST	STAFF RECOMMENDATION
Amend DSP-19031 to develop a 2,923-square-foot eating and drinking establishment with drive-through service on Parcel 3.	With the conditions recommended herein: <ul style="list-style-type: none"><li>• APPROVAL of Detailed Site Plan DSP-19031-02</li><li>• APPROVAL of AC-24001</li><li>• APPROVAL of Type 2 Tree Conservation Plan TCP2-026-2018-02</li></ul>

**Location:** On the west side of MD 631 (Old Brandywine Road), in the southeast quadrant of its intersection with the confluence of MD 381 (Brandywine Road) and MD 373 (Accokeek Road).

Gross Acreage:	4.427
Zone:	CS/CGO
Prior Zone:	C-M/C-S-C
Reviewed per prior Zoning Ordinance:	Section 27-1903(c)
Dwelling Units:	0
Gross Floor Area:	7,389 sq. ft.
Planning Area:	85A
Council District:	09
Municipality:	N/A

**Applicant/Address:**  
Three Roads Corner, LLC  
5620 Linda Lane  
Camp Springs, MD 20748

**Staff Reviewer:** Te-Sheng (Emery) Huang  
**Phone Number:** 301-952-4534  
**Email:** tesheng.huang@ppd.mnccppc.org



Planning Board Date:	11/07/2024
Planning Board Action Limit:	11/15/2024
Staff Report Date:	10/23/2024
Date Accepted:	01/18/2024
Informational Mailing:	05/06/2021
Acceptance Mailing:	01/10/2024
Sign Posting Deadline:	03/26/2024

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-19031-02  
Alternative Compliance AC-24001  
Type 2 Tree Conservation Plan TCP2-026-2018-02  
Popeyes

The Urban Design Section has reviewed the detailed site plan for the subject property and recommends APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

**EVALUATION CRITERIA**

The subject property is within the Commercial, Service (CS) and Commercial, General and Office (CGO) Zones, formerly the Commercial Miscellaneous (C-M) and Commercial Shopping Center (C-S-C) Zones, respectively. Detailed Sit Plan DSP-19031-02 is an application to amend DSP-19031, which was approved on November 16, 2020, pursuant to the Zoning Ordinance that was effective prior to April 1, 2022 (prior Zoning Ordinance). Pursuant to Section 27-1704(a) of the Zoning Ordinance, DSP-19031 remains valid for the period of time specified in the prior Zoning Ordinance. Per Section 27-287 of the prior Zoning Ordinance, DSP-19031 remained valid for three years and would have expired on November 16, 2023. However, a grading permit was filed prior to November 16, 2023, and remains under review with DPIE. Accordingly, pursuant to Prince George's County Council Bill CB-75-2013, approved by the Prince George's County District Council on October 15, 2013, DSP-19031 remains active and valid during the Prince George's County Department of Permitting, Inspections and Enforcement's review of the grading permit and for six months following issuance of the grading permit.

Pursuant to Section 27-1903(c), "proposals [. . .] of any type for properties" in the CGO zone "may utilize the prior Zoning Ordinance [. . .] for development of the subject property." The applicant has elected to have this DSP amendment reviewed under the prior Zoning Ordinance and the property's prior C-M and C-S-C zoning. Accordingly, this application is being reviewed pursuant to the prior Zoning Ordinance. Staff considered the following in reviewing this detailed site plan:

- a. The requirements of the prior Prince George's County Zoning Ordinance for the Commercial Miscellaneous (C-M) Zone, and site design guidelines;
- b. The requirements of Zoning Map Amendment (Basic Plan) A-9920;
- c. The requirements of Preliminary Plan of Subdivision 4-18009;

- d. The requirements of Detailed Site Plan DSP-19031;
- e. The requirements of the 2010 *Prince George's County Landscape Manual*;
- f. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- g. The requirements of the Prince George's County Tree Canopy Coverage Ordinance;
- h. Referral comments; and
- i. Community feedback.

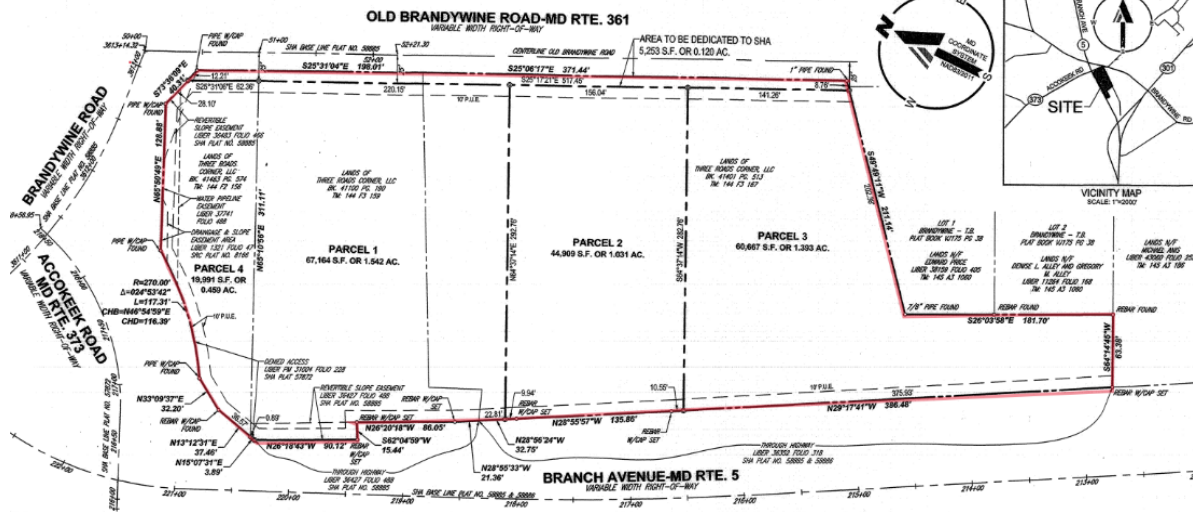
## FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommend the following findings:

1. **Request:** Detailed Site Plan DSP-19031 was approved to develop Parcels 1 and 4 with a 3,484-square-foot food and beverage store, a gas station, and a 982-square-foot car wash. This application seeks to add Parcels 2 and 3 to DSP-19031 and amend that DSP for the development of a 2,923-square-foot eating and drinking establishment with drive-through service on Parcel 3. This application does not propose any changes to the development approved for Parcels 1 and 4, pursuant to DSP-19031.
2. **Development Data Summary:**

	EXISTING	APPROVED (DSP-19031)	EVALUATED (DSP-19031-02)
Zone (s)	CGO (prior C-S-C) and CS (prior C-M)	C-S-C and C-M	C-S-C and C-M
Use(s)	Vacant	Approved food and beverage store, a gas station, and a car wash	Approved food and beverage store, a gas station, and a car wash (Parcels 1 and 4)  Proposed eating and drinking establishment with drive-through service (Parcel 3)
Gross tract acreage	4.427 (Parcel 1: 1.542; Parcel 2: 1.03; Parcel 3: 1.393; and Parcel 4: 0.461)	2.003 (Parcel 1: 1.542 and Parcel 4: 0.461)	4.427 (Parcel 1: 1.542; Parcel 2: 1.03; Parcel 3: 1.393; and Parcel 4: 0.461)
Parcels	4 (Parcels 1, 2, 3 and 4)	2 (Parcels 1 and 4)	4 (Parcels 1, 2, 3 and 4)
Gross floor area (sq. ft.)	0	4,466 (Food and beverage store: 3,484, and car wash: 982)	7,389 (Parcels 1 and 4: 4,466 and Parcel 3: 2,923)





**Figure 1: Boundary Plat of the Subject Property**

**Zoning Regulations (Per Section 27-462 (a) of the prior Zoning Ordinance)**

	REQUIRED	EVALUATED
Street setback – MD 5 (Branch Avenue)	10 feet	± 143 feet
Street setback – MD 631 (Old Brandywine Road)	10 feet	± 50 feet
Side setback - North	N/A	± 50 feet
Side setback - South	50 feet	± 89 feet
Building height	N/A	19 feet

**Parking Requirements (Per Section 27-568(a) of the prior Zoning Ordinance)**

	Requirement	Evaluated
<b>Parcels 1 and 4 (DSP-19031)</b>		
Gas station	2	4
Food and beverage store	23	25
Car wash	2	2
<b>Total</b>	<b>27</b>	<b>31</b>
Standard car spaces (9.5 feet x 19 feet)		29
Handicap van-accessible		2
<b>Parcel 3 (DSP-19031-02)</b>		
Eating and drinking establishment with drive-through service	36	-
<b>Total</b>	<b>36*</b>	<b>36</b>

<b>Standard car spaces</b>	-	-
90-degree nonparallel (9.5 feet x 19 feet)	-	5
60-degree nonparallel (9.5 feet x 19 feet)	-	17
<b>Compact car spaces</b>	Max. 12	-
90-degree nonparallel (8 feet x 16.5 feet)	-	10
Parallel (7 feet x 19 feet)	-	2
Handicap van-accessible	At least 2	2

**Note:** \*Of which at least two shall be handicap-accessible, in accordance with Section 27-566(b) of the prior Zoning Ordinance. In addition, up to 12 (one third of the requirement) may be compact, in accordance with Section 27-559(a) of the prior Zoning Ordinance.

**Loading Spaces** (Per Section 27-582(a) of the prior Zoning Ordinance)

	<b>Required</b>	<b>Provided</b>
Loading spaces (12 feet x 33 feet)	1	1

**Bicycle Spaces**

This DSP includes two U-shaped bicycle racks, which are located at the building entrance, to support a multimodal system of service.

3. **Location:** The subject site is in Planning Area 85A and Council District 9. Geographically, it is located on the west side of MD 631 (Old Brandywine Road), in the southeast quadrant of its intersection with the confluence of MD 381 (Brandywine Road) and MD 373 (Accokeek Road).
4. **Surrounding Uses:** The site is bound to the north by the intersection of MD 5 (Branch Avenue) and MD 381, and, beyond, commercial uses in the Commercial, General and Office (CGO) Zone, formerly the Commercial Shopping Center (C-S-C) Zone. To the east is MD 631 and, beyond, commercial uses in the Commercial, Service (CS) Zone, formerly the Commercial Miscellaneous (C-M) Zone. To the south are single-family detached houses in the Residential, Rural (RR) Zone, formerly the Rural Residential (R-R) Zone. To the west is MD 5 (Branch Avenue) and, beyond, are single-family detached houses in the RR Zone, formerly the R-R Zone.
5. **Previous Approvals:** Zoning Map Amendment (ZMA) A-9920 was approved by the Prince George's County District Council on February 5, 1996 (Zoning Ordinance 1-1996), to rezone a portion of the subject property from the R-R Zone to the C-S-C Zone.

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan) was approved by the District Council on July 24, 2013 (Resolution CR-81-2013), to rezone a

portion of the subject site (Parcel 167) from the R-R Zone to the C-M Zone (pages 169 and 184 of the master plan).

Preliminary Plan of Subdivision (PPS) 4-18009 was approved by the Planning Board on May 2, 2019 (PGCPB Resolution No. 19-58), for the development of four parcels with 12,062 square feet of commercial space. The PPS had an approved Stormwater Management (SWM) Concept Plan and Letter, 32000-2018-00.

Detailed Site Plan DSP-19031 was approved by the Planning Board on September 10, 2020 (PGCPB Resolution No. 2020-132), for the development of Parcels 1 and 4 with a 3,484-square-foot food and beverage store, a gas station, and a 982-square-foot car wash. On November 16, 2020, the District Council reviewed DSP-19031 and affirmed the conditions contained in PGCPB Resolution No. 2020-132.

6. **Design Features:** The site contains four parcels, which share a vehicular entry/exit point located on MD 631, specifically on Parcel 1. Parcels 1 and 4, approved with DSP-19031, will be developed with a 7-Eleven convenience store, a gas station, and a car wash. Through the subject DSP, Parcel 3 will be developed with a 2,923-square-foot eating and drinking establishment with drive-through service. Parcel 2 is currently vacant.

The subject development is oriented towards MD 5 and has pedestrian access from MD 631. The building is one-story and is approximately 19 feet in height. Two drive-through lanes are located to the south of the building, with two separate menu display boards, and then merge into one lane before the pick-up window.

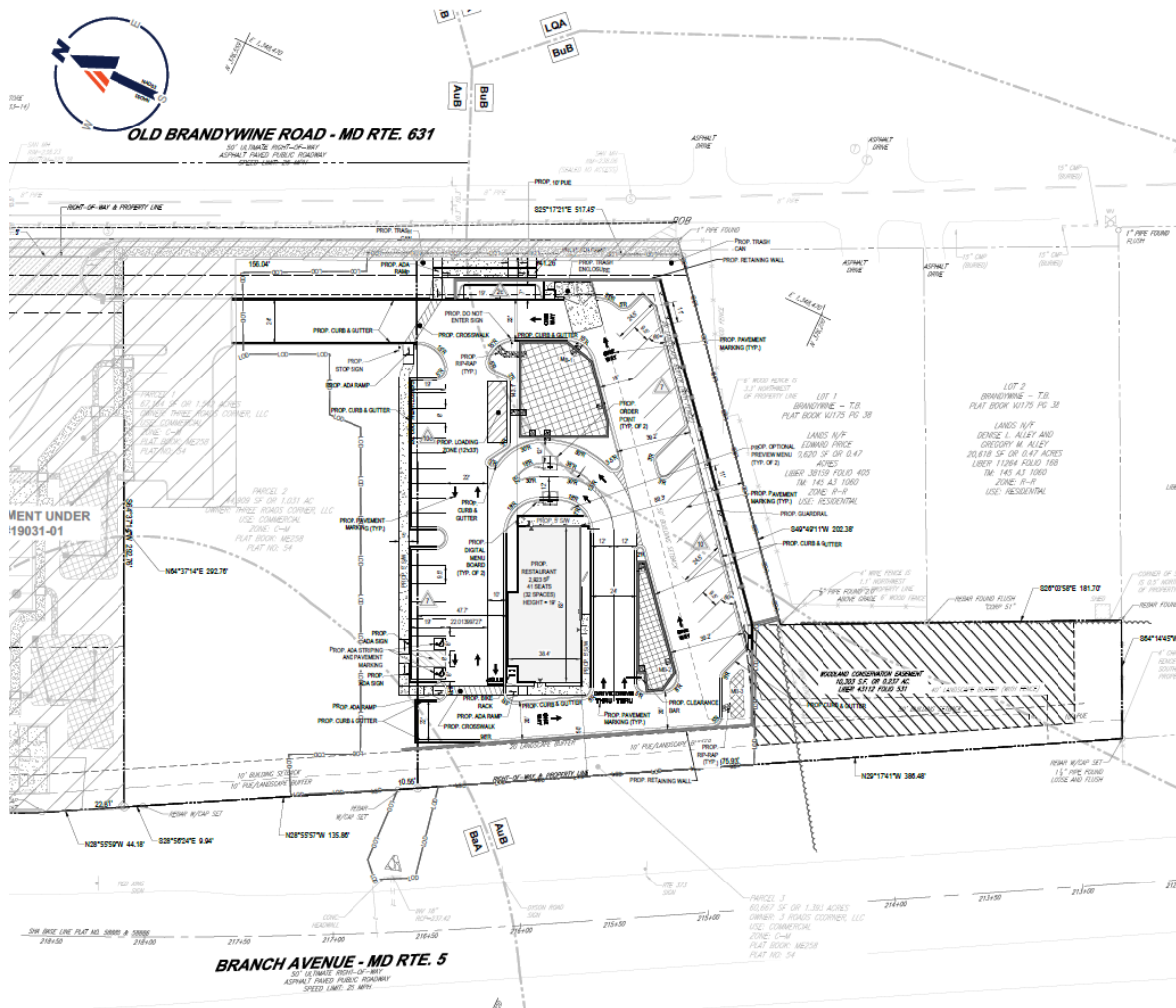
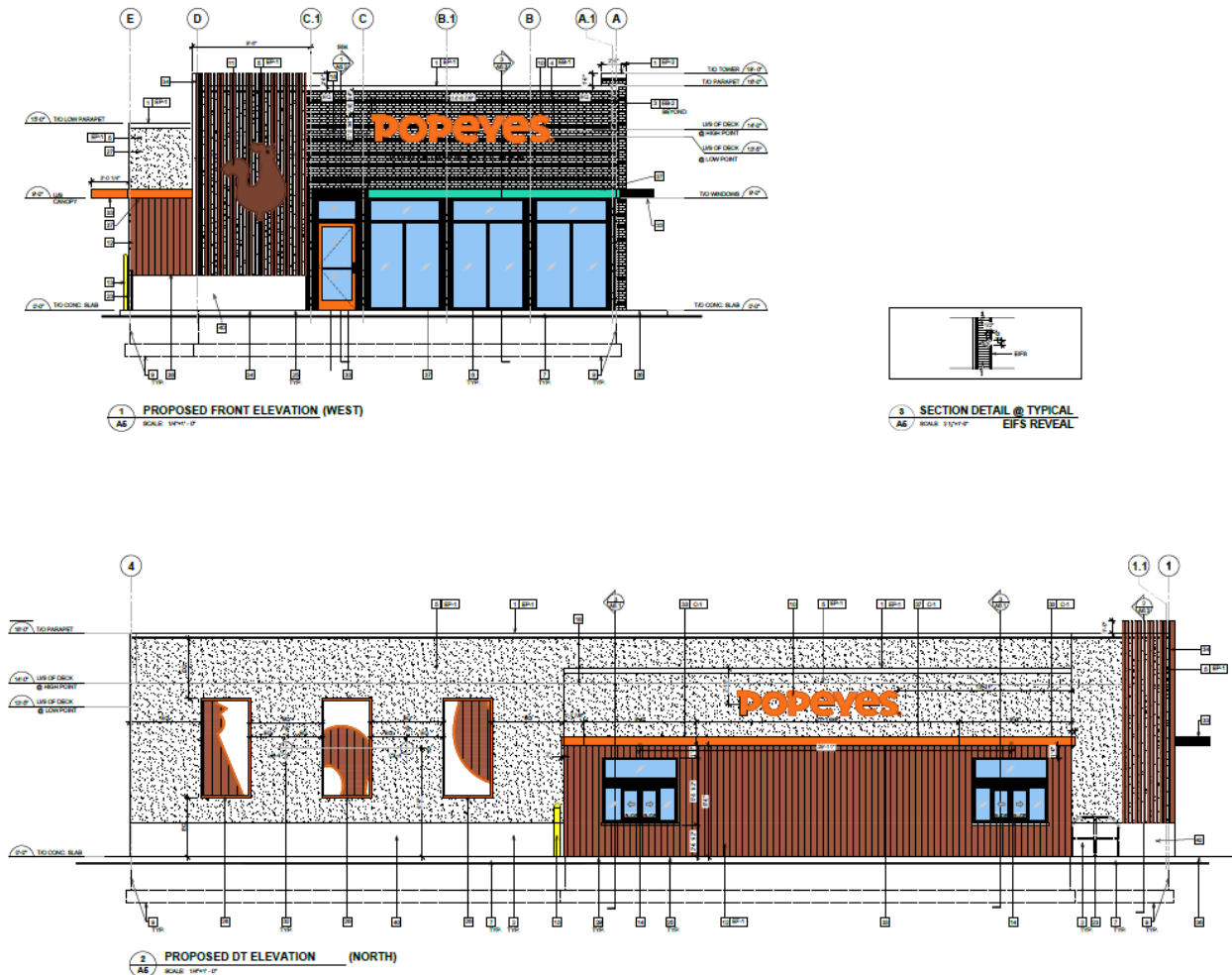


Figure 2: Detailed Site Plan

## Architecture

The architectural design of the proposed building is contemporary with a flat roof. The building is finished with a mix of materials, including brick veneer, stucco finished exterior insulation and finish systems, glass, aluminum tubes, and pre-finished metal cap. The materials are arranged in a geometric pattern.



**Figure 3: Proposed West (upper) and North (lower) Elevations**

### Signage

The subject DSP includes five building mounted signs, in accordance with Section 27-107.01 of the prior Zoning Ordinance, which defines signs as, "Any letter, word, numeral, figure, design, projected image, picture, illustration, emblem, symbol, trademark, banner, pennant, or other device, which is used to announce, direct attention to, identify, advertise, or otherwise make anything known. Signs do not include the flag or emblem of any nation; county; state; city; religious, fraternal, or civic organization; decorations or works of art which in no way identify a product or business."

Among the five signs, two are letter signs, two are logo signs, and one is a graphic sign. These signs are mounted on the west, north, and south elevations. Each of the elevations has two signs except the north elevation which has one. No signs are mounted on the east elevation. The submitted plans also include the details of the signs. No freestanding signs are included in this DSP.

### **Lighting**

The subject DSP includes both building-mounted and pole-mounted lighting throughout the site, with details. Staff find that the submitted photometric plan shows adequate lighting for users on-site and is sufficient for illuminating drive aisles, building entryways, and walking paths. All light fixtures included in this DSP are fully cut-off and directed downward to reduce glare and light spill-over. For people to access the proposed development on Parcel 3, they need to use the shared vehicular entry/exit point located on Parcel 1 and cross Parcel 2, via a drive aisle. The submitted photometric plan also shows additional pole-mounted light fixtures that are installed along the route on Parcel 2, to ensure sufficient illumination.

### **Loading and Trashing Facilities**

The subject DSP includes one loading space, located internally to the subject property. With the planting along the MD 631 frontage, public view to the loading space is screened. The submitted plans also show the location of the proposed dumpster, with the details of the dumpster enclosure.

## **COMPLIANCE WITH EVALUATION CRITERIA**

7. **Zoning Map Amendment A-9920:** On February 5, 1996, Zoning Map Amendment A-9920 was enacted by the District Council with two conditions, as follows:

1. **Before any building permit is issued, a site plan showing the footprint of any proposed building, parking, and landscaping (along with corresponding elevations) shall be reviewed and approved by the Planning Board or its designee. Such plans shall show the building's siting, setback, orientation, scale, roof shape, and proportions to be compatible with the character of the Historic Resource and Historic Site. Parking and landscaping shall be subject to the requirements of the Landscape Manual as to setbacks and buffers regarding development adjacent to Historic Sites.**

A DSP application (DSP-19031, 7-Eleven Branch Avenue), for development on intermediate Parcels 1 and 4, was reviewed and recommended for approval with no conditions by the Historic Preservation Commission at its July 21, 2020 meeting.

The subject property is located on the west side of MD 631, and the Marlow-Huntt Store historic site is located on the east side of MD 631. The subject DSP includes an exhibit showing a plan view and a cross section of the proposed development in relation to the Marlow-Huntt Store historic site. Staff find that the orientation, mass, height, materials, and design of the proposed development will have minimal impact on the historic site. The historic site is oriented in a northwest-southeast direction, facing MD 381, and does not directly face the proposed development. The proposed development on Parcel 3 is located approximately 450 feet from the historic site and will be visually separated from the historic site by a proposed landscape strip along the length of MD 631.

2. **The adjoining Historic Resource and Historic Site shall be noted on all subsequent plans.**

The submitted plans include such a note, indicating that the Historic Marlow-Huntt Store and Casket Shop (85A-033-14) is located across MD 631. Therefore, this condition was addressed.

**8. Prince George's County Zoning Ordinance:** The DSP application has been reviewed for compliance with the requirements of the C-M Zone and the site design guidelines of the prior Zoning Ordinance:

- a. This application is subject to the requirements of Section 27-459, C-M Zone, of the prior Zoning Ordinance as follows:

**(b) Landscaping and screening.**

**(1) Landscaping and screening shall be provided in accordance with Section 27-450.**

In accordance with Section 27-450 of the Zoning Ordinance, "Landscaping, screening, and buffering of all development in the Commercial Zones shall be in accordance with the provisions of the Landscape Manual." Evaluation of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) has been addressed in Finding 11 below.

**(c) Uses**

**(1) The uses allowed in the C-M Zone are as provided for in Table of Uses I (Division 3 of this Part).**

The subject DSP proposes to develop an eating and drinking establishment, with drive-through service. Per Section 27-461(b), this use is permitted in the C-M Zone, subject to Footnote 24. That footnote requires that a DSP, in accordance with Part 3, Division 9, be approved. This DSP is filed in accordance with this requirement.

**(d) Regulations.**

**(1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the C-M Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Table (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The subject DSP is in conformance with these regulations, specifically details have been discussed in Findings 2 and 6 above and Finding 11 below.

- b. Section 27-274(a) of the prior Zoning Ordinance provides site design guidelines for a DSP. The applicable design guidelines are described as the following:

**(2) Parking, loading, and circulation.**

- (A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site...**

The submitted plans include a sidewalk along the frontage of MD 631 and sidewalk and crosswalk connections within the subject site. Parking spaces are arranged along drive aisles to the sides of the proposed building for easy access and to avoid conflicts with pedestrian connectivity.

- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians...**

One loading space is included in this DSP, which has been discussed in Finding 6 above. The loading space is located internal to the subject site and to the east of the proposed building. The loading space is also away from the on-site vehicular and pedestrian circulation. Accordingly, it is visually unobtrusive and has minimal conflicts with vehicles and pedestrians.

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

The site is accessed via the shared vehicular entry/exit point located on MD 631, approved with DSP-19031, and the driveway across Parcel 2. A crosswalk is proposed crossing this driveway, connecting the MD 631 frontage to the subject development and adjacent property. The submitted plans show both vehicular and pedestrian circulation to be safe, efficient, and convenient for both pedestrians and drivers, because vehicular and pedestrian routes are separated. Where pedestrians must cross the vehicular route, crosswalks are provided.

**(3) Lighting.**

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

Lighting for this DSP has been discussed in Finding 6 above, demonstrating adequate illumination for users and for the site in the evening.



**(4) Views.**

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

Parcel 3, that is the subject site for this DSP, is far away from the Marlow-Huntt Store historic site and does not have vast scenic views. The mixture of the improved landscapes and existing vegetation in the perimeter of the subject site provides buffering and screening from public areas.

**(5) Green Area.**

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

The submitted plan shows 52 percent of green area to be provided on-site. The size, shape, location, and design of green area is appropriate to enhance landscape screening from residential houses located to the south of the subject site, as well as to improve the street frontage of MD 631 and MD 5.

**(6) Site and streetscape amenities.**

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

The business model of the proposed development is to serve food quickly, whether clients intend to dine in, take at the counter to go, or drive through. The submitted plans show the provision of bike racks at the building entrance. To enhance improvement of the MD 631 frontage and create a more attractive, coordinated development, the applicant also provides two trash receptacles, with details, within this frontage.

**(7) Grading.**

- (A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts...**

The submitted existing conditions/demolition plan shows steep slopes greater than 15 degrees are located in the perimeter of Parcels 1, 2, 3 and 4. The proposed building will be located in the center of Parcel 3, which is relatively flat. This will minimize the need for grading and additional disruption to the existing

topography. In addition, retaining walls are included in the eastern, southern and western perimeter of Parcel 3 to enhance stability.

**(8) Service Areas.**

**(A) Service areas should be accessible, but unobtrusive.**

The submitted plans show the location of the proposed dumpster and one loading space are accessible, but unobtrusive. While both are screened with landscaping, the dumpster is also enclosed.

**(9) Public Spaces.**

**(A) A public space system should be provided to enhance a large-scale commercial, mixed-use, or multifamily development.**

This requirement is not applicable to the subject DSP because it is not considered to be a large-scale commercial, mixed-use, or multifamily development.

**(10) Architecture.**

**(A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.**

**(B) The guidelines shall only be used in keeping with the character and purpose of the proposed type of development and the specific zone in which it is to be located.**

**(C) These guidelines may be modified in accordance with Section 27-277.**

A detailed discussion regarding architecture has been addressed in Finding 6 above.

**(11) Townhouses and three-family dwellings.**

This requirement is not applicable to this DSP because it does not include any townhouse or three-story units.

9. **Preliminary Plan of Subdivision (PPS) 4-18009:** PPS 4-18009 was approved by the Planning Board on May 2, 2019 (PGCPB Resolution No. 19-58), subject to 10 conditions. The conditions relevant to the revision of this DSP are listed below, in **bold** text. Staff's analysis of the preliminary plan's conditions follows each one, in plain text:

5. **Total development within the subject property shall be limited to uses which generate no more than 161 AM peak-hour trips and 109 PM peak-hour trips, in consideration of the approved trip rates. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.**

The applicant submitted a trip generation memo dated October 19, 2021, with this DSP, stating that the approved development on Parcels 1 and 4 (approved under DSP-19031) and the proposed development on Parcels 2 and 3 under the subject DSP, would generate 133 AM and 105 PM trips. These trips are well within the trip-cap established with PPS 4-18009.

6. **A substantial change to the uses or site layout on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision, prior to approval any building permits.**

No substantial change to the uses, which affect Subtitle 24 adequacy findings for the subject property, is proposed with this DSP.

7. **Development of this site shall be in conformance with an approved Stormwater Management Concept Plan, 32000-2018-00, and any subsequent revisions.**

SWM Concept Plan 32000-2018-00 expired and is replaced by SWM Concept Plan 52526-2020-00. The subject DSP is in conformance with the approved SWM Concept Plan 52526-2020-00 and approval letter.

8. **At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:**

- a. **Dedicate 25 feet of right-of-way from the center line of MD 631 (Old Brandywine Road).**

The right-of-way (ROW) for MD 631 was dedicated by recordation of final plat at Plat Book ME 258 Plat 54. The DSP shows the ROW consistent with the PPS and the final plat.

- b. **Grant a 10-foot-wide public utility easement along all public rights-of-way.**

The public utility easements (PUEs) along all public ROWs were dedicated by recordation of the final plat at Plat Book ME 258 Plat 54. The DSP shows the PUEs consistent with the PPS and the record plat.

10. **Prior to the approval of any building permit on Parcels 1 through 4, the applicant shall obtain approval of a detailed site plan in accordance with Part 3, Division 9, of Subtitle 27 (the Zoning Ordinance) for the purpose of evaluating the effect of the orientation, mass, height, materials, and design of the proposed development on the environmental setting of the Marlow-Huntt Store Historic Site, 85A-033-14.**

DSP-19031 was reviewed and recommended for approval with no conditions by the Historic Preservation Commission at its July 21, 2020, meeting.

The subject DSP includes an exhibit showing a plan view and a cross section of the proposed development in relation to the Marlow-Huntt Store historic site (85A-033-14). The historic site is oriented in a northwest-southeast direction facing MD 381 and does not directly face the proposed development on Parcel 3. The proposed development on Parcel 3 is located approximately 450 feet from the historic site and will be visually separated from the historic site by a proposed landscape strip along the length of MD 631, existing structures on the east side of MD 631, and the development on Parcels 1 and 4, approved with DSP-19031. Staff find that the orientation, mass, height, materials, and design of the proposed development will have minimal impact on the historic site.

10. **Detailed Site Plan DSP-19031:** DSP-19031 was approved by the Planning Board on September 10, 2020 (PGCPB Resolution No. 2020-132), subject to three conditions. The conditions relevant to the revision of this DSP are listed below in **bold** text. Staff's analysis of the preliminary plan's conditions follows each one, in plain text:

2. **Prior to the approval of the first grading permit, the TCP2 Standard Type 2 Tree Conservation Plan Note 11 must be revised with the liber and folio information for the woodland conservation easement once it is recorded.**

This condition was met, but the easement was recorded incorrectly without the meets and bounds or the woodland preservation exhibit. Prior to certification of DSP-19031-02, the woodland conservation easement will need to be amended and restated and recorded in the Prince George's County Land Records to include the meets and bounds, the woodland preservation exhibit, and the woodland conservation easement document.

3. **Prior to the approval of the first building permit, the applicant, applicant's heirs. Successors and/or assignees shall provide a financial contribution of \$420.00 to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) for the placement of a bikeway sign along Accokeek Road, unless modified by DPIE, with written correspondence.**

This condition is carried forward with this DSP.

11. **2010 Prince George's County Landscape Manual:** The application is subject to the requirements of Section 4.2, Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and, Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual. The submitted landscape plan demonstrates conformance to these requirements.

In addition, Alternative Compliance (AC-24001) from the requirements of Section 4.7, Buffering Incompatible Uses, of the Landscape Manual, for Bufferyard 1 along the southern property line that abuts a single-family detached house on the RR Zone (formerly the R-R Zone), has been filed with this DSP. Specifically, the applicant seeks relief, as follows:

**REQUIRED: Section 4.7. Buffering Incompatible Uses. Bufferyard 1. adjacent to a single-family detached residential use**

Length of bufferyard	212 linear feet
Minimum building setback	50 feet
Minimum landscape yard	40 feet
Existing trees	0 percent
Fence or wall	Yes, for 212 linear feet
Plant units (80 per 100 linear feet)*	170

**Note:** \*The requirement is 160 plant units per 100 linear feet; however, per Section 4.7(c)(4)(E) of the Landscape Manual, this requirement may be reduced by 50 percent with the 6-foot-high, board-on-board fence.

**PROVIDED: Section 4.7. Buffering Incompatible Uses. Bufferyard 1. adjacent to a single-family detached residential use**

Length of bufferyard	212 linear feet
Minimum building setback	±89 feet
Minimum landscape yard	±20 feet
Existing trees	0 percent
Fence or wall	Yes, for 212 linear feet
Plant units	338

**Justification of Recommendation**

The applicant proposes an approximately 89-foot building setback, an approximately 20-foot landscape yard, and 338 plant units, including a mix of evergreen trees and shrubs. The applicant has exceeded the minimum plant unit requirement by almost 100 percent, and the provided landscape plan conforms to all other requirements within Section 4.7. In addition, the applicant plans to install a 6-foot-high, board-on-board fence on the proposed retaining wall within Bufferyard 1. The proposed restaurant sits elevated above the adjacent residential property, with an approximately 3-foot-high slope and then an approximately 4-foot-high retaining wall located within the landscape bufferyard. The 6-foot-high fence will be located at the top of the retaining wall and will be elevated so as to enhance its screening ability.

The Planning Director finds that, given the provision of the fence, wall and slope, and almost 100 percent additional plant units, the applicant's proposal is equally effective as normal compliance, with respect to Section 4.7 of the Landscape Manual.

12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet and contains more than 10,000 square feet of existing woodland. A Type 2 Tree Conservation Plan (TCP2-026-2018-02) has been submitted for review.

According to the worksheet, the site is 4.55 acres with 4.08 acres located within the C-M Zone and 0.47 acre in the C-S-C Zone. The development proposed with this application is entirely within the C-M Zone. A total of 2.28 acres of existing woodlands are on the net tract. The site has a woodland conservation threshold (WCT) of 0.68 acre, or 15 percent of the net tract area. The TCP2 shows a total woodland conservation requirement of 1.99 acres. This requirement was met by providing 0.23 acre of woodland preservation on-site and through acquiring 1.76 acres of off-site conservation credits (Liber 42921 / folio 542 and Liber 42921/folio 544).

As part of approval for DSP-19031, the on-site woodland preservation area (0.23 acre) was required to be recorded within a woodland and wildlife habitat conservation easement. The recorded document was reviewed as part of this application, which includes the meets and bounds description (Exhibit A), as well as the woodland preservation exhibit.

13. **Prince George's County Tree Canopy Coverage Ordinance:** The subject site is located in the CS Zone, and a 15 percent tree canopy coverage (TCC) requirement applies, per Section 25-128(b) of the Prince George's County Code, in accordance with Prince George's County Council Bill CB-021-2024. This amounts to approximately 0.21 acre, or 9,082 square feet, to be provided in TCC. This requirement is met through the combination of on-site woodland conservation, on-site woodland retained, and landscaping provided with this DSP.

14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and incorporated herein by reference:

- a. **Historic Preservation and Archeological Review**—In a memorandum dated March 21, 2024 (Stabler, Smith, and Chisholm to Huang), the Historic Preservation Section offered the following comments:

The subject property is adjacent to the Marlow-Huntt Store and Casket Shop historic site (85A-033-14). Constructed in 1867 and 1878 as a general store in the village of T. B., it was operated by T.B.'s most prominent citizen, J. Eli Hunt, for the remainder of the 19th century. It is a one- and one-half-story frame front-gabled building with cornices embellished with large jig-sawn brackets above a central round arch window. A small two-story frame building sits next to the store, which was constructed in 1878 and used as a casket shop and meeting place for a local temperance society. These two buildings are the last remnants of the nineteenth-century village of T. B.

The master plan contains goals and policies related to Historic Preservation (pages 155–159) that are relevant to the subject property. Several interpretive clusters have been identified in the master plan based on the presence of archeological resources and their interpretive potential, including the T.B./Brandywine Cluster (page 157), in which this subject property is located:

6. **T.B./Brandywine Cluster: The core of this cluster centers on the historic communities of T.B. and Brandywine. Many dwellings, businesses, and farms were developed in the two communities during**

**the 19th century. There is a potential for identifying archeological resources associated with the two communities.**

The subject property is reflective of the heritage themes of the Eighteenth Century and the Antebellum Period—Early Crossroads Communities (page 19) and Transportation—Early Roads (page 20) identified in the 2010 *Approved Historic Sites and Districts Plan*.

A Phase I archeological survey was conducted in September 2018. A surface reconnaissance was conducted on the property and several building ruins were documented. The site was extensively grabbed when the buildings were demolished, and standing water was present over a portion of the property. The reconnaissance survey identified four ruined buildings and one derelict garage, all of which were photographed.

A total of 28 shovel test pits (STPs) were excavated along six transects laid out at 50-foot intervals. Only three STPs contained cultural material. A probable late-nineteenth-century flowerpot rim was found above remains of the soft mud-brick foundation of the Marlow-MacPherson House (PG: 85A-16) in STP A3; three wire nails and a piece of coal were found in STP A4; a sherd of colorless glass, and a piece of rusted iron were identified in STP D4. A draft Phase I archeology report was submitted for PPS 4-18009, which was reviewed by the Historic Preservation Commission at its April 16, 2018, meeting.

- b. **Community Planning**—In a memorandum dated February 20, 2024 (Calomese to Huang), the Community Planning Division provided an evaluation of the application stating that, while master plan conformance is not a required finding for this DSP, the subject DSP does conform with the master plan’s recommended land use for the subject property.
- c. **Transportation Planning**—In a memorandum dated February 26, 2024 (Daniels to Huang), the Transportation Planning Section offered the following comments:

**Master Plan Right of Way**

The site is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the master plan. The property fronts MD 5 (F-9) and MD 631; however, the property can only be accessed via MD 631, which has no master plan designation.

**Master Plan Pedestrian and Bicycle Facilities**

There are no master plan bicycle and pedestrian recommendations that impact the subject property. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9–10):

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

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

The master plan includes the following policies and goals that can be applied to the subject site:

- **Implement land use strategies that will reduce vehicle trips and miles traveled by encouraging mixed-use developments and increasing employment in targeted areas.**

The site plan includes a 5-foot-wide sidewalk along the property frontage, to provide a continuous and new connection to the site. There are no bicycle facilities recommended that impact the subject site. However, bicycle parking is proposed on-site. Transportation staff find the proposed facilities meet the intent of the master plan and MPOT.

- d. **Subdivision**—In a memorandum dated March 21, 2024 (Vatandoost to Huang), the Subdivision Section offered the following comments:

- “1. The proposed eating and drinking establishment on Parcel [3] has direct access to a public ROW via a driveway located on Parcel 1. Parcels 1, 2, 3, and 4 are considered one building site for the proposed development per Section 27-107.01(a)(129) of the prior Zoning Ordinance.
- “2. The property received an automatic certificate of adequacy associated with PPS 4-18009, pursuant to Section 24-4503(a)(1) of the Subdivision Regulations, which became effective April 1, 2022, and is valid for 12 years from that date, subject to the expiration provisions of Section 24-4503(c).”

Additional comments provided by the Subdivision Section have been addressed on the submitted DSP.

- e. **Environmental Planning**—In a memorandum dated March 20, 2024 (Schneider to Huang), the Environmental Planning Section offered the following:

**Natural Resources Inventory**

The subject TCP2 is in conformance with the approved NRI (NRI-187-2017). This site contains no specimen, historic, champion trees, or regulated environmental features (REF) such as streams, wetlands, 100-year floodplain, associated buffers, or primary management area (PMA). The NRI has expired, and a one-year revalidation is required. This NRI revalidation has been approved by the Environment Planning Section on March 21, 2024.

**Soils**

The predominant soils found to occur, according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, include Aquasco-Urban Land complex, Beltsville Silt Loam, and Beltsville-Urban Land complex. Neither Marlboro clay nor soils containing Christiana complexes are known to occur on or within the vicinity of this property.



### **Stormwater Management**

The site has an approved Stormwater Management Concept Plan (52526-2020-00) and approval letter, which is valid until June 11, 2024, that is in conformance with the current code.

- f. **Permit Review Section**—At the time of the writing of this technical staff report, the Permit Section did not offer comments on this application.
- g. **Prince George's County Department of Parks and Recreation (DPR)**—In an email dated January 18, 2024 (Holley to Huang), DPR had no comments on this application.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated January 29, 2024 (Giles to Huang), DPIE noted that the subject DSP is consistent with the approved Site Development Concept Plan and provided comments pertaining to the approval of SWM.
- i. **Price George's County Police Department**—At the time of the writing of this technical staff report, the Police Department did not offer comments on this application.
- j. **Prince George's County Fire/EMS Department**—In an email dated February 4, 2024 (Reilly to Huang), the Fire/EMS Department offered the following comments:
  - “1. Provide the location of the proposed Fire Department Connection (FDC) for the building.
  - “2. Show any existing or proposed fire hydrants. There must be a fire hydrant within 200 feet of the FDC. This distance must be measured as hose is laid by the fire department, along drive aisles and around obstacles.
  - “3. There must be a hydrant within 500 feet of the most remote portion of the structure. Distance measured as above.”
- k. **Prince George's County Health Department**—In a memorandum dated January 19, 2024 (Adepoju to Huang), the Health Department offered comments addressing construction activity impacts (noise and dust) extending onto adjacent properties during construction, and indicated that the applicant must apply for plan review to the Maryland Department of Health, Environmental Health Bureau, Food Protection and Food Licensing program, located at 6 St. Paul Street, Suite 1301, Baltimore, Maryland. 21202
- l. **Washington Suburban Sanitary Commission (WSSC)**—WSSC offered utility related comments, dated February 27, 2024, that have been provided to the applicant and will have to be addressed before sewer and water connection. Specifically, WSSC noted that existing and/or proposed water/sewer mains and service connections should clearly be shown on the plan and that there is a 30-inch diameter water main located in the vicinity of this property (on MD 5) and that is being relocated.

- m. **Public Utilities**—The subject DSP application was referred to Verizon, Comcast, the Southern Maryland Electric Cooperative (SMECO), and Washington Gas for review and comments on February 22, 2024. At the time of the writing of this technical staff report, no correspondence has been received from these public utility companies.
- 15. **Community Feedback:** As of the writing of this technical staff report, staff did not receive any inquiries regarding the subject DSP from the community.
- 16. Based on the foregoing analysis, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, if approved with the proposed conditions below, represents a most 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 costs and without detracting substantially from the utility of the proposed development for its intended use.
- 17. Section 27-285(b)(2) of the prior Zoning Ordinance is not applicable because there is no conceptual site plan.
- 18. Section 27-285(b)(3) of the prior Zoning Ordinance does not apply to this DSP because it is not a DSP for infrastructure.
- 19. As required by Section 27-285(b)(4) of the prior Zoning Ordinance, the Planning Board may approve a DSP 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). There are no regulated environmental features (REF) on the subject property.

## RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Prince George’s County Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-19031-02, Alternative Compliance AC-24001, and Type 2 Tree Conservation Plan TCP2-026-2018-02, for Popeyes, subject to the following conditions:

- 1. Prior to the certification of this detailed site plan, the woodland and wildlife habitat conservation easement shall be amended and restated and recorded in the Prince George’s County Land Records office and include the meets and bounds, the woodland preservation exhibit, and the woodland conservation easement document.
- 2. Prior to the approval of the first building permit, the applicant, applicant’s heirs, successors and/or assignees shall provide a financial contribution of \$420.00 to the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE) for the placement of a bikeway sign along MD 373 (Accokeek Road), unless modified by DPIE, with written correspondence.

# REMANDED – POPEYE'S

Detailed Site Plan

AC-24001/TCP2-026-2018-02

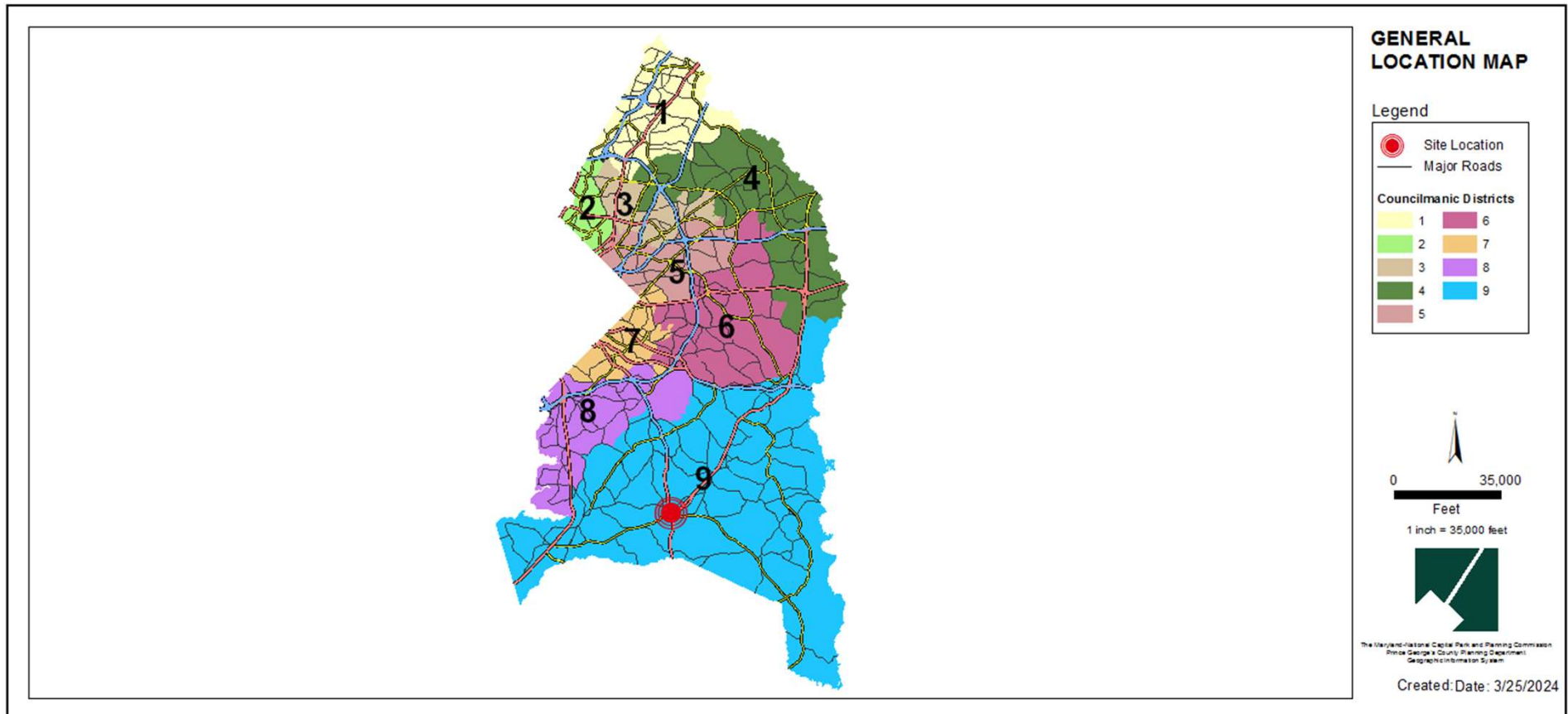
**Staff Recommendation:** APPROVAL with conditions



# GENERAL LOCATION MAP

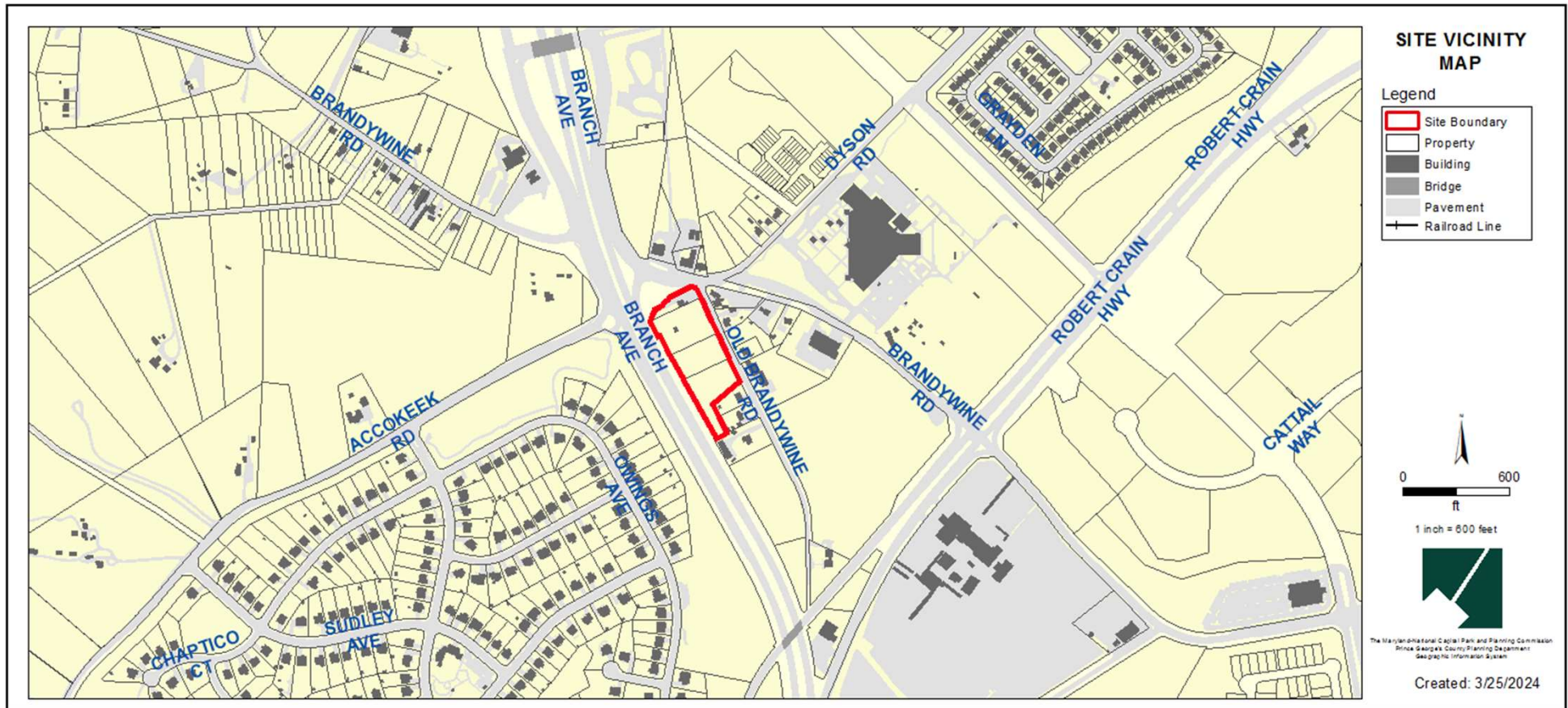
Council District: 09

Planning Area: 85A



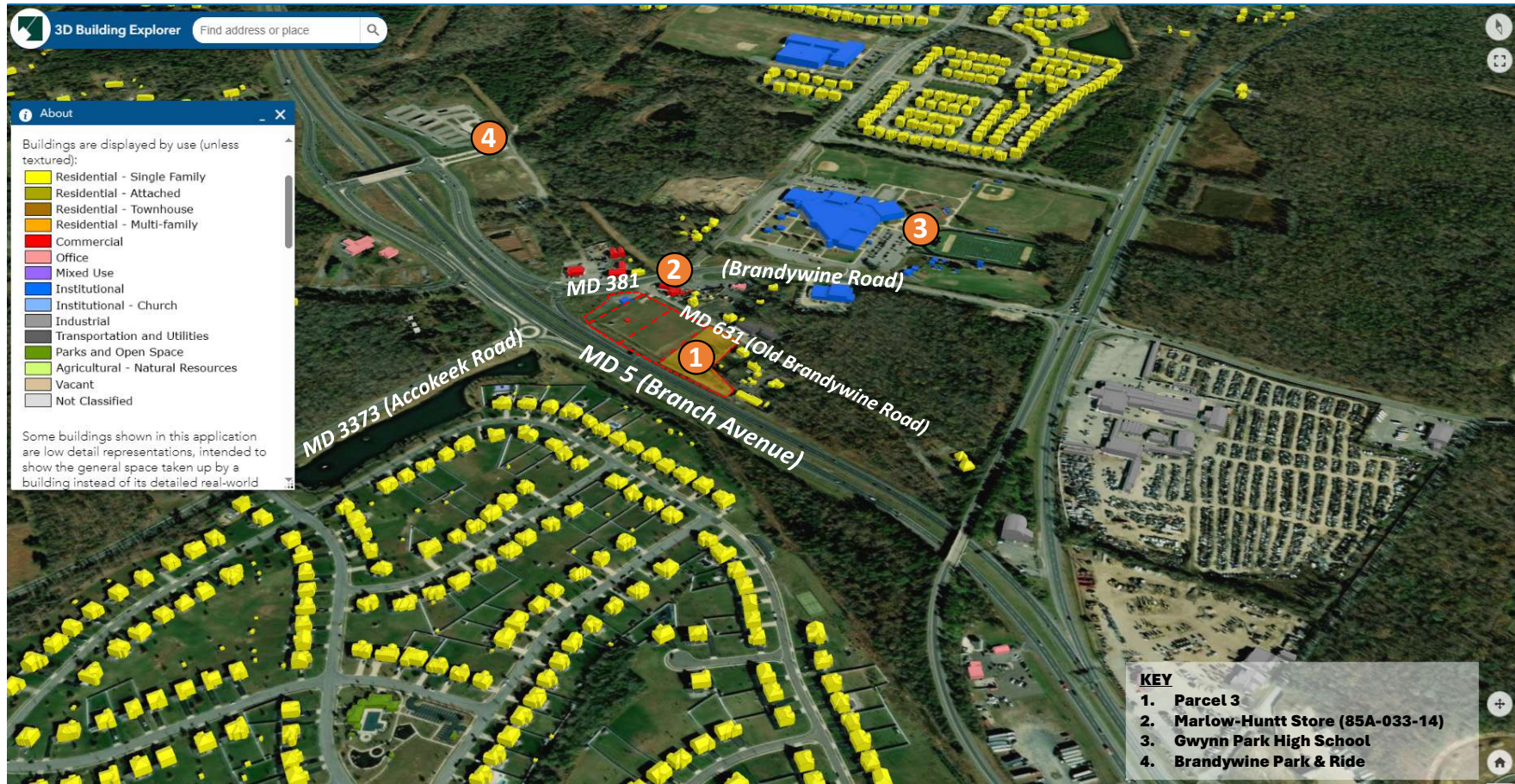


# SITE VICINITY MAP

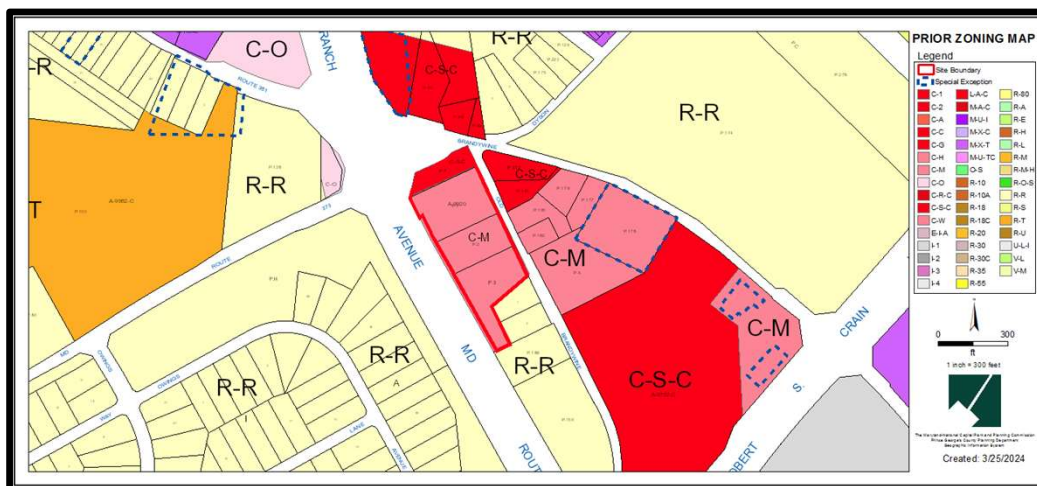




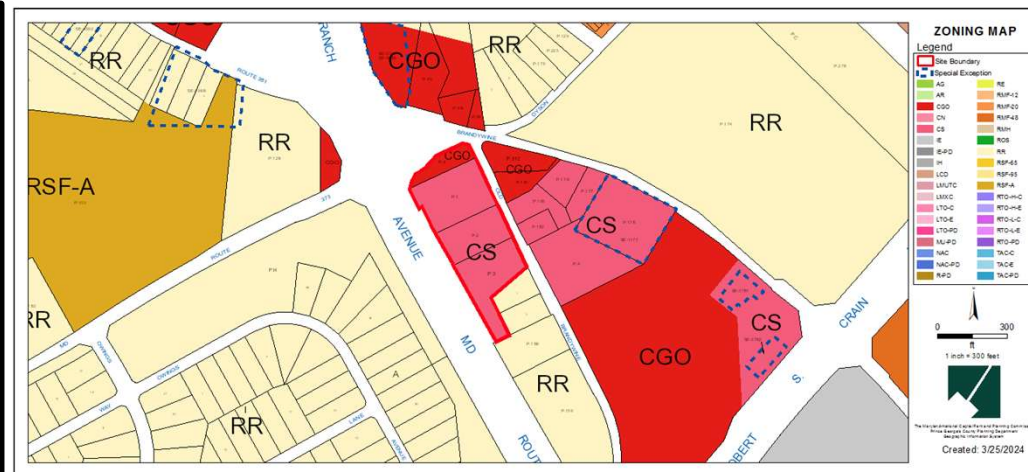
# 3D VICINITY MAP



# ZONING MAP



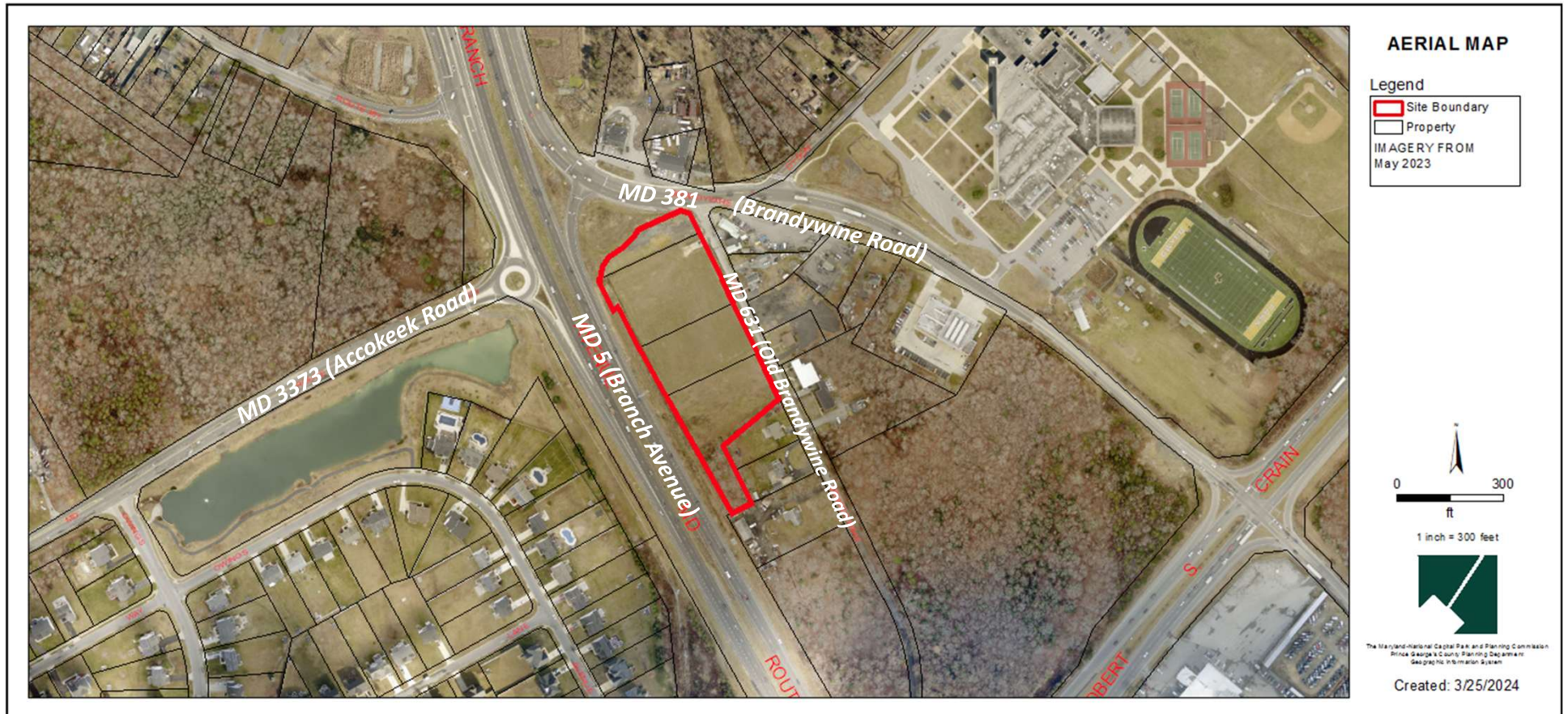
Prior Property Zone: C-M / C-S-C



Current Property Zone: CS / CGO

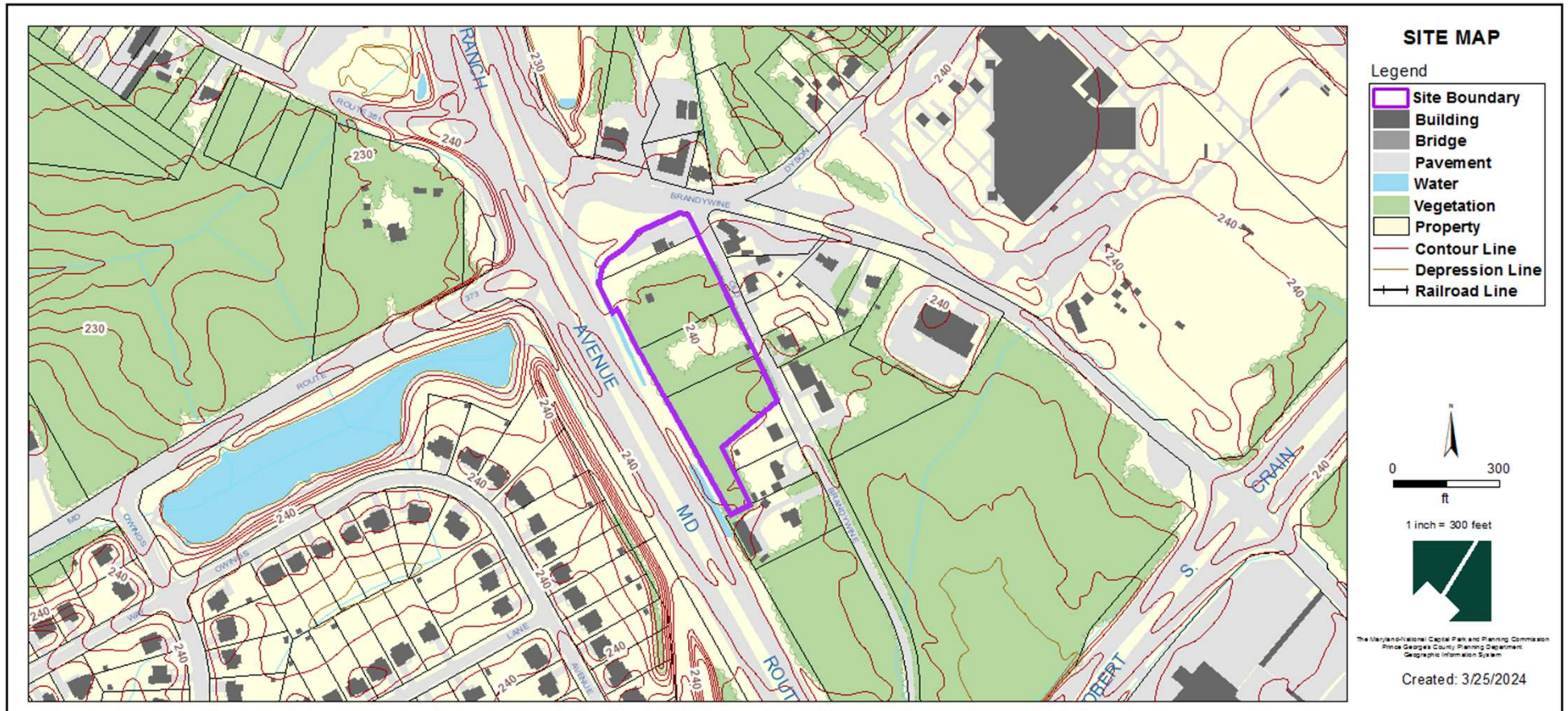


# AERIAL MAP

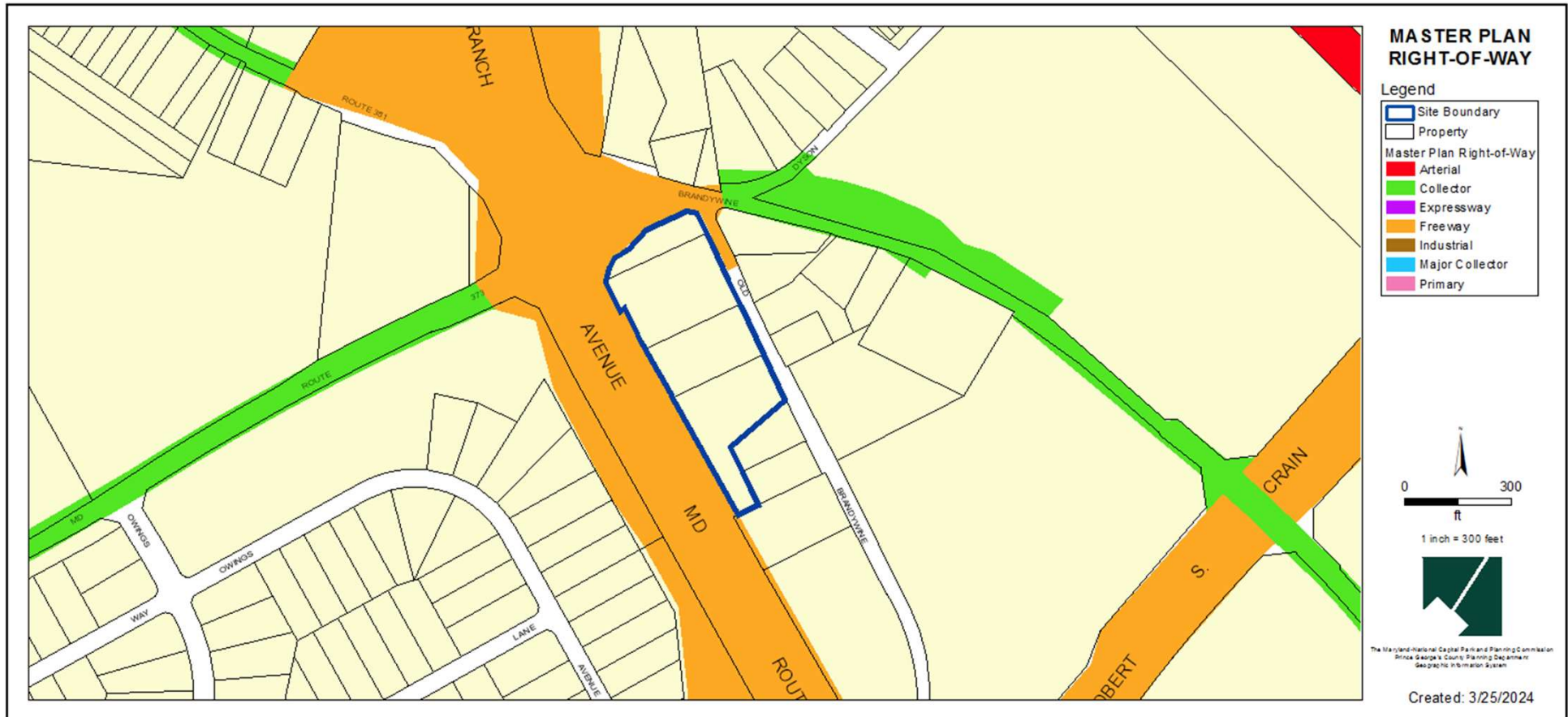




# SITE MAP

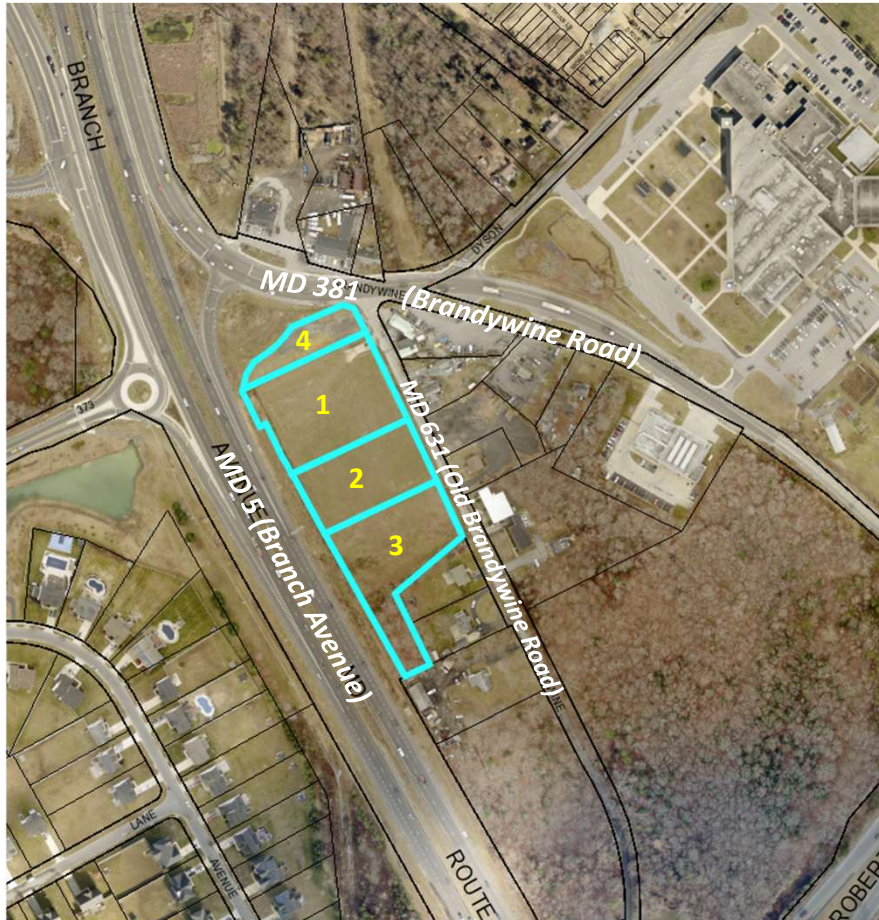


# MASTER PLAN RIGHT-OF-WAY MAP





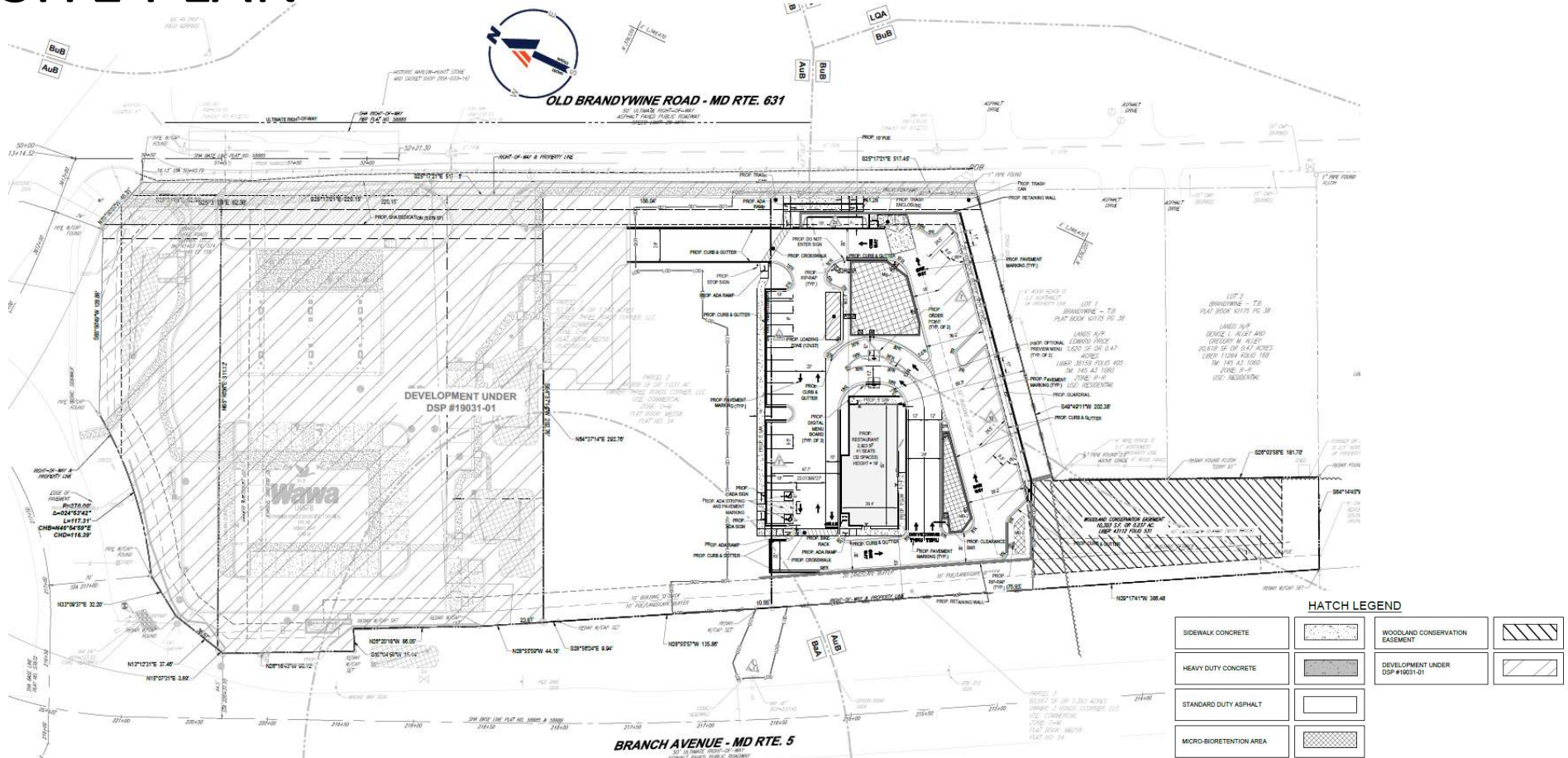
## BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



**Parcel 3: the Subject DSP**

**Parcels 1 & 4: DSP-19031 (Parent Case)**

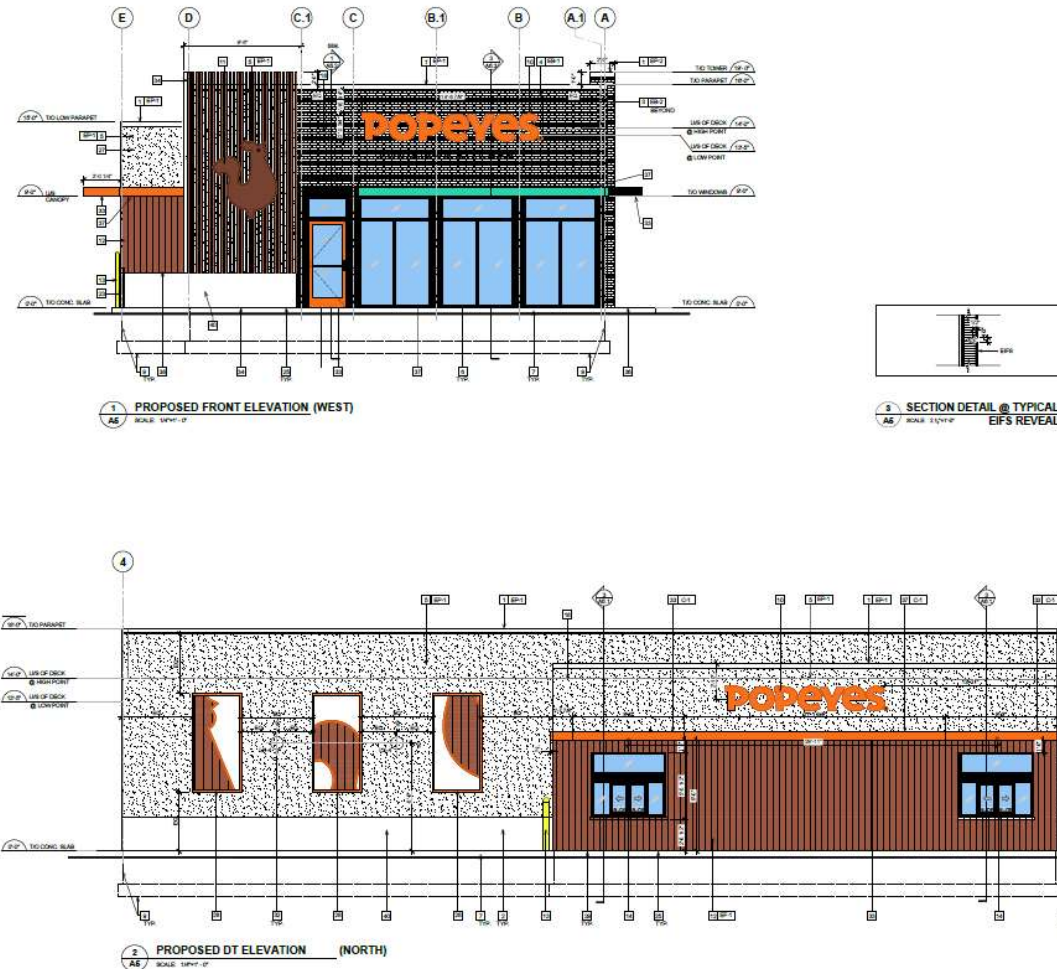
# SITE PLAN



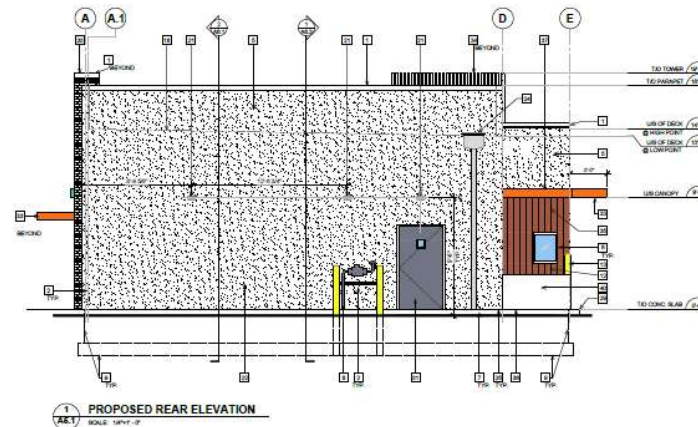


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# ELEVATIONS

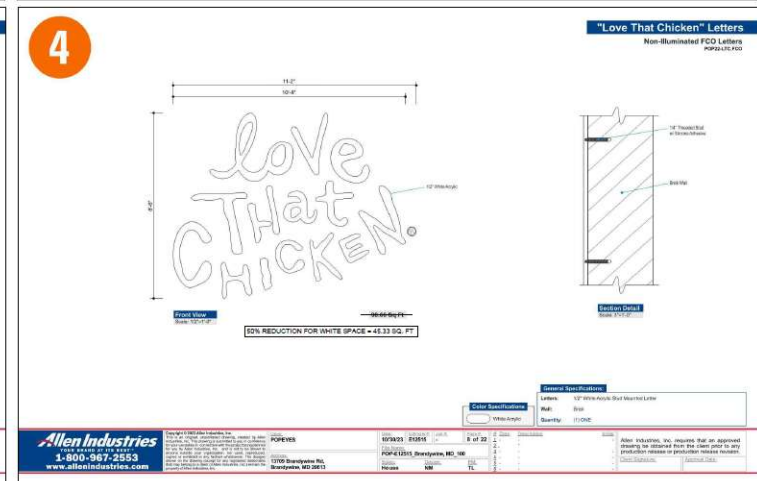
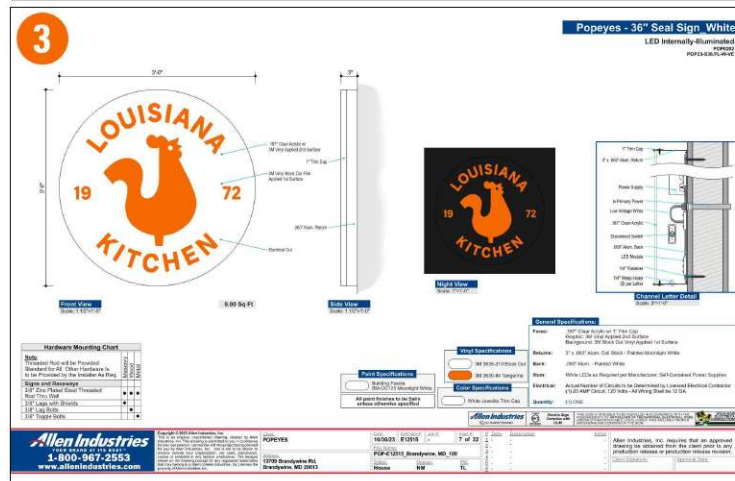
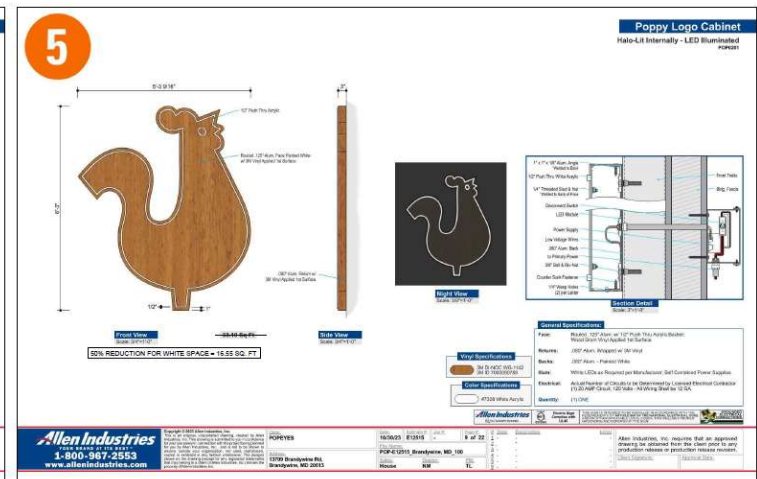


# ELEVATIONS















# SIGNAGE

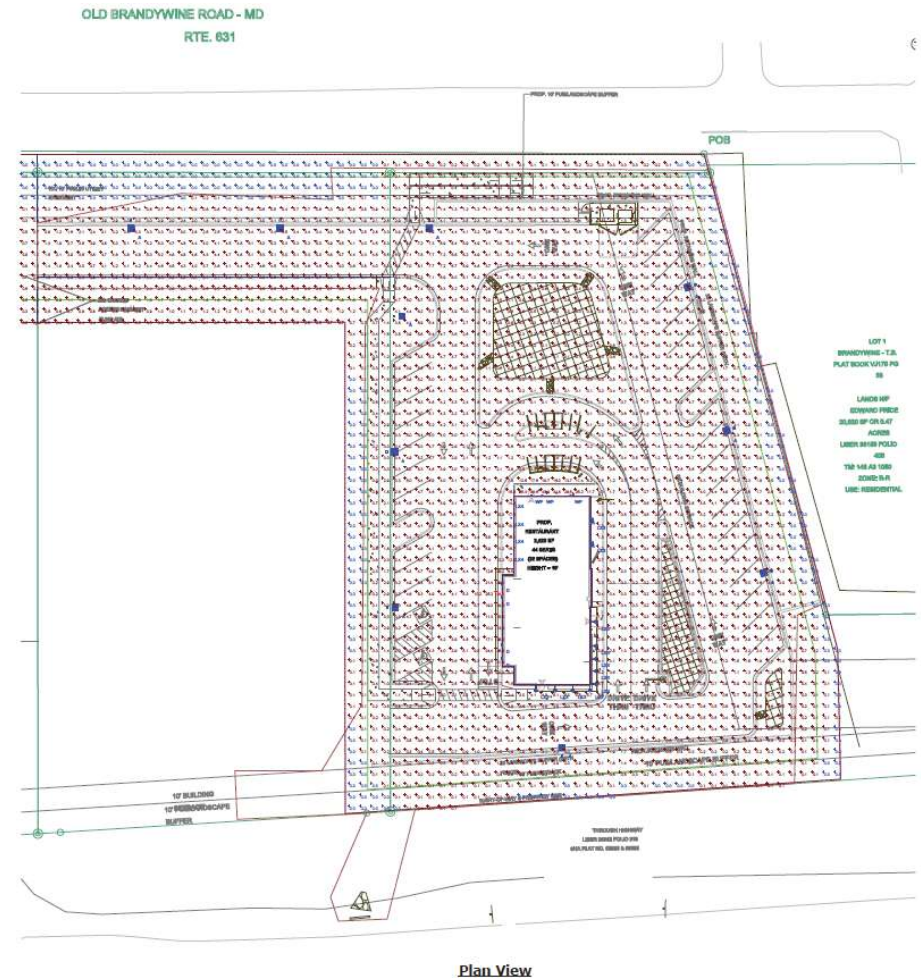


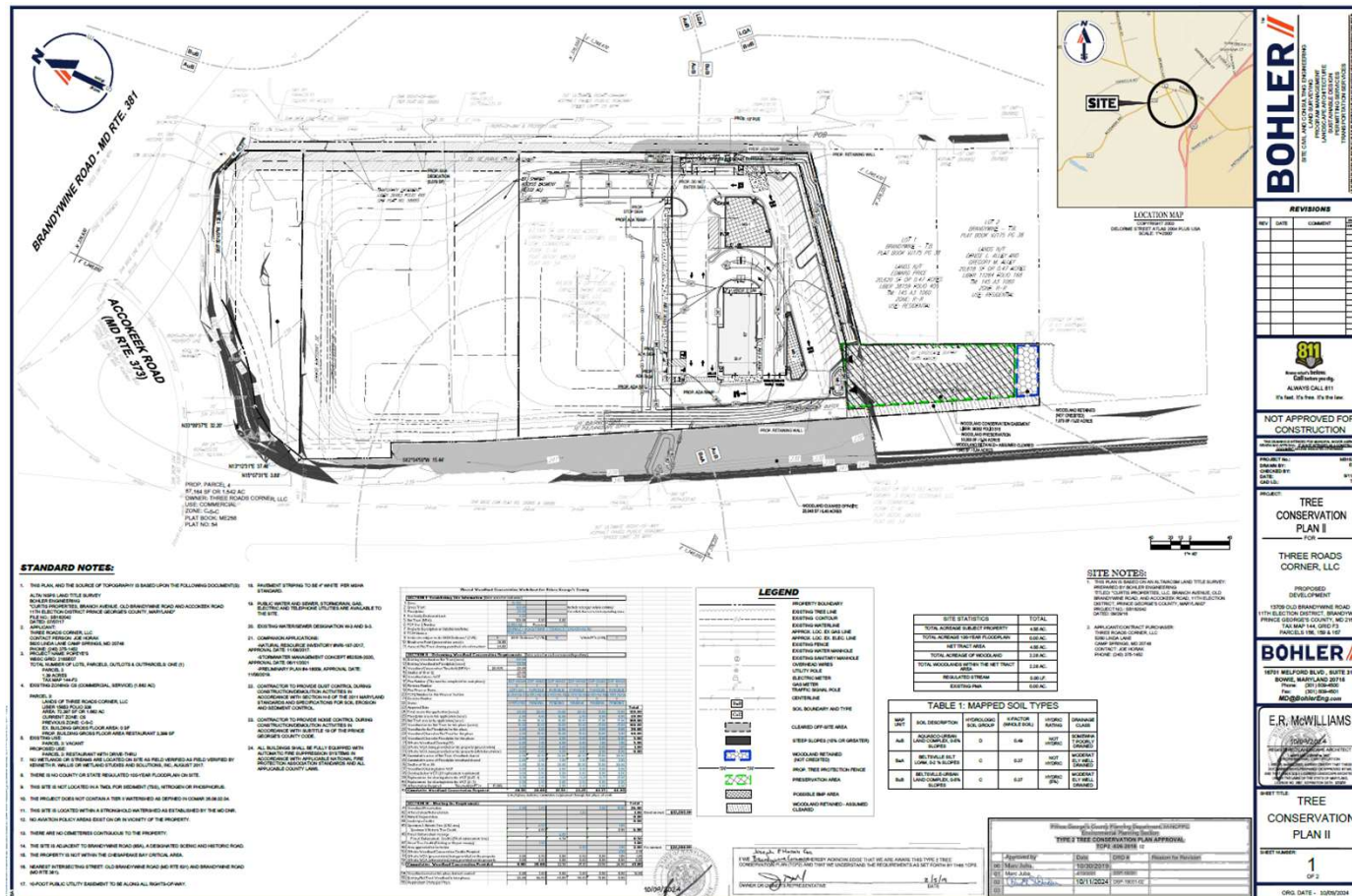


Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #2	+	2.1 fc	48.0 fc	0.0 fc	N/A	N/A

Schedule										
Symbol	Label	Image	Quantity	Manufacturer	Catalog Number	Description	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage
	A		10	Uthonia Lighting	DSX1 LED P3 40K BLC MVOLT	DSX1 LED P3 40K BLC MVOLT	1	10309	1	102
	D		4	LSI INDUSTRIES, INC.	OSR-06L-FT-40		1	5938	1	49
	LX3		11	Cree Inc	A19-60W-P1-27K-E26-U1	60 Watt Equivalent, A19 Screw Base Lamp, with white opaque dome lens covering LED array, 2700K CCT	1	879	1	9.5
	LX4		4	Cree Modules	LMH020-3000-40G9-00000TW	LMH2 Module with LMH020-H500-0000-000002 Heatsink	1	4002	0.75	31
	WP		3	WESTGATE MFG	LWAX-MD-50W -120V	LWAX-MD-50W -120V	1	6072	1	50.05

1. ALL LIGHT FIXTURES ON THIS PLAN ARE FULL CUT-OFF AND DIRECTED DOWNWARD TO REDUCE GLARE AND LIGHT SPILL-OVER.





## REMAND POINTS

The Order of Remand found the Board's "conditional" approval of DSP-19031-02 was not based on substantial evidence of record because, among other things, the Applicant failed, in the first instance, as the Board concedes, to comply with numerous mandatory submittal requirements under PGCC § 27-282—and by extension—conditions of Zoning Ordinance 1-1996 or A-9920.

# STAFF RECOMMENDATION ON REMAND

## **APPROVAL**

- DSP-19031-02 with conditions
- AC-24001
- TCP2-026-2018-02

## **Major/Minor Issues:**

- None

## **Applicant Required Mailings:**

- Information Mailing: 05/06/2021
- Acceptance Mailing: 01/10/2024



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

September 16, 2024

**RE: DSP-19031-02 Popeyes  
Three Roads Corner, LLC, Applicant**

## ***NOTICE OF DECISION OF THE DISTRICT COUNCIL***

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed herewith a copy of the Council Order setting forth the action taken by the District Council in this case on September 9, 2024

## ***CERTIFICATE OF SERVICE***

This is to certify that on September 16, 2024, this notice and attached Council Order was mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script, reading "Donna J. Brown".

---

Donna J. Brown  
Clerk of the Council

Case No.: DSP-19031-02  
TCP2-026-2018-02  
AC-24001  
Popeyes

Applicant: Three Roads Corner, LLC

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

**ORDER OF REMAND**

On July 15, 2024, using oral argument procedures, this matter was considered by the District Council on its motion to review the decision of the Planning Board to approve Detailed Site Plan (DSP)-19031-02. Upon full consideration of the record, without affirming or reversing, the Board's approval of DSP-19031-02—a request to *amend* previously approved DSP-19031 to develop Parcels 1 and 4 with a 3,484-square-foot food and beverage store, a gas station, and a 982-square-foot car wash by adding Parcels 2 and 3 to DSP-19031 for the development of a 2,923-square-foot eating and drinking establishment with drive-through service on Parcel 3—is hereby REMANDED to the Board to take further testimony or reconsider its decision in accordance with this Order of Remand.<sup>1,2</sup>

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<sup>1</sup> The Board's decision is embodied in Resolution 2024-029 (hereinafter PGCPB No. 2024-029). In addition to approving the amendment to DSP-19031, the Board also approved Type 2 Tree Conservation Plan (TCP2)-026-2018-02 and Alternative Compliance (AC)-24001. This application does not propose any changes to the development approved for Parcels 1 and 4 under DSP-19031. PGCPB No. 2024-029 at 1, 20. Under PGCC § 27-289, which governs an application to *amend* a DSP (as is the case here), all requirements for the filing and review of an original Detailed Site Plan shall apply to an amendment and the Board shall follow the same procedures and make the same findings. PGCC § 27-289(b). All references to Subtitle 27 are under the prior Zoning Ordinance because the Applicant has elected to have the DSP reviewed under the prior Zoning Ordinance. PGCPB No. 2024-029 at 1.

<sup>2</sup> The District Council is authorized to review the decision of the Board to approve a DSP. Among other things, the District Council shall affirm, reverse, modify, or remand the DSP to the Board. PGCC § 27-290. *See also* Md. Code Ann., Land Use (LU) § 25-210, (1957, 2012 Repl. Vol., 2023 Supp.) (expressly authorizing the District Council to review a final decision of the [Board] to approve or disapprove a [DSP] and for the District Council to issue a final decision after a hearing).

## A. Introduction.

In February 1996, approximately twenty-eight (28) years ago, the District Council enacted Zoning Ordinance 1-1996, which approved Zoning Map Amendment (A)-9920 to rezone the subject property, subject to two (2) conditions, as follows:<sup>3</sup>

- Before any building permit is issued, *a site plan* showing the footprint of *any* proposed building, parking, and landscaping (along with corresponding elevations) shall be reviewed and approved by the Planning Board or its designee. *Such plans shall show the building's siting, setback, orientation, scale, roof shape, and proportions to be compatible with the character of the Historic Resource and Historic Site.* Parking and landscaping shall be subject to the requirements of the Landscape Manual as to setbacks and buffers regarding development adjacent to Historic Sites.
- The adjoining Historic Resource and Historic Site *shall be noted* on all subsequent plans.

PGCPN No. 2024-029 at 6-7. (Emphasis added). *Rochow v. Md. Nat'l Capital Park & Planning Comm'n*, 151 Md. App. 558, 827 A.2d 927 (2003) (explaining that the failure to comply with *any* condition to a zoning map amendment constitutes a zoning violation under PGCC § 27-213(d)).

As detailed *infra*, the District Council finds that the Board's "conditional" approval of DSP-19031-02 was *not* based on substantial evidence of record because, among other things, the Applicant failed, in the first instance, as the Board concedes, to comply with numerous mandatory submittal requirements under PGCC § 27-282—and by extension—conditions of Zoning Ordinance 1-1996 or A-9920. Because the Board conducts the "evidentiary" hearing, and because the record lacked certain evidence on numerous submittal requirements for the proposed DSP, the Board's decision to approve the DSP on "future" compliance or evidence, not part of the DSP

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<sup>3</sup> Not relevant for the purposes of remand, the 2013 Approved Subregion 5 Master Plan and Sectional Map Amendment (master plan) was approved by the District Council on July 24, 2013 (Resolution CR-81-2013) and rezoned a portion of the subject site (Parcel 167) from the R-R Zone to the C-M Zone (pages 169 and 184 of the master plan). PGCPN No. 2024-029 at 4.



record, was erroneous. Without affirming or reversing the Board, the District Council will remand DSP-19031-02 to allow the Applicant to comply with all submittal requirements under PGCC § 27-282, in the first instance, *before* the application can be deemed *submitted, filed and completed* under § 27-282(h), and *before* the Board may lawfully conduct another evidentiary hearing to review the application request. *Cnty. Council of Prince George's Cnty. v. Zimmer Dev. Co.*, 444 Md. 490, 120 A.3d 677 (2015) (explaining that, among other things, the District Council may reverse the Board's decision if, among other things, it is not based on substantial evidence of record).<sup>4</sup>

### **B. Findings of Fact and Conclusions of Law.**

A site plan is “an illustrated proposal for the development or use of a particular piece of real property [depicting] *how* the property will appear *if the proposal is accepted*.” *Cty. Council of Prince George's Cty. v. FCW Justice, Inc.*, 238 Md. App. 641, 193 A.3d 241 (2018) (Emphasis added). As noted above, the proposed DSP is a request to amend previously approved DSP-19031 to develop Parcels 1 and 4 with a 3,484-square-foot food and beverage store, a gas station, and a 982-square-foot car wash by *adding* Parcels 2 and 3 to DSP-19031 for the development of a 2,923-square-foot Popeyes eating and drinking establishment with drive-through service on Parcel 3—without any changes to the development approved for Parcels 1 and 4 under DSP-19031. PGCPB No. 2024-029 at 1, 20.

As depicted below, the proposed Popeyes development will amend the previously approved DSP as follows:

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<sup>4</sup> Because the application could not have been deemed submitted and filed as completed under PGCC 27-282(f) because of the numerous submittal deficiencies that the Board found, the Zoning Ordinance *required* that the Board not approve the DSP but to notify the applicant (in writing), stating what *changes are required for approval*. PGCC § 27-285(d)(1) (If a Detailed Site Plan is not approved, the Planning Board shall notify the applicant (in writing), stating what changes are required for approval). (Emphasis added).



## BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED

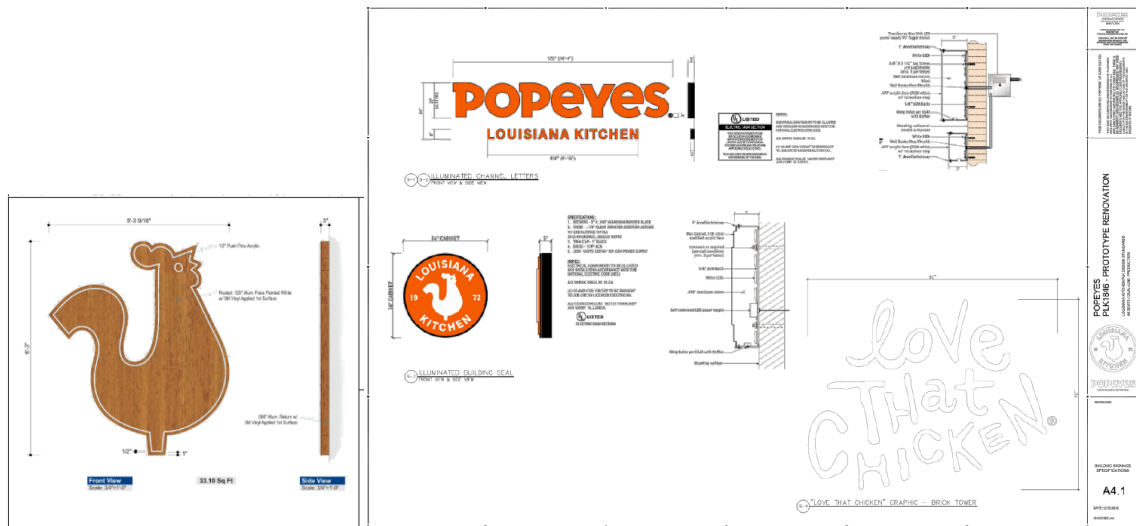


Parcel 3: the Subject DSP

Parcels 1 & 4: DSP-19031 (Parent Case)

District Council Hearing 7-15-24

Slide 9 of 17



District Council Hearing 7-15-24

Slide 14 of 17

Reproduced from Slide Presentation at Oral Argument.<sup>5</sup>

<sup>5</sup> To view the slide presentation, please visit:  
<https://princegeorgescountymd.legistar.com/LegislationDetail.aspx?ID=6700838&GUID=6C227CC9-3173-426F-96C7-46B14C5E6ED0&Options=ID|Text|&Search=DSP-19031> (last visited September 8, 2024).

In relevant part, under the prior Zoning Ordinance, requirements for Detailed Site Plans are as follows:

### **1. Specific purposes.**

The specific purposes of Detailed Site Plans are:

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

PGCC § 27-281(c). (Emphasis added).

### **2. Submittal requirements.**

- (a) The Detailed Site Plan *shall be submitted* to the Planning Board by the owner of the property or his authorized representative.
- (b) The Detailed Site Plan shall be prepared by an engineer, architect, landscape architect, or urban planner.
- (c) Upon filing the Plan, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the Plan. The scale of fees shall be determined by the Planning Board, except that the filing fee for a day care center for children shall not exceed the Special Exception filing fee for a day care center for children as set forth in Section 27-297(b) (1.1). A fee may be reduced by the Planning Board if it finds that payment of the full amount will cause an undue hardship upon the applicant.
- (d) If more than one (1) drawing is used, all drawings shall be at the same scale (where feasible).

**(e) A Detailed Site Plan shall include the following:**<sup>6</sup>

- (1) Location map, north arrow, and scale;
- (2) *Boundaries of the property, using bearings and distances (in feet); and either the subdivision lot and block, or liber and folio numbers;*
- (3) Zoning categories of the subject property and all adjacent properties;
- (4) Locations and types of major improvements that are within fifty (50) feet of the subject property and all land uses on adjacent properties;
- (5) An approved Natural Resource Inventory;
- (6) Street names, right-of-way and pavement widths of existing streets and interchanges within and adjacent to the site;
- (7) *Existing rights-of-way and easements* (such as railroad, utility, water, sewer, access, and storm drainage);
- (8) Existing site and environmental features as shown on an approved NRI;
- (9) *A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual* or a Standard Letter of Exemption;
- (10) A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible;
- (11) An approved stormwater management concept plan;
- (12) Proposed system of internal streets including right-of-way widths;
- (13) Proposed lot lines and the dimensions (including bearings and distances, in feet) and the area of each lot;
- (14) *Exact location and size of all buildings, structures, sidewalks, paved areas, parking lots (including striping) and designation of waste collection storage areas and the use of all buildings, structures, and land;*
- (15) Proposed grading, using one (1) or two (2) foot contour intervals, and any spot elevations that are necessary to describe high and low points, steps, retaining wall heights, and swales;
- (16) A landscape plan prepared in accordance with the provisions of the Landscape Manual showing the exact location and description of all plants and other landscaping materials, including size (at time of planting), spacing, botanical and common names (including description of any plants that are not typical of the species), and planting method;

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<sup>6</sup> Under the prior Zoning Ordinance, the word shall is mandatory and not discretionary. PGCC § 27-108.01(a)(19).

- (17) Exact location, size, type, and layout of all recreation facilities;
- (18) *Exact location and type of such accessory facilities as paths, walks, walls, fences* (including widths or height, as appropriate), entrance features, and gateway signs (in accordance with Section 27-626 of this Subtitle);
- (19) A detailed statement indicating the manner in which any land intended for public use, but not proposed to be in public ownership, will be held, owned, and maintained for the indicated purpose (including any proposed covenants or other documents);
- (20) *Description of the physical appearance of proposed buildings (where specifically required), through the use of architectural elevations of facades* (seen from public areas), or through other illustrative drawings, photographs, or renderings deemed appropriate by the Planning Board; and
- (21) Any other pertinent information.

(f) The submittal requirements in (e) may be modified in accordance with Section 27-286.

(g) A Detailed Site Plan application may amend an existing Conceptual Site Plan applicable to a proposal for development of the subject property.

(h) A Detailed Site Plan *shall* be considered *submitted* on the date the Planning Director determines that the applicant *has filed a complete* Plan in accordance with the requirements of this Section.

PGCC § 27-282. (Emphasis added).

### 3. Planning Board procedures.

#### (a) General.

(1) Prior to the issuance of any grading, building, or use and occupancy permit for the development or use of any land for which a Detailed Site Plan is required, the applicant shall obtain approval of a Detailed Site Plan from the Planning Board.

(2) *The Planning Board shall review the Detailed Site Plan for compliance with this Division.*<sup>7</sup>

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<sup>7</sup> “Compliance” is defined as the act of *obeying a law or rule, especially one that controls a particular industry or type of work or the act of doing everything that someone tells or wants you to do.* <https://dictionary.cambridge.org/us/dictionary/english/compliance> (last visited September 8, 2024). (Emphasis added). As noted above, the prior Zoning Ordinance allows for *such compliance based on the evidentiary record prior to DSP approval—not based on “future” compliance or evidence after the record has closed.* See footnote 4 above. Here, the DSP as submitted failed to satisfy several submittal requirements, as the Board concedes, *before* the application could have, in the first instance, be deemed *filed and completed before* the “evidentiary” hearing.

(3) The Planning Board shall give due consideration to all comments received from other agencies.

(4) The Planning Board shall only consider the plan at a regularly scheduled meeting of the Planning Board after a duly advertised public hearing.

(5) The Planning Board shall approve, approve with modification, or disapprove the Detailed Site Plan, and shall state its reasons for the action.

(6) The Planning Board's decision shall be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Detailed Site Plan approval process) and the District Council.

PGCC § 27-285(a)(1)-(6). (Emphasis added).

**(b) Required findings.**

(1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents *a reasonable alternative for satisfying the site design guidelines*, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.

(2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).

(3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

PGCC § 27-285(b)(1)-(4). (Emphasis added).



Nothing in Zoning Ordinance 1-1996 or the above provisions contemplates that submittal requirements for a DSP may be *deferred* for “future” compliance or evidence *not* in the original evidentiary record prior to approval. The prior Zoning Ordinance contemplates the *exact opposite* to avoid running afoul of other statutory timeframes. As noted above, because the application could not have been deemed submitted, filed and completed under PGCC 27-282(f) because of the numerous submittal deficiencies that the Board found, the prior Zoning Ordinance *required* that the Board *not* approve the DSP but to *notify* the applicant (in writing), stating what *changes* are required *for approval*. PGCC § 27-285(d)(1).

According to the Board’s decision, *changes* required to approve DSP-19031-02, but conditioned for “future” compliance based on evidence *not* in the evidentiary record, are as follows:

- Existing Building on Site: A condition is included herein requiring the applicant to clarify the existence of the building on-site and revise the existing condition/demolition plan. If the on-site building has been razed, a condition is included herein requiring the applicant to revise the existing building gross floor area for Parcels 1 and 4 in General Note 6. PGCPB No. 2024-029 at 2.
- Parking Setbacks: Regarding the *parking* setback requirements shown on the submitted plan, a condition is included herein requiring the applicant to clarify which zoning ordinance is being referred to and, if not, remove this information from the plan. Another condition is also included requiring the applicant to correct “front setback” to “street setback.” \*The northern property line of Parcel 3 adjoins Parcel 2. Since the four parcels are treated as one development site, setback requirements among the parcels are not applicable. \*\*A condition is included herein requiring the applicant to revise the dimension of the provided southern *setback*, to be consistent with what is shown on the plan. PGCPB No. 2024-029 at 2.

- Parking Requirements: \*\*A condition is included herein requiring the applicant to properly label the dimensions of 60-degree nonparallel parking spaces.

\*\*\*There are two parallel parking spaces shown on the plan. A condition is included herein requiring the applicant to revise the parking schedule. PGCPB No. 2024-029 at 2.

- Design Features: The subject development is oriented towards MD 5 and has pedestrian access from MD 631. The building is one-story and is approximately 19 feet in height. Two drive-through lanes are located to the south of the building with two separate menu display boards. The two lanes merge into one lane before the pick-up window. A condition is included herein requiring the applicant to organize all information and details related to the drive-through service in one package, such as directional signs, clearance bars, and menu display boards. PGCPB No. 2024-029 at 5.
- Architecture: The architectural design of the approved building is contemporary with a flat roof. The building is finished with a mix of materials, including brick veneer, stucco finished exterior insulation and finish systems, glass, aluminum tubes, and pre-finished metal cap. The materials are arranged in a geometric pattern. Conditions are included herein requiring the applicant to label the elevations based on cardinal directions, and separate and organize details associated with the elevations from the signage package such as the drive-through canopy, decorative shutters, and aluminum tubes. PGCPB No. 2024-029 at 5.
- Signage: The subject DSP includes six building-mounted signs, per Section 27-107.01 of the prior Zoning Ordinance, which defines signs as, “Any letter, word, numeral, figure, design, projected image, picture, illustration, emblem, symbol, trademark, banner, pennant, or other device, which is used to announce, direct attention to, identify, advertise, or otherwise make anything known. Signs do not include the flag or emblem of any nation; county; state; city; religious, fraternal, or civic organization; decorations or works of art which in no way identify a product or business.” Among the six signs, two are letter signs, two are logo signs and two are graphic signs. These signs are mounted on the west, north and south elevations. Each of the elevations has two signs. No signs are mounted on the east elevation. Some details of the signs are missing. Conditions are included herein requiring the applicant to re-organize the signage package, provide details for each sign (including dimensions, materials, and illumination), revise the signage schedule to demonstrate conformance with the requirements (location, height, and area). The submitted plans also include a free-standing sign; however, its location is not specified on the plans. A condition is included herein requiring the applicant to clarify if the subject DSP includes such a sign and, if not, remove it from the signage package

and, if provided, indicate its location on the plan. Signage information contained in Standard Note 7 appears to be incorrect; therefore, a condition is included herein for correction. PGCPB No. 2024-029 at 5-6.

- Lighting: The subject DSP includes both building-mounted and pole-mounted lighting throughout the site, with details. The Planning Board finds that the submitted photometric plan shows adequate lighting for users on-site and is sufficient for illuminating drive aisles, building entryways, and walking paths. A condition is included herein requiring the applicant to add a note indicating that all light fixtures included in this DSP are fully cut-off and directed downward to reduce glare and light spill-over. For people to access the approved development on Parcel 3, they need to use the shared vehicular entry/exit point located on Parcel 1 and cross Parcel 2, via a drive aisle. Conditions are included herein requiring the applicant to revise the photometric plan, submitted for this DSP, to cover the entire access route from MD 631 and add additional pole-mounted light fixtures along the route on Parcel 2, to ensure sufficient illumination. PGCPB No. 2024-029 at 6.
- Loading and Trashing Facilities: The subject DSP includes one loading space, located internally to the subject property. With the planting along the MD 631 frontage, public view to the loading space is screened. A condition is included herein requiring the applicant to revise the landscape plan to accommodate the provision of the one loading space. The submitted plans also show the location of a dumpster. Details of the dumpster enclosure are included in this DSP but are blurred. Conditions are included herein requiring the applicant to provide legible dumpster details and revise the large-scale plan for the dumpster, to be consistent with the design shown on other plans. PGCPB No. 2024-029 at 6.
- Zoning Ordinance 1-1996 – Condition 2: The adjoining Historic Resource and Historic Site shall be noted on all subsequent plans. Such a note is not included in the submitted plans. A condition is included herein requiring the applicant to add a note to the plans, indicating that the Historic Marlow-Huntt Store and Casket Shop (85A-033-14) is located across MD 631. PGCPB No. 2024-029 at 7.
- Green Area: The submitted plan shows 52 percent of green area to be provided on-site. The size, shape, location, and design of green area is appropriate to enhance landscape screening from residential houses located to the south of the subject site, as well as to improve the street frontage of MD 631 and MD 5. A condition is included herein to correct “open space” to “green area.” PGCPB No. 2024-029 at 9.

- Trip Generation: The applicant submitted a trip generation memo dated September 17, 2021, with this DSP, stating that the approved development on Parcels 1 and 4 (approved under DSP-19031) and the proposed development on Parcels 2 and 3 under the subject DSP, would generate 74 a.m. and 66 p.m. trips. These trips are well within the trip cap established with PPS 4-18009. However, the Planning Board recommends the trip generation calculation be consistent with the prior approvals, using the square footage of the approved eating and drinking establishment with drive through. A condition is included herein for a revised trip generation memorandum. PGCPB No. 2024-029 at 11.
- Type 2 Tree Conservation Plan: This condition was met, but the easement was recorded incorrectly without the metes and bounds or the woodland preservation exhibit. Prior to certification of DSP-19031-02, the woodland conservation easement will need to be amended and restated and recorded in the Prince George's County Land Records to include the metes and bounds, the woodland preservation exhibit, and the woodland conservation easement document. PGCPB No. 2024-029 at 13.
- 2010 Landscape Manual: Section 4.2, Requirements for Landscape Strips Along Streets (MD 631)—Along MD 631, the applicant is using Option 1 to fulfill the requirements. Option 1 requires a minimum 10-foot-wide landscape strip to be planted with a minimum of 1 shade tree and 10 shrubs per 35 linear feet of frontage, excluding driveway openings. However, most of the plants and shrubs are located outside of the 10-foot-wide landscape strip. A condition is included herein requiring the applicant to revise this schedule with Option 2, which requires a minimum width of 10 feet, and has an average width of at least 15 feet. The required planting will be at the rate of 1 shade tree and 5 shrubs per 35 linear feet of frontage. PGCPB No. 2024-029 at 13.
- Section 4.2, Requirements for Landscape Strips Along Streets (MD 5): The submitted landscape plan shows the analysis for the requirements of Section 4.6-2 for the MD 5 frontage. However, the correct section for this frontage is Section 4.2. A condition is included herein requiring the applicant to add a correct schedule to the plan and provide necessary information to demonstrate conformance to the requirements. PGCPB No. 2024-029 at 13.
- Section 4.3, Parking Lot Requirements: Section 4.3 requires a percentage of the parking lot, determined by the size, to be used as planting area. In this DSP, the parking lot area is approximately 29,125 square feet. Table 4.3-1, Parking Lot Interior Planting Requirements, requires eight percent of the interior planting area, which is approximately 2,330 square feet. The submitted landscape plans show the provision of 2,858 square feet of the interior planting area (approximately 9.8 percent). For parking lots less

than 50,000 square feet, 1 shade tree shall be provided for each 300 square feet of the provided interior landscape area. Therefore, 10 shade trees are required for this DSP, and this requirement is met with the provision of 12 shade trees. Conditions are included herein requiring the applicant to label the width of the landscape islands parallel to the parking spaces, and to update the information for Items 6 and 9 to conform with the requirements. PGCPB No. 2024-029 at 14.

- Section 4.7, Buffering Incompatible Uses (Bufferyard 1): The DSP shows an approximately 89-foot building setback, an approximately 20-foot landscape yard, and 338 plant units, including a mix of evergreen trees and shrubs. The applicant has exceeded the minimum plant unit requirement by almost 100 percent, and the provided landscape plan conforms to all other requirements within Section 4.7. In addition, the applicant plans to install a 6-foot-high, board-on-board fence on the retaining wall within Bufferyard 1. The restaurant sits elevated above the adjacent residential property, with an approximately 3-foot-high slope and then an approximately 4-foot-high retaining wall located within the landscape bufferyard. The 6-foot-high fence will be located at the top of the retaining wall and will be elevated so as to enhance its screening ability. Conditions are included herein requiring technical revisions to the plan to verify these heights and relationships. PGCPB No. 2024-029 at 15.
- Section 4.7, Buffering Incompatible Uses (Bufferyard 2): Section 4.7 requires buffering for the southern property line that is adjacent to single-family detached houses in the RR Zone (formerly the R-R Zone). Table 4.7-2, Minimum Bufferyard Requirements, requires a Type D bufferyard for a drive-in or fast-food restaurant, which is high impact, adjoining single-family detached dwellings. Table 4.7-3, Bufferyard Types, requires a minimum building setback of 50 feet, a minimum landscape yard width of 40 feet, and 160 plant units per 100 linear feet of property line for a Type D bufferyard. Bufferyard 2 in the subject DSP complies with these requirements through the existing on-site vegetation. A condition is included herein requiring the applicant to correct the requirements for the building setback and the width of landscape yard. PGCPB No. 2024-029 at 15.
- Section 4.9, Sustainable Landscaping: Section 4.9 requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) be native species (or the cultivars of native species). The minimum percentage of plants of each plant type, required to be native species and/or cultivars, is 50 percent for shade trees and ornamental trees, and 30 percent for evergreen trees and shrubs. Conditions are included herein requiring the applicant to revise Schedule 4.9-1 and the landscape schedule, to be consistent with the information contained in other required schedules and demonstrate



conformance to the requirements of Section 4.9. PGCPB No. 2024-029 at 15.

Because the application could not have been deemed submitted, filed and completed under PGCC 27-282(f) because of the numerous submittal deficiencies above that the Board found, the prior Zoning Ordinance *required* that the Board *not* approve the DSP but to *notify* the applicant (in writing), stating what *changes* are required *for approval*. PGCC § 27-285(d)(1).

Accordingly, on remand:

1. The applicant may *withdraw* the wholly deficient DSP application or abandon the project altogether if it cannot comply with the requirements of the prior Zoning Ordinance, or in the alternative, shall submit a revised DSP application that *complies* with all revisions articulated by the Board in its Resolution at pages 21 through 24. PGCPB No. 2024-029 at 21-24.
2. To the extent that the applicant submits a revised DSP application that complies with all revisions articulated by the Board in its Resolution at pages 21 through 24, Technical Staff shall issue an amended Report on the revised DSP.
3. After appropriate notice of Technical Staff's amended Report, in accordance with law, the Board shall schedule, after appropriate notice, in accordance with law, another evidentiary hearing to consider the DSP application.
4. After an evidentiary hearing on Technical Staff's amended Report analyzing applicants' revised DSP application, the Board shall transmit a revised or amended decision to the District Council in a Resolution, amended or otherwise, in accordance with the provisions on remand under the prior Zoning Ordinance.

ORDERED this 9th day of September 2024, by the following vote:

In Favor: Council Members Blegay, Burroughs, Dernoga, Fisher, Harrison, Hawkins, Ivey, Olson, Oriadha, and Watson.

Opposed:

Abstained:

Absent:

Vote: 10-0.

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

By: Jolene Ivey  
Jolene Ivey, Chair

ATTEST:

Donna J. Brown  
Donna J. Brown  
Clerk of the Council



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**Notice the applicant to address Conditions 1, 2 and 3 of GCPB No. 2024-09 in the revised plans for DSP-19031-02 (Popeyes)**

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**From** Huang, Te-sheng (Emery) <Tesheng.Huang@ppd.mncppc.org>

**Date** Tue 2024-09-17 2:53 PM

**To** Abdullah Hijazi <ahijazi@hzc-law.com>

**Cc** Conner, Sherri <sherri.conner@ppd.mncppc.org>; Garland, Hyojung <hyojung.garland@ppd.mncppc.org>; Kosack, Jill <Jill.Kosack@ppd.mncppc.org>; Warner, David <david.warner@mncppc.org>; Nicholas Speech <nspeech@bohlereng.com>; Haley Carpenter <hcarpenter@bohlereng.com>; Daniel Evans <devans@bohlereng.com>

Hello Abdullah,

Good afternoon. Per the council's remand notice for DSP-19031-02, the Planning Board shall notify the applicant (in writing), stating what changes are required for approval if a DSP is not approved, in accordance with Section 27-285(d)(1) of the prior Zoning Ordinance. This email serves this purpose to notice the applicant to submit the revised plans for DSP-19031-02, which complies with all revisions articulated by the Board in its Resolution (PGCPB No. 2024-09) at pages 21 through 24, specifically for Conditions 1, 2 and 3.

Sincerely,

Emery

**Te-Sheng (Emery) Huang**

*Planner IV | Urban Design Section | Development Review Division*

301-952-4534 | [Tesheng.Huang@ppd.mncppc.org](mailto:Tesheng.Huang@ppd.mncppc.org)



1616 McCormick Drive, Largo, MD 20774





## NOTICE OF PUBLIC HEARING

Application Number: **DSP-19031-02 (TCP-026-2018-02)(AC-24001)**

Application Name: **Three Roads Corner Popeyes Restaurant**

Date and time of Planning Board hearing: **Thursday, November 7, 2024 @ 10:00 a.m.**

Description of Request: **CONSTRUCTION OF A 3,400 SQUARE FOOT EATING AND DRINKING ESTABLISHMENT WITH A DRIVE THROUGH.**

Address or Location: **13709 Old Brandywine Road**

This Notice of Public Hearing is sent to you, a registered **person of record (or a register civic association or municipality) for the subject application.**

This Notice also provides information about Planning Board procedures. A technical staff report (TSR), with a recommendation to the Planning Board (Board), will be prepared by the assigned reviewer and published to the Planning Department's website within one to two weeks prior to the scheduled hearing date (noted above). Technical staff reports may be viewed online and printed. Within three weeks of the Board's hearing and decision, a formal resolution will be adopted by the Board and published on the website for viewing and printing. If you have any questions about the process, please contact the Development Review Division at 301-952-3530.

All Planning Board hearings are scheduled to begin at 10:00 a.m. The hearings are held on the first floor in the Council Hearing Room at the County Administration Building located at 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20774.

The order of the agenda items is for the convenience of the Planning Board and is subject to change without notice. Items for which speakers are signed up will generally be heard first. The Planning Board encourages the participation of all individuals to include those with special needs; advanced notice is encouraged. For special needs assistance, please call 301-952-3560, TTY 301-952-3796. If you wish to receive the Planning Board Agenda and other published reports by e-mail, please sign up at [http://www.pgplanning.org/Planning\\_Board/Agenda\\_Subscribe.htm](http://www.pgplanning.org/Planning_Board/Agenda_Subscribe.htm) and be sure to visit [www.pgplanning.org](http://www.pgplanning.org) for the latest information on all Department projects.

**Attention:** Due to COVID 19, Planning Board meetings are held virtually and may be viewed <http://mncppc.iqm2.com/Citizens/Default.aspx> . IF you wish to speak at the public hearing, registration must be received by 10:00 a.m. on Wednesday before the meeting; please register <http://pgplanningboard.org/883/Watch-Meetings> .



## SIGN POSTING INFORMATION

Application Number: **DSP-19031-02 (TCP2-026-2018-02) (AC-24001)**

Application Name: **Three Roads Corner Popeyes Restaurant**

Date sign(s) were transmitted to applicant or applicant’s agent: 10/8/2024

Number of signs transmitted: **1 single-sided sign and 2 double-sided signs (5 total)**

Person to whom signs were transmitted: LANI BARBITTA (Print)  
**Understands the sign posting affidavit must be emailed to [PGCReferrals@ppd.mncppc.org](mailto:PGCReferrals@ppd.mncppc.org) with subject: Case Number-Name “Posting Affidavit”**

LANI BARBITTA (Signature)

Capacity in which that person was acting: AGENT  
(owner, applicant, agent)

Date & Time of scheduled PB HEARING: **Thursday, November 7, 2024 @ 10:00 a.m.**

Last date sign(s) can be posted: **BY MIDNIGHT ON TUESDAY OCTOBER 8, 2024**



## SIGN POSTING AFFIDAVIT

I, LANI BARBITTA, hereby certify that the subject property was posted with  
(print or type name)  
5 sign(s) on 10/8/2024.  
(specify number) (date)

☒ I further certify that the signs were inspected on 10/18/2024 (7 to 15 days after site was posted) and were maintained in a reasonable manner.

Signature: LANI BARBITTA

**DO NOT SUBMIT THIS AFFIDAVIT UNTIL THE SITE HAS BEEN INSPECTED.**

Application Number: DSP-19031-02 (TCP2-026-2018-02) (AC-24001)

Application Name: Three Roads Corner Popeyes Restaurant

JOHN LAWALL / 301-809-4500

Contact Person & Telephone: \_\_\_\_\_

BOHLER

Company Name & Address: 16701 MELFORD BLVD STE 430; BOWIE MD 20715

Capacity in which you are acting: AGENT  
(owner, applicant, agent)

**Note:** Attach legible, close up photograph(s) showing sign(s) in place and at least one additional photograph from a distance sufficient to show physical improvements or natural characteristics to identify the subject property.

**Return this affidavit and photographs saved as one PDF and emailed to PGCReferrals@ppd.mncppc.org Subject: CaseNo-CaseName and "Posting Affidavit" not later than 14 days prior to the Planning Board hearing date.**

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Planning Board case: DSP-19031-02, TCP-026-2018-02 (AC-24001)

Reviewer: David Myerholtz      Date: 11/7/2024      Time: 10:00 AM

*1 single-sided sign (Yellow) and 2 double-sided signs (Blue) =5 signs total*

CB-15-2024

Any posted notice signs shall have a minimum ground clearance of three feet from the bottom of the sign. There shall be one sign posted for each [1,000] 500 feet, or fraction thereof.



Address: 13709 Old Brandywine Road; Brandywine MD 20613



DSP-19031-02 (TCP-026-201802) (AC-24001)  
THREE ROADS CORNER POPEYES RESTAURANT  
POSTED 10/8/2024

PHOTO 1 – SIGN 1





DSP-19031-02 (TCP-026-201802) (AC-24001)  
THREE ROADS CORNER POPEYES RESTAURANT  
POSTED 10/8/2024

PHOTO 2 – SIGN 1





DSP-19031-02 (TCP-026-201802) (AC-24001)  
THREE ROADS CORNER POPEYES RESTAURANT  
POSTED 10/8/2024

PHOTO 1 – SIGN 2





PHOTO 2 – SIGN 2





DSP-19031-02 (TCP-026-201802) (AC-24001)  
THREE ROADS CORNER POPEYES RESTAURANT  
POSTED 10/8/2024

PHOTO 1 – SIGN 3







M-NCPPC  
Prince George's County  
**Planning Department**

**PLANNING BOARD**

# HEARING

**Zone:**

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**Acres:**

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**Application No:**

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## Proposed Development

**Property Description:**

**Applicant Contact**

Name:

Phone:

Email:

## REMAND

### Planning Board Hearing Information

(Date)

(Time)

(Location)

#### Become a Party of Record

To become a party of record submit your request online at  
<https://pplan.org/record> or by mail to:

Prince George's County Planning Department  
Development Review Division  
1616 McCormick Drive  
Upper Marlboro, MD 20774

Any member of the public is welcome to attend the public hearing  
and speak either in support or opposition to the public hearing.

**For more information about this project  
or to share comments:**

# 240-545-8976

**or email PGCPB@mncppc.org**

#### For more information:

**Case Information:** <https://www.mncppcapps.org/planning/damsweb/default.cfm>

**Planning Department:** [www.pgplanning.org](http://www.pgplanning.org)

**County Council/District Council:** [www.pgccouncil.us](http://www.pgccouncil.us)

**To view the meeting, please visit:** <https://www.pgplanningboard.org/participate>