

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



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

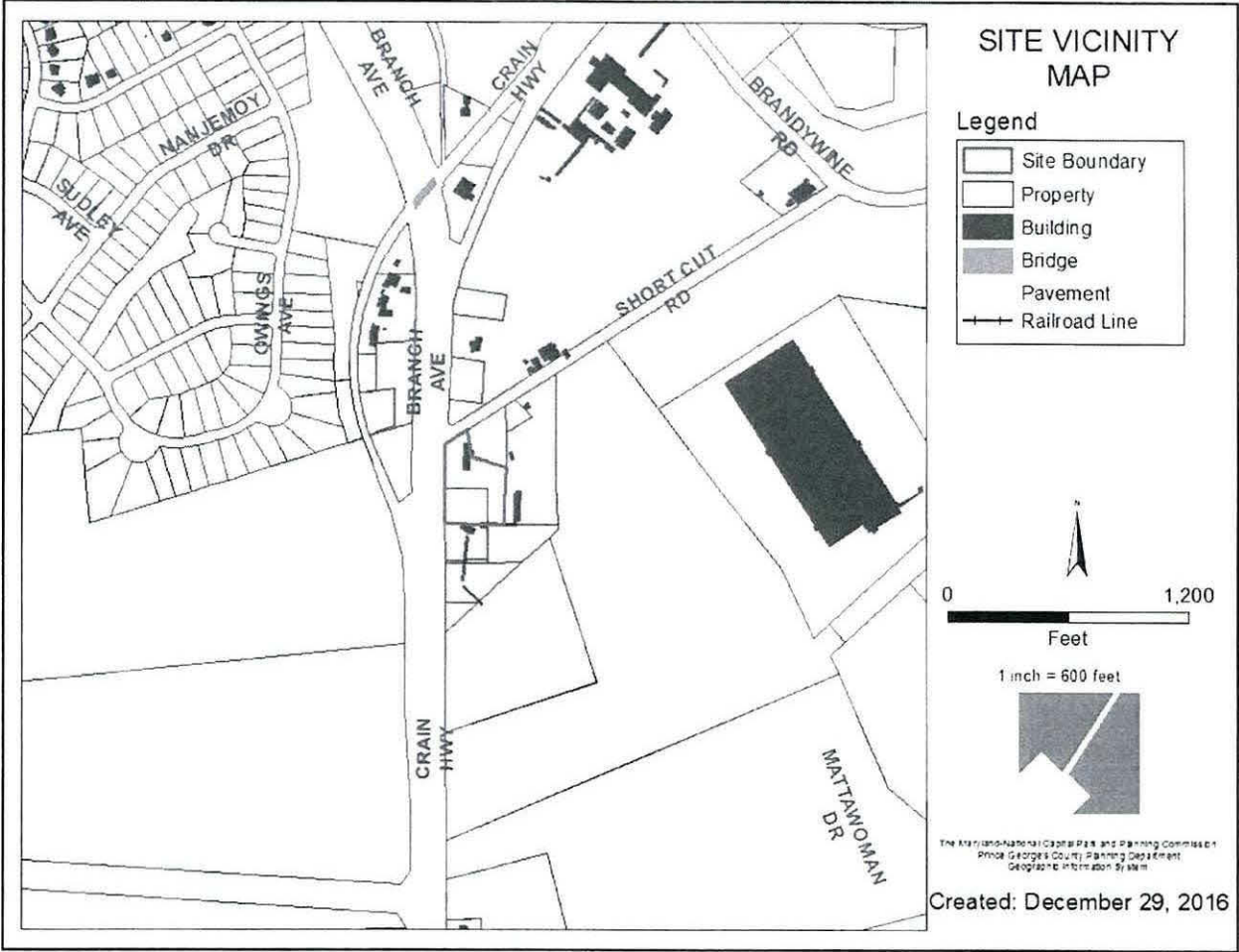
## Detailed Site Plan

## DSP-17013

Application	General Data	
<b>Project Name:</b> Empire Petroleum Brandywine  <b>Location:</b> Southeast quadrant of the intersection of Shortcut Road and US 301 (Robert Crain Highway).  <b>Applicant/Address:</b> EPP-BESCHE Acquisition, LLC 8350 North Central Avenue, Suite M2185 Dallas, TX 75206	Planning Board Hearing Date:	10/26/17
	Staff Report Date:	10/12/17
	Date Accepted:	06/13/17
	Planning Board Action Limit:	10/19/17
	Plan Acreage:	2.57
	Zone:	I-1
	Dwelling Units:	N/A
	Gross Floor Area:	3,500 sq. ft.
	Planning Area:	85A
	Council District:	09
	Election District	11
	Municipality	N/A
	200-Scale Base Map:	218SE07

Purpose of Application	Notice Dates	
This case was continued from the Planning Board hearing date of October 5, 2017 to October 26, 2017.  An eating and drinking establishment with drive-through service, on a gas station site with a food and beverage store.	Informational Mailing:	04/19/17
	Acceptance Mailing:	05/18/17
	Sign Posting Deadline:	09/05/17

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Ivy R. Thompson <b>Phone Number:</b> 301-952-4326 <b>Email:</b> Ivy.Thompson@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		





THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-17013  
Type II Tree Conservation Plan TCPII-016-2017  
Empire Petroleum Brandywine

The Development Review staff has completed its review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Prince George's County Zoning Ordinance for the Light Industrial (I-1) Zone, Section 27-259 (Permits within proposed rights-of-way), and the site design guidelines;
- b. The requirements of the 2010 *Prince George's County Landscape Manual*;
- c. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- d. The Prince George's County Tree Canopy Coverage Ordinance;
- e. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Development Review staff recommends the following findings:

1. **Request:** The subject detailed site plan (DSP) application is a request for the redevelopment of a gas station with a food and beverage store and an eating and drinking establishment with drive-through service. The project will entail the complete removal of all existing structures on the property and the new construction of a 3,500-square-foot building that will house a food and beverage store (2,500 square feet) and an eating and drinking establishment with drive-through service (1,000 square feet); a canopy; 10 multi-product fuel pump dispensers that provide a total of 20 fueling positions for cars; and 3 fuel pump dispensers providing 6 fueling stations for trucks. Both the gas station and the food and beverage store require approval of a special

exception in the Light Industrial (I-1) Zone. A Special Exception (SE-4789) is concurrently being reviewed as a companion case with the subject DSP. Staff is recommending approval of the special exception.

An eating and drinking establishment is permitted by-right in the I-1 Zone; however, an eating and drinking establishment with drive-through service requires a DSP in accordance with Part 3, Division 9, of the Prince George’s County Code. Should the DSP for an eating and drinking establishment with drive-through service be denied, the eating and drinking establishment (without drive-through service) remains a permitted use.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	I-1	I-1
Uses	Gas station, food and beverage store,	Gas station, food and beverage store (SE-4789)  Eating and drinking establishment with drive-through service (DSP-17013)
Acreage	2.57	2.57
Parcels	Parcel 83 and Parcel 287	Parcel 83 and Parcel 287
Gross Floor Area	1,520 (to be razed)	3,500 (new)

OTHER DEVELOPMENT DATA

**Required Parking and Loading:**

Gas Station	225
Food and Beverage Store	6
Eating and drinking establishment (9 seats)	3
<b>Total Parking Required:</b>	<b>34</b>
<b>Total Parking Provided:</b>	<b>27</b>
<b>Loading Spaces Required</b>	<b>1</b>
<b>Loading Space Provided</b>	<b>1</b>

3. **Location:** The subject property consists of two parcels, Parcel 83 and Parcel 287, and is located on the south side of Short Cut Road, and in the southeast quadrant of its intersection with US 301 (Robert Crain Highway) in Planning Area 71B and Council District 9.

4. **Surrounding Uses:** The general neighborhood is bounded to the north by MD 381 (Brandywine Road), to the west by US 301, to the east by Matapeake Business Drive, and to the south by Timothy Branch Road. Empire Petroleum Brandywine, 14330 Crain Highway, is bounded to the east and south by a vehicle salvage yard in the I-1 Zone; to the north by the public right-of-way of Short Cut Road, with industrial uses in the I-1 Zone beyond; and to the west by the public right-of-way of US 301, with vacant land in the Rural Residential (R-R) Zone beyond.



5. **Previous Approvals:** A gas station has existed on part of Parcel 83 since at least 1977, and has been developed in the current configuration since the mid-1990s. Special Exception SE-3507 was approved, with conditions, by the Prince George’s County District Council in 1984 permitting a gas station with a food and beverage store. Departure from Design Standards DDS-207 was approved, waiving on-site landscape requirements (PGCPB Resolution No. 85-84). The site plan was revised in 1994 to reduce the size of the food and beverage store to 1,564 square feet and the required landscape strip to 5 feet along US 301 (Crain Highway) and to place the required landscaping within the 70-foot right-of-way for Short Cut Road. Revisions to SE-3507 and Departure from Design Standards DDS-444 were approved by the District Council via PGCPB Resolution No. 94-316 and PGCPB Resolution No. 94-317. The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA) retained the I-1 Zone on the subject property. Due to the redevelopment of the subject property, this application will supercede the previous approvals. The site also has an approved Stormwater Management Concept Plan (2852-2016-00), which is valid through March 18, 2019.
6. **Design Features:** The subject application is a companion case with pending Special Exception SE-4789, Empire Petroleum, for the redevelopment of the existing gas station. The site plan proposes the construction of a 3,500-square-foot building that will house a 2,500-square-foot food and beverage store and a 1,000-square-foot eating and drinking establishment with drive-through service.

The site is accessed from US 301 (Crain Highway) and Short Cut Road. The site proposes a right-in only ingress for trucks only at the southern entrance on US 301 and 2 two-way ingress and egress points to the site; one via the northern entrance on US 301 and the other on Short Cut Road, respectively. A two-way traffic pattern continues on-site. The traffic pattern for the drive-through and truck fueling stations arc around the building. The site also has 27 parking spaces south of the car fueling pumps and building.

**Architecture**—The building is generally rectangular and includes a flat roof with variation across the length of the building. The building has been designed to incorporate a variety of building materials including brick, stone, and cementitious panels on all sides of the structure, and complements the surrounding uses. Prefabricated stone has been used on the columns and tower feature on the front elevation, with brick and cementitious panel finish as predominant building materials. The rest of the elevations show a balance composition of stone, brick, and cementitious panel. The building is very contemporary in style and is acceptable.

**Lighting**—This DSP proposes lighting to illuminate the building and the fueling areas. The site plan provides a balanced lighting pattern on the property, while not causing a glare onto adjoining properties. Staff recommends the use of full-optic cut-off lighting.

**Signage**—The applicant is proposing building, canopy, and freestanding signage that are of prototypical franchise-style for Fast Fuel/Fast Market franchises. The canopy signage will be the standard white background with a red band and blue and red “Fast Fuel” lettering, while the canopy sides will be the blue, white, and red logos that are typical for Fast Fuel. The proposed freestanding sign will replace an existing one and to include two digital gasoline price signs. The signage is within the allowed square footage and height (freestanding sign) and is in general conformance with the applicable sign requirements.



## CONFORMANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-1 Zone, Section 27-259 (Permits within the proposed rights-of-way), and the site design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-473(b) of the Zoning Ordinance, which governs uses in the industrial zones. The proposed eating and drinking establishment with drive-through service is a permitted use in the I-1 Zone, subject to a DSP; the food and beverage store, along with the gas station, require a special exception approval. The companion case (SE-4789) is currently under review pending Zoning Hearing Examiner approval.
  - b. **Section 27-259, Permits within proposed rights-of-way**—The subject property is abutting the master plan freeway facility designated as F-9 in the Subregion 5 Master Plan and SMA, which recommends a minimum 300-foot right-of-way along US 301/MD 5 (Crain Highway/Branch Avenue), and is within a proposed transit line (Southern Maryland Rapid Transit) alignment along MD 5, which (as detailed in the 2009 *Approved Countywide Master Plan of Transportation*), would encumber most of the subject property. A condition is included in the Recommendation section of this report requiring the applicant to show the two rights-of-way.

Pursuant to Section 27-259 (Permits within proposed rights-of-way) of the Zoning Ordinance, “no building or sign permit (except as provided in Part 12 of this Subtitle) may generally be issued for any structure on land located within the right-of-way or acquisition lines of a proposed street, rapid transit route, or rapid transit facility, or proposed relocation or widening of an existing street, rapid transit route, or rapid transit facility, as shown on a Master Plan; however, the Council may authorize the issuance of the building or sign permit in accordance with this Section.”

The approval for issuance of building and sign permits must be authorized by the District Council. The land owner is required to request, in writing, to the District Council to authorize issuance of the permits. That request was not submitted with this application.

Should the District Council authorize issuance of the permit, the exact location, ground area, height, extent, and character of the structure to be allowed is to be noted on the permit. The validity period of the request rests with the status of the connected site plans, in this case, DSP-17013 (and SE-4789). The authorization for issuance of a permit is automatically terminated if the application for the Special Exception (SE-4789) or Detailed Site Plan (DSP-17013) is denied. When approved with an associated site plan, the authorization is valid for two years. A permit must be obtained and construction implemented, pursuant to the permit, within two years of the final approval date or the authorization shall be terminated. A one-year extension of the validity period may be granted by the Planning Director if the applicant is diligently proceeding towards issuance of a permit. A condition is included in the Recommendation section of this report requiring the applicant to provide a written request to the District Council prior to certificate of approval of this DSP. Prior to issuance of the building permit, the applicant should obtain the District Council's approval of the request.

- c. **Site Design Guidelines**—Section 27-283 of the Zoning Ordinance provides that a DSP should be designed in accordance with the same design guidelines for a conceptual site plan (Section 27-274), which provides design guidelines regarding parking, loading and circulation, lighting, views, green area, site and streetscape amenities, grading, service areas, public spaces, and architecture.

Section 27-274(a) of the Zoning Ordinance further requires that the applicant demonstrate the following:

**Section 27-274**

**(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.**
- (B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians.**
- (C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers.**

The DSP is in general conformance with the site design guidelines contained in Section 27-274 regarding provisions for safe and efficient on-site pedestrian and vehicular circulation, as well as provisions for adequate illumination. Specifically, the plan shows interior two-way travel lanes at 22 feet in width. The size of these travel lanes is large enough to provide safe parking, as well as through traffic that can travel in both directions.

There are 27 total parking spaces for the 3 proposed uses. The vehicular access to the site at Short Cut Road and the northern entrance on US 301 is from a 30-foot-wide drive aisle, which provides two-way traffic to the site. The southern entrance for truck fueling is dimensioned at 18 feet and feeds into a one-way travel lane leading to the 3 fueling pumps. A single loading space is provided on the northern portion of the site. Parking spaces are located in close proximity to the building.

**(3) Lighting.**

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

A balanced lighting pattern is provided throughout the property. The lighting placement has been designed to enhance the building entrances and pedestrian areas, and to improve safety. The use of full-optic cut-off lighting is recommended to avoid spill-over lighting.



**(4) Views.**

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

The DSP is designed to preserve, create, or emphasize views from public roads and public spaces to the adjoining properties and green areas. The proposed buildings have been designed to provide a modern, clean, and appealing street presence along the roadways. This plan is designed to preserve, create, or emphasize views from the public roads that surround the property. The site plan is proposing landscape strips along the road frontages of US 301 and Short Cut Road.

**(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 required green area for the I-1 Zone is 10 percent of the site area. Calculations for green area were not provided. The plans should be revised to provide the green area for the subject site, for permitting purposes. A condition has been added to the Recommendation section of this report requiring the applicant to provide the green area prior to certification.

**(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 applicant is not proposing any site or streetscape amenities, except for landscaping and complete redevelopment of an existing site. The redevelopment will contribute to an attractive and coordinated development pattern of the streetscape bordering the site.

**(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 development is being proposed on a site that has been previously mass graded and the site is relatively flat. Minor fine grading will be required, but should be designed to minimize disruption to existing topography and other natural resources on the site and on adjacent properties.

**(8) Service Areas.**

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

The DSP proposes loading areas on the northern side of the site, away from the building.



**(9) Public Spaces.**

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

The DSP does not propose any public space in this development.

**(10) Architecture.**

- (A) When architectural considerations are references 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 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.**

Elevations and architectural details of the proposed building and associated signage have been provided for evaluation. The proposed one-story, approximately 16-foot-high, food and beverage store is rectangular in shape, measuring approximately 72.5 feet in length by 49 feet in width. The roofline is flat and the exterior finish material is proposed to include a combination of red brick, stone veneer in brown tones, and exterior insulation finishing system in shades of white. The main entrance area, with a large metal canopy and storefront doors and windows, is on the western elevation of the building, facing US 301. The side and rear elevations have no fenestration; however, they will be minimally visible from the public rights-of-way due to the building's position on the lot. Staff believes that the building is well-designed. It is noted that the design and materials for the fueling station canopy was revised to complement the design and materials used on the building.

8. **2010 Prince George's County Landscape Manual Requirements:** The application to redevelop an existing gas station involves new construction and is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The application is in general conformance with Sections 4.2, 4.3, 4.4, and 4.9 of the Landscape Manual, as follows:

- a. **Section 4.2, Requirements for Landscape Strips Along Street**—The proposal is subject to Section 4.2, Requirements for Landscape Strips Along Streets, along its Short Cut Road and US 301 (Crain Highway) frontages. The current submitted plan provides the appropriate schedules showing the planting requirements of this section being met along both frontages.
- b. **Section 4.3, Parking Lot Requirements**—The plan proposes a new parking lot requiring interior planting, in accordance with this section. The submitted plans indicate that all the requirements of this section are being met and the correct schedules are provided.

- c. **Section 4.4, Screening Requirements**—The submitted plan indicates a proposed loading space and trash area on the site. The details for the dumpster enclosure and screening for the loading space are provided on the site plan. No mechanical equipment, such as meters, freestanding air conditioners, heat pumps, or similar equipment is shown on the plans. (The Urban Design Section recommends that the plans be revised to show the location of such mechanical equipment, if they are proposed, and to show everything screened in conformance with the requirements of this section.)
  - d. **Section 4.9, Sustainable Landscaping Requirements**—The site is subject to the requirements of Section 4.9, which requires a certain percentage of the planting materials to be native species. A schedule is provided on the plan demonstrating conformance with these requirements.
9. **Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:** The site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size, contains more than 10,000 square feet of existing woodland, and proposes more than 5,000 feet of woodland clearing. A Type II Tree Conservation Plan (TCPII-016-2017) has been submitted with the subject application. The plan requires minor revisions to be in conformance with the WCO.
- The site has a woodland conservation threshold of 15 percent or 0.39 acre. According to the proposed worksheet, the cumulative woodland conservation requirement, based on the total clearing of 1.32 acres for this project, is 1.00 acre. The TCPII proposes to meet this requirement with 1.00 acre of fee-in-lieu.
- A Natural Resources Inventory Equivalency Letter, NRI-236-2015, was approved and expires on December 28, 2020.
10. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned I-1 are required to provide a minimum of 10 percent of the gross tract area in TCC. This application is subject to the Tree Canopy Coverage Ordinance because it proposes 5,000 square feet or greater of gross floor area or disturbance. The required TCC is 11,199 square feet for the 2.57-acre site and is reflected on the site plan.
11. **Referrals:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Transportation**—In a memorandum dated August 31, 2017, the Transportation Planning Section reviewed the special exception and DSP applications for health, safety, and welfare issues in the immediate area, as well as master plan consistency. The source for estimates of trip generation is *Trip Generation, 9<sup>th</sup> Edition* (Institute of Transportation Engineers). The table below provides information regarding site trip generation. The comparison of trip rates for the existing use, versus the proposed use under the special exception, are shown in the following table:



TRIP GENERATION RESULTS SUMMARY, EMPIRE PETROLEUM, SE-4789/DSP-17013						
	AM-in	AM-out	AM-total	PM-in	PM-out	PM-total
<b>Existing Use</b>						
14 fueling position gas station with food and beverage store	71	71	142	95	95	190
Less 80% pass-by in both peak hours (per judgment of staff, discussion below)	-57	-57	-114	-76	-76	-152
<b>Off-site trip generation for existing use</b>	<b>14</b>	<b>14</b>	<b>28</b>	<b>19</b>	<b>19</b>	<b>38</b>
<b>Proposed Use</b>						
23 fueling position gas station with food and beverage store	117	117	234	155	155	310
Less 80% pass-by in both peak hours (per judgment of staff, discussion below)	-94	-94	-188	-124	-124	-248
<b>Off-site trip generation for proposed use</b>	<b>23</b>	<b>23</b>	<b>46</b>	<b>31</b>	<b>31</b>	<b>62</b>
<b>NET NEW TRIPS Versus EXISTING</b>	<b>+9</b>	<b>+9</b>	<b>+18</b>	<b>+12</b>	<b>+12</b>	<b>+24</b>

The application is supported by a traffic study dated January 2017 provided by the applicant, and referred to the Maryland State Highway Administration (SHA), the Prince George's County Department of Public Works and Transportation (DPW&T), and the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). No comments were offered. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff, consistent with the *Transportation Review Guidelines*.

The subject property is located within Transportation Service Area 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level of Service D, with signalized intersections operating at a critical lane volume of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the *Guidelines*.

**Unsignalized intersections:** *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

In the traffic study, the applicant has shown that the site access points operate acceptably at unsignalized intersections, under existing and future traffic. However, many other traffic studies in the area have found that nearby adjacent intersections, such as US 301/US 381 to the north and US 301/MD 5/Timothy Branch Drive to the south,



operate unacceptably. On March 28, 2017, the Prince George's County Council adopted Council Resolution CR-9-2017, which amends CR-60-1993. Specifically, this new resolution establishes a fee structure for payment to the Brandywine Road Club. Pursuant to CR-9-2017, the new fee for the subject application would be \$2.07 per square foot of nonresidential building construction, to be indexed by the appropriate cost indices, to be determined by DPIE. However, neither the special exception nor the DSP have transportation adequacy findings associated with them.

#### **Master Plan Highways**

The site is adjacent to US 301/MD 5, which is a master plan freeway facility and is designated as F-9 in the Subregion 5 Master Plan and SMA. The master plan recommends a 300-foot minimum right-of-way. PGAtlas shows a variable right-of-way along the frontage of the site. The description on the plan for US 301 being a 200-foot right-of-way is incorrect. At this location, the overall public right-of-way is actually about 370 feet in width. Per SHA, mapping completed in 2006 and any further widening of US 301/MD 5 along the frontage will involve converting the existing shoulder to a load-bearing fourth lane, and adding a shoulder. This can be fully accomplished within the current right-of-way. The master plan right-of-way abuts, and does not overlap, the subject site, based on the applicant's exhibit dated October 4, 2017, which has been verified by the Transportation Planning Section.

#### **Southern Maryland Rapid Transit**

The 2009 *Approved Countywide Master Plan of Transportation* shows a proposed transit line parallel and adjacent to MD 5. This line represents the Southern Maryland Rapid Transit (SMRT) Study being conducted by the Maryland Transit Administration (MTA) of the Maryland Department of Transportation. This study seeks to complete location and initial design for a proposed transit facility linking the Branch Avenue Metrorail Station with Charles County. Both bus rapid transit (BRT) and light rail transit (LRT) alternatives are under study by MTA. The preferred alternative uses an alignment along the east side of US 301/MD 5 in this area, having a width of approximately 80 feet. The impact to the site would require a substantial part of the subject site. The site would likely be a total taking to accommodate the transit line. For that reason, placement of structures outside of the planned right-of-way is not feasible.

In approving the expanded uses, the approving and review bodies should be made aware that existing structures within the SMRT right-of-way are being replaced with other structures within the same right-of-way. This must involve a petition for authorization to build within the planned right-of-way, in accordance with Section 27-259 of the Zoning Ordinance. If granted, staff finds that the approval will not substantially impair the master plan.

Given that the site is designed to serve trucks, it is apparent from the plans that a WB-50 design vehicle can maneuver through this site to make fuel deliveries. Otherwise, access and circulation on the subject plan are acceptable as shown. Any changes to access will require approval of the responsible operating agency. The site is not affected by any master plan active transportation facilities. Overall, from the standpoint of transportation, it is determined that these applications are acceptable and meet the findings required for a special exception and a DSP, as described in the Zoning Ordinance. From the standpoint of non-motorized transportation, it is determined that this plan is acceptable as well.



- b. **Urban Design**—In a memorandum dated May 12, 2017, Urban Design Section reviewed the DSP application for conformance with the Zoning Ordinance. Section 27-473, Uses Permitted in the Industrial Zones, of the Zoning Ordinance provides that an eating and drinking establishment with drive-through service is permitted in the I-1 Zone, subject to Footnote 54, which requires a DSP. A gas station and a food and beverage store use are permitted pursuant to a special exception, as has been filed (SE-4789).
- c. **Permits**—In memorandums dated April 17, 2017 and June 27, 2017 (Hampton to Thompson), the Permit Review Section reviewed the DSP application for conformance with the Zoning Ordinance, noting several site plan revisions that were addressed by the applicant through revisions to the plan or are addressed as conditions of approval.
- d. **Community Planning**—In a memorandum dated June 8, 2017 (Irminger to Thompson), the Community Planning Division reviewed the DSP for consistency with the approved master plans. The subject property is located in Planning Area 85A, known as Brandywine. The subject property is not located in a Military Installation Overlay Zone. MTA conducted the SMRT Study along the MD 5/US 301 corridor. The purpose of this study was to designate a preferred alignment for either a BRT or LRT system in the MD 5 corridor to link the Branch Avenue Metro Station to Charles County (see Subregion 5 Master Plan, page 112). As discussed, MTA’s 2010 preferred alternative alignment traverses the subject property (see the Southern Maryland Transit Corridor Preservation Study, Conceptual Plan and Profile Drawings, drawing SM-24). An ongoing planning strategy for this area is to continue to work with MTA to preserve right-of-way for transit service in the MD 5/US 301 corridor (see Subregion 5 Master Plan, page 53).
- e. **Environmental Planning**—In a memorandum dated June 8, 2017, the Environmental Planning Section reviewed the DSP and Type II Tree Conservation Plan (TCPII-016-2017) for conformance. An approved and signed Natural Resources Inventory, NRI-236-2015, was issued on December 28, 2015 for this site. No other previous environmental reviews have occurred on this site. The project is subject to the environmental regulations of Subtitle 27 of the County Code that came into effect on September 1, 2010 because this is a new DSP request. This project is also subject to the WCO.

There are 1.32 acres of woodlands currently on-site. A review of available information identified that no regulated environmental features, such as streams, wetlands, areas of steep slopes, 100-year floodplain, or associated buffers, are found on the property. This site does not contain primary management area and is outside of the Chesapeake Bay Critical Area. The site straddles two watersheds. The eastern half of the site is within the Mattawoman Creek watershed, while the western half of the site drains into the Piscataway Creek watershed, which is a stronghold watershed; the entire site drains into the Potomac River basin. The predominant soil found to occur on-site, according to the USDA NRCS Web Soil Survey, is Beltsville-Urban Land complex, 0 to 5 percent slope. According to available information, neither Marlboro clay nor Christiana complexes are known to occur on-site. According to the Sensitive Species Project Review Area map prepared by the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. This site is not identified as containing forest interior dwelling species (FIDS) or FIDS buffer. This site does not share frontage with any historic or scenic roadways. According to the approved 2017 *Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan* pursuant to County Council

Resolution CR-11-2017, the *Countywide Green Infrastructure Plan* (Green Infrastructure Plan), the site is not mapped within the network.

**Approved Subregion 5 Master Plan and Sectional Map Amendment (2013):** The master plan for this area is the 2013 Subregion 5 Master Plan and SMA. The area of the application falls within the Brandywine Community Center core and edges portion of this plan. In the master plan and SMA, the Environment section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **bold** is the text from the master plan and the plain text provides comments on plan conformance.

**Policies:**

- **Implement the master plan’s desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**

The area of proposed development is located within an area designated as mixed use in the master plan. This area is not within a priority area for protection according to the Green Infrastructure Plan and contains no regulated or sensitive environmental features.

- **Ensure that new development incorporates open space, environmentally sensitive design, and mitigation activities.**

This application is for the redevelopment of an existing site. No regulated environmental features exist on-site. The site is subject to County and state environmental regulations that encourages environmentally-sensitive design and mitigation activities.

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**

The site has a valid approved Stormwater Management Concept Plan and Letter (2852-2016-00) that expires on March 18, 2019. The approved concept plan shows the construction of two submerged gravel wetlands on-site that will improve run-off quality and volume control during storm events. The concept letter also approved the use of fee-in-lieu of providing on-site/quality control measures, and requires use of an oil and grit separator, or approved equivalent, prior to discharging into a primary water quality device. A pollution prevention plan is also required. This project will meet water quality requirements from both storm and non-storm events entering wetlands and waterways, in accordance with an approved final stormwater management plan, to be approved by the Site/Road Plan Review Division of DPIE.

- **Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

As previously stated, the site has a stormwater management concept approval letter. Water quality will continue to be addressed through the approval of the final stormwater management plan.



- **Reduce air pollution through transportation demand management (TDM) projects and programs.**

The Transportation Planning Section will review the application further for appropriate strategies.

- **Encourage the use of green building techniques that reduce resource and energy consumption.**

The use of green building techniques and energy conservation techniques should be used, as appropriate.

- **Ensure that excessive noise-producing uses are not located near uses that are particularly sensitive to noise intrusion**

Environmental requirements for noise impacts will be addressed by the Subdivision and Zoning Section.

**Conformance with the Green Infrastructure Plan:** The Green Infrastructure Plan indicates that none of the property is within or near the designated network

**Conformance Finding for 2010 Approved Water Resources Functional Master Plan:**

The 2010 *Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection, and preservation of drinking water, stormwater, and wastewater systems within the County, on a countywide level. These policies are not intended to be implemented on individual properties or projects, and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans; County ordinances for stormwater management, floodplain, and woodland conservation; and programs implemented by DPIE, the Prince George's County Health Department, the Prince George's County Department of Environmental Resources, the Prince George's County Soil Conservation District, the Maryland-National Capital Park and Planning Commission, and the Washington Suburban Sanitary Commission are also deemed to be consistent with this master plan.

**Natural Resources Inventory/Environmental Features:** A signed Natural Resources Inventory (NRI-236-2015), which included a detailed forest stand delineation, was submitted with the application. This NRI expires on December 28, 2020. This site contains 1.32 acres of existing woodlands. No specimen, champion, or historic trees are known to occur on-site. A review of available information identified that no regulated environmental features such as streams, wetlands, areas of steep slopes, 100-year floodplain, or associated buffers are found on the property. This site is not associated with a primary management area or located within the Chesapeake Bay Critical Area.

**Woodland Conservation:** This site is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size, contains more than 10,000 square feet of existing woodland, and proposes more than 5,000 feet of woodland clearing. A Type II Tree Conservation Plan (TCPII-016-2017) was submitted with this application.

The site has a woodland conservation threshold of 15 percent or 0.39 acre. According to the proposed worksheet, the cumulative woodland conservation requirement, based on the total clearing of 1.32 acres for this project, is 1.00 acre. The TCPH proposes to meet this requirement with 1.00 acre of fee-in-lieu. The worksheet, as submitted, will require one technical revision. The worksheet indicates that the project is subject to the 1991 WCO; however, the site is actually within a priority funded area and subject to the 2010 WCO.

There are three changes that need to be addressed on the TCPH plan. Features that are only required to be shown on an NRI shall not be reflected on the TCPH; specifically, the forest stand labels and forest stand hatching are not required to be reflected on the TCPH. These elements visually detract from other required information on the plan and should be removed. Once the revisions have been made, have the qualified professional who prepared the TCPH sign and date it and update the revision box with a summary of the revisions made.

**Preservation of Regulated Environmental Features/Primary Management Area:** No regulated environmental features are known to exist on this property.

**Soils:** The predominant soil found to occur on-site, according to the USDA NRCS Web Soil Survey, is Beltsville-Urban Land complex, 0 to 5 percent slope. According to available information, neither Marlboro clay nor Christiana complexes are known to occur on-site.

This information is provided for the applicant's benefit. No further action is needed as it relates to this review. A soils report may be required by DPIE during the permit process review.

**Stormwater Management:** As previously stated, a stormwater management concept letter and plan, that is in conformance with the current code, has been approved by DPIE. No additional information is required with regard to stormwater management with this application.

- f. **Subdivision**—The subject property is comprised of two legal parcels created by deed prior to 1982, and has never been the subject of a preliminary plan of subdivision or record plat. Although the deeds reference Parcels One and Two (Liber 36979 folio 39), the State Department of Assessments and Taxation and the tax maps show the property as Parcels 83 and 287. Staff has determined that the site is exempt from the requirement of filing a preliminary plan pursuant to Section 24-107(c)(7)(B) of the Subdivision Regulations. The development of more than 5,000 square feet of gross floor area on the subject site will require approval of a preliminary plan.
- g. **Prince George's County Fire/EMS Department**—In a memorandum dated April 17, 2017, the Fire/EMS Department offered standard comments that were provided to the applicant. Their comments will be enforced through their separate permitting process.
- h. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated May 25, 2017, DPIE offered numerous comments. Those comments have been provided to the applicant and will be addressed under DPIE's separate permitting process.



- i. **Prince George’s County Police Department**—As of the writing of this staff report, the Police Department did not offer any comments.
  - j. **Prince George’s County Health Department**—As of the writing of this report, the Health Department did not offer any comments.
12. Based on the foregoing, and as required by Section 27-285(b)(1) of the Zoning Ordinance, this DSP, if approved with the conditions below, represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
13. As required by Section 27-285(b)(4) of the Zoning Ordinance, the Planning Board must also find that the regulated environmental features on a site have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations. In a memorandum dated July 17, 2017 (Juba to Thompson), the Environmental Planning Section noted that there are no regulated environmental features on the subject property. This finding is not applicable.

RECOMMENDATION

Based on the preceding analysis and findings, staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-17013 and Type II Tree Conservation Plan TCPII-016-2017 for Empire Petroleum Brandywine, subject to the following conditions:

- 1. Prior to certification of the detailed site plan, the applicant shall revise the plans and provide the noted information as follows:
  - a. Revise the Type II tree conservation plan (TCPII) as follows:
    - (1) Revise the woodland conservation worksheet by indicating that the site is subject to the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance and is in a priority funded area, instead of subject to the 1991 Woodland Conservation Ordinance.
    - (2) Remove all forest stand labels and forest stand hatching from the TCPII plan and legend.
    - (3) Have the qualified professional who prepared the TCPII sign and date it and update the revision box with a summary of the revisions made.
  - b. Provide the green area calculations on the site plan.
  - c. Show the rights-of-way on the site plan.
  - d. Provide full-optic cut-off lighting on the site plan.
  - e. Correct General Plan Note 15 to correctly show the parking requirement for the eating and drinking establishment with drive-through service

- f. Provide evidence that a written request to the Prince George's County District Council to authorize issuance of the permit within the proposed rights-of-way.
2. Prior to issuance of the building permit, the applicant shall obtain Prince George's County District Council authorization for issuance of the permit within the proposed rights-of-way.



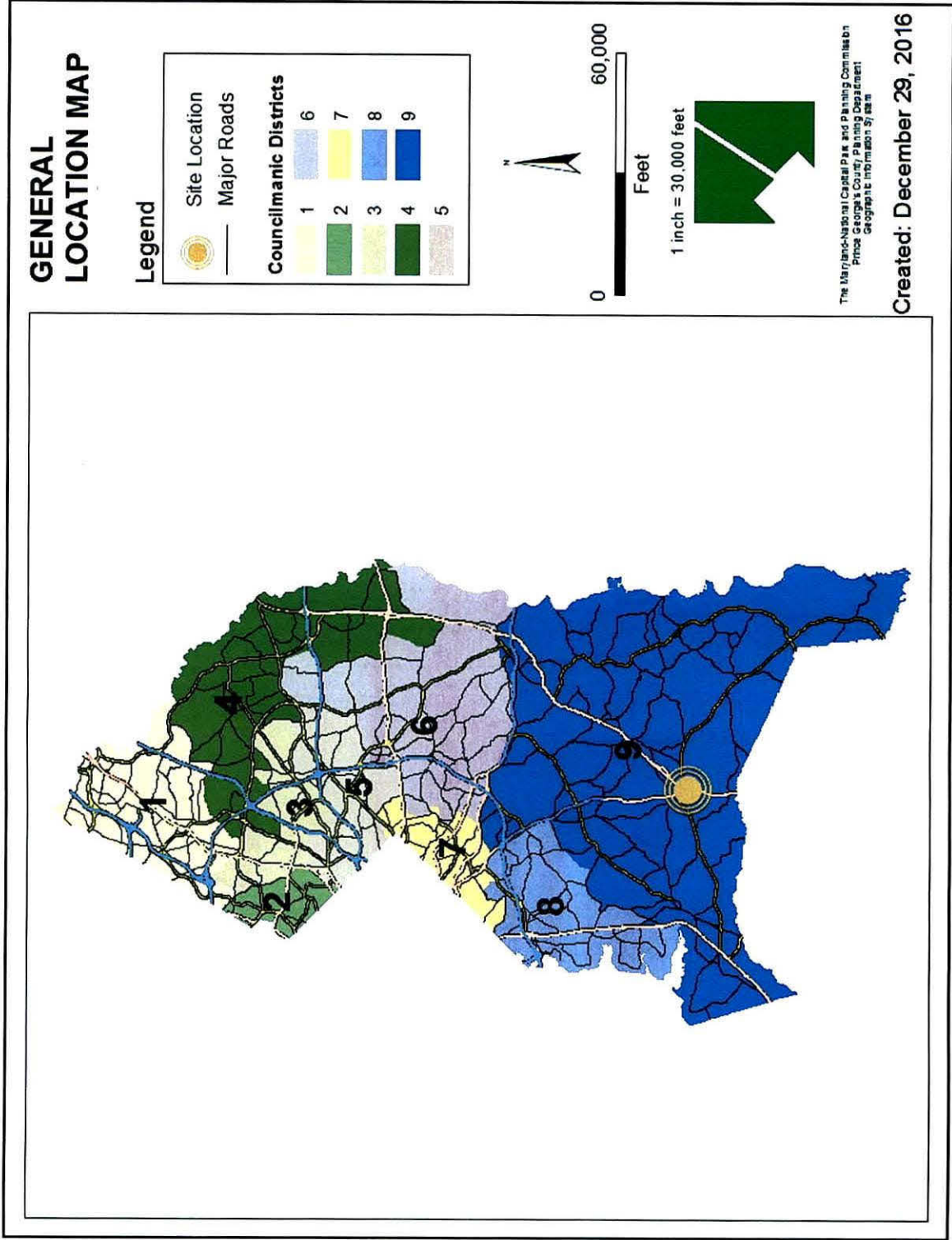
**ITEM:**

**CASE: DSP-17013**

# **EMPIRE PETROLEUM BRANDYWINE**

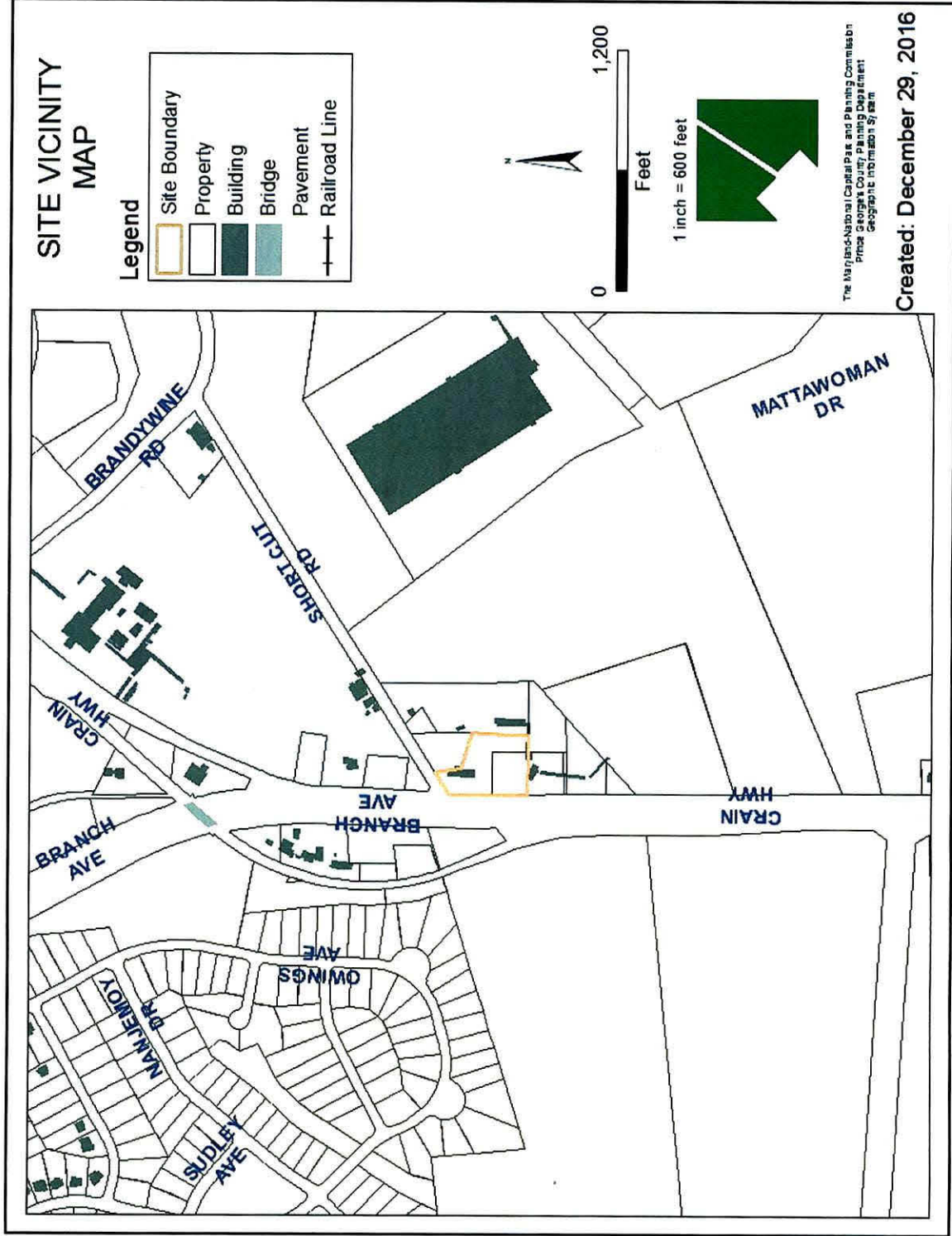


# GENERAL LOCATION MAP

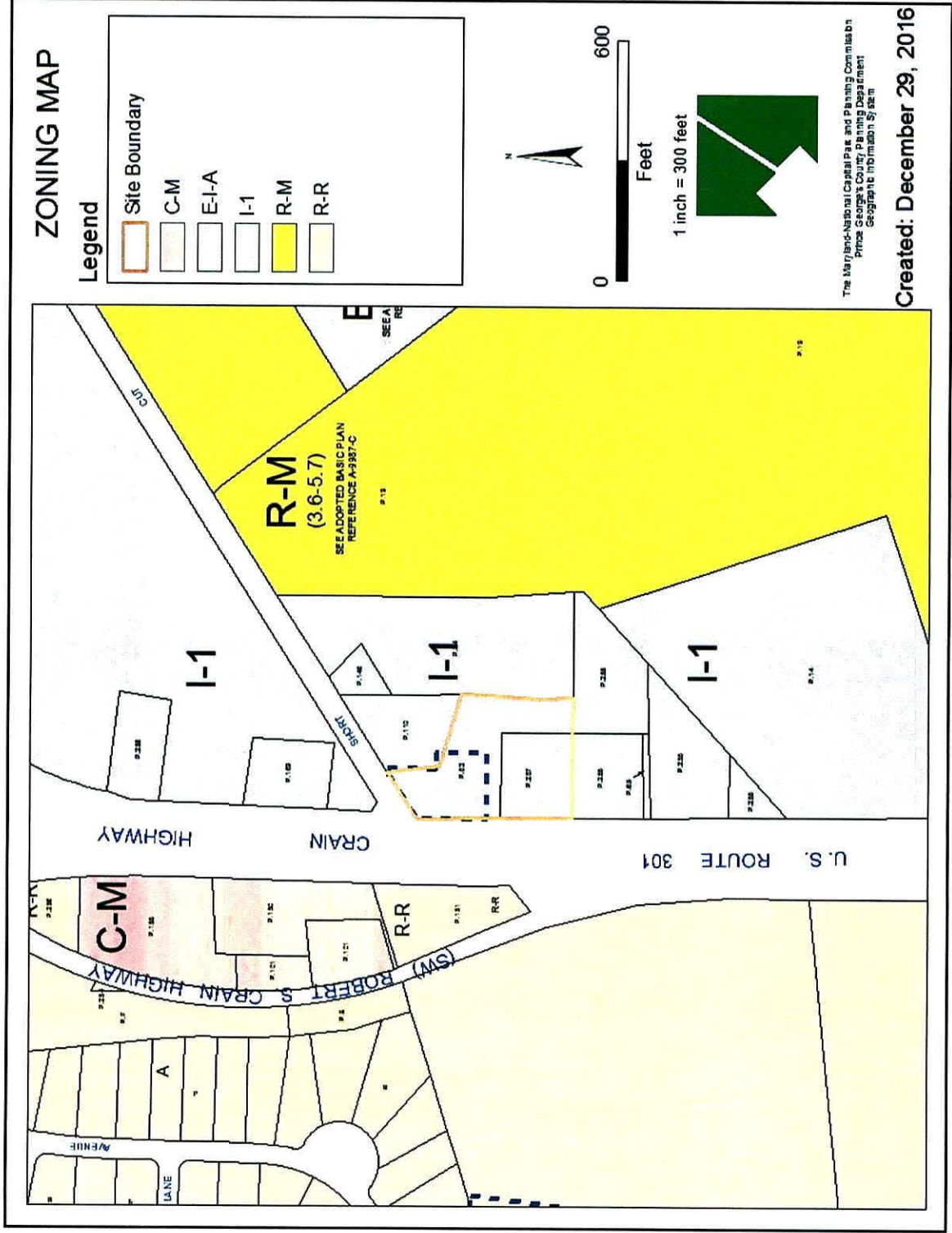




# SITE VICINITY

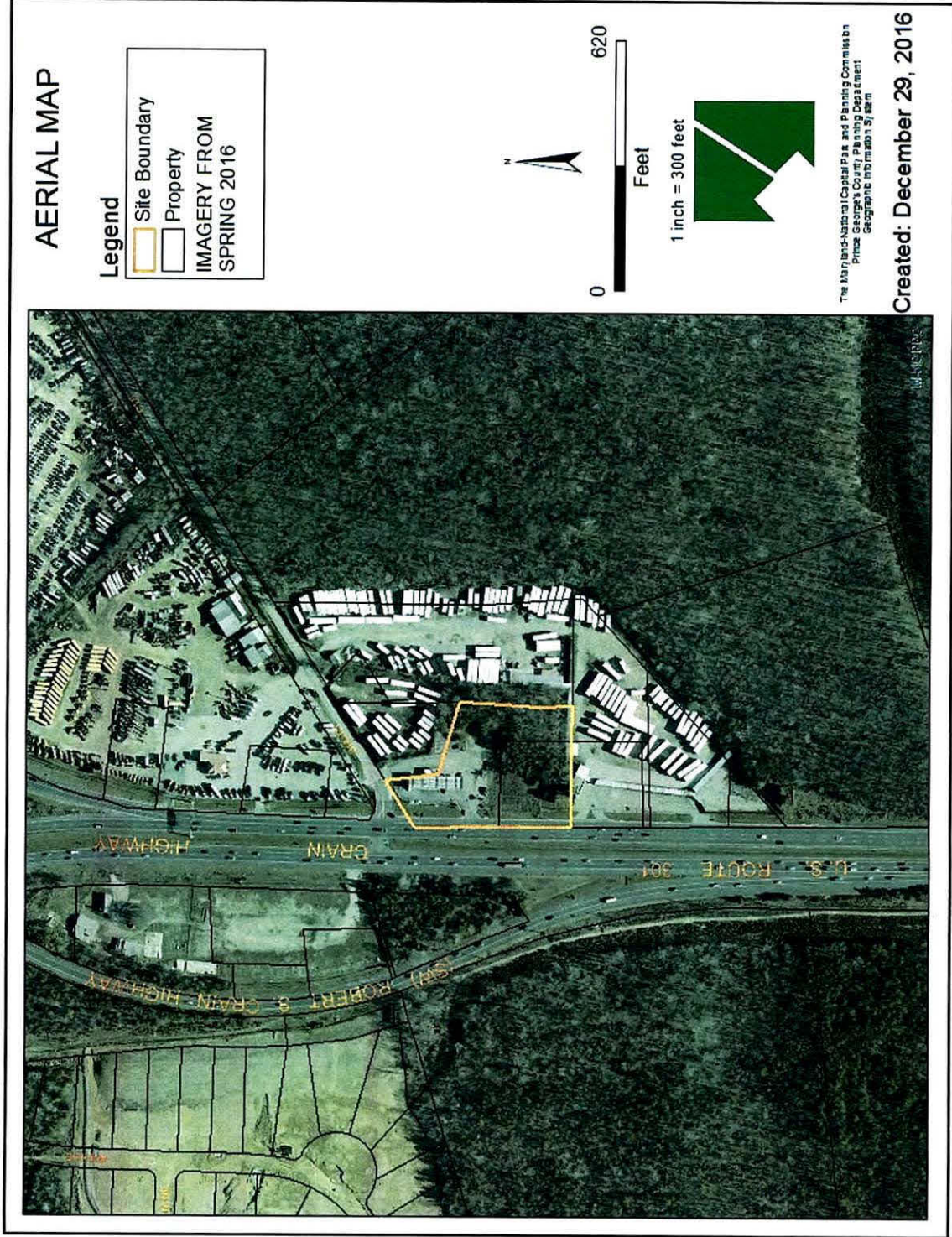


# ZONING MAP



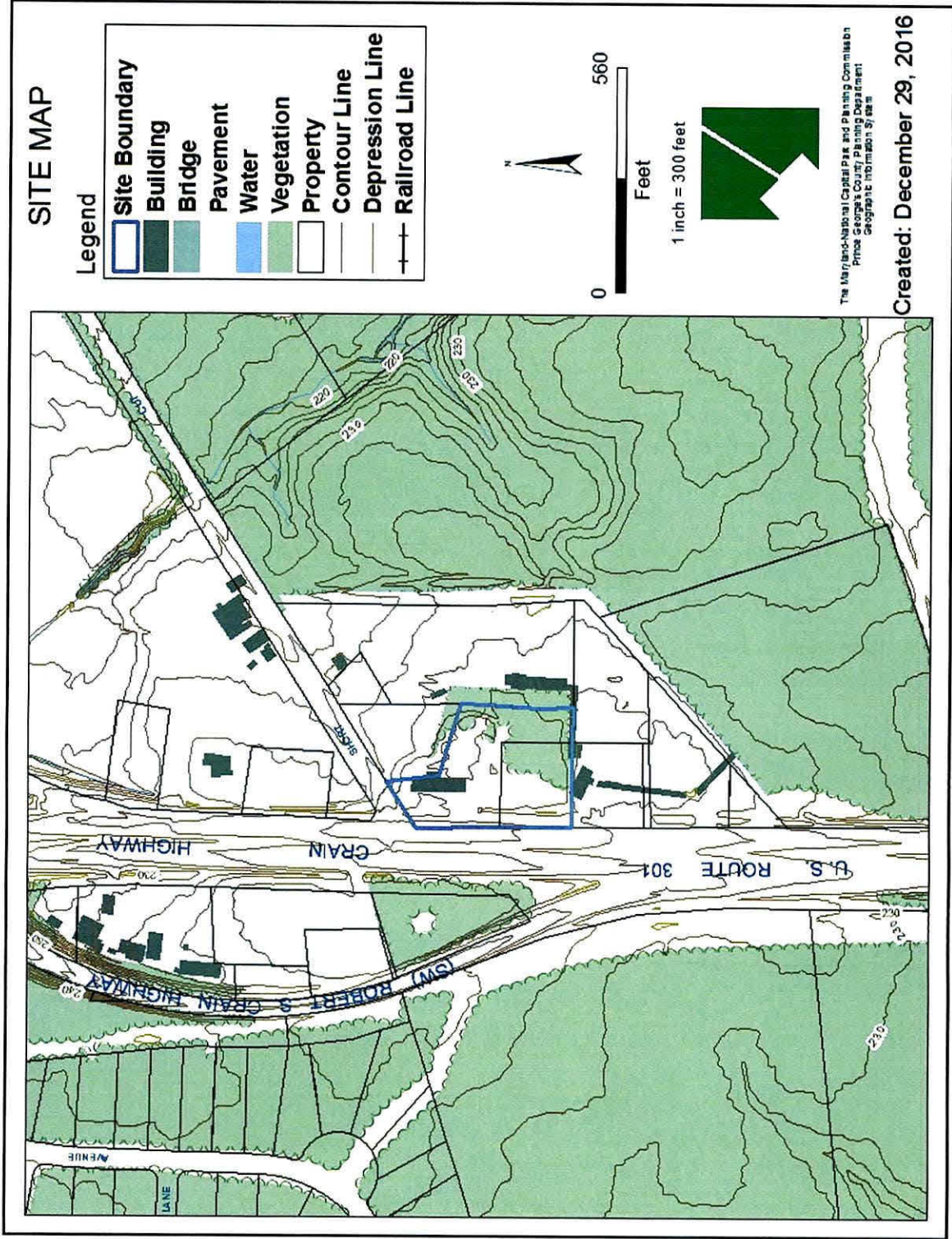


# AERIAL MAP



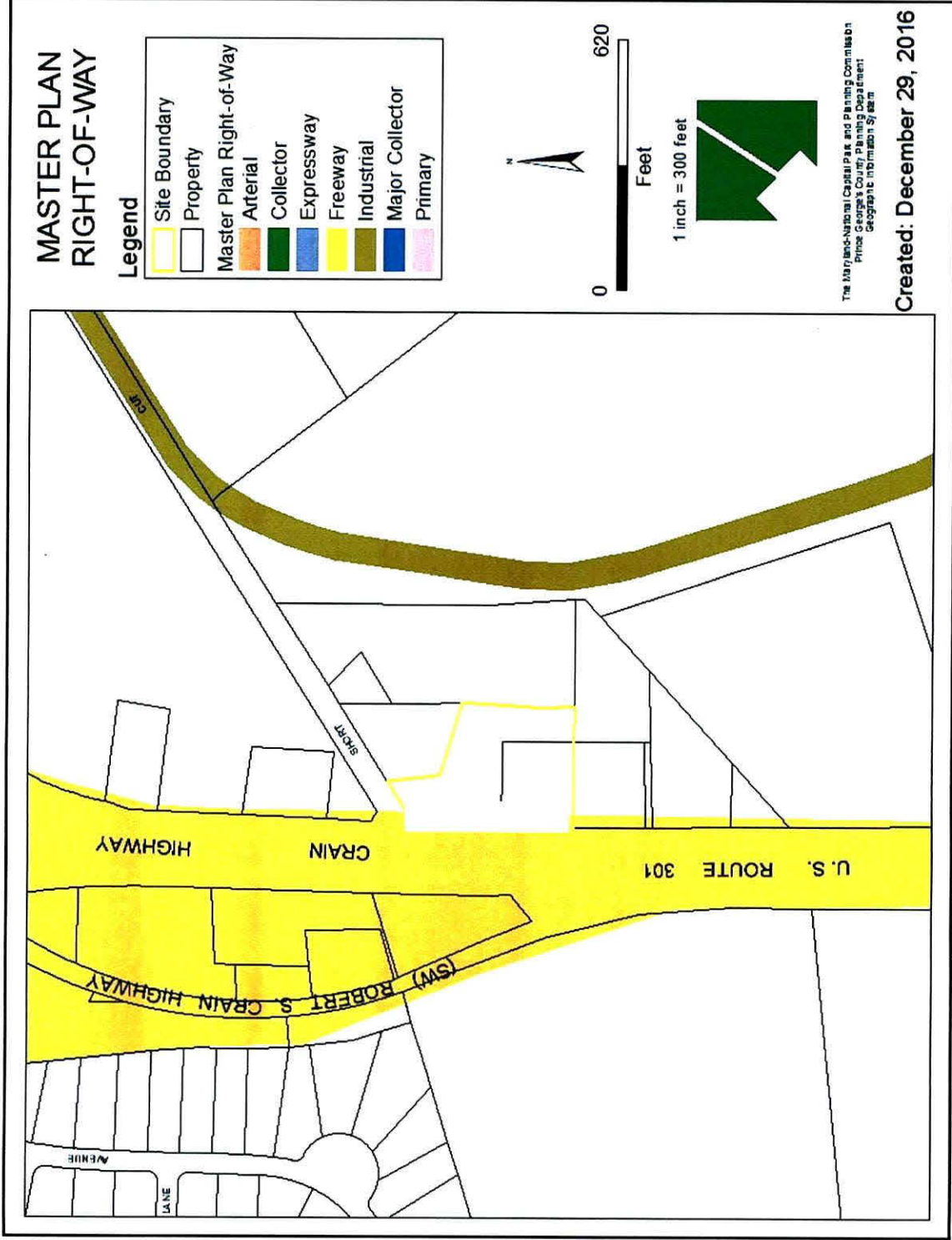


# SITE MAP



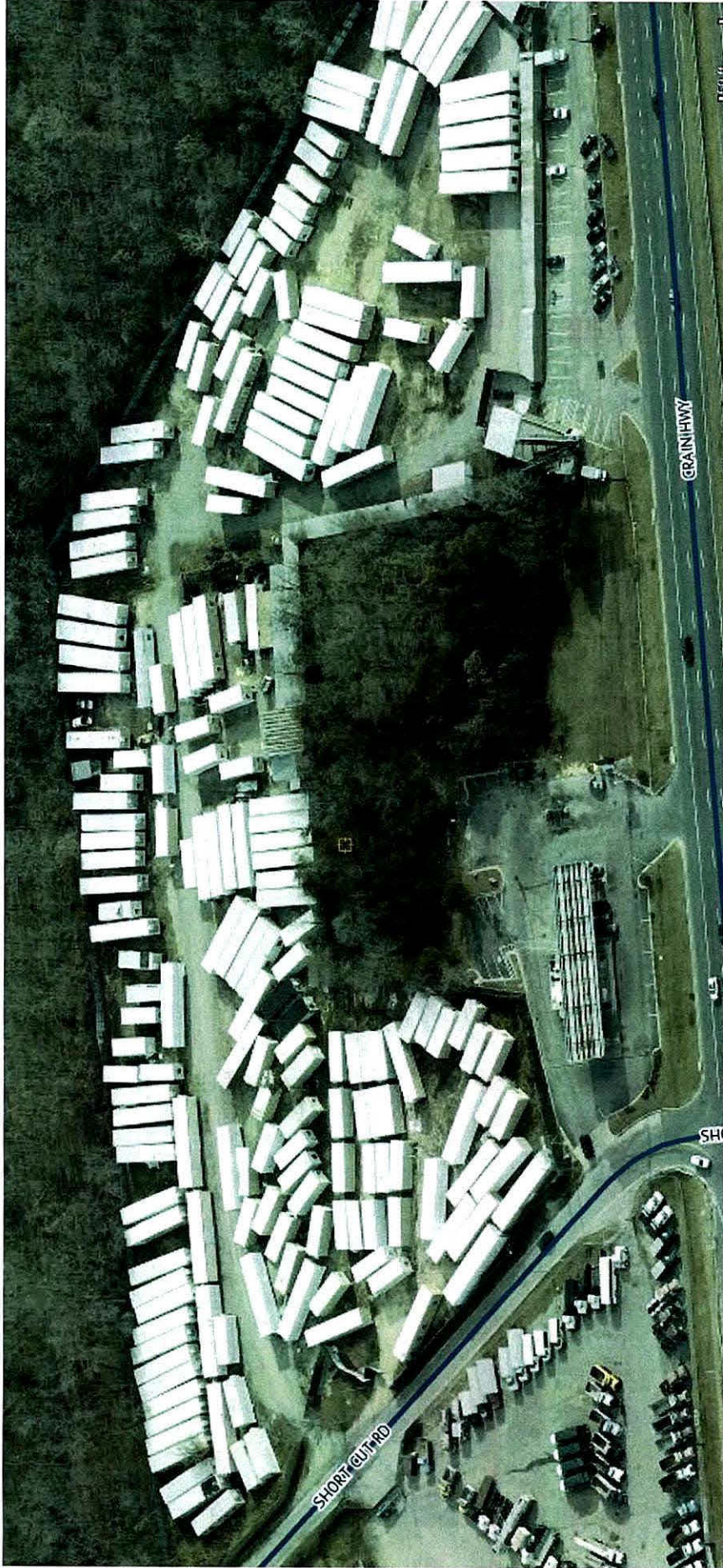


# MASTER PLAN RIGHT-OF-WAY MAP





# BIRD'S-EYE VIEW









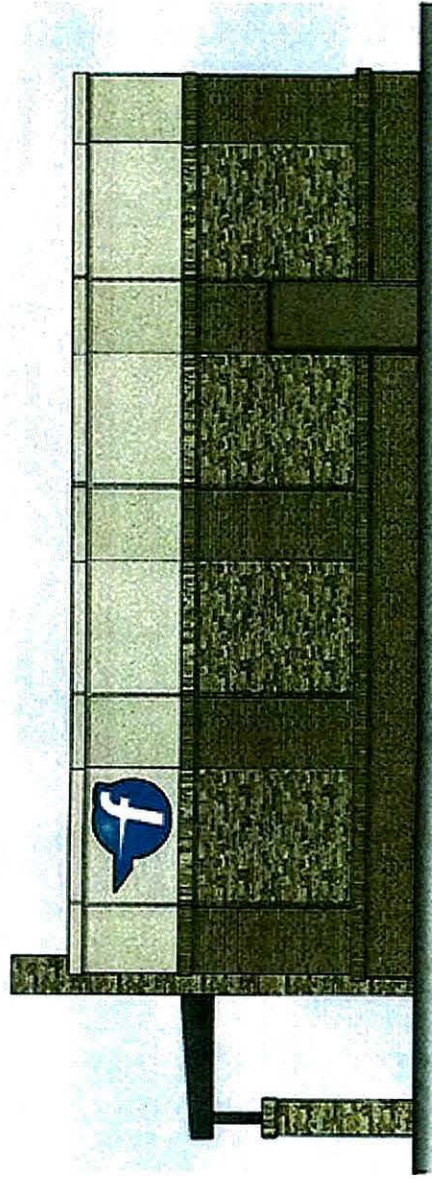
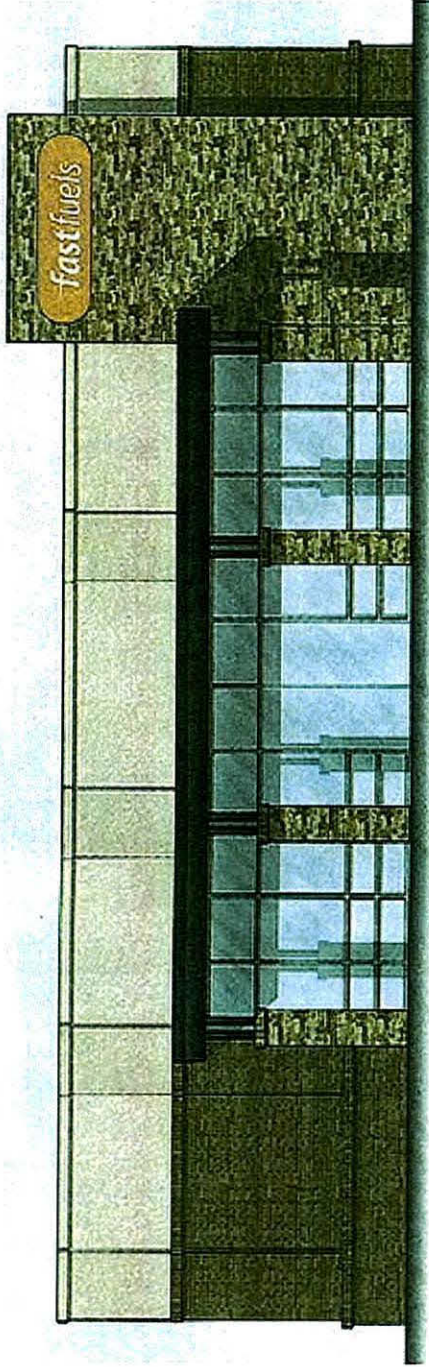








# EXTERIOR PREFABRICATED STONE

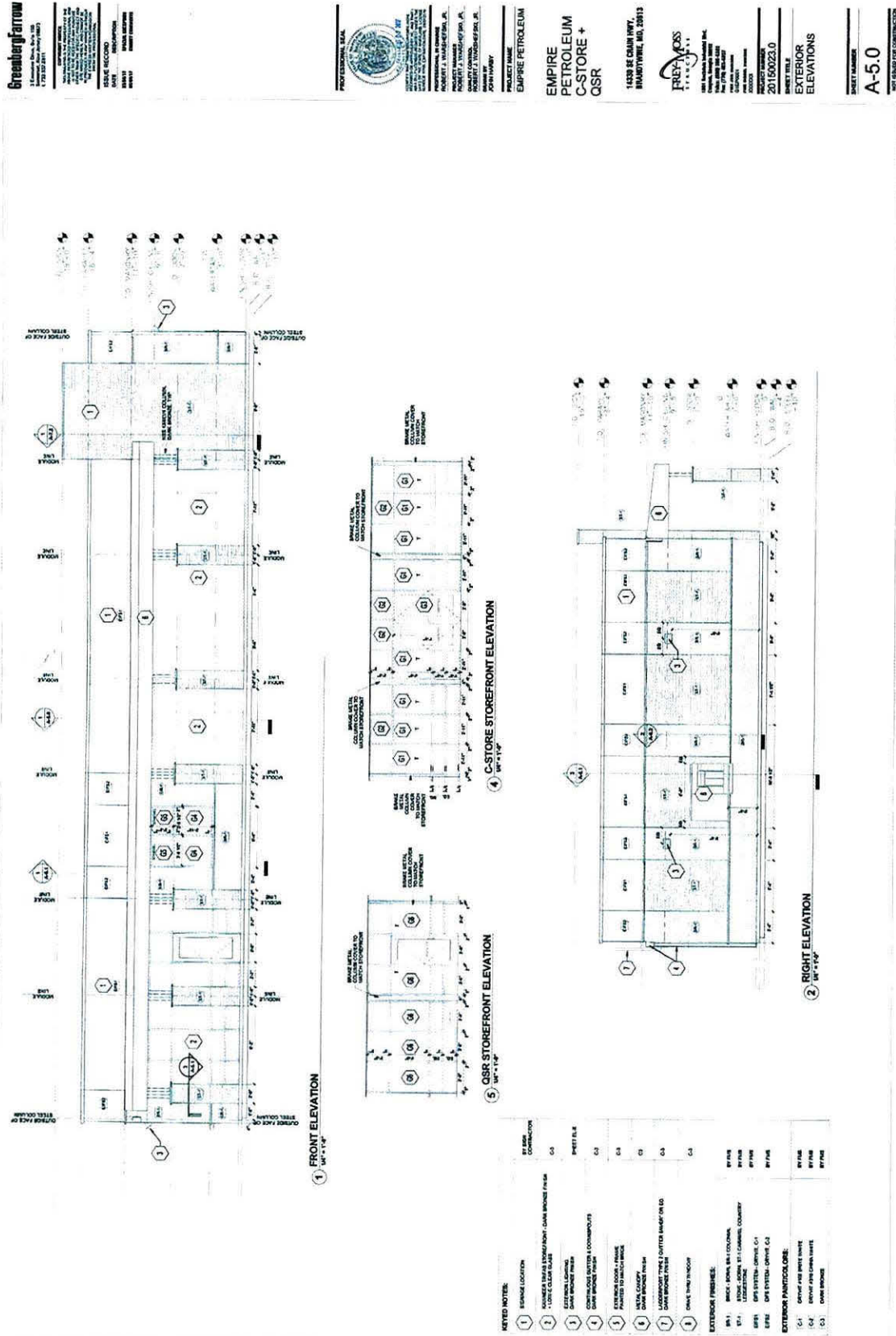


PREFABRICATED STORE | CONCEPT ELEVATIONS  
CONCEPT | SCALE: 3/16" = 1'-0"  
EMPIRE PETROLEUM | SCHEME B  
201503020

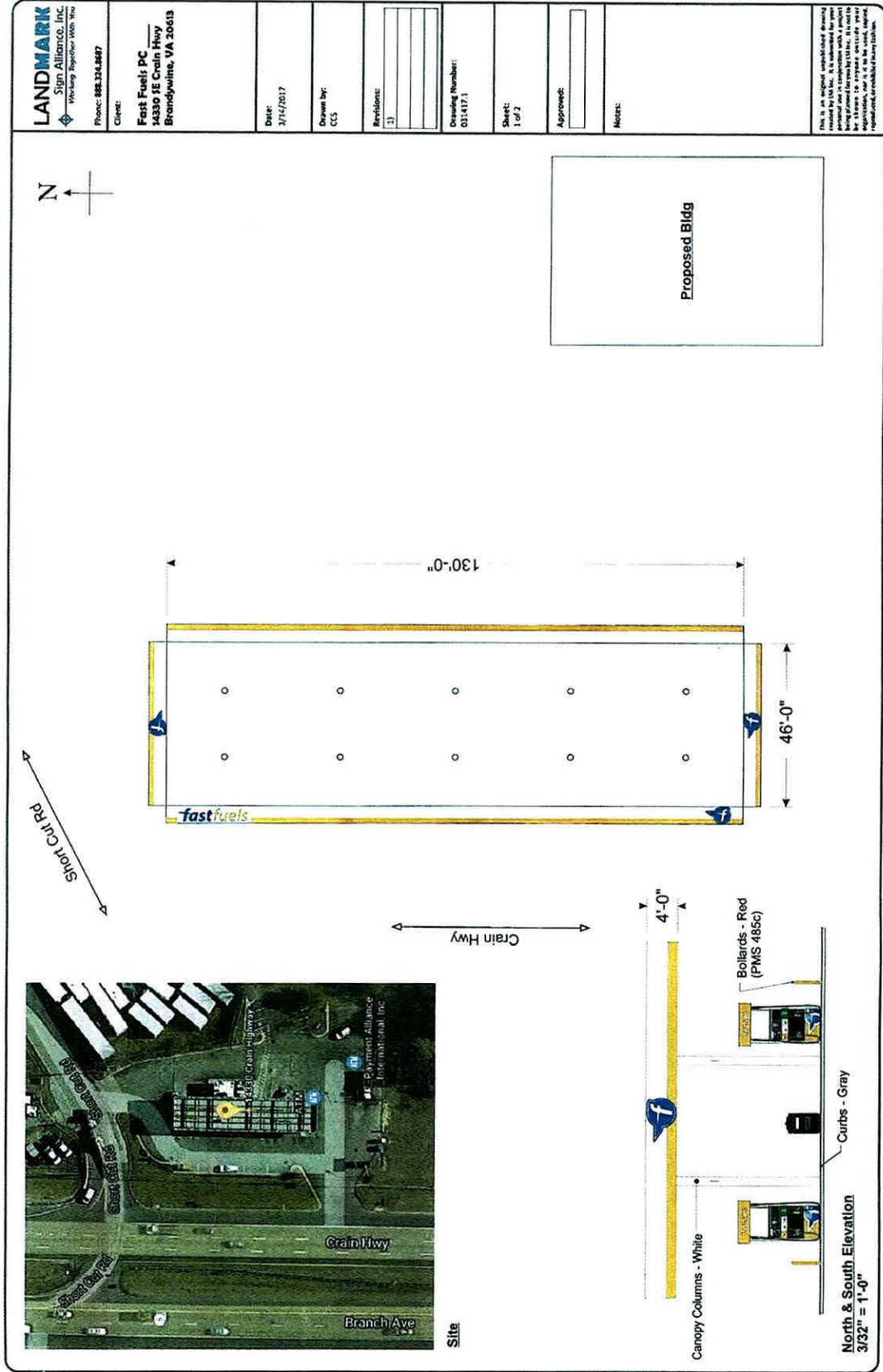




# EXTERIOR ELEVATIONS



# CANOPY SIGNAGE



<b>LANDMARK</b> Sign Alliance, Inc. Working Together With You	Phone: 888.324.6827
Client: <b>Fast Fuels PC</b> 14330 SE Crain Hwy Brandywine, VA 20613	
Date: 3/14/2017	
Drawn by: CCS	
Revisions:	
1)	
Drawing Number: 031417.1	
Sheet: 1 of 2	
Approved:	
Notes:	

This is an original unperfected drawing created by Landmark. It is submitted for your review and is not intended to be used for construction without a signed and dated copy of this drawing. The copyright in this drawing is owned by Landmark. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Landmark.





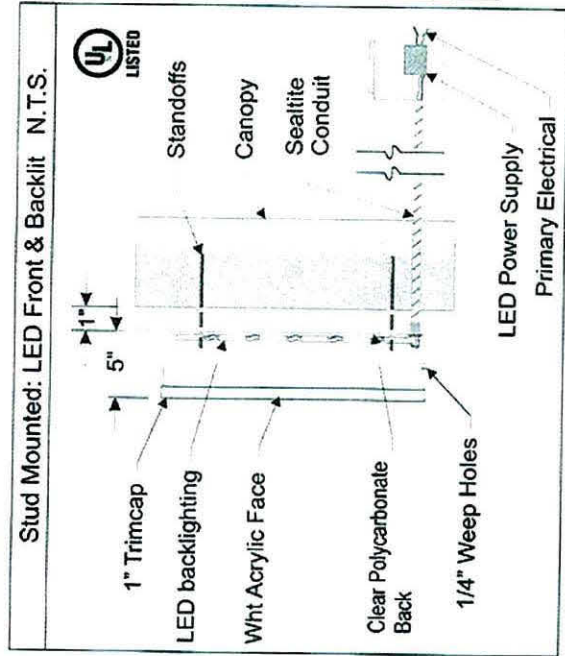


# SIGNAGE



scale: 1/2" = 1'-0"

- "Poppy Red" 3630-143 Vinyl (PMS 485 C)
- "Intense Blue" 3630-127 Vinyl (PMS 300 C)
- Aluminum Pan Channel w/ White Returns & 1" Blue (PMS 300 C) Trim Cap "fast"
- Aluminum Pan Channel w/ White Returns & 1" Red (PMS 485 C) Trim Cap "fuels"
- Acrylic Faces
- White LED Lighting, Internal Illumination



SE-4789

**LANDMARK**  
Sign Alliance, Inc.

Phone: 888-327-8687

Client: Fast Fuel's

Date: 3/9/2017

Drawn by: CCS

Revisions:

Drawing Number: LMFF-36-FF-HALO

M-NCPPC  
P.G. PLANNING DEPARTMENT  
RECEIVED  
MAR 16 2017  
DEVELOPMENT REVIEW DIVISION

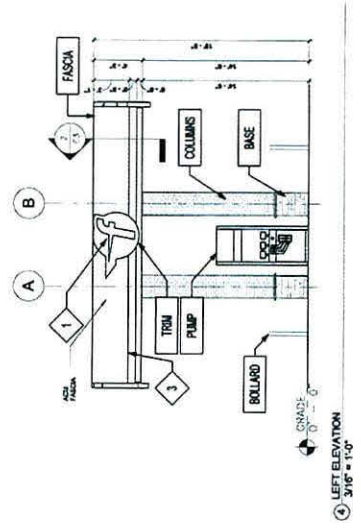
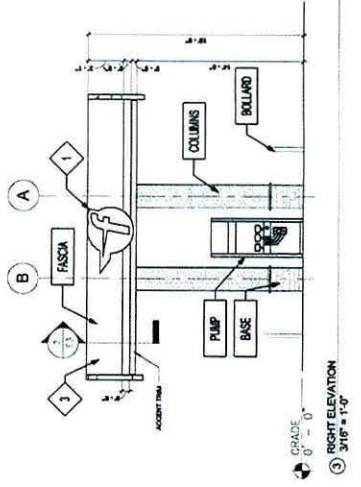
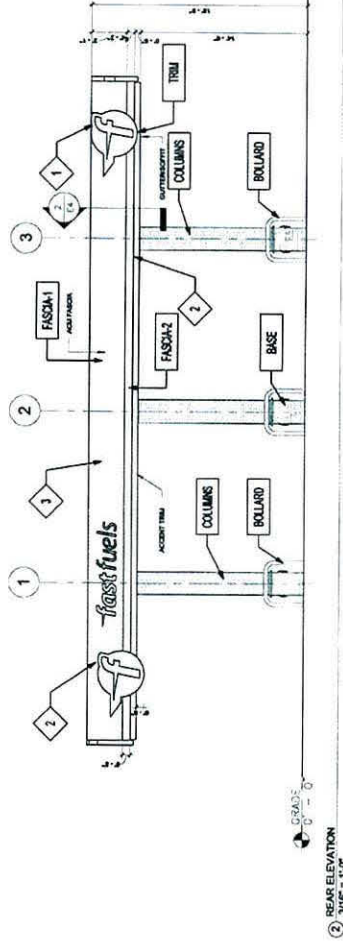
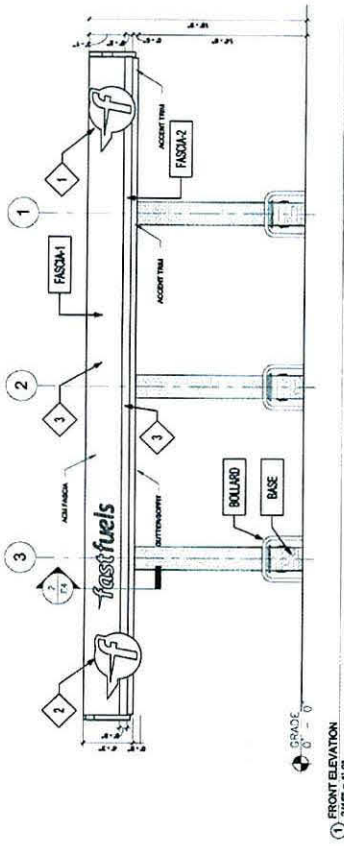
Notes:  
Fast Fuels 36" canopy letters Reverse Channel "Halo-Lit"

This is an original unpublished drawing created by Landmark. It is submitted for your personal use in conjunction with the project for which it was prepared. It is not to be shown to any other organization, nor is it to be used, copied, retransmitted, or exhibited in any fashion.





# PUMP CANOPY ELEVATIONS



# CANOPY SIGNAGE: WEST ELEVATION

**LANDMARK**  
Sign Alliance, Inc.  
Working Together With You

Phone: 888.324.8887

**Client:**  
Fast Fuels PC  
14330 IE Crain Hwy  
Brambleville, VA 20613

**Date:**  
3/15/2017

**Drawn by:**  
CCS

**Revisions:**

1	

**Drawing Number:**  
031417.1

**Sheets:**  
2 of 2

**Approved:**

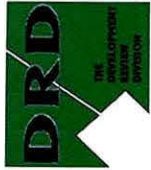
**Notes:**

**West Elevation**  
3/8" = 1'-0"

- "Poppy Red" 3630-143 Vinyl (PMS 485 C)
- "Intense Blue" 3630-47 Vinyl (PMS 300 C)
- Aluminum Pan Channel w/ White Returns & 1" Blue (PMS 300 C) Trim Cap "fast"
- Aluminum Pan Channel w/ White Returns & 1" Red (PMS 485 C) Trim Cap "fuels"
- Acrylic Faces
- White LED Lighting, Internal Illumination

- "Intense Blue" 3650-47 Vinyl (PMS 300 C)
- Aluminum Pan Channel w/ Blue PMS 300 Returns & 1" Blue (PMS 300) Trim Cap
- Acrylic Face
- White LED Lighting, Internal Illumination

This is an electronic specification drawing created by LD Inc. It is intended for use as a specification with a project proposal. It is not intended to be a contract. It is subject to change without notice. For more information, please contact LD Inc. at 888.324.8887.





# FREESTANDING SIGNAGE EXISTING & PROPOSED



**EXISTING CONDITIONS**



**PROPOSED RE-FACE D/F PRICE SIGN**

**Sign Scope of Work:**

- Manufacture and Replace New Pair of formed Faces; to read "fastfuels"
- Manufacture and Replace New Pair of Formed Faces; to read "5 cent Thursdays."
- \*exact color scheme and graphics are T.B.D. - rendering shown is preliminary

**LANDMARK**  
Sign Alliance, Inc.  
Heavy Signer For You

Phone: 715-508-5465

Client: **Fast Fuels**  
14830 S.E. Craine Hwy  
Brandywine, MD

Date: 11/03/2015

Drawn by: CCS

Revisions:

Drawing Number: 151104.1

Sheet: 5 of 5

Approved:

**Notes:**  
This is a conceptual drawing and is not meant to be a final design, which may have to be adjusted due to permitting.

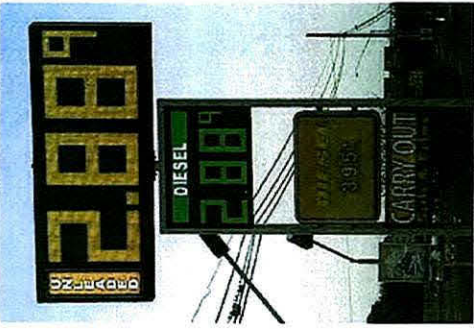
This is an official architectural drawing created by SAIF Inc. It is submitted for your review and approval. It is not to be used for construction without the approval of SAIF Inc. It is the property of SAIF Inc. and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of SAIF Inc. It is to be used only for the project and site for which it was prepared. SAIF Inc. is not responsible for any errors or omissions in this drawing.



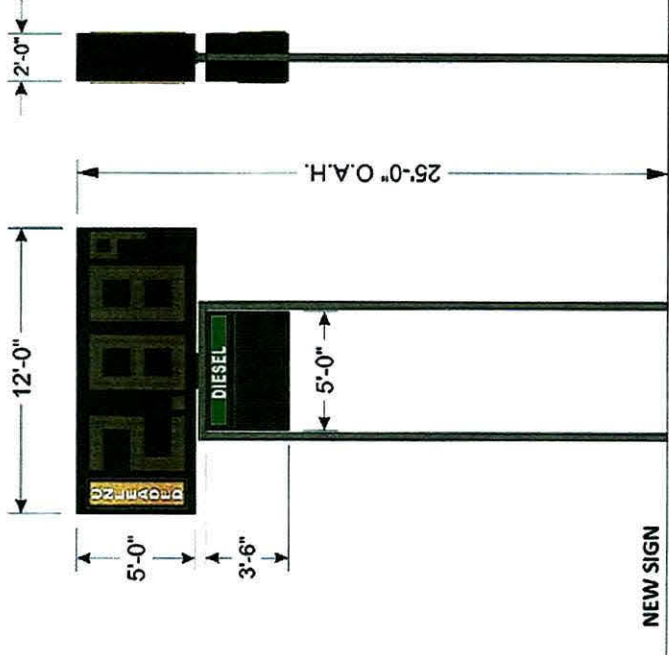
# FREESTANDING SIGNAGE EXISTING & PROPOSED

<b>LANDMARK</b> Sign Alliance, Inc. Phone: 888.324.8687	Client: SUNOCO 14330 Crain Highway, MD	Date: 8/11/2017	Drawn by: CCS	Revisions: 1)	Drawing Number: 170811.1	Sheet: 1 of 1	Approved:	Notes:
---	--	--------------------	------------------	------------------	-----------------------------	------------------	-----------	--------



**EXISTING SIGN**



**NEW SIGN**

**SIGN SPECS:**

- Total sign Sq Ft: 77.5 sqft
- The sign is located 10 feet behind the existing street right-of-way line.
- Maximum height of sign is 25 feet.
- Allowable sign square footage: (1) sqft for each (4) linear ft of street frontage. (Max allowable of 200 sqft)
- 409.83 ft street frontage = 102.5 sqft allowable







**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**


Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

October 4, 2017

**MEMORANDUM**

TO: Ivy Thompson, Zoning Section, Development Review Division

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

SUBJECT: SE-4789 & DSP-17013, Empire Petroleum, Review of Vehicular and Active Transportation, Addition and Clarification to Findings

The Transportation Planning Section has reviewed the special exception and detailed site plan applications referenced above. The subject site consists of 2.571 acres of land in the I-1 Zone. The lot is located at the southeast corner of Crain Highway (US 301/MD 5) and Short Cut Road. The applicant is proposing to raze the existing convenience store and gas station and replace them with larger facilities.

**Review Comments, Master Plan Highways**

The site is adjacent to US 301/MD 5, which is a master plan freeway facility and is designated as F-9 in the *Approved Subregion 5 Master Plan and Sectional Map Amendment*. The master plan recommends a 300-foot minimum right-of-way. PGAtlas shows a variable right-of-way along the frontage of the site, and this right-of-way is correctly demonstrated on the submitted plan.

This clarification is made necessary because PGAtlas shows the right-of-way extending approximately 36 feet to the east of the existing property line. This would affect proposed structures and necessitate changes to the layout of the site. Staff has further reviewed the information on PGAtlas and determined that the property layer in this area is misaligned with aerial photography and with the Master Plan ROW layer. The applicant has provided a screen shot exhibit (attached) displaying an excerpt from the site plan highlighting the property line and an excerpt from PGAtlas showing the edge of the ultimate right-of-way vis-à-vis the edge of pavement for US 301/MD 5. Using measurement tools as a means of substantiation, the Transportation Planning Section finds:

1. The property line of this site is approximately 28 feet east of the edge of pavement for US 301/MD 5.
2. The limit of the ultimate right-of-way is approximately 20 feet east of the edge of pavement for US 301/MD 5.
3. The initial finding that the ultimate right-of-way for F-9 does not affect the subject site is correct.

The description on the plan for Crain Highway being a 200-foot right-of-way is incorrect. At this location, the overall public right-of-way flares into a partial interchange, and the existing right-of-way is actually about 370 feet in width.

Per SHA mapping done in 2006, any further widening of US 301/MD 5 along the frontage of this site will involve converting the existing shoulder to a load-bearing fourth lane, and adding a shoulder. This can be fully accomplished within the current right-of-way.

**Review Comments, Southern Maryland Rapid Transit**

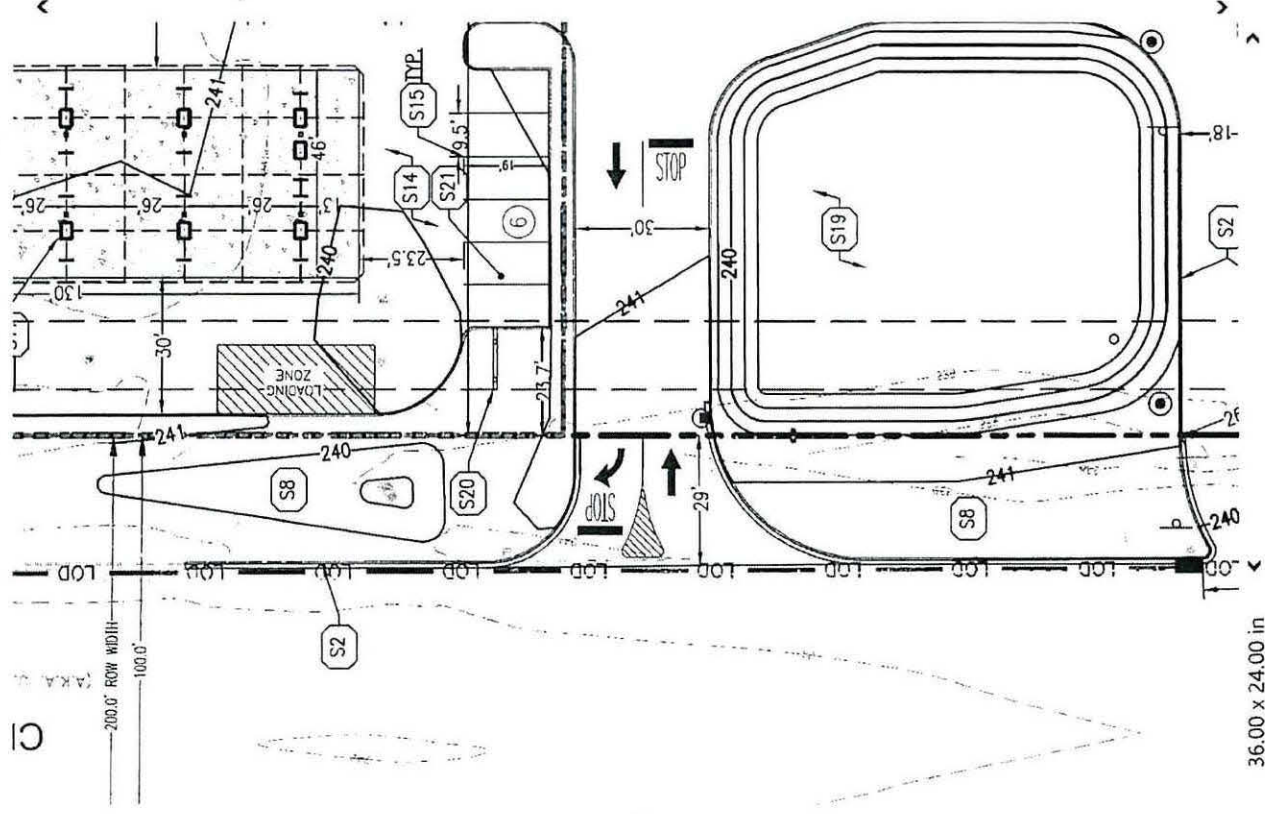
The *Approved Countywide Master Plan of Transportation* shows a proposed transit line parallel and adjacent to MD 5. This line represents the Southern Maryland Rapid Transit (SMRT) Study being conducted by the Maryland Transit Administration (MTA) of the Maryland Department of Transportation. This study seeks to complete location and initial design for a proposed transit facility linking the Branch Avenue Metrorail Station with Charles County. Both bus rapid transit (BRT) and light rail transit (LRT) alternates are under study by MTA. The preferred alternative uses an alignment along the east side of US 301/MD 5 in this area having a width of approximately 80 feet. The impact to the site would require a substantial part of the subject site. The site would likely be a total taking to accommodate the transit line. For that reason, placement of structures outside of the planned right-of-way is not feasible.

Given that the site is already operating as a gas station and convenience store and any future purchase of this property for a transit facility would involve buying out these uses, the Transportation Planning Section does not oppose the special exception or the site plan. In approving the expanded uses, the approving and review bodies shall be made aware that existing structures within the Southern Maryland Rapid Transit right-of-way are being replaced with other structures within the same right-of-way. This must involve a petition for authorization to build within the planned right-of-way in accordance with Section 27-259.

Attachment



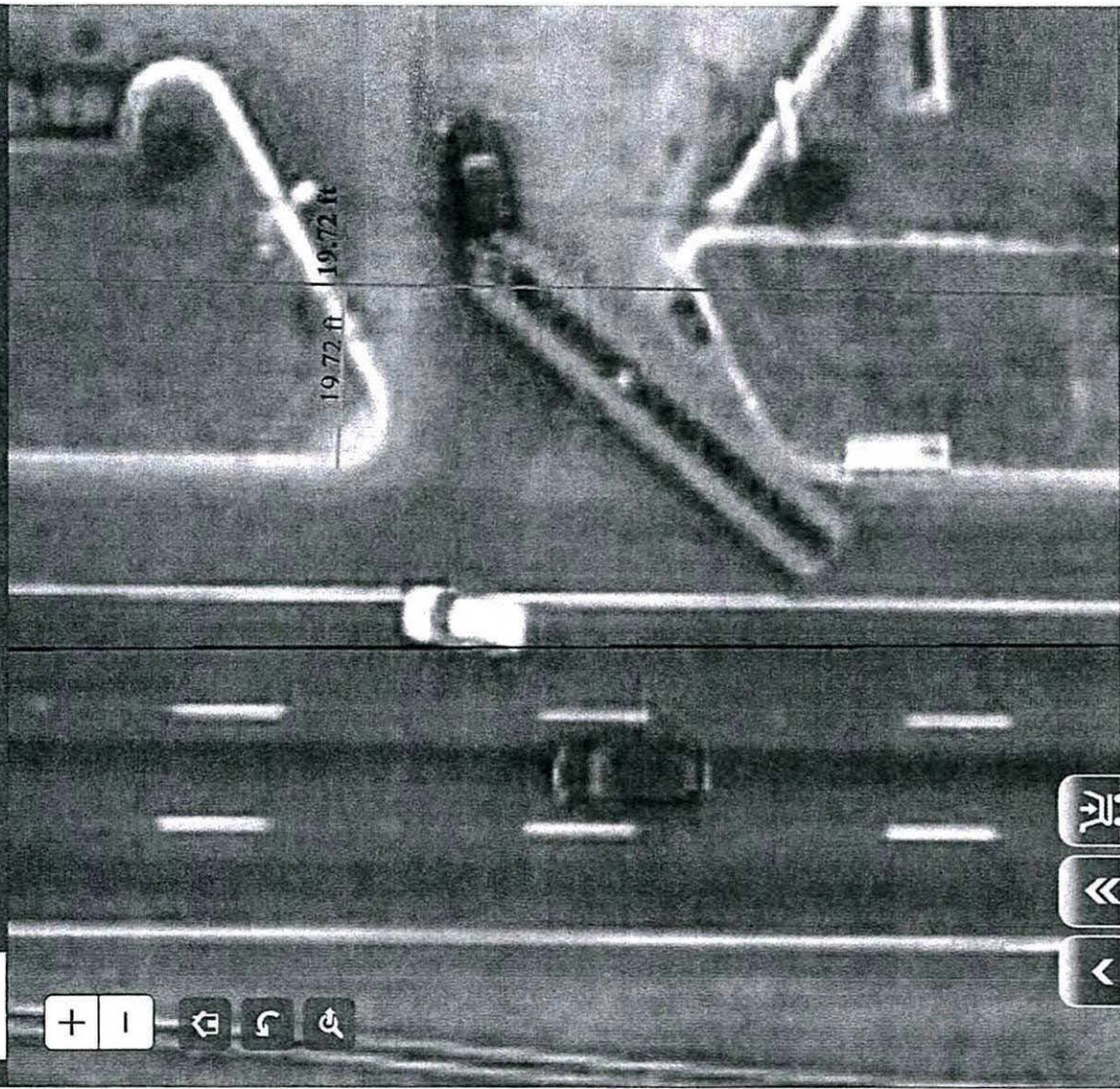
t and ... MNCPPC SE-1 SITE... x  
MNCPPC SE-1 SITE PLAN (1 of 1) 66.7%



attachment to Masog 10-4-17

PGAtlas  
To see favorites here, select then ☆, and drag to the Favorites Bar folder. Or import fro

PGAtlas  
Advanced Mapping







**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

August 31, 2017

**MEMORANDUM**

TO: Ivy Thompson, Zoning Section, Development Review Division  
FROM: Tom Masog, Transportation Planning Section, Countywide Planning Division  
SUBJECT: SE-4789 & DSP-17013, Empire Petroleum, Review of Vehicular and Active Transportation

The Transportation Planning Section has reviewed the special exception and detailed site plan applications referenced above. The subject site consists of 2.571 acres of land in the I-1 Zone. The lot is located at the southeast corner of Crain Highway (US 301/MD 5) and Short Cut Road. The applicant is proposing to raze the existing convenience store and gas station and replace them with larger facilities.

**Review Comments, Traffic**

Parcel 83 is developed with a self-serve gas station having 14 fueling positions (12 for automobiles and 2 for trucks) and a food/beverage store operating pursuant to Special Exception SE-3507. The applicant proposes to add property to the special exception, and redevelop the site with a revised access and circulation plan, a new food/beverage store, and 23 fueling positions (20 for automobiles and 3 for trucks). In consideration of the findings required for a special exception, staff will examine health, safety, and welfare issues in the immediate area as well as review master plan consistency.

The source for estimates of trip generation is *Trip Generation* (Institute of Transportation Engineers). The table below provides information regarding site trip generation. The comparison of trip rates for the existing use versus the proposed use under the special exception are shown in the following table:

<b>TRIP GENERATION RESULTS SUMMARY, EMPIRE PETROLEUM, SE-4789/DSP-17013</b>						
	AM-in	AM-out	AM-total	PM-in	PM-out	PM-total
<b>Existing Use</b>						
14 fueling position gas station with convenience store	71	71	142	95	95	190
Less 80% pass-by in both peak hours (per judgment of staff, discussion below)	-57	-57	-114	-76	-76	-152
<b>Off-site trip generation for existing use</b>	<b>14</b>	<b>14</b>	<b>28</b>	<b>19</b>	<b>19</b>	<b>38</b>
<b>Proposed Use</b>						
23 fueling position gas station with convenience store	117	117	234	155	155	310
Less 80% pass-by in both peak hours (per judgment of staff, discussion below)	-94	-94	-188	-124	-124	-248
<b>Off-site trip generation for proposed use</b>	<b>23</b>	<b>23</b>	<b>46</b>	<b>31</b>	<b>31</b>	<b>62</b>
<b>NET NEW TRIPS Versus EXISTING</b>	<b>9</b>	<b>9</b>	<b>18</b>	<b>12</b>	<b>12</b>	<b>24</b>



The application is supported by a traffic study dated January 2017 provided by the applicant and referred to the Maryland State Highway Administration (SHA), the County Department of Public Works and Transportation (DPW&T), and the County Department of Permitting, Inspections and Enforcement (DPIE). Comments from all agencies have been received, and no comments were offered. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the Guidelines.

The subject property is located within Transportation Service Area (TSA) 2, as defined in the *Plan Prince George's 2035 Approved General Plan*. As such, the subject property is evaluated according to the following standards:

**Links and signalized intersections:** Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Ordinance, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

**Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

In the traffic study, the applicant has shown that the site access points operate acceptably as unsignalized intersections under existing and future traffic. However, many other traffic studies in the area have found that nearby adjacent intersections, such as US 301/US 381 to the north and US 301/MD 5/Timothy Branch Drive to the south, operate unacceptably. On March 28, 2017, the County Council of Prince George's County adopted CR-9-2017, which amends CR-60-1993. Specifically, this new resolution establishes a fee structure for payment within the Brandywine Road Club. Pursuant to CR-9-2017, the new fee for the subject application would be \$2.07 per square foot of non-residential building construction, to be indexed by the appropriate cost indices to be determined by the Department of Permitting, Inspections and Enforcement (DPIE). This is recommended in consideration that CR-9-2017 is considered to apply to all properties within Planning Areas 85A and 85B, even though neither the special exception or detailed site plan have transportation adequacy findings associated with them.

#### **Review Comments, Master Plan Highways**

The site is adjacent to US 301/MD 5, which is a master plan freeway facility and is designated as F-9 in the *Approved Subregion 5 Master Plan and Sectional Map Amendment*. The master plan recommends a 300-foot minimum right-of-way. PGAtlas shows a variable right-of-way along the frontage of the site, and this right-of-way is correctly demonstrated on the submitted plan.

#### **Review Comments, Southern Maryland Rapid Transit**

The *Approved Countywide Master Plan of Transportation* shows a proposed transit line parallel and adjacent to MD 5. This line represents the Southern Maryland Rapid Transit (SMRT) Study being conducted by the Maryland Transit Administration (MTA) of the Maryland Department of Transportation. This study seeks to complete location and initial design for a proposed transit facility linking the Branch Avenue Metrorail Station with Charles County. Both bus rapid transit (BRT) and light rail transit (LRT) alternates are under study by MTA. The preferred alternative uses an alignment along the east side of US 301/MD 5 in this area having a width of approximately 80 feet. The impact to the site would require a substantial part of the subject site. The site would likely be a total taking to accommodate the transit line. For that reason, placement of structures outside of the planned right-of-way is not feasible.

Given that the site is already operating as a gas station and convenience store and any future purchase of this property for a transit facility would involve buying out these uses, the Transportation Planning Section does not oppose the special exception or the site plan. In approving the expanded uses, the approving and review bodies shall be made aware that existing structures within the Southern Maryland Rapid Transit right-of-way are being replaced with other structures within the same right-of-way.

**Review Comments, Plans**

Given that the site is designed to serve trucks, it is apparent from the plans that a WB-50 design vehicle can maneuver through this site to make fuel deliveries. Otherwise, access and circulation on the subject plan are acceptable as shown. Any changes to access will require approval of the responsible operating agency.

The site is not affected by any master plan active transportation facilities.

**Conclusion**

Overall from the standpoint of transportation, it is determined that these applications are acceptable and meet the finding required for a special exception and a detailed site plan as described in the Zoning Ordinance. From the standpoint of non-motorized transportation, it is determined that this plan is acceptable as well.

In approving the expanded uses, the approving and review bodies shall be made aware that existing structures within the Southern Maryland Rapid Transit right-of-way are being replaced with other structures within the same right-of-way. Also, if deemed appropriate by the Zoning Hearing Examiner, and in consideration that CR-9-2017 is considered to apply to all properties within Planning Areas 85A and 85B, it is recommended that the following condition be attached to the special exception approval:

1. Prior to issuance of any building permit, the applicant and/or the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of CR-9-2017, pay to Prince George's County (or its designee) a fee of \$2.07 per square foot for the gross square footage of the food and beverage store, computed as \$7,245 in first quarter 1993 dollars, to be indexed by the appropriate cost indices to be determined by the Department of Permitting, Inspections and Enforcement (DPIE).





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

July 14, 2017

TO: Subdivision Section, Development Review Division  
FROM: Transportation Planning Section, Countywide Planning Division  
SUBJECT: Preliminary Plan No. **DSP-17013**  
Name of Subdivision: **Empire Petroleum Brandywine**  
SRC Date: 07/14/17 Reviewer: Tom Masog  
Contacts: 301-952-5216 (FAX 301-952-3799) or tom.masog@ppd.mncppc.org

The following are this Division's comments concerning the site access, geometric design, master plan impact, and traffic information needs for the subject application. These comments are preliminary and subject to change, with a final memo be prepared with staff review of the traffic study associated with the accompanying special exception.

**1. Status of Traffic Impact Study**

<input checked="" type="checkbox"/>	Full study not required		Further info needed – traffic counts
<input type="checkbox"/>	Further info needed – description of use		Further info needed – other
<input type="checkbox"/>	Recommended; please contact reviewer regarding scoping agreement as soon as possible		
<input type="checkbox"/>	Traffic study received	Accepted	Not Accepted
<input type="checkbox"/>	Traffic counts received		

A traffic study was submitted and referred to the agencies with the review of the special exception. No study is required with a detailed plan review.

**2. Site Access Evaluation:**

The plan shows two access points onto US 301/MD 5 and one access to Short Cut Road. The two accesses to US 301/MD 5 is one more than exists today. Generally, our policy is to reduce access points onto future freeways. We need specific comments from the Maryland State Highway Administration before we can endorse the access plan.

**3. Geometric Evaluation:**

No comment.

**4. Master Plan Rights-of-Way to be dedicated, considered for placement in reservation, or otherwise preserved or shown on the plan:**

US 301/MD 5 (Crain Highway) is a master plan freeway facility. The right-of-way is variable in width. The applicant has set back all structures and internal driveways a minimum of 100 feet from the existing centerline of Crain Highway. This appears to retain sufficient area for planned widenings, and is acceptable.

The *Approved Countywide Master Plan of Transportation* shows a proposed transit line parallel and adjacent to MD 5. This line represents the Southern Maryland Rapid Transit (SMRT) Study being conducted by the Maryland Transit Administration (MTA) of the Maryland Department of Transportation. This study seeks to complete location and initial design for a proposed transit facility linking the Branch Avenue Metrorail Station with Charles County. Both bus rapid transit (BRT) and light rail transit (LRT) alternates are under study by MTA. Our initial review suggests that this future facility would involve a total taking of this gas station property. Nevertheless, the plans will be referred to MTA for comment.

May 12, 2017

**MEMORANDUM**

TO: Ivy Thompson, Senior Planner, Zoning Section  
VIA: Susan Lareuse, Master Planner, Urban Design Section  
FROM: Jill Kosack, Planner Coordinator, Urban Design Section *JK*  
SUBJECT: Special Exception SE-4789 – Empire Petroleum Brandywine

**INTRODUCTION**

The Urban Design Section has reviewed the information provided in support of the Special Exception SE-4789 for Empire Petroleum Brandywine. The subject property is located on the southeast corner of the intersection of Crain Highway (US 301) and Short Cut Road. More specifically, the site is located at 14330 SE Crain Highway in Brandywine. The 2.57-acre site is zoned Light Industrial (I-1), and is bounded to the east and south by a vehicle salvage yard in the I-1 Zone, to the north is the public right-of-way of Short Cut Road with industrial uses in the I-1 Zone beyond, and to the west is the public right-of-way of Crain Highway with vacant land in the R-R (Rural Residential) Zone beyond.

SE-4789 seeks to redevelop the existing gas station to create a new gas station and a 3,500-square-foot food and beverage store, including an eating and drinking establishment with a drive-through. Additionally, the 14 existing fueling stations will be replaced with 10 double-sided stations. A gas station has existed on part of the subject property, Parcel 83, since at least 1977 and has been developed in the current configuration since the mid 1990's.

**ZONING ORDINANCE**

Per Section 27-473, Uses Permitted in the Industrial Zones, an eating and drinking establishment with drive-through service is permitted in the I-1 Zone subject to Footnote 54, which requires a Detailed Site Plan. A gas station and a food and beverage store use are permitted pursuant to a Special Exception, as has been filed.

Section 27-358(a) of the Zoning Ordinance, which lists additional requirements for a special exception gas station, stipulates two urban design-related requirements as follows:



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

**Comment:** The submitted site plan indicates that no sidewalks exist along the site's frontages and the applicant argued that none is proposed because the area does not serve pedestrian traffic since Crain Highway is a master-planned freeway and Short Cut Road is an industrial road. The Transportation Section should provide confirmation of this justification.

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

**Comment:** Architecture was submitted for the proposed gas station canopy and the food and beverage store as specified above. Regarding the existing and proposed surrounding development, it is largely industrial and utilitarian and, therefore, it is not desirable for this proposed building to blend with those sites. The finishes and architectural character of the proposed building is of a high-quality.

The plan specifies that an eating and drinking establishment with a drive-through is proposed; however, the submitted architecture does not reflect a drive-through window. The architectural elevations should be revised accordingly.

Section 27-355(a) of the Zoning Ordinance lists additional requirements for a special exception food and beverage store, none of which are urban design-related.

## ARCHITECTURAL REVIEW

Elevations and architectural details of the proposed building and associated signage have been provided for evaluation. The proposed one-story, approximately 16-foot-high food and beverage store is rectangular in shape, measuring approximately 72.5 feet in length by 49 feet in width. The roofline is flat and the exterior finish material is proposed to include a combination of red brick, stone veneer in brown tones and exterior insulation finishing system (EIFS), in shades of white. The main entrance area with a large metal canopy and storefront doors and windows is on the west elevation of the building, facing Crain Highway. The side and rear elevations lack fenestration; however, they will be minimally visible from the public rights-of-way due to the building's position on the lot. Urban Design staff believes the building is well-designed; however, then the plain metal fueling station canopy would benefit from some of the design and material attention that is used on the building.

The architecture does not reflect any building-mounted signage, which should be included and evaluated at this time. The site plan indicates a freestanding sign, but again provides no details or specifications for it. Signage was shown on the proposed fueling station canopy, but no dimensions were given in order to fully evaluate them. The Urban Design Section recommends that full details and specifications for all proposed signage be provided for evaluation.

## LANDSCAPE MANUAL

The application to construct a new gas station and food and beverage store is subject to certain requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) as follows:

#### **Section 4.2 - Requirements for Landscape Strips Along Street**

**Comment:** The proposal is subject to Section 4.2, Requirements for Landscape Strips Along Streets, along its Short Cut Road and Crain Highway frontages. The current submitted plan provides the appropriate schedules showing the planting requirements of this section being met along both frontages. However, the plan does not reflect the 10-foot width required along the entire Crain Highway frontage.

#### **Section 4.3 - Parking Lot Requirements**

**Comment:** The special exception plan proposes a new parking lot requiring interior planting in accordance with this section. The submitted plans indicate that all the requirements of this section are being met and provides the correct schedules.

#### **Section 4.4 - Screening Requirements**

**Comment:** The submitted plan indicates a proposed loading space and trash area. It notes that the dumpster will be in an enclosure, but does not provide details for it and it does not provide screening for the loading space. No mechanical equipment, such as meters, freestanding air conditioners, heat pumps, or similar equipment is shown on the plans. The Urban Design Section recommends that the plans be revised to show the location of such mechanical equipment, if they are proposed, and to show everything screened in conformance with the requirements of this section.

#### **Section 4.7 - Buffering Incompatible Uses**

**Comment:** The site is subject to the requirements of Section 4.7 of the Landscape Manual because it proposes a new building. However, the adjacent use, a vehicle salvage yard, is a compatible use as both are high-intensity uses. Therefore, no bufferyard is required. The notes and labels on the plan need to be revised to reflect this.

#### **Section 4.9 - Sustainable Landscaping Requirements**

**Comment:** The site is subject to the requirements of Section 4.9. A schedule was not provided on the plan demonstrating conformance to these requirements.

In addition to the section requirements, there were certain plan deficiencies that need to be addressed. The landscape plan must be sealed by a landscape architect registered in the State of Maryland. Additionally, the landscape plan does not match the site improvements as shown on the site plan, for instance plants are shown as proposed within the southern drive aisle.

#### **TREE CANOPY COVERAGE**

This application is subject to the Tree Canopy Coverage Ordinance (TCC) because it proposes 5,000 square feet or greater of gross floor area or disturbance. In the I-1 Zone, the requirement is 10 percent minimum tree canopy coverage, which for the 2.57-acre site is 11,199 square feet. No TCC schedule was provided demonstrating conformance to this requirement. It also appears that the proposed tree plantings on-site will not meet the requirements and more would need to be added.



## URBAN DESIGN RECOMMENDATIONS

Based on the above analyses, the Urban Design Section recommends the following in regard to the subject special exception application prior to scheduling the case for public hearing:

1. Revise the architecture to reflect the proposed drive-through window.
2. Revise the fueling station canopy to incorporate more materials and design features from the food and beverage store building.
3. Provide full details and specifications for all proposed signage for evaluation.
4. Provide a Tree Canopy Coverage schedule demonstrating conformance to the requirements.
5. Revise the landscape plan for the project as follows:
  - a. Provide the required 10-foot-wide Section 4.2 landscape strip along the entire Crain Highway frontage, excluding the driveway openings.
  - b. Indicate all ground level mechanical equipment, loading spaces and dumpsters being screened in conformance with Section 4.4 of the Landscape Manual, and provide details of the screening.
  - c. Provide notes and labels on the plan reflecting the Section 4.7 applicability.
  - d. Demonstrate conformance to the requirements of Section 4.9 of the Landscape Manual.
  - e. The plan must be sealed by a landscape architect registered in the State of Maryland.
  - f. Reflect the site improvements as shown on the site plan.

June 8, 2017

**MEMORANDUM**

TO: Ivy Thompson, Planner Coordinator, Zoning and Subdivision Section, Development Review Division

VIA: *BSR* Scott Rowe, AICP, CNU-A, Acting Chief, Community Planning Division  
Michael Zamore, Acting Planning Supervisor, Community Planning Division, South Section *thj*

FROM: Wendy Irminger, Planner Coordinator, Community Planning Division, Central Section *wj*

SUBJECT: **SE-4789, Empire Petroleum Brandywine**

**DETERMINATIONS**

General Plan: This application is consistent with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035).

Master Plan: This application conforms with the Employment land use recommendations of the 2013 *Approved Subregion 5 Master Plan*.

**BACKGROUND**

Location: Southeast quadrant of US 301 and Short Cut Road, Brandywine

Size: 2.57 acres

Existing Uses: Gas Station

Proposal: Improve the existing gas station and add a convenience store with seating.

**GENERAL PLAN, MASTER PLAN, AND SMA**

**General Plan:** This application is in the Established Communities policy area, adjacent to the area designated as the Brandywine Local Center. Established Communities are most appropriate for context-sensitive infill development.



## SE-4789, Empire Petroleum Brandywine

**Master Plan:** The 2013 *Approved Subregion 5 Master Plan* recommends Employment land use at this location. The proposed use does not impair the integrity of the approved master plan. The site is on the border of the Brandywine Community Center Edge Area and may include a segment of right-of-way sought to be preserved for the future Southern Maryland Transitway (see Planning Issues).

Planning Area/

Community: P.A. 85A/Brandywine

Aviation/MIOZ: The subject property is not located in a Military Installation Overlay Zone.

SMA/Zoning: The 2013 *Approved Subregion 5 Sectional Map Amendment* retained the I-1 Zone on the subject property.

### PLANNING ISSUES


The Maryland Transit Administration (MTA) conducted the Southern Maryland Transit Study along the MD 5 and US 301 corridor. The purpose of this study was to designate a preferred alignment for either a bus rapid transit (BRT) or light rail transit (LRT) system in the MD 5 corridor to link the Branch Avenue Metro Station to Charles County (see master plan, page 112.) The MTA's 2010 Preferred Alternative alignment traverses the subject property (see the Southern Maryland Transit Corridor Preservation Study, Conceptual Plan and Profile Drawings, drawing # SM-24.) An ongoing planning strategy for this area is to continue to work with MTA to preserve right-of-way for transit service in the MD 5/301 corridor (see master plan, page 53).

c: Long-range Agenda Notebook

June 27, 2017

**MEMORANDUM**

**TO:** Ivy Thompson, Urban Design

**FROM:** Debbie Gallagher, Information and Permit Review Supervisor 

**SUBJECT:** DSP-17013, Empire Petroleum Brandywine

1. Is the site plan in conformance with the Subdivision Regulations? Refer to Subdivision Office for review.
2. The required loading space appears to be located within the required 10-foot landscape strip.
3. The car wash required parking to be calculated at one space for every 500 square feet of gross floor area. A parking departure may be necessary since the parking schedule did not include this square footage.
4. Is the loading space adequately screened pursuant to Section 4.4 of the Landscape Manual?
5. Is a five-foot perimeter landscape strip required adjacent to the drive aisles where the adjoining property is deemed compatible?
6. Dimension of the driveway entrances must be provided in accordance with Section 27-358 (5) of the Prince George's County Zoning Ordinance.
7. The site plan must demonstrate conformance with Section 27-358 (b), (3). The location of the exterior vending machine must be demonstrated along with all car wash vacuums.
8. Does the site plan demonstrate conformance with Section 27-355 required for the food and beverage store?
9. Section 27-562 of the Prince George's County Zoning Ordinance required adequate lighting to be provided.
10. The parking required for eating and drinking with drive through is one space for every 3 seats plus one for every 50 square feet of gross floor area excluding any area used exclusively for storage or patron seat and any exterior patron service area. A floor plan should be provided.



11. Section 27-594 requires one gasoline price sign to be located at the entrance.
12. Details of the ground mounted sign must be provided which include the height. The plans shall include the requirements of the Zoning Ordinance versus the proposals of the ground mounted and building signs.

April 17, 2017

MEMORANDUM

TO: Ivy Thompson, Zoning

FROM: Mary Hampton, Permits

SUBJECT: Referral Comments for SE-4789, Empire Petroleum-Brandywine

1. An eating and drinking establishment with drive thru service requires Detailed Site Plan Approval in the I-1 Zone.
2. The centerline and ultimate right of way of Crain Highway must be demonstrated on the site plan.
3. The General Notes should be revised to provide the percentage of green area required.
4. The height of the proposed building and canopy should be provided.
5. All adjacent uses should be provided on the site and landscape plan. "Industrial" is not a use.
6. The justification statement indicates that patron seating is proposed, therefore the parking schedule must be revised to include the number of proposed seats and recalculate the parking accordingly.
6. The number and types of the parking spaces with dimensions should be provided in General Note 14.
7. The General Notes should be revised to include compliance to the requirements Section 27-358 of the Zoning Ordinance.
8. The General Notes should be revised to indicate that the sale of alcoholic beverages is not proposed in accordance with Section 27-355(a)(5) of the Zoning Ordinance.
9. A detail of the proposed dumpster enclosure should be provided.
10. The landscape schedules should be in the format of the sample schedules provided in the Landscape Manual.
11. Is the proposed loading space adequately screened from Crain Highway in accordance with Section 4.4 of the Landscape Manual?



12. A schedule for Section 4.9 of the Landscape Manual, Sustainable Landscaping Requirements, should be provided on the landscape plan.

13. The schedule for Section 4.2-1 for Short Cut Road should be revised to indicate 26 shrubs are required, not 30.

14. The schedule for Section 4.2-1 for Crain Highway should be revised to indicate 104 shrubs are required, not 110.

15. Details and sign calculations of the proposed freestanding sign should be provided.

Countywide Planning Division  
Environmental Planning Section  
301-952-3650

September 7, 2017

**MEMORANDUM**

**TO:** Ivy Thompson, Senior Planner, Zoning Section

**VIA:** Katina Shoulars, Supervisor, Environmental Planning Section *KS*

**FROM:** Marc Juba, Senior Planner, Environmental Planning Section *MJ*

**SUBJECT:** **Empire Petroleum - Brandywine; SE-4789 and TCP2-016-2017**

The Environmental Planning Section has reviewed the Special Exception Site Plan for Empire Petroleum – Brandywine, SE-4789 and Type 2 Tree Conservation (TCP2-016-2017), stamped as received by the Environmental Planning Section on August 30, 2017. The Environmental Planning Section has provided the following conditions listed at the end of this memorandum for your consideration as part of any approval of SE-4789.

**Background**

An approved and signed Natural Resource Inventory plan, NRI-236-2015, was issued on December 28, 2015 for this site. No other previous environmental reviews have occurred on this site.

**Grandfathering**

The project is subject to the environmental regulations of Subtitle 27 that came into effect on September 1, 2010 because this is a new special exception request. This project is also subject to the 2010 Woodland and Wildlife Habitat Conservation Ordinance.

**Proposed Activity**

This Special Exception Application is for the expansion of an existing gas station with a 3,500 sf convenience store with drive-thru and associated stormwater management facilities. The existing structure on-site will be razed. The special exception area is 2.75 acres located on existing Parcels 83 and 287. The use of a gas station with food or beverage store and eating or drinking establishment with drive-thru service is only permitted by special exception in the I-1 zone.

**Site Description**

The area associated with this application is located within Brandywine at the southeast quadrant of the intersection of Short Cut Road and Crain Highway (U.S. Route 301). There are 1.32 acres of woodlands currently on-site. A review of the available information identified that no regulated environmental features such as streams, wetlands, areas of steep slopes, 100-year floodplain, or associated buffers are found on the



property. This site does not contain Primary Management Area (PMA) and is outside of the Chesapeake Bay Critical Area (CBCA). The site straddles two watersheds. The eastern half of the site is within the Mattawoman Creek Watershed, while the western half of the site drains into the Piscataway Creek Watershed, which is a stronghold watershed; the entire site drains into the Potomac River Basin. The predominant soil found to occur onsite according to the USDA NRCS Web Soil Survey is Beltsville-Urban Land complex, 0 to 5 percent slope. According to available information, neither Marlboro clay nor Christiana complexes are known to occur onsite. According to the Sensitive Species Project Review Area (SSSPRA) map prepared by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species found to occur on or in the vicinity of this property. This site is not identified as containing Forest Interior Dwelling Species (FIDS) or FIDS buffer. This site does not share frontage with any historic or scenic roadways. According to the approved Countywide Green Infrastructure Plan, the site is not mapped within the network.

#### **Plan Prince George's 2035 Approved General Plan (2014):**

Before the current application was submitted, a new General Plan was adopted by the District Council. The site is now located within the Established Communities policy area of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier).

#### **Master Plan Conformance**

##### **Approved Subregion 5 Master Plan and Sectional Map Amendment (2013)**

The Master Plan for this area is the *Approved Subregion 5 Master Plan and Sectional Map Amendment (2013)*. The area of the Special Exception application falls within the Brandywine Community Center Core and Edges portion of this plan. In the Approved Master Plan and Sectional Map Amendment, the Environment section contains goals, policies and strategies. The following guidelines have been determined to be applicable to the current project. The text in BOLD is the text from the master plan and the plain text provides comments on plan conformance.

**Policy:**            **Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**

The area of proposed development is located within an area designated as mixed-use in the master plan. This area is not within a priority area for protection according to the approved *Countywide Green Infrastructure Plan* and contains no regulated or sensitive environmental features.

**Policy:**            **Ensure that new development incorporates open space, environmentally sensitive design, and mitigation activities.**

This special exception application is for the redevelopment of an existing site. No regulated environmental features exist onsite. The site is subject to county and state environmental regulations that encourages environmental sensitive design and mitigation activities.

**Policy:**            **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**

The site has a valid approved stormwater management concept letter (2852-2016-00) that expires on March 18, 2019. The approved concept plan shows the construction of two submerged gravel wetlands onsite that will improve run-off quality, and volume control during storm events. The concept letter also approved the use of fee-in-lieu of providing on-site/quality control measures, and requires use of an oil and grit separator or approved equivalent prior to discharging into a primary water quality device. A Pollution Prevention Plan is also required. This project will meet water quality requirements from both storm and non-storm events entering wetlands and waterways in accordance with an approved final stormwater management plan to be approved by the Site/Road Plan Review Division of the Department of Permitting Inspections and Enforcement (DPIE).

**Policy: Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

As previously stated the site has a stormwater management concept approval letter. Water quality will continue to be addressed through the approval of the final stormwater management plan.

**Policy: Reduce air pollution through transportation demand management (TDM) projects and programs.**

The Transportation Planning Section will review the application further for appropriate strategies.

**Policy: Encourage the use of green building techniques that reduce resource and energy consumption.**

The use of green building techniques and energy conservation techniques should be used as appropriate.

**Policy: Ensure that excessive noise-producing uses are not located near uses that are particularly sensitive to noise intrusion**

Environmental requirements for noise impacts will be addressed by the Subdivision and Zoning Section.

#### **Conformance with the Green Infrastructure Plan**

The *Approved Countywide Green Infrastructure Plan* indicates that none of the property is within or near the designated network.

#### **Conformance Finding for 2010 Approved Water Resources Functional Master Plan**

The *2010 Approved Water Resources Functional Master Plan* contains policies and strategies related to the sustainability, protection and preservation of drinking water, stormwater, and wastewater systems within the county, on a county wide level. These policies are not intended to be implemented on individual properties or projects and instead will be reviewed periodically on a countywide level. As such, each property reviewed and found to be consistent with the various countywide and area master plans, county ordinances for stormwater management, floodplain and woodland conservation, and programs implemented by the Prince George's County Department of Permitting, Inspections & Enforcement, Prince



George's County Department of Health, Prince George's County Department of Environmental Resources, Prince George's Soil Conservation District, Maryland-National Park and Planning Commission and Washington Suburban and Sewer and Sanitary Commission are also deemed to be consistent with this master plan.

## **Environmental Review**

### **Natural Resource Inventory / Environmental Features**

A signed NRI (NRI-236-2015), which included a detailed forest stand delineation (FSD), was submitted with the application. This NRI expires on December 28, 2020. This site contains 1.32 acres of existing woodlands. No specimen, champion, or historic trees are known to occur onsite. A review of the available information identified that no regulated environmental features such as streams, wetlands, areas of steep slopes, 100-year floodplain, or associated buffers are found on the property. This site is not associated with a Primary Management Area (PMA) or located within the Chesapeake Bay Critical Area (CBCA).

No additional information is required with regard to the existing conditions of the site.

### **Woodland Conservation**

This site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size, contains more than 10,000 square feet of existing woodland, and proposes more than 5,000 feet of woodland clearing. A Type 2 Tree Conservation Plan (TCP2-016-2017) was submitted with this special exception application.

The site has a woodland conservation threshold of 15 percent or 0.39 acres. According to the proposed worksheet, the cumulative woodland conservation requirement based on the total clearing of 1.32 acres for this project, is 1.00 acres. The TCP2 proposes to meet this requirement with 1.00 acres of fee-in-lieu. The worksheet as submitted will require one technical revision. The worksheet indicates that the project is subject to the 1991; however, the site is actually within a priority funded area (PFA) and subject to the 2010 ordinance.

There are three changes that need to be addressed on the TCP2 plan. Features that are only required to be shown on an NRI shall not be reflected on the TCP2; specifically, the forest stand labels and forest stand hatching are not required to be reflected on the TCP2. These elements visually detract from other required information on the plan and shall be removed. Once the revisions have been made, have the qualified professional who prepared the TCP2 sign and date it and update the revision box with a summary of the revisions made.

**Recommended Condition:** Prior to certification of the special exception site plan, the Type 2 Tree Conservation Plan shall be revised as follows:

- a. Revise the woodland conservation worksheet by indicating that the site is subject to the 2010 ordinance and in a PFA, instead of subject to the 1991 ordinance.
- b. Remove all forest stand labels and forest stand hatching from the TCP2 plan and legend.
- c. Have the qualified professional who prepared the TCP2 sign and date it and update the revision

box with a summary of the revisions made.

### **Preservation of Regulated Environmental Features/Primary Management Area**

No regulated environmental features are known to exist on this property.

### **Soils**

The predominant soil found to occur onsite according to the USDA NRCS Web Soil Survey is Beltsville-Urban Land complex, 0 to 5 percent slope. According to available information, neither Marlboro clay nor Christiana complexes are known to occur onsite.

This information is provided for the applicant's benefit. No further action is needed as it relates to this Special Exception review. A soils report may be required by the Prince George's County Department of Permits, Inspection and Enforcement (DPIE) during the permit process review.

### **Stormwater Management**

As previously stated, a Storm Water Management Concept letter and plan that is in conformance with the current code has been approved by DPIE.

No additional information is required with regard to stormwater management with this application.

### **Conformance with Required Findings for a Special Exception**

The required findings for approval of a Special Exception are given in Section 27-317 of the Zoning Ordinance. The **required findings which are environmental in nature are indicated in bold**, and the comments are provided in regular type.

(a) **A Special Exception may be approved if:**

- (3) **The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

The proposed special exception is in conformance with the environmental provisions of *Plan Prince George's 2035 Approved General Plan, Approved Subregion 5 Master Plan and Sectional Map Amendment (2013)*, and the *Countywide Green Infrastructure Plan* noted herein.

- (4) **The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**

The proposed use is subject to county, state and federal regulations related to environmental management and safety that will protect the health, safety, and welfare of residents nearby and workers on-site.



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

The Type 2 Tree Conservation submitted can be in conformance with the site plan submitted subject to the findings and conditions agreed to by the Prince George's County Planning Board.

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

This site does not contain any regulated environmental features.

#### **Summary of Recommended Conditions**

- 1) Prior to certification of the special exception site plan, the Type 2 Tree Conservation Plan shall be revised as follows:
  - a. Revise the woodland conservation worksheet by indicating that the site is subject to the 2010 ordinance and in a PFA, instead of subject to the 1991 ordinance.
  - b. Remove all forest stand labels and forest stand hatching from the TCP2 plan and legend.
  - c. Have the qualified professional who prepared the TCP2 sign and date it and update the revision box with a summary of the revisions made.

If you have any questions please contact me at 301-883-3239 or via e-mail at [marc.juba@ppd.mncppc.org](mailto:marc.juba@ppd.mncppc.org).

Countywide Planning Division  
Environmental Planning Section  
301-952-3650

September 7, 2017

**MEMORANDUM**

**TO:** Ivy Thompson, Senior Planner, Zoning Section

**VIA:** Katina Shoulars, Supervisor, Environmental Planning Section 

**FROM:** Marc Juba, Senior Planner, Environmental Planning Section 

**SUBJECT: Empire Petroleum - Brandywine; DSP-17013, and TCP2-016-2017**

The Environmental Planning Section has reviewed the Detailed Site Plan for Empire Petroleum – Brandywine, DSP-17013 and Type 2 Tree Conservation (TCP2-016-2017), stamped as received by the Environmental Planning Section on August 30, 2017. This project is associated with the concurrent review of SE-4789. The Environmental Planning Section has provided the following conditions listed at the end of this memorandum for your consideration as part of any approval of DSP-17013, and TCP2-016-2017

**Background**

An approved and signed Natural Resource Inventory plan, NRI-236-2015, was issued on December 28, 2015 for this site. No other previous environmental reviews have occurred on this site.

**Grandfathering**

The project is subject to the current regulations of Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance) and Subtitle 27 (Zoning Ordinance) that came into effect on September 1, 2010 because the application is for a new Detailed Site Plan and the site has no previous preliminary plans approved prior to September 2010.

**Proposed Activity**

This Detailed Site Plan Application is for the construction of a drive-thru onsite. This case is associated with a Special Exception Application (SE-4789) that is for the expansion of an existing gas station with a 3,500 sf convenience store and associated stormwater management facilities. The existing structure on-site will be razed. The Detailed Site Plan application area is 2.75 acres located on existing Parcels 83 and 287. The construction of a drive-thru associated with the use of a gas station with food or beverage store and eating or drinking establishment is only permitted with an approved detailed site plan in the I-1 zone.



### **Site Description**

The area associated with this application is located within Brandywine at the southeast quadrant of the intersection of Short Cut Road and Crain Highway (U.S. Route 301). There are 1.32 acres of woodlands currently on-site. A review of the available information identified that no regulated environmental features such as streams, wetlands, areas of steep slopes, 100-year floodplain, or associated buffers are found on the property. This site does not contain Primary Management Area (PMA) and is outside of the Chesapeake Bay Critical Area (CBCA). The site straddles two watersheds. The eastern half of the site is within the Mattawoman Creek Watershed, while the western half of the site drains into the Piscataway Creek Watershed, which is a stronghold watershed; the entire site drains into the Potomac River Basin. The predominant soil found to occur onsite according to the USDA NRCS Web Soil Survey is Beltsville-Urban Land complex, 0 to 5 percent slope. According to available information, neither Marlboro clay nor Christiana complexes are known to occur onsite. According to the Sensitive Species Project Review Area (SSSPRA) map prepared by the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered (RTE) species found to occur on or in the vicinity of this property. This site is not identified as containing Forest Interior Dwelling Species (FIDS) or FIDS buffer. This site does not share frontage with any historic or scenic roadways. According to the approved Countywide Green Infrastructure Plan, the site is not mapped within the network.

### **Environmental Review**

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

### **Natural Resource Inventory / Environmental Features**

A signed NRI (NRI-236-2015), which included a detailed forest stand delineation (FSD), was submitted with the application. This NRI expires on December 28, 2020. This site contains 1.32 acres of existing woodlands. No specimen, champion, or historic trees are known to occur onsite. A review of the available information identified that no regulated environmental features such as streams, wetlands, areas of steep slopes, 100-year floodplain, or associated buffers are found on the property. This site is not associated with a Primary Management Area (PMA) or located within the Chesapeake Bay Critical Area (CBCA).

No additional information is required with regard to the existing conditions of the site.

### **Woodland Conservation**

This site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size, contains more than 10,000 square feet of existing woodland, and proposes more than 5,000 feet of woodland clearing. A Type 2 Tree Conservation Plan (TCP2-016-2017) was submitted with this special exception application.

The site has a woodland conservation threshold of 15 percent or 0.39 acres. According to the proposed worksheet, the cumulative woodland conservation requirement based on the total clearing of 1.32 acres for this project, is 1.00 acres. The TCP2 proposes to meet this requirement with 1.00 acres of fee-in-lieu. The worksheet as submitted will require one technical revision. The worksheet indicates that the project is subject to the 1991; however, the site is actually within a priority funded area (PFA) and subject to the 2010 ordinance.

There are three changes that need to be addressed on the TCP2 plan. Features that are only required to be shown on an NRI shall not be reflected on the TCP2; specifically, the forest stand labels and forest stand hatching are not required to be reflected on the TCP2. These elements visually detract from other required information on the plan and shall be removed. Once the revisions have been made, have the qualified professional who prepared the TCP2 sign and date it and update the revision box with a summary of the revisions made.

**Recommended Condition:** Prior to certification of the detailed site plan, the Type 2 Tree Conservation Plan shall be revised as follows:

- a. Revise the woodland conservation worksheet by indicating that the site is subject to the 2010 ordinance and in a PFA, instead of subject to the 1991 ordinance.
- b. Remove all forest stand labels and forest stand hatching from the TCP2 plan and legend.
- c. Have the qualified professional who prepared the TCP2 sign and date it and update the revision box with a summary of the revisions made.

#### **Preservation of Regulated Environmental Features/Primary Management Area**

No regulated environmental features are known to exist on this property.

#### **Soils**

The predominant soil found to occur onsite according to the USDA NRCS Web Soil Survey is Beltsville-Urban Land complex, 0 to 5 percent slope. According to available information, neither Marlboro clay nor Christiana complexes are known to occur onsite.

This information is provided for the applicant's benefit. No further action is needed as it relates to this Detailed Site Plan review. A soils report may be required by the Prince George's County Department of Permits, Inspection and Enforcement (DPIE) during the permit process review.

#### **Stormwater Management**

A Storm Water Management Concept letter and plan that is in conformance with the current code has been approved by DPIE.

No additional information is required with regard to stormwater management with this application.

#### **Summary of Recommended Conditions**

1) Prior to certification of the detailed site plan, the Type 2 Tree Conservation Plan shall be revised as follows:

- a. Revise the woodland conservation worksheet by indicating that the site is subject to the 2010 ordinance and in a PFA, instead of subject to the 1991 ordinance.
- b. Remove all forest stand labels and forest stand hatching from the TCP2 plan and legend.
- c. Have the qualified professional who prepared the TCP2 sign and date it and update the revision box with a summary of the revisions made.




If you have any questions please contact me at 301-883-3239 or via e-mail at [marc.juba@ppd.mncppc.org](mailto:marc.juba@ppd.mncppc.org).

**NRI REVIEW COMMENTS**

<b>NRI #:</b> NRI-236-2015	<b>PROJECT NAME:</b> Empire Petroleum
----------------------------	---------------------------------------

**DATE:** December 28, 2015

**TO:** Jessica Antos  
ECS-Midatlantic, LLC  
14026 Thunderbolt Pl., Suite 100  
Chantilly, VA 20151  
703-995-1731, [JAntos@ecslimited.com](mailto:JAntos@ecslimited.com)

**FROM:** Erica Hahn, Senior Planner, Environmental Planning Section 

The Environmental Planning Section has reviewed the above referenced Natural Resources Inventory (NRI) received December 21, 2015 and it has been signed.

If you have questions about these comments, please contact the Environmental Planning Section at 301-952-3650.

Attachments: Signed NRI Plan






THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

July 17, 2017

MEMORANDUM

**TO:** Ivy Thompson, Subdivision and Zoning Section

**FROM:** Sherri Conner, Subdivision and Zoning Section 

**SUBJECT:** DSP-17013 Empire Petroleum, Brandywine

The property is known as Parcel 83 and Parcel 287 on Tax Map 145 in Grid A-4 and consists of a total of 2.57 acres zoned I-1. The subject property is comprised of two legal parcels created by deed prior to 1982 and has never been the subject of a preliminary plan of subdivision or record plat. Although the deeds reference Parcels One and Two (Liber 36979 folio 39), the State Department of Assessments and Taxation and the tax maps show the property as Parcels 83 and 287.

Parcel 287 is currently vacant and the existing gas station with food and beverage store on Parcel 83 is to be razed. This application is proposing to construct a new gas station and 3,500 square foot food and beverage store including an eating and drinking establishment with a drive-through. At the time of the writing of this referral, staff has determined that the site is exempt from the requirement of filing a preliminary plan of subdivision pursuant to Section 24-107(c)(7)(B) which states:

**Sec. 24-107. Jurisdiction.**

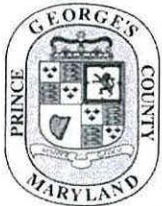
(c) **The following shall be exempt from the requirement of filing a preliminary plan and final plat of subdivision, except for any portion of land within the Interim Land Use Control (ILUC) Area subject to Sec. 24-120.03(b) of this Subtitle and consistent with Part 18 of the Zoning Ordinance unless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

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

(B) **The total development proposed for the subdivision on a property that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code and does not exceed five thousand (5,000) square feet of gross floor area.**

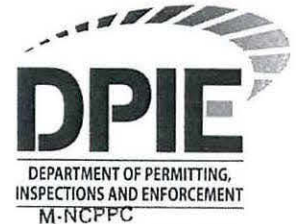
The applicant should be aware that the development of more than 5,000 square feet of gross floor area on the subject site will require the approval of a preliminary plan of subdivision.

There are no subdivision issues at this time.

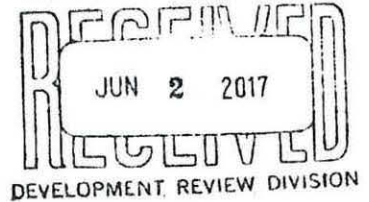


Rushern L. Baker, III  
County Executive

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



P.G. PLANNING DEPARTMENT



MEMORANDUM

May 25, 2017

**TO:** Ivy Thompson, Zoning Section  
Development Review Division, M-NCPPC

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

**RE:** Empire Petroleum Brandywine  
Special Exception No. SE-4789

**CR:** Short Cut Road 4-5690

*ng 5/26/17*

In response to the Special Exception No. SE-4789 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The site is 2.57 acres and described as Parcels 83 and 287 located at 14330 SE Crain Highway in Brandywine on the southeast corner of the Crain Highway (US 301)/Short Cut Road intersection. This property is zoned I-1. Parcel 83 is developed with 12 passenger car self-serve gas fueling stations, 2 truck fueling stations and a food or beverage store operating pursuant to Special Exception 3507.
- This Special Exception SE-4789 is to add the rest of Parcel 83 and incorporate Parcel 287, and redevelop the property with a new 3,500 square foot food or beverage store including a permitted eating and drinking establishment with a drive-thru window and patron seating; 10 double-sided pumps for passenger cars; 2 high speed truck fueling stations and reconfiguring of the site including planned modification to the US 301 access.
- US 301 is a State-maintained roadway; therefore, coordination with the Maryland State Highway Administration (SHA) is necessary.
- The applicant needs to provide adequate sight distance in accordance with AASHTO standards for all proposed access points within the site.



- Existing utilities may require relocation and/or adjustments. Coordination with the various utility companies is required.
- Sidewalks and ADA ramps are required within the property limits in accordance to Sections 23-105 and 23-135 of the County Road Ordinance.
- Short Cut Road is County-maintained; therefore, right-of-way dedication and frontage improvements in accordance with the County Road Ordinance, Department of Public Works and Transportation's (DPW&T) Specifications and Standards and the Americans with Disabilities Act (ADA) are required.
- The approved Site Development Concept Plan Number 2852-2016, dated March 18, 2016, and valid through March 18, 2019, is consistent with the proposed special exception plan. The proposed fueling station improvements constitute a stormwater hotspot; therefore, a detailed implementation of the stormwater pollution prevention plan is required.
- DPIE has no objection to Special Exception No. SE-4789.
- This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:
  - a) Final site layout, exact impervious area locations are not shown on plans.
  - b) Exact acreage of impervious areas has not been provided.
  - c) Proposed grading is shown on plans.
  - d) Delineated drainage areas at all points of discharge from the site has been provided.
  - e) Stormwater volume computations have not been provided.
  - f) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion and sediment control practices are not included in the submittal.
  - g) A narrative in accordance with the code has not been provided.
  - h) Applicant shall provide items (a-g) at the time of filing of the site development fine grading permits.

Ivy Thompson  
May 25, 2017  
Page 3

If you have any questions or require additional information, please contact Mr. Mariwan Abdullah, P.E., District Engineer for the area, at 301.636.2060.

MCG:NF:dar

cc: Mariwan Abdullah, P.E., District Engineer, S/RPRD, DPIE  
Nanji Formukong, Engineer, S/RPRD, DPIE  
EPP - Besche Acquisition, LLC 8350 North Central Expressway,  
Suite M2185, Dallas, Texas 75206  
Meyers, Rodbell & Rosenbaum Pa, 6801 Kenilworth Avenue,  
Suite 400 Riverdale, Maryland 20737





The Maryland-National Capital Park and Planning Commission  
14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772 301-952-  
3530

**\*\* REFERRAL REQUEST \*\***

Date: 6/13/2017  
To: EMAIL DISTRIBUTION LIST  
From: IVY THOMPSON – URBAN DESIGN [ivy.thompson@ppd.mncppc.org](mailto:ivy.thompson@ppd.mncppc.org)  
Subject: DSP-17013, EMPIRE PETROLEUM BRANDYWINE

**IDENTIFICATION OF MAJOR ISSUES DUE DATE: 6/28/2017**  
**\*Note:** E-mail any major issues/problems to the reviewer by the above date.

**SDRC MEETING IS SCHEDULED FOR:** ~~6/30/2017~~ <sup>EDH</sup> 7/14/17

**REFERRAL DUE DATE: 7/13/2017**

<input checked="" type="checkbox"/>	Full Review of New Plan	<input type="checkbox"/>	Revision of Previously Approved Plan
<input type="checkbox"/>	Limited or Special Review	<input type="checkbox"/>	Plans/Documents Returned for Second Review Following Revision by Applicant

**NOTE:** This case is being reviewed at:  Planning Board level    OR     Planning Director level

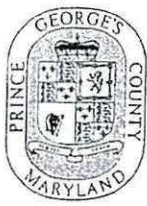
Related Cases: \_\_\_\_\_

**NOTE:** Plans and documents for this case will be available in Dropbox until Planning Board hearing and decision. You may download and save for your records but the plans are not final until conditions are met and the plan is certified.

**REFERRAL REPLY COMMENTS:** *NO IMPACT TO EXISTING OR FUTURE PARKLAND. 6/14/14 EDH*

**NOTES:** The review package is located here: <https://www.dropbox.com/sh/vemuv7dzfmyel1x/AAD-oXBByYO2NXMnWEI169aema?dl=0>

Please send all comments to the reviewer's email provided.  
If you need assistance contact [Cheryl.summerlin@ppd.mncppc.org](mailto:Cheryl.summerlin@ppd.mncppc.org).



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Fire/EMS Department



Office of the Fire Marshal  
Support Services Command

Date: 4/17/2017

TO: Ivy Thompson  
Development Review Division

FROM: Kenny Oladeinde, Project Coordinator  
Fire Prevention Division

RE: R.O.S.P Special Exception 4789

The following Preliminary Plan Referral has been reviewed by this office according to Departmental Procedures and Operational Guidelines of the Prince George's County Fire/ Emergency Medical Services Department:

Description: Empire petroleum

Location Brandywine

The proposed site development creates minimal impact to the services of the Prince George's County Fire/EMS Department in the area of fire protection. This plan is adequate to satisfy the requirements of Subtitle 4 of the County Building Code specific to emergency vehicle access.

Please be advised Subtitle 4-186. Section 1015.2 titled Location and Performance of Fire Hydrants states:

"Every building shall be provided with sufficient fire hydrants located such that no exterior portion of the building is located more than five hundred (500) feet from a fire hydrant. The distance shall be measured as a hose line would be laid along paved street, through parking lot entrances, around obstructions, etc., in accordance with the determination of the authority having jurisdiction."

If I may be of further assistance, please contact me at (301)-583-1830

Copy to: Christine Osei, Fire and Safety Public Facilities planner, Special Projects  
Section, Countywide Planning Department, Maryland National Capital Park and  
Planning Commission.

Comment:

6820 Webster Street  
Landover Hills, Maryland 20784



Page Two

Please note and direct the owner to comply with aforementioned Subtitle. I have highlighted on the submitted drawings all areas which may contribute to the loss of emergency vehicle access due to its configuration. These locations shall be marked with painted yellow curbs and posted 'No Parking Fire Lane by order of the Prince George's County Fire/EMS Department' signs. The developer should contact the Fire /EMS Department's Office of Office of the Fire Marshal to assist in designating the fire lanes.

In addition, please be advised Subtitle 4-164. Fire Protection Systems; Section 912, Yard Hydrants. (a) Section 912.1 is added to read as follows: "Location and Performance of Fire Hydrants." Every building of more than one thousand (1,000) square feet in area shall be provided with sufficient fire hydrants located such that no exterior portion of the building is located more than five hundred (500) feet from a fire hydrant. The distance shall be measured as a hose line would be laid along paved streets, through parking lot entrances, and around obstructions, in accordance with the determination of the authority having jurisdiction. A fire hydrant is required within two hundred (200) feet of any required fire department connection, as hose is laid. The fire department connection must be located on the front, address side of the building and be visible from a fire hydrant or as approved by the Fire Code Official. Each hydrant shall provide a minimum of one thousand (1,000) gpm at a residual pressure of twenty (20) psi.

Also areas may be highlighted on the drawing in noted colors to show areas that do not accommodate the turning radius of a 43-foot wheel base vehicle or other comments. These areas need to be widened to allow emergency apparatus to turn.

Any courts or dead-end created should provide 43-foot turning radius within 200 feet of the end of the road.

These requirements should be incorporated into the final plat and a condition of release of the use and occupancy permit. If I may be of further assistance, please contact me at (301)-583-1830

mko

H: \ 4 - 4789

Copy to: Christine Osei, Public Facilities Planner, Special Projects Section,  
Countywide Planning Department, Maryland National Capital Park and  
Planning Commission.

**Statement of Justification**

**Empire Petroleum**

**Special Exception 4789**

**Detailed Site Plan 17013**

**Gas Station and Food or Beverage Store**

LOCATION

The subject property (the "Property") is located at 14330 SE Crain Highway in Brandywine, Maryland, on the southeast corner of the Crain Highway (US 301) / Short Cut Road intersection. It is described as Parcels 83 and 287, Tax Map 145, Grid A-4. It is 2.57± acres in the I-1 Zone. Parcel 83 is developed with a self-serve gas station and a food or beverage store operating pursuant to Special Exception 3507.

NATURE OF THE REQUEST

Empire Petroleum Partners, LLC (the "Applicant"), requests a major change to Special Exception 3507 pursuant to Sections 27-317, 27-355, and 27-358 and a Detailed Site Plan in accordance with Part 3, Division 9, of the Prince George's County Zoning Ordinance.

Aerial photos show the Property has been developed since at least 1938. It has been developed with a gas station since at least 1977 and has been developed in the current configuration since the mid-1990s. Special Exception 3507 was approved on June 25, 1985. That application was to redevelop the existing gas station on part of Parcel 83 and add a "mini-food market." A gas station was already existing on the site. In 1985, gas stations were permitted by right in the I-1 Zone; Special Exception 3507 was for the addition of the food or beverage store component. Special Exception 3507 was approved with only one condition: that the site plan be revised to show conformance with



the Zoning Ordinance. The revision to the site plan was made; the gas station was constructed pursuant to Special Exception 3507.

In 1998, Council Bill 40-1998 amended the Zoning Ordinance to require a special exception for a gas station. The Applicant seeks now to add the rest of Parcel 83 and incorporate Parcel 287, and redevelop the Property with a new 3,500 square foot food or beverage store including a permitted eating and drinking establishment with a drive-through window and patron seating. Currently, there are 14 fueling stations, 12 for passenger cars and 2 for trucks; these are proposed to be replaced with 10, double-sided stations (to serve 20 passenger cars). Three high-speed fueling stations dedicated to trucks are also proposed in a separate location from passenger cars.

## NEIGHBORHOOD

As identified in Special Exception 3507, the neighborhood for the subject property is:

NORTH: Brandywine Road  
EAST and SOUTH: Timothy Branch  
WEST: Crain Highway (US 301)

There is no reason to alter this prior neighborhood definition. The neighborhood includes industrial and commercial uses and single-family homes. A vehicle salvage yard is immediately east and south of the Property. Farther east is undeveloped, wooded land and the HH Gregg distribution center. Commercial uses are found generally in Brandywine Crossing—with a car dealership, Costco, Target, Safeway, restaurants and smaller independent retailers—at the southern end of the neighborhood, east of US 301 north of Cedarville Road. Regency Furniture Warehouse Showroom anchors the

southern end of the neighborhood. Single-family detached residential development is to the east in the Brandywine Heights Subdivision. Brandywine Elementary School and a Post Office are on the south side of Brandywine Road.

The neighborhood is in a state of flux. More commercial development is under construction east of the existing Brandywine Crossing Center. The Villages at Timothy Branch, an approved mixed-use development in the L-A-C and R-M Zones, covering the middle of the neighborhood, is now moving its way through the approval processes. The neighborhood is experiencing rapid growth and does, and will continue to, contain a mix of commercial and residential uses.

#### MASTER PLAN AND GENERAL PLAN

The Property is found in the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* ("Master Plan"). The Master Plan shows this Property, along with the vehicle salvage yard, in an industrial land use category. Much of the remaining properties to the east are in the R-M (Residential-Medium) and L-A-C (Local Activity Center) Zones. A transit stop is shown in the Master Plan south of the Property on Crain Highway. The Sectional Map Amendment retained the Property in the I-1 (Light Industrial) Zone.

The Property is in the Brandywine Community designated in the Master Plan. Brandywine is to be "focused on a transit station, with high-density, mixed residential, commercial, and employment uses abutting existing and planned major commercial land uses to the south, and mixed residential uses to the north" (p. vi). For planning and policy purposes, the Master Plan designates certain centers and corridors. The Property is within the MD 5/US 301 Corridor; it is just north of and outside the Brandywine Community Center. Strategies for this corridor are:



#### **Short term**

- **As part of a community-based process, develop a design plan for the Brandywine community center to establish the palette of architectural styles, building materials, exterior finishes, street and sidewalk cross-sections, and other design elements to be used in the center.**
- **Develop best site design and stormwater management practices to be used in the Brandywine community center for protection of water quality in Mattawoman Creek.**

#### **Ongoing**

- **Continue to work with MTA to preserve right-of-way for transit service in the MD 5/US 301 corridor.**
- **Encourage infill development along the MD 5 corridor, specifically at potential transit nodes and in the Clinton area. (p. 55)**

The elevations included in the submission show a building of masonry and glass, providing a simple, pleasing design in concert with the commercial development along Crain Highway. Ample setbacks are provided and landscaping will be updated to meet current County requirements. The layout and design continue the visual elements established in the neighborhood and corridor. No sidewalks exist. The Property is just north of the Brandywine Community Center, in an area not conducive to pedestrian traffic; thus no sidewalks are proposed.

Subsequent to the 2013 approval of the Master Plan and adoption of the Sectional Map Amendment, the County approved a new General Plan in 2014, *Plan Prince George's 2035* ("Plan 2035"). Plan 2035 updates the 2002 General Plan for Prince George's County. There are no recommendations in Plan 2035 specific to this Property. Plan 2035 generally recommends that new commercial growth be concentrated in several Regional Transit Districts and Local and Suburban Centers. The subject Property is in the Brandywine Town Center. Plan 2035 characterizes Town Centers as areas with a **"range of auto-accessible centers that anchor larger areas of suburban subdivisions..."** and are **"largely automobile oriented with access from arterial highways"** (Table 16; p. 108). The Property is on the northern edge of the Brandywine Town Center in the midst of auto-accessible uses along Crain Highway.

## RELATIONSHIP TO THE PROVISIONS OF THE ZONING ORDINANCE

### Section 27-317. Required Findings

Section 27-317 of the Zoning Ordinance contains the general requirements applicable to all special exception uses. The requirements of Section 27-317(a) are as follows:

- (1) **The proposed use and site plan are in harmony with the purpose of this Subtitle;**

RESPONSE: Generally, the 15 purposes of the Zoning Ordinance are aimed at protecting and promoting public health, safety and welfare. A detailed discussion of these purposes is found later in this justification statement. The proposal is in harmony with all applicable purposes.



**(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**

RESPONSE: The proposed redevelopment of the Property conforms to all requirements of the Zoning Ordinance. Specific requirements for gas stations and the I-1 Zone are discussed later in this Statement of Justification. The site plan demonstrates conformance to the parking, loading, and setbacks requirements of the Zoning Ordinance as well.

Parking: As noted on the site plan, 26 parking spaces are required for the gas station, the 3,500 square-foot food or beverage store, and eating and drinking establishment with drive-through service. Twenty-seven parking spaces are provided.

Handicapped Accessible: Two handicapped accessible parking spaces are required; two are provided at the entrance to the building.

Loading: With a 3,500 square foot building, one loading space is required. One loading space is provided.

Setbacks: The I-1 Zone requires the following setbacks:

Front:	25 feet	144.7 feet provided
Side:	30 feet	51.6 feet provided
Rear:	0 feet	109.9 feet provided

**(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the**

**absence of a Master Plan or Functional Master Plan, the General Plan;**

RESPONSE: As noted, the Subregion 5 Master Plan shows the Property in an Industrial Land Use category and the Sectional Map Amendment retained the I-1 Zoning on the Property. Gas stations, eating and drinking establishments with drive-through service, and food or beverage stores are all uses permitted by right or by special exception in the I-1 Zone. The proposed uses have existed on the site for more than 20 years and the proposed Special Exception updates, improves and redesigns the site, and adds patron seating and a drive-through window for the food or beverage store for customer convenience. The elevations show a building of masonry and glass, all in keeping with the design recommendations of the Master Plan. The proposal does not impair the integrity of the Master Plan.

**(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**

RESPONSE: The operation of this gas station and food or beverage store has proven to be a safe one. The redesign substantially improves onsite circulation by separating commercial and passenger vehicle fueling operations and provides right-in/right out access to US 301 via 30-foot wide driveways. No adverse impacts to public health, safety or welfare are evident. In fact, public health, safety and welfare will be enhanced by the proposed improvements.

**(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**



RESPONSE: Immediately adjacent properties to the east and south are developed with Ransom Motors, a vehicle salvage yard. To the north, across Short Cut Road, is Brandywine Trucks and Equipment, a sales and rental company. The gas station and food or beverage store fit easily into this environment and will not be detrimental to the use of these properties or properties in the larger neighborhood which are too far away to experience any impact from the use and will benefit from the convenience it provides.

- (6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan.**

RESPONSE: The Applicant has submitted a Type II Conservation Plan for review and approval with this application.

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

RESPONSE: There are no regulated features on the site.

- (b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:**

- (1) where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle, or**

- (2) where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.**

RESPONSE: The Property is not in the Chesapeake Bay Critical Area.

Section 27-358. Specific Requirements for Gas Stations

Section 27-358 contains the specific requirements applicable to gas stations. These requirements are as follows:

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

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

RESPONSE: The Property has 400+ feet of frontage on and direct vehicular access to Crain Highway, a planned Freeway with a variable width right-of-way in excess of 300 feet.

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

RESPONSE: No such facilities are located within three hundred (300) feet of the subject Property.



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

RESPONSE: The applicant does not propose to display and rent cargo trailers, trucks, or similar uses.

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

RESPONSE: The applicant will not store or junk motor vehicles (whether capable of movement or not) and does not propose any vehicle servicing on the Property.

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

RESPONSE: The accompanying site plan evidences access drives are 30 feet wide, are more than 20 feet from the point of curvature at the Crain

Highway/Short Cut Road intersection, and are located more than 12 feet from adjoining lots.

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

RESPONSE: The site plan evidences that all access driveways will be defined by curbing.

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

RESPONSE: Crain Highway is a planned freeway and Short Cut Road is an industrial road serving industrial uses. This is not an area serving pedestrian traffic. No sidewalks exist and none are proposed.

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

RESPONSE: The proposed gas pumps are setback 43 feet from the Crain Highway street line and 77 feet from the Short Cut Road street line as required by this section.

**(9) Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall**



**either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.**

RESPONSE: Repair services are not proposed.

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

RESPONSE: Architectural elevations are provided for each façade showing a building of masonry and glass. This section of Crain Highway is characterized by industrial uses, including a concrete block building on the property immediately south. Masonry veneer and glass are compatible with this surrounding development and an improvement to the character of the façades in the area.

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

- (1) The topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet);**
- (2) The location and type of trash enclosures; and**

**(3) The location of exterior vending machines or vending area.**

RESPONSE: The accompanying site plan provides the topography of the subject Property and abutting lots as required. There are no exterior vending machines or vending area. A dumpster and its enclosure are noted on the site plan as required.

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

RESPONSE: In the event of abandonment of the gas station, the Applicant will comply with the requirements of this section.

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

**(1) Is necessary to the public in the surrounding area; and**

**(2) Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.**

RESPONSE: The public's need for this gas station is evident: the station has existed for three decades and has continued to serve the public—now, it seeks to renovate and upgrade the site. According to the Applicant, on average the station has sold 275,000 gallons of gasoline per month over the last two years. The station has served the needs of, and been reasonably convenient to, the



surrounding community and traveling public by its longstanding history of operations. Because it has existed for so long, continued operation, with the expansion of the food or beverage store and the addition of patron seating and a drive through window, will not unduly restrict the availability of land for other trades. In fact, as discussed throughout this Statement of Justification, other trades are well represented in the neighborhood.

Section 27-355. – Specific Requirements for Food or Beverage Stores

Section 27-355 contains the specific requirements applicable to food or beverage stores. These requirements are as follows:

**(a) A food or beverage store may be permitted, subject to the following:**

**(1) The applicant shall show a reasonable need for the use in the neighborhood;**

RESPONSE: The food or beverage component of this site has been in successful operation for more than two decades and has consistently operated. This evidences that the food or beverage store is reasonably convenient to the public and that there is need for the use in the neighborhood.

**(2) The size and location of, and access to, the establishment shall be oriented toward meeting the needs of the neighborhood;**

RESPONSE: At 3,500 square feet, the use is not a large one and is clearly aimed at serving the convenience needs of the neighborhood.

**(3) The proposed use shall not unduly restrict the availability of land, or upset the balance of land use, in the area for other allowed uses;**

Statement of Justification  
Empire Petroleum  
Special Exception 4789  
Gas Station and Food or Beverage Store  
March 1, 2017

RESPONSE: The use, smaller in size, has operated on this Property in conjunction with the gas station for more than 20 years. It is an area that is developing. The proposed expansion keeps the use on this Property continuing the existing balance of land uses and will not interfere with the ability of other vacant land to be developed of other allowed uses.

**(4) In the I-1 and I-2 Zones, the proposed use shall be located in an area which is (or will be) developed with a concentration of industrial or office uses;**

RESPONSE: The proposed food or beverage expansion is surrounded by a concentration of light industrial uses – specifically, the vehicle salvage yard and the truck and equipment rental business to the north.

**(5) The retail sale of alcoholic beverages from a food or beverage store approved in accordance with this Section is prohibited; except that the District Council may permit an existing use to be relocated from one C-M zoned lot to another within an urban renewal area established pursuant to the Federal Housing Act of 1949, where such use legally existed on the lot prior to its classification in the C-M Zone and is not inconsistent with the established urban renewal plan for the area in which it is located.**

RESPONSE: The sale of alcoholic beverages is not proposed.



Section 27-102. Purposes of the Zoning Ordinance

**(a) The purposes of the Zoning Ordinance are:**

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

RESPONSE: A gas station with a food or beverage store was approved for this Property some three decades ago. In its long history, it has operated with no threat to public health, safety, morals, comfort, and welfare. Given its sales and history, it has shown to be a convenience to the residents and workers in the County.

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

RESPONSE: Master Plan and General Plan recommendations have been discussed in detail throughout this document. The Master Plan makes only some design recommendations applicable to this Property. Along the Crain Highway Corridor, the Master Plan seeks to establish architectural consistency. The masonry and glass building fits nicely in this area, but also substantially upgrades the appearance in the area. Most buildings are industrial in nature; the proposal enhances the architecture of the Crain Highway Corridor.

Plan 2035 places the Property in the Brandywine Town Center—the area ripe for automobile dependent uses. Plan 2035 makes no other recommendations specific to the Property.

The Proposal to upgrade an existing gas station on the Property helps to implement the recommendations of the Master Plan and Plan 2035.

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

RESPONSE: The Property is within the Growth Boundary established in Plan 2035. It is in Water and Sewer Category 4; a change to Category 3 will be required prior to approval of building permits. Adjacent properties are in Categories 5 and 3. Water and Sewer are available near the Property.

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

RESPONSE: As noted, the Property is within the Growth Boundary in a light industrial area. A gas station with a small food or beverage store has been on the Property for many years and the proposal is to simply upgrade the existing use on the Property.

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

RESPONSE: The Property is in a light industrial area. The proposed building is a one-story building that has no effect on light, air and privacy.



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

RESPONSE: There is no adverse impact from this use that would negatively affect adjoining property owners. A gas station with food or beverage store is compatible with other vehicle uses, such as the nearby salvage yard and truck sales and rental businesses. The location along a major roadway provides for convenience to both nearby property owners and the public in general.

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

RESPONSE: County controls are in place to protect the County from fire and flood. No panic or other dangers present themselves in the continued use of this Property. Code of Maryland and federal regulations govern the gas station use on the Property as well.

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

RESPONSE: The proposal is not for housing; it is in a light industrial area. Therefore, this purpose does not apply.

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

RESPONSE: Gas stations with food or beverage stores are part of the fabric of the community and the economic base of the County. The movement of people and goods is essential to the employment and the tax base.

**(10) To prevent the overcrowding of land;**

RESPONSE: With over 32 percent of the site left in green area—far in excess of minimum requirements—the land is not overcrowded.

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

RESPONSE: By nature, gas stations with food or beverage stores do not generate much traffic; they are generally “pass-by” operations serving people who are already on the road. Safety will be ensured by the State Highway Administration’s access permit approval process. A traffic impact report accompanies this application.

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

RESPONSE: Gas stations with food or beverage stores are an important part of the economy of an area and County. They provide convenient access to fuel and convenience goods, necessary commodities that help move goods and people. Without them—and this one in particular given its long history of strong sales and convenience to the public—the social and economic stability of the County would be impaired.

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



RESPONSE: The renovated gas station and food or beverage store must comply with the Code of Maryland (COMAR) and federal Environmental Protection Agency (EPA) regulations that are designed, in part, to protect against air and water pollution. Noise is not an issue with a gas station and food or beverage store that do not propose auto repair facilities. In this case, the Property is surrounded by a salvage yard and a truck rental and sales business. Thus, noise is not an issue. Timothy Branch forms the eastern boundary of the neighborhood, but it is located far away from the Property. No impacts to this stream will result due to the approval of this application.

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

RESPONSE: There is no open space or area of scenic beauty on or near the Property. Timothy Branch runs along the eastern neighborhood boundary, but is separated from the Property by a vehicle salvage yard and developing property.

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

RESPONSE: The gas station and food or beverage store have no impact on agriculture and natural resources. It is in the midst of industrial uses in a rapidly developing neighborhood.

Section 27-469. I-1 (Light Industrial) Zone

Section 27-469 sets forth the purposes of, and specific requirements in, the I-1 (Light Industrial) Zone.

**(a) Purposes.**

**(1) The purposes of the I-1 Zone are:**

**(A) To attract a variety of labor-intensive light industrial uses;**

RESPONSE: Gas stations with food or beverage stores along major roadways are a necessary convenience for the public. One has existed here for more than 40 years, and in its current configuration for more than 20 years. Its continued existence, with enhanced food components—including patron seating and a drive-through window (a permitted use)—is part of the variety of uses appropriate in a light industrial area.

**(B) To apply site development standards which will result in an attractive, conventional light industrial environment;**

RESPONSE: The proposed site plan demonstrates conformance with all I-1 Zone requirements. The architectural renderings show an attractive layout and building within the industrial setting.

**(C) To create a distinct light industrial character, setting it apart from both the more intense Industrial Zones and the high-traffic-generating Commercial Zones; and**



RESPONSE: Conformance with the I-1 Zone requirements helps to create the light industrial character. The proposal conforms to all I-1 Zone specific requirements.

**(D) To provide for a land use mix which is designed to sustain a light industrial character.**

RESPONSE: The land use mix along Crain Highway has been established for some time. Light industrial uses front Crain Highway north and south of the Property. The continued operation of a gas station with a food or beverage store on this site provides for a land use mix that will continue to sustain the light industrial character of the area.

**(b) Landscaping, screening, and buffering of development in the I-1 Zone shall be provided in accordance with the provisions of the Landscape Manual. In addition, the following applies:**

**(1) At least ten percent (10%) of the net lot area shall be maintained as green area.**

RESPONSE: The Property is 2.571± acres, or 111,994 square feet. With 36,640 square feet of green space, the proposal more than satisfies this requirement. Green space equals approximately 32.7 percent of the net lot area, well in excess of the requirement.

**(2) Any landscaped strip adjacent to a public right-of-way required pursuant to the provisions of the Landscape Manual shall not be considered part of the required green area.**

RESPONSE: The green area calculation does not include the landscaped strips.

- (3) A vehicle towing station permitted in the I-1 Zone shall be screened by a wall or fence at least six (6) feet high, or by an evergreen screen, unless the adjoining property is used for a vehicle towing station or a vehicle salvage yard.**

RESPONSE: A vehicle towing station is not proposed.

**(c) Outdoor storage.**

- (1) Outdoor storage shall not be visible from a street.**

RESPONSE: No outdoor storage is proposed.

**(d) Uses.**

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

RESPONSE: Gas stations and food or beverage stores are permitted by Special Exception in the I-1 Zone. Eating and drinking establishments with drive through service are permitted by right in the I-1 Zone.

**(e) Regulations.**

- (1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the I-1 Zone are as provided for in**

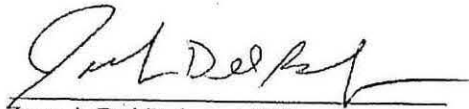
Statement of Justification  
Empire Petroleum  
Special Exception 4789  
Gas Station and Food or Beverage Store  
March 1, 2017

RESPONSE: As noted, the site plan satisfies all requirements of the Zoning Ordinance. No variances are needed. Required off street parking and loading are provided in accordance with the parking and loading regulations; s free standing sign and building and canopy signs are proposed in accordance with the locational and size requirements; the landscape plan demonstrates conformance with the *Landscape Manual*.

#### CONCLUSION

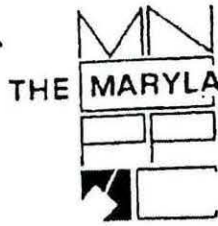
Given the foregoing discussion, the Applicant respectfully submits that all requirements for the approval of a special exception for a gas station and food or beverage store have been met; therefore, approval is respectfully requested.

Respectfully submitted,



Joseph Del Balzo, AICP  
Del Balzo Development Services, LLC  
12 S. Adams Street  
Rockville, MD 20850





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

14741 Governor Oden Bowie Drive  
 Upper Marlboro, Maryland 20772  
 TDD: (301) 952-3796

PGCPB No. 94-316

File No. ROSE-SE-3507

Prince George's County Revision of Site Plan (Minor Change) Special Exception No. 3507  
 Applicant: Besche Oil Company, Owner  
 Karen Hauck, Correspondent  
 Location: The subject property is located on the east side of US 301 at its intersection with Short Cut Road.  
 Request: Revision of site plan for a food and beverage store in conjunction with a gas station in accordance with Section 27-325(b) of the Zoning Ordinance

**RESOLUTION**

WHEREAS, the applicant is requesting approval of a minor change to Special Exception No. 3507 in accordance with Section 27-325(b) of the Prince George's County Zoning Ordinance; and

WHEREAS, under this provision the applicant is requesting a revision of site plan for a food and beverage store component of a gas station in the I-1 Zone; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the adopted Rules of Procedure of the Prince George's County Planning Board; and

WHEREAS, the Technical Staff Report released September 28, 1994, recommended APPROVAL, with conditions; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on October 6, 1994, the Prince George's County Planning Board agreed with the staff recommendation; and

WHEREAS, the Planning Board decision is based on the findings and conclusions found in the Technical Staff Report (Exhibit No. 10) and the following DETERMINATIONS:

- A. Section 27-325(b) of the Zoning Ordinance allows the Planning Board to approve minor changes to special exception site plans that involve minor increases in land coverage and/or minor relocations of structures. In this case, the applicant is proposing a decrease in the approved square footage (2,142 square feet down to 1,564 square feet) in roughly the same location as the previously approved building. As such, the changes proposed to the special exception use are considered minor and may be approved by the Planning Board.
- B. When the District Council approved SE-3507 in 1984, it found a significantly larger store to be compatible with the surrounding uses and appropriate for the

PGCPB No. 94-316  
File No. ROSP-SE-3507  
Page No. 2

area, imposing no conditions of approval. The requested decrease in retail area will not alter the original findings of compatibility.

- C. Soon after SE-3507 was approved, the applicant sought and was granted Departure from Design Standards Application No. 207 (DDS-207) which waived on-site landscaping requirements, allowing the applicant to place the landscaping within the rights-of-way of US 301 and Short Cut Road (PGCPB Resolution No. 85-84).
- D. The State Highway Administration informs us that Short Cut Road will be closed as part of the improvements to the area, but will remain to serve the subject property as a point of egress to northbound US 301. In the case of Short Cut Road, the Planning Board sees no reason to negate the previous approval for this request through DDS-207.
- E. With plantings no longer possible in the right-of-way for US 301, the applicant must provide a 10-foot-wide strip along the site frontage. The applicant claims that the need for parking spaces along the front of the site (five parallel spaces are shown) combined with the need for high visibility onto the site preclude them from placing a full 10-foot-wide planting strip along US 301. The Alternative Compliance Committee and Planning Director considered this argument (AC-94049) and recommended denial, finding the hardship to be non-existent and self-imposed. A companion Departure from Design Standards Application was filed in an effort to satisfy this requirement.

NOW, THEREFORE, BE IT RESOLVED, that this application for a "minor change" to Special Exception No. 3507, is hereby APPROVED, subject to the following conditions:

1. The car wash shall be reconfigured to contain four bays and be recentered in its shown location.
2. The angled parking spaces on the site plan shall be moved back five feet to accommodate a five-foot wide perimeter landscaped strip.
3. Dimensions for parking spaces, driveway cuts and the carwash equipment room and bays shall be shown.
4. Handicap access shall be demonstrated.
5. The use of all abutting properties shall be indicated.
6. The screening material for the dumpster shall be shown.

PGCPB No.-94-316  
File No. ROSP-SE-3507  
Page No. 3

- 7. Shade trees shall be shown to be a minimum 2½- to 3-inch caliper.

.....

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 McNeill, seconded by Commissioner Brown, with Commissioners McNeill, Brown, Dabney and Boone voting in favor of the motion, and with one vacancy on the Planning Board, at its regular meeting held on Thursday, October 6, 1994, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of October 1994.

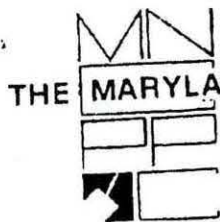
LeRoy J. Hedgepeth  
Executive Director

*Frances J. Guertin*  
By Frances J. Guertin  
Planning Board Administrator

LH:FJG:TL:aj

*[Signature]*  
APPROVED AS TO LEGAL EFFICIENCY  
GARLAND M. STILLWELL  
M-NCPCC LEGAL DEPT.  
DATE: 10/19/94





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

14741 Governor Oden Bowie Drive  
 Upper Marlboro, Maryland 20772  
 TOD: (301) 952-3796

File No. DDS-444

PGCPB No. 94-317

Prince George's County Departure from Design Standards Application No. 444

Applicant: Besche Oil Company, Owner

Location: Karen Hauck, Correspondent

The subject property is located on the east side of US 301 at its intersection with Short Cut Road

Request: Departure from Design Standards for a reduction in landscaped strip width in accordance with Section 27-239.01 of the Zoning Ordinance

**RESOLUTION**

WHEREAS, the applicant is requesting a 5-foot departure from the 10-foot landscaped strip requirement along US 301 as well as permission to place required landscaping within the theoretical 70-foot right-of-way for Short Cut Road; and

WHEREAS, the advertisement of the public hearing was posted on the property in accordance with the adopted Rules of Procedure of the Prince George's County Planning Board; and

WHEREAS, the Technical Staff Report released September 28, 1994, recommends Approval of the landscaped strip within the right-of-way for Short Cut Road, subject to conditions; and Denial of the reduced-width landscaped strip along US 301; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on October 6, 1994, the Prince George's County Planning Board disagreed with the staff recommendation; and

WHEREAS, the Prince George's County Planning Board decision is based on the findings and conclusions found in the Technical Staff Report (Exhibit No. 10) and the following DETERMINATIONS:

1. Section 27-325(b) of the Zoning Ordinance allows the Planning Board to approve minor changes to special exception site plans that involve minor increases in land coverage and/or minor relocations of structures. In this case, the applicant is proposing a decrease in the approved square footage (2,142 square feet down to 1,564 square feet) in roughly the same location as the previously approved building. As such, the changes proposed to the special exception use are considered minor and may be approved by the Planning Board.
2. When the District Council approved SE-3507 in 1984, it found a significantly larger store to be compatible with the surrounding uses and appropriate for the area, imposing no conditions of approval. The requested decrease in retail area will not alter the original findings of compatibility.

PGCPB No. 94-317  
File No. DDS-444  
Page 2

3. Soon after SE-3507 was approved, the applicant sought and was granted Departure from Design Standards Application No. 207 (DDS-207) which waived on-site landscaping requirements, allowing the applicant to place the landscaping within the rights-of-way of US 301 and Short Cut Road (PGCPB Resolution No. 85-84).
4. The State Highway Administration informs us that Short Cut Road will be closed as part of the improvements to the area, but will remain to serve the subject property as a point of egress to northbound US 301. In the case of Short Cut Road, the Planning Board sees no reason to negate the previous approval for this request through DDS-207.
5. With plantings no longer possible in the right-of-way for US 301, the applicant must provide a 10-foot-wide strip along the site frontage. The applicant claims that the need for parking spaces along the front of the site (five parallel spaces are shown), the need for high visibility onto the site, and the need for additional area for truck maneuvering preclude them from placing a full 10-foot-wide planting strip along US 301. The Alternative Compliance Committee and Planning Director considered this argument (AC-94049) and recommended denial, finding the hardship to be non-existent and self-imposed. The applicant then chose to file this DDS application in the event that the Board agreed.
6. The Planning Board finds the applicant's proposal along US 301 to equally well or better serve the purposes of the *Landscape Manual*. This is largely due to the fact that the placement of the underground storage tanks make it difficult for tanker trucks to maneuver when constrained by a 10-foot-wide strip. Additional plantings within the proposed five-foot-wide strip and elsewhere on the site will help offset the reduced width.

NOW, THEREFORE, BE IT RESOLVED, that Departure from Design Standards Application No. 444 is hereby APPROVED subject to the site plan being revised to show the following:

1. The car wash shall be reconfigured to contain four bays and be recentered in its shown location.
2. The angled parking spaces on the site plan shall be moved back five feet to accommodate a five-foot wide perimeter landscaped strip.
3. Dimensions for parking spaces, driveway cuts and the carwash equipment room and bays shall be shown.
4. Handicap access shall be demonstrated.
5. The use of all abutting properties shall be indicated.

PGCPB No. 94-317  
File No. DDS-444  
Page 3

- 6. The screening material for the dumpster shall be shown.
- 7. Shade trees shall be shown to be a minimum 2½- to 3-inch caliper.

.....

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 Brown, seconded by Commissioner McNeill, with Commissioners Brown, McNeill, Dabney and Boone voting in favor of the motion, and with one vacancy on the Planning Board, at its regular meeting held on Thursday, October 6, 1994, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of October 1994.

LeRoy J. Hedgepeth  
Executive Director

*Frances J. Guertin*  
By Frances J. Guertin  
Planning Board Administrator

LJH:FJG:TL:meg

*[Signature]*  
APPROVED AS TO LEGAL EFFICIENCY  
CAROLANNE M. STELLWELL  
M-NCP/PC LEGAL DEPT.  
DATE: 10/19/94





# THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

SE 3507 (Besche Oil Co.)

## DECLARATION OF FINALITY FINAL DECISION

The decision of the Zoning Hearing Examiner in this case was filed with the District Council for Prince George's County, Maryland on June 25, 1984. A copy of the decision was sent to all persons of record on that date. Since no appeal of that decision has been filed with the District Council by any person of record or the People's Zoning Counsel, and since this case is not one which the County Zoning Ordinance requires to be transmitted to the District Council for final disposition, nor one which the District Council has elected itself to render a final decision, the decision of the Zoning Hearing Examiner on Special Exception No. 3507, became final and effective on July 25, 1984, in accordance with Section 27-490(b) of the Zoning Ordinance for Prince George's County, Maryland.

## CERTIFICATE OF SERVICE

This is to certify that on August 2, 1984, the Clerk of the Council's Declaration of Finality of Decision by the Zoning Hearing Examiner in the above-cited case was mailed, postage prepaid to the following named persons of record:


Robert A. Manzi, Esquire  
Applicant or Applicant's Representative

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PEOPLE'S ZONING COUNSEL Besche Oil Co.

DEPARTMENT OF ASSESSMENTS

PROPERTY STANDARDS DIVISION

  
Jean M. Schmuyl  
Clerk, County Council of  
Prince George's County, Maryland

County Administration Building — Upper Marlboro, Maryland 20670

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND  
OFFICE OF ZONING HEARING EXAMINER**

**SPECIAL EXCEPTION  
3507**

**DECISION  
June 25, 1984**

Application: Food or Beverage Store  
Applicant: Besche Oil Company  
Opposition: None  
Hearing Date: April 25, 1984  
Hearing Examiner: Barry S. Cramp  
Disposition: Approval with condition

**NATURE OF REQUEST**

This application is filed so that a new filling station can be constructed on the site of an existing station and be operated together with a mini-food market called Quik Shop. The filling station is a permitted use of the I-1 Zone, the zone of the property.

**FINDINGS**

(1) The property is 37,594 square feet of I-1 zoned property partially improved by an automobile filling station.

(2) The location of the property is at the intersection of U. S. Rt. 301 and Short Cut Road in Brandywine. Access is provided to both Short Cut Road and U. S. Rt. 301. Of the three entrances, one appears to be less than the required minimum of thirty feet. This drive is the closest one to U. S. Rt. 301 on Short Cut Road. It is also less than the required twenty (20) feet from point of curvature of the curb on U. S. Rt. 301.

(3) The property is somewhat isolated by undeveloped industrial lands to the south and east, by U. S. Rt. 301 and Short Cut Road. Just across Short Cut Road is a vast area used for used vehicle and heavy equipment storage which are displayed for retail sale.



S. E. 3507

Page 2

(4) The neighborhood of the property has been described with reference to roads and streams. The east and south boundaries are a stream. The north and west boundaries are Brandywine Road and U. S. Rt. 301. (Exh. 16, p. 3; T.38) This is an industrially zoned area but with little development of that character. A used vehicle sales yard, salvage yard, two filling stations and homes are located in the neighborhood.

(5) The site plan is Exhibit 19. A single building is proposed for the joint uses. The existing fuel pumps will be moved farther away from both rights-of-way but not far enough according to the staff writer. The right-of-way for future widening of U. S. Rt. 301 is, according to staff, wider than the site plan allows, thus certain setbacks are not conformed to as required. There are no programs of the State to acquire any additional land for widening of U. S. Rt. 301. (T.30 & 61)

(6) Being within Planning Area 85A, the property is covered by the Master Plan for Subregion V (1974). The Plan's maps of proposed staging locates the property in an employment area, more specifically, employment area "C". (T.47) The property was zoned I-1 in 1978 when the sectional map was approved for this planning area. A filling station is a permitted use of the I-1 Zone and a food and beverage store is a special exception use of that zone and the I-2 Zone.

(7) The property is part of a large industrially zoned area of 1,000 acres. Existing industrial development consists of those areas north and south of the property used for used vehicle sales and salvage. Approximately 30 employees may be associated with the businesses adjoining the property. (T.49-50)

#### CONCLUSIONS

(1) A food or beverage store is a use of the I-1 Zone. Section 27-403.2 Table of Uses. They are commercial uses permitted only upon grant of a special exception. In considering such uses for the I-1 Zone, there cannot be similar uses within the general vicinity of the property nor can they be located in isolated areas, away from concentrations of industrial and/or office uses. (Sec. 27-518.3)<sup>2</sup>

<sup>1</sup> CR-106-1978, adopted September 5, 1978.

<sup>2</sup> Adopted October 17, 1978; CB-100-1978.



S. E. 3507

Page 3

(2) The neighborhood of the property includes two industrial uses. These two uses are near the subject property, across Short Cut Road and 180 feet south of the property. This is a concentration of industrial uses, although it is no where near the size of industrial use potential of the zoning. In this neighborhood there is no other similar use. The term general vicinity has not been defined anywhere in the Zoning Ordinance. It has been suggested that general vicinity may be larger than the neighborhood. We think the area referred to as the general vicinity is at least that area to be developed in a concentration of industrial and/or office uses. While one may, it is not necessary to go beyond that area since it is the industrial or office area which is the subject of the special exception use. In this application, it goes without question that there is no similar use - food or beverage store - within the 1,000 acre industrial area known as employment area "C".

(3) The use of industrial land for a commercial purpose appears to be out of context with the Master Plan. The I-1 Zone is designed for light industrial uses and to exclude high traffic-generating commercial uses. Sec. 27-399(b). However, food and beverage stores are permitted in the I-1 Zone. The Master Plan in proposing employment for the property has been interpreted by the District Council to include all I-1 uses whether or not they are characterized industrial or commercial. This was determined at the time of the sectional map amendment in 1978. We find no conflict with the Master Plan.

(4) The use proposed is one which is compatible with the uses surrounding the property. These are or will be industrial uses. There is no suggestion put forth by anyone that the commercial like use of the property would impact adversely any surrounding uses of the I-1 Zone or any uses across U. S. Rt. 301. The suggestion that it would be best for the County for the structures proposed to be located farther back from the rights-of-way than is now shown on the site plan, is based on sound planning but is not a prerequisite to approval of this special exception. Applicant has provided for a future right-of-way width that is contemplated in plans of the County, namely, the Master Plan and General Plan.

(5) A number of site plan revisions have been noted as being required by the staff. Some relate to questions raised as to the future rights-of-way. Inasmuch as it appears that some compliance is required, a revised site plan is needed or excusals granted by the appropriate agency. Condition of approval is thus that either course be followed by applicant before the special exception is effective.

S. E. 3507

Page 4

**DISPOSITION**

Approval of S. E. 3507, Subject, However, to the submission to Office of Zoning Hearing Examiner and approval by that office of a revised site plan showing compliance with the Zoning Ordinance or statements that variances or departures from design standards have been approved.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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

SE 3507 (Besche Oil Co.)

DECLARATION OF FINALITY  
FINAL DECISION

The decision of the Zoning Hearing Examiner in this case was filed with the District Council for Prince George's County, Maryland on June 25, 1984. A copy of the decision was sent to all persons of record on that date. Since no appeal of that decision has been filed with the District Council by any person of record or the People's Zoning Counsel, and since this case is not one which the County Zoning Ordinance requires to be transmitted to the District Council for final disposition, nor one which the District Council has elected itself to render a final decision, the decision of the Zoning Hearing Examiner on Special Exception No. 3507, became final and effective on July 25, 1984, in accordance with Section 27-490(k) of the Zoning Ordinance for Prince George's County, Maryland.

CERTIFICATE OF SERVICE

This is to certify that on August 2, 1984, the Clerk of the Council's Declaration of Finality of Decision by the Zoning Hearing Examiner in the above-cited case was mailed, postage prepaid to the following named persons of record:

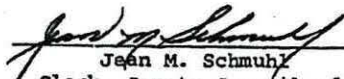
Robert A. Manzi, Esquire  
Applicant or Applicant's Representative

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PEOPLE'S ZONING COUNSEL Besche Oil Co.

DEPARTMENT OF ASSESSMENTS

PROPERTY STANDARDS DIVISION

  
Jean M. Schumy  
Clerk, County Council of  
Prince George's County, Maryland

County Administration Building — Upper Marlboro, Maryland 20870



OFFICE OF ZONING HEARING EXAMINER  
For Prince George's County, Maryland  
County Administration Building  
Upper Marlboro, Md. 20772  
952-3644

NOTICE OF DECISION  
On  
Application for Special Exception

Applicant: Besche Oil Company

On the 25th day of June, 1984, the attached Decision of the Zoning Hearing Examiner in Case No. S.E. 3507 was filed with the District Council.

The Zoning Hearing Examiner's decision shall become final 30 calendar days after the above filing date unless:

(1) Written appeal within the 30 day period has been filed with the District Council by any person of record in the case or by the People's Zoning Counsel; or

(2) The District Council directs the case be transmitted to the Council for final disposition by the Council.

Section 27-490(b)(2)(D) of the County Zoning Ordinance provides the Zoning Hearing Examiner may direct an earlier effective date of the decision if all persons of record, the People's Zoning Counsel, and the District Council (by majority vote) all waive their rights of appeal or final disposition. Waiver forms are available from the Clerk of the Council (telephone 952-3600).

Barry S. Cramp  
Zoning Hearing Examiner

cc: Robert A. Manzi, Esquire, 14324 Old Marlborough Pike, Upper Marlboro, Md. 20772  
Besche Oil Company, P. O. Box 277, Waldorf, Md. 20601  
Ronald D. Schiff, Esquire, CAB, People's Zoning Counsel, Upper Marlboro, Md. 20772

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND  
OFFICE OF ZONING HEARING EXAMINER**

**SPECIAL EXCEPTION  
3507**

**DECISION  
June 25, 1984**

Application: Food or Beverage Store  
Applicant: Besche Oil Company  
Opposition: None  
Hearing Date: April 25, 1984  
Hearing Examiner: Barry S. Cramp  
Disposition: Approval with condition

**NATURE OF REQUEST**

This application is filed so that a new filling station can be constructed on the site of an existing station and be operated together with a mini-food market called Quik Shop. The filling station is a permitted use of the I-1 Zone, the zone of the property.

**FINDINGS**

- (1) The property is 37,594 square feet of I-1 zoned property partially improved by an automobile filling station.
- (2) The location of the property is at the intersection of U. S. Rt. 301 and Short Cut Road in Brandywine. Access is provided to both Short Cut Road and U. S. Rt. 301. Of the three entrances, one appears to be less than the required minimum of thirty feet. This drive is the closest one to U. S. Rt. 301 on Short Cut Road. It is also less than the required twenty (20) feet from point of curvature of the curb on U. S. Rt. 301.
- (3) The property is somewhat isolated by undeveloped industrial lands to the south and east, by U. S. Rt. 301 and Short Cut Road. Just across Short Cut Road is a vast area used for used vehicle and heavy equipment storage which are displayed for retail sale.

(4) The neighborhood of the property has been described with reference to roads and streams. The east and south boundaries are a stream. The north and west boundaries are Brandywine Road and U. S. Rt. 301. (Exh. 16, p.3; T.38) This is an industrially zoned area but with little development of that character. A used vehicle sales yard, salvage yard, two filling stations and homes are located in the neighborhood.

(5) The site plan is Exhibit 19. A single building is proposed for the joint uses. The existing fuel pumps will be moved farther away from both rights-of-way but not far enough according to the staff writer. The right-of-way for future widening of U. S. Rt. 301 is, according to staff, wider than the site plan allows, thus certain setbacks are not conformed to as required. There are no programs of the State to acquire any additional land for widening of U. S. Rt. 301. (T.30 & 61)

(6) Being within Planning Area 85A, the property is covered by the Master Plan for Subregion V (1974). The Plan's maps of proposed staging locates the property in an employment area, more specifically, employment area "C". (T.47) The property was zoned I-1 in 1978 when the sectional map was approved for this planning area.<sup>1</sup> A filling station is a permitted use of the I-1 Zone and a food and beverage store is a special exception use of that zone and the I-2 Zone.

(7) The property is part of a large industrially zoned area of 1,000 acres. Existing industrial development consists of those areas north and south of the property used for used vehicle sales and salvage. Approximately 30 employees may be associated with the businesses adjoining the property. (T.49-50)

#### CONCLUSIONS

(1) A food or beverage store is a use of the I-1 Zone. Section 27-403.2 Table of Uses. They are commercial uses permitted only upon grant of a special exception. In considering such uses for the I-1 Zone, there cannot be similar uses within the general vicinity of the property nor can they be located in isolated areas, away from concentrations of industrial and/or office uses. (Sec. 27-518.3)<sup>2</sup>

<sup>1</sup> CR-106-1978, adopted September 5, 1978.

<sup>2</sup> Adopted October 17, 1978; CB-100-1978.



(2) The neighborhood of the property includes two industrial uses. These two uses are near the subject property, across Short Cut Road and 180 feet south of the property. This is a concentration of industrial uses, although it is no where near the size of industrial use potential of the zoning. In this neighborhood there is no other similar use. The term general vicinity has not been defined anywhere in the Zoning Ordinance. It has been suggested that general vicinity may be larger than the neighborhood. We think the area referred to as the general vicinity is at least that area to be developed in a concentration of industrial and/or office uses. While one may, it is not necessary to go beyond that area since it is the industrial or office area which is the subject of the special exception use. In this application, it goes without question that there is no similar use - food or beverage store - within the 1,000 acre industrial area known as employment area "C".

(3) The use of industrial land for a commercial purpose appears to be out of context with the Master Plan. The I-1 Zone is designed for light industrial uses and to exclude high traffic-generating commercial uses. Sec. 27-399(b). However, food and beverage stores are permitted in the I-1 Zone. The Master Plan in proposing employment for the property has been interpreted by the District Council to include all I-1 uses whether or not they are characterized industrial or commercial. This was determined at the time of the sectional map amendment in 1978. We find no conflict with the Master Plan.

(4) The use proposed is one which is compatible with the uses surrounding the property. These are or will be industrial uses. There is no suggestion put forth by anyone that the commercial like use of the property would impact adversely any surrounding uses of the I-1 Zone or any uses across U. S. Rt. 301. The suggestion that it would be best for the County for the structures proposed to be located farther back from the rights-of-way than is now shown on the site plan, is based on sound planning but is not a prerequisite to approval of this special exception. Applicant has provided for a future right-of-way width that is contemplated in plans of the County, namely, the Master Plan and General Plan.

(5) A number of site plan revisions have been noted as being required by the staff. Some relate to questions raised as to the future rights-of-way. Inasmuch as it appears that some compliance is required, a revised site plan is needed or excusals granted by the appropriate agency. Condition of approval is thus that either course be followed by applicant before the special exception is effective.



S. E. 3507

Page 4

**DISPOSITION**

Approval of S. E. 3507, Subject, However, to the submission to Office of Zoning Hearing Examiner and approval by that office of a revised site plan showing compliance with the Zoning Ordinance or statements that variances or departures from design standards have been approved.

Special Exception Application No. 3507  
Planning Area 85A  
Brandywine and Vicinity  
No Municipality

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
County Administration Building

TECHNICAL STAFF REPORT

Council Hearing Room  
First Floor  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Public Release Date: 4/4/84  
Agenda Date: 4/12/84  
(See Note)

TO: The Prince George's County Planning Board and  
The Prince George's County District Council

FROM: The Technical Staff

---

NOTE:

The above-captioned special exception application is on the Planning Board agenda for the purpose of permitting the Planning Board to decide whether or not to hear the case. If no action is taken, the application will be transmitted directly to the District Council. If the Board votes to hear the case, the application will be placed on a future agenda for Planning Board consideration.

All parties will be notified of the Planning Board's decision.

---

SUBJECT: Special Exception Application No. 3507: Date Filed: 12/13/83  
Applicant: Michael A. Besche, Owner  
Robert A. Manzi, Correspondent  
Requested Use: Food and beverage store in conjunction with an existing automobile filling station in accordance with Section 27-518.3 of the Zoning Ordinance

RECOMMENDATION: DENIAL

SE- 3507 ZIE

# 16



I. Application Data:

- A. Location - The property is located on the east-side of Maryland Route 301 (Crain Highway) at its intersection with Short Cut Road.
- B. Property Address - 74330 S.E. Crain Highway (Maryland Route 301)
- C. Municipality - None
- D. Zoning - I-1 Zone
- E. Area - .86 acre
- F. Frontages - The property has frontages of 229+ feet and 119+ feet on Maryland Route 301 and Short Cut Road respectively.
- G. Right-of-way - Proposed right-of-way lines are indicated on the plat of survey to provide for a 200 foot-wide right-of-way for Maryland Route 301 and a 70 foot-wide right-of-way for Short Cut Road. Additional rights-of-way may be required at subdivision platting or building permit stages.  
  
An additional 25 feet along the east side of Maryland Route 301 is required for a proposed service road.
- H. Subdivision - Not required if entire Parcel 83 is included in the special exception. Otherwise, subdivision may be required.
- I. Historic Sites - None affected
- J. Zoning Hearing Examiner Hearing Date - April 25, 1984

II. Nature of the Request:

The applicant is proposing to construct a food and beverage store in conjunction with an existing automobile filling station. The proposed building will be comprised of 2700 square feet and will contain 26 booth seats for on-site consumption of purchased food and beverage items. The self-serve filling station cashiers area will apparently be located inside the proposed building. The existing filling station will be demolished to allow construction of the proposed building. The two existing pump islands will be relocated and covered by a canopy (40 by 60 feet). The filling station is a permitted use in the I-1 Zone.

An eating and drinking establishment is permitted in the I-1 Zone if it is accessory to the principal use. The applicant claims the proposed eating and drinking establishment is accessory to the proposed food and beverage store therefore a special exception is not required. However, the applicant has not provided information as to the square footage of the use to support his claim of the accessory status.

If this application is approved by the District Council, the staff recommends a floor plan be submitted providing square footage of the uses within the proposed building.

### III. Field Inspection and Character of the Neighborhood:

The subject property is irregular in shape and is comprised of .86 acre. It is developed with a self-service filling station containing two pump islands. A small building (520+ square feet) contains rest rooms and apparently storage space. A canopy extends from this structure across the pump islands.

Ingress and egress is provided by a 35 foot-wide driveway on Maryland Route 301 and two driveways 23+ and 31+ feet wide on Short Cut Road. A 35 foot-wide grass median strip is located along Maryland Route 301. A freestanding sign is located in the southwest corner of the site.

For the purpose of this application, the staff defines the neighborhood boundaries as the following:

<u>North</u>	- Brandywine Road
<u>East and South</u>	- Timothy Branch
<u>West</u>	- Maryland Route 301

The majority of the neighborhood is undeveloped. Woodlands can be found throughout, especially adjacent to Timothy Branch - the eastern neighborhood boundary. Large tracts of land appear to be farmed.

Four industrial/commercial uses (including the subject use) are found in the northwest section of the neighborhood fronting on Maryland Route 301. Brandywine Auto Parts (auto salvage, used trucks and heavy equipment sales) is located on 39+ acres of the northwest corner of the neighborhood. Ransom Motors (auto salvage, parts, used car sales) utilizes 4+ acres south of the subject property. A patio supply center is located across Route 301.

A sand and gravel mining site is located at the southern end of the neighborhood over one mile away.

Surrounding Land Uses:

- North - Across Short Cut Road, Brandywine Auto Parts (I-1 Zone)
- East - Undeveloped woodlands (I-1 Zone) beyond which is a single-family dwelling (I-1 Zone)
- South - Undeveloped parcel (I-1 zone), farther south Ranson Motors - auto salvage, parts and used car sales (I-1 Zone)
- West - Across Route 301, undeveloped land (R-A Zone)

\*IV. Relationship to Provisions of the Zoning Ordinance:

A. Section 27-518.3:

This sections permits a food and beverage store in the I-1 Zone subject to the following conditions:

1. The proposed use shall be located in an area developed in a concentration of industrial uses and/or office uses;
2. There shall be no similar uses within the general vicinity of the subject property.

The staff does not conclude that the subject property is located in an area developed in a concentration of industrial uses and/or office uses. The subject site is located in the northwestern section of the neighborhood amidst two low intensity industrial uses (auto salvage yard and parts, heavy equipment sales) utilizing large tracts of land. These are low employee generating uses. The site is included in an area designated as employment area "C" as defined in the Master Plan. This area is planned for a wide diversity of industrial uses. While the two industrial uses constitute over 40 acres of utilized I-1 zoned land, the majority of the industrially and E-I-A Zoned land in the area is undeveloped. Therefore, the staff does not consider the subject property in an area developed in a concentration of industrial and/or office uses.

While the Zoning Ordinance does not define the term "general vicinity", the staff includes several uses found less than 2 miles from the subject site as being within the general vicinity



in the rural setting we have. A general store, liquor store and restaurant/bar is located on the northeast quadrant of the Branch Avenue and Brandywine Road intersection approximately one-half for the consumption of prepared foods and libations. The liquor store sales basically liquor, though sodas and snack items (chips, etc.) are probably available.

On Brandywine Road, east of Maryland Route 301 approximately one and a half miles from the subject site, is another general store.

While the above mentioned uses are not within the staffs defined neighborhood - they do provide similar services to the proposed use and can be considered as within the general vicinity.

B. Section 27-400(a)(1)(A):

This section requires a building setback of 25 feet from the proposed right-of-way.

The proposed building is 12 feet from the proposed right-of-way of Maryland Route 301.

C. Section 27-401:

This section requires a landscaped strip at least ten feet wide along any yard adjoining a street. At least ten percent of the net lot area shall be maintained as green area.

A landscaped strip is not provided along the Maryland Route 301 or Short Cut Road frontages.

D. Section 27-421:

The minimum number of required off-street parking spaces are as follows:

<u>Use</u>	<u>Schedule</u>	<u>Spaces</u>
Food and beverage store (2142 sq.ft.)	1 space/150 sq.ft.	14
Eating and Drinking Establishment	1 space/3 seats	9
Filling station (no service bays)	3 spaces/service bay	0
	Total spaces required	23

Thirty-two parking spaces are proposed on the site plan. The applicant provides sufficient parking spaces. However, three of the proposed spaces are within the proposed right-of-way of Route 301.

E. Section 27-419 (a)(7)(B):

When a parking compound is located in a yard abutting a public street, a landscaped strip (six feet wide) shall be provided.

The landscape strip is not shown on the site plan.

(a)(7)(C):

In any parking compound containing 20 or more parking spaces, five percent of the total area of the compound shall be devoted to interior landscaping.

The site plan does not indicate the percentage of interior landscaping provided throughout the compound.

F. Section 27-510(a)(5):

This section requires ingress and egress driveways at least 30 feet wide. On a corner lot, a driveway may not begin less than 20 feet from the curvature of the curb return.

The two driveways providing ingress-egress on Short Cut Road are 26+ feet and 23+ feet wide. The western-most driveway begins approximately 15 feet from the corner.

(a)(6):

Sidewalks at least five feet wide shall be provided between the building line and curbing.

The site plan does not reflect the presence of existing or proposed sidewalks along Route 301 or Short Cut Road.

(a)(8):

Gasoline pumps and other service applicances shall be located at least 25 feet from behind the street line.

The pump islands are 12+ feet from the proposed right-of-way of Route 301.

G. Section 27-501:

The staff concludes that the proposed use is not harmony with the Zoning Ordinance as reflected in Section IV of this report. It is the staffs opinion that the subject property is being over-developed. The applicant could amend the site plan to include the required ten-foot wide landscape strip (§ 27-401) and setback the proposed building and pump islands 25 feet (§ 27-400(a)(1)(A)) from the proposed right-of-way of Maryland Route 301 - however, this would eliminate a proposed interior driveway and promote an inefficient vehicular circulation pattern at the site. The applicant owns adjacent undeveloped land which if included in this request would provide for a more efficient site layout. The applicant has other alternatives available to him - such as obtaining variances and requesting departure from design standards. But, given the available undeveloped land adjacent to this site, the staff would not recommend these avenues.

The proposed use would not substantially impair the Master Plan. The subject property is included in a industrial/ employment area. The Zoning Ordinance includes provisions to allow commercial uses within industrial developments. The basis for these provisions is to allow commercial services to employees within an industrial development. However, certain criteria must be met. As noted in a staff referral (Area Planning Division) the Master Plan does not specifically address commercial development in industrial areas.

The proposed use, as reflected on the site plan, would affect adversely the health and safety of residents or workers in the area and will be detrimental to the use and/or development of adjacent properties or the general neighborhood. The proposed building and pump islands are located less than 25 feet from the proposed right-of-way or Route 301. Three proposed parking spaces are also within this right-of-way. With a service road proposed for this area, an efficient and safe use of the property would not be achieved. Landscaping required along the street frontages has also not been provided which will in turn detract from the appearance of the property and not provide the required visual relief for neighborhood properties.



V. Referral Replies:

State Highway Administration:  
Mr. Charles Lee, March 15, 1984

"I have reviewed the subject application and plan and find it is not affected by any current highway construction plans. However, Route 301 is listed in our current Highway Needs Inventory for reconstruction with access controls, which means that service roads may need to be constructed parallel to Route 301. Also, your Transportation Division has recently done a Freeway Study for the Route 5 corridor north of this property.

"We request that a future right-of-way line be shown at 125' from the existing centerline to allow for the widening of the existing facility and for future service roads.

"The parcel that this special exception application is for has been adequately channelized, therefore, no access permit will be required by this office."

Comment: The staff concurs with these comments.

Area Planning Division (E/S):  
Mr. Craig Rovelstad, March 8, 1984

"The redevelopment of an existing gasoline filling station into a combined filling station/convenience food store that is requested by this special exception application is located in an area designated as Employment Area "C" by the Subregion V Master Plan (1974). This area was comprehensively rezoned in 1978 by the Brandywine-Mattawoman SMA and the property encompassed by this application was reclassified from the C-2 to the I-1 Zone at that time.

"Employment Area "C" is a very large area located between Routes 5/301 and the Conrail Railroad tracks. It is planned for a wide diversity of industrial development and has been classified in the I-1, I-2, I-3 and E-I-A Zones. Development at the present time is rather limited and consists primarily of a few auto salvage and/or repair businesses which, while occupying large areas of land, are not very employee-intensive. Other activities include sand and gravel mining, some residential homes, and several

highway-oriented commercial establishments, one of which is the subject of this application.

"Guidelines for development of employment areas are discussed on pages 9 and 10 of the Master Plan text, but appears to have little bearing on the commercial use proposed by S.E. 3507. The concept of commercial development in industrial areas is simply not addressed in this section.

"Nevertheless, the Zoning Ordinance does make provisions for such development to take place. According to the criteria of the special exception (Section 27-518.3), the requested convenience store can be allowed in an "area that is developed in a concentration of industrial and/or office uses." The concept is to allow for some commercial services that are convenient to a concentration of employees. Until there is more development in Employment Area "C", however, it seems obvious that this commercial proposal will be primarily oriented to attracting clientele from traffic passing by on Route 5/301. This being the case, it appears that the Plan's guidelines for commercial development might have more bearing on the review of this case.

The Subregion V Master Plan's concept for commercial activity is described on pages 7 to 9 of the text. The thrust of the discussion is that highway-oriented commercial development depending on regional, rather than local, patronage has "cluttered the major arterials and collector streets with unsightly construction, incompatible landscaping, and unlimited auto access that impedes safe ~~auto and~~ pedestrian operations." As the alternative, the Plan recommends that commercial activity be concentrated in planned activity centers or service commercial areas rather than on scattered sites. Moreover, the Plan states that "commercial activities which are more appropriately located in the activity center shall not be permitted to locate in a random, scattered fashion along the highway." The convenience food and beverage store part of this proposal is certainly an activity that could be subject to this criteria.

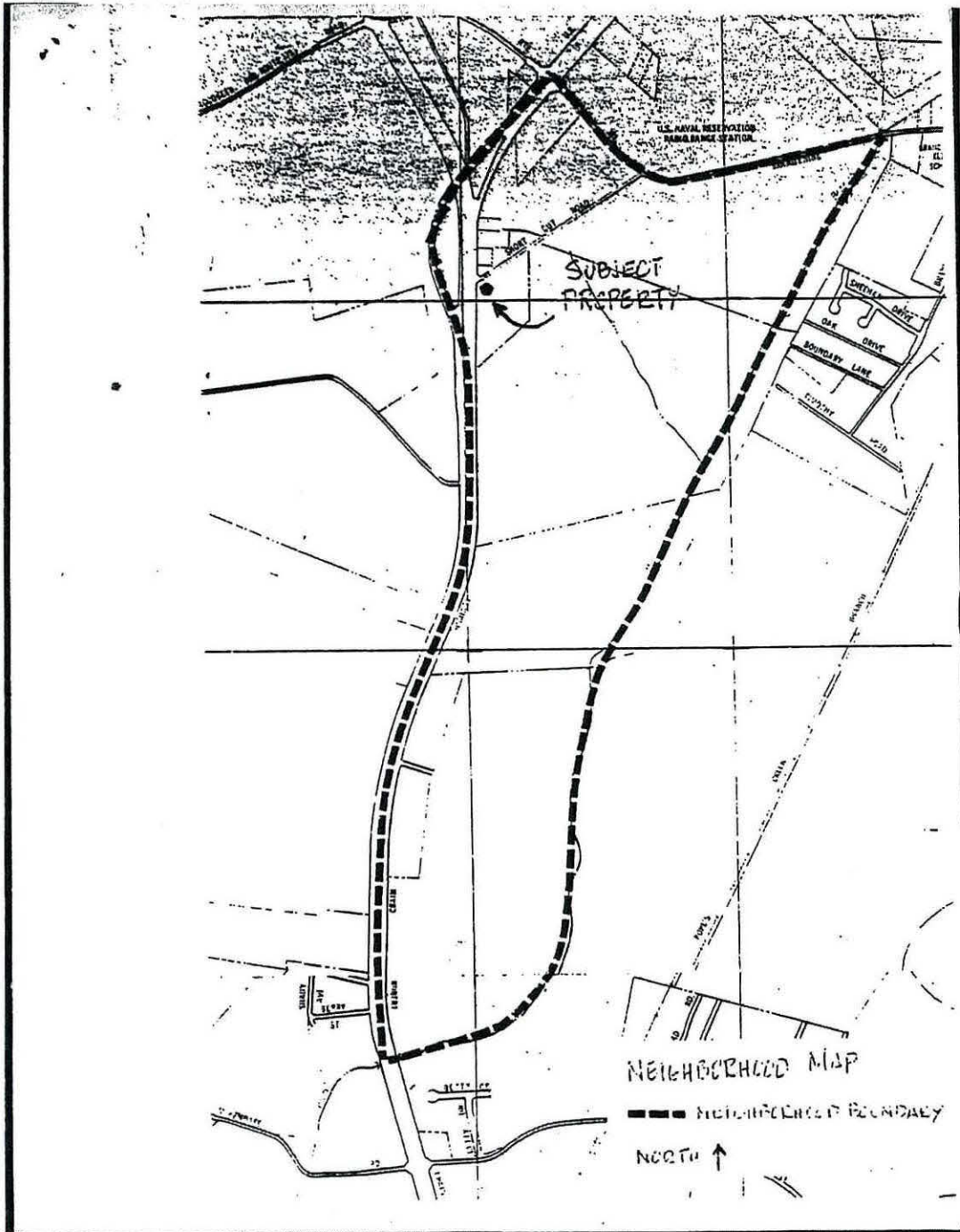
"At the same time, the guidelines for commercial activity recognize that there are a number of commercial land uses that already exist contrary to the ideal concept of the Plan. With respect to these, however, the Plan guidelines merely address restricting further expansion to contiguous areas and then only as part of a compact integrated commercial complex. (See guideline numbers 11 and 25). Redevelopment of existing, highway commercial services oriented toward servicing regional markets and bypass traffic on inter/intra state highways such as Routes 5/301 is, again, not clearly addressed.

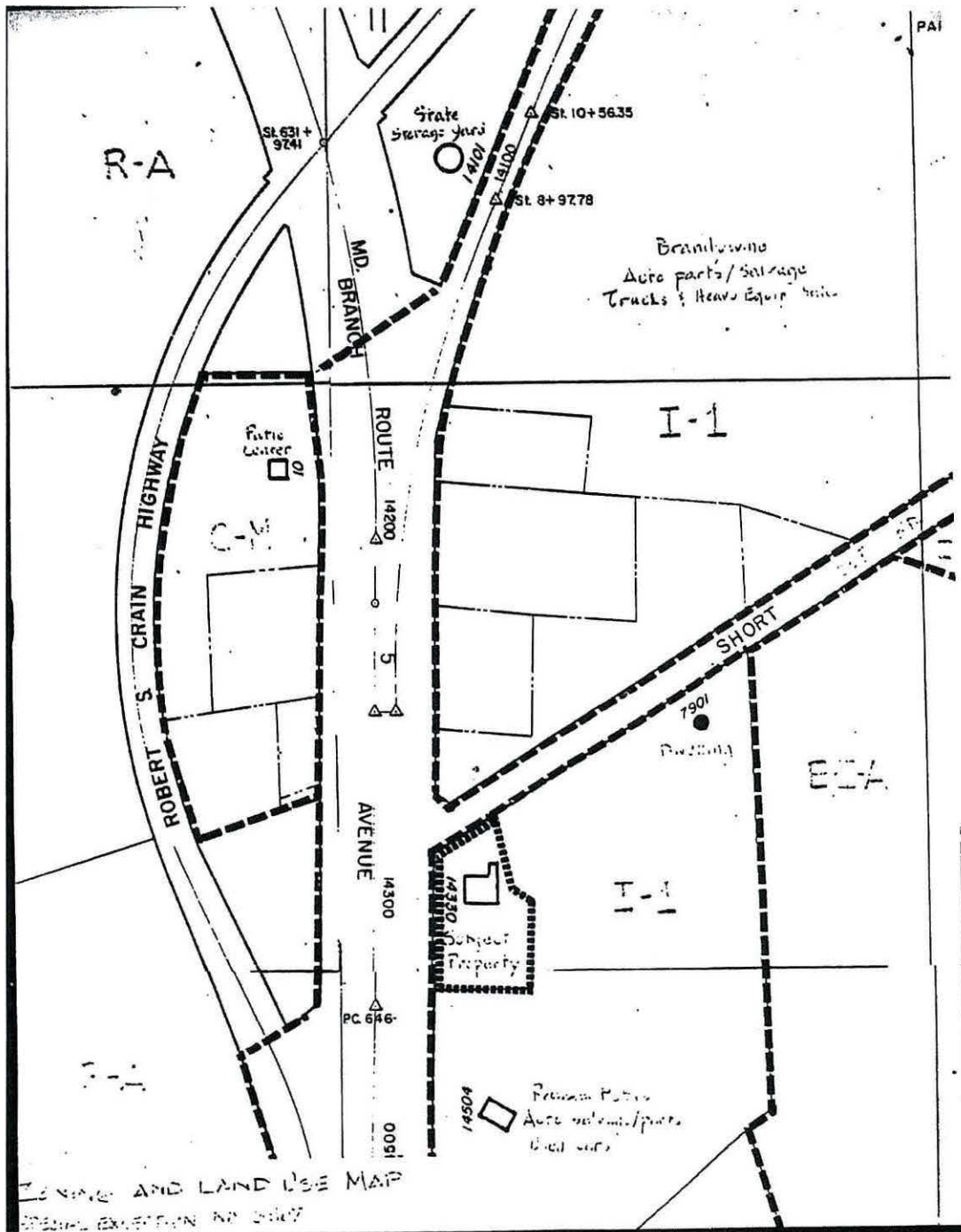
"The bottom line appears to be that the Subregion V Master Plan neither strongly supports, nor strongly opposes the land use proposed by this special exception request. At best, the Plan's recommendations could be characterized as tending to discourage the type of roadside commercial use that is proposed. But, when the proposal is located in (or contiguous) to a planned employment area or existing commercial development, the Plan's recommendations are unclear or, at the very least, debatable.

"Rather than debate the subtleties of the Master Plans' recommendations for or against this application, it would probably be better to concentrate on issues concerning the physical proposal itself. Although the suggested redevelopment will replace an older roadside commercial use and inevitably would be an aesthetic improvement, there are some serious problems with the proposal. These relate specifically to a proposed service road (see comments from Transportation Division) to be located along this side of Routes 5/301 that will require a substantial portion of this property's frontage. The redevelopment proposal at hand has not been designed to accommodate the future service road. This situation must be corrected prior to any consideration for approval. Specifically, proposed buildings and service islands need to be relocated to provide adequate setbacks and circulation patterns from the new right-of-way line. Landscaping should be of a high standard and provided on the final site, not in the proposed right-of-way. With respect to other issues that might arise, such as compatibility with neighboring land uses or traffic circulation patterns on and off Route 5/301 (both north and southbound), your Division's review of the proposal and its ability to satisfy the criteria of the special exception should be the controlling factor in making a staff recommendation."

Comment: The staff generally concurs with these comments.







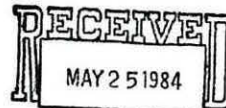


**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland, 20870

May 25, 1984

Besche Oil Company  
Michael A. Besche,  
P.O. Box 277  
Waldorf, Maryland 20601



Office of Zoning Examiner  
Prince George's City, Md.

Dear Applicant:

Re: Special Exception Appl. No. SE 3507

Enclosed is a copy of a Resolution adopted by the Prince George's County Planning Board concerning the above-captioned Special Exception application. This recommendation of the Planning Board has now been officially transmitted to the District Council/Zoning Hearing Examiner.

Please direct any future communications or inquiries regarding this matter to:

Mrs. Jean M. Schmuhl  
Clerk to the County Council  
Prince George's County Administration  
Building  
Upper Marlboro, Maryland 20772

Very truly yours,

Isadore J. Parker, Chief  
Planning and Zoning Administration  
Division

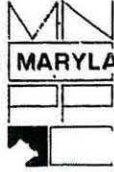
IJP:ras

cc: Robert A. Manzi, 14324 Old Marlboro Pike, Upper Marlboro, Maryland 20772  
Charles Lee, Chief, State Highway Administration, P.O. Box 717, 707  
North Calvert Street, Baltimore, Maryland 21203  
Jean Schmuhl  
People's Zoning Counsel  
Zoning Hearing Examiner  
William Brown, County Services, Hyattsville, Md.

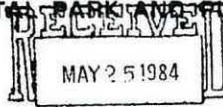


beautiful, historic... and progressive





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



14741 Governor Oden Bowie Drive  
Upper Meriboro, Maryland, 20870

PGCPB' 84-113

Office of Zoning Examiner  
Prince George's City, Md File No. S.E. 3507

Prince George's County Special Exception Application No. 3507  
Applicant: Michael A. Besche, Owner; Robert A. Manzi, Correspondent  
Location: The subject property is located on the east side of Route 301 (Crain Highway) at its intersection with Short Cut Road  
Request: Food and beverage store in conjunction with an existing automobile filling station in accordance with Section 27-518.3 of the Zoning Ordinance

R E S O L U T I O N

WHEREAS, the applicant is seeking permission to construct a food and beverage store with 26 booth seats in conjunction with an existing automobile filling station; and

WHEREAS, the Prince George's County Planning Board heard testimony from the staff and applicant at its regularly scheduled meeting on April 26, 1984; and

WHEREAS, after consideration of the staff report and testimony, the Prince George's County Planning Board disagreed with the staff recommendation of denial and recommended approval, with conditions, based on the following DETERMINATIONS:

1. The proposed use is located in a concentration of industrial uses (two automobile salvage yards totaling more than 40 acres) and there are no similar uses within the general vicinity of the subject property;
2. With the recommended conditions, the requested change will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use/and/or development of adjacent properties or the general neighborhood;
3. The proposed use will be in harmony with the Zoning Ordinance with the recommended conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board recommends APPROVAL of Special Exception No. 3507, with the further recommendation that the following conditions be imposed:

1. A landscape plan that reflects the proposed landscaping along the Route 301 and Short Cut Road frontages of the subject site be approved by the Planning Board;



beautiful, historic . . . and progressive

PGCPB 84-113  
File No. S.E. 3507  
Page 2

2. The ingress-egress driveways on Short Cut Road be expanded to 30 foot widths per Section 27-510(a)(5); and
3. A variance to Section 27-510(a)(6) be obtained.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Dabney, seconded by Commissioner Keller with Commissioners Dabney, Keller and Brown voting in favor of the motion, with Commissioner Yewell voting in the negative and with Commissioner Dukes temporarily absent, at its regular meeting held on April 26, 1984, in Upper Marlboro, Maryland.

Thomas H. Countee, Jr.  
Executive Director

  
by Robert D. Reed  
Community Relations Officer

THC:RDR:PF:da

PGCPB 84-113  
File No. S.E. 3507

REVIEWED AS TO SUFFICIENCY OF LEGAL FORM.
Date <u>5/19/87</u>
By <u>J. H. [Signature]</u>
Assoc. Secy. General Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
www.mncppc.org/pgco

October 24, 2017

**MEMORANDUM**

TO: The Prince George's County Planning Board

VIA: Sherri Conner, Acting Supervisor, Subdivision and Zoning Section *SC*  
Development Review Division  
Whitney Chellis, Acting Division Chief, Development Review Division *WC*

FROM: Ivy R. Thompson, Senior Planner, Subdivision and Zoning Section *IRT*  
Development Review Division

SUBJECT: **Staff Revised Conditions and Findings – Detailed Site Plan DSP-17013**

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* realigned the Southern Maryland Rapid Transit (SMRT) line from the west side of MD 5 (Branch Avenue), as designated in the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), to the east side of MD 5, along the property frontage. The technical staff report proposes findings and conditions related to this master plan facility. Staff anticipated verification from the Maryland Transit Administration (MTA) to the exact width of that right-of-way prior to the hearing.

However, as of the date of this memorandum, MTA has not provided Transportation Planning staff with a right-of-way width and adequate specificity to determine the actual impact on the subject property, as set forth in the attached Transportation Planning Section memorandum dated October 23, 2017 (Masog to Thompson).

The parking calculations on the site plan are correct; therefore, the revision to General Note 15 is not required.

Therefore, staff recommends the deletion of Conditions 1(e), 1(f), and 2 on page 2 of the technical staff report (attached exhibit) and modifications to findings, in accordance with the transportation memorandum, prior to adoption of the resolution of approval.



Revised Conditions (strikethrough indicates deleted condition):

1. Prior to certification of the detailed site plan, the applicant shall revise the plans and provide the noted information as follows:
  - a. Revise the Type II tree conservation plan (TCPII) as follows:
    - (1) Revise the woodland conservation worksheet by indicating that the site is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and is in a priority funded area, instead of subject to the 1991 Woodland Conservation Ordinance.
    - (2) Remove all forest stand labels and forest stand hatching from the TCPII plan and legend.
    - (3) Have the qualified professional who prepared the TCPII sign and date it and update the revision box with a summary of the revisions made.
  - b. Provide the green area calculations on the site plan.
  - c. Show the rights-of-way on the site plan.
  - d. Provide full-optic cut-off lighting on the site plan.
  - e. ~~Correct General Plan Note 15 to correctly show the parking requirement for the eating and drinking establishment with drive-through service.~~
  - f. ~~Provide evidence that a written request to the Prince George's County District Council to authorize issuance of the permit within the proposed rights-of-way.~~
2. ~~Prior to issuance of the building permit, the applicant shall obtain Prince George's County District Council authorization for issuance of the permit within the proposed rights-of-way.~~



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

October 23, 2017

**MEMORANDUM**

TO: Ivy Thompson, Zoning Section, Development Review Division  
FROM: Tom Masog, Transportation Planning Section, Countywide Planning Division  
SUBJECT: SE-4789 & DSP-17013, Empire Petroleum, Addendum to Findings

The Transportation Planning Section has reviewed the special exception and detailed site plan applications referenced above. The subject site consists of 2.571 acres of land in the I-1 Zone. The lot is located at the southeast corner of Crain Highway (US 301/MD 5) and Short Cut Road. The applicant is proposing to raze the existing convenience store and gas station and replace them with larger facilities.

**Review Comments, Southern Maryland Rapid Transit**










The *Approved Countywide Master Plan of Transportation* shows a proposed transit line parallel and adjacent to MD 5. This line represents the Southern Maryland Rapid Transit (SMRT) Study being conducted by the Maryland Transit Administration (MTA) of the Maryland Department of Transportation. This study seeks to complete location and initial design for a proposed transit facility linking the Branch Avenue Metrorail Station with Charles County. This same transit line is shown on page 113 of the *2013 Approved Subregion 5 Master Plan and Sectional Map Amendment*. The preferred alternative uses an alignment along the east side of US 301/MD 5 in this area.

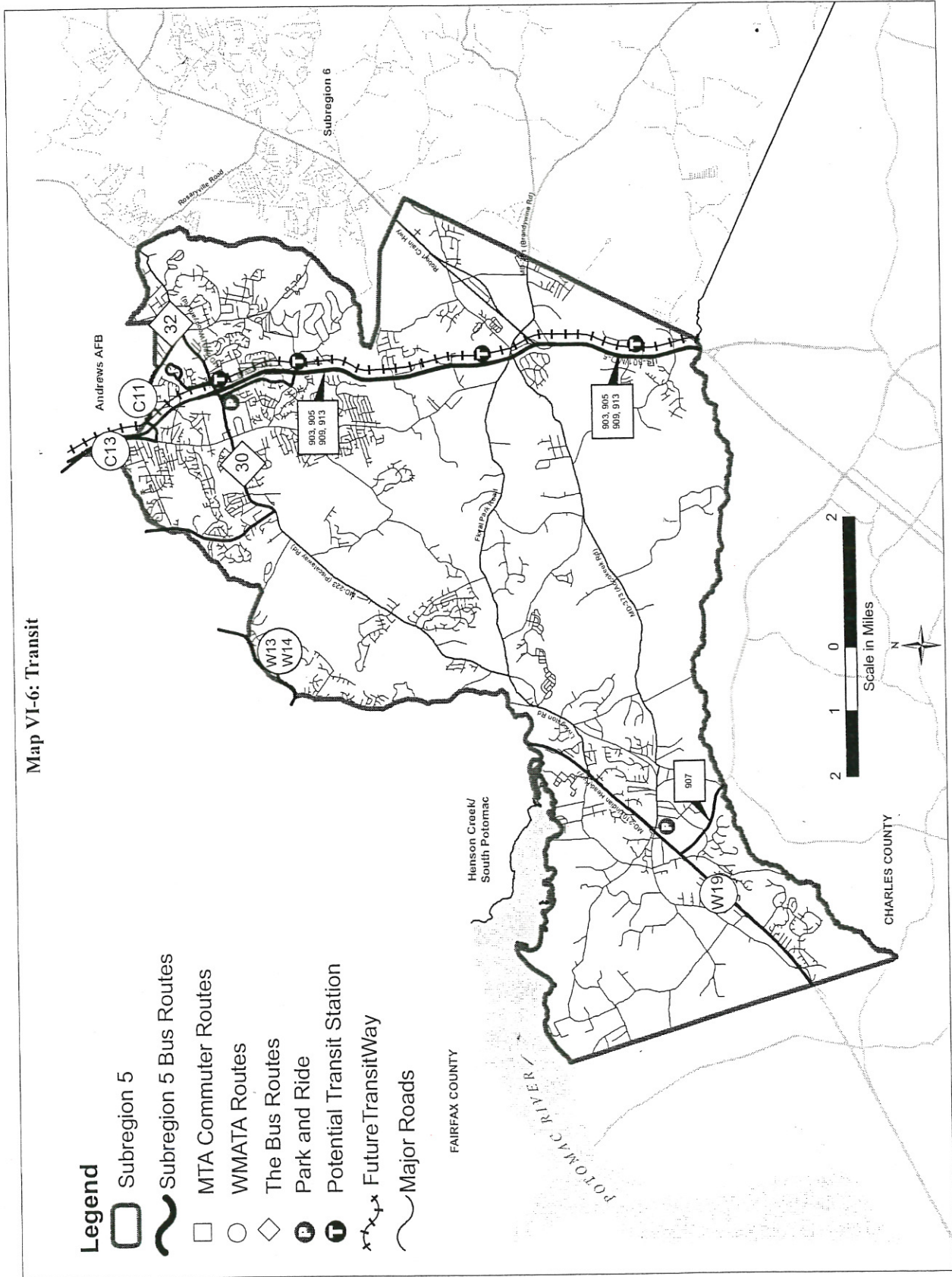
At this time, while it is understood that the SMRT is likely to have an impact on the subject site, the size of that impact has not been able to be identified. The preferred alternative, as a single recommended right-of-way, was not mapped by the MTA. Consequently, there is no mapping at this time on which planning staff can make a recommendation. It was believed originally that such mapping would be available in support of a recommendation for these cases.

In light of these findings, the deletion of Conditions 1f and 3 in the staff recommendation for SE-4789 and Conditions 1f and 2 in the staff recommendation for DSP-17013 is supported.

Map VI-6: Transit

**Legend**

-  Subregion 5
-  Subregion 5 Bus Routes
-  MTA Commuter Routes
-  WMATA Routes
-  The Bus Routes
-  Park and Ride
-  Potential Transit Station
-  Future TransitWay
-  Major Roads





OCTOBER 26, 2017

Planning Board Meeting

Exhibits Transmitted to Development Review


**AGENDA ITEMS #8**

**DETAILED SITE PLAN – DSP-17013 EMPIRE PETROLEUM BRANDYWINE**

The following exhibits were accepted and entered into the record:

**STAFF'S EXHIBIT #1      Staff Revised Conditions and Findings – DSP-17013                      4-pages**

MARIE PROCTOR 10/26/2017

 10/26/17

Sign and Date



14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

www.mncppc.org/pgco 10-26-17  
REC'D BY PGCPB ON  
ITEM # 8 CASE # DSP-17013  
EXHIBIT # Staffs Exhibit #4

October 24, 2017

**MEMORANDUM**

TO: The Prince George's County Planning Board

VIA: Sherri Conner, Acting Supervisor, Subdivision and Zoning Section *SC*  
Development Review Division  
Whitney Chellis, Acting Division Chief, Development Review Division *WC*

FROM: Ivy R. Thompson, Senior Planner, Subdivision and Zoning Section *IRT*  
Development Review Division

SUBJECT: **Staff Revised Conditions and Findings – Detailed Site Plan DSP-17013**

The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* realigned the Southern Maryland Rapid Transit (SMRT) line from the west side of MD 5 (Branch Avenue), as designated in the 2009 *Approved Countywide Master Plan of Transportation (MPOT)*, to the east side of MD 5, along the property frontage. The technical staff report proposes findings and conditions related to this master plan facility. Staff anticipated verification from the Maryland Transit Administration (MTA) to the exact width of that right-of-way prior to the hearing.

However, as of the date of this memorandum, MTA has not provided Transportation Planning staff with a right-of-way width and adequate specificity to determine the actual impact on the subject property, as set forth in the attached Transportation Planning Section memorandum dated October 23, 2017 (Masog to Thompson).

The parking calculations on the site plan are correct; therefore, the revision to General Note 15 is not required.

Therefore, staff recommends the deletion of Conditions 1(e), 1(f), and 2 on page 2 of the technical staff report (attached exhibit) and modifications to findings, in accordance with the transportation memorandum, prior to adoption of the resolution of approval.

Revised Conditions (strikethrough indicates deleted condition):

1. Prior to certification of the detailed site plan, the applicant shall revise the plans and provide the noted information as follows:
  - a. Revise the Type II tree conservation plan (TCPII) as follows:
    - (1) Revise the woodland conservation worksheet by indicating that the site is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and is in a priority funded area, instead of subject to the 1991 Woodland Conservation Ordinance.
    - (2) Remove all forest stand labels and forest stand hatching from the TCPII plan and legend.
    - (3) Have the qualified professional who prepared the TCPII sign and date it and update the revision box with a summary of the revisions made.
  - b. Provide the green area calculations on the site plan.
  - c. Show the rights-of-way on the site plan.
  - d. Provide full-optic cut-off lighting on the site plan.
  - e. ~~Correct General Plan Note 15 to correctly show the parking requirement for the eating and drinking establishment with drive-through service.~~
  - f. ~~Provide evidence that a written request to the Prince George's County District Council to authorize issuance of the permit within the proposed rights-of-way.~~
2. ~~Prior to issuance of the building permit, the applicant shall obtain Prince George's County District Council authorization for issuance of the permit within the proposed rights of way.~~





**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Countywide Planning Division, Transportation Planning Section

(301) 952-3680  
www.mncppc.org

October 23, 2017

**MEMORANDUM**

TO: Ivy Thompson, Zoning Section, Development Review Division  
FROM: Tom Masog, Transportation Planning Section, Countywide Planning Division  
SUBJECT: SE-4789 & DSP-17013, Empire Petroleum, Addendum to Findings

The Transportation Planning Section has reviewed the special exception and detailed site plan applications referenced above. The subject site consists of 2.571 acres of land in the I-1 Zone. The lot is located at the southeast corner of Crain Highway (US 301/MD 5) and Short Cut Road. The applicant is proposing to raze the existing convenience store and gas station and replace them with larger facilities.

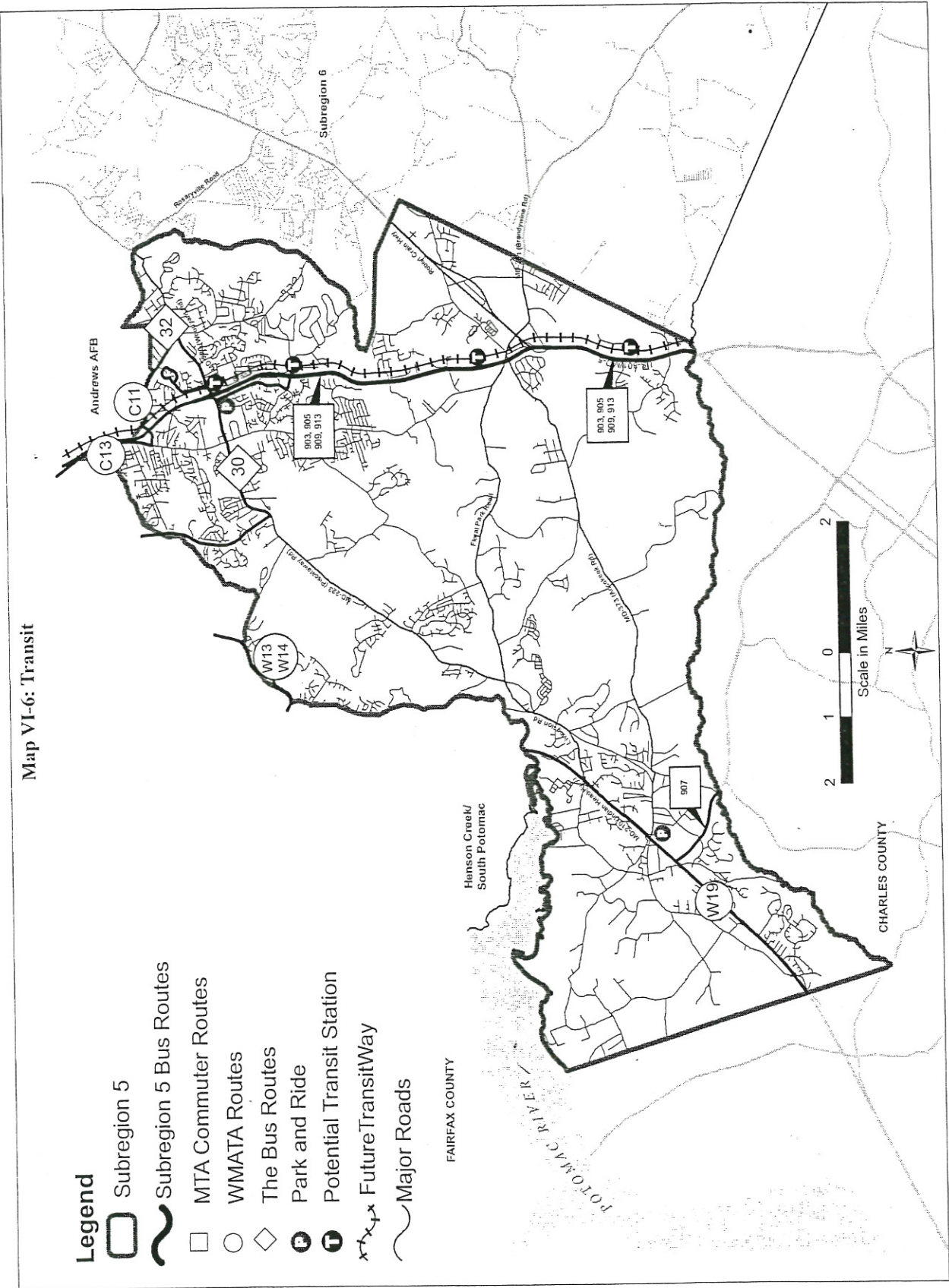
**Review Comments, Southern Maryland Rapid Transit**

The *Approved Countywide Master Plan of Transportation* shows a proposed transit line parallel and adjacent to MD 5. This line represents the Southern Maryland Rapid Transit (SMRT) Study being conducted by the Maryland Transit Administration (MTA) of the Maryland Department of Transportation. This study seeks to complete location and initial design for a proposed transit facility linking the Branch Avenue Metrorail Station with Charles County. This same transit line is shown on page 113 of the *2013 Approved Subregion 5 Master Plan and Sectional Map Amendment*. The preferred alternative uses an alignment along the east side of US 301/MD 5 in this area.










At this time, while it is understood that the SMRT is likely to have an impact on the subject site, the size of that impact has not been able to be identified. The preferred alternative, as a single recommended right-of-way, was not mapped by the MTA. Consequently, there is no mapping at this time on which planning staff can make a recommendation. It was believed originally that such mapping would be available in support of a recommendation for these cases.

In light of these findings, the deletion of Conditions 1f and 3 in the staff recommendation for SE-4789 and Conditions 1f and 2 in the staff recommendation for DSP-17013 is supported.

Map VI-6: Transit



**Legend**

-  Subregion 5
-  Subregion 5 Bus Routes
-  MTA Commuter Routes
-  WMATA Routes
-  The Bus Routes
-  Park and Ride
-  Potential Transit Station
-  Future TransitWay
-  Major Roads